**6th Session of the Open-ended intergovernmental working group for the elaboration of an International Legally Binding Instrument on Transnational Corporations and other Business Enterprises with respect to human rights, Resolution A/HRC/26/9**

**Item 4 of the agenda**

**Monday October 26, 2020**

**Statement by Burkina Faso on behalf of the African Group**

**Thank you, Mr. Chairperson - Rapporteur**

At the outset, the African Group congratulates you, Mr. Chairperson - Rapporteur, up on your re-election to steer the proceedings of the 6th Session of the Open-ended intergovernmental working group for the elaboration of an International Legally Binding Instrument on Transnational Corporations and other Business Enterprises with respect to human rights.

The African Group welcomes the statements made by the High Commissioner and H.E. Mr. Luis Gallegos, Minister of Foreign Affairs and Human Mobility of Ecuador.

**Mr. Chairperson - Rapporteur**

The African Group would like to thank you and your able and dedicated team for the revised text of the draft International Legally Binding Instrument on Transnational Corporations and other Business Enterprises with respect to human rights.

While welcoming the draft at hand, the African Group remains committed to the letter and spirit of the Human Rights Council resolution 26/9 which mandated this Open-ended intergovernmental working group to prepare the International Legally Binding Instrument on Transnational Corporations and other Business Enterprises with respect to human rights.

The African Group is of the view that the revised draft represents a significant improvement as compared to the previous one. It contains some of the contributions made at the 5th session of this Group by some member states of the African Group, which we appreciate.

Notwithstanding the improvements, the African Group deems that fundamental issues remain unaddressed. It is the case of the scope of the draft which went beyond the mandate of the Council resolution 26/9, in light of which the African Group reiterates its principled position that the scope should be limited to the TNC’s and OBE’s, on one hand.

On the other hand, the draft should stick to the regulation of the activities of TNC’s and OBE’s, with respect to human rights, instead of placing many obligations to states, even though the African Group acknowledges the letters’ primary duty to respect, protect, uphold and realize human rights of their peoples. Ultimately, the draft should seek to fill the existing gap in the international law in regards to the human rights abuses and violations by TNC’s and provide reparations and remedies to the victims.

**Mr. Chairperson - Rapporteur**

Statements made by the High Commissioner and different Human Rights Council mechanism, as well as those by treaty bodies, as far as COVID – 19 negative impact on the enjoyment of human rights, inter alia the right to health, especially by vulnerable groups of our societies suggest that there are empirical evidences of the role played by pharmaceutical TNC’s, linked to TRIP’s. Therefore, in view of future pandemics, the African Group proposes that the draft instrument should also address this issue, in line with resolution 26/9.

To conclude, the African Group wishes to reassure you, Mr. Chairperson - Rapporteur, of its usual constructive engagement in the present negotiations, as it has been the case, ever since the start of this process.

I thank you