

**Elaboration of an international legally binding instrument on Transnational Corporations and Other Business Enterprises with respect to human rights<sup>1</sup>**

The Human Rights Council,

*Recalling* the principles and purposes of the Charter of the United Nations,

*Recalling also* the Universal Declaration of Human Rights, International Covenant on Economic, Social, and Cultural Rights, the International Covenant on Civil and Political Rights,

*Recalling further* the Declaration on the Right to Development adopted through UNGA Resolution 41/128 on 04 December 1986

*Recalling further* the Commission on Human Rights Resolution 2005/69 of 20 April 2005 by which the Commission established mandate of the Special Representative of the Secretary-General (SRSG) and all previous Human Rights Council resolutions on the issues of human rights and transnational corporations and other business enterprises, including Council resolutions 8/7 of 18 June 2008 and 17/4 of 16 June 2011, and the Commission on Human Rights resolution 2005/69 of 20 April 2005,

*Bearing in mind* the approval of the Guiding Principles by the Human Rights Council,

*Taking into account* all the work undertaken by the Commission on Human Rights and the Human Rights on the question of the responsibilities of TNCs and Other Business Enterprises with respect to human rights

*Stressing* that the obligations and primary responsibility to promote and protect human rights and fundamental freedoms lie with the State, and that States must protect against human rights abuse within their territory and/or jurisdiction by third parties, including transnational corporations,

*Emphasizing* that transnational corporations and other business enterprises have a responsibility to respect human rights,

*Acknowledging* that transnational corporations and other business enterprises have the capacity to foster economic well-being, development, technological improvement and wealth, as well as causing adverse impacts on the human rights,

*Bearing in mind* the progressive development of this issue,

1. *Decides* to establish an open-ended intergovernmental working group with the mandate to elaborate an international legally binding instrument on Transnational Corporations and Other Business Enterprises with respect to human rights

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<sup>1</sup> Other Business Enterprises denotes all business enterprises that have a transnational character in their operational activities and does not apply to local businesses registered in terms of relevant domestic law.

2. *Decides also* that the open ended intergovernmental working group shall hold its first session for five working days in 2015, before its thirty session;
3. *Recommends* that the first meeting of the open-ended intergovernmental working group will serve to collect inputs, including written inputs, from States and relevant stake holders of possible principles and elements of such international legally binding framework;
4. *Affirms* the importance of providing the open-ended intergovernmental working group with the independent expertise and expert advice to fulfil its mandate;
5. *Requests* the United Nations High Commissioner for Human Rights to provide the open-ended intergovernmental working group with all the assistance necessary for the effective fulfillment of its mandate;
6. *Request also* the open-ended intergovernmental working group to submit a report on progress made to the Human Rights Council for consideration at its thirty-first session;
7. *Decides* to continue consideration of this question in conformity with the annual programme of work of the Human Rights Council.