

***Permanent Mission of Brazil to the United Nations Office***

***and other International Organizations in Geneva***

*Ch. Louis-Dunant, 15 - 1202 – Geneva / Switzerland*

*Phone: (+41) (0)22 332 50 00 / Fax: (+41) (0)22 910 07 51 E-mail: delbrasgen@itamaraty.gov.br*

**Open-ended intergovernmental working group for the elaboration of an International Legally Binding Instrument on Transnational Corporations and other Business Enterprises with respect to human rights**

**Second Session**

Mme. Chair,

Brazil is pleased to participate in the second session of the Open-ended intergovernmental working group for the elaboration of an International Legally Binding Instrument on Transnational Corporations and other Business Enterprises with respect to human rights.

This exercise can contribute in the process of filling the existing gaps in the international framework on business and human rights.

The Universal Declaration of Human Rights itself states that "every individual and every organ of society" [.] "shall strive to secure"[.] the "universal and effective recognition and observance" of the rights declared therein.

We should build upon the body of international norms on the subject, including applicable international law, binding or non-binding, such as the Guiding Principles on Business and Human Rights.

Brazil renews its commitment to the elaboration of a national action plan on business and human rights for implementing the Guiding Principles, and calls upon other states to follow suit.

We value the contributions of civil society towards sensitizing and informing the multilateral system on the human rights impact of business activity. We also appreciate the inputs from the private sector on the matter.

We welcome the organization of side events by Brazilian and international NGOs. These are occasions where principles very much valued by Brazil, such as transparency and the promotion of an open and constructive dialogue with all stakeholders, can be put into practice.

The negotiation of the instrument is a unique opportunity for complementing the scope and effectiveness of the Guiding Principles, above all with regard to accountability and redress. In this connection, we believe the interests of victims should prevail over discussions concerning the nature of the companies the future treaty should be focusing on - whether only on transnational or on all business enterprises.

Violations and abuses may happen regardless of the nature or the nationality of the business involved. At the same time, the asymmetry in power, influence, and accountability between national and transnational corporations deserves to be discussed in the negotiations.

The current discussions will allow us to address the barriers to access to justice either through international cooperation or the use of jurisdictional remedies such as the principle of the "forum necessitatis". These are specific topics that we look forward to debating in the present session.

Last but not least, Brazil calls upon all actors involved in the negotiations within this Working Group to exercise flexibility in order to ensure that the future instrument will be balanced and comprehensive in scope, allowing for the effective application of its precepts and disciplines.

Whilst such negotiation is, unequivocally, an intergovernmental process, we must take on board the interests and concerns of all interested parties, if a strong, balanced, and consequently truly universal binding instrument on business and human rights is to be crafted.

I thank you Mme. Chair.