Thank you Mr. Chair,

I speak on behalf of the Brazilian AIDS Interdisciplinary Association. We are also part of the Global Campaign to Dismantle Corporate Power, which comprises more than 250 organizations.

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 TNCs and OBEs, knowing that OBEs are denoted as those having a transnational character in their operational activities, not applying to local business 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, 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 character”, article 3 deviates from the mandate, and also contradicts the definition of article 1.3 of this draft, which is fundamental to keep. We respectfully would like to suggest the following language to article 3.1: “This (Legally Binding Instrument) shall apply to all business activities, as defined in art.1.3”.

Lastly, it is imprecise and unfair to say that victims are requiring that scope is broadened to include all business. Experts and lawyers, while important to this discussion, do not represent civil society nor affected communities, as it was mentioned earlier today. For the last four years, affected communities and people are coming to this room to demand the exact the opposite. We respectfully suggest the Chairperson to go back to the oral statements of civil society since the start of this process, which seems to be left aside. It will become clear that victims do not defend the inclusion of all business in the scope. We, civil society, the victims, the affected communities, we urge, Mr. Chair and member states in this room, that the focus of this binding instrument is directed to TNCs and OBEs, as the resolution 26/9 clearly mandates.

Thank you Mr Chair.

In regards to this point of the agenda, Article 3 of the Revised Draft, we would like address two issues. Firstly, we believe that the Article 3 must refer clearly to the main Human Rights Treaties that seeks to guarantee especially economic, social, cultural, political, labor, civil rights, the right to a healthy environment, self-determination. The treaty must not be narrowed to ‘flagrant’ human rights abuses or crimes against humanity.