

SRSG John Ruggie

Address to the sixth Inter-Committee Meeting of the human rights treaty bodies

Geneva, June 19, 2007

On 19 June 2007, the Special Representative of the Secretary-General (SRSG) on the issue of human rights and transnational corporations and other business enterprises addressed the sixth Inter-Committee meeting of the human rights treaty bodies. The annual Inter-Committee meeting includes the chairpersons as well as two other members from each treaty body. The SRSG requested the opportunity to address the meeting in order to share the findings of his work regarding the important role of the treaty bodies in the business and human rights sphere.

The SRSG began by introducing his mandate, which includes elaborating on States' roles in effectively regulating and adjudicating businesses with regard to human rights. To this end, he explained that he commissioned a series of reports mapping the scope and content of States Parties' responsibilities vis-à-vis business activities under seven of the United Nations' core human rights treaties and as elaborated by the treaty bodies. He noted that Addendum 1 to his March 2007 Human Rights Council report summarizes these reports and that they are available as completed at his website.¹

The SRSG invited the meeting participants to provide feedback on the project, which looked both at treaty provisions and treaty body materials, including General Comments, Concluding Observations and Decisions related to individual communications.

The SRSG also asked the participants for any further insights regarding: (1) the scope and content of the State duty to protect vis-à-vis corporate activities; (2) whether States should regulate the acts of natural persons within offending enterprises or the enterprise itself; (3) whether the treaties require States to regulate the overseas acts of "their" corporations; (4) the nature of States' obligations regarding State owned or controlled companies; and (5) the nature and origin of corporate responsibilities under the treaties.

In the time scheduled for the discussion, sixteen out of twenty-four participants took the floor and welcomed the SRSG's work, with several noting its important innovative results and expressing interest in developing closer ties. A number of participants mentioned that the treaty bodies have addressed, and will continue to address, the issue of business and human rights. In particular, some participants noted that they have recommended that States consider the impact on human rights of trade agreements, both bilateral and multilateral, and that they have also focused on the importance of States protecting rights in free trade zones.

¹ A/HRC/4/35/Add.1. Also see <http://www.business-humanrights.org/Gettingstarted/UNSpecialRepresentative>.

In relation to the scope of the duty to protect, several participants highlighted that States have an obligation to take effective measures to ensure that all enterprises respect human rights. Another said that the due diligence concept discussed by some treaty bodies in relation to the duty to protect applies to the protection of all recognized rights capable of abuse by private parties. There was also discussion around issues linked to privatization of core government services. Concerning regulation with extraterritorial effect, several participants said that their committees encourage States to regulate corporate abuses abroad in some specific instances. One participant believed that a General Recommendation on the topic could help further States' understanding of their obligations regarding corporate activities.

The SRSG said that one among several strategies he is pursuing relative to the State duty to protect is to examine specific policy mechanisms that may adversely affect the ability of States to achieve the fuller realization of rights – for example, bilateral investment treaties and host government agreements. Another is to explore the human rights duties owed by home States when promoting investments abroad.

The Chairperson of the meeting expressed the hope that the SRSG might attend a similar forum again or otherwise meet with the individual committees.

The SRSG concluded by saying that he was deeply grateful for the participants' comments and looked forward to continue working with the treaty bodies.