

Al-Haq oral statement - Panel II: Primary state obligations
Second Session of the IGWG meetings on TNC accountability

25 October 2016

Madame Chair -

On behalf of Al-Haq, Badil, and Al-Mezan, I thank you for the opportunity to address primary obligations of States through this panel. Coming from the ground, and in particular from occupied Palestinian territory, we would like to emphasize that any legally binding instrument resulting from this process must ensure that, through national legislation, States are requiring compliance of corporations with international humanitarian law when operating in conflict-affected areas.

The biggest challenge faced by people and communities in conflict-affected areas is that mechanisms for corporate accountability are often unavailable or inadequate. This is certainly the case for Palestine where corporations are currently involved in ongoing war crimes and crimes against humanity such as apartheid, forced displacement of Palestinians from their territory, and the transfer of Israeli civilians into occupied Palestinian territory.

We also find that there are significant obstacles in ensuring the applicability of international humanitarian law through courts in the 'home' states of multinational corporations, as well as in international courts.

The future binding instrument, therefore, must ensure that States are obliged to take necessary legislative and administrative measures to require that corporations, which they are in a position to regulate, are not involved or complicit in serious violations of international law, either directly or through their business relationships. States must also take necessary measures to ensure that where *national* companies are complicit in unlawful State practices and policies, international sanctions and accountability measures are available to ensure that the affected communities have meaningful access to effective remedy and accountability.

Ultimately, madam Chair, the Treaty must **prevent** corporations from taking part or benefiting from serious international crimes, and second, it must ensure that corporations currently contributing to or directly involved in international crimes **withdraw** entirely and immediately and be held **accountable** to its action - particularly when adequate third party documentation has illustrated the illegality of involvement in the affected area.

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