Thank you, Mr Chairperson-Rapporteur,

The Center for Constitutional Rights speaks today in support of article 5.5. Our work focuses strongly on corporate capture in the United States, particularly the activities of a powerful lobbying group called the American Legislative Exchange Council, known as ALEC. ALEC drastically undermines democratic governance by privately convening US lawmakers and corporate executives to draft laws that protect corporate interests while negatively impacting human rights, particularly those of people of color. We also know that corporate lobby groups capture states’ foreign policy platforms. Public records show that Boeing and Raytheon – two arms manufacturers – spent more than $8 million USD lobbying to ensure US taxpayer money was secured for these companies to develop missile systems for Israel.

As we know article 21(3) of the Universal Declaration of Human Rights ensures that “the will of the people” shall be the authority of government. The private ways that powerful corporate lobbying groups use their influence to control the sovereign law and policy-making functions of government makes a mockery of this key element of the international human rights system.

Mr Chairperson, we strongly believe undue corporate influence over state law and policy making must stop and this Working Group has a real opportunity to show leadership on this issue.

We commend the Working Group for incorporating Article 5.5 into the section on prevention of the draft Legally Binding Treaty as it demonstrates the support many states showed for this provision in the last session. The inclusion of this article also builds on the demonstrated success of Article 5.3 of the Framework Convention on Tobacco Control to control the influence of corporations in national health policy-making, and aligns with encouraging domestic initiatives such as South Africa’s Judicial Commission of Inquiry into Allegations of State Capture. As such, we strongly call on the Working Group to uphold this important provision in future drafts of the treaty.

Thank you very much.