



Statement by His Excellency Archbishop Ivan Jurkovič  
Permanent Observer of the Holy See to the UN and Other International Organizations in Geneva  
at the 6<sup>th</sup> Open-ended Intergovernmental Working Group on Transnational Corporations and Other  
Business Enterprises with Respect to Human Rights  
Preamble  
Geneva, 26 October 2020

Mr. Chair,

The Delegation of the Holy See, aware of the many challenges that must be overcome to attain a balanced and effective instrument to address the existing gaps in the global legal framework, would like to express its appreciation for the positive, transparent and inclusive approach that has been adopted in the development of the text under discussion.

Mr. Chair,

Notwithstanding the recognition that the Preamble of an international agreement has no binding force, its interpretative value is beyond question. Article 31 of the 1969 Vienna Convention on the Law of Treaties states that "[t]he context for the purpose of the interpretation of a treaty shall comprise", in particular, "the text, including its preamble and annexes". In other words, the determination of the meaning of a particular provision is based on an examination of the treaty text as a whole, including the Preamble. Indeed, since the Preamble often delineates the motivations and principles that undergird the convention as a whole, it can offer both a hermeneutical key to interpreting the provisions that are included in the text as well as provide an important instrument for gauging their effective implementation. Consequently, through this drafting process, we are addressing not only the economic and social dimensions of the activities of Transnational Corporations and Other Business Enterprises, but even their role in serving the common good and solidarity among generations.

Mr. Chair,

In this perspective, the Holy See would like to introduce in the Preamble the concept of "responsible stewardship". "Neglecting to monitor the harm done to nature and the environmental impact of our decisions is only the most striking sign of a disregard for the message contained in the structures of nature itself".<sup>1</sup> My Delegation, therefore, proposes to introduce a new preambular paragraph reading, "*Stressing that the urgent need to protect our common home concerns the whole human family, which must work together to seek sustainable and integral human development*".

Thank you, Mr. Chair.

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<sup>1</sup> Pope Francis, Encyclical Letter, *Laudato si*, n.117.