

Thank you Mister Chair, distinguished delegates, and colleagues. My name is Tamar Lawrence-Samuel. I represent Corporate Accountability, a grassroots organization made up of hundreds of thousands of people, that stops transnational corporations from devastating democracy, trampling human rights, and destroying our planet.

Since 1979, Corporate Accountability has participated as an NGO in the development of international instruments designed to protect specific human rights from abuses by transnational corporations, including the International Code of Marketing of Breastmilk Substitutes and the Framework Convention on Tobacco Control, both under the auspices of World Health Organization.

We thank the Chair for the draft elements and welcome the start of substantive negotiations today, leading to the development of a draft treaty. We take this opportunity to engage constructively on the substance of the draft elements.

In particular, we call upon the Open-Ended Intergovernmental Working Group to include in the Preamble, among the existing relevant international legal instruments, the World Health Organization Framework Convention on Tobacco Control, an effective instrument with 180 state parties.

We heard during an expert panel of the second session from the Head of the Framework Convention Secretariat, Dr. Vera Da Costa e Silva, about the critical precedential value of an important provision of the FCTC in holding transnational corporations accountable for human rights violations. This provision, Article 5.3 of the FCTC, requires 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 in accordance with national law." This provision applies not only to the multilateral process of the FCTC, but as well in the national context.

A provision like Article 5.3 allows governments to protect themselves and their public law and policy-making processes from profit-motivated undue influence and corporate capture by the very corporations which the process seeks to regulate. As such, the WHO FCTC represents an effective, powerful, and very relevant existing international legal instrument to be included in the Preamble of the Treaty. Thank you, Mister Chair.