



Republic of Ecuador



**SOUTH  
CENTRE**



Republic of South Africa

## **SAVE THE DATE**

The Permanent Mission of Ecuador and the Permanent Mission of South Africa, in collaboration with South Center, have the honour to invite all Permanent Missions to the United Nations and other participants to the High Level Side Event on:

### **“MOVING FORWARD TOWARDS THE ELABORATION OF A LEGALLY BINDING INSTRUMENT ON TRANSNATIONAL CORPORATIONS AND OTHER BUSINESS ENTERPRISES WITH RESPECT TO HUMAN RIGHTS”**

**Monday, 18 September 2017**  
1:15 P.M. - 2.30 P.M.

**Venue:**  
United Nations Conference Room 5

*English/Spanish/ interpretation will be provided*

*For further information on the event and RSVP, please contact:  
Permanent Mission of Ecuador. Telf: (212) 935-1680. Email: [ecuador@un.int](mailto:ecuador@un.int)*



Republic of Ecuador



**SOUTH  
CENTRE**



Republic of South Africa

## CONCEPT NOTE

### Background

1. The United Nations, through its different organizations and bodies, has adopted several resolutions and recommendations for more than a decade, in relation to the issue of Business and Human Rights, aiming in most of them, to guarantee the respect, promotion and protection of human rights against violations or abuses resulting from the operations of transnational corporations and other business enterprises, including through the prevention of such adverse impacts, the access to justice for victims of such violations as well as the accountability of all relevant actors.

2. In this regard, as one of the most important steps forward in this longstanding objective, in June 2014 the Human Rights Council adopted Resolution A/HRC/RES/26/9 entitled “Elaboration of an International Legally Binding Instrument on Transnational Corporations and other Business Enterprises with respect to Human Rights”, establishing an Open-ended Intergovernmental Working Group – OEIGWG with the mandate to elaborate such instrument.

3. Pursuant to the referred mandate, the first two sessions of the Working Group, were held in July 2015 and in October 2016, with the participation of States, UN entities and other international organizations, non-governmental organizations, business sector organizations, academia, civil society representatives and experts from all the regions, undertaking constructive deliberations on the content, scope, nature and form of the future international instrument.

4. In order to promote a constructive, inclusive and transparent process, H.E. María Fernanda Espinosa, Minister of Foreign Affairs and Human Mobility of Ecuador, held during the past two years, in her capacity as Chairperson-Rapporteur of the OEIGWG, more than two-hundred bilateral and multilateral consultations and other kind of activities, not only in Geneva and in New York, but also in different places around the world, with States and other relevant stakeholders in order to collect the different views and inputs from all actors and identify the bases for consensus on possible content of the future legally binding instrument.

5. This year, between the 23<sup>rd</sup> and the 27<sup>th</sup> of October, the OEIGWG will hold its third session in Geneva, which can be another milestone in this longstanding objective, taking into account that according to Resolution 26/9, the Chairperson-Rapporteur of the OEIGWG should prepare elements for the draft legally binding instrument, for substantive negotiations at the commencement of that third session, taking into consideration the discussions held at its first two sessions.

### **General Objective:**

To inform to the wider UN Membership on the stage of the preparation of the third session of the OEIGWG and the elements for the draft legally binding instrument, as well as to exchange views with different relevant actors on their expectations, priorities and proposals for the future instrument.

### **Specific Objectives:**

Recall the importance and urgency to overcome the legal gaps and imbalances in the current international system to address the adverse impacts of the operations of transnational corporations and other business enterprises in the enjoyment of human rights in different areas, including but not limited to, in relation to public health, environment, labour rights, education, competence, rule of law, poverty eradication and sustainable development at large.

Identify the main legal and other obstacles faced by victims of human rights abuses or violations by transnational corporations and other business enterprises, particularly with regard to access to justice, effective remedy, non-repetition and accountability, taking into account different sectors and structures.

Provide an opportunity for an exchange of lessons learned, good practices, recent legislations and remaining challenges in relation to the prevention, due diligence, and international cooperation for the investigation and enforcement of human rights violations or abuses resulting from the operations of transnational corporations and other business enterprises.

### **Format, Date and Venue:**

The side event will be open to States and all other relevant stakeholders, and will be held in English and Spanish (with interpretation services)

It will consist of presentations by the invited panelists, followed by an interactive dialogue and conclusions.

The side event will take place on the 18<sup>st</sup> of September 2017, from 13h15 to 14h30, in Conference Room 5, at the UN Headquarters, in the framework of the General Debate of the 72<sup>nd</sup> session of the United Nations General Assembly.

### **Panelists:**

- H.E. María Fernanda Espinosa, Minister of Foreign Affairs of Ecuador and Chair of the OEIGWG
- Representative of South Africa (tbc)
- Manuel Montes, Senior Advisor, Finance and Development of South Centre
- Gonzalo Berrón – Associated Fellow – Transnational Institute
- Dominique Potier - French Parliamentarian