

## **Eighth Session of the Open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights**

### **ORAL STATEMENT – ARTICLE 6**

*Joint Statement on Article 6 by CIDSE, ALBOAN, Broederlijk Delen, CAFOD, CCFD-Terre Solidaire, DKA/KOO, Fastenaktion, Misereor, Red Iglesias y Minerias and Trocaire.*

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25 October 2022

Dear Mr. Chair,

I am delivering this statement on behalf of CIDSE, ALBOAN, Broederlijk Delen, CAFOD, CCFD-Terre Solidaire, DKA/KOO, Fastenaktion, Misereor, Red Iglesias y Minerias and Trocaire.

Mr Chair,

It is essential that we set clear rules on a company's obligation to respect human rights and prevent abuses.

We have heard some states question the prescriptiveness of the draft. Yet, most of them have few qualms in setting extremely prescriptive rules with regards to international trade and tariffs, including strong judicial enforcement mechanisms. Therefore, why should rules preventing human rights harms be vague and non-enforceable?

We encourage states to create a clear and precise framework offering guidance to businesses. In particular, we support the amendment advanced by the Philippines this morning on **6.4.a** and the amendment advanced by Argentina and Palestine last year on **art 6.4a bis**. Article **6.4** should also clearly recognise a company's obligation to always obtain indigenous people's Free, Prior and Informed Consent.

When it comes to large-scale investments, communities must always have an avenue to deny their consent to economic projects that would impact their rights or territories. In order to ensure inclusive, transparent and meaningful stakeholder consultations, we invite States to support the new **6.4c** proposed last year by Palestine, Panama and South Africa.

In the spirit of the universality and indivisibility of human rights, we believe there is no case in which mitigation of human rights abuses is acceptable. Therefore, we support the amendments advanced by Panama, Mexico, Brazil, and South Africa in **art 6.2 and by Palestine in art 6.b**. When businesses cause harm or contribute to harm, they must cease the abuse or the activities causing it to fulfill their obligations.

Moreover, an instrument without provisions for environmental and climate due diligence would be a missed opportunity as our planet stands at the precipice of climate breakdown. We urge states to support the introduction of the precautionary principle suggested by Palestine in art 6.1 ter, including the precautionary principle in environmental matters. This is key to ensuring the right to a clean, healthy and sustainable environment. We also call on delegates to ensure that companies meaningfully reduce their contributions to greenhouse gas emissions to meet international recognised standards on this matter, to meet with the 1,5°C Paris Agreement goal.

Finally, human rights and environmental defenders play a crucial role in the defence of our planet and human family. We urge States to support Uruguay's call for States to adopt measures to protect Human Rights Defenders in a new paragraph **6.8 quarter**.