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

**Eighth session (24-28 October 2022)**

**Delivering the statement:**

**Articles 15-24**

Thank you Mr. Chair.

We have comments on articles 15 and 16.

Regarding article 15 on Institutional Agreements, given the existing weak enforcement of international human rights law, we strongly call for the strengthening of the functions, purposes and competencies of the Committee. For the same reason, we are still highly concerned by Brazil’s suggestion formulated last year to delete this article, which does not, in any way, contribute to the protection of affected communities and individuals.

Besides, this draft legally binding instrument was accompanied in previous sessions by a draft Optional Protocol providing for an individual complaint mechanism, similar to other existing Optional Protocols. Therefore, we recommend for an Optional Protocol to be part of these negotiations and be adopted jointly with this LBI.

Regarding article 15.7, we support the proposal of Bolivia, South Africa, Palestine, Egypt, Namibia, Kenya to include the expressions "peasants and other people working in rural areas", this, because it has been widely demonstrated that this is a representatively disadvantaged group and that requires special protection as established by the UNDROP and as has been highlighted by courts such as the African Court in the case of the Oigiek community for the case of people who work the land, and in the case of Bistrović v. Croatia of the year 2007 in which peasants are recognized as subjects of special protection.

We also welcome the inclusion of “peasants and other people working in rural areas”in article 16.4.

With regard to Article 16 regarding Implementation: 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 again 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.

Finally, we support Palestine’s textual proposal in Art. 16.4, namely explicitly referring to conflict-affected areas, including situations of occupation.

Thank you Mr. Chair.