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**PERMANENT MISSION OF INDIA TO THE UN, GENEVA**

**HUMAN RIGHTS COUNCIL**

**14<sup>TH</sup> SESSION (31 May – 18 June 2010)**

**Clustered Interactive Dialogue with the Special Representative of the  
Secretary-General on the Issue of Human Rights and Transnational  
Corporations; Independent Expert on Human Rights and Foreign Debt;  
and Special Rapporteur on the Right to Education  
(01 June 2010)**

**Statement by India**

Mr. President,

We thank all three special procedures for their reports but would like to confine our remarks to the latest report by the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises. India, along with Argentina, Nigeria, Norway and the Russian Federation had supported the establishment of this important mandate, as well as its extension in 2008.

2. We appreciate the work done by the Special Representative over the last five years, during which he has formulated the “protect, respect and remedy” policy framework that is now often called the United Nations framework and has been welcomed by the Human Rights Council, the corporate sector and the civil society. It is indeed noteworthy that his adherence to “principled pragmatism”, on the lines of ideas on justice put forth by Nobel Laureate Amartya Sen with which the Special Representative identifies, has helped turn a previously deeply divisive debate into a constructive dialogue, fostering practical action paths for the future. In his current report, the Special Representative has, in keeping with his extended mandate, focussed on the two main tasks of “operationalizing” and “promoting” the framework. In this regard, we appreciate the methodology adopted by the Special Representative, focusing on data collection through intensive research, practical experimentation and regional level multi-stakeholder consultations, including one held in New Delhi.

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Mr. President,

3. At a time when there is a rising chorus of demand for greater corporate accountability and regulation of business in the wake of the global financial crisis and corporate malpractices, it is pertinent that the Special Representative has focused on practical, viable and result-oriented yardsticks, and suggested concrete possibilities. In particular, we note his suggested policy tool of requiring companies to report on human rights policies and impacts, as also his observation that the worst corporate-related human rights abuses occur amid armed conflict over control of territory, resources or a government itself. In this regard, we would request him to share his views on the ongoing efforts to develop a code to regulate private military security companies. We are also encouraged by his efforts to tackle the highly politicized issue of extraterritorial jurisdiction, and his view that conducting human rights due diligence, by itself, should not automatically and fully absolve a company from liabilities.

Mr. President,

4. In India, the Prime Minister called for a partnership between the public and the private sectors for inclusive and equitable growth based on a Ten-point Social Charter in 2007. Further, in line with our national aspirations and policies, and as mentioned in the Report, the Ministry of Corporate Affairs has recently developed Voluntary Guidelines for Corporate Social Responsibility to inculcate a sense of social responsibility and foster a rights-respecting culture in the Indian corporate sector. The Guidelines recommend an implementation strategy that includes clear identification of projects activities, setting concrete, measurable targets to be achieved within an established time-frame and accountability through regular and intensive monitoring.

5. In conclusion, Mr. President, we look forward to the presentation of the final report of the Special Representative a year from now, which shall contain guiding principles for each of the three pillars of the framework, as well as recommendations for successor initiatives to the mandate. We also note his appeal for resources to enable establishing a lasting advisory capability within the OHCHR on the subject and remain hopeful that the Human Rights Council shall continue to extend its support to the Special Representative in this endeavour. Thank you, Mr. President.

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