

About us

Asia Task Force on the Legally Binding Instrument (LBI)



The Asia Task Force (ATF) on the Legally Binding Treaty was established in November 2017 at the sidelines of the ASEAN Civil Society Conference/Peoples Forum (ACSC/APF 2017) held in Manila. The Task Force aims to develop and advance a campaign in Asia towards the LBI and greater corporate accountability with strong engagements with States in the context of the LBI negotiations, as well as public engagement to heighten awareness of the need for stronger TNC regulations and accountability. At this time, the ATF is comprised of the following organizations:

- Focus on the Global South,
- Indonesia for Global Justice,
- Alyansa Tigil Mina,
- Legal Rights and Natural Resource Center- Friends of the Earth Philippines,
- Philippine Alliance for Human Rights Advocates,
- Manushya Foundation,
- Altsean-Burma,
- Indigenous Peoples Rights International,
- Asia Indigenous Peoples Pact,
- iDefend,
- Third World Network.
- Indian Social Action Forum
- Transnational Institute

This list is not comprehensive, with several other organizations active differently. ATF aims to get more organizations and individuals involved in the task force, and consequently, in advocacy work around the LBI.

ESCR-Net



[ESCR-Net](#) - International Network for Economic, Social and Cultural Rights connects over 280 NGOs, social movements, and advocates across more than 75 countries to build a global movement to make human rights and social justice a reality for all. For more than a decade, members of the Network have been taking collective action to advance the development of the LBI as part of the IGWG process. We believe that a regional and national outreach in the Global South is essential to counter attacks on the IGWG process by the corporate sector and States, particularly in the Global North, who are prioritizing corporate interests.

Our 2 Advocacy Goals in Bangkok, Thailand

TO RAISE

1

VOLUNTARY MEASURES ARE NOT ENOUGH TO ENSURE CORPORATE ACCOUNTABILITY

Several members of ESCR-Net and the ATF have invested and/or continue to invest time in the implementation of the UN Guiding Principles on Business and Human Rights (UNGPs), as an already existing resource, by participating in consultations and promotional platforms - whether regional such as the Forum on Business and Human Rights (BHR) in Bangkok or international -and more remotely through written interventions, such as our recent [submission](#) on corporate capture to the UN Working Group on Business and Human Rights (UNWG on BHR). After several years of engagement in the UNGP processes and the voluntary national action plans (NAPs, many of our members have concluded that the NAPs are not enough as a standalone tool for corporate accountability - particularly due to their voluntary nature in implementing the UNGPs.



To complement the UNGPs process, it is evident that we urgently need to focus efforts and resources on the implementation of Human Rights Council [resolution 26/9](#), which decided in 2014 “to establish an open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights, whose mandate shall be to elaborate an international legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises.”

This process has been ongoing for over eight years, with a [significant push](#) for its adoption from social movements and civil society organizations. In contrast, not enough States have dedicated proper resources to advance this process. On the other hand, corporate representatives have sought to undermine this process by lobbying States - particularly in the Global North - and presenting faulty and biased arguments for why this binding instrument should not advance to implementation. With so much at stake with continued corporate impunity, countries in Asia - and the Global South more generally - must take leadership in the process to elaborate a legally binding instrument. This process is currently at a critical juncture with transnational corporations and their home States in the Global North threatening to undermine its essence and push back on demands for legal liability and extraterritorial obligations. This would undercut corporate accountability efforts and related social justice struggles globally.

As a critical complement to the UNGP process, we see it key that States mobilize their resources and efforts to champion the process to elaborate a legally binding instrument and as a concrete first step join to the Geneva intergovernmental negotiations from 24 - 28 October 2022, prepared with suggested text that would strengthen the [current draft](#) and put forward the [demands](#) of people and communities affected by corporate power.

TO WARN

2

**CORPORATE
POLITICAL
ENGAGEMENT**



MULTISTAKEHOLDERISM



CORPORATE CAPTURE

One of our main objectives in the regional Forum is to highlight the dangers of corporate capture, including as it is manifesting in the context of the United Nations. Most recently, we became concerned that the UNWG on BHR is beginning to refer to “corporate capture” as “corporate political engagement.” We predict this will be a way of masking or white-washing the dangers of corporate influence in the political sphere and in government decision-making nationally, regionally and internationally.

We have seen multistakeholderism become a means of allowing increased influence by corporate actors on decision-making; the UN climate space is but one example. In the same vein, phrases like “corporate political engagement” risk sanctioning immense power imbalances between profit-driven TNCs—some with more capital than entire States—and human rights defenders from Indigenous and other communities resisting corporate-driven dispossession and exploitation.

We must focus our energy on stopping corporate capture and removing corporate actors from decision-making spaces. Instead, we request that the participation of corporations in the UN and decision-making governance spaces, in general be limited to one where they are not influencing decisions or arguing their case for human rights but only receiving guidance and information based on the demands of affected communities. States - who have human rights and environmental obligations - must prioritize the primacy of human rights in decision-making and stop corporate capture, as highlighted in our [comic episode](#) on corporate capture of the United Nations and in our [submission](#) on corporate capture to the United Nations Working Group on Business and Human Rights.





We call on States to:

- 1 Act urgently to adopt a legally binding instrument to stop corporate impunity, to prevent human rights abuses and violations related to business, and to create effective mechanisms to remedy and compensate communities and people affected by business - attentive to the different and disproportionate impacts experienced by women in all their diversity, gender non-binary persons, Indigenous Peoples, and other historically marginalized groups, as well as communities in contexts of conflict and occupation.
- 2 Prioritize the advancement and primacy of human rights and environmental rights, including the specific rights of Indigenous Peoples, as vital for the future of our existence on earth. It is important to note that States carry their human rights obligations into intergovernmental organizations—including the UN, G20, IMF, etc.- and have extraterritorial obligations to regulate their corporate and financial actors.
- 3 Stop corporate capture of government decision-making processes where corporations are exerting direct or indirect influence on decision-making processes that affect our human rights and environmental rights.
- 4 Dismantle multi stakeholder initiatives in decision-making at the UN and other multilateral spaces - these spaces must center on the rights of at-risk communities and be protected from any conflicts of interest related to corporate profit-making and impunity. These spaces should only be a source of information for corporations and not a space for influence.

RESOURCES TO ADVOCATE FOR A BINDING TREATY TO #STOPCORPORATEIMPUNITY

- [Comic episode](#) (2021) on corporate capture of the UN
- [Background document](#) (2021) for comic episode on corporate capture of the UN
- [Collective statement](#) (2021) on urgent need for a legally binding instrument at the international/UN level
- [Call to International Action](#) (Global Campaign to Dismantle Corporate Power)
- [Proposal for a Treaty on Transnational Corporations and Their Supply Chains with Regard to Human Rights](#) (Global Campaign to Dismantle Corporate Power)
- [Advocacy paper](#) (2021) for strengthened text of the draft legally binding instrument
- [Foundational statement](#) (2013) supporting a legally binding instrument (with 1000 signatories)
- [Submission](#) to the UNWG on BHR on corporate capture of the UN (2022)

To know more about the treaty process
and how the draft text can be
strengthened:

<https://bit.ly/bindingtreatynow>

