

Business' responsibilities under the Covenant on Economic, Social and Cultural Rights

Informal Discussion and Luncheon Meeting
La Perle du Lac, Geneva, Saturday, 14 May 2011, 9.30 am – 3.00 pm

Corporate activities can directly impact negatively on the enjoyment of economic, social and cultural rights. Yet, the Covenant, addressing State parties as its members is difficult to apply in such situations. Thus questions to be addressed throughout this meeting will include:

- How to deal with state responsibility where a violation occurs?

First and foremost, the Covenant obligations lie with the State party in whose territory a violation takes place. What elements may concretely be implied by the state responsibility to protect?

- How can extra-territorial application of the Covenant be interpreted?

In cases where transnational corporations are involved, the responsibility may also be on the home state of the corporation. How can this State party be addressed regarding violations abroad?

- How and when can the Covenant apply directly to non-state actors?

The ICESCR is part of international law and transnational corporations are subjects of international law. How could a direct applicability of the Covenant be established?

Agenda

9:30 – 9:45	Opening of the meeting – <i>Felix Kirchmeier</i> , FES Geneva
9:45 – 10:30	Panel Discussion on the UN Draft Guiding Principles – Presentation by <i>Lene Wendland</i> , OHCHR; Comment by <i>Carlos Lopez</i> , ICJ
10:30 – 11:15	Suggestions for effective state reporting on business' responsibility – Presentation by <i>Claire O'Brien</i> , NHRI Working Group on Business and Human Rights; Comment by <i>Nicolas Lusiani</i> , ESCR-Net
11:15 – 11:30	Coffee Break
11:30 – 13:00	Open Discussion on possible involvement of Treaty Bodies – Introduced by <i>Zdzislaw Kedzia</i> , member, CESCR
13:00 – 15:00	Lunch
