**OECD General statement:**

* I am taking the floor on behalf of the Organisation of Economic Co-operation and Development, the OECD). At the outset, I would like to clarify that the OECD is an Observer in these discussions and that the 36 countries member of the OECD have not adopted a common position on the treaty. However, the OECD has developed instruments in the field of responsible business conduct, which are pertinent to the ongoing discussions. Most importantly, the OECD Guidelines for Multinational Enterprises which is the most comprehensive corporate responsibility instrument covering all areas where business operations intersect with society, including human rights, labour rights, but also environment, corruption and taxation. A total of 48 countries have adhered to this instrument, this includes the 36 OECD member countries, but also 12 non-OECD countries, including for example Argentina, Brazil and Egypt. What is important to underline is that the Guidelines are aligned with and reinforce other major international instruments such as the UN Guiding Principles (HR) and the ILO Conventions, and includes the expectation that business conduct due diligence in their own operations and throughout their business relationships and supply chains to identify, prevent and mitigate adverse impacts on human rights.
* In the context of the discussions of the 4th session and the zero text of the draft treaty and draft optional protocol, I would like to make two points:
* First of all, regarding **due diligence**, and my remarks in this regard relate in particular to the text proposed in article 9 on prevention.

For the purpose of the contents of due diligence as proposed in the draft text, we would like to signal that there has been recently international convergence on the steps and characteristics of due diligence. In June of this year, the OECD Due Diligence Guidance for Responsible Business Conduct was released. This Guidance seeks to promote a common understanding among 48 governments on due diligence for responsible business conduct. The UN Guiding Principles on Business and Human Rights as well as the ILO Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy also contain due diligence recommendations, and this Guidance can help enterprises implement them.

The guidance is the result of a long process. The development of this Guidance involved a multi-stakeholder process with OECD and non-OECD countries and representatives from business, trade unions and civil society. This new general Guidance is an umbrella framework which complements and builds on the sectoral work of the OECD (agriculture, garment & footwear, minerals, extractives, and finance) and ongoing engagement in Africa and Asia in these sectors.

To the extent that we can ensure convergence in this process, and as you are looking for common ground, it may help to make recourse to internationally agreed text on due diligence. As such, enshrining the headings of the six steps of due diligence and their characteristics as laid down in the OECD Guidance on Due Diligence for Responsible Business Conduct, even without a direct reference to the Guidance would signal alignment.

* Second, regarding the Draft Optional Protocol and the proposal to establish national implementation mechanisms. We would like to signal that the 48 governments adhering to the OECD Guidelines for Multinational Enterprises have established a National Contact Point for Responsible Business Conduct whose role is not only to promote corporate responsibility and due diligence, but also deal with cases of alleged non-observance of the Guidelines. Collectively, the NCPs have so far dealt with over 400 cases in more than 100 territories. While the OECD Guidelines itself are a voluntary instrument, this unique implementation mechanism attached to the OECD Guidelines is a binding international obligation on the 48 countries.

I thank you for your attention, and in closing would like to emphasise that the OECD stands at your disposal for any question you may have regarding its responsible business conduct instruments and implementation mechanisms in order to facilitate this process.