**Statement of the Treaty Alliance on the 2nd session of the IGWG**

The members of the Treaty Alliance, in preparation of the 2nd session of the Intergovernmental Working Group (**Working Group**) on a legally binding instrument on transnational corporations and other business enterprises (**TNCs-OBEs**), from 24 to 28 October, 2016, call on the international community, each government individually and civil society in all countries to engage in a major effort to support the Working Group.

The growing mobilization of civil society organizations, including social movements, indigenous groups and local communities, as well as workers and their unions in the North and the South, in support of the international treaty process, reflects widespread demands for fair and robust regulation of TNCs-OBEs. People urge all States, working together and individually, to meet their obligations to protect human rights against powerful TNCs-OBEs. Refraining from participating in international negotiations disregards those obligations and commitments and lacks any justification.

The Treaty Alliance appreciates that a good number of States and civil society organizations are already participating in the negotiation process, but the contribution of many more is necessary for the process to succeed. We acknowledge and value the rich diversity of approaches and positions among those already involved in the activities of the Working Group, which originate from their particular experiences, problems and aspirations. Affected communities, human rights defenders and other civil society organizations should be able to find space to express themselves and contribute to this collective process.

The Treaty Alliance reaffirms our support to the process of elaboration of a legally binding instrument through the Working Group, and commits to continuing our participation and campaigning for broad participation. We call on all involved in the treaty process to reject the actions and strategies of those that seek to derail the process. In light of the urgent need to protect human rights and the environment in the context of economic globalization, we call for an enhanced global regulatory framework for the accountability of TNCs-OBEs and improved access to justice by victims of corporate abuse.

We stress the crucial importance of State participation and urge those States that have not already decided to attend the second session to do so. Constant and active participation of State delegates will signal their true commitment to put human rights and the planet first, over business profit.

The legally binding instrument will be a step forward in the promotion and protection of human rights, building on previous efforts, establishing a complementary framework to the existing international human rights instruments. A set of binding obligations and enforcement mechanisms is the next necessary and logical step in the process that started several decades ago. They should lay down an international framework for legal accountability, enhancing access to justice and the fight against corporate impunity, and strengthen

international cooperation to address these global regulatory challenges. People expect and are entitled to a better protection of their rights, and decisive and committed action by their governments.

We condemn the growing threats and attacks on human rights defenders working to hold companies accountable. We express our solidarity with our colleagues, and demand investigation and punishment for the perpetrators. In addition to substantive human rights protections, the legally binding instrument on TNCs-OBEs must contain provisions that enhance a protection regime for human rights defenders and whistle blowers.

We reject the actions and attempts by some corporations to directly or indirectly unduly influence the process and the position of states and other actors and capture the terms of the debate. Similarly, aligned with the Treaty Alliance's May 2016 statement, we call on States to ensure the legally binding instrument incorporates protections against undue influence by corporations of national regulatory and policy debates in which they have an inherent conflict of interest, akin to the model contained in the Framework Convention on Tobacco Control to prohibit tobacco companies to influence health policy debates.

Finally, we reaffirm previous Treaty Alliance statements on the content of – and process towards – the binding instrument, recalling that the process must be transparent, participative and people-centered.

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