

ABIA's Statement  
Item 4. (cont'd): Arts. 3, 4 (October 27th - 10am)

Thank you Mr. Chair,

I speak on behalf of the Brazilian AIDS Interdisciplinary Association. We coordinate a group of 17 NGOs in Brazil working to remove patent barriers to the access to health. We are also part of the Global Campaign to Dismantle Corporate Power, which comprises more than 250 organizations.

Remember, we are here to fill the legal gap in the international law related to transnational corporations' activities. In this sense, the mandate given by the resolution 26/9 is clear: to elaborate an international legally binding instrument on transnational corporations and other business enterprises, knowing that these other enterprises are denoted as those having a transnational character in their operational activities, not applying to public or small-medium enterprises registered in terms of relevant domestic law.

If those who would be regulate by this treaty insist in diverting the goal of this process by including all type of business, we would end up with an inapplicable treaty with problem for treaty effectiveness and for implementation and monitoring capacity, failing both the voted mandate and the urgent need posed by the reality.

By adding "including particularly but not limited to those of a transnational corporations and other business enterprises that undertake business activities of a transnational character", article 3 deviates from the mandate. We respectfully would like to suggest the following language to article 3.1: "This (Legally Binding Instrument) shall apply to all business activities of a transnational character, as defined in art.1.4".

Lastly, Mr. Chair, to extend the scope to all enterprises collides with the scope defined by the resolution 26/9, which clearly refers to enterprises "with transnational activity".

Thank you Mr Chair.