

Oral Statement

Seventh Session of the **Open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights**

Thank you Mr. President, I speak in name of FIAN International, and I would like to share the following considerations and suggestions:

Important elements of this article addressing the many different types of barriers, which affected individuals and communities face when attempting to access justice have been maintained in this revised draft (art. 4.2.a-f) and we emphasize on their retention.

Nonetheless, the rights included in this article are not just right of victims already defined as such but are rights of all affected communities and individuals. Therefore, states should **change the title of the article to “Rights of affected communities and individuals”**.

Regarding *Art. 4.2.f* we support the proposal made by the Delegation of Cameroon. It is particularly relevant for affected communities and individual to have access to information regarding the different legal entities linked to the parent company as to facilitate the determination of liability.

We also support Palestine’s proposal *4.2.f.ter*, since we have also realized the need to guarantee full participation, transparency and independence of affected communities in reparation processes such as in the cases of Brumadinho Dam Disaster in Brazil and POSCO land grabbing in India.

Moreover, we explicitly support Cameroon’s suggestion on 4.3 bis on precautionary measures because in many cases damages are irreparable and just through such measures the rights of affected communities can be fully protected, particularly on the case of environmental rights. Precautionary measures are already incorporated in many legal systems around the world, including regional mechanisms, such as the Inter-American one, and in the Individual complaint mechanisms of the UN Treaty Bodies.