

**Check against delivery!**

**5th session of the Inter-Governmental Working Group on transnational corporations and other business enterprises with respect to human rights**

**(14-18 October 2019)**

**Mutual Legal Assistance, International cooperation, and Consistency with international law**

**Thank you Chair,**

I deliver this statement on behalf of the International Organisation of Employers ([IOE](http://www.ioe-emp.org/)). I note again the [Joint Business Response](https://www.ioe-emp.org/index.php?eID=dumpFile&t=f&f=145680&token=9dbcc1f8414128d575cd6bef9f36b84ec106a386) to the Revised Draft Treaty, which describes the business community's points on "legal liability" in more detail.

**We would like to make two main points as they relate to mutual legal assistance and international cooperation**

* First, parts of the article on "mutual legal assistance" raise concerns notably the list of proposed actions (under article 10 paragraph 3) to promote cooperation between States such as: "executing searches and seizures"; "examining objects and sites"; "identifying or tracing proceeds of crime, property, instrumentalities or other things for evidentiary purposes"; and "facilitating the freezing and recovery of assets." These wide-ranging examples could potentially enable politically motivated actions and prosecutions against business, as well as compound problems in relation to bad-faith actions against companies.
* Second, we would like to refer back to an earlier point that any standard needs to fully recognize the underlying country context and…, if we step out of this room and process for a moment, there remains a pressing need for "implementation coherence" of existing standards on the ground. We believe that cooperation and assistance among States needs to look at ways to reflect these fundamental points.

Companies are committed to respecting human rights in their operations and finding sustainable solutions to complex human rights-related challenges, especially in high-risk environments, through partnerships and stakeholder engagement. However, there are still too many parts of the world where there is weak governance at the local level; where judiciaries do not enforce national laws; where conflict, poverty or corruption devastates communities; and where informality is commonplace. These situations create the conditions for human rights abuses that often occur in relation to supply chains.

Unfortunately, measures to overcome the challenge of "implementation coherence" is not reflected in the Revised Draft Treaty and we request that much more thought be given to addressing this.

**Thank you very much for your attention.**