Dataset Binding Treaty on Business and Human Rights: Codebook

Submissions to the OEIWG

The OEIWG has held annual meetings since fall 2015. Stakeholders (including states and non-state actors) can submit written statements to the annual OEIWG sessions. These include general comments, declarations and explanations of support or refusal as well as targeted commentaries on the wording of the drafts.

The BTBHR dataset contains all statements and submissions to the OEIWG sessions made between fall 2015 (first session) and fall 2019 (fifth session).

Source for OEIWG submissions: The documents are publicly available on the OEIWG website:

https://www.ohchr.org/EN/HRBodies/HRC/WGTransCorp/Pages/IGWGOnTNC.aspx

External Commentaries on the OEIWG

The OEIWG sessions are supported or criticized in commentaries that are not submitted to the OEIWG sessions but published online outside of the OEIWG scope. These data supplement the submissions to the OEIWG as they contain more extensive details and explanations of commentaries as well as stakeholders who are not able or willing to participate in the OEIWG sessions.

The BTBHR dataset contains commentaries on the (prospective) OEIWG issued between January 2013 and December 2018.

The selection of commentaries into the BTBHR dataset was guided by the question whether they constitute a substantial statement or normative evaluation. In contrast, mere descriptions or press releases about the OEIWG were not included in the BTBHR dataset.

Sources for external commentaries: Business & Human Rights Resource Center, web pages of stakeholders (e.g. Amnesty International, Treaty Alliance, European Center for Constitutional and Human Rights, International Chamber of Commerce), Nexus, Google (search terms: response to binding treaty on business and human rights; statements to binding treaty on business and human rights; civil society on business and human rights treaty; business sector on business and human rights treaty)

Variables

Name of document	Generic naming: follows the titles of the documents as published on the OEIWG web page. External commentaries follow the titles of the written pieces. Usually contains name of actor.
Type of actor	Defines actors according to their role in global governance. "States" includes official governmental declarations, ministries and parliamentarians. "UN fora" denotes actors from the United Nations. "Intergovernmental" denotes international organizations, including the European Union (excluding actors from the United Nations). "OEIWG" includes statements by the OEIWG (excluding formal documents such as programs of work). "NHRIs" denotes National Human Rights Institutes and their associations. "NGOs" includes accredited NGOs, civil society actors and non-profit organizations. "Business" includes business associations and business enterprises. "Unions" denotes unions and union associations. "Individuals" denotes individuals such as academics, lawyers, actors from participating institutions but speaking on their own behalf, and actors that do not fall into any of the categories above.
Inside/Outside OEIWG	"Inside": submissions to the OEIWG sessions, published on the OEIWG web page. "Outside": commentaries and statements on the OEIWG, retrieved from external sources (cf. sources stated above).
Year	Year of submission to the OEIWG/year of online publication.
Session	Session to which a commentary has been submitted (only refers to inside documents).
Response to Elements	*Elements for the Draft Legally Binding Instrument on Transnational Corporations and other Business Enterprises with Respect to Human Rights*: first draft of elements of a future treaty, issued by the OEIWG in September 2017. "1": document does respond or refer to the Elements. "0": document does not respond or refer to the Elements.
Response to Zero Draft	*Zero Draft: Legally Binding Instrument to Regulate, in International Human Rights Law, the Activities of Transnational Corporations and other Business Enterprises*: first draft of a future treaty, issued by the OEIWG in July 2018.

	"1": document does respond or refer to the Zero Draft. "0": document does not respond or refer to the Zero Draft.
Response to Revised Draft	*Revised Draft: Legally Binding Instrument to Regulate, in International Human Rights Law, the Activities of Transnational Corporations and other Business Enterprises*: second draft of a future treaty, issued by the OEIWG in July 2019. "1": document does respond or refer to the Revised Draft. "0": document does not respond or refer to the Revised Draft.
Position towards Treaty	Denotes the general position of the document towards the OEIWG and/or towards the idea of establishing a treaty in the context of the OEIWG. Refers to the individual document, not the general positioning of the authoring actor. Note that the boundaries between these codes can sometimes be blurry. Positions may shift over time. "pro": document is supportive of a future treaty. It may include critiques of particular aspects, questions, developments and suggestions for improvement that are perceived to be correctable in the OEIWG context. "contra": document is not supportive of a future treaty. It may include a very broadly formulated support of the idea of human rights with regard to business activities but is paired with an evaluation of the future treaty as misguided, superfluous or premature. It may also include suggestions for improvement that are not perceived to be implementable in the OEIWG context. "mixed": document shows a lack of normative positioning (e.g. purely descriptive) or an ambivalent positioning towards a future treaty. It may include suggestions for improvement but not paired with an endorsement or an explicit refusal of a future treaty in the OEIWG context.