



**Seventh session of the Intergovernmental Working Group on  
transnational corporations and other business enterprises with respect  
to human rights**

**Item 4: “Article 2 – Statement of Purpose (Tuesday PM)”  
October 26, 2021**

- Thank you, Chair.
- We align ourselves with the many states in the room who continue to call for alignment of this text with international law and the UNGPs. Ignoring those calls is causing this exercise to continue to be characterized by a fundamental lack of consensus.
- For reasons stated earlier and in line with the UNGPs, we cannot support language proposed that restricts the scope of this LBI to only transnational corporations, in particular in Subparagraph a.
- We stress that the obligations enumerated in this LBI are only applicable to States that have signed and ratified this Treaty. Businesses are bound by obligations arising from national laws. We therefore support the proposal by the EU and Brazil to replace the word ‘obligations’ with ‘responsibilities’ in Subparagraph b.
- On Subparagraph c, we would like to propose alternative language as follows:



- “to clarify the role of the state in preventing and mitigating the occurrence of human rights abuses in the context of business activities by effective mechanisms of monitoring and enforceability;”
  
- In order to align with the UNGPs, 2.1.d should highlight the need for access to judicial and non-judicial remedy as an essential prerequisite for access to justice.
  
- Thank you.