**General Statement by India under Agenda Item 4 at the 5th Meeting of the Open-Ended Intergovernmental Working Group for the elaboration of an International Legally Binding Instrument on Transnational Corporations and other Business Enterprises with respect to Human Rights, delivered by Sh. Vimarsh Aryan, First Secretary, on 14th October 2019.**

Thank You Mr. Chair,

At the outset, India would like to thank the Deputy High Commissioner for Human Rights for her opening remarks. We also congratulate you for your election as the Chairperson-Rapporteur to steer the proceedings of this session. India has always appreciated your efforts to push forward this process following HRC Resolution 26/9. The welcome remarks by the keynote speaker were also pertinent and comprehensive.

Mr. Chair,

2.  India places on record its appreciation for the efforts put in by the Permanent Mission of Ecuador to the United Nations and other International Organizations in Geneva and the Secretariat for the timely transmission of the revised draft of the proposed Legally Binding Instrument on Transnational Corporations and other Business Enterprises with respect to Human Rights. This has enabled us to hold intensive internal consultations in our capital on the subject and we will share our interventions on certain articles as and when they come up for discussion.

Mr. Chair,

3.  Reaffirming the global commitment to sustainable development, the Hon’ble Prime Minister of India at the United Nations Sustainable Development Summit in 2015 had stated that “Nations have a national responsibility for sustainable development”. The 2030 Agenda for Sustainable Development as adopted by the United Nation General Assembly (UNGA) also recognises the business sector as a key partner for the United Nations and governments to achieve the sustainable development goals.  Considering the global expansion of businesses, the international community has increasingly felt the need to recognise the corporate responsibility of businesses to respect human rights.

4.  Business enterprises play a key role and impact the lives of people with their activities. In the international forums, deliberations have been now going on for almost five decades on the subject of regulation of the activities of transnational corporations so as to ensure corporate social responsibility and respect for human rights.  A significant achievement on this subject was the adoption of the United Nations Guiding Principles on Business and Human Rights by the United Nations Human Rights Council in 2011.

Mr. Chair,

5.  On the domestic front, India has made several positive strides in recognising responsibility of businesses towards the society at large. The recent reforms in corporate law culminating in the enactment of the Companies Act, 2013 have witnessed that the Indian legal framework has moved towards a stakeholder model of governance from a shareholder model of governance. India is the only country that recognises in its corporate law, the duty of businesses to contribute to social development. This has been complemented by voluntary measures such as the National Voluntary Guidelines on Social, Environmental and Economic Responsibilities of Businesses, 2011 that take into account the UNGP framework. These National Voluntary Guidelines are being further updated.

Mr. Chair,

6.  The process of the HRC Resolution 26/9 of 2014 has mandated this Open-ended Intergovernmental Working Group (OEIGWG) with an important responsibility to elaborate an international legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises. Unlike the UNGPs which adopt a soft law approach on the subject, a legally binding instrument will have a binding effect and complement the goal of the UNGPs.

7.  This working group is now into its fifth session and has made considerable progress since its first session. The fact that we have a revised draft in front of us to start our discussions and negotiations signals the seriousness this working group has been devoting to its mandate.

Mr. Chair,

8.  India has always supported the process initiated by HRC Resolution 26/9. The objective is to have a legal instrument which is based on a fine balance with the socio-economic developmental concerns of developing countries and LDCs on one hand while also making transnational corporations more responsible in the protection of human rights. An international instrument needs to be flexible and balanced so as to have widest possible acceptance that will ensure its effectiveness.

Mr. Chair,

9.  Our delegation has studied the revised draft in detail and is of the opinion that we need thorough and detailed deliberations on various elements of the draft to fine tune it and make it more balanced and workable.

Mr. Chair,

10.  India understands that the discussions and negotiations on this subject will be a long-drawn process and is committed to engage in a constructive manner in the discussions over this week.

Thank You.