

Thank you Mme Chair and rapporteur for the opportunity to present FoEI views. FoEI is here as member of the of the Campaign to Dismantle Corporate Power and the Treaty Alliance, and a signatory of our second statement on this process.

FoEI is an international federation of grassroots-based environmental organizations in 75 countries in every region of the world, with more than 2 million members and supporters worldwide. We campaign for environmental and social justice, and stand side by side with communities resisting corporate power and foreign investments that very often deprive them from their livelihoods, ruining their territories and leaving huge benefits for very few elite members of society and transnational corporations.

Not only is the human right to food, water, a healthy environment and development often threatened by transnational corporations' operations, especially in developing countries in Africa, Asia and Latin America. The local people resisting ill conceived corporate projects that bring no benefits to them are often and increasingly threatened in their lives and their rights and freedom of expression and association by the corporations themselves or in collusion with local authorities.

In the 8 proposals for the proposed legally binding international instrument the Campaign to Dismantle Corporate Power has presented here we advocate that the new legally binding international instrument shall affirm the obligation of TNCs to respect all human rights. Specific obligations should be detailed regarding several rights that are of particular concern, including the right to life, the right to freedom of association, the right to freedom of opinion and expression, the right to non-discrimination, the right to work, the right to food, the right to water, the right to housing, the right to health, the right to development, the right to self-determination and the right to a healthy environment. The legally binding international instrument should also include provisions on the obligations of TNCs regarding certain vulnerable and particularly affected groups, such as women, youth, children, local communities, migrants, directly affected communities, indigenous peoples and human rights defenders.

I am here as an affected community on our right to health and our right to life, by the activities and commercial practices of one of the biggest transnational tobacco companies in the world, Philip Morris. The sale of tobacco products, including numerous Philip Morris brands leads each year to the death of 5 thousand people every year as a result of tobacco related diseases. It is estimated that half the one half million smokers in the country will die of cancer.

I am here also as a national of an affected State in its ability and duty to protect the right to health of it population as a result of the Philip Morris challenge of our tobacco control legislation in international arbitration tribunals, under the rights the company has secured for itself under a Uruguay-Swiss BIT in force since 1991. This privatized pro-corporate system of

justice has allowed this challenge to proceed, despite the fact that the UY-Swiss BIT includes a specific exemption of coverage of investor rights on public health grounds.

In fact, PMI is seeking to kill the WHO FCTC through various challenges of FCTC compliant national legislation, including in Uruguay, Norway and Australia.

Thus madame chair, we encourage this OEIGWG to consider discussing mechanisms whereby states can hold corporations such as Philip Morris to account for their interference with the States ability and duty to protect human rights including the right to health.

Thank you Mdme chair.