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**Working Group on the Right
to Development**
22nd Session (22-26 November 2021)
Point 4.3 of the agenda
Debate on the Draft Convention on the Right
to Development

Comments by CETIM on the obligations of TNCs¹

Mr President,

We have several comments to make in relation to yesterday afternoon's debate on the human rights obligations of transnational corporations (TNCs). Confusion is being maintained on this subject in certain circles, whether or not deliberately, despite the fact that it is an extremely important question for the achievement of the right to development.

Firstly, several UN human rights bodies enshrine TNCs obligations to respect human rights, as stated by Mr Kanadé.

Secondly, the aim of current negotiations in the intergovernmental working group of the Human Rights Council for a legally binding treaty on TNCs is to define the contours of the obligations of TNCs and of their value chain.

Thirdly, a clear distinction must be made between the human rights obligations of states and those of TNCs. States have general obligations to respect, to enforce respect and to implement human rights in territories and populations under their jurisdiction. They also have the obligation not to violate the human rights of peoples who are not under their jurisdiction and to enforce respect of human rights by TNCs, institutions and international bodies.

As for TNCs, they have the obligation to respect human rights, work place and environmental norms in the context of their economic and commercial activities. In other words, the parent company of a given TNC must itself respect the above mentioned norms and ensure their respect by companies which form part of its value chain.

Fourthly, the drafting of laws, their application and the sanctions to be imposed on offenders are the exclusive prerogative of states.

Mr President,
Thank you for your attention.

Geneva, 24 November 2021

¹For more information on this subject, please see the CETIM publication entitled "Transnational Corporations' Impunity", available in three languages (English, Spanish and French) on the CETIM website at <https://www.cetim.ch/human-rights-series/>