**5th session of the open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights**

**Monday 14 October 2019 (afternoon)**

**Oral Statement by FIAN International (NGO): General statement and statement on the preamble**

**Speaker: Michael Nanz**

FIAN International, as a member of the Treaty Alliance, the Global Campaign to Reclaim Peoples Sovereignty, Dismantle Corporate Power and Stop Impunity, of the Feminists for a Binding Treaty and of the ESCR-Net, would like to express the full support for this intergovernmental process of negotiation. We highly appreciate that it continues and would like to invite all States present to contribute actively and in good faith to the elaboration of this Legally Binding Instrument.

The revised Draft marks an important step ahead in the negotiations. We support an effective instrument that will, firstly, strengthen prevention, both by business and by States, secondly improve and ensure access to justice for individuals and communities, both being threatened and affected, thirdly ensure legal accountability of transnational corporations and other business enterprises and, lastly, facilitate international cooperation in prosecution.

With regard to the preamble, we’d like to highlight a fundamental issue that should actually be a matter of course. Drawing on the Articles 55 and 56 of the Charter of the United Nations along with Article 103 of the same Charter, the preamble should clearly reaffirm the primacy of human rights over any conflicting obligations under any other international agreement, including trade and investment agreements. Not to mention that the primacy of human rights is a principle already recognized in many constitutions in the world.

A second issue is that we urge that peasants and other people working in rural areas are included among the groups requiring a distinctive perspective that takes into account their specific circumstances and vulnerabilities.

Thank you.