**OEIGWG – 8th session / Declaración oral / Article 13**

**Speaker: Antonio Salvador / Joint statement: Centre Europe – Tiers monde and Corporate Accoutability International**

Thank you, Mr. Chair

My name Antonio Salvador, as member of the Asian Task Force on the LBI, Trade Justice Pilipinas, Third World Network, and SENTRO Labor Union, and I speak on behalf  of  Centre Europe – Tiers monde (CETIM).

We respectfully express our support for the language proposed by Palestine in Art. 13.2., which provides for a non-exhaustive list of measures for international cooperation.

The letter and spirit of **Art. 13** are obviously motivated and inspired by the need to give access to justice to victims of human rights abuses, labor rights violations, and environmental degradation perpetrated by TNCs – not DIRECTLY – BUT through their GLOBAL VALUE CHAINS, which are working as mere agents or representatives of these TNCs. Thus, the workers of these subcontractors should be treated as employees of the TNCs.

**As regards the ILO Conventions and national labor laws, the** TNC should be responsible to the workers who make its products, regardless of the characterization of the contract between the TNC and the subcontractor, which is nothing more than the nominal employer of the workers.

Art 13, and the entire proposed treaty, is of paramount importance considering the challenges not only in the legal systems but also in the rule of law and peace and order in many developing countries  which host the factories that make the products for TNCs.

You can get killed for trying to exercise your rights under the ILO Conventions, even as working as a contractual worker for a subcontractor of a TNC will never allow you to live in dignity. The lives of Environmental activists are constantly under threat, many have been killed.

This article would hopefully head-off the need for additional protocols that we had heard a couple of times in these negotiations.  It would hopefully ALSO address the supposed differences in legal systems being foisted continuously as an excuse to prevent progress in the negotiations and make possible the full redress of grievances.

Moreover,  Art 13 would hopefully contribute to addressing the issue of  alleged legal uncertainty, even as we are confident of the will and the ability of many states to address such uncertainties in the course of the negotiations.

We  cannot but feel frustrated by interventions motivated by the DESIRE to protect those who benefit most from subcontracting arrangements, those who shield themselves by transferring to smaller companies in the developing countries the risks of doing business, even though as  owners of the intangible property, they are the ones who get the largest portion of the profits.

Cooperation in terms of interpreting both substantive laws and procedural rules is needed in order to avoid misunderstanding as regards legal language,  and prevent that the treaty and other laws be used to shield TNCs from the just claims to which communities, women workers, farmers, fishers, indigenous peoples are rightfully entitled.

Thank you Mr. Chair.