

Video message to the Open-ended Intergovernmental Working Group on Trans-National Corporations and Human Rights, third session
23 – 27 October 2017

I am delighted to open the third session of the open-ended intergovernmental working group on transnational corporations, and other business enterprises, with respect to human rights. Other pressing commitments outside Geneva prevent me from being to be with you in person, but I am with you in spirit.

This Open-ended Intergovernmental Working Group has been entrusted with an important task and was given a clear mandate: to elaborate an international legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises.

I congratulate the former Chairperson-Rapporteur on successfully steering the first two sessions of the Intergovernmental Working Group which have laid a fertile ground for the preparation of the elements for the draft legally binding instrument. The treaty process now enters a new phase: this week, you will be discussing a document containing these elements.

While the private sector has an important role to play in economic and social development, with the potential to create income opportunities and contribute to human capital development, among positive economic and social effects, we too often witness negative social, environmental and human rights impacts linked to business activity. Business must behave responsibly, not just within their direct operations but throughout their supply chains and business relationships, and must be held accountable for human rights abuses.

The endorsement by the Human Rights Council in 2011 of the UN Guiding Principles on Business and Human Rights was a breakthrough in efforts by the international community to extend the human rights framework to corporate actors and an important step towards corporate accountability for human rights abuse. The UN Guiding Principles stipulate that effective regulatory and policy frameworks are required to protect rights in the context of business activities. As I stated in my opening remarks to the first two sessions, there is therefore no inherent dichotomy between actively promoting implementation of the UN Guiding

Principles by both States and business, and drafting relevant new standards at the national, regional and international levels aimed at protecting rights and enhancing accountability and remedy for victims of corporate related human rights abuse.

I welcome the fact that this process now moves into the phase of discussing concrete substantive elements for a future legally binding instrument. A number of important issues are contained in the document which will be the focus of this week's deliberations, including with regard to accountability and remedy. It is my hope that the recommendations from the OHCHR Accountability and Remedy Project can provide useful substantive contributions in this regard.

In closing, I would like to reiterate our commitment and full support to this process, and I wish you all success in your deliberations.

Thank you