Thank the Chair and the Secretariat for organising this meeting in spite of the challenges presented by the pandemic.

Egypt fully supports the mandate of the open-ended intergovernmental working group on TNC’s and other business enterprises with respect to human rights as established by HRC resolution 26/9. We appreciate the work done by Ecuador in leading this process and its inclusiveness thus far. We also thank the Chair/Rapporteur for the second revised draft which includes important progress. While further work still needs to be done, we believe this is a good basis for our deliberations.

While TNC’s and other business enterprises contribute to investment and socio-economic development, we strongly believe that the elaboration of a Legally Binding Instrument to regulate the activities of these enterprises will strengthen the principles of universality, interdependency and indivisibility of human rights, as well as the principle of non-discrimination and access to adequate and effective remedies for victims. Such an instrument will better enable us to achieve sustainable development while upholding fundamental human rights, and to balance between the private interests of TNC’s and OBE’s with the public interest allowing for equitable and inclusive development.

It is clear that - in spite of the importance of the UN Guiding Principle on Business and Human Rights - it is no longer sufficient to rely on voluntary, soft-law instruments that are not enforceable. In terms of the second revised version before, we will provide a few comments now to be supplemented throughout the coming week of deliberations.

With respect to the scope, we believe the text should remain faithful to the mandate of HRC resolution 26/9, which limits the scope of the LBI to activities of TNC’s and OBE’s, a specific gap in international law that needs to be filled.

At this point in our deliberations, there is no doubt that international law places obligations on TNC’s and we therefore attach great importance to the reference to customary international law within the scope. We are satisfied that provision on victims rights does not limit the victims of abuse to the territory of the State where the business activity of transnational character is taking place. Egypt also welcomes the inclusion of environmental rights which are very frequently subject to abuse by TNC’s and OBE’s. According to customary international law, activities should not take place in one State’s territory that lead to the abuse of certain human rights extra-territorially. We also recognise that the text is victim-centered and covers all victims of human rights abuses committed by a TNC or OBE generally, including in the territory of another state.

We would like to see a reference in article 6 (3) to the importance of consultations with peasants and rural communities as a category whose rights are at heightened risk of business-related human rights abuse.

We welcome the text allowing the exercise of jurisdiction with respect to claims brought by victims, irrespective of their nationality or place of domicile, arising from acts or omissions that result or contribute to human rights abuses, including in the courts of the state where the human rights abuse occurred.

We will continue to provide further detailed comments during the consideration of specific articles throughout this week, and later by providing our feedback to the Secretariat.

Our delegation has participated actively in the sessions of the Inter-governmental working group since its inception, and we remain fully committed to supporting its work with the objective of reaching a pragmatic and balanced text.