Oral statement Institute for Policy Studies (TNI)

Art. 9

Oct. 16th Afternoon

Joseph Purugganan

I speak on behalf of Focus on the Global South, and the Transnational Institute, a member of the Global Campaign

On article 7 we support the statements made by Corporate Accountability, CETIM and Friends of the earth international.

I would like to comment more specifically article 9. This article does not allow for a clear resolution of conflicts between different national legislations. It should be explicitly stated that the choice of applicable law should be the choice of affected communities and persons and/or the law most protective of victims' rights. In addition, the reference to compliance with domestic law in **paragraph 9.2 should be deleted.**Reference to domestic law is made throughout the new draft Treaty, and this constitutes a risk to the effective implementation of the future Treaty and the rights of the affected communities and individuals. Indeed, this notion, with a few exceptions, could dilute the obligations arising from the future treaty and reduce its scope.

**In this same paragraph, an explicit reference to value chains should be included**.

On article 9.3 we propose to add the word “greater” before recognition. I quote: “*The (Legally Binding Instrument) does not prejudge****A GREATER****recognition and protection of any rights of victims that may be provided under applicable domestic law”*. In fact, national laws that are more protective or beneficial to affected communities and individuals must prevail.