

Letter

It is in the EU's interests to engage in the debate on business and human rights

From Olivier De Schutter and others



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Sir, Since 2014, a treaty on business and human rights has been discussed under the auspices of the United Nations Human Rights Council. The EU initially refused to even engage in the discussions, and then accepted to do so only reluctantly. We regret this position.

As Europeans, we are deeply committed to the idea of an EU whose external policies are guided by its values, including universality and indivisibility of human rights and the promotion of multilateralism. We believe it is in the interest of the EU itself to engage constructively in this discussion.

First, by persisting in its opposition, the EU will make it more difficult to gather support for its own priorities. Its credibility, when it points at shortcomings of other governments, is already significantly reduced by its attitude on this particular matter.

Second, corporations registered in the EU are the most strictly regulated, ensuring that they neither violate human rights, nor be complicit in violations. Further progress

is taking place at the domestic level: France has taken the lead in 2017 by adopting a law compelling companies to adopt “due diligence” plans ensuring human rights are respected throughout their supply chains. It is in the interests of these companies that the EU enforces such standards outside its area.

Third, in a number of member states, courts are ordering EU-based companies to respect human rights throughout their activities, whether these take place in the EU or outside. However, companies’ “duty of care” remains unclear and may be a source of legal uncertainty.

Fourth, citizens are turning away from economic globalisation. Free trade agreements meet with strong resistance. The privileges of foreign investors are being challenged. There has been a backlash against policies favouring regulatory reforms complying with international competitiveness in almost all member states, fuelling economic nationalism and providing ammunition to demagogues. It is high time for the EU to demonstrate that it supports a form of globalisation that serves sustainable development and not economic juggernauts.

No corporation deserves impunity. But companies registered in the EU deserve a level playing field, and legal certainty: progress towards multilateral standards of human rights conduct of companies could serve both goals at once. The EU must now put forward ambitious proposals for a legally binding instrument on business and human rights, and participate in the shaping of a more humane economic globalisation.

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