

INFORMAL TPC S&I

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Non paper: Business and human rights - possible implications on investment policy

This paper presents the state of play of the discussions on a **possible binding Treaty on business and human rights** which are taking place at the United Nations (UN) in Geneva, as well as the key implications from an investment policy perspective. Depending on the dynamics of the multilateral agenda on this topic, more detailed technical discussions may be required in the coming months.

1. BACKGROUND

In 2014, a **UN General Assembly Resolution** established an open-ended intergovernmental working group (OEIWG) with the mandate to “**elaborate an international legally binding instrument to regulate, in international human rights law, the activities of transnational corporations (TNCs) and other business enterprises (OBEs)**”.

The latest meeting, which took place in October 2017, was focused on discussing **draft Elements for the proposed content of the Treaty** (see **Annex 1**), as a **scoping exercise** for the future binding instrument.

A first **draft of the Legally Binding Instrument (LBI)** on business and human rights is to be proposed in 2018, which means that the next session of the OEIWG will be dedicated to a text-based discussion.

2. KEY ISSUES AND OPTIONS FROM AN INVESTMENT POLICY PERSPECTIVE

A **draft elements** paper ("Elements") was circulated at the latest OEIWG session as a scoping exercise for the future LBI. The document reflects various inputs provided by the UN countries which previously participated in the discussions. It provides a useful overview of the main topics and issues that could be brought at the negotiations table.

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The **various options** regarding the future LBI are currently being formulated and discussed by EEAS in coordination with the Member States (COHOM). They concern a wide range of matters, [REDACTED]

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