

### **Article 15: Institutional arrangements**

The system of treaty monitoring at the UN is already insufficient in examining State compliance with classic human rights treaties and may be even less effective in relation to practices and policies of business enterprises. The ICJ suggests that, rather than entirely replicating the existing system, the new treaty on business and human rights could build on the best elements of that system but move beyond them and establish mechanisms with strengthened functions and enhanced the effectiveness of the international system of treaty monitoring and supervision.

A Committee of independent experts with a strengthened mandate to review reports of States and business performance of this treaty remains critical. However, beyond that, the OEWG should also include provisions to reinforce the mandate of the Conference of States Parties (COP) by expanding their powers to address issues relating to business human rights responsibilities that are not addressed or are addressed in an insufficient way in the present general treaty, and elaborate and adopt further commitments and protocols with binding force to the States party at regular periods of time. This arrangement would spare the need to establish an *ad hoc* procedure each time within the Human Rights Council.

The participation of the widest range of stakeholders is the most essential in new institutional arrangements if they are going to be effective and transparent, marking a difference with institutions of the past. Such participation must include labour unions, NGOs, and other less formal associations that have a mission relative to the economic life and the operations of companies. Such participation is essential in the selection and functioning of the expert committee, but also in the COP meetings and the discharge of its functions. The ICJ finally recalls that the draft treaty should make explicit provision for a strengthened role for civil society and other stakeholders in the monitoring of compliance with its provisions by states and business enterprises.

I refer to the ICJ's full comments and recommendations to the Third Revised draft for further details <https://www.icj.org/wp-content/uploads/2021/10/ICJ-Comments-Third-Revised-LBI-2021final.pdf>