

Statement by European NGOs on the publication of the elements for the open-ended intergovernmental working group (IGWG) on transnational corporations and other business enterprises for Cohom, Member States, the European Commission and the European Parliament.

The undersigned organisations welcome the [publication of the elements](#) which were prepared by the Chair-Rapporteur of the open-ended intergovernmental working group (IGWG) on transnational corporations and other business enterprises (TNCs and OBEs) with respect to human rights on October 2nd, 2017.

We believe that the elements presented by the Chair-Rapporteur set the stage for fruitful discussions about the content of the long-awaited international legally binding instrument. We support these elements as they are following on from a credible process during the last two years and aim to address the issues needing action and cooperation at international level, where gaps have been clearly recognized – under the helpful headlines of obligations, prevention, effective remedy, jurisdiction, international cooperation, enforcement mechanisms.

We welcome the scope of application based on the “transnational character” of the activities, regardless of the mode of creation, control, ownership, size or structure. We welcome the fact that point 2.3 makes a clear reference to the “Actors subject to its application” including TNCs and OBEs. We welcome the clear references to the recent French legislation on “duty of vigilance” and describing the obligations of TNCs and OBEs with a “preventive” aspect (the “vigilance plan” mentioned in paragraph 4), as well as the stated objective (para 1.4) to establish and strengthen effective remedy mechanisms.

We will prepare a more in-depth statement regarding the different parts of the draft elements, which we will be happy to share as inputs for your preparations for the upcoming IGWG session taking place October 23-27th in Geneva.

Throughout the world, support for this treaty is growing, illustrated by the increasingly loud call from affected communities, human rights defenders, and wider civil society, to establish internationally binding and enforceable rules applicable to corporate conduct. Also within Europe we see there is increased support among academia, civil society organizations, and the wider public.

The European Union has an important role to play in the upcoming negotiations for global justice, especially in a time of rising isolationism. At a time at which the EU is proposing to start negotiations on an international framework for investor rights (the Multilateral Investment Court), we strongly believe that strengthening and upholding human rights for victims of corporate abuse in the context of investment should be prioritized.

We urge the European Union, and its Member States individually, to use this historic opportunity to support the UN treaty and show that Europe can be a champion on multilateralism and human rights and business.

We call on our governments, the Cohom and the European Commission to:

1. Prepare in a constructive and open spirit the European participation in the IGWG session, with a view of protecting victims of business related human rights abuse from future harm, and remedying harms where they occur. We think it is important that the 28 Member States are able to freely discuss their position, as we think that each Member State has a valuable contribution to make.
2. Discuss the draft elements with European civil society at national level and in Brussels. As we have said before, we think it is important to have a substantive discussion on the elements that are being proposed including their implications, implementation and effectiveness in preventing and addressing business related human rights abuses.

We very much hope that there will be a possibility to exchange thoughts before October 23rd, which could take different forms, such as providing analysis regarding the draft elements; convening an expert meeting, providing a presentation at the Cohom or holding bilateral or round table discussions.

We look forward to hearing from you and are available for any further exchange of views.

With kind regards,

- ActionAid
- Attac Norway
- Broederlijk Delen
- 11.11.11.
- CAFOD
- CCFD-Terre Solidaire
- Christian Mutual Health Funds (National Alliance of)
- CIDSE
- CNCD-11.11.11
- Commission Justice et Paix
- Constituante.be
- Corporations-Zero Tolerance/CorporaçõesTolerância zero
- ECCJ
- Entraide et Fraternité
- Friends of the Earth Europe
- Friends of the Earth France
- Global Policy Forum
- HUMAN RIGHTS INTERNATIONAL CORNER
- IUCN National Committee of the Netherlands
- Links Ecologisch Forum - Forum Gauche Ecologie
- Magyar Természetvédők Szövetsége / Friends of the Earth Hungary
- Maison médicale Alpha Santé
- Mani Tese
- Pro Ethical Trade Finland
- ShareAction
- SOMO