

Oral statement
**Fifth session of the Open-ended intergovernmental working group on
transnational corporations and other business enterprises with respect to
human rights (OEIGWG)**

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Thank you Mr. Chairperson

One year after the publication of the « *Zero Draft* » of the legally binding instrument and its optional protocol, the release of the revised version represents a significant step forward.

FIDH welcomes the efforts made by the Chair of the Open-Ended Inter Governmental Working Group (IGWG) to integrate some of the comments made by civil society organizations during the last negotiation session particularly by reinforcing the language on human rights defenders, women and on conflict-affected areas and by applying the instrument to all business activities thus keeping a particular focus on those with transnational character.

FIDH has continuously advocated for further clarification and codification of existing obligations to ensure effective protection and redress for those negatively affected by the activities of businesses. The treaty is advancing in that direction referring to the UNGPs in the preamble to remind complementarity and using existing definitions throughout the text.

However, additional work is yet to be accomplished in order to ensure the treaty addresses existing regulatory gaps, in particular with regards to prevention, liability, applicable law and jurisdiction. These three elements are the pillars of a strong, effective and enforceable binding instrument that instills global change, especially in the context of global value chains.

As the fifth IGWG session begins, FIDH calls on states to ensure that the treaty process continues to be guided by the principles of participation, transparency and legitimacy.

In times where climate change consequences are accelerating, as water becomes scarce and native forest are ravaged by fires from Africa to the Amazon, we can no longer count on voluntary commitments. Twenty years after the adoption of the OECD Guidelines for Multinational enterprises and almost ten since the adoption of the UNGPs it is now the time for binding regulation. We cannot let another dam burst, nor another river dry, nor any people's voice be ignored, as a result of corporate and State negligence.

Now more than ever delegations are expected to constructively engage with in depth and detailed contributions in order to improve the existing text and make the protection of human rights in the context of economic activities more effective. States should put forward ambitious proposals that contribute to the shaping of a more human economic development, respectful of people and of the planet.