



**Statement by Mr. Michael K. Addo
Member of the Working Group on the issue of human rights and transnational
corporations and other business enterprises**

**Open-ended intergovernmental working group on transnational corporations and other
business enterprises with respect to human rights**

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Madam Chairperson, excellencies, distinguished delegates, ladies and gentlemen,

I thank you for the opportunity on behalf the WG on Business and Human Rights, to share the experiences of our mandate to promote the implementation of the UNGPs. We believe some of those lessons are valuable for the work of the IGWG. We also believe that this opportunity affirms the inextricable connection between the work of the two bodies as part of the continuing search for effective mechanisms for preventing and remedying adverse corporate human rights impacts.

In this regard, I wish to recall the statement of the WG welcoming the establishment of the IGWG and the common viewpoint expressed by States then and now in this meeting in their renewed commitment that any efforts to strengthen international standards should build upon and be complementary to the framework set out in the Guiding Principles.

The new inter-governmental process does not in any way reduce the need for all States to take steps now to implement their duty to protect human rights. Similarly, all business enterprises need to increase efforts to implement the corporate responsibilities to respect human rights. This also implies enhancing access to effective remedy for victims. The GPs are, after all, the most authoritative global standard on business and human rights and its three pillar framework is the product of a long consultation across stakeholder communities. Its definition of different but complementary duties and responsibilities between States and business alongside the access to remedy has not only been endorsed by the Human Rights Council but is based on a rigorous appreciation of international law.

This, will no doubt, entail the need to scale up the implementation of the UNGP including, we submit through the treaty process. In this regard it is important to stress that the Guiding Principles are not “voluntary” in nature. Rather, they are based on legally binding treaty obligations that need to be enforced at the national and international levels. This treaty process may therefore consider drawing on some of the lessons from the wider international human rights implementation process.

The Working Group has advocated the development of national action plans on business and human rights as one way of strengthening national human rights protection mechanisms. In this regard we welcome the Council’s decision to encourage all States “to submit information on their national action plans and other relevant initiatives, with annual reports on the implementation of such commitments.”

We note that there has been growing uptake of this call with 6 NAPs already launched and another 25 in the process of development. We hope that the treaty process will find a way of affirming this message as part of a mix of mechanisms to achieve effective implementation of the UNGPs.

Recent surveys undertaken by the WG and the Economist Intelligence Unit confirms that a growing number of companies of different sizes and in different geographies have welcomed the UNGPs and have begun to embed them in the policies and those of their supply chains. Industry bodies such as the mining industry’s International Council on Mining and Metals and the oil and gas sector’s International Petroleum Industry Environmental Conservation Association have developed several tools to help companies to implement the Guiding Principles. Corporate law firms and bar associations are also increasingly emphasizing that

corporate practice not only needs to be in compliance with domestic legal requirements, but also aligned with international human rights standards, in particular the Guiding Principles. In the area of finance, there is growing recognition among investors of the utility of the Guiding Principles as a framework for managing social risks in a business context.

Madam Chair, in Resolution 26/22, the Council invited the OHCHR to work in collaboration with the WG to explore the full range of legal options and practical measures for victims of business-related human rights abuses. The remedy and accountability project is moving at pace and it has progressed to the stage of data collections and this too should be relevant to the work and outcomes of the IGWG.

In resolution 17/4 (2011) establishing the WG, the Council mandated the WG to guide the Annual forum on business and human rights and this has become the main global forum for multi-stakeholder dialogue on business and human rights. The issue of access to remedy has always been a central part of this annual forum and will remain so this coming year. I am pleased to announce that the programme for this year's forum has been made public today on the forum website.

Madam Chair, excellencies, distinguished delegates, ladies and gentlemen, it is fairly evident that the UNGPs have been received well by all stakeholders albeit in clear recognition that there is room for further progress in its implementation and this can be done in collaboration with the IGWG.

Over the past years, the Working Group has gained further understanding and learned some valuable lessons that we wish to share with the IGWG:

- *Process is as important as substance: An inclusive, transparent and consultative process is a good basis for legitimacy and buy-in.*
- *No need for the creation of new law: There is a range of legal standards that require implementation. There is therefore no need for new standards.*
- *Be pragmatic and evidence based – think of the victims.*
- *Consider a progressive and realistic development rather than abstract revolutionary ideas whilst at the same time not losing sight of the need to strengthen the promotion and protection of human rights;*
- *Strengthen the primary responsibility of States through inter-State cooperation*

The WG views the work of the IGWG as part of a continuing process to achieve a credible and effective means of implementing the UNGPs, especially as they relate to victims of business related human rights harm.

I thank you for your kind attention.