**Oral statement Anne Lindsay on behalf of CAFOD and the organisations CIDSE, Broederlijk Delen, CCFD-Terre Solidaire, DKA, Entraide Fraternité, MISEREOR and Trocaire**

We welcome the draft prepared by the Intergovernmental Working Group. All businesses need to be accountable if their investments and operations put people at risk. It is particularly important for the binding instrument being negotiated this week to address the gaps in the global legal framework in relation to transnational activity.

As Catholic development agencies, we are extremely concerned by the threats to our partner organisations and communities in countries such as the Philippines, Honduras, Brazil, Colombia, Peru and Guatemala, who peacefully oppose large scale investment projects which would harm their environment and their livelihoods, including access to land, water and culture. Speaking out to protect our common home can be a dangerous or even deadly act. Local activists are being threatened and killed. In 2018, at least 247 people globally were killed for protecting their land, environment and communities from global industries like mining, logging and agriculture.

The statement of the European Union yesterday recognised that there was an urgent need to strengthen prevention and mitigation of adverse human rights impacts related to business activities and to provide access to effective remediation. We agree that this need is very urgent. This is why we are asking all States, including the EU member States, to actively and constructively engage in the negotiations to develop a legally binding instrument to help preventing violations and abuses of human rights from occurring in the first place.

Article 5 on Prevention represents a valuable opportunity to develop minimum requirements on businesses in relation to mandatory human rights and environmental due diligence. This will underpin efforts which states have already made in relation to the UN Guiding Principles and will make them much more effective, providing clear requirements for businesses globally.

Among the recommendations put forward in our written contribution, we would like to highlight the following two in relation to Article 5:

1) The need to explicitly strengthen the wording on human rights and environmental due diligence in the text of the draft instrument. For example, the remedy aspects of human rights due diligence need to be much clearer in the text. Also **human rights due diligence** shall not be limited to contractual relationships. We propose that the language of “business relationships” would better reflect the nature of corporate activities and also the approach in the UN Guiding Principles.

2) We suggest that article 5.3b should refer to the internationally agreed standard of **Free, Prior and Informed *Consent***, not *consultations.*

The text now recognizes the internationally accepted right of **Free, Prior, and Informed Consent (FPIC)**. Importantly, the preamble mentions the UN Declaration on the Rights of Indigenous Peoples. At a time in which indigenous peoples are coming under increasing pressure from business activities affecting their lands, health and livelihoods, they and other affected communities must be at the forefront of decision-making processes that determine the type of development that can take place on their land. The normative framework of FPIC consists of a series of legal international instruments including the UN Declaration on the Rights of Indigenous Peoples, the International Labour Organization Convention 169, and the Convention on Biological Diversity, as well as national laws. It is important and welcome that the text highlights the need to give special attention to those facing heightened risks of violations of human rights violations, and important to note that they are often most marginalized from decisions affecting their lives, including mechanisms for Free, Prior and Informed Consent.

Thank you.