

## **Declaration of the Social, Non-Governmental and Union Organizations and Indigenous and Affected Communities Convened at**

*The Regional Consultation of the Special Representative of the Secretary General of the UN on the issue of Human Rights and Transnational and other Businesses Enterprises*

*Bogotá, Colombia, January 18-19, 2007*

The neo-liberal economic model resurging in recent decades has weakened the State, limiting its ability to provide and guarantee social well-being. The substitution of various state functions by private actors has resulted in new threats to the realization of human rights, resulting from the actions or omissions of transnational corporations.

While transnational and other corporations have benefited from recent developments in private international law, ensuring that their interests and rights are protected through investment treaties, international dispute resolution and compensation mechanisms to name but a few, the responsibilities of these companies to respect internationally recognized human rights has been all but ignored.

Today, many companies are more powerful than nation states, operating with total freedom when facing the inexistence of national and international mechanisms to hold them accountable. The fact that voluntary standards and non-binding mechanisms are the only recourse for affected persons and communities to protect their rights highlights the fragility of current regulation mechanisms and emphasizes the liberty in which these companies operate.

This is an extremely unequal situation, one in which indigenous people, children, women, small farmers, workers, afro-descendants and local communities must confront large corporations, at a great disadvantage. The current challenge for humanity is to insure the implementation of an economic development policy that is socially just, environmentally sustainable, and founded on the precepts of human rights.

Voluntary initiatives such as the Global Compact, the Equator Principles, the various safeguards of international financial institutions, the debate over “social license to operate,” voluntary codes of conduct, and certification programs are not sufficient to assure the integral protection of human rights. A normative framework solely based on the goodwill of business enterprises is simply not enough.

In response to this situation, the role of the United Nations is to help promote the adoption of a binding normative framework which guarantees the protection, respect and fulfillment of the human rights of all persons and communities affected by those corporate abuses we have untiringly denounced during this consultation.

We call on the Secretary General and the Human Rights Council of the United Nations to adopt the following measures:

- ❖ Create and adopt a human rights normative framework which is obligatory for companies, as the best way to respect and guarantee the human rights of persons and communities who have been affected by the actions or omissions of business enterprises;
- ❖ Promote adequate and effective access to judicial recourses and protections in cases where companies threaten or negatively impact human rights;
- ❖ Exhort States to establish mechanisms to prevent, investigate, sanction, and compensate for abuses committed by companies;
- ❖ Establish vigilance mechanisms to monitor the compliance of companies to the human rights normative framework afore mentioned;
- ❖ Measure the impact that the actions or omissions of companies, financial groups, and the international finance system in general have on the enjoyment of human rights;
- ❖ Continue to promote the active participation of civil society, prioritizing the involvement of directly affected communities, both in the Special Representative's mandate as well as in the discussion and drafting process of new international standards related to human rights and companies;
- ❖ Recognize, respect, and enforce the collective rights of indigenous peoples, in conformity with the norms established by Convention 169 of the International Labor Organization.

Bogotá, Colombia, January 19, 2007

Signed,

1. Centro de Derechos Humanos y Ambiente, Argentina
2. Justicia Global, Brazil
3. Terra de Direitos, Brazil
4. Movimento dos Atingidos por Barragens, Brazil
5. FASE, Brazil
6. Observatorio de Derechos de los Pueblos Indígenas, Chile
7. Colectivo de abogados José Alvear Restrepo, Colombia
8. Escuela Nacional Sindical, Colombia
9. Observatorio Social de Empresas Transnacionales, Megaproyectos y Derechos Humanos, Colombia
10. Comisión Colombiana de Juristas, Colombia
11. Coordinación Colombia-Europa-Estados Unidos, Colombia
12. Kuskura, SC, Costa Rica
13. Ecodesarrollo Kantán, Costa Rica

14. Centro de Derechos Económicos y Sociales, Ecuador
15. Fundación Pachamama, Ecuador
16. Pueblo Kichwa de Sarayaku, Ecuador
17. Asamblea de afectados por el caso Texaco, Ecuador
18. Consejo de Comunidades de Intag, Ecuador
19. Asamblea de Unidad Cantonal de Cotacachi, Ecuador
20. Foro Permanente de Asuntos Indígenas, Guatemala
21. Red Nacional de Organismos Civiles de Derechos Humanos ‘Todos los derechos para todos y todas’, Mexico
22. Asociación Napguana, Panamá
23. Grupo de Trabajo Racimos de Ungurahui, Perú
24. Confederación Nacional de Unidad Sindical, Dominican Republic
25. Organización Regional Interamericana de Trabajadores (CIOSL-ORIT)

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