

Obligation to respect human rights in “Preamble & Statement of purpose”

Thank you, Mr. Chairman.

I deliver this statement on behalf of CCFD-Terre Solidaire and CIDSE.

We welcome this new draft, and look forward to the adoption of a legally binding instrument that effectively regulates the conduct of transnational corporations and other business enterprises in international law.

In the preamble, we welcome the fact that you underline that

“all business enterprises, regardless of their size, operational context, ownership and structure, have the responsibility to respect all human rights, including by avoiding causing or contributing to adverse human rights impacts through their own activities and addressing such impacts when they occur, as well as by preventing or mitigating adverse human rights impacts that are directly linked to their operations, products or services by their business relationships”

Yet, this goes only halfway through.

The commentary to the Principle 11 of the UNGPs states clearly that

“The responsibility to respect human rights is a global standard of expected conduct for all business enterprises wherever they operate. It exists independently of States’ abilities and/or willingness to fulfil their own human rights obligations, and does not diminish those obligations”

1. We therefore recommend that the **preamble** states clearly that

*“all business enterprises, regardless of their size, sector, location, operational context, ownership and structure **shall** respect all human rights, including by avoiding causing or contributing, etc. etc. [...] as well as by preventing or mitigating adverse human rights impacts **that are linked** to their operations, products or services by their business relationships”*

2. Then, building on the expertise of numerous academics and several experts who participated in last years’ panels and contributed to academic seminars and expert opinions, we suggest that this element is taken as a foundational element **in the article 2, building on the preamble** as follows:

“Transnational corporations and other business enterprises have obligations derived from International Human Rights Law that exist regardless of local legal frameworks. Transnational corporations and other business enterprises shall therefore respect all human rights, including by avoiding causing or contributing to human rights abuses through their own activities and addressing such abuses when they occur, as well as by preventing or mitigating human rights abuses that are directly linked to their operations, products or services by their business relationships”.

Thank you, Mr. Chairman.