

STATEMENT OF THE DELEGATION OF INDONESIA
3rd Open Ended Working Group on Transnational Corporations and
Other Business Enterprises with Respect to Human Rights

23-27 October 2017

AGENDA ITEM I: General Framework

Mr. Chairperson,

At the outset, my delegation would like to express its appreciation again to the Permanent Mission of Ecuador for preparing a draft proposal of elements of a legally binding instrument on TNCs and Other Business Enterprises with Respect to Business and Human Rights. As stated in our general statement this morning, this draft proposal has encompassed many important issues that could be useful for a more focused discussion.

On the Agenda Item of General Framework, my delegation would like to share our view on the elements in the preamble, principles, purpose and objectives sections. With regard to elements in the preamble section, we view that the documents being referred here are too broad. It is our view that the international legal instruments to be referred in this section should be those which are universal and agreeable to many states, if not all. These for examples may include the UN Charter, the Universal Declaration on Human Rights, ICESR, ICCPR, and Vienna Declaration and Programme of Action.

Furthermore, it is also important to refer to documents that are closely linked with the issue of business and human rights, in particular the UN Guiding Principles on Business and Human Rights, the Human Rights Resolution 26/9, and the Declaration on the Right to Development. Referring to many documents, in our perspective, will open unnecessary controversy which could prolong the discussion.

Mr. Chairperson,

On the elements in the principles section, we also view that the principles affirmed in this section should be those agreeable to many states. It our view that the principles stipulated in the points no 2,3,4,5, 7,8 and the last principle on general obligations of international cooperation are essential, however, other principles could either create controversy, and or need further clarification.

Finally, Mr. Chairperson, on the elements in the purpose and objectives sections, we view that some elements are overlapping. For example, the element on the need for activities of TNCs and OBEs to fully respect human rights and the element on the importance for them to ensure access to justice and remedy mechanisms are stipulated both in the purpose and in the objectives section. Therefore, we suggest to combine these two sections and streamline the overlapping elements.

I thank you.

