

**Oral Intervention by Center for International Environmental Law (CIEL) at
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CIEL welcomes the report of the third-open ended intergovernmental working group. At a time in which a number of States are working to accelerate negotiations on international trade, they must show support for this treaty process. The treaty provides an opportunity for States to reaffirm and ensure that human rights obligations will be adequately safeguarded.

In many international investment agreements, TNCs have been granted unprecedented procedural rights against the host State. These rights enable TNCs to exert undue influence over public policy in the host State, preventing it from safeguarding human rights. CIEL seeks to ensure that the human rights to information, participation, and justice are promoted within this treaty's considerations.

First, the freedom of information is essential for a transparent and accountable government. For the State to adequately protect its people, the State must ensure that affected persons have enough information available to them to make informed decisions.

Second, affected persons within the State must have the means to participate in decision-making related to foreign investment protections and dispute resolution. Although these processes threaten the resources, livelihoods, and health of people, affected persons cannot participate in the negotiations, implementation, or enforcement of an investment treaty.

Finally, the investor-state dispute resolution mechanisms used in investment treaties impede the right of access to justice. The people who are affected by the investment have no means to engage in ISDS nor can they bring a claim on their own behalf when the implementation of an investment treaty adversely impacts their livelihoods, resources, or health. The treaty should ensure broad jurisdiction for affected persons, as well as establish grievance mechanisms to grant affected persons access to justice.

CIEL looks forward to a binding instrument that strengthens the obligations of States and TNCs with respect to the human rights to access information, participation, and justice.

Thank you.