**Open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights**

**Eighth session (24-28 October 2022)**

**Article 11- Applicable Law**

Thank you Mr. Chair. I speak on behalf of members of the Feminists for a Binding Treaty.

As reiterated by my colleagues earlier, we consider the third revised draft as the only legitimate basis for negotiations and base our inputs on the same. It is recommended that applicable law must also be the law of the State where the victim is domiciled. It can be added as a new ground as Art 11.2.c.

In line with Mexico and Palestine’s proposal, we would also like to emphasize that this article be retained in the legally binding instrument. **This understanding is also in line with the pro persona principle.** This can be added as a new article 11.3 and read as follows**:**

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| ***“11.3 In the event of conflict of laws resulting from obligations of States under bilateral or multilateral trade and investment agreements and their obligations under this (Legally Binding Instrument, the choice of applicable law shall be in accordance with article 14.5 of this (Legally Binding Instrument).”*** |