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**Human Rights Council**  
**Forum on business and human rights**  
**First session**  
4–5 December 2012 and  
3 December 2012 (Pre-Forum events)

## **Programme information**

### **Note by the Secretariat**

**Revised version – Revision 1, 02 December 2012**

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## **I. Background to the Forum**

### **A. Background and mandate**

1. The global business and human rights agenda reached a key milestone in 2011, when the Human Rights Council, in its resolution 17/4, unanimously endorsed the Guiding Principles on Business and Human Rights. In the same resolution, the Human Rights Council also decided to establish a *Working Group on the issue of human rights and transnational corporations and other business enterprises* and a *Forum on Business and Human Rights*.

2. The Forum is established and has been prepared under the guidance of the Working Group and is mandated to discuss trends and challenges in the implementation of the Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework and to promote dialogue and cooperation on issues linked to business and human rights, including challenges faced in particular sectors, operational environments or in relation to specific rights or groups, as well as to identify good practices. The Working Group will be represented in all the Forum sessions.

3. The Forum Chairperson is appointed by the Human Rights Council President in consultation with Member States on the basis of regional rotation. The Council President appointed Professor John Ruggie, former Special Representative of the Secretary-General, as Chairperson of the first Forum.

### **B. Objectives of the Forum**

4. The Forum aims to serve as a key venue for stakeholders from all regions to engage in dialogue on business and human rights, and to strengthen engagement towards effective and comprehensive implementation of the Guiding Principles. By bringing together relevant stakeholders, the Forum will aid in identifying trends, challenges and good practices in the implementation of the Guiding Principles. It also provides a venue for including challenges faced in particular sectors, operational environments or in relation to specific rights or groups.

5. The Forum will also be an important platform for the Working Group to share outputs and ideas. The Forum will furthermore inform the Working Group’s own strategy on promoting the dissemination and implementation of the Guiding Principles globally, and benefit from the shared learning towards meeting its mandate.

### **C. Participation**

6. The Forum is open to all relevant stakeholder groups as per resolution 17/4.

7. The Working Group received valuable inputs from stakeholders, including through a consultation held on 10 May 2012 during its second session, on the themes and modalities of the Forum (see A/HRC/WG.12/2/1, para. 5).

## D. Outcome

8. The chairperson of the Forum is responsible for preparing a summary of the discussion of the Forum, to be made available to the Working Group and all other participants of the Forum.

9. In resolution 17/4, the Human Rights Council also invited the Working Group to include in its report reflections on the proceedings of the Forum and recommendations for future thematic subjects for consideration by the Council.

## II. Changes in the Programme

### E. Room changes

10. Participants are asked to note the following room changes:

4 December 08:30 - 09:45	Working Group presents results from baseline survey on implementation of the Guiding Principles. <b>NOTE: New room: Room XXIII</b>
4 December 10:00 - 11:30	Opening Session <b>Please check the web for the latest update as this room may change.</b>

### III. Programme of events

4 DECEMBER 2012		
08.30 – 09.45	<b>Room XXIII</b>  <b>Please note room change</b>	<p><i>The Working Group on Business and Human Rights presents:</i></p> <p><i>Initial results from a <u>baseline survey on implementation of the Guiding Principles on Business and Human Rights (the 'Guiding Principles')</u> by the Working Group.</i></p> <p><i>Interpretation provided in E, F, S</i></p>
09.45– 11.30	<b>BREAK</b>	
10.00 – 11.30  Opening Session	<b>Room XX</b>  <b>Please check on 4 December as room may change</b>	<p><i>High-level segment: From Business and Human Rights Principles to Implementation in Practice</i></p> <p><u>Welcome remarks</u> by the President of the Human Rights Council, Ms. Laura Dupuy Lasserre</p> <p><u>Opening address</u> by the Chairperson of the Forum, Prof. John Ruggie</p> <p><u>Opening remarks</u> by the Chairperson of the Working Group, Dr. Puvan Selvanathan</p> <p>Keynote statements by:</p> <ul style="list-style-type: none"> <li>• Ms. Navanethem Pillay, UN High Commissioner for Human Rights</li> <li>• Mr. Michael H. Posner, Assistant Secretary of State for Democracy, Human Rights, and Labor of the United States</li> <li>• Mr. Stavros Lambrinidis, EU Special Representative for Human Rights</li> <li>• Ms. Sandra Polaski, Deputy Director-General for Policy, ILO</li> <li>• Ms. Debbie Stothard, Deputy Secretary-General of FIDH and Coordinator of ALTSEAN-Burma</li> <li>• Mr. Andrei Galaev, Chief Executive Officer of Sakhalin Energy Investment Company Ltd.</li> </ul> <p><i>Interpretation provided in A, C, E, F, R, S</i></p>

4 DECEMBER 2012 – CONTINUED			
TAKING STOCK: 1 ½ YEARS AFTER THE ENDORSEMENT OF THE GUIDING PRINCIPLES – PILLARS I & II			
Three parallel sessions - format: panel introductions followed by open discussion			
	Room XX	Room XXI	Room XXIII
	<p><b><i>The State Duty To Protect</i></b></p> <p><i>Government experiences and steps taken towards implementing the Guiding Principles and identifying opportunities for implementation.</i></p> <p><u>Session facilitator:</u> Prof. Alan Miller, Chair of the Scottish Human Rights Commission</p> <p><u>Panellists:</u> Ms. Bente Angell-Hansen, Secretary General, Ministry of Foreign Affairs, Norway Mr. Daniel Schydrowsky Rosenberg, Superintendent, Superintendency of Banks, Insurers and Pension Funds of Peru Ms. Gretel Orake, Manager for Technical Assessments, Mineral Resource Authority of Papua New Guinea Mr. Tom Kennedy, Deputy Head, Human Rights &amp; Democracy Department, UK Foreign &amp; Commonwealth Office Ms. Claire Methven O'Brien, International Coordinating Committee of National Human Rights Institutions; Danish Institute for Human Rights</p> <p><i>Interpretation provided in A, C, E, F, R, S</i></p>	<p><b><i>The Business Responsibility To Respect</i></b></p> <p><i>Business experience in implementing the Guiding Principles and opportunities for wider implementation.</i></p> <p><u>Session facilitator:</u> Prof. Christine Kaufmann, University of Zurich</p> <p><u>Panellists:</u> Mr. Dan Bross, Senior Director, Corporate Citizenship, Microsoft Mr. Alan Fine, Public Affairs Manager, AngloGold Ashanti Dr. Christian Leitz, Head, Corporate Responsibility Management and Secretary, Corporate Responsibility Committee, UBS, member of Thun Group of Banks Mr. Auret van Heerden, Head, Fair Labor Association Mr. Austin Onuoha, Director, Africa Center for Corporate Responsibility Mr. Min Zar Ni Lin, Myanmar Development Resources Institute, Centre for Economic and Social Development</p> <p><i>Interpretation provided in E, F, R, S</i></p>	<p><b><i>The Role Of Global Governance Frameworks</i></b></p> <p><i>How international institutions are aligning their policies and efforts for uptake of the Guiding Principles.</i></p> <p><u>Session facilitator:</u> Mr. Chris Jochnick, Director, Private Sector, Oxfam America</p> <p><u>Panellists:</u> Prof. Roel Nieuwenkamp, Chair of the Working Party of the OECD Investment Committee, OECD; Managing Director Trade Policy &amp; Globalisation at the Dutch Ministry of Economic Affairs, Agriculture and Innovation Mr. Tom Dodd, Policy Adviser on CSR at the Directorate-General for Enterprise and Industry, European Commission Mr. Rafendi Djamin, Indonesian Representative to AICHR Ms. Gina Barbieri, Senior Specialist Ombudsman, Office of the Compliance Advisor/Ombudsman (CAO) of IFC/MIGA</p> <p><u>Respondents:</u> Mr. Victor Ricco, Human Rights, Business and Sustainable Development Program Coordinator, Center for Human Rights and Environment Ms. Margaret Wachenfield, Director of Legal Affairs, Institute for Human Rights and Business</p>
11.45 – 13.15			
6			

4 DECEMBER 2012 —CONTINUED	
13.15– 13.45	<b>BREAK</b>
	<b>PARALLEL SESSIONS</b>
	<b>Room XX</b>
	<b>Room XXI</b>
13.45 – 15.15	<p style="text-align: center;"><i><b>The Role of Public Finance in advancing implementation of the Guiding Principles</b></i></p> <p><i>Session facilitated by OHCHR</i></p> <p><i>Moderator:</i> Mr. Mac Darrow, Chief, Millennium Goals Development Section, OHCHR</p> <p><i>Panellists:</i> Ms. Maria da Cunha, Lead Safeguards Specialist VPS-ESG, Inter-American Development Bank Ms. Eleni Kyrou, Social Development Specialist, European Investment Bank Ms. Motoko Aizawa, Advisor to the Sustainable Development Network, World Bank Group</p> <p><i>Respondents:</i> Ms. Kristen Genovese, Senior Attorney, Center for International Environmental Law Ms. Karyn Keenan, Halifax Initiative and ECA Watch</p> <p><i>Interpretation provided in E, F, S</i></p>
	<p style="text-align: center;"><i><b>The Guiding Principles and “New Audiences” - Challenges and Opportunities: Perspectives from Global Compact Participants and Civil Society</b></i></p> <p><i>Session facilitator:</i> Ms. Lauren Gula, Human Rights &amp; Women's Empowerment, UN Global Compact</p> <p><i>Moderator:</i> Mr. Pierre Sané, Co-chair Global Compact Human Rights Working Group, President of Imagine Africa International</p> <p><i>Panellists:</i> Ms. Heloisa Colovan, CSR Manager, Itaipu Binacional Ms. Magdalena Slavejkova, HR Manager, TITAN GROUP Mr. Rajiv Williams, Corporate Head CSR, Jindal Stainless Ltd. Mr. Reinford Mwangonde, Executive Director of Citizens for Justice Mr. Liu Kaiming, Institute of Contemporary Observation</p> <p><i>Respondents:</i> Ms. Gwendolyn Remmert, Project Manager, Global Compact Local Network Germany Ms. Katryn Wright, Programme Manager, Global Business Initiative on Human Rights</p>
15.15 – 16.00	<b>BREAK</b>

4 DECEMBER 2012 - CONTINUED	
<b>'TAKING STOCK - 1 ½ YEARS AFTER THE ENDORSEMENT OF THE GUIDING PRINCIPLES – PILLAR III</b>	
<b>Two parallel sessions - format: panel introductions followed by open discussion</b>	
<b>Room XX</b>	<b>Room XXI</b>
<p>16.00 – 18.00</p> <p>Access To Judicial Remedy Developments in access to judicial remedy for business-related human rights impacts. A discussion on identifying barriers to remedy and ways of addressing them. Session facilitated by Conectas and FIDH Moderator: Ms. Elin Wrzoncki, Head of Globalization and Human Rights Desk, FIDH Panellists: Ms. Juana Kweitel, Program Director Human Rights, Conectas Mr. Dickay Kunda, affected stakeholder, the Kilwa Mining Case, Democratic Republic of Congo (DRC) Ms. Rosa Amaro, affected stakeholder, La Oroya case, Peru Mr. Antonio Sergio Escrivão Filho, Legal Advisor, Terra de Direitos Ms. Naseema Fakir, Legal Adviser, Legal Resource Center Ms. Katherine Gallagher, Senior Attorney, Center for Constitutional Rights Ms. Gabriela Quijano, Amnesty International Ms. Laurel Bellows, President, American Bar Association  <i>Interpretation provided in A, C, E, F, R, S</i></p>	<p>Access To Non-Judicial Remedy A discussion on identifying opportunities and priorities for taking non-judicial grievance mechanisms and dispute resolution forward.  Session facilitator: Ms. Caroline Rees, CEO &amp; President, SHIFT Panellists: Ms. Natalie Bridgeman, Executive Director, Accountability Counsel Mr. Steve Gibbons, Director of Labour Rights, Ergon Associates Ms. Hege Røttingen, Head of Secretariat, National Contact Point for the OECD Guidelines, Norway Mr. Mike Hosillos, VP for Corporate Services, SN Aboitiz Mr. Oleg Sapozhnikov, External Affairs Manager, Sakhalin Energy Ms. Laurreta Lamptey, Chairperson, Human Rights and Justice Commission Ghana Mr. Felipe Burgueno, CEREAL  <i>Interpretation provided in E, F, R, S</i></p>
<b><i>Please note: Reception at Palais des Nations – CANCELLED</i></b>	



5 DECEMBER				
	Room XX			
08.30 – 09.45	<p><i>The UN Working Group on Human Rights and Business presents:</i></p> <p><i>Lessons learned from its <u>first official country mission</u> in Mongolia, and joint presentation with the Danish Institute for Human Rights of the Working Group's draft <u>country mission template</u>.</i></p> <p><i>Interpretation provided in E, F, R, S</i></p>			
09.45– 10.00	BREAK			
	<p style="text-align: center;"><b>CHALLENGES IN IMPLEMENTATION</b></p> <p style="text-align: center;">Four parallel sessions - format: panel introductions followed by open discussion</p>			
	Room XX	Room XXIII	Room XXI	Room XXII
10.00 – 11.30	<p><i>Of the State Duty to Protect</i></p> <p><i>with a focus on effective <u>regulatory action</u> and policy coherence and identifying opportunities for the way forward.</i></p> <p><u>Session facilitator:</u> Mr. Mark Taylor, Senior Researcher, FAFO</p> <p><u>Panellists:</u> Mr. Richard Howitt, Member of Parliament, European Parliament, CSR Committee Mr. Liang Xiaohui, Chief Researcher, China National Textile and Apparel Council and Lecturer in Business and Human Rights at Peking University</p>	<p><i>Of the Business Responsibility to Respect</i></p> <p><i>with a focus on human rights <u>policies, due diligence, and remediation</u> processes.</i></p> <p><u>Session facilitator:</u> Ms. Kathryn Dovey, Director, Global Business Initiative on Human Rights</p> <p><u>Panellists:</u> Mr. Keiichi Ushijima, Global CSR Manager, Hitachi</p> <p><i>1<sup>st</sup> respondent:</i> Ms. Geetanjali Mukherjee, Research Fellow, Asian Peace-building and Rule of Law Program, Singapore Management University Mr. Ron Popper, Head of Corporate Responsibility, ABB</p>	<p><i>For the Role Of Civil Society</i></p> <p><i>in <u>advancing the Guiding Principles</u> and identifying opportunities for <u>affected stakeholders</u>.</i></p> <p><u>Session facilitators:</u> Ms. Mariette van Hujstee, Senior Researcher, SOMO Mr. Chris Avery, Director, Business and Human Rights Resource Centre</p> <p><u>Moderator:</u> Ms. Jyoti Sanghera, Chief, Human Rights and Economic and Social Issues Section, OHCHR</p> <p><u>Panellists:</u> Mr. Wellington Chibebe, Deputy Secretary-General, ITUC</p>	<p><i>For the Role of the UN System</i></p> <p><i>in <u>promoting implementation</u> of the <u>Guiding Principles</u>, mitigating challenges and creating opportunities for uptake.</i></p> <p><u>Session facilitator:</u> Ms. Ursula Wynhoven, Head Policy and Legal, UN Global Compact Office</p> <p><u>Moderator:</u> Mr. Pierre Sané, President of Imagine Africa and UN Global Compact Board Member</p> <p><u>Panellists:</u> Ms. Lene Wendland, Adviser on business and human rights, OHCHR Mr. Bo Viktor Nylund, Senior Advisor CSR, UNICEF</p>

<b>CHALLENGES IN IMPLEMENTATION – Parallel sessions, continued from p. 7</b>				
<b>Four parallel sessions - format: panel introductions followed by open discussion</b>				
	<b>Room XX</b>	<b>Room XXIII</b>	<b>Room XXI</b>	<b>Room XXII</b>
10.00 – 11.30	<p style="text-align: center;"><b><i>Of the State Duty to Protect</i></b></p> <p><i>Panellists, continued from p. 7</i></p> <p>Prof. Anita Ramasastry, Washington University School of Law</p> <p>Mr. Gilbert Maoundonodji, Expert member, African Commission on Human and Peoples' Rights Working Group on the Extractive Industries, Environment and Human Rights Violations</p> <p><i>Interpretation provided in A, C, E, F, R, S</i></p>	<p style="text-align: center;"><b><i>Of the Business Responsibility to Respect</i></b></p> <p><i>Panellists, continued from p. 7</i></p> <p><i>2<sup>nd</sup> respondent:</i> Mr. Jim Baker, Coordinator, Council of Global Unions</p> <p>Mr. Tony Khaw E Siang, Director of Corporate Social and Environmental Responsibility, Flextronics</p> <p><i>3<sup>rd</sup> respondent:</i> Ms. Viviane Schiavi, Senior Policy Manager, Corporate Responsibility and Anti- corruption, the International Chamber of Commerce</p> <p>Ms. Liesel Filgueiras, General Manager of Human Rights and Social Policies, Vale</p> <p><i>4<sup>th</sup> respondent:</i> Ms. Christine Jesseman, Pro Bono and Human Rights Director, DLA Cliffe Dekker Hofmeyer, South Africa</p>	<p style="text-align: center;"><b><i>For the Role Of Civil Society</i></b></p> <p><i>Panellists, continued from p. 7</i></p> <p>Ms. Debbie Stothard, Coordinator Altsean-Burma, and Deputy Secretary-General of FIDH</p> <p>Ms. Juana Kweitel, Program Director, Conectas</p> <p>Mr. Sergey Solianik, Crude Accountability</p> <p><i>Interpretation provided in E, F, R, S</i></p>	<p style="text-align: center;"><b><i>For the Role of the UN System</i></b></p> <p><i>Panellists, continued from p. 7</i></p> <p>Ms. Shireen Said, Human Rights Policy Advisor, UNDP</p> <p>Ms. Ursula Wynhoven, Head Policy and Legal, UN Global Compact Office</p> <p><i>Respondents:</i> Sir Mark Moody-Stuart, Chairman, Global Compact Foundation</p> <p>Ms. Heba Mostafa, Second Secretary, Permanent Mission of the Arab Republic of Egypt to the United Nations Office and other International Organizations in Geneva</p>
11.30 – 11.45	<b>BREAK</b>			

5 DECEMBER – CONTINUED			
<b>CHALLENGES IN IMPLEMENTATION</b>			
<b>Three parallel sessions - format: panel introductions followed by open discussion</b>			
	<b>Room XX</b>	<b>Room XXI</b>	<b>Room XXIII</b>
11.45-13.15	<p style="text-align: center;"><b><i>In Conflict Zones</i></b></p> <p><i>– Developments and opportunities in implementing the Guiding Principles.</i></p> <p><u>Session facilitators:</u> Mr. Gerald Pachoud, Senior Advisor to the Assistant Secretary-General, UN Peacebuilding Support Office</p> <p>Mr. Scott Jerbi, Geneva Academy for International Humanitarian Law and Human Rights</p> <p><u>Panellists:</u> Mr Daniel Avila Camacho, Director Presidential Programme for Integrated Mine Action (PPAICMA), Colombia</p> <p>Mr. Dan Baer, Deputy Assistant Secretary of State for human rights, USA</p> <p>H.E. Amb. Claude Wild, Head of Human Security Division, Federal Dept. of Foreign Affairs, Switzerland</p> <p>Mr. Herbert P. Mcleod, Presidential Adviser, Sierra Leone</p> <p><i>Interpretation provided in A, C, E, F, R, S</i></p>	<p style="text-align: center;"><b><i>For Business Affecting Indigenous Peoples</i></b></p> <p><i>– What are the critical implementation challenges for the Guiding Principles in the context of indigenous peoples?</i></p> <p><u>Session facilitator:</u> Mr. Aidan Davy, Director, International Council on Mining and Metals</p> <p><u>Panellists:</u> Prof. James Anaya, Special Rapporteur on the rights of indigenous peoples</p> <p>Ms. Inés Andrade, Coordinator of Social Standards, Cerrejón Coal</p> <p>Ms. Joan Carling, Secretary-General Asia Indigenous Peoples Pact</p> <p>Prof. Megan Davis, Member of the United Nations Permanent Forum on Indigenous Peoples and Professor of Law and Director, Indigenous Law Centre, Faculty of Law, University of New South Wales, Australia</p> <p>Mr. Leonardo A. Crippa, Senior Attorney, Indian Law Resource Center</p> <p><i>Interpretation provided in E, F, R, S</i></p>	<p style="text-align: center;"><b><i>For Small and Medium Sized Enterprises</i></b></p> <p><i>– How can the largest category of businesses in the world integrate the Guiding Principles into their operations?</i></p> <p><u>Session facilitator:</u> Mr. Aleksandar Nikolov, Senior CSR Expert on the EU Commission project and President of the National Coordinating Body on CSR, FYR Macedonia</p> <p><u>Panellists:</u> Mr. Brent Wilton, Secretary General, International Organisation of Employers (IOE)</p> <p>Ms. Ricarda McFalls, Head of the ILO Programme on Multinational Enterprises and Social Policy, ILO</p> <p>Mr. Tom Dodd, Policy Adviser CSR, DG for Enterprise and Industry, European Commission</p> <p>Mr. Liang Xiaohui, Chief Researcher, China National Textile and Apparel Council; Lecturer in Business and Human Rights at Peking University</p> <p>Ms. Amanda Romero-Medina, Latin America &amp; Caribbean Researcher &amp; Representative, Business and Human Rights Resource Centre</p> <p>Mr. Shaffi Manafa, Focal point, Uganda Global Compact Local Network</p>
30 mins	<b>BREAK</b>		

5 DECEMBER —CONTINUED			
PARALLEL SESSIONS			
	Room XXIII	Room XXI	Room XXII
13.45-15.15	<p><b><i>The Role of the Finance Sector in Advancing the Guiding Principles</i></b></p> <p><u>Session facilitator:</u> Prof. David Kinley, Chair in Human Rights Law University of Sydney</p> <p><u>Panellists:</u> Mr. Aldo Caliarì, Director, Rethinking Bretton Woods Project, Center of Concern Ms. Driekie Havenga, Ethics Officer Enterprise Governance and Compliance, Nedbank Prof. Roel Nieuwenkamp, Chair of the Working Party of the OECD Investment Committee, OECD; Managing Director Trade Policy &amp; Globalisation at the Dutch Ministry of Economic Affairs, Agriculture and Innovation Prof. Ola Mestad, Chair of Council, Council on Ethics, Norwegian Government Pension Fund Global Mr. Bennett Freeman, Senior Vice President, Sustainability Research and Policy, Calvert investments</p>	<p><b><i>Developing an Agenda for Comprehensive Capacity Building on Implementation of the Guiding Principles</i></b></p> <p><u>Session facilitator:</u> Prof. Paul Redmond, Chair, Diplomacy Training Program</p> <p><u>Panellists:</u> Ms. Myriam Montrat, Canadian Human Rights Commission, Chair, International Coordinating Committee of NHRIs' Working Group on Business and Human Rights Mr. Rajiv Williams, Corporate Head CSR Jindal Steel and India Global Compact Network Ms. Juana Kweitel, Program Director, Conectas Mr. Suon Bunsak, Executive Secretary, Cambodian Human Rights Action Committee (CHRAC) Mr. Gregory Regaignon, Research Director, Business &amp; Human Rights Resource Centre</p> <p><i>Interpretation provided in E, F, R, S</i></p>	<p><b><i>Responsible Contracts: Integrating the management of Human Rights Risks into State-investor Contract Agreements</i></b></p> <p><u>Session facilitator:</u> Ms. Andrea Shemberg, former advisor to the former Special Representative of the Secretary-General on business and human rights</p> <p><u>Panellists:</u> Mr. Hafiz Mirza, Chief, Investment Issues Section, Investment trends and Issues Branch, UNCTAD Mr. Herbert P. M'cleod, Special Adviser to the President, Sierra Leone Mr. Lorenzo Cotula, Senior Researcher, Law and Sustainable Development, International Institute for Environment and Development Ms. Motoko Aizawa, Advisor to the Sustainable Development Network World Bank Mr. Benoit Palmer, Senior Corporate Counsel Simandou Project, Rio Tinto Mr. Antonio Carvalho Coelho, Senior counsel within E&amp;P, Total</p> <p><u>Closing remarks:</u> Mr. Gerald Pachoud, Senior Advisor to the Assistant Secretary-General, UN Peacebuilding Support Office</p>

## 5 DECEMBER —CONTINUED

## CLOSING SESSION

## Room XX

*The Way Forward: Opportunities and Priorities for Action by Relevant Actors*

15.30-17.00

1. Multistakeholder panel

Panellists:

Sir Mark Moody-Stuart, Chairman, Global Compact Foundation

Prof. Anita Ramasastry, Washington University School of Law

Mr. Willie Littlechild, Chair, Expert Mechanism on the Rights of Indigenous Peoples

Mr. Auret van Heerden, Head, Fair Labor Association

15.30-  
18.00

2. Interactive dialogue

17.00-18.00

3. Closing remarks by the Chairperson of the Forum
4. Reflections from the Working Group

Session facilitator:

John Morrison, Institute for Human Rights and Business

*Interpretation provided in A, C, E, F, R, S*

## IV. Programme of side events

*Note: The Working Group and the Office of the High Commissioner for Human Rights are not responsible for side events. Side events are the sole responsibility of the external organisers.*

3 DECEMBER			
13.00-15.00	<p><b>Room XXI</b></p> <p><b><i>How to promote the Guiding Principles in divided environments?</i></b></p> <p><b><i>Presentation of cases by affected stakeholders to the Working Group</i></b></p> <p><i>Organized by the Dutch Platform against Impunity, COICA (Coordinadora de Organizaciones Indígenas de la Cuenca Amazonica); CAOI (Coordinadora Andina de Organizaciones Indígenas) and CEADESC (Center for Applied Studies of Economic, Social and Cultural Rights)</i></p>	<p><b>Room XXIII</b></p> <p><b><i>Challenges and Opportunities for the Extractives Industry integrating human rights into operations</i></b></p> <p><i>Organized by IPIECA and ICMM</i></p>	
15.30-18.00	<p><b>Room XXI</b></p> <p><b><i>Responsible investment in Myanmar – Ongoing initiatives for aligning investment with human rights</i></b></p> <p><i>Organized by the Institute for Human Rights and Business</i></p>	<p><b>Room XXII</b></p> <p><b><i>The role of National Human Rights Institutions</i></b></p> <p><i>Organized by the International Coordinating Council of National Human Rights Institutions' Working Group on Business and Human Rights and AFCNDH</i></p>	<p><b>Room XXIII</b></p> <p><b><i>Launch of the human rights due diligence project</i></b></p> <p><i>Organized by the International Corporate Accountability Roundtable (ICAR), the European Coalition for Corporate Justice (ECCJ) and the Canadian Network on Corporate Accountability (CNCA)</i></p> <p><i>Followed by a reception</i></p>

4 DECEMBER			
08.00-09.45		<p><b>Room XXII</b></p> <p><b><i>Due diligence for the right to join a trade union and to bargain collectively</i></b></p> <p><i>A briefing by the International Trade Union Confederation, IndustriALL Global Union and the Clean Clothes Campaign</i></p>	
13.30-15.00	<p><b>Room XI</b></p> <p><b><i>The Guiding Principles and Risk Management: Developing a Global Corporate Community of Practice for Innovation in Human Rights Due Diligence</i></b></p> <p><i>Organized by Roger Branigin, Attorney &amp; Risk Consultant, InVergent LLC</i></p>	<p><b>Room XXII</b></p> <p><b><i>The role of the legal profession in promoting Guiding Principles implementation</i></b></p> <p><i>Organized by the American Bar Association</i></p>	
5 DECEMBER			
08.00-09.45	<p><b>Room XXI</b></p> <p><b><i>Impact and remedy of mining on Latin American Indigenous Women</i></b></p> <p><i>Organized by Indigenous Peoples' Center for Documentation, Research and Information (doCip)</i></p>	<p><b>Room XXII</b></p> <p><b><i>The Gender Dimension of Business and Human Rights: Introducing The Women Empowerment Principles – Equality Means Business</i></b></p> <p><i>Organized by the UN Global Compact and UN Women</i></p>	<p><b>Room XXIII</b></p> <p><b><i>Human rights due diligence and business relationships</i></b></p> <p><i>Organized by the Institute for Human Rights and Business and the Global Business Initiative on Human Rights</i></p>
13.30-15.00	<p><b>Room XI</b></p> <p><b><i>Indigenous Peoples and Extractive Industries</i></b></p> <p><i>Organized by Indigenous Peoples Links (PIPLinks)</i></p>		

## V. Session descriptions

11. The session descriptions on the following pages are provided by the session organizers or facilitators and do not necessarily reflect the views of the Office of the High Commissioner for Human Rights or the Working Group.

**The UN Working Group on Business and Human Rights presents  
4 December – 08.30 AM – Room XXIII**

**Summary:**

With a view to triggering a structured conversation and understanding of the early challenges, opportunities and policy innovations by Governments in the implementation of the Guiding Principles, the Working Group is in 2012-2013 conducting a survey among UN Member States. A questionnaire was sent to all Member States in October 2012 and is being supplemented by in-depth interviews with a limited group of States across regions. The State survey complements other surveys and calls for information conducted at the request of the Working Group that seek the views and input from businesses and civil society.

This survey is the first of its kind, and its preliminary results will be presented to inform discussions at the Forum.

The final results will be presented in a report to the Human Rights Council in June 2012. The analysis seeks to draw generic lessons and observations, where replies by States will be anonymized. Upon request by a number of Governments, the deadline for replying to the survey will be extended to 30 January 2013.

The Working Group is also involved in a joint effort with the Global Business Initiative on Human Rights, the International Chamber of Commerce, the International Organisation of Employers and the Corporations and Human Rights Project aimed at assessing corporate perceptions of social and human rights impacts.

**Facilitator:**

Ms. Alexandra Guaqueta – Member of the UN Working Group on Human Rights and Business



**Taking Stock of Government Experiences to Date of Implementing the Guiding Principles  
4 December - 11.45 AM – Room XX**

Summary:

States' international human rights law obligations require that they respect, protect and fulfil the human rights of individuals within their territory and jurisdiction. This includes the duty to protect against human rights abuse by third parties, including business enterprises. In practice, it requires taking appropriate steps to prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication.

This session will assess the extent of leading international and national practice in implementing the United Nations Guiding Principles on Business and Human Rights. The European Commission's new corporate responsibility policy (including development of National Action Plans to implement the Guiding Principles and the updated OECD Guidelines for Multinational Enterprises as well as some individual State initiatives) are just some examples which demonstrate that the Guiding Principles are becoming a key consideration amongst State and Inter-Governmental organisations.

The session will provide an opportunity to think critically about the trends, challenges and opportunities in the implementation of the Guiding Principles, including:

Stocktaking of business and human rights initiatives taken by States; what has happened to date, what key challenges are emerging and how might they be addressed and what new opportunities exist for States in implementing the Guiding Principles.

Moving from the conceptual legacy of CSR towards a real and practical understanding and implementation of the Guiding Principles; explore the extent of leading practice in developing domestic and international policy coherence.

Guiding Principles accountability and reporting; including integration into the UN treaty reporting system presently under review, the role of OECD and of National Human Rights Institutions (NHRIs).

The panel will include representatives of States and National Human Rights Institutions reflecting the diverse experience across regions. Panel comments will be followed by interactive discussion with the audience.

Facilitator:

Prof. Alan Miller - Chair of the Scottish Human Rights Commission

Panellists:

Ms. Bente Angell-Hansen - Secretary General, Ministry of Foreign Affairs, Norway

Mr. Daniel Schydrowsky Rosenberg – Superintendent, Superintendency of Banks, Insurers and Pension Funds of Peru

Ms. Gretel Orake – Manager for Technical Assessments, Mineral Resource Authority of Papua New Guinea

Mr. Tom Kennedy – Deputy Head, Human Rights & Democracy Department, UK Foreign & Commonwealth Office

Ms. Claire Methven O'Brien – International Coordinating Committee of National Human Rights Institutions / Danish Institute for Human Rights

**Taking Stock of Business Experiences in Implementing the Guiding Principles  
4 December - 11.45 AM – Room XXI**

Summary:

The goal of this panel is to share business experiences in implementing the United Nations Guiding Principles on Business and Human Rights and to draw first conclusions for identifying best practices and fostering further initiatives to support the private sector in meeting its responsibility to respect.

The panel discussion will address both industry-wide, sector-specific implementation policies and well as “stand-

alone” processes which focus on one specific business enterprise. The discussion will focus on learning about the challenges of the implementation process. With this goal in mind, the panellists will be asked to address four key questions:

Which factors encouraged collective industry-wide or individual company-specific implementation initiatives and what were the challenges in launching the process?

How have the Guiding Principles been applied to current business practice/due diligence procedures and who were involved?

What are the benefits of implementing the Guiding Principles and of business-/industry-led initiatives?

Which are the most urgent steps to be taken next by the business sector, states and civil society?

Facilitator:

Prof. Christine Kaufmann – University of Zurich

Panellists:

Mr. Dan Bross – Senior Director, Corporate Citizenship, Microsoft

Mr. Alan Fine – Public Affairs Manager, AngloGold Ashanti

Dr. Christian Leitz – Head, Corporate Responsibility Management and Secretary, Corporate Responsibility Committee UBS, member of Thun Group of Banks

Mr. Auret van Heerden – Head, Fair Labor Association

Mr. Austin Onuoha – Director, Africa Center for Corporate Responsibility

Mr. Min Zar Ni Lin – Research Assistant, Myanmar Development Resources Institute, Centre for Economic and Social Development

**Taking Stock of the Role of Global Governance Frameworks  
4 December - 11.45 AM – Room XXIII**

Summary:

Endorsement of the Guiding Principles on Business and Human Rights by the United Nations Human Rights Council represented a seminal achievement in bringing a common set of standards to a field beset by divergence. The extent to which those standards help to unify and strengthen the field in practice depends in great part upon the international institutions and organizations with influence over State and private sector conduct. It is incumbent upon these institutions to facilitate the spread of the Guiding Principles by incorporating them into their own relevant instruments and encouraging implementation by members. This session will showcase efforts by leading international institutions to implement and promote convergence around the Guiding Principles, identifying opportunities, challenges and lessons learned.

Former UN Special Representative John Ruggie anticipated the importance of international institutions to his task and actively engaged them over the course of his mandate. The Guiding Principles call on States “when acting as members of multilateral institutions that deal with business-related issues” to “[d]raw on these Guiding Principles to promote shared understanding and advance international cooperation in the management of business and human rights challenges” (Guiding Principle 10c). Over the past year, a number of international bodies, including the European Union, the Organization of Economic Cooperation and Development, the Association of Southeast Asian Nations, the International Financial Corporation, and the International Organization for Standardization, have responded to this call.

This session will examine these and others steps taken by international institutions to advance the Guiding Principles and what initial lessons they offer. The session will also consider where the most promising opportunities lie with these institutions, what challenges they face – political, legal, practical, other – and what can be done to overcome them. The session will include representatives of those international institutions leading the way in promoting the Guiding Principles, along with relevant academics and experts.

Session Facilitator:

Mr. Chris Jochnick – Director, Private Sector, Oxfam America

Panellists:

Prof. Roel Nieuwenkamp – Chair, Working Party of the OECD Investment Committee; Managing Director Trade Policy & Globalisation, Dutch Ministry of Economic Affairs, Agriculture and Innovation

Mr. Tom Dodd – Policy Advisor on CSE, Directorate-General for Enterprise and Industry, European Commission

Mr. Rafendi Djamin – Indonesian Representative to AICHR

Ms. Gina Barbieri – Senior Specialist Ombudsman, Office of the Compliance Advisor/Ombudsman (CAO) of IFC/MIGA

Respondents:

Mr. Victor Ricco – Human Rights, Business and Sustainable Development Program Coordinator, Center for Human Rights and Environment

Ms. Margaret Wachenfield – Director of legal Affairs, Institute for Human Rights and Business

**The Guiding Principles and “New Audiences” - Challenges and Opportunities: Perspectives from Global Compact Participants and Civil Society**  
**4 December – 13.45 PM – Room XXI**

Summary

As a global standard applicable to all business enterprises, the United Nations Guiding Principles on Business and Human Rights further elaborate on the conceptual and operational implications of the human rights principles promoted by the Global Compact.

During this session, Global Compact business participants and civil society representatives will share their hopes and expectations of the Guiding Principles in the environments in which they operate. Participants will discuss the biggest challenges and opportunities for dissemination and implementation of the Guiding Principles – and the business and human rights agenda – to new audiences, from their respective local and regional perspectives.

Facilitator:

Ms. Lauren Gula – Human Rights & Women’s Empowerment, United Nations Global Compact

Moderator

Mr. Pierre Sané – Co-Chair Global Compact Human Rights Working Group, President of Imagine Africa International

Panellists:

Ms. Heloisa Colovan – CSR Manager, Itaipu Binacional

Ms. Magdalena Slavejkova – HR Manager, Titan Group

Mr. Rajiv Williams – Corporate Head CSR, Jindal Stainless Limited

Mr. Reinford Mwangonde – Executive Director, Citizens for Justice

Mr. Liu Kaiming – Institute of Contemporary Observation

Respondents:

Ms. Gwendolyn Rimmert – Project Manager, Global Compact Local Network Germany

Ms. Katryn Wright – Programme Manager, Global Business Initiative on Human Rights

**The Role of Public Finance in advancing implementation of the GPs  
4 December – 13.45 PM – Room XX**

Summary

This session will identify current trends and challenges in promoting the United Nations Guiding Principles on Business and Human Rights and policy coherence with respect to human rights in the area of public finance. Panellists will offer a particular focus on the role of international/regional financial and development institutions, as well as export credit agencies. This covers aspects of alignment with the Guiding Principles including safeguard policies, due diligence measures, engagement with investors and sponsored projects, organizational arrangements inside the institutions that enable effective due diligence and dispute resolution, stakeholder engagement, grievance mechanisms.

Facilitator:

Session facilitated by OHCHR

Moderator:

Mr. Mac Darrow – Chief, Millennium Goals Development Section, OHCHR

Panellists:

Ms. Maria de Cunha – Lead Safeguards Specialist VPS-ESG, Inter-American Development Bank

Ms. Eleni Kyrou – Social Development Specialist, European Investment Bank

Ms. Motoko Aizawa – Advisor to the Sustainable Development Network, World Bank Group

Respondents:

Ms. Kristen Genovese – Senior Attorney, Center for International Environmental Law

Mr. Karyn Keenan – Halifax Initiative and ECA Watch

**Access to Judicial Remedy  
4 December – 16.15 PM – Room XXIII**

Summary

Access to an effective remedy has been identified as a core pillar in the Guiding Principles on Business and Human Rights endorsed by the UN Human Rights Council in June 2011.

While the Guiding Principles require States to consider ways to reduce relevant legal, practical and other barriers that could lead to a denial of access to judicial remedy, there is limited guidance available on how to alleviate such barriers.

The issue of access to judicial remedy has also received relatively little attention in the debates on the implementation of the UN Framework. Attention has been largely focused on the role of States in developing policies to promote corporate respect for human rights, and on developing guidance for business enterprises on the implementation of the corporate responsibility to respect. The debate on access to remedies tends to concern mostly non-judicial remedies such as National Contact Points established under the OECD Guidelines for Multinational Enterprises.

This panel seeks to outline the main obstacles faced by victims of corporate-related human rights abuses in accessing judicial remedies and to put forward proposals to overcome practical and legal obstacles faced by victims of corporate-related human rights abuses. The panel also seeks to make concrete recommendations to the Working Group.

Facilitator:

The session is organized by Conectas Direitos Humanos and FIDH.

Moderator:

Ms. Elin Wrzoncki – Head of Globalisation and Human Rights Desk, FIDH

Panellists

Ms. Juana Kweitel – Program Director Human Rights, Conectas

Mr. Dickay Kunda – Affected stakeholder, the Kilwa mining case, Democratic Republic of Congo (DRC)

Ms. Rosa Amaro – Affected stakeholder, La Oroya case, Peru

Mr. Antonio Sergio Escrivão Filho – Legal Adviser, Terra de Direitos

Ms. Naseema Fakir – Legal Adviser, Legal Resource Center

Ms. Katherine Gallagher – Senior Attorney, Center for Constitutional Rights

Ms. Gabriela Quijano – Legal Adviser, Amnesty International

Ms. Laurel Bellows – President, American Bar Association

**Access to Non-Judicial Remedy  
4 December – 16.15 PM – Room XXI**

Summary:

The UN Guiding Principles underline that States should provide effective and appropriate non-judicial grievance mechanisms, alongside judicial mechanisms, as part of a comprehensive State-based system for the remedy of business-related human rights abuse; that businesses should establish or participate in effective operational-level grievance mechanisms for individuals and communities who may be adversely impacted; and that industry, multi-stakeholder and other collaborative initiatives that are based on respect for human rights-related standards should ensure that effective grievance mechanisms are available. They also set out a range of criteria that any non-judicial grievance mechanisms should meet in order to ensure its effectiveness.

These provisions were previewed in reports of the former Special Representative on Business and Human Rights well before their inclusion in the Guiding Principles. Over the last several years, they have initiated, accelerated and/or helped steer efforts to improve the availability and quality of grievance mechanisms in a range of contexts.

A number of State-based National Contact Points have reviewed and reformed their structures and working methods. Many companies in the oil and gas and mining industries have begun to design, roll-out or review grievance mechanisms, using the Guiding Principles as the key reference point. Some industry associations they belong to have taken a lead role in this regard. Various consumer goods companies are also engaging actively in reviewing and supporting the improvement of mechanisms at their suppliers.

Multi-stakeholder initiatives in some sectors are developing or reviewing their grievance mechanisms. Research is being conducted by both non-governmental organizations and academic institutions into the effectiveness of grievance mechanisms from the perspective of affected individuals or communities. And some socially-responsible investors now include questions about grievance mechanisms in their engagements with companies.

While much work remains to be done, there can be little doubt that the range and scale of these developments owes much to the attention that the UN Guiding Principles paid to the subject of non-judicial grievance mechanisms. The caveat that these mechanisms should not undermine the legitimate role of trade unions nor preclude access to judicial mechanisms remains valid.

This panel will be structured as a moderated conversation. Panellists from a variety of backgrounds will discuss questions related to the structure, benefits and challenges of different mechanisms and dispute resolution processes.

Facilitator:

Ms. Caroline Rees – CEO & President, SHIFT

Panellists

Ms. Natalie Bridgeman – Executive Director, Accountability Counsel  
Mr. Steve Gibbons – Director of Labour Rights, Ergon Associates  
Ms. Hege Røttingen – Head of Secretariat, National Contact Point for the OECD Guidelines, Norway  
Mr. Mike Hosillos – VP for Corporate Services, SN Aboitiz  
Mr. Oleg Sapozhnikov – External Affairs Manager, Sakhalin Energy  
Ms. Laretta Lamptey – Chairperson, Human Rights and Justice Commission Ghana  
Mr. Felipe Burgueno – CEREAL

**The UN Working Group on Human Rights and Business Presents Lessons Learned from its First Official Country Mission in Mongolia, and Draft Country Mission Template  
5 December – 08.30 AM – Room XX**

Summary

The UN Working Group on Business and Human Rights is mandated to conduct two official country missions each year. The aim is to examine the existing level of implementation of the Guiding Principles in the national context, identify barriers and promote good practices and make constructive recommendations to all stakeholders. Reports from official country missions are submitted to the Human Rights Council and form the basis of an interactive dialogue there.

In this side session, the Working Group will share preliminary findings from its first official country mission, which took place in Mongolia in October 2012, and will invite discussion of how future country missions can be used to gather information, engage stakeholders and promote implementation of the Guiding Principles. The Danish Institute for Human Rights will join the Working Group in the presentation of a draft Country Mission Template, which is designed to ensure a thorough and robust approach to official country missions and meaningful engagement will all relevant stakeholders. The draft Country Visit Template will be the subject of wider consultations and input from stakeholders during 2013.

Facilitator

Ms. Margaret Jungk – Member of the UN Working Group on Human Rights and Business

**Challenges in Implementation of the State Duty to Protect  
5 December – 10.00 AM – Room XX**

Summary

The United Nations Guiding Principles on Business and Human Rights define the responsibility of businesses to respect human rights based on their impacts, activities and relationships. The Guiding Principles clarify that to ensure this respect requires *due diligence*. The Guiding Principles also reaffirm the State duty to protect human rights through policies, legislation, regulation and adjudication.

Due diligence is a concept and a practice that has its origins in the domestic laws of a variety of countries around the world. Yet, human rights due diligence has to date been defined only in international instruments. It remains unclear precisely how Governments might most effectively require or otherwise use regulatory tools and other policy options to encourage human rights due diligence as a method through which business can help to ensure its respect for human rights.

This session brings together a panel of speakers from different parts of the world and different legal traditions to examine how existing Government regulation and policies create obligations or incentives for due diligence by business to respect human rights - and to identify any good practice or opportunities for overcoming challenges in

this regard. Speakers will address relevant regulation from areas dealing with human rights issues (e.g. labour rights or working conditions) or areas analogous to human rights concerns (e.g. environmental impacts, or anti-corruption).

#### Facilitator

Mr. Mark Taylor – Senior Researcher, FAFO

#### Panellists

Mr. Richard Howitt – Member of Parliament, European Parliament, CSR Committee

Mr. Liang Xiaohui – Chief Researcher, China National Textile and Apparel Council and Lecturer in Business and Human Rights at Peking University

Prof. Anita Ramasastry – Professor, Washington University School of Law

Mr. Gilbert Maoundonodji – Expert Member, African Commission on Human and Peoples' Rights Working Group on the Extractive Industries, Environment and Human Rights Violations

### **Challenges in Implementation of the Business Responsibility to Respect 5 December – 10.00 AM – Room XXIII**

#### Summary

The session will identify the major challenges faced by corporations as they seek to implement the corporate responsibility to respect human rights in line with the UN Guiding Principles. The session will focus on the three components of the second pillar of the UN Framework – policy commitment; human rights due diligence and participation in remediation. Speakers have been drawn from diverse business sectors as well as civil society in order to establish similarities and differences in perception and experiences.

Results from the UN Working Group business survey created in cooperation with GBI, the International Chamber of Commerce, the International Organisation of Employers and the Corporations and Human Rights Project will be highlighted during the session. The session will address both “operational challenges” when engaging within the company or with business partners as well as “systemic challenges” where action from other actors, especially government and multi-stakeholder initiatives, could help.

#### Facilitator

Ms. Kathryn Dovey – Director, Global Business Initiative on Human Rights

#### Panellists

Mr. Keiichi Ushijima – Global CSR Manager, Hitachi

1st respondent: Ms. Geetanjali Mukherjee – Research Fellow, Asian Peace-building and Rule of Law Program, Singapore Management University

Mr. Ron Popper – Head of Corporate Responsibility, ABB

2nd respondent: Mr. Jim Baker – Coordinator, Council of Global Unions

Mr. Tony Khaw E Siang – Director of Corporate Social and Environmental Responsibility, Flextronics

3rd respondent: Ms. Viviane Schiavi – Senior Policy Manager, Corporate Responsibility and Anti-corruption, the International Chamber of Commerce

Ms. Liesel Filgueiras – General Manager of Human Rights and Social Policies, Vale

4th respondent: Ms. Christine Jesseman – Pro Bono and Human Rights Director, DLA Cliffe Dekker Hofmeyer, South Africa

### **Challenges in Implementation – The Role of Civil Society 5 December – 10.00 AM – Room XXI**

#### Summary

Since the adoption of the United Nations Guiding Principles on Business and Human Rights, some civil society groups have worked closely with companies and Governments on initiatives aiming at implementation of the Guiding Principles; others have contributed to tools and guidance materials to help companies and Governments understand and implement the Guiding Principles; others have highlighted good practice examples of

implementation. Other civil society groups have reported on and campaigned against alleged corporate abuses and the failure of Governments to regulate, pointing to serious gaps in implementation of the Guiding Principles.

Some of the challenges to civil society in furthering implementation of the Guiding Principles are internal, e.g. their own resource and capacity constraints, or the focus of their work being on Government violations rather than private sector abuses. Other challenges are external, e.g. the reluctance of some companies to undertake a thorough human rights impact assessment that might delay or stop their project; difficulties in securing information from companies or Governments; lack of awareness of the Guiding Principles among companies and Governments; lack of capacity or will among some Governments to enforce regulations; and in some countries risks to human rights defenders' personal security if they investigate or report on abuses by companies or the Government.

As for access by victims to an effective remedy, challenges in some countries are systemic, e.g. judicial systems too costly, too slow, or lacking independence; the absence or inadequacy of mediation procedures or company-based grievance mechanisms. Other challenges are jurisdictional, sometimes leaving victims who have no remedy in the country where the abuse occurred unable to seek justice in the country where the multinational company is headquartered.

This session will encourage such challenges to be surfaced, frankly and constructively discussed, and prioritized in order to contribute to the further implementation and improvement of the uptake of the Guiding Principles by states and business.

Facilitator

Ms. Marjette van Hujstee – Senior Researcher, SOMO

Mr. Chris Avery – Director, Business and Human Rights Resource Centre

Moderator

Ms. Jyoti Sanghera – Chief, Human Rights and Economic and Social Issues Section, OHCHR

Panellists

Mr. Wellington Chibebe – Deputy Secretary-General, ITUC

Ms. Debbie Stothard – Coordinator Altsean-Burma, and Deputy Secretary-General of FIDH

Ms. Juana Kweitel – Program Director, Conectas

Mr. Sergey Solianik – Crude Accountability

**Challenges in Implementation – The Role of the UN System  
5 December – 10.00 AM – Room XXII**

Summary

In this session OHCHR – the UN's guardian agency and focal point for the Guiding Principles - will outline the key messages from the Secretary-General's report on this topic that was presented to the Human Rights Council at its 21<sup>st</sup> session in September 2012, as well as the implications of the resolution passed by the Council in follow-up to the report. Presentations will also be made by the UN Global Compact Office, UNICEF and UNDP.

As recognized in the Secretary-General's Report, these agencies have been leading efforts within the UN to date to promote the Guiding Principles. Their presentations will elaborate on the opportunities and challenges of promoting the Guiding Principles and the UN Protect, Respect, Remedy Framework through the channels available to the UN Secretariat, and UN Funds and Programmes within their existing mandates and work programmes. The post-2015 development agenda will also be discussed as an opportunity to promote the business and human rights dimensions of sustainable development.

During the discussion period, the moderator will invite further ideas from the audience on the recommendations contained in the Secretary-General's report and reactions to the presentations. Particular emphasis will be given to inviting views on what are opportunities and what should be the priorities for advancing convergence, embedding and integration of the Guiding Principles in the UN system. A Government and a business representative will given the opportunity to kick off reactions, before the moderator opens the floor to the audience.



Facilitator

Ms. Ursula Wynhoven – Head Policy and Legal, UN Global Compact Office

Moderator

Mr. Pierre Sané – President of Imagine Africa and UN Global Compact Board Member

Panellists

Ms. Lene Wendland – Adviser on business and human rights, OHCHR

Mr. Bo Viktor Nylund – Senior Advisor CSR, UNICEF

Ms. Shireen Said – Human Rights Policy Advisor, UNDP

Ms. Ursula Wynhoven – Head Policy and Legal, UN Global Compact Office

Respondents:

Sir Mark Moody-Stuart - Chairman, Global Compact Foundation

Ms. Heba Mostafa – Second Secretary, Permanent Mission of the Arab Republic of Egypt to the United Nations

**Challenges in Implementation in Conflict Zones**  
**5 December – 11.45 AM – Room XX**

Summary

As former UN Special Representative John Ruggie pointed out during his mandate:

“...the most egregious business-related human rights abuses take place in conflict-affected areas and other situations of widespread violence...Such situations require that States take action as a matter of urgency, but there remains a lack of clarity among States with regard to what innovative, proactive and, above all, practical policies and tools have the greatest potential for preventing or mitigating business-related abuses in situations of conflict.”<sup>1</sup>

In his final recommendations in 2011, the Special Representative put forward a range of options that home, host and neighboring States could develop to prevent and deter corporate-related human rights abuses in conflict contexts. What steps have States and other actors taken over the past year to pursue such options? How can the UN Guiding Principles on Business and Human Rights be most effectively integrated into policy debate and actions in this critical field?

One strategy for addressing conflict related issues involves the development of multistakeholder initiatives aimed at clarifying state and corporate responsibilities and mitigating the negative impacts of corporate involvement in specific situations. The Guiding Principles represent the minimum standard these initiatives should strive to achieve both for their corporate and state participants. However, little attention has been dedicated to consideration of how the Guiding Principles should inform and influence the direction of ongoing and planned initiatives in this area.

This session will consist of a Government panel focused on examining ongoing developments involving multistakeholder initiatives by States and other actors aimed at ensuring responsible business action in conflict related situations. It will conclude with a series of recommendations to the UN Working Group on Business and Human Rights and other stakeholders, including on how the Guiding Principles could strengthen existing multistakeholder initiatives, how these initiatives can mutually benefit from one another and how progress and increased accountability in this respect can be measured over time.

Facilitators

Mr. Gerald Pachoud – Senior Advisor to the Assistant Secretary-General, UN Peacebuilding Support Office

Mr. Scott Jerbi – Geneva Academy for International Humanitarian Law and Human Rights

<sup>1</sup> UN Doc A/HRC/17/32, 27 May 2011

Panellists

Mr Daniel Avila Camacho – Director Presidential Programme for Integrated Mine Action (PPAICMA), Colombia  
Mr. Dan Baer– Deputy Assistant Secretary of State for human rights, USA  
H.E. Amb. Claude Wild – Head of Human Security Division, Federal Dept. of Foreign Affairs, Switzerland  
Mr. Herbert P M'cleod – Special Adviser to the President, Sierra Leone

**Challenges in Implementation for SMEs  
5 December – 11.45 AM – Room XXIII**

Summary

The debate on business and human rights is focusing a great deal on big international business. Large and transnational corporations attract public attention due to the size of their individual human rights impacts, and their power to influence other actors – like governments and business partners. However, this attention discounts the fact that the vast majority of companies are small and medium-sized (SMEs). They constitute a key source of employment and very often provide more than half of the gross domestic product.

While the Guiding Principles emphasize the responsibility of businesses regardless of size to respect human rights, Principle 14 acknowledges that size – among other things – does matter in how an enterprise meets this responsibility. SMEs, with their limited resources and their inclination to more informal processes and management structures, will clearly differ from larger companies in their acceptance and implementation of the Guiding Principles. For instance, specific human rights expertise, which may be available in larger companies, is rare among SMEs as is the ability to find and contract external expertise. This can particularly limit the ability of SMEs to identify and assess adverse impacts related to country and sector contexts.

Case studies prepared in Europe indicate that even SMEs which have advanced corporate social responsibility practices are largely unaware not just of the Guiding Principles, but also of the entire topic of business and human rights. This implies that human rights in many SMEs are addressed only through efforts to comply with national laws, with requirements of specific management systems, or with not-overly-ambitious human rights requirements of big clients.

The session aims to examine in greater detail the challenges for SMEs in meeting the expectations of the Guiding Principles, as well as to propose actions and support schemes that could assist in better tackling those challenges. The ability to put forward collective solutions to challenges will be of particular benefit to address the resource limitations of SMEs.

Facilitator

Mr. Aleksander Nikolov – Senior CSR Expert on the EU Commission project and President of the National Coordinating Body on CSR, Former Yugoslavian Republic of Macedonia

Panellists

Mr. Brent Wilton – Secretary General, International Organisation of Employers (IOE)  
Ms. Ricarda McFalls – Head of the ILO Programme on Multinational Enterprises and Social Policy, ILO  
Mr. Tom Dodd – Policy Adviser on CSR at the Directorate-General for Enterprise and Industry, European Commission  
Mr. Liang Xiaohui – Chief Researcher, China National Textile and Apparel Council and Lecturer in Business and Human Rights at Peking University  
Ms. Amanda Romero-Medina – Latin America & Caribbean Researcher & Representative, Business and Human Rights Resource Centre  
Mr. Shaffi Manafa – Focal point, Uganda Global Compact Local Network

**Challenges in Implementation for Businesses Affecting Indigenous Peoples**

**5 December – 11.45 AM – Room XXI**Summary

Beyond the rights applicable to all people enshrined in international law, Indigenous Peoples have distinct rights. Two of the key international instruments that articulate these rights are the International Labour Organisation (ILO) Convention No. 169 on Indigenous and Tribal Peoples (1989), and the UN Declaration on the Rights of Indigenous Peoples (adopted by the UN General Assembly in September 2007). The interests of Indigenous Peoples that may be affected by development activities are generally recognized to be one or more of the following: owners of formal title to land or recognized legal interests in land or resources; claimants for ownership of land or resources; customary owners of land or resources, but without formal legal recognition of customary ownership; occupants or users of land either as customary owners or as people whose customary lands are elsewhere; in material objects or resources of cultural significance; in landscapes which have special significance because of association, tradition or beliefs; members of host communities whose social, economic and physical environment may be affected by development activities.

If Indigenous Peoples are to become beneficiaries of development rather than victims, this requires a blend of actions by governments and business. Governments need to more systematically acknowledge and implement measures to protect the rights of Indigenous Peoples. Given that some States do not yet recognise indigeneity let alone specific rights for Indigenous Peoples, there is much progress to be made. At the same time, irrespective of the legal status of Indigenous Peoples, companies need to identify and fully respect the rights of Indigenous Peoples relating to any proposed developments, in concert with their interests and perspectives. To do so requires that companies engage and consult with Indigenous Peoples in ways that are culturally appropriate and sensitive to their characteristics and context. It also requires both governments and companies to respect and accommodate the views of Indigenous Peoples, in situations where they may not wish developments to proceed that they consider are incompatible with their traditional way of life.

The session will contribute to identifying the key challenges faced by stakeholders for ensuring implementation of the Guiding Principles in the context of business impacts on Indigenous Peoples and identifying priorities for action.

Facilitator

Mr. Aidan Davy – Director, International Council on Mining and Metals

Panellists

Prof. James Anaya – Special Rapporteur to the United Nations on the rights of indigenous peoples

Ms. Inés Andrade – Coordinator of Social Standards, Cerrejón Coal

Ms. Joan Carling – Secretary-General Asia Indigenous Peoples Pact

Prof. Megan Davis – Member of the United Nations Permanent Forum on Indigenous Peoples and Professor of Law and Director, Indigenous Law Centre, Faculty of Law, University of New South Wales, Australia

Mr. Leonardo A. Crippa – Senior Attorney, Indian Law Resource Center

**The Role of the Finance Sector in Advancing the Guiding Principles  
5 December – 13.45 PM – Room XXIII**

Summary

This thematic session will focus on the role of the finance sector in advancing uptake of the Principles and promoting business respect for human rights through investment policies and practices. In so doing it will canvass a broad range of macro and micro issues.

These will include: How committed is the sector in this regard and what are examples both of commitment and its lack? What is the impact of social investment, whether from the private or public sector, and how significant will it be in future? What role can and should be played by relevant state and international regulatory agencies? Are there significant differences in mindset and practice between financiers in the global North and South, and if so, what lessons can be learned? In terms of its human rights responsibilities, are there valid reasons to view finance as an exceptional business activity, either on systemic or operational grounds? Has the global financial crisis prompted

new thinking in global finance, or is it business as usual? And what have human rights advocates learnt (about themselves as well as finance) from engagement with the sector?

Facilitator

Prof. David Kinley – Chair in Human Rights Law University of Sydney

Panellists

Mr. Aldo Caliarì – Director, Rethinking Bretton Woods Project, Center of Concern

Ms. Driekie Havenga – Ethics Officer Enterprise Governance and Compliance, Nedbank

Prof. Roel Nieuwenkamp – Chair of the Working Party of the OECD Investment Committee, OECD; Managing Director Trade Policy & Globalisation at the Dutch Ministry of Economic Affairs, Agriculture and Innovation

Prof. Ola Mestad – Chair of Council, Council on Ethics, Norwegian Government Pension Fund Global

Mr. Bennett Freeman – Senior Vice President, Sustainability Research and Policy, Calvert Investments

**Developing an Agenda for Comprehensive Capacity Building on Implementation of the Guiding Principles  
5 December – 13.45 PM – Room XXI**

Summary

This session will build on the challenges identified and prioritised in earlier sessions during the Forum, specifically on the roles and capacities of civil society and affected stakeholders, as well as other stakeholders, and focus on the capacity-building needed to address those challenges effectively. The session will discuss the following issues:

1. Is desirable to scale up capacity building for large scale participation? How might that best be achieved?
2. What are the specific priority areas for capacity building at local, national and regional levels?
3. How can strategies address the different needs of—including the need for dialogue between—business, government and civil society (trade unions and NGOs)?
4. How to develop regional and national level capacity building plans?
5. What is the role of universities and academics in capacity building?
6. What principles should shape the method and curriculum of capacity building programs? For example:
  - respect for participant experience and promotion of experience sharing;
  - developing networks for ongoing collaboration between participants;
  - adopting a ‘train the trainer’ focus; and
  - should/how might programs balance a generalist focus on the Guiding Principles and their application in specific situations or sectors (e.g. indigenous peoples, migrant workers)?
7. How might an enhanced capacity building program be funded?

Session Facilitator

Prof. Paul Redmond – Chair, Diplomacy Training Program

Panellists

Ms. Myriam Monrat – Canadian Human Rights Commission, Chair, ICC of NHRIs’ Working Group on Business and Human Rights

Mr. Rajiv Williams – Corporate Head CSR, Jindal Steel and India Global Compact Network

Ms. Juana Kweitel – Program Director, Conectas

Mr. Suon Bunsak – Executive Secretary, Cambodian Human Rights Action Committee (CHRAC)

Mr. Gregory Regaignon – Research Director, Business & Human Rights Resource Centre

## **Responsible Contracts: Integrating the Management of Human Rights Risks into State-Investor Contract Agreements**

**5 December – 13.45 PM – Room XXII**

### Summary

When the former UN Special Representative to the Secretary-General, Professor John Ruggie, presented his final report to the UN Human Rights Council in May 2011, he also presented the “Principles for Responsible Contracts,” a guide for negotiators and others to ensure that the management of human rights risks is integrated into State-investor contract negotiations.

The Contracts Principles have stirred interest among States, NGOs, companies and others, despite not yet being formally rolled out to stakeholders. They have also been used at least indirectly in contract reviews, capacity building workshops for NGOs and in developing other global standards for investment project contracts. However, the Contracts Principles remain little known and probably under-utilized.

Separate from the Special Representative’s work on State-investor contracts, a number of efforts are underway to improve the quality and perceived fairness of State-investor contracts. Most of these are geared towards providing technical assistance to host governments to improve their negotiating stance in the negotiation process. While some of the efforts may focus on improving the social and environmental standards relevant to an investment project, none of the efforts are geared towards offering host governments advice on human rights risks their management during the negotiation process. Additionally, none of the current efforts to improve the perceived fairness of State-investor contracts are geared towards helping companies and States integrate human rights risks into the negotiation. This is an important added value that the Contracts Principles bring to bear on current efforts to improve State-investor contracts globally. Beyond fairness, the Principles help the State and investor parties to plan for, prevent and mitigate negative impacts on people who are not party to the contract. Additionally, the Contracts Principles are meant to help enhance the positive impacts that the investment can bring to the enjoyment of human rights.

How can the Principles for Responsible Contracts make a positive impact on State-investor contracts in practice? What can be done to optimize the utilization of the Contracts Principles? These are some of the questions that will be asked of panellists who are directly engaged in either negotiations, or in working to improve State-investor contracts.

### Facilitator

Ms. Andrea Shemberg – former advisor to the former Special Representative of the Secretary-General on business and human rights

### Panellists

Mr. Hafiz Mirza – Chief, Investment Issues Section, Investment trends and Issues Branch, UNCTAD

Mr. Herbert P. M’cleod – Special Adviser to the President, Sierra Leone

Mr. Lorenzo Cotula – Senior Researcher, Law and Sustainable Development, International Institute for Environment and Development

Ms. Motoko Aizawa – Advisor to the Sustainable Development Network World Bank

Mr. Benoit Palmer – Senior Corporate Counsel Simandou Project, Rio Tinto

Mr. Antonio Carvalho Coehlo – Senior counsel within E&P, Total

Mr. Gerald Pachoud – Senior Advisor to the Assistant Secretary-General, UN Peacebuilding Support Office

## VI. Rules of procedure

12. Sessions will be introduced by pre-determined panels as per the programme. Once the panellists have finished their presentations, other participants will have an opportunity to take the floor, subject to the limited scheduled time for open discussions.

13. In order to speak, all participants will need to sign-up to the speakers list for the respective sessions. The list will be available from 5 minutes before and during the beginning of each session. The list will be closed by the end of the panel presentations. The number of speakers on the list will be limited, due to the tight schedule of the Forum. The session facilitators will aim to ensure a balanced representation of stakeholder groups on a rotational basis. To achieve this, the speakers list will be divided into three groups of stakeholders to ensure that all stakeholders are able to participate in the dialogue. States and other groups will be treated on an equal footing.

14. The format for each session may vary; please refer to the session description for more information.

15. The Secretariat and the session facilitators reserve the right to use their discretion in the management of the speakers list in order to enable as many stakeholders as possible to participate in the dialogue and to ensure a balanced debate.

16. Participants should keep their comments to 2 minutes or less and their remarks should be pertinent to the topic of the session. All participants should ensure that a sense of respect and tolerance permeates the discussion. Participants are encouraged to avoid reading from prepared written statements, documents or published texts in order to stimulate dynamic discussions. If a participant has prepared a statement in advance, a copy should be given to the Secretariat before the start of the session so that it can be shared with the conference interpreters, if interpretation is provided, and for posting on the Forum website after the session.

17. All participants are invited to send statements to the Secretariat for posting on the website of the Forum. The Secretariat will make every effort to ensure that statements are posted by the end of each day, but participants are kindly advised that there may be delays. All statements received will be posted on the Forum website by Monday 10 December.

18. Please note that given the number of distinguished speakers and available time, **there will be no opportunity for interventions from the floor during the Opening High Level Segment.**

## **VII. Practical Information**

### **A. Languages**

19. Simultaneous translation in Arabic, Chinese, English, French, Russian and Spanish will be provided in the opening and closing sessions in Room XX and in some of these languages in some of the thematic sessions. Please refer to the programme for each session for information on available languages. Where interpretation is provided, participants will be able to hear the interpretation by using the ear pieces available at each seat and selecting the channel for the desired language.

### **B. Participating in the discussions**

20. Please refer to the rules of procedure.

21. Participants can also submit written statements that will be posted on the Forum web page. Statements should be sent to [wg-business@ohchr.org](mailto:wg-business@ohchr.org). Written statements can be submitted before, during or after the Forum, up to Monday 10 December.

### **C. Following the proceedings**

22. During the plenary opening and closing sessions, it will be possible to follow the proceedings in the plenary (Room XX) from Room XXI. The plenary sessions will also be broadcasted via:  
<http://www.ohchr.org/EN/Issues/Business/Pages/ForumonBusinessandHR2012.aspx>. All other sessions will be video recorded and archived on the Forum web page after the Forum.

23. It is also possible to follow proceedings by telephone by dialling +41229170901 (annex 70901 from inside the UN) and keying the relevant room number when prompted (eg: 20, 21, 22, 23). For sessions where interpretation is provided, it may be possible to listen in this way to proceedings in one of the languages for which interpretation is available, in that session.

### **D. Accreditation and Registration for the Forum**

Accreditation office:  
Palais des Nations - Security entrance  
Pregny Gate, 8 - 14 Avenue de la Paix  
1211 Geneva 10

Open Monday to Friday from 08.00 to 17.00. On Tuesday 4 December only, the accreditation office will be open from 07.30 to 17.00.

24. Due to the high number of registrations, participants are advised to collect their badges as early as possible. Participants present in Geneva, can collect their badge at Prégny Gate from Thursday 29 November from 14.00. Permanent Missions may collect badges on behalf of other participants. If doing so, it is required to present copies of

registration forms, accreditation letter and IDs of the participants whose badges are being picked up.

25. Participants wishing to attend morning sessions on 4 December are strongly advised to collect their badges on 3 December. Those attending events on 3 December are advised to go to Security in advance as early as possible from 10.00.

26. Please ensure that you bring with you a personal identification document (ID) such as a passport or ID card with a photo, the registration form, a copy of the letter requesting accreditation and, if applicable, a copy of the accreditation questionnaire that was sent to the Secretariat of the Forum on Business and Human Rights.

#### **E. Wi-fi and Computer access**

27. Free Wi-fi access is available in the meeting rooms and generally throughout public areas of the Palais des Nations. Computer terminals are available near the Serpentine Bar.

#### **F. Access to United Nations premises and the plenary room**

28. The Palais des Nations is accessible to accredited participants from 08.00. Participants must comply with the requests and instructions of UN officials and security staff relating to access and use of UN facilities and premises. The Secretariat may limit the number of accredited participants per delegation having access to the plenary room when demand for attendance is particularly high. Due to the high number of participants, participating organizations with delegations of more than two persons are kindly requested to limit the number of persons attending the plenary sessions in Room XX on 4 December from 10.00 to 11.30 and on 5 December from 15.30 to 18.00.

#### **G. Participants must display their badge visibly at all times when entering and exiting, and while present on UN premises.**

29. Participants may be subjected to security scrutiny. Access to the United Nations premises with large luggage is not permitted.

30. For information regarding access to Palais des Nations for persons with disabilities, please refer to the map in the logistics note available at the Forum web page.

31. Smoking is not permitted in the Palais des Nations. Eating and drinking are not permitted in the meeting rooms. Use of visual recording equipment is not permitted in the Palais des Nations, except in side-events (see above).

#### **H. Contact**

32. To contact the Secretariat of the Forum on Business and Human Rights: [forumbhr@ohchr.org](mailto:forumbhr@ohchr.org) or visit the Forum Information Desk outside Room XX.

33. For general information about participation in United Nations meetings, the Civil Society Section of the Office of the High Commissioner of Human Rights can be contacted at:

[civilsociety@ohchr.org](mailto:civilsociety@ohchr.org)  
Tel: +41 22 917 96 56



## **I. Travel arrangements**

34. All travel related-expenses, accommodation, medical insurance, visas and other arrangements are the responsibility of the participants. Please refer to our webpage for further practical information.

## **J. Media**

35. The meeting is open to the media. Representatives of the media wishing to cover the event will need to be accredited for the coverage of the meeting. All media accreditation requests should be sent to [accreditation-media@unog.ch](mailto:accreditation-media@unog.ch), or by telephone: +41 22 9174359 or +41 22 9172336; fax: +41 22 9170030.

36. Participating organizations are not permitted to hold press conferences on United Nations premises. Press briefings, and dissemination of press releases and media advisories by participating organizations may be arranged only through the Association of Correspondents Accredited to the United Nations (ACANU), [acanu.secretary@gmail.com](mailto:acanu.secretary@gmail.com).

## **VII. Acknowledgements**

**The Working Group is grateful for the support to the organization of the Forum on Business and Human Rights from:**

**The Government of Denmark**

**The Government of the Netherlands**

**The Government of Norway**

**The Government of the Russian Federation**

**The Government of Sweden**

**The Government of Switzerland**

**Friedrich Ebert Stiftung Geneva**

**The session organizers, facilitators and speakers**

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