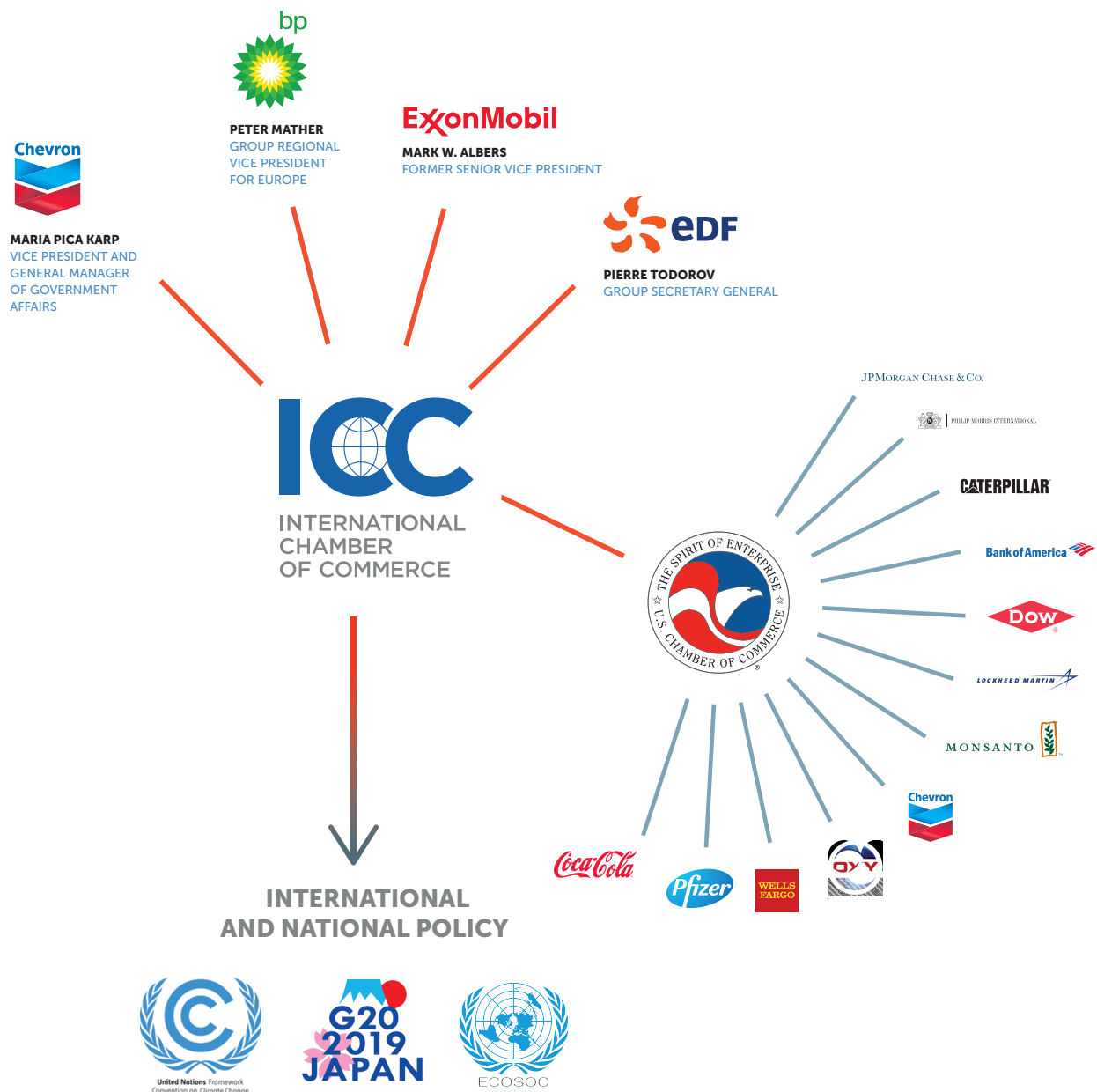


# Behind the veil of civility: the ICC & IOE exposed

Over the past 50 years, corporations, trade associations and other entities representing corporate interests have invested increasing resources into influencing public policies to protect their bottom line, and have gained increasing legitimacy in policymaking spaces. But beneath a veneer of technical expertise, these trade associations represent the interests of their corporate members, even when they are at odds with the public interest: public health, human rights, and good governance itself. And because of the massive power amassed by transnational corporations, they

are often able to capture policymaking processes and bodies, swaying the outcomes in their favor no matter the costs to a country, its people, or the environment.

Within the United Nations, industry associations like the International Chamber of Commerce (ICC) and the International Organisation of Employers (IOE) have taken an increasingly vocal role in negotiations around human rights, climate change, and more.<sup>1,2</sup> For example, at the fourth negotiation session on the draft treaty on transnational corporations and other business enterprises and human rights, the ICC and



IOE released an analysis of the draft zero, stating their general lack of support for the text and the draft optional protocol<sup>3</sup>—a protocol which has subsequently been removed from the most recent draft.<sup>4</sup> The IOE also authored an “additional analysis” condemning the provisions on liability and showcasing the “exports at risk” for “Treaty Proponent” countries.<sup>5</sup>

Business organizations like the ICC represent some of the most abusive corporations in the world—including Dow, Chevron, and Shell—which have been implicated in serious human rights violations.<sup>6,7,8</sup> This raises serious questions about the ICC and IOE’s conflicts of interest when it comes to policymaking to protect human rights, public health, and the environment.

### THE ICC: A CASE OF CONFLICTS OF INTEREST

The International Chamber of Commerce (ICC) represents 6.5 million members in 130 countries, but the membership of the ICC’s individual chapters is highly secretive. It is governed by the World Council, a group of its member business executives, and is made up by sub-chapters, or national committees, from around the world.<sup>9,10</sup> As is shown above, the ICC is tied to some of the world’s most abusive corporations through both revolving door relationships with industry CEOs and the member corporations of its chapters, which pay dues to the ICC.

### HOW DOES THIS IMPACT THE NEGOTIATION OF A GLOBAL TREATY ON TRANSNATIONAL CORPORATIONS AND OTHER BUSINESS ENTERPRISES AND HUMAN RIGHTS?

Given these ties to abusive industries, the ICC and the IOE have vested interests in blocking, weakening, and delaying the negotiation and implementation of the present draft treaty and other regulatory processes that might impact their members’ bottom lines. We have already seen the IOE and ICC come out against strong liability provisions<sup>11</sup> that could provide meaningful remedies for affected communities and countries.

One of the most effective ways to combat undue corporate interference or corporate capture in policymaking processes is to institute rules that *prevent parties with vested economic interests from interfering in policymaking processes*.

For example, the Framework Convention on Tobacco Control includes a powerful provision that does just that. This provision (Article 5.3) has created the space for governments to regulate in the public interest, passing laws in dozens of countries that have protected public health—despite major industry opposition. Such conflict of interest provisions are a vital tool for good governance.

Similarly, it is vital that governments support a strong conflict of interest provision in the draft treaty on transnational corporations and human rights. Current Draft 1 Article 5.5 provides a solid baseline from which to strengthen the provision, to ensure that the treaty negotiation process and implementation is protected from undue corporate influence.

### JOIN THE GLOBAL CAMPAIGN

For more information on how to protect against conflicts of interest, please contact Shayda Naficy, Senior Program Director with Corporate Accountability at [snaficy@corporateaccountability.org](mailto:snaficy@corporateaccountability.org)

### ENDNOTES

- 1 “UN Treaty Process on business and human rights,” September 26, 2019. [http://www.ioe-emp.org/fileadmin/ioe\\_documents/publications/Policy%20Areas/business\\_and\\_human\\_rights/EN/\\_2016-09-29\\_IOE-ICC-BIAC-WBCSD\\_Paper\\_on\\_further\\_considerations\\_re\\_the\\_UN\\_TREATY\\_PROCESS\\_ON\\_BUSINESS\\_AND\\_HUMAN\\_RIGHTS\\_final.pdf](http://www.ioe-emp.org/fileadmin/ioe_documents/publications/Policy%20Areas/business_and_human_rights/EN/_2016-09-29_IOE-ICC-BIAC-WBCSD_Paper_on_further_considerations_re_the_UN_TREATY_PROCESS_ON_BUSINESS_AND_HUMAN_RIGHTS_final.pdf)
- 2 Corporate Accountability. “Inside Job: Big Polluters’ lobbyists on the inside at the UNFCCC,” <https://www.corporateaccountability.org/resources/inside-job-big-polluters-lobbyists-in-the-inside-at-the-unfccc/>
- 3 International Chamber of Commerce, “Business position on the UN draft ‘Zero Draft’ Treaty on Business and Human Rights,” October 2018. <https://iccwbo.org/publication/business-response-zero-draft-treaty-draft-optional-protocol/>
- 4 OEIGWG “OEIGWG chairmanship revised draft 16.7.2019,” [https://www.ohchr.org/Documents/HRBodies/HRCouncil/WGTransCorp/OEIGWG\\_RevisedDraft\\_LBI.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/WGTransCorp/OEIGWG_RevisedDraft_LBI.pdf)
- 5 IOE Additional Analysis, The United Nations’ proposed Treaty imposing corporate liability for human rights violations and the potential economic implications associated with its ratification, October 2018. UN Treaty Process on Business and Human Rights. Appendix A.
- 6 Anderson, Liz. “Sterilized Workers Seek to Collect Damages Against Dow Chemical in France,” The New York Times, September 19, 2019.
- 7 Casselman, Ben; Ordóñez, Isabel; and Gonzalez, Angel. “Chevron hit with record judgement,” WSJ, February 15, 2011.
- 8 Summers, Hannah. “Amnesty seeks criminal inquiry into Shell over alleged complicity in murder and torture in Nigeria,” The Guardian. November 28, 2017.
- 9 Corporate Accountability. “Inside Job: Big Polluters’ lobbyists on the inside at the UNFCCC,” <https://www.corporateaccountability.org/resources/inside-job-big-polluters-lobbyists-in-the-inside-at-the-unfccc/>
- 10 Public Citizen. “The Chamber of Secrets,” September 13, 2017. [https://chamberofcommercewatch.org/wp-content/uploads/2017/09/Chamber\\_of\\_Secrets\\_members\\_report.pdf](https://chamberofcommercewatch.org/wp-content/uploads/2017/09/Chamber_of_Secrets_members_report.pdf)
- 11 International Chamber of Commerce, “Business position on the UN draft ‘Zero Draft’ Treaty on Business and Human Rights,” October 2018. <https://iccwbo.org/publication/business-response-zero-draft-treaty-draft-optional-protocol/>