

**Oral Statement by FIAN International during the 4<sup>th</sup> session of the open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights: General Statement**

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FIAN International is member of the Treaty Alliance, the Global Campaign to Dismantle Corporate Power and Stop Impunity, the Feminists for Binding Treaty, the ESCR-Net and the ETO Consortium.

The draft legally binding instrument and its Optional Protocol represent overall a serious basis for the first round of negotiations

The 0 draft contains some promising articles, even if some need to be strengthened. It also contains articles and formulations that need substantial improvement or deletion. Some missing elements will also need to be inserted for the effective protection of affected people and communities, as gender and human rights defenders.

The impunity of private actors involved in human rights abuses and environmental damage is still intact. Voluntary measures have proven to be insufficient. All actors along the value chain, including the financiers behind - banks, pension funds - need to be held accountable for human rights abuses and harm to the environment. Stronger liability provisions are needed, including with regards to criminal liability. The prevention provisions shall be improved, including measures which go beyond companies due diligence. We welcome the fact that the 0 draft allows the access to justice also in the countries where the controlling companies are domiciled. For these reasons, amongst others, we need to have this treaty to become a reality.

We urge all states to constructively participate in the negotiations by formulating constructive proposals for further elaboration of the instrument, ensuring that at the end of this session we have a first draft. We also call all states to adopt at the end of this session the needed decisions to ensure the continuation of the process and the adoption of the treaty as soon as possible.

Finally, the participation of the affected communities and the focus of the treaty in the protection of their human rights is key in facing the challenges posed by globalization.