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Center for Human Rights' General Statement on the Third Revised Draft of the Legally Binding Instrument on Business and Human Rights

Chair Rapporteur

The Center for Human Rights (CHR) commends the release of the 3rd Revised Draft of the Legally Binding Instrument to Regulate, in International Human Rights Law, the Activities of Transnational Corporations and other Business Enterprises (The Treaty).

We acknowledge the refinements and improvements that have been made on earlier drafts as reflected in the current draft and make note of the progress that we have made so far and the great opportunity States have towards fulfilling the mandate of the IGWG to elaborate this international legally binding instrument.

States must continue the meaningful and constructive engagements to defend this progress and ensure that the entire process is not captured by corporations through their powerful allies. The current draft Treaty—though not yet perfect, provides for key elements around prevention, protection of human rights defenders, ensuring stringent gender responsive measure in implementation, international solidarity and extraterritorial obligations, access to remedies, rights of victims and for the first time, the use of the term 'obligations' of businesses rather than

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‘responsibilities’ to prevent and mitigate human rights abuses. These provisions go along away to cure some of the failings of the voluntary nature of the UNGPs.

As such we remain heavily concerned about propositions for a so-called framework convention which is far off from addressing global corporate accountability challenges that informed Resolution 26/9 of the Human Rights Council.

We reiterate that, whereas the process towards a legally binding instrument is a negotiated affair, it should work towards strengthening international human rights standards in the context of business activities rather than tweaking language and style of the UNGPs.

We therefore call upon all states to defend the progress made in elaborating a legally binding instrument and continue the process, reminded of the positive provisions in the draft and working towards addressing key areas highlighted by CSO actors, including clarification of regulating of corporate actors and not merely activities, stronger protection for human rights defenders, primacy of human rights over trade and investment agreements, and mHRDD should never be a shield for liability among others. Over the negotiating period, the Centre for Human Rights and partners shall continue to make detailed statements on these during the Article by Article discussions.

In conclusion, while this instrument is not yet perfect, we call on States to continue meaningfully engaging and defending the process towards a binding treaty and to accommodate and consider previous and novel comments made by Civil Society actors.

We thank you.