**TUESDAY 15 OCTOBER**

ARTICLE 5

**NGO WITH ECOSOC STATUS REGISTERING AND DELIVERING THE STATEMENT: ALEJANDRA SCAMPINI – TIDES CENTER**

Open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights

*Fifth session (14-18 October 2019)*

Thanks MR chairman, I speak on behalf of PODER and Tides Center / ESCR-Net.

In order for the Treaty to truly prevent human rights violations or abuses, it must ensure that corporations are regulated by States in a way that would not allow them undue influence on government decision making and State duties and responsibilities to protect, respect and fulfil human rights. Similarly, during this process, we must ensure that corporations are not dictating the Articles of this Treaty. In our global economic situations, the purpose of many large corporations is to get profits at any cost, costs including criminalization of activists, killing those who denounce corruption, displacing indigenous communities from territories, and even influencing public policies and laws. Corporations are even going further to coopt human rights narratives to serve their profit interests. In august 2019 **nearly 200** leading CEOs in the US Chevron, The Coca-Cola Company, and Walmart, released a statement of purpose calling for corporations to move from just profit to delivering value to all stakeholders, not just shareholders. Many of the signatories of this statement are well known for their human rights violations in many countries. This cooptation of our language and distraction of public attention from challenging hr. and environmental impacts is deeply problematic.

Members of civil society have been addressing corporate impunity and capture of States for over 4 years . From PODER in México for example we been denouncing how extractive industries are violating human rights while forcibly displacing communities and causing many other negative impacts. The framework convention on tobacco control provides an effective example of how governments can restrict corporate influence over state law and policy making, and we commend the Working Group for using this example to design Article 5.5.

IF this TREATY is going to adequately protect human rights and the environment it must make sure that it has a strong provision restricting the ability of corporations and other vested interests from influencing state law and public policy making. Mr. Chairman we call on the working group to keep article 5.5 in future versions of the treaty in the interests of stopping corporate capture and protecting our democracies, decision making spaces, and citizens.

Thank you.