

## 17th session of the Human Rights Council - Item 3

### Introduction of draft resolution L17: Human Rights and transnational corporations and other business enterprises

Mr. President,

I have the honour to introduce draft resolution L.17 entitled Human Rights and Transnational Corporations and Other Business Enterprises on behalf of a cross regional group of main sponsors, Argentina, India, Nigeria, the Russian Federation and my own country, Norway.

In 2008, when extending the mandate of the Special Representative of the Secretary General, the Human Rights Council tasked Professor John Ruggie with operationalizing the “Protect, Respect and Remedy” framework. At this milestone and at the conclusion of his mandate he has presented us with a set of Guiding Principles for the implementation of the UN Protect, Respect and Remedy framework. The Guiding Principles provide both states and business enterprises with concrete and practical guidance on how to increase protection from, and remedy, business-related human rights harm.

The draft resolution before us seeks to endorse the Guiding Principles. This will not, as Professor Ruggie says in his final report to the Human Rights Council, bring business and human rights challenges to an end, but it will mark the end of the beginning: by establishing a common global platform for action, on which cumulative progress can be built, step by step, without foreclosing any other promising long term developments.

When setting the course for the next phase of this important work, we need to remember the complex history of this issue in the UN human rights system, characterized by deep divisions among the various stakeholders. It is therefore the view of the main sponsors that we need to continue the fact based and incremental approach so successfully carved out by Professor Ruggie.

To consolidate the work and achievements to date, the resolution proposes to establish a Working Group for a period of three years on the issue of Human Rights and Transnational Corporations and Other Business Enterprises, consisting of five independent experts of balanced geographical representation. The area of business and human rights is still an emerging field and the magnitude of the task of carrying this initiative forward should not be underestimated. The core sponsors are convinced that a Working Group consisting of experts from all five regions will result in a much greater combined knowledge about the variety of circumstances and challenges in the area of business and human rights and will be better placed to tailor measures when needed. It will also ensure broader ownership of the process in the years to come.

The resolution proposes to task the Working Group with the dissemination and implementation of the Guiding Principles. Other important elements included in the mandate are:

- to identify, exchange and promote good practices and lessons learned on the implementation of the Guiding Principles and to assess and make recommendations thereon, and in that context to seek and receive information,

-to provide support for efforts to promote capacity building and to continue to explore options and make recommendations for enhancing access to effective remedies, including in conflict areas,

-to conduct country visit and to cooperate with all relevant actors

Moreover, to secure and build on the constructive involvement by all stakeholders, the resolution also seeks to establish an Annual Forum on Business and Human Rights under the guidance of the Working Group.

It is the view of the main sponsors that the success of the outgoing mandate holder results to a large extent from the inclusiveness of his approach and his ability to develop open communications with all stakeholders. We believe it is time to institutionalize this multi-stakeholder involvement and create a forum for dialog and cooperation to support and strengthen the Working Group.

Mr. President,

We have held four open informal consultations on the draft resolution, and also consulted delegations bilaterally. The version that has been distributed in the room is the result of extensive negotiations. On behalf of Argentina, India, Nigeria, the Russian Federation and my own country, Norway, I would like to thank all delegations for their constructive approach and willingness to show flexibility and engage in fruitful discussions on this important issue. We have made an effort to take on board concerns. Thus the version submitted for action contains amendments to OP4, OP6e and OP15, whereas OP10 has been deleted. I will not read out the amendments.

Finally, I would like to extend a special thanks to the delegations from all regions that have co-sponsored the resolution. It is our strong hope that the resolution will be adopted by consensus.