

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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All States must participate in good faith in the UN intergovernmental working group on business and human rights

The first session of the UN open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights (the IGWG) will take place from 6 to 10 July, 2015. Amnesty International expresses its support for this process and urges all States to participate constructively and in good faith.

The time has come for a robust legally binding instrument clearly delineating States' duties to ensure respect for human rights in the context of business activity. Calls by civil society for a treaty largely stem from the failure of States to turn their existing commitments into action and implement existing international standards on business and human rights effectively, including through binding legal measures. The "governance gaps" noted by the former UN Special Representative on business and human rights¹ continue to exist and remain largely unaddressed today.

The international community now has an opportunity to begin discussions about the measures needed to collectively address these long recognised gaps and level the playing field between States. This endeavour should build on and complement other existing international instruments and efforts on business and human rights, including the UN Guiding Principles on Business and Human Rights.

¹ "Protect, Respect and Remedy: a Framework for Business and Human Rights". Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, John Ruggie, A/HRC/8/5 7 April 2008, para 3.

Process

As the first session of the IGWG approaches, Amnesty International calls on all States to set the process off positively by participating constructively, with a view to defining critical questions around the possible content, scope, nature and form of a future international instrument on business and human rights. Many States have publicly committed to advancing protection for human rights in the context of business activities. This is the moment to demonstrate the seriousness of this commitment by joint action in an inter-governmental standard setting process aimed at addressing global gaps in protection.

Amnesty International also urges the IGWG to allow the fullest possible participation of individuals and communities who have been or are being negatively impacted by corporate activities. Allowing these individuals and communities, their representatives and human rights defenders working with them, to share their experience and propose solutions will help ensure that deliberations are rooted in reality and that any proposals deal effectively with the problems at hand.

The process must be conducted transparently and there should be clear ground rules in place to help safeguard the process from corporate capture and undue influence being placed on decision-makers through closed door lobbying and other forms of pressure. Those wishing to have a voice in this process must do so publicly and in good faith. Specifically, all positions, proposals and concerns must be publicly raised and deliberated.

Content

A treaty must address key human rights protection gaps in prevention, accountability and remedy. It must contribute to the protection of those most exposed and vulnerable to corporate harm, including human rights defenders. It must therefore address and articulate the regulatory measures for States to take to prevent corporate abuses of human rights, including beyond States' territorial borders.

It should indicate the steps States must take to monitor and enforce compliance with these measures, and specify the mechanisms States are

obliged to put in place to ensure effective accountability and remedy for abuses, including at supra-national level.

Finally, it is critical that the process of negotiation does not lead to a treaty which has the effect of diluting or lowering existing principles and standards on business and human rights.