



Ministry of Foreign Affairs
Minister Sigrid Kaag and Minister Halbe Zijlstra
Postbus 20061
2500 EB Den Haag

Amsterdam, 27 October 2017

Subject: Active engagement by the EU and Member States in next steps of the UN treaty process¹

Dear Mrs. Kaag, dear Mr. Zijlstra,

First of all, we would like to congratulate you with the assumption of your positions as Minister of Foreign Affairs and Minister of Foreign Trade and Development Cooperation respectively.

This week more than 200 representatives of global civil society, including affected communities and other victims of human rights violations and abuses by corporations, joined the third session of the Open Ended Intergovernmental Working Group (OEIGWG) on transnational corporations and other business enterprises with respect to human rights at the United Nations in Geneva. Momentum is growing and civil society representatives are now engaging with many different governments to achieve progress. As organizations that have been working for change in this area for many years, we are calling on all States, including the Member States of the EU to pro-actively support the work towards the development of a treaty text, under the lead of the OEIGWG.

After a tense start on Monday, we are witnessing a welcome evolution of the attitude of the European Union in this process. The EU has engaged on substance and raised precise questions, which are first positive steps towards finally filling the gaps in the global legal framework and providing access to justice and redress for victims and affected communities. Currently, many of us are concerned that we might see a repetition of the attitude adopted in the past where the EU put forward inflexible preconditions and refused to engage in the process.

We agree with the representative of the EU that *more needs to be done to prevent, investigate, punish and redress adverse human rights effects of business activities.*²

¹ A similar letter was sent to EU Commissioner Timmermans today, by nearly fifty NGOs, including SOMO, titled: Letter to Commission on UN Treaty Negotiations.

² http://www.ohchr.org/Documents/HRBodies/HRCouncil/WGTransCorp/Session3/OralInterventions/EUOpening_remarks.pdf



We call on the Netherlands to explicitly commit to prepare detailed comments to the elements for a draft legally binding instrument, in preparation for constructive engagement in the ongoing process towards a draft text and next negotiation session of the OEIGWG in 2018 and to continue to constructively engage until the “mandate to elaborate an international legally binding instrument³” as established by resolution 26/9 is fulfilled.

We can understand that for your respective ministries more time is needed to fully engage on substance and we offer our support to help the EU to do this as soon as possible in the coming months. Civil society is willing to invest time and expertise in creative consultations on the key issues raised this week. In addition, it is our view that the European Union should dedicate funding to the Office of the High Commissioner to more fairly and adequately support the process of consultations and negotiations under the OEIGWG.

We strongly believe that addressing global governance gaps and strengthening and upholding human rights for communities and victims of corporate abuse should be prioritized. We urge the European Union, and its Member States individually, to use this historic opportunity to support the UN treaty and show that Europe can be a champion on multilateralism and human rights in the context of Transnational Corporation and other business enterprises.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'R. Gijsbertsen', written over a horizontal line.

Ronald Gijsbertsen,
Managing Director, SOMO

A handwritten signature in black ink, appearing to read 'F. Dove', written over a horizontal line.

Fiona Dove,
Executive Director, TNI

³ http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/26/9