**OBSERVATIONS**

**Draft General Comment on State Obligations under the International Covenant on Economic, Social and Cultural Rights in the Context of Business Activities**

1. Paragraph 8 of the draft GC refers to the provision stipulating that the realization of Covenant rights are subject to the State’s maximum available resources (Article 2(1)). General Comment No. 3 (“GC 3”) of the Committee states that in any assessment as to whether a State has failed to achieve its minimum core obligations under Article 2(1) of the Covenant, account must be taken of the resource constraints applying within the country concerned. Cross-referencing to the standards outlined in the GC 3 regarding the implementation of the Covenant where resources might be limited is recommended, to underscore the importance of this qualification of the obligations under the ICESCR.
2. Paragraphs 39 and 40 of the draft GC refer to Article 2(1) of the Covenant which provides that the steps contemplated in fulfilment of the obligations under the Covenant may be done through international assistance and co-operation especially economic and technical. The draft GC does not set out a specific framework in terms of how other States Parties may provide economic and technical support to other States in the realization of Covenant rights; rather, it vaguely instructs States Parties to “maintain an international environment that enables the fulfilment of Covenant rights”. This aspect of article 2(1) of the Covenant was discussed in GC 3, which cross references GC 2 dealing with international technical assistance and cooperation. The draft GC could, therefore, be revised to recall those GC comments dealing with international assistance and cooperation.
3. Non-judicial remedies are discussed in paragraphs 50 and 51. Nonetheless, there is no specific reference to the types of non-judicial remedies that should be made available. It is suggested that the Committee consider making reference to specific non-judicial remedies, such as mediation, in a single sentence in paragraph 50.

***Ministry of Foreign Affairs and Foreign Trade***

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