

Mister President,

My name is Rasha Dayyeh, speaking on behalf of PENGON – Friends of the Earth Palestine, member of the Global Campaign, which is an international network of more than 200 members, representing affected communities and social movements around the world.

As a Palestinian I'm here to bring the perspective of people under occupation, who are still suffering from unlawful colonial occupation, water apartheid practiced by the Israeli water company Mekorot which exploits our water resources.

The process of the Binding Treaty is for us, people and communities affected by TNCs, organizations and social movements fighting for social and environmental justice, an inspiring and promising initiative. Our people are suffering on a daily basis as a result of corporate activities aiming at maximizing profits and socializing misery.

It is precisely the reason why we need a strong and effective Treaty, to address the gaps in international law, hold TNCs accountable for the violations committed and ensure effective access to justice for those affected.

We need a Binding Treaty re-establishing the primacy of human rights over investment and trade agreements. We need a Binding Treaty including clear and direct obligations for TNCs to respect human rights, recalling that a clear distinction must be made between the human rights obligations of States and those of TNCs. While States have general obligations to respect, ensure respect for and fulfill human rights within their jurisdiction, TNCs have the obligation to respect human rights and environment in their activities. The parent company of a given TNC must respect the above-mentioned rights itself, as well as ensuring that its subsidiaries and the companies in its global value chain do so too. We need an international Binding Treaty that places the rights and voices of the affected communities at the core, starting with its negotiation process. And last but not least, the elaboration of the Binding Treaty must be accompanied by the creation of an effective international enforcement mechanism, for example in the form of an International Tribunal as proposed by the Global Campaign. In this regard, we would like to inform you that the Global Campaign just published a "Document of elements for an International Tribunal on TNCs and human rights" that we hope will be taken into consideration in the framework of the process and in particular for the discussions on the implementation of the future Treaty.

Having said that, we would like to express our grave disappointment with the unacceptable step backwards by the Chair with respect to the work methodology and the contents of this session, as it is proposed to use as a basis of negotiation the Chair's informal proposals, disregarding the methodology agreed at the 7<sup>th</sup> session and the work on content carried out over the years by social movements, affected communities and civil society organizations, as well as many States participating in the negotiations.

Therefore, we reject the informal text proposals presented by the Chair, as they imply a definitive diversion from the mandate of the Working Group established in Resolution 26/9, asking that the sole basis of the negotiation during this 8<sup>th</sup> session remain, as previously agreed, the third revised draft with the proposals from the States during the 7<sup>th</sup> session last year.

Finally, we would like to call on all States to reject this unfortunate and ill-advised manoeuvre, for the sake of transparency and of the democratic nature of this historical process. These are minimum conditions for a proper environment of work towards yet another important session to negotiate a strong and effective Binding Treaty within the framework of Resolution 26/9, reflecting the needs and demands from those affected by TNCs.