**USCIB Statement**

**ARTICLE 9 LBI**

I speak on behalf of the USCIB, and continue to thank the Chair and this group for the opportunity to share my thoughts.

I would like to begin by noting that the draft proposals continue to disregard that remedy need not, and often is not, achieved through judicial means. One need look no further than the UN OHCHR’s Accountability and Remedy Project’s excellent work on this subject to recognize the breadth with which remedy can be achieved, and the principled pragmatism in allowing non-judicial or non-state-based and other non-traditional remedies to operate. There is a place for judges and magistrates and lawyers, to be sure, but effective remedy is often best achieved both quickly and locally, and often informally, all while remaining consistent with the UNGP’s.

The draft proposals reflect an unwise hierarchy of judicial over non-judicial approaches while, making matters worse, creating a hierarchy of judicial systems favoring the industrialized and well-developed systems (through attempting to minimize the concept of *Forum Non Coveniens*).

A treaty should not, of course, simply retrench the status quo of existing judicial and adjudicative infrastructures. It should not suggest that claims can or should be brought in the Global North or in industrialized countries. The best future world, where the UNGPs can be best expressed, is a world where states with enforcement and adjudicative concerns solve those concerns such that existing laws can be enforced and adjudicated locally, with ready access to evidence and strong rule of law.

The proposals regarding rights-holder choice of venue, or that call for universal jurisdiction, beyond their myriad concerns regarding comity and sovereignty, also disregard fundamental state obligations under Pillar I of the UNGPs. We need not complicate this. Claims should be adjudicated where they factually exist. Doing otherwise incents states – who claim to be treaty supporters – to not develop or reinforce their own rule of law.