

Intervention TNC

Monday afternoon, 15.00 – 18.00 : Subject 1, General Framework

(Primacy Human Rights)

CIEL welcomes the draft elements and encourages all states to support this process. CIEL strongly appreciates the draft elements' clear elaboration of the fundamental principle of the primacy of human rights obligations over trade and investment agreements and state obligations related to this principle. The draft principles explicitly identify the duty of States to prepare human rights impact assessments prior to the conclusion of trade and investment agreements and to refrain from entering into such agreements where they conflict with the protection of human rights. *However, it's important that the elements clarify that not only future international agreements must be consistent with human rights obligations but also existing international agreements.*

(Extraterritoriality)

Furthermore, the draft elements explain that a fundamental purpose of creating the binding framework on TNCs and OBEs is to “reaffirm that State Parties' obligations regarding the protection of human rights do not stop at their territorial borders.”

Extraterritorial obligations are obligations that relate to the acts and omissions of a State, within or beyond its territory, that have effects on the enjoyment of human rights outside of that State's territory. We suggest that the elements explicitly clarify the “extra-territoriality” nature of human rights in all references to State obligations.