

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

Preamble to Article 3
26 October 2022

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Thank you Mister Chair, I am delivering this statement on behalf of FI and FIDH.

We won't repeat all the proposals we had made on the third revised draft last year. They are on record. But allow us to come back to some of the textual proposals made by States on this third draft.

In PP3, we support Mexico and Panama to keep the reference to the "UN Declaration on Human Rights Defenders", this would be consistent with Uruguay's proposal on Monday on article 6.8 quarter.

On PP6, echoing several other States delegations, we reject the US proposal to delete language regarding international humanitarian law, and underscore the importance of business respect for both IHRL and IHL in situations of conflict. These bodies of law are complementary.

We are also favourable to the proposal for a change in article PP8 as supported by a number of States that reads "stressing that there should be no discrimination on grounds that are prohibited by IHRL". or the one proposed by Uruguay.

We also support Panama's proposals to include child rights considerations in various parts of the preamble and more generally of the text.

We support Palestine's proposal in preambular paragraph 11bis and para 13 bis.

We reiterate our call on States to ensure inclusion of language related to environmental degradation and climate change throughout the future LBI, as these issues are inextricably linked to human rights. Not least since the adoption without votes against and very few abstentions of both HRC and GA resolutions recognizing the right to a healthy environment as a universal HR, show broad acceptance of the fact that environmental aspects are parts and parcel of IHRL.

In that regard, we duly considered the proposal made by Panama for a PP14 bis and think the general idea to refer to the important link between this negotiation and international environmental agreements is positive. However, we would ask to consider the following rewording as to correspond better to the lived realities we face in our daily work and ensure policy coherence in compliance with IHRL.

Our proposal is:

(PP14 bis) Recognizing that regulating business activities in international human rights law is key to achieving the goals of key environmental treaties including, but not limited to, the UN Framework Convention on Climate Change, the Convention on Biological Diversity, the Convention to Combat Desertification, the Basel, Rotterdam and Stockholm Conventions and the Minamata Convention on Mercury;

Article 2

On article 2.1 b, we strongly support the proposal made by Panama and others to delete mitigate and stick to a purpose of the future LBI to prevent “the occurrence of human rights abuses in the context of business activities by effective mechanisms of monitoring and enforceability,” but we also suggest adding ‘violations’ so that it includes ‘human rights abuses and violations’.

Let us end with this, Mr Chair: in general and for the definitions, we think that it is fundamental to still use both terms of abuses and violations as it is essential to make clear that the instrument also applies to violations committed by the State or its agents in the context of business activities, in the future LBI.

Thank you for your attention.