Thank you, Mr. Chairman.

I deliver this statement on behalf of CCFD-Terre Solidaire, the French coalition for a binding UN Treaty, CIDSE, ESCR-Net, FIAN International, Focus on the Global South, Franciscans International, Global Policy Forum, Indonesia for Global Justice, PODER, SOMO, CAFOD, DKA Austria, Entraide & Fraternité, Trócaire.

We welcome this new draft and the revised article on the “consistency of this Treaty with international law”.

Several issues raised last year have been taken into account, notably **article 12.6 on the compatibility of this Treaty with other bilateral and multilateral agreements**.

Yet, this revised **article 12 lacks a clear provision establishing the primacy of human rights and the environment over the rights granted to investors and corporations in trade and investment agreements**.

While negotiations, which we oppose, are currently underway in Vienna at the **UNCITRAL to reform ISDS so as to further strengthen the arbitration system to the benefit of private law firms and transnational corporations, regardless of their human rights record,** the importance of the Treaty in addressing the human rights implications of trade and investment agreements becomes even more urgent. We therefore propose a **new provision, under a new article 12.7**:

1. *This treaty shall affirm the primacy of human rights and the environment over trade and investment rules.*

12.7.a) “The parties to this agreement affirm the primacy of human rights obligations, the environment, and obligations under the Charter of the United Nations over all rights granted to investors and corporations in international trade, investment, finance, taxation, development cooperation and security agreements.”

1. *States shall conduct transparent, comprehensive, and gender-sensitive human rights and sustainability impact assessments prior to the start of negotiations of international agreements that may have human rights impacts, including trade and investment agreements.*

*Impact assessments shall also be conducted during implementation and enforcement of such agreements.*

*Taking the findings of these impact assessments into account, States shall take any measures necessary to observe its human rights obligations in accordance with international law, including the cessation of negotiations or denouncing, withdrawing from or suspending the operation of the conflicting agreement*

12.7.b) “Each Party shall assess the impact of existing and new international agreements, including trade and investment agreements, on the respect for, protection and fulfilment of internationally recognized human rights. Such assessment shall be based on applicable human rights as well as objective and transparent criteria, incorporate the views of potential victims of human rights violations and be carried out with safeguards to ensure independence and accountability. Taking the findings of the assessment into account, the Party shall take any measures necessary to observe its human rights obligations in accordance with international law, including the cessation of negotiations or denouncing, withdrawing from or suspending the operation of the conflicting agreement”

1. *States shall affirm the primacy of international human rights law in its international agreements, including trade and investment agreements.*

12.7.c) “States will include clauses affirming the primacy of human rights in all relevant international agreements, including trade and investment agreements, which they conclude.

1. *States shall uphold the primacy of human rights and the environment over all other international agreements through the implementation and enforcement of those agreements Thus, the treaty should provide that “All cases involving human rights concerns must be brought to courts with human rights competence, including in labor, environmental, constitutional and administrative law, notwithstanding other existing dispute settlement procedures”*

12.7.d) “All cases involving human rights concerns must be brought to courts with human rights competence, including in labor, environmental, constitutional and administrative law, notwithstanding other existing dispute settlement procedures”