
8th Session of the open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights

**Opening Statement
24 October 2022**

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This statement is on behalf of Franciscans International. We are part of and support the Treaty Alliance, ESCR-Net, and Feminists for a Binding Treaty.

At the outset, we reiterate our sustained commitment to constructive engagement in this process. For Franciscans, as for our other partners and allies, better regulation through binding rules in international human rights law is not an option, it is a must - especially in the face of the triple planetary crisis, and to which a number of TNCs and other business enterprises contribute.

We consider that in the absence of an updated draft, as expected following the recommendations of the Chairperson-Rapporteur in the report of last year's session, the 3rd draft of the legally binding instrument and the textual proposals by States made at the 7th session continue to be the basis for negotiations during this session. We continue to note that this third draft contains important elements that should be maintained and at times strengthened. Specifically, and following the recognition of the right to a healthy environment by both the Human Rights Council and General Assembly, we support the explicit inclusion of the right in the 3rd draft, as well as language related to environmental and climate change assessments. The inclusion of this language is fundamental, as evidenced by our partners on the ground around the world who have shared with us their concerns about the environmental impacts of companies, and their associated effects on the entire range of civil, cultural, economic, political and social rights. In Mozambique, for example, we met with people displaced by large greenhouse gas emission projects affecting the conflict prone northern province of Cabo Delgado.

We further note the strengthening of some language related to access to justice and accountability, including in regard to jurisdiction and statutes of limitations. Even with certain advancements in the third draft, we underscore that both the text itself and the process towards a legally binding instrument must be strengthened further, also considering that it is taking place under the auspices of the UN body in charge of protecting and promoting human rights!

In that regard, we regret that the methodology as delineated in the recommendations of the chair and as taken note of with appreciation in the conclusions of last year's session was not followed. This includes:

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- A timely formation of the friends of the Chair which would lead consultations with States but also with civil society;
 - an updated draft presented on the working group's website by July; and
 - consultations with civil society, amongst others, including via written inputs.

We hope that in moving forward a more inclusive, timely, and transparent approach is taken by the Chairmanship, and the newly formed 'Friends of the Chair'; especially as the urgent need for a binding instrument only grows and becomes even more stark. Accordingly, we urge more States to engage constructively this year and, in the years, to come.