

General Oral Statement FIAN International – IGWG on an LBI on TNCs and OBEs with Respect to Human Rights – 25.10.21

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We welcome the words of the High Commissioner calling states to use this opportunity to respond urgently to the communities and individuals affected by harm produced by corporations, many of them still affected by the pandemic. This is particularly relevant in the case of Transnational Corporations and other transnational businesses structures.

We also reaffirm the importance for states to go beyond due diligence. It should keep and strengthen other relevant elements of the 3rd draft. **The Treaty shall not become an empty proposal**, as the proposed framework agreement, just recalling existing states practices. So, for example, it shall contain clear provisions on criminal, civil and administrative liability along the global value chains. It also requires detailed provisions on jurisdiction that allow affected people beyond borders to claim where controlling companies are based, operate or have their assets; as well as provisions that ensure access to remedy, as for example those on legal assistance or on the reversal of the burden of proof. Equally important is that the LBI includes clear provisions that impede the influence of commercial vested interests in the adoption of measures to implement the LBI. All these elements are key to respond to the obstacles in access to justice that affected communities and their advocates have highlighted in this process from the begin. In this line, we recall the words of the chair mentioning that the aim of international law is to complement and correct insufficient national law. **The feasibility to implement such critical provisions clearly depend of states will to protect human rights genuinely.**

We acknowledge the new methodologies introduced by the chair, which aim to advance the negotiations. In this line, we request the Chair to ensure that the procedure of creation of the Group of Friends of the chair is clarified during the session. We also request the Chair to stablish clear institutional ways that ensure the transparent interaction between the Group of Friends and civil society, including the consideration of our contributions during and after this session.