



**FIAN**  
INTERNATIONAL

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

**Seventh session (25-29 October 2021)**

**Statement by FIAN International (ECOSOC status)**

**Read by: Stephan Backes (FIAN International)**

**Article 16 – Implementation**

Thank you Mr. Chair.

Article 6.8 relative to the protection of preventive measures from undue influence from commercial and other vested is a crucial provision and should actually be mainstreamed throughout the legally binding instrument. The corporate capture of policy and decision-making spaces is one of the main obstacles for implementation, explaining the weakness of corporate accountability. We therefore strongly support Palestine's proposal (16.5 bis) for this provision to be included in article 16 on implementation.

We additionally require for an additional paragraph under this article that provides for the direct applicability of the present (Legally binding instrument) in cases of legislative negligence for its implementation. The direct applicability of human rights treaties already exists under some legal systems and should be made available for other legal systems (for example in the case of the constitutional block in a number of Latin American Countries) in the case mentioned above of negligence by competent authorities to take the necessary legislative measures for its implementation.

I thank you Mr. Chair.