



On the Horizon

A practical bulletin on what is ahead in the field of business & human rights

Issue 1: 24 October 2007

This bulletin is prepared by the [Business & Human Rights Resource Centre](#) for our International Advisory Network, Academic Partners, and select others working in this field. It presents contributions from a number of experts & organizations, and is designed to keep all of us informed of key developments & future initiatives.

If you would like to contribute to our next bulletin planned for early December, please send your announcement (about a future initiative, event or publication) to Chris Avery: avery@business-humanrights.org. Please keep the contribution as short as possible, under 200 words.

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1. News from South African Human Rights Commission

Appointment of Christine Jesseman as the Commission's first Co-ordinator for the Human Rights and Business Special Programme

a) Appointment of a Co-ordinator: Human Rights and Business Special Programme

In September 2007 the [South African Human Rights Commission](#) appointed a Co-ordinator for the Human Rights and Business Special Programme. The purpose of this position is to streamline, strengthen, co-ordinate and drive the activities of the Commission in relation to human rights and the corporate sector.

In accordance with its mandate the Commission's responsibilities include monitoring compliance by the corporate sector with its human rights obligations. The Commission seeks further to engage in developing policy options and practical strategies to facilitate such compliance. The Commission will undertake research to assess the role of business and the corporate sector in the development and enjoyment of human rights, and continues with its key responsibilities of advocacy and public awareness.

The Commission advocates the view that businesses are community stakeholders. Businesses should not only be responsible in their practices, but responsive to the contextualised challenges which specific communities may face.

b) Christine Jesseman, Co-ordinator: Human Rights and Business Special Programme

The post of Co-ordinator: Human Rights and Business Special Programme draws on both Christine's practical commercial experience and her training in human rights.

Christine is an admitted attorney of the High Court of South Africa. She obtained her B.Comm and LL.B degrees with distinction from the University of Pretoria and thereafter her LL.M (human rights and civil liberties) with distinction as a Commonwealth Scholar at the University of Leicester. Christine was the recipient of a South African National Research Foundation Prestigious Scholarship for doctoral studies abroad and commenced her PhD at Cambridge University as a member of Girton College. Having returned to South Africa, she aspires to complete her PhD at a South African institution.

Christine also brings to the table her experience of the corporate sector. She has experience in private practice and has been involved in specialised commercial transactions, public private partnerships, legislative exposure and multi-party negotiations.

contributed by the South African Human Rights Commission

2. Looking ahead: UN Special Representative for business & human rights

John Ruggie, UN Special Representative of the Secretary-General for business & human rights, is due to present his final report to the UN Human Rights Council in June 2008. This report will contain recommendations for business responsibility and accountability with respect to human rights. Ruggie will proceed in the same spirit of multi-stakeholder engagement that has characterized his mandate to date; for example:

- International Secretariat of the Clean Clothes Campaign and the Special Representative are collaborating to examine effective supply chain code implementation and effective governance of multi-stakeholder initiatives;
- Global Witness, the international London-based NGO, has seconded Ms. Seema Joshi to work with the Special Representative to address corporate-related human rights abuses in conflict zones;
- The International Finance Corporation and the Special Representative have launched a joint study on foreign direct investments and human rights, led by Ms. Andrea Shemberg.

The Business & Human Rights Resource Centre is posting [all materials related to the mandate](#); Ruggie and his team are also regular contributors to *Ethical Corporation* magazine's monthly "[By Invitation](#)" column.

Christine Bader, Advisor to the UN Special Representative of the Secretary-General for business and human rights (christine.bader@uk.bp.com)

3. Watch for this report from ICJ

International Commission of Jurists Expert Legal Panel on Corporate Complicity in International Crimes

The ICJ's Expert Legal Panel on Corporate Complicity in International Crimes was established in 2006 to develop the legal and public policy meaning of corporate complicity in the worst violations of international human rights and humanitarian law that amount to international crimes. The Panel brings together renowned lawyers from a variety of legal traditions and disciplines, including: public international law, corporate law, criminal law, environmental law, international humanitarian law, human rights law and labour law.

After eighteen months of work the Panel is now in the final stages of drafting its report which will become public in early 2008. The report will be the first of its kind, clarifying the practical content and limits of complicity - an area of remaining uncertainty and confusion. The Report will bring together law, policy and practice. It will explain when companies could be held legally liable for complicity in gross human rights violations, and will provide guidance as to the kind of situations prudent companies should avoid.

For more information on the Panel see:

www.business-humanrights.org/Updates/Archive/ICJPaneloncomplicity

or contact Leah Hoctor at the International Commission of Jurists: hocor@icj.org

4. New CSR website for Middle East **launch of CSR Middle East online platform**

CSRMiddleEast.org was launched to be the first online Corporate Social Responsibility platform in the Middle East. CSRMiddleEast.org aims to announce CSR related news and activities to global audiences and to bring

international expertise to Middle East. CSRMiddleEast.org is a non-profit platform that promotes CSR in the region and builds a network of CSR professionals based upon the sharing of CSR solutions and shaping the modern day business for Middle East companies. CSRMiddleEast.org intends to be the leading source of Corporate Social Responsibility and sustainability news, reports and information in the region with contributions from companies, NGOs and organizations operating throughout the Middle East. The platform content will cover issues of Diversity, Philanthropy, Socially Responsible Investing (SRI), Human Rights, Workplace Issues, Business Ethics, Community Development and Corporate Governance.

Dr. Fatih Mehmet Gul, Network & Communication Manager, CSRMiddleEast (drfameg@drfameg.com)

Dr. Fatih Mehmet Gul, based in Saudi Arabia, also works for Abdul Latif Jameel (Middle East Toyota & Lexus) CSR projects as International Affairs Coordinator. He is currently official Ambassador of Net Impact for the Middle East Region and also a member of the Middle East Chamber of Commerce CSR Working Group.

5. New initiative in Hong Kong **Responsible Competitiveness Roundtable**

The Responsible Competitiveness Roundtable (Hong Kong), is a new initiative set up in 2007 to facilitate dialogues, build capacity and identify solutions for growing an enabling environment for Responsible Business in Hong Kong in relation to China and the world's economy. The Project RCR aims to stimulate policy and practice changes through multi-stakeholder collaboration and shared learning among corporations (brands and SMEs), business and trade promotion bodies, service providers / mediators, public policy institutions, government, non-governmental organizations, academia and foundations.

Trini Leung, Director, Responsible Competitiveness Roundtable (trini.leung@hotmail.com)

6. Forthcoming conference in Poland **"The OECD Guidelines for Multinational Enterprises – Foreign Experience & Perspectives in Poland"**

The Polish Information and Foreign Investment Agency, jointly with CentrumCSR.PL and Friedrich Ebert Foundation, are organizing a conference: "The OECD Guidelines for Multinational Enterprises – Foreign Experience and Perspectives in Poland". The event will take place 14 Nov 2007, 11.00, at PAIIZ's headquarters in Warsaw, 12 Bagatela St. Please register with Mrs. Danuta Łożyńska at (+48) 22 334 99 83; or by e-mail: danuta.lozynska@paiz.gov.pl. The event is free of charge. The number of participants is limited. Simultaneous translation will be provided.

The aim of the event is to promote the OECD Guidelines among foreign companies operating in Poland, central and regional administration, trade unions and NGOs. We will discuss matters relating to the operation of the OECD National Contact Point in Poland, as well as the submission of complaints in case of multinationals breaching the OECD Guidelines. Speakers will include experts from Poland and abroad who will share their experience in making use of the OECD Guidelines.

Grzegorz Piskalski, Director, CentrumCSR.PL (g.piskalski@centrumcsr.pl)

7. Watch for this book from UN **Forthcoming publication from the UN Global Compact Office and Office of the UN High Commissioner for Human Rights**

The [UN Global Compact Office](#) and [Office of the UN High Commissioner for Human Rights](#) will shortly release ***Embedding Human Rights in Business Practice II*** – a publication that explores the practical application of the Global Compact's human rights principles using case studies. This Embedding Human Rights Case Studies Series aims to provide detailed examples of what businesses all over the world are doing to implement human rights within their own operations and spheres of influence, and how they are doing it.

The cases are intended to be aids to learning. As such, they are designed to show real-life challenges that companies have faced and the lessons that have been learned in trying to tackle them. The goal is to inform and inspire other businesses to raise the level of their own human rights performance, as well as to highlight the relevance of human rights for business everywhere. The target audience is businesses, Global Compact Local Networks and academics. The questions and issues explored include:

- What is the business case for adopting a proactive approach in dealing with human rights issues?
- How can companies formulate comprehensive human rights policies, and what are the benefits of doing so?

- What are the boundaries of a company's sphere of influence?
- What are the success factors for integration of human rights concerns into business practices?
- What methodologies are available to decide if and how to operate in a country with weak governance and serious human rights concerns?
- What are the risks, challenges and opportunities in engaging in multi-stakeholder dialogue?
- How can engaging with stakeholders help minimize negative human rights consequences and enhance acceptance of company activities?
- What are examples of strategies for more effectively tackling human rights issues in the supply chain?

Ursula Wynhoven, Special Assistant to the Executive Director, United Nations Global Compact Office
(wynhoven@un.org)

8. Forthcoming action by Amnesty International USA

Amnesty International Demanding Accountability for Blackwater's Hired Guns

Near Nisour Square, Baghdad, on September 16, at least 11 Iraqis were killed after employees of Blackwater USA, a contractor of the U.S. State Department, reportedly shot several rounds from their armored vehicles.

This is neither the first time nor an isolated incident of Blackwater personnel using lethal force against Iraqi civilians. The last widely reported incident was of a Blackwater contractor shooting and killing the Iraqi Vice President's body guard, on December 24, 2006. Additionally, the House Committee on Oversight and Government Reform reported at an October 2 hearing that Blackwater engaged in 195 shootings since 2005, firing the first shots 84% of the time.

Blackwater CEO Erik Prince testified that his employees "acted appropriately at all times". Yet, only eight days later, the company withdrew from the International Peace Operations Association (IPOA), the trade association whose code of conduct it committed to follow. The code itself is inadequate, but at least references key international human rights standards and could have been used to review Blackwater's conduct and policies.

Blackwater must not be allowed to continuously disregard any obligation under the law or to the voluntary measures it agrees to abide by. To help ensure this, Amnesty International will be calling on its members to urge Blackwater to:

- Be forthcoming in responding to Congressional inquiries
- Respect and cooperate fully with US and Iraqi government investigations
- Employ meaningful training and vetting policies and procedures of contract personnel
- Develop and implement a serious program to implement human rights standards

To learn more, please contact Amy O'Meara, Amnesty International USA, at aomeara@aiusa.org.

9. New project at Danish Institute for Human Rights

Human Rights & Business Project Teams with Fulbright Scholar for Social Accountability Project

The Business and Human Rights Project of the Danish Institute for Human Rights is pleased to announce that Morton Winston has been named the Fulbright Danish Distinguished Chair of Human Rights and International Relations. He will be in residence at the Danish Institute for Human Rights during fall and winter 2007 to conduct research on the development of a comprehensive approach to corporate social responsibility. His project combines traditional self-assessment and auditing with capacity building, transparency, and engagement with local stakeholders with the aim of promoting sustainable compliance with internationally recognized human rights and labor rights norms.

Winston is the chair of the Department of Philosophy and Religion and director of the Center for the Study of Social Justice at The College of New Jersey. He specializes in human rights theory, applied ethics, cognitive science, and philosophy of technology. He served as director of the South Africa Coordination Group of Amnesty International USA from 1985 to 1991 and on AIUSA's board of directors from 1991 to 1997, becoming treasurer in 1994 and chair in 1995. He is currently a member of the advisory board of Social Accountability International.

Margaret Jungk, Director, Human Rights and Business Department, Danish Institute for Human Rights
(mju@humanrights.dk)

10. Watch for this legal book forthcoming publication on CSR: A Legal Perspective

Chip Pitts, Lecturer at Stanford Law School and member of our Advisory Network is co-authoring (with Justice Charles Gonthier, Richard Janda, and Michael Kerr) a book on the law of Corporate Social Responsibility that will be structured around seven guiding CSR principles. The book will address both human rights and environmental concerns increasingly relevant to business. The 'working title' of the book is *Corporate Social Responsibility: A Legal Perspective From Canada and Abroad*. It will be published in 2008 by Lexis Nexis (Canada).

For further information contact Chip Pitts (chip.pitts@att.net)

11. John Morrison looks ahead

(John is Programme Director of [Business Leaders Initiative on Human Rights](#), and Director of Business and Human Rights Associates. He wrote this in his personal capacity.)

The horizon in business and human rights currently looks crowded with opportunity and some real challenges. The 60th Anniversary of the Universal Declaration of Human Rights must be an opportunity for us all to make human rights better known in the 'in all the small places' as Eleanor Roosevelt put it. The Business Leaders Initiative on Human Rights will use the year to share its own work and thinking in draft form and invite a much wider discussion about what the common framework on business and human rights might look like at a practical level. This starts for us at our meeting on 11 December in London (please email us if you are interested in attending). The year ends on 10 December 2008 and events hosted in Paris the place where the General Assembly met in 1948. BLIHR hopes that when it finally finishes in March 2009, that business and human rights will indeed be part of the mainstream from the perspective of all stakeholders – and not only in the Global North.

There are also multiple challenges over the months ahead. We look to John Ruggie to set out the fundamental principles and concepts through which the debate should evolve, and the need for both mandatory and voluntary approaches to coexist more fruitfully in a way which is not the case at present. Governments need to return more squarely into the discussion and at a time when there are very many other human rights and political concerns that divide the world. We look to Governments to define the level playing field in this area, but businesses to define the reality of what best practice means. There is a need to encourage the various initiatives – ISO 26,000, GRI, the Global Compact, multi-stakeholder initiatives across different business sectors – to start to coalesce around what the minimum standards of business and human rights could and should be (outside of labour standards where these standards are already relatively clear). We also need full and frank discussions about accountability mechanisms and holding non-state actors to account where governments are unwilling or unable to do so.

A big mistake would be a return to the bunker mentality we witnessed during discussions around the UN Norms on Business and Human Rights. There is a danger that some businesses, some governments or some NGOs might use the business and human rights debate as a pawn in some greater battle and hence stymie the progress which is so badly needed. A growing number of us have been in discussions about the potential role an Institute on Business and Human Rights might play in collaboration with all existing stakeholders to try and define and maintain some neutral space for ongoing dilemma sharing, tough discussions and ongoing learning over the years to come.

John Morrison, Programme Director of Business Leaders Initiative on Human Rights, and Director of Business and Human Rights Associates (John.morrison@blihr.org)

12. Looking ahead: Company human rights policy statements

[Realizing Rights](#), the organization led by Mary Robinson, and the Business & Human Rights Resource Centre are planning a joint project aiming to engage the business sector during next year's 60th anniversary of the Universal Declaration of Human Rights. The project will give greater recognition to companies that have adopted human rights policy statements, and encourage other companies to consider adopting policies referring to the Universal Declaration. While company practice is of course more important than policy, a policy statement can be an important first step toward operationalising human rights.

The project will produce:

- a regularly updated chart listing all companies with a human rights policy statement (an institutional statement about respect for human rights -- it need not be a stand-alone "human rights policy");

- a special online “Resource Portal on human rights policy statements”, which will include examples of good policy statements; commentaries by human rights experts; practical advice by business people: why their company adopted a human rights statement, how they drafted it, how they are implementing it;
- outreach by Mary Robinson to over 2500 companies in all regions: drawing attention to those companies that have already adopted human rights statements, and inviting companies to notify us if they adopt a statement during the anniversary year;
- dissemination of the chart and Resource Portal to over 10,000 opinion leaders worldwide; and
- special roundtable events about human rights policy statements during the UDHR anniversary year.

The two organizations are currently seeking funding for this joint project.

for further information contact Scott Jerbi at Realizing Rights (scott.jerbi@eginitiative.org), or Chris Avery at Business & Human Rights Resource Centre (avery@business-humanrights.org)

13. Looking ahead: Corporate Legal Accountability Project

This project by the Business & Human Rights Resource Centre is significantly expanding our coverage of legal cases against companies for human rights abuses. Over the next 15 months, our “[Lawsuits: selected cases](#)” section will be expanded to include over 80 cases. For each lawsuit we will create a summary profile at the top of the section, providing a concise synopsis with links to key commentaries, pleadings by both sides, and decisions. Our summary profiles currently include cases such as:

- a lawsuit in USA filed by Iraqi victims against [Blackwater](#) security firm;
- the [Khulumani](#) lawsuit in US federal court, seeking reparations from 20 companies that did business in South Africa during apartheid;
- [Fadeyeva v. Russia](#) at the European Court of Human Rights, regarding air pollution by a Severstal smelter which caused serious damage to the health of local residents; and
- [Doe v. Unocal](#) regarding Burma.

In the coming months, we will be launching a special online portal for this project. The portal will also feature commentaries from lawyers and scholars regarding legal accountability of corporations.

We are now working to create summary profiles for many other cases, including:

- Biwater v. Tanzania, a contract dispute regarding water privatisation;
- a case from China regarding hepatitis B discrimination;
- a lawsuit against AngloGold Ashanti brought in South Africa by a former employee suffering from silicosis; and
- a lawsuit filed by Burmese refugees in Belgium against Total.

Sif Thorgeirsson, Project Researcher, Corporate Legal Accountability Project, Business & Human Rights Resource Centre (thorgeirsson@business-humanrights.org)

Greg Regaignon, Head of Research, Business & Human Rights Resource Centre (regaignon@business-humanrights.org)

14. Invitation - “Business & Human Rights: 3 perspectives” – London, 4 December

INVITATION – “Business & Human Rights: 3 perspectives – from China, Africa and a pioneer in the field”: launch of the Sir Geoffrey Chandler Speaker Series

Open your newspaper and the chances are you will find a story on companies’ human rights impacts. From Blackwater security firm killings in Iraq...to the victims of Bhopal...to calls for divestment from Burma...to labour issues in supply chains...to pollution. At the same time, many firms are taking steps to promote respect for human rights within their operations and beyond.

The [Business & Human Rights Resource Centre](#) is pleased to invite you to a special event featuring:

Sir Geoffrey Chandler: “Business & human rights: Reflections on progress made and challenges ahead”

Founding Chair of Amnesty International UK Business Group; former senior manager at Royal Dutch/Shell; former Director General of the UK National Economic Development Office

Roddy Shaw Kwok-wah: A perspective from China

East Asia Researcher (based in Hong Kong), Business & Human Rights Resource Centre

Abiola Okpechi: A perspective from Africa

Africa Researcher (based in South Africa), Business & Human Rights Resource Centre

Sir Geoffrey will be introduced by **Lord Joel Joffe**, who was Nelson Mandela's defense counsel, Director of Allied Dunbar Life Assurance, and Chair of Oxfam UK. The event will be led by **Chris Marsden OBE**, Chair of Trustees of Business & Human Rights Resource Centre, Chair of Amnesty International UK Business Group, and former Head of Community Affairs at BP.

Please RSVP to Joe Westby by 15 Nov: westby@business-humanrights.org; phone +44 20 7636-7774.

Time: Tuesday 4 December 2007

5:30-6:00 pm Arrival/registration

6:00-7:30 pm Panel discussion

7:30-8:30 pm Drinks reception

Place: Brunei Gallery auditorium, School of Oriental & African Studies, University of London WC1H 0XG

Directions: Brunei Gallery is between Malet Street and Thornhaugh Street, in the north-west corner of Russell Square opposite the main entrance to SOAS. Nearest underground stations are Russell Square, Goodge Street, Euston, Euston Square and Tottenham Court Road.

from the team at Business & Human Rights Resource Centre:

Staff

- Christopher Avery (Director)
- Joanne Bauer (Senior Researcher, New York Representative, HIV/AIDS Project Manager)
- Mauricio Lazala (Head of Latin America & Middle East, Senior Researcher)
- Abiola Okpechi (Africa Researcher & Coordinator, based in Cape Town)
- Gregory Tzeuschler Regaignon (Head of Research & North America Manager)
- Roddy Shaw Kwok-wah (East Asia Researcher & Coordinator, based in Hong Kong)
- Annabel Short (Head of Programme)
- Sif Thorgeirsson (Researcher, Corporate Legal Accountability Project)
- Joe Westby (Researcher & Operations Officer)
- Rita Bonora (Research Intern)
- Sandra Cossart (Research Intern)

Trustees: Christopher Marsden OBE (Chair), Ulf Karlberg (Co-Chair), Melvin Coleman, Sumi Dhanarajan, John Elkington, Dr. Menno Kamminga, Mila Rosenthal