

Thank you, madam Chair.

Our International Network on Economic, Social and Cultural Rights of over 270 civil society organisations around the world, over thirty of whom are here, congratulate you on your election to the Chair, and the progress made in the intersessional period and we look forward to a fruitful second session of the intergovernmental working group.

In this first substantive panel we would like to highlight two overarching issues for consideration, which are also covered in our collective statement and ‘Ten Key Proposals’ resource available at the back of the room, which will be covered in more detail at our side session at 1pm today.

These two key issues are the Primacy of Human Rights and secondly the undue influence of corporations on the policy and legislative processes at national level.

Firstly, ESCR-Net Members were encouraged by the consistent referencing of the need for the future binding instrument to reaffirm the obligations of states to respect, protect and fulfil human rights, especially within the context of States’ trade and investment priorities. In this session we again encourage all States to acknowledge the importance of the treaty to embed into it the need for States to uphold all their human rights obligations above all else, ensuring that trade and investment systems, particularly investor-state dispute resolution mechanisms, preferential tax arrangements and differential labor regimes must not interfere with the States’ obligations to uphold the primacy of human rights. **As such, we recommend the future binding instrument ensure States refrain from being party to such trade and investment regimes, where the provisions interfere with their ability to meet their human rights obligations.**

The second overarching concern relates to the issue of undue influence of corporate representatives on the development and implementation of national policy and legislation.

Our Membership notes with alarm the growing interference of the private sector in these sovereign processes of the State. We urge States to recognise that in certain areas there exists a conflict of interest between the involvement of corporate representatives directly in the formation and implementation of policy and legislation. One clear example relates to the creation and implementation of health policy in light of the interference of the tobacco industry, but similar conflicts arise in the context of other high-risk industries, and we would particularly hope attention is paid to the impact of these practices, including the widespread use of public-private partnerships to deliver key social services, on the realization of economic, social and cultural rights. **Therefore, madam Chair, we call on States to begin considering how the future binding instrument can best respect, protect and fulfill human rights in this context, and ask them to consider the inclusion of a general ‘good governance and conflict of interest mitigation’ provision into the text of the future instrument.**

Thank you madam Chair for the opportunity to contribute in this session, and we look forward to engaging fully throughout the week.