Thank you, Mr. Chair.

My name is Julia, a member of MAB and Via Campesina, and I speak on behalf of ABIA and TNI, members of the Global Campaign.

First, I would like to emphasize that the 3rd draft is the only representative document of the intergovernmental negotiations and the only legitimate one to serve as the basis for this 8th session.

On the third draft, we stress the importance of maintaining the prohibition of the use of the forum non conveniens thesis in article 9.3, and we therefore strongly reject China's proposal to suppress this part. Similarly, Egypt's proposal to add “unless an adequate alternative forum exists that would likely provide a timely, fair, and impartial remedy” may open a gap for applicators to use the forum non conveniens doctrine, as there will never be a full guarantee that an adequate alternative forum exists.

We welcome provision 9.4 on related claims, which will allow, for example, the possibility of trying a parent company and its subsidiary operating abroad before the same court. This is an important first step in establishing their joint and several responsibility. However, we reject Brazil's proposal to add “directly” before “connected”, and believe that this provision should be improved by adding paragraphs defining how the term “connected” should be interpreted.

Finally, we welcome the provision of 9.5, which indicates the use of the forum necessitatis, as it may help to avoid the denial of justice, but the list that has been added makes its application more restricted.

Indeed, the last words "as follows" announce a closed list when the list should be opened. The following three points should only be examples to guide judges without tying their hands. It is therefore desirable to end the paragraph with "such as" instead of "as follows", and to delete the last point 9.5.c. In fact, 9.5.c is already a criterion of jurisdiction in 9.2 and including this criterion in 9.5 would encourage judges to demand more connections than required by the forum necessitatis.

In the end, as Brazil highlighted yesterday, the treaty is a human rights document, and universal civil jurisdiction is already a discussion in international human rights law that cannot be ignored by an international treaty in these circumstances. Several States already have jurisprudence favourable to the exercise of the jurisdiction of necessity, so that ignoring this progress harms those affected in a relevant way.

We will send our specific text amendments for these different proposals.

Many thanks Mr. Chair.