



What is the "elements" paper? Is it a draft UN Treaty on Business and Human Rights?

The "elements" paper was developed by Ecuador (as Chairperson Rapporteur of the Inter-governmental Working Group - IGWG) and released only three weeks before the IGWG's third session in October 2017.

While it is not a draft treaty, it is the first written text for States in the IGWG to consider and negotiate on following two years of scoping out discussions.

What's happening with the "elements" paper?

OHCHR has issued a "call for comments and proposals" on the "elements".

OHCHR's latest call largely aims to encourage States to reply to the "elements." A number of Governments said in October that they needed more time to respond because the "elements" were only released three weeks before the IGWG's third session. We understand that OHCHR issued this fresh "call" because - so far - no State (or NGO) has made a submission.

What action has the IOE taken so far?

The IOE (together with BIAC, the ICC and the FTA) already responded in detail to the “elements” paper in a joint submission published on 20 October 2017, in which we clearly state our opposition to the proposals. The IOE and some members also actively participated in the third session to further convey our messages, and we provided detailed comments to OHCHR on the report of the third session to request that business interventions be better reflected and that we are clearly identified as “business” not “civil society” as was the case in previous reports.

The IOE is currently closely monitoring the internal dynamics concerning Ecuador, the IGWG and other State positions, including:

- Monitoring who the new Ecuadorian Ambassador (and new IGWG chair) will be after the previous Ambassador, Guillaume Long, suddenly quit the Government earlier this year. We understand that the new Ambassador may be Luis Gallegos (although because of internal politics this is not confirmed) and we are trying to arrange a face-to-face meeting with the new IGWG chair ASAP.
- Inviting the EU representative to Geneva to speak in our “International Business and Human Rights Conference” in Paris (18 April 2018) so that business can learn about and engage with the EU, which is particularly under pressure in this IGWG process.
- We are also trying to engage with South Africa, which strongly backs Ecuador, on this process.