**Date and Time: Oct 15 afternoon (port poned to Tuesday morning)**

**Panel: Article 2 - State of Purpose**

**FoEI speaker: Paul de Clerck**

Mr. President,

My name is Paul de Clerck, I represent Friends of the Earth International.

We live in a globalised world where capital and investments go around the world, looking for the easiest and cheapest places to generate profits. We see a global trade and investment regime that not only allows companies to do so but that gives them excessive and enforceable VIP rights to sue governments if they act in the public interest by agreeing on environmental, health, labour or other social standards. Through this ISDS mechanism they can claim millions or even billions of compensation if their profits are affected.

On the other hand, we see that people who suffer from these international investments - because their land is grabbed, because their environment is polluted, because they have to work under unacceptable conditions, because their lives are threatened when they defend their communities – are left unprotected. They don’t have good tools to hold transnational companies accountable for their human rights abuses and they don’t have access to justice at the international level.

So we face an international regulatory framework that is completely favouring international investors and transnational companies, while denying the rights of citizens, local communities, women, indigenous groups, the environment, and many others. It is this grave system of injustice that a UN Treaty will need to change.

Unfortunately we see that many rich countries continue to side with companies instead of citizens. They prefer private interests over the public interest. They prioritise investor rights over human rights. We see that in another forum, UNCITRAL, in 2 weeks’ time from now, the EU and Canada will promote further strengthening of investor rights by proposing a Multilateral Investment Court. We also see that these same countries are either not here or continue to raise procedural objections while they have given hardly any support for international legally binding rights for citizens and affected communities.

So the same countries that object to a global court for citizens against human rights violations, propose to establish such a court to give rights to investors. The countries that give direct rights to investors, don’t want to give direct obligations to the same investors to respect human rights. The same countries that argue that human rights should continue to rely on voluntary and ineffective systems such as the OECD guidelines, make proposals for strong and legally binding enforcement mechanisms for investors.

This is not acceptable. We call specially on the EU

* to prioritise human rights over investment rights,
* to stop relying on ineffective voluntary mechanisms to stop corporate human rights violations,
* and to support direct obligations derived from international Human Rights law to transnational corporations

The EU said that ‘they don’t shy away from regulation when it is needed’. I would say, the time is now. We need to regulate transnational business and this is the mandate of this intergovernmental working group.