

I thank you Mr. Chairperson,

I deliver this statement on behalf of Corporate Accountability International supported by the Peoples' Health Movement, members of the Global campaign to dismantle corporate power and to restore peoples' sovereignty.

We thank the delegation of Ecuador for the release of the zero draft, which represents an important, but only a first step towards a meaningful legally binding instrument regulating TNCs and OBEs under international human rights law.

Unfortunately, the draft does not include several key elements provided in the "Elements document" presented during the third session, rather taking on board too many proposals made by countries and other entities hosting and supporting TNCs.

More specifically, in relation with the Article 10, we regret that the zero draft does not include direct obligations to TNCs nor explicit provisions on administrative, civil and criminal liabilities of their managers. Such responsibilities shall moreover extend to all links in the supply chain of the TNC in question, in order to lift the corporate veil and to determine all responsible of violations, without impunity.

In light of the inherent asymmetry of power between victims and TNCs, we appreciate the inclusion of a provision on the reversal of the burden of proof for the purpose of fulfilling the victim's access to justice, even if we think this provision should rather be included in article 8.

In too many cases, as in the one of Chevron in Ecuador, a considerable and disproportionate burden is imposed on the victims. Although estimates showed that cancer death were 130% higher in the affected region compared to other regions of Ecuador, victims were asked to prove that the pollution was directly linked to their disease and that the disease was directly linked to Chevron's oil, which is very difficult to prove.

In this regard, we think that it is fundamental to adopt clear safeguards and take into account the far greater capacity of TNCs to unduly influence scientific evidence and provide so called "independent investigation" so as to exclude any liability.

I thank you for your attention