

Statement by ***Gladice Pickering – Ministry of Justice and Office of the Attorney-General,*** 4th session of the WG on Transnational Corporations and Human Rights, Geneva, 18 October 2018

Item 4 –Articles 1 (Preamble), 14 (Institutional Arrangements) and 15 (Final Provisions)

Thank you Mr. Chair and thanks to the panelists for their views and opinions.

Mr. Chair,

We concur with those delegations who requested for the preamble to not form part of the articles, but to be free standing followed by the Statement of purpose as Article 1. This is indeed in line with the drafting style of international instruments. We will also propose language to the drafters to streamline the new Article 1.

We welcome the inclusion of “equitable geographical” representation in the Committee as set out in Article 14 (1) (b). We agree with Mr. Lopez on his point that there should be no conflict of interest of committee members. This is important for impartiality and fairness.

Article 14 (2) – We agree with Mr. Smith to increase the periodicy to 5 years, but this can depend on the complexity or simplicity of the reporting mechanism. In this regard, the challenges that States already have in complying with reporting obligations should be kept in mind.

Article 14 (5) and (6) on Conference of States Parties is not clear on the periodicy of the meetings, although (6) makes mention of a biennial meeting at the instance of the UNSG or the COSP. We propose harmonization of the two subsections. We also propose that Article 15 includes a sub article requesting States party to the treaty to declare their willingness to use this treaty as the basis for MLA and International Cooperation, thus providing, as in ICL, a common platform for such cooperation.

Since it is the duty of States to safeguard the rights of the people, States are required to ensure that its policy and legal framework reflect the diligent execution of this duty, thus Article 15 (3) is valuable in this regard although the rights of all interested parties should be considered and carefully balanced.

I thank you.

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