[Title of who you are writing to – e.g. Foreign Minister of (country) / Prime Minister of (country)]

[Address of who you are writing to]

**RE: Opportunity to Address Corporate Conflicts of Interest Within The UN Treaty Negotiations in Geneva, October 23-27**

Dear [Excellency / Honourable, or whichever title is appropriate in your country],

We are writing to you as [Write a sentence here describing the type of organisations signing this letter – e.g. “The signatories of this letter are a collection of civil society organisations, social movements, etc, that are committed to ensuring corporations do not engage in conduct that violates human rights and the environment, and in cases where they do they are held accountable for their behaviour” ***OR*** If you are just one organisation writing, provide some brief details about your organisation, location you are based in, your organisation’s priorities, etc].

People and governments around the world are feeling the impact of the overreach of corporate power. Indeed, corporations exert such influence over the decision making of state agencies that today corporate lobbying and interference in everyday government affairs is so significant it threatens the foundational value of society that the will of the people must be the basis for government, as is contained in article 21 of the Universal Declaration of Human Rights. Corporate influence over state decision making leads to weakening of regulation and labor, environmental, and human rights standards. We see the impact this has on the lives of people everywhere, whether in a factory collapse in Bangalore or lack of access to basic medical services in the United States. In short, corporations’ unfettered pursuit of profit is prioritised over the wellbeing and human rights of everyday people. This costs governments astronomical resources to counteract and people pay greatly, sometimes with their lives.

In Geneva between October 23-27 we call on our government to take the opportunity presented by the third meeting of the UN Intergovernmental Working Group (IGWG) on transnational corporations and other business enterprises with respect to human rights (formed by UN Human Rights Council [Resolution 26/9](http://www.business-humanrights.org/media/documents/ecuador_&_so._africa_resolution_ec_sa_24_06_14.doc), which passed at the Council in June 2014) to set out clear conflict of interest standards for all governments that establish sensible rules for when business should not be involved in the everyday government activities of rule-making, thereby better ensuring that corporations are in a position to help, not harm, our societies.

All governments wrestle with the power that corporations, especially foreign and transnational corporations, exert over decision-making within parliaments, executive and regulatory agencies, judicial systems and many other areas of national and local governance. The UN IGWG is a particularly promising opportunity for developing international legal standards that set appropriate limitations on how corporations can interfere within our government.

For example, rules that establish sensible limits of corporate involvement in domestic rule-making may likely have helped prevent [CONSIDER INCORPORATING A LOCAL EXAMPLE OF AN INSTANCE WHEN CORPORATE INTERFERENCE IN RULE-MAKING IMPACTED HUMAN RIGHTS AND/OR THE ENVIRONMENT IN YOUR COUNTRY (An example that does not antagonise the reader would be most persuasive)].

Fortunately, there are existing international standards already in operation which governments can use to guide the debate on how to develop standards to protect against industry interference within the UN treaty negotiations at the IGWG. A prime example is [Article 5.3](http://www.who.int/tobacco/wntd/2012/article_5_3_fctc/en/) of the World Health Organization Framework Convention on Tobacco Control (FCTC), unanimously adopted by States. As states have long recognised, tobacco corporations have an interest in selling and aggressively marketing tobacco products which harm the health and human rights of people everywhere, and impose a heavy healthcare burden on governments. As a result of this profit motive, States also recognised through the [FCTC](http://www.who.int/fctc/guidelines/article_5_3.pdf) “a fundamental and irreconcilable conflict between the tobacco industry's interests and public health policy”. They concluded that to allow tobacco corporations to participate in the process of developing policies relating to health or the sale of tobacco products posed a conflict of interest for the public institutions allowing this participation. As such, Article 5.3 of the FCTC states that "in setting and implementing their public health policies with respect to tobacco control, Parties shall act to protect these policies from commercial and other vested interests of the tobacco industry".

The States involved in crafting the FCTC established a set of [guidelines for implementation of Article 5.3](http://www.who.int/fctc/guidelines/article_5_3.pdf). So important is this article to the implementation of the FCTC that recently the World Health Organisation released an ‘Impact Assessment of the WHO FCTC’ in which they acknowledged that "application of Article 5.3 across all levels of government is the highest priority for progress in implementation [of the FCTC]."[[1]](#footnote-1)

Tobacco is not an exceptional industry where a clear conflict of interest arises. The profit motives of corporations most often create a fundamental and irreconcilable conflict with the setting of public policies aimed at regulating them. And as the situation is different in each country, each country should decide how conflict of interest standards should operate at national and local level. A common standard within the UN treaty that empowers each state to ensure the highest degree of safeguard for the human rights of its citizens is the most appropriate approach to setting standards to address these conflicts of interest.

As such, we suggest that the future UN treaty contain a provision that requires each state to establish standards to avoid conflicts of interest at the national level that aim to ensure appropriate separation between corporations and State agencies. The standards must contain measures including, but not limited to the following elements:

**a) Ensuring that all international and State decision-making processes concerning the establishment and implementation of legislation or policy, or administrative or judicial oversight, must be independent and protected where engagement with corporations, their representatives or related vested interests would give rise to a conflict of interest;**

**b) Ensuring that all States agencies and corporations are transparent and accountable in all dealings, including regarding public access to information and participation;**

**c) Instituting time periods (no less than two years) within which an employee of a state agency cannot work for a corporation that the employee had any relationship with in their role as a state employee, and vice versa for corporate employees;**

**d) Prohibiting the use by corporations of State public security personnel and/or armed forces, either through employment or inducement.**

While providing a stable environment for sustainable and responsible business activities to flourish, these measures will ensure robust debate within the IGWG process in support of the establishment of an article in the treaty that provides necessary protection for the public against corporate conflict of interests, and guarantees sustainable economic and human development.

We therefore urge the government to join the broad range of States who have already shown their support for progressing international law to address corporate human rights abuses, and stand on the side of safeguarding the public’s interest and protecting human rights of our people, while ensuring corporations investing here do so responsibly.

We would be pleased to provide further information and look forward to constructive dialogue on these issues as you prepare for the third meeting of the IGWG in Geneva from October 23-27, 2017.

We thank you for your attention to this important matter and look forward to hearing from you.

[To emphasize the importance of this request, please ask also for a meeting with either the civil servant from the leading department and/or appropriate minister, which is likely to be the foreign affairs department.]

Sincerely,

[Names of the organisation(s) signing / supporting the letter]

1. World Health Organisation (2016) ‘*Impact Assessment of the WHO FCTC – Report by the Expert Group*’, Conference of the Parties to the WHO Framework Convention on Tobacco Control, Seventh Session – Delhi, India, 7-12 November 2016: Provisional agenda item 5.2. FCTC/COP/7/6 27 July 2016 [↑](#footnote-ref-1)