



## **UN Business & Human Rights Framework: Engaging new action at national and international level to stop abuses**

**CIDSE statement, 30 June 2014**

On 26 June, the United Nations (UN) Human Rights Council adopted by a clear majority vote a resolution that will establish a new inter-governmental working group to begin the process of elaborating an international legally binding instrument on business and human rights (20 yes, 14 no, 13 abstentions). For the wide number of communities and individuals currently suffering abuses and violations of their human rights as a result of business activity, this could be very good news. As with the existing UN Guiding Principles on Business & Human Rights, much will depend on how the international community actually takes this process forward.

In discussions during the 10-27 June Council session, there was general recognition by States of continuing gaps in the UN business and human rights framework, particularly in relation to ensuring access to justice. The desire to better protect human rights defenders was highlighted by many. But while acknowledging the limitations of current practice, States produced two quite different resolutions about how to make more progress in ensuring that companies respect human rights. One concentrates on starting a process for an international binding instrument. The second, adopted on 27 June, continues the existing Guiding Principles approach. It is disappointing that European Union (EU) Member States and the United States (US) chose to vote against the first resolution, because in fact elements of both are needed.

Amongst the numerous civil society groups taking part in an extraordinary mobilization for the Council session, were local partner organizations of CIDSE members and our faith-based allies working with affected communities in the Philippines, Colombia and Brazil. In public interventions, they contrasted the acceleration of social conflict, killings and loss of land linked to the intensification in gold, copper, and coal mining as well as bio-energy, with weak national regulation unable to guarantee accountability for powerful global corporations. And in parallel with the session, a delegation of four European bishops coordinated by CIDSE visited the La Puya mine site in Guatemala to give testimony and support in a context of serious threats against those defending communities' rights to livelihood, health, a clean environment, and peaceful protest.<sup>i</sup>

In its 11 June statement<sup>ii</sup> supporting a binding instrument, the Holy See underlined, “Both the Church and the International Community assert that beside legitimate profit, economic enterprise must work for the common good. For globalization to be true to humanity, these corporations have to abide by the standard of human rights and must assume their share of responsibility towards the common good.” For our partners in countries around the world, a thoughtfully developed international legally binding instrument would represent an important additional tool to support their struggles and help them to press national governments to ensure that businesses respect human rights.

Prevention and remedy for human rights abuses by business, and corporate accountability regarding human rights and environmental standards, are matter of concern for all countries, including those with relatively strong regulation. The 2010 BP Deepwater Horizon oil spill in the United States, as well as current discussions on an investor-state dispute settlement mechanism within the EU-US Transatlantic Trade and Investment Partnership agreement under negotiation, are illustrations of this. And in today's reality, multinational companies operating across national borders and judicial systems in their corporate structures and business relationships are no longer restricted to a handful of countries of origin.

Therefore all States should be at the table and engage in constructive discussions at this start of a new chapter in the strengthening of the UN business and human rights framework. The ultimate value of the two Council resolutions will be seen in the extent to which they lead to actions at both national and international levels which stop the occurrence of human rights abuses by businesses.

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<sup>i</sup> [CIDSE Press release](#), 24 June 2014.

<sup>ii</sup> [Statement of His Excellency Archbishop Silvano M. Tomasi, Permanent Observer of the Holy See to the United Nations and Other International Organizations in Geneva at the 26<sup>th</sup> Session of the Human Rights Council](#), Agenda Item 3 “Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises,” 11 June 2014.

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