**Oral statement – Centre Europe tiers monde (CETIM)**

**Wednesday 28th afternoon**

**Article 10-11-12**

**Speaker : Raffaele Morgantini**

Mr. Chair,

I speak on behalf of CETIM, as member of the Global Campaign.

On article 9, my colleagues will cover the main amendments proposed from the member organizations of the Global Campaign.

I would just like to complement the amendments presented by my colleagues by highlighting the need, in article 9, to provide a clause establishing that private arbitration structures, such as investor-state dispute settlement mechanisms (ISDS) -- which are biased towards the interests of transnational corporations -- cannot be competent to deal with any dispute that has human rights implications.

***Proposed new paragraph 9.6:*** *States Parties shall not enter into any agreement that gives international investor-State arbitration bodies (ISDS) jurisdiction over any dispute that involves human rights implications.*

In addition, still in article 9, we propose to incorporate universal jurisdiction for crimes against humanity and violations of jus cogens.

***Proposed new paragraph 9.7:*** *Where applicable under international law, States shall incorporate or otherwise implement within their domestic law appropriate provisions for universal jurisdiction for crimes against peremptory norms of international law and crimes against humanity caused by business activities of transnational character.*

On article 10 now, we propose to delete the reference to the most serious crimes and to add a reference to labour rights and environmental norms.

***Amendment 10.1:*** *The State Parties to the present (Legally Binding Instrument) undertake to adopt any legislative or other measures necessary to ensure that statutory or other limitations shall not apply to the prosecution and punishment of all violations of international* ***human rights law, Labour rights, Environmental norms and international humanitarian law****.*

**10.2 :** The notion of reasonable time remains far too vague to guarantee adequate protection for affected communities and individuals. We propose following amendment:

***Amendment 10.2:***

*Domestic statutes of limitations applicable to civil claims or to violations that do not constitute the most serious crimes of concern to the international community as a whole shall allow* ***~~a reasonable period of time~~******a fair and adequate*** *period of time for the investigation and commencement of prosecution or other legal proceedings, particularly in cases where the violations occurred in another State or when the harm may be identifiable only after a long period of time.*

Thank you for your attention.