

Oral Statement on Prevention read by Armin Paasch, MISEREOR

Dear Mr. Chair,

In the name of MISEREOR, Brot für die Welt, Global Policy Forum, FIAN Germany and Women Engage for a Common Future (WECF), I would like to make three comments on Art. 6 of the Third Draft and on proposals discussed this morning:

- 1) According to the UN Guiding Principles on Business and Human Rights and Art. 6.3 of the third revised draft of the LBI, human rights due diligence refers to any “**actual and potential negative impacts**” or abuses. This includes both risks and impacts of business behavior.

However, the informal proposals of the Chair suggest limiting human rights due diligence to “**adverse human rights impacts**” in the definition of Human Rights Due Diligence. We reject this proposal as it would undermine the preventive approach of the UN Guiding Principles on Business and Human Rights.

- 2) According to the UNGP and Art. 6.2 of the third revised draft of the LBI, preventive measures must cover “**all business activities and relationships**” of business enterprises.

However, the informal Proposals of the Chair would limit legal requirements on prevention measures to “**human rights abuses by third parties where the enterprise controls, manages or supervises the third party**”.

This would be another clear and problematic deviation from the UNGP approach to address all negative impacts, business enterprises may **cause, contribute to, or be directly linked to**. The proposals of the Chair would delete the element of direct link, which would drastically limit the coverage of due diligence. The severity of human rights impacts has to be the main criteria for priorities in impact assessments and other due diligence measure.

3) We welcomed that the Third Draft LBI includes a State obligation to require business enterprises to assess not only human rights impacts but **also environmental and climate impacts** in Art. 6.4. Contrary to the Proposals of the Chair, this obligation has to be kept in any future revised Draft of the LBI. This also reflects that the UN General Assembly this year declared the access to clean and healthy environment a universal human right.

To conclude, we emphasize that the Third Draft is a good basis, and must be the only basis for the negotiation on the LBI.

Thank you very much!