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Written contribution

Title: Suitable Elements for a binding treaty to hold corporations accountable to human rights
to the Third session of the OEIGWG on transnational corporations and other business enterprises
with respect to human rights, 23-27 October 2017, Room XX, Palais des Nations

We as Südwind and the Austrian Civil Society coalition of NGOs and trade unions on the Treaty on transnational corporations and other business enterprises welcome the third session and especially the publication of the elements prepared by the Chair-Rapporteur of the open-ended intergovernmental working group (IGWG) on transnational corporations and other business enterprises (TNCs and OBEs).

In Austria a Civil Society Coalition of NGOs and trade unions supporting the Treaty was formed made up of Attac Austria, DKA-Austria, Bread for the World, Austrian Trade Union Federation, Chamber of Workers, Via Campesina Austria, FIAN Austria, Network Social Responsibility

We believe that these elements set the stage for fruitful discussions about the content of the long-awaited international legally binding instrument. We support these elements as they are following on from a credible process during the last two years and aim to address the issues needing action and cooperation at international level.

In September 2012 so nearly exactly 5 years ago 254 workers lost their lives and another 55 were injured in the Ali Enterprises Fire Inferno in Karachi, Pakistan sewing our clothes we are wearing daily. In April 2013 in an even more tragic catastrophe 1135 mainly women workers were killed and over 2400 injured when the Rana Plaza building collapsed in Dhaka, Bangladesh. Till today the corporations that produced their clothes in these factories could not be held accountable. Coming from this daily work as human rights NGOs on workers rights violations in the international garment industry and human rights violations by so-called free trade agreements and as trade unions on workers and human rights as well as the ILO conventions we know that it is high time for a binding treaty to hold corporations accountable to human rights.

We welcome the clear references to the recent French legislation on “duty of vigilance” and describing the obligations of TNCs and OBEs with a “preventive” aspect , reinforcing the due diligence approach of the UN Guiding Principles on Business & Human Rights that is of utmost importance to secure and uphold human rights. Also we support the stated objective (para 1.4) to establish and strengthen effective remedy mechanisms so crucial for victims of human rights violations worldwide. We do recommend to clearly frame that TNCs and OBEs means all enterprises and companies operating on and or buying/selling on transnational level as we think here clarification in developing the Elements is needed to ensure that really all business related Human rights violations in complex supply chains with numerous independent supplier companies like in the garment industry are covered.

Throughout the world, support for this treaty is growing, illustrated by the increasingly loud call from affected communities, human rights defenders, and wider civil society, to establish internationally binding and enforceable rules to corporate conduct. Also within Austria and the EU we see there is increased support among academia, civil society organizations, the European and national Parliaments and the wider public.

We urge all members and especially the European Union, and its Member States individually, to use this historic opportunity this week to discuss and support the UN treaty in a constructive and open spirit and show that we can really act for upholding human rights before high profit and thereby realizing the potential of enhancing global standards and a level playing field