

**Open-ended Inter-Governmental Working Group on transnational corporations
and other business enterprises with respect to human rights**

Oral Statement, 15 October 2018

CIDSE (International family of Catholic social justice organisations)

General statement

Thank you Mr. Chairman,

I speak on behalf of CIDSE, the international family of Catholic social justice organisations.

Rooted in our direct work with women and men, communities and workers around the world negatively affected by business operations, their proposals and experiences, CIDSE welcomes the zero draft Treaty text as a starting point for negotiations. The structure, consistency and focus of the zero draft text are a step forward, reflecting a number of proposals and concerns raised. In this light, it is a solid basis for further constructive debate and dialogue.

We would like to welcome a number of positive aspects of the zero draft, notably its complementarity with the UN Guiding Principles on Business and Human Rights; its focus on prevention and legal liability across the value chain; and on improving access to remedy with an emphasis on rights of the affected people. At the same time, we have identified the need for improvements in the areas of the primacy of human rights in trade and investment policies, the protection of human rights defenders, especially taking into account the disproportionate impact of corporate human rights abuses on woman; and enforcement mechanisms.

Mr. Chair, the EU has referred to the implementation of the UN Guiding Principles on Business and Human Rights. CIDSE's members have been actively involved in the development of National Action Plans on business and human rights in a number of European countries.

While we recognize that some NAPs contain positive elements, at the same time we have to acknowledge that current NAPs have clear gaps, limits and shortcomings: Almost none of the NAPs contain concrete measures to make human rights due diligence a binding requirement for companies in their activities and business relationships abroad. None of the National Action Plans improve access to justice for victims of corporate human rights abuses in home States of transnational corporations. They do not recognize extraterritorial State obligations as they have been reconfirmed in General Comment 24. Nor do they recognize the primacy of human rights over trade and investment agreements or take substantive steps to secure this primacy.

From our experience in work on business & human rights frameworks at international and national level, we can confidently say that the zero draft text reflects and builds upon the UN Guiding Principles, offering tools to strengthen their implementation and to address

acknowledged gaps, as well as upon other relevant instruments. This is a helpful dynamic in view of building broad-based support and action.

For example, the zero draft's emphasis on preventive human rights due diligence strengthens the approach of the UN Guiding Principles, making it legally binding in Article 9.2 via national legislation. There are also opportunities to build upon the recently published OECD Due Diligence Guidance for Responsible Business Conduct, which brings helpful clarity on implementation.

The zero draft's focus on the rights of people affected and access to remedy is key. This can be a strong contribution towards implementation of the third pillar of the UN Guiding Principles and its acknowledged weaknesses, with opportunities for important synergies with the OHCHR project on Access to Remedy.

Mr. Chair, the Guiding Principles wisely foresaw possible future legal developments. Here we are. This is the format we have, and increasing numbers of actors in society are calling on us to make use of it. Let us seize this the opportunity and find ways to make the bridge from the UN Guiding Principles and other frameworks so that this Treaty can help put a stop to the continuing abuses of human rights.

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