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

**Item 4: “Article 9 – Adjudicative Liability (Thursday PM)”
October 28, 2021**

- Thank you Chair
- The business community continues to believe that the most appropriate forum for remedy is the place where the harm occurred.
- Therefore, investments should be made in increasing State capacity to pass, implement and monitor effective, human rights-based laws, as well as in independent and competent national judiciaries.
- Such investments would go further in lowering barriers to accessing remedy and provide for clear, consistent and predictable proceedings.
- Considering Article 9’s proposed scope of adjudicative and extraterritorial jurisdiction that is so vast and ambiguous, coupled with the incorporation of vague concepts like “activity on a regular basis” and “substantial activity of defendants,” we join with the many states who have clearly stated that they cannot support the text.



- As drafted, Article 9 and the entire LBI does not enjoy broad, cross-regional support. We urge that Article 9 and the entire draft LBI be redrafted to align with the UN Guiding Principles on Business & Human Rights.

- Thank you.