

## DELEGATION OF THE EUROPEAN UNION TO THE UNITED NATIONS OFFICE IN GENEVA

Author: [REDACTED]

Date: 23 June 2017

Classification:

None

**Subject: Business and Human Rights: UN Working Group's extension reaffirms a commitment to implement the UN Guiding Principles, while Ecuador/South Africa continue to push for a treaty**

### **Summary:**

*The Human Rights Council adopted on 22 June 2017 a resolution presented by the core group (Argentina, Ghana, Norway, Russian Federation) extending the UN Working Group on Business and Human Rights for another three years and giving another boost to the implementation of the UN Guiding Principles, also in the framework of the 2030 Agenda.* [REDACTED]

[REDACTED] *EU stated that the adoption without a vote "reaffirms a global consensus and commitment to implement the UN Guiding Principles on Business and Human Rights, including their provisions on access to remedy". A number of events during the HRC session confirm the continued attention to this file - and at times, its politics.*

### **Assessment:**

## Details:

1. This note provides a state of play on Business and Human Rights, with a focus on the adoption by the Human Rights Council of a resolution extending the Working Group on "on the issue of human rights and transnational corporations and other business enterprises" – increasingly referred to as Working Group "on Business and Human Rights" - for a period of three years, and the dynamics with the separate track led by Ecuador/South Africa towards a legally binding instrument.

2. HRC adopted on 22 June 2017 a resolution presented by the core group (Argentina, Ghana, Norway, Russian Federation) extending the UN Working Group on Business and Human Rights for another three years. [REDACTED]

[REDACTED]

[REDACTED] The EU did all it could to support the efforts of the core group to find a compromise, including by accepting additional language on access to remedy. In its General Comment at the time of adoption [attached], the EU stated that the adoption without a vote "reaffirms a global consensus and commitment to implement the UN Guiding Principles on Business and Human Rights, including their provisions on access to remedy". The EU recalled that it suggested clearer language on the role of human rights defenders which was not accommodated – [REDACTED]

[REDACTED]

3. In addition to the negotiation of the resolution, HRC35 saw a continued attention to Business and Human Rights in the plenary as well as in the margins. In the plenary, the Working Group presented its latest reports [EU intervention in the Interactive Dialogue attached] and the report of the 2016 Forum on Business and Human Rights was also formally introduced with a confirmation that the 2017 Forum on 27-29 November will focus on "Realizing Access to Remedy".

4. Several events were organized during the session. [REDACTED]

[REDACTED]

[REDACTED] In a separate event on "Investment-related Dispute Settlement: towards comprehensive accountability and inclusive access to remedy", Ecuador made the case for a legally binding instrument; the EU was mentioned by one of the speakers with regard to the proposal [visibly from the 2015 "Trade for All" Communication] of an International Investment Court and linking this to the debate on a legally binding instrument [rough notes attached].

[REDACTED]

activities as per resolution 31/36. NGO Monitor introduced the author of a report "Who else

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**Sign-off:** [Redacted signature line]

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