

*****Unofficial translation*****

Statement of the initiative committee on the counter-proposal to the Responsible Business Initiative

On 4.9.2019, the Legal Affairs Committee of the Council of States announced that it had requested its Council to adopt their counter-proposal to the Responsible Business Initiative. The Committee also proposed a number of additional adjustments to the National Council's counter-proposal.

The Legal Affairs Committee's proposal addresses – unfounded – criticism by some business associations and certain members of the Council of States who fear a counter-proposal would lead to a "flood of lawsuits" against companies. At the same time, they assert that companies based in Switzerland already respect human rights and environmental standards.

To address these "arguments", the Legal Affairs Committee now proposes, among other things, that any complaint must be preceded by a special and obligatory arbitration procedure before the National Contact Point (NCP) for the OECD Guidelines. NGOs have been critical of the NCP based on experience, however since the initiators are concerned with rapid improvements for people on the ground, the initiative committee is prepared to accept the current counter-proposal. In concrete terms, they would withdraw the Responsible Business Initiative if the counter-proposal were to be adopted in the version put forward by the Legal Affairs Committee on 3 September 2019 or in the version adopted by the National Council on 14 June 2018.

After almost two years and 19 committee meetings, a compromise between both chambers of parliament, parts of the business community and the initiators seems to be in reach. The Council of States will discuss the proposal on 26 September. If the Council of States follows its Legal Affairs Committee, it will once again be up to the National Council to approve the proposed amendments before the final votes in both chambers.

In the meantime, the initiators will continue preparing for a possible voting campaign as long as there is no final decision by the two parliamentary houses. The initiative coalition is confident that there continues to be a high level of support among the electorate (75% approval of the RBI in August 2019) and has on several occasions expressly offered Parliament a compromise.