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

**Comments on Preamble Part and Articles 1&2**

Thank you Chair for giving me the floor.

We acknowledge the changes made in the revised draft; however, we believe that it still needs further strengthening. In this sense we would like to propose the following amendments, and we will be submitting other amendments on a later stage as we did not get the needed time to fully reflect on the new revised text.

**Preamble Part:**

The preamble part requires adding language in several provisions that encompasses wider protection of human rights violations resulting from corporate activities.

We reiterate once again our suggested language during the 5th session that the right to self-determination be clearly stated in the text of the LBI. In this regard we suggest the following amendment to pp4.

**Proposed text for amendment:** “Reaffirming fundamental human rights – including the rights to life, liberty and security of person, and the right to self-determination, non-discrimination and permanent sovereignty over natural resources –  and the dignity and worth of the human person, the equal rights of men, women and the need to promote social progress and better standards of life in larger freedom while respecting the obligations arising from treaties and other sources of international law as set out in the Charter of the United Nations

We also see that the Preamble should affirm the primacy of human rights over trade, investment, development, environment, and climate as well as business agreements. Accordingly, we propose the following addition:

“To affirm the primacy of human rights obligations in relation to any conflicting provision contained in international trade, investment, finance, taxation, environmental and climate change, development cooperation and security agreements”.

In addition to that, we believe that the Treaty should emphasize State obligations in the preamble as they relate to business activity. And we will provide concrete language suggestion later on.

**Article 1:**

We believe that the definitions section should clearly state that both State and non-State entities could be a part of business relationships mentioned in (1.5). This must be addressed to avoid State impunity when complicit or responsible for human rights violations related to business activities. Furthermore, additional language is needed to ensure corporate accountability across the value chain - whether we are dealing with a subsidiary or even a store facilitating the flow of unlawful goods for public consumption. In this regard we suggest the following amendment to Article 1.5:

“Business relationship” refers to any relationship between natural or legal persons, including State and non-State entities, to conduct business activities, including those activities conducted through affiliates, subsidiaries, agents, suppliers, partnerships, joint venture, beneficial proprietorship, entities in the value and supply chain, or any other structure or ~~contractual~~ relationship as provided under the domestic law of the State, including activities undertaken by electronic means.”.

**Article 2:**

We regret that the key word “violations” was taken out from the first draft text of the LBI. With this word taken out, it is more difficult to address state impunity when involved in business-related human rights violations. State human rights violations related to business activity can occur in the context of State-owned enterprises or state investments in business activities. In this regard we suggest to reintroduce the word “Violations” in Article 2.1.c and 2.1.d

Also, we believe that the Treaty can be strengthened by creating and/or enacting binding enforcement mechanisms to address State violations of human rights resulting from business activities in both conflict and non-conflict areas. In this regard, we suggest the following additions to Article 2.1.b:

“To prevent the occurrence of human rights abuses and violations ~~in the context of~~ resulting from business activities in both conflict and non-conflict affected areas by creating and enacting effective and binding mechanisms of monitoring and enforceability”.