**Centre Europe Tiers Monde statement**

**Monday 26th October 2020**

**General statements**

Mr Chair,

My name is Keamogetswe Seipato, I speak on behalf of CETIM, member of the Global Campaign.

I would like to share our concern about the fact that the Second Revised Draft does not include substantial changes compared to the previous one, thus keeping the main gaps of the future Treaty, that TNCs will use to evade from their responsibilities.

Generally speaking, this second revised draft still lack of strong mechanisms to guarantee the enforcement and effectiveness of the Treaty. As for now, all the responsibilities are on the shoulders of states, which we know is insufficient. Indeed, TNCs manage, through complex legal and administrative structures and an incommensurate economic and political power, to bypass national jurisdictions. This is why the objective of this process should be to establish an international framework for TNCs, beyond States’ obligations.

Considering this reality, to be effective and implemented, the Treaty must:

* Clearly establish direct obligations for TNCs, which could be easily created; these obligations for TNCs are different and separate from States obligations, and the need to include them is highlighted in each negotiation session by many experts;
* establish the explicit possibility for a direct application of the Treaty by national judges;
* provide strong mechanisms against corporate capture, by strengthening the provision about undue influence of the private sector in article 6, and make it applicable for the whole Treaty;
* go back to the initial scope focused on TNCs, as argued by many states’ delegations, experts and civil society organizations, in accordance with the mandate of the OEIGWG. The broadening of the scope to all business enterprises, without distinction, even those without transnational character, is a way of diluting the content of the future instrument, making it highly ineffective, and deviating the focus from TNCs impunity.

Finally, we reaffirm that the perspective that should prevail is always the one of those affected, not the perpetrator's, as already established in International Human Rights Law.

We hope to have a constructive negotiation and, most of all, we hope that we will be able to collectively engage in favor of the elaboration of a strong and effective treaty. This is for us, the people and communities affected, much needed.

Thank you.