**Article 9 adjudicative jurisdiction**

Mr Chairman,

I speak on behalf the African Coalition for Corporate Accountability together with a partner organisation the Centre for Applied Legal Studies. ACCA is a coalition of more than 130 civil society organisations across Africa that sits at the Centre for Human rights, University of Pretoria.

We commend the significant progress made in Article 9, especially in rendering invalid the doctrine of *forum non-conveniens****.*** However, jurisdiction in article 9.2 should be defined in a broader way reflecting the complex structure of TNCs. As such Article 9.2 is to be complemented by an additional section (e) so as to read as follows:

*Article 9.2e) “– The place where the predominant assets of the corporation are or where it has ‘substantial interests”.*

We are further concerned that a provision on universal jurisdiction for egregious corporate human rights abuses is lacking in the new draft. Universal jurisdiction could be a useful tool to tackle impunity in this field especially when peremptory norms of international law are violated. To this end, we suggest the addition of a new paragraph to Article 9.The paragraph could read as follows:

*Article 9.6. “Courts shall have universal jurisdiction over claims against legal or natural persons not domiciled in the territory of the forum State if there is a reasonable ground to believe that the alleged violations concern peremptory norms of international law”.*

**Article 10 Statute of Limitation**

Article 10 on Statute of limitation is an important provision as it allows courts to prosecute and punish serious crimes irrespective of when they occurred.

31. In order to not narrow the reach of the future treaty, we think that article 10 (2) could read as follows: “ […] limitations shall not apply to the prosecution and punishment of all serious crimes of concern to the international community as a whole, including gross human rights violations”.

Thank you