**6th Session of IGWG on TNCs and OBEs with respect to Human Rights**

**Comments on Articles 12, 13&14**

Thank you Mr. Chair,

To ensure that all bilateral and multilateral trade and investment agreements are compatible with both human rights and humanitarian law obligations, we suggest including a reference to international humanitarian law throughout Article 14(5).

In Article 14(5)(a), we recommend strengthening the language to ensure that existing trade and investment agreements comply with the provisions of the LBI and the principle of primacy of human rights. In this regard we suggest that the para reads as follows: “...any existing bilateral or multilateral agreements, including regional or sub-regional agreements, on issues relevant to this (Legally Binding Instrument) and its protocols, including trade and investment agreements, shall be **~~interpreted and implemented in a manner that will not undermine or limit their capacity to fulfil~~** **reviewed, adapted and implemented in compliance with and in a manner that does not undermine** their obligations under this (Legally Binding Instrument) and its protocols, as well as other relevant human rights and **humanitarian law** conventions and instruments.”

In Article 14(5)(b) should be amended to ensure that all bilateral and multilateral trade and investment agreements are in line with human rights or humanitarian law obligations, therefore we suggest the following: “Any **~~new~~** bilateral or multilateral trade and investment agreements shall be compatible with the State Parties’ human rights and **humanitarian law** obligations under this (Legally Binding Instrument) and its protocols, as well as other relevant human rights and humanitarian law conventions and instruments.”

In order to compliment the changes suggested, we are with the view that a new paragraph should be included. It will be Article 14(5)(c) bis and it would read: **“To this effect, new trade and investment agreements shall be designed, negotiated and concluded to fully respect the State Parties’ human rights obligations under this (Legally Binding Instrument) and its protocols, and related human rights and humanitarian law conventions and instruments, through inter alia:**

**a. Undertaking human rights and sustainability impact assessments prior to signing and ratification of the proposed agreement and periodically throughout their application period, and ensuring these agreements are in accordance with the results of these impact assessments; and**

**b. Ensuring the upholding of human rights in the context of business activities by parties benefiting from trade and investment agreements.”**

I thank you