

Report of the

Open Ended intergovernmental Working Group (OEiWG) on Transnational Corporations and Other Business Enterprises with Respect to Human Rights, 6th-10th July, 2015¹

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This report aims to provide Social Workers with information about this event and to support them in their daily work of empowering victims of human rights abuses by transnational corporations. After introducing the topic, a brief summary of the four day panel discussions and side events will follow before this report ends with recommendations.

About the Topic

Transnational Corporations (TNCs) and other such business are defined as a broad variety of economic oriented actors, operating in several countries. An example, Glencore, which has its headquarters in Switzerland (home-country), acts through subsidiary companies in many developing countries (host-country) in order to extract raw material. One of the main questions in this particular area is: to which country's law are these enterprises answerable - to the home or to the host country? Or to look at it another way: who is responsible to prevent, control and stop existing human rights abuses? Such issues were pillars of this event in order to create an international legally binding instrument for governments and TNCs.

Perspective from NGOs

The broad discussion mainly focused on transnational business which a) extract raw materials like gold, aluminum, uranium, etc. and / or b) devastate land and forest in order to build monoculture plantations such as soya, coco or palm-tree. As a third sector are c) private security companies which hire soldiers for combat in foreign countries. This third field came up during the discussion on Thursday. Despite its high relevance, it was not discussed extensively later on.

During the OEiWG, the discussion covered aspects which can be divided into *internal matters of TNCs*, such as labour conditions, and *external matters* such as how they work with governments and society.

Labour conditions were mentioned, but the discussion focuses more on external matters which are highly relevant for social workers. Not only local farmers but also indigenous peoples in many countries reported cases where diggers unexpectedly rolled in and started to clear the land. Furthermore, through the process of extracting raw materials, TNCs use a lot of water and chemicals. As a result the locals don't have enough water or food. Such conditions are causing many to suffer enormously, especially indigenous peoples who live very close-knit with nature. Not only do they feel overwhelmed and incapable of fighting against it, it was also mentioned that enterprises fracture the communities, using their power to influence the media thereby disturbing the local system.

¹ Website of the OEiWG can be found under <http://www.ohchr.org/EN/HRBodies/HRC/WGTransCorp/Pages/Session1.aspx>. This first session of the open-ended intergovernmental working group is based on the Human Rights Council resolution 26/9. As an open-ended working group, participation was open to specialized agencies, intergovernmental organizations, non-governmental organizations with ECOSOC consultative status are invited to participate on all open meeting of the working group Elaboration of an international legally binding instrument on transnational corporations and other business enterprises with respect to human rights. http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/26/9

Additionally, human rights activists risk their lives when they challenge the TNCs. How can such practices be allowed? NGOs point to weak and corrupt governments, who sell land to TNCs regardless the society's right and needs.

These mostly poor communities don't receive any compensation or shelter from their government.

How Governments Describe the Contemporary Situation with TNCs

At the same time, governments were put under pressure by TNCs so as to facilitate their entrance into the country. This leads to the current situation in which TNCs often enjoy special, supportive conditions such as tax exemptions, substandard laws on labour conditions and so on. In fact, it was said that countries often sign away their rights and duties by cooperating with TNCs. It was mentioned that TNCs understand perfectly the local political and legal system and use every loophole to avoid taxes, responsibilities and so on. Countries also face another TNC-specific problem, in that profit doesn't remain in the host-country. The only things which stay are a destroyed environment, an uprooted society and even poorer citizens. Governments say that the overwhelming power and oppressive actions of TNCs can be seen to be a form of modern colonisation.

The World is Facing a Leadership Crisis

Given the explanations above, it becomes clearer why governments and society see themselves as victims of TNCs. On one the hand, many government are, due to several aspects, unable to meet the challenge of protecting their country from any genre of abuse. On the other hand, some leaders of TNCs have obviously valued economic gain above any humanitarian morals. As long as TNCs don't see an advantage or a high relevance to act in line with human rights, changes might difficult to achieve. As one speaker said, 'the world is facing a leadership crisis' and explained it as a lack of responsibility and a lack of legal, financial and socially capacity not only in TNCs but also in governments.

Conclusion from a Social Work Perspective

*'The social work profession's core mandates include promoting social change, social development, social cohesion, and the empowerment and liberation of people.'*² Needless to say, abuses, grabbing, displacement and oppression as mentioned above are intolerable and against social stability and freedom - hence against the Social Work's core mandates.

In direct contact not only with people, families and communities but also government representatives, social workers have a holistic view that enables them to analyze situations comprehensively. This is not only a social worker's resource but also a duty.

In the light of this report, analyzing situation of abuse systematically is crucial. Furthermore, capacity building seems to be (once again) a major task for social workers. It's impossible to advocate for rights when people don't know them. With adequate respect and consciousness regarding the above mentioned danger, social workers shall continue to promote and advocate human rights, helping people and also both local and national governments to empower themselves in order to defend human rights.

² International Definition of Social Work, can be found under <http://ifsw.org/policies/definition-of-social-work/>, 09.08.2015

The goal is that the concentration of Leader of TNCs need to change direction away from pure selfish economic focus to a holistic view with respect to human rights. Everywhere.

Next steps

According to the website of the OEiWG³, the date for the second meeting is not yet planned. However, the Representative of the IFSW will follow the development of this international legally binding instrument. Also a written statement for the second OEiGW from social worker perspective is planned.

³ <http://www.ohchr.org/EN/HRBodies/HRC/WGTransCorp/Pages/Session1.aspx>