

**9th session of the open-ended intergovernmental working group on
transnational corporations and other business enterprises with respect to human rights**

Preamble

25 October 2023

Delivered by Justine Fouchard

We do not agree with the removal of “international humanitarian law” in **PP6**, and support Panama and others’ position that it should be included, so that the end reads, “access to justice and remedy in case of violations of international human rights law and international humanitarian law.” We underscore the importance of including reference to “international humanitarian law” throughout the LBI, and the need for accountability in cases where businesses violate both international human rights law and international humanitarian law.

This addition would also add to the draft’s coherence, given the addition of language in **PP7** to “respect and ensure respect for international humanitarian law” (which we support).

We support the addition of language on children in **PP9**, and the additional language proposed by Panama and others.

In **PP10**, we support reintroducing language at the end of the paragraph on “labour rights, health and safety standards, the environment and climate, in accordance with relevant international standards and agreements”, as suggested by Brazil.

We support Cuba’s suggestion in **PP12** to change “responsibility” to “obligation,” and have this reflected throughout the text. We also support Brazil’s suggestion in this paragraph to have “human rights abuses and violations” and have this phrasing throughout the text.

We support the inclusion of language on State obligations towards HRDs in **PP13**.

In **PP14**, we support Panama’s addition of “marginalized situations”, and suggest adding, “including protected persons in conflict-affected areas.” We also support Mexico’s suggestion so that it reads a “human rights perspective”, and not a “business and human rights perspective.”

We support the suggestion of the UK to have a preambular paragraph on conflict but would edit **PP14** bis to “Recognizing the heightened risks of gross human rights violations in conflict-affected areas, including situations of occupation.”

Thank you.