

**OEWG ON A LEGALLY BINDING INSTRUMENT ON TNCs AND OBE AND HUMAN RIGHTS**

**6TH SESSION, 2020**

**ICJ Oral intervention on Article 15**

29 October, 2020

Mr Chairperson-Rapporteur,

The ICJ has stated on previous occasions that it is essential to further develop and bolster the envisaged mechanisms for the monitoring, supervision, implementation, and enforcement of this treaty, currently in Article 15 (institutional arrangements). This 6th session of the IGWG is the occasion to fill that gap.

Other than a Committee of experts that should have a strengthened mandate to review reports of States and business performance of this treaty, the OEGWG should also reinforce the powers and agenda of the Conference of States Parties (COP). The COP should have powers to address issues relating to business human rights responsibilities that are not addressed or are addressed in an insufficient way in the present general treaty, and elaborate and adopt further commitments and protocols with binding force to the States party at regular periods of time. This arrangement will spare the need to establish an ad hoc procedure each time within the Human Rights Council.

The participation of the widest range of stakeholders is the most essential element in new institutional arrangements if they are going to be effective and transparent, marking a difference with institutions of the past. Such participation includes labour unions, NGOs, and other less formal associations that have a mission relative to the economic life and the operations of companies.

Such participation is essential in the selection and functioning of the expert committee, but also in the meetings of the Conference of States Party and the discharge of its functions. The draft treaty should make explicit provision for a strengthened role for civil society and other stakeholders.