



**General Assembly**

Distr.  
LIMITED

A/HRC/8/L.8  
12 June 2008

Original: ENGLISH

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HUMAN RIGHTS COUNCIL  
Eighth session  
Agenda item 3

**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL,  
POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS,  
INCLUDING THE RIGHT TO DEVELOPMENT**

**Argentina\*, India, Nigeria, Norway\*, Panama\*,  
Russian Federation: draft resolution**

**8/... Mandate of the Special Representative of the Secretary-General  
on the issue of human rights and transnational corporations  
and other business enterprises**

*The Human Rights Council,*

*Recalling* Commission on Human Rights resolution 2005/69 of 20 April 2005 on the responsibilities of transnational corporations and related business enterprises with regard to human rights,

*Bearing in mind* paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

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\* Non-member State of the Human Rights Council.

*Recalling* Council resolutions 5/1 on institution-building of the Human Rights Council and 5/2 on the code of conduct for special procedures mandate-holders of the Council of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

*Stressing* that the obligation and the primary responsibility to promote and protect human rights and fundamental freedoms lie with the State,

*Emphasizing* that transnational corporations and other business enterprises have a responsibility to respect human rights,

*Recognizing* that the responsible operation of transnational corporations and other business enterprises and effective national legislation can contribute to the promotion of respect for human rights and assist in channelling the benefits of business towards contributing to the enjoyment of human rights and fundamental freedoms,

*Concerned* that weak national legislation cannot effectively mitigate the negative impact of globalization or derive maximally the benefits of activities of transnational corporations and other business enterprises and that therefore efforts to bridge governance gaps at the national, regional and international levels are necessary,

1. *Welcomes* the reports of the Special Representative and in particular the identification, through the process of consultations, studies and analysis, of the framework based on the three overarching principles of the State duty to protect all human rights from abuses by transnational corporations and other business enterprises, the corporate responsibility to respect all human rights, and the need for access to effective remedies, including through appropriate grievance mechanisms;

2. *Recognizes* the need to operationalize this framework with a view to providing more effective protection to individuals and communities against human rights abuses by transnational corporations and other business enterprises, and to contribute to the consolidation of existing relevant standards and any future initiatives;

3. *Welcomes* the broad range of activities undertaken by the Special Representative in the fulfilment of his mandate, including in particular the comprehensive, transparent and inclusive consultations conducted with relevant and interested actors in all regions;

4. *Decides* to extend the mandate of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises for a period of three years, and requests the Special Representative:

(a) To provide views and recommendations on ways to strengthen the fulfilment of the duty of the State to protect all human rights from abuses by transnational corporations and other business enterprises, including through international cooperation;

(b) To elaborate further on the scope and content of the corporate responsibility to respect all human rights and to provide concrete guidance to business and other stakeholders;

(c) To explore options and make recommendations, at the national, regional and international levels, for enhancing access to effective remedies available to those whose human rights are impacted by corporate activities;

(d) To integrate a gender perspective throughout his work and to give special attention to persons belonging to vulnerable groups, in particular children;

(e) To liaise closely with the efforts of the human rights working group of the Global Compact in order to identify, exchange and promote best practices and lessons learned on the issue of transnational corporations and other business enterprises;

(f) To work in close coordination with United Nations and other relevant international bodies, offices, departments and specialized agencies, and in particular with other special procedures of the Council;

(g) To continue to consult on the issues covered by the mandate on an ongoing basis with all stakeholders, including States, national human rights institutions, international and regional organizations, transnational corporations and other business enterprises, and civil

society, including academics, employers' organizations, workers' organizations, indigenous and other affected communities and non-governmental organizations, including through joint meetings;

(h) To report annually to the Council and the General Assembly;

5. *Encourages* all Governments, relevant United Nations agencies, funds and programmes, treaty bodies, civil society actors, including non-governmental organizations, as well as the private sector to cooperate fully with the Special Representative in the fulfilment of his mandate, inter alia, through the submission of comments and suggestions on the issues related to his mandate;

6. *Requests* the Office of the United Nations High Commissioner for Human Rights to organize, within the framework of the Council, a two-day consultation bringing together the Special Representative of the Secretary-General, States, business representatives and all relevant stakeholders, including non-governmental organizations and representatives of victims of corporate abuse, in order to discuss ways and means to operationalize the framework, and to submit a report on the meeting to the subsequent session of the Council, in accordance with its programme of work;

7. *Invites* international and regional organizations to seek the views of the Special Representative when formulating or developing relevant policies and instruments;

8. *Requests* the Secretary-General and the High Commissioner for Human Rights to provide all the necessary assistance to the Special Representative for the effective fulfilment of his mandate;

9. *Decides* to continue consideration of this question in conformity with the annual programme of work of the Council.

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