The Way Forward

Towards a UN Treaty on Business and Human Rights:
The Future Process and Key Elements

Roundtable Discussion

Room XII, Palais des Nations, Geneva, 9 March 2018, 13:00-14:30

In June 2014, the Human Rights Council established the open-ended inter-governmental working group (OEIGWG) to elaborate an international legally binding instrument on transnational corporations and other business enterprises with respect to human rights. After three sessions in 2015, 2016 and 2017 and substantive discussions on the scope and content, it is time to begin negotiations among those parties interested in the treaty initiative on the possible form of such an instrument and explore options for the way forward in order to reach an ambitious and timely result.

How to strengthen the political support of the process across regional groups? How to speed up the process, overcome obstacles, and avoid dead-ends in the negotiations? What are the lessons to be learnt from other highly contested (but ultimately successful) international initiatives? What are the most promising and effective modalities to organize the negotiation process? Human rights due diligence is a key principle of the UN Guiding Principles on Business and Human Rights and has been included in many international standards. Several Member States have passed laws and set up initiatives requiring companies to implement due diligence. The concept of duty of care should be a key element of the envisaged legally binding instrument. How should this element be elaborated and what further measures would be required for its implementation?

On the occasion of the presentation of the report on the third OEIGWG session to Human Rights Council, we will be evaluating the political context, possible ways ahead and the concept of duty of care as key element of the prospective treaty. We invite you to discuss these questions in an informal setting together with representatives from Member States, UN agencies, academia, and civil society organizations. To facilitate the free and open exchange of views, the roundtable discussion will be held under the Chatham House Rules.
Inputs by

Sandra Ratjen, International Advocacy Director at Franciscans International
Dr. Nicolas Bueno, Lecturer and Postdoctoral Researcher at Université de Lausanne

With initial comments by

- Representative of Ecuador (tbc)
- Representative of South Africa (tbc)
- Representative of Member State of African Group (tbc)
- Representative of Member State of Latin America & Caribbean Group (tbc)
- Representative of Member State of Asia Pacific Group (tbc)
- Representative of Member State of Western Europe & Other Group (tbc)
- Representative of Member State of Eastern European Group (tbc)

Facilitator: Anne van Schaik, Accountable Finance Campaigner, Friends of the Earth Europe

As space for the roundtable discussion is limited, we kindly ask you to RSVP by 7 March 2018 to karolinseitz@globalpolicy.org

The roundtable discussion will be held in English.
Light refreshments will be served at 13:00 hrs.