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Network BULLETIN

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A TREATY TO PROTECT OCEAN LIFE

The Treaty to protect ocean life, so hard-fought for, has cleared the final hurdle. This global High Seas Treaty, two decades in the making, became international law on Friday, 19 September, protecting the 'cornucopia of biodiversity' living in the world's oceans. The High Seas Treaty, as it is known, was ratified by a 60th nation, Morocco, and so reached the minimum number required for United Nations treaties to come into effect. The Treaty allows for the establishment of enormous conservation zones in international waters.

Environmentalists hail it as an historic moment. The Treaty 'is a conservation opportunity that happens once in a generation, if that,' said Lisa Speer, who directs the International Ocean Program at the Natural Resources Defence Council.

It is also a bright spot amid a general dimming of optimism about international diplomacy and cooperation among nations toward common goals. It will come into force just as the high seas are poised to become the site of controversial industrial activities, including deep sea mining.

The Treaty provides a comprehensive set of regulations for high seas conservation that will supersede the existing patchwork of rules developed by United Nations agencies and industrial organisations in sectors like oil, fishing and shipping. Currently, less than 10% of the world's oceans are protected under law, and conservation advocates say that little of that is effectively protected. The Treaty has a goal of giving 30 % of the high seas some kind of protected status by 2030.

Most of the world's nations signed off on the treaty language in 2023, but for it to become legally binding for those countries, they must each ratify it, usually through their legislatures. Once a treaty crosses a threshold of 60 ratifications, it sets off what is essentially a four-month countdown for the treaty to become enshrined in international law. More ratifications were expected to be announced during the recent UN General Assembly.

'The high seas don't belong to anyone. What exists there is everyone's', said Julio Cordano, a Chilean official who spent years negotiating the Treaty's terms. 'It must be governed on principles of prudence and fairness. This agreement makes that possible'.

Source: 'Hard-Fought Treaty to Protect Ocean Life Clears a Final Hurdle' by Max Bearak, The New York Times, 19 September 2025. Edited by Mary Boyd.

IMPERIALISM AND CORPORATE DOMINATION

In 1972, Chilean president, Salvador Allende, stood before the United Nations (UN) General Assembly and offered a searing indictment of corporate power. He warned of a world where transnational corporations eclipsed sovereign governments and where the fate of nations was subordinated to the balance sheets of distant shareholders. His speech, delivered shortly before his overthrow in a coup, was a prophetic declaration of resistance to the rising tide of neoliberalism and global corporate domination.

Today, more than 50 years later, another voice echoes in the corridors of the UN. The UN Special Rapporteur on the situation of human rights in occupied Palestinian territory, Francesca Albanese, has released a landmark report that speaks of the shift from an 'economy of occupation' to an 'economy of genocide'. In this bold assessment, Albanese makes clear how entrenched economic interests of both the state and corporations have enabled the Israeli regime to pursue illegal practices with impunity, that is, safe from any preventive action from others. Israel's illegal practices include its vast military-industrial complex and its extractive industrial networks. Yet the Rapporteur's focus - confined to the occupied territories – can only hint at the broader historical and systemic forces at play. It is precisely the failure to regulate transnational corporate activity under international law that has entrenched a global incentive structure for impunity. From the arms manufacturers supplying bombs to the jet fuel providers enabling air strikes, corporations continue to benefit from and perpetuate violent dispossession and structural domination of Gaza.

The situation in the occupied Palestinian territory reveals not only a humanitarian catastrophe, but a systemic global disorder rooted in impunity, racial dispossession and corporate profiteering. The violence unfolding in Gaza, the West Bank, and across historic Palestine is not only political and military – it is economic, and it is systemic. At the centre of this system lies a global economy that rewards conflict. The occupation is not sustained in a vacuum; companies supplying weapons, surveillance technologies and critical infrastructure serve to underwrite it. **Where others see devastation, corporations see opportunity. Where civilians see bombs falling, boardrooms see markets growing**.

This dynamic is not unique to Palestine. It belongs in a long and violent history of economic systems built on colonial domination and racial capitalism. The persistence of settler-colonial models in the modern age, dressed in a language of 'security' and 'development', or openly manifested in the genocide of the Palestinian people today, reveals the enduring power of capital to reshape geographies and extinguish peoples' rights. Imperialism functions not through brute conquest alone, but through legal loopholes, opaque trade deals, and regulatory failures that shield corporations from accountability and enable profit from war crimes and systemic oppression.

International law, as it is now, is ill equipped to respond. The existing frameworks to regulate corporate conduct remain self-regulatory, voluntary and riddled with exceptions – particularly in the defence and extractive sectors. While some domestic legal challenges have offered partial remedies, the vast and powerful complicity of corporations remains intact, unchecked and dangerously normal, with slow investigations, rare sanctions and a flagrant lack of political will.

Yet amidst these bleak realities, voices are rising. The courage of those who confront power – whether in the halls of the United Nations, in grassroots movements, or in besieged communities – demands recognition and solidarity. They remind us that resistance to impunity must be both principled and global, linking struggles across borders.

As of today, the most concrete step toward tackling corporate impunity lies in the elaboration of an effective, legally binding treaty to regulate transnational corporations in international law. Negotiations began following the adoption of Resolution 26/9 of the UN Human Rights Council in 2014. In the process, it is imperative that states and civil society advocate for meaningful structural changes in the global economic order and in what sustains impunity. The Global Campaign to reclaim Peoples' Sovereignty, Dismantle Corporate Power and Stop Impunity is firmly committed to the development of this Binding Treaty.

People's sovereignty, dignity, and justice cannot coexist with corporate impunity. The challenge before us is not just to document violations but also to interrupt the systems that make them profitable. To do that, we must reclaim the language of law, the tools of economics, and the principles of international solidarity – not as abstractions, but as aids in the struggle for liberation.

Source: 'From Allende to Albanese: The Legacies of Colonialism, Imperialism and the Struggle to Tame the Corporation' posted by Anisa, 2 September 2025, Focus on the Global South, Asia/World, Corporate Accountability, Statement, Trade and Investment. Slightly edited by Mary Boyd.

A LETTER TO FIFTEEN GOVERNMENTS

Civil society groups say there is now even more reason to keep the Investor-State Dispute Settlement (ISDS) out of the Regional Comprehensive Economic Partnership (RCEP).

We, the undersigned civic society organisations from the 15 country members[1] of the Regional Comprehensive Economic Partnership (RCEP), call upon RCEP governments to continue to exclude Investor-State Dispute Settlement (ISDS) from the RCEP.

After strong civil society opposition and much public debate, governments agreed to exclude ISDS from the RCEP, which came into force for all members by June 2023. However, there was a commitment to 'enter into discussions' of ISDS within two years, though no time was set to conclude discussions and any decision would require consensus from all governments.

During the negotiations for the RCEP in August 2016, 94 civil society organisations wrote an open letter to RCEP governments urging them to exclude ISDS from the agreement. The letter explained that ISDS is a fundamentally unbalanced system that enables foreign investors to claim millions or even billions in compensation from governments if they can convince an international tribunal that a change in law or policy would reduce their future profits and/or they were not consulted sufficiently about it, even if the change was in the

[1] ASEAN countries Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand, Viet Nam, and also Australia, China, Japan, South Korea and New Zealand.

public interest. There were increasing numbers of ISDS cases against laws protecting workers' rights, public health and the environment and awards of billions of dollars which were especially damaging to low-income countries.

Today, as known ISDS cases have increased to 1,358, there is even more public and government resistance to ISDS, and more evidence to support the permanent exclusion of ISDS from the RCEP. There is no compelling evidence that agreements with ISDS result in increased Foreign Direct Investment. But there are increasing numbers of huge claims against countries. In 2019, Pakistan had to pay US$5.8 billion to a mining company.

More developing country governments are resisting ISDS arrangements. India, Indonesia, South Africa and Ecuador have cancelled old investment agreements with ISDS. Brazil has never agreed to ISDS.

Australia and New Zealand have policies against ISDS, as it becomes a growing threat to the urgent government action needed to address climate change; and increasing numbers of fossil fuel corporations are using ISDS against government actions to reduce carbon emissions

Currently, there is growing competition among countries to secure critical mineral supplies for green energy transition. Consequently, there is increased mining investment into mineral-rich countries. ASEAN is well-endowed with critical mineral resources. This new focus on minerals will consolidate the role of multinational corporations as key investors. They are likely, then, to lobby hard to incorporate the ISDS mechanism into future RCEP trade agreements.

Amid the current economic turmoil caused by the US Trump administration's application of unilateral tariffs, RCEP governments should not add the additional risk of possible ISDS cases. **Given the overwhelming evidence against ISDS, we call on all RCEP governments to continue to exclude ISDS from the RCEP.**

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