

Promises and pitfalls of non-judicial grievance mechanisms: Strengths, weaknesses, and how to improve outcomes on the ground

Side session at the 2015 UN Forum on Business and Human Rights

Organizers: [Accountability Counsel](#), [Corporate Accountability Research Project](#), and [RAID](#)

Date and time: Tuesday, 17 November, 2015 at 15:00 - 16:20

Location: Palais de Nations, Room XXI

Are non-judicial grievance mechanisms living up to the promise of delivering remedy? When have they been effective and when have they failed? In what ways can we improve them?

This session will feature a discussion of a variety of non-judicial grievance mechanisms, such as the OECD National Contact Point system, the IFC's Compliance Advisor Ombudsman, complaints mechanisms attached to multistakeholder initiatives such as the Roundtable on Sustainable Palm Oil and the Indonesian Freedom of Association Protocol, and project-level grievance mechanisms. We will discuss their positive attributes and shortcomings vis-à-vis the Third Pillar of the UN Guiding Principles and explore where they have been most effective. The session will also highlight opportunities and strategies for improving these mechanisms, such as through the development of National Action Plans for Responsible Business Conduct and the implementation of G7 commitments.

Our conversation will be based on the experiences of mechanism users, civil society, government, and business as well as on the findings from a three-year research project focused on the effectiveness of mechanisms operating transnationally.

Program

15:00 - 16:00 – Dynamic moderator / panel interaction

- Dr. Samantha Balaton-Chrimes, Deakin University (Australia)
- Dini Widiastuti, Oxfam in Indonesia (Indonesia)
- Tricia Feeney, RAID (UK)
- Larry Memmott, Economic Bureau of the U.S. Department of State
- Kindra Mohr, Accountability Counsel (USA) - *Moderator*
- Brent Wilton, The Coca-Cola Company

16:00 - 16:20 – Q&A and audience experiences



Biographies

	<p>Dr. Samantha (Sam) Balaton-Chrimes, Lecturer at Deakin University</p> <p>Dr. Balaton-Chrimes lectures in International Studies at Deakin University, Australia. She has published widely in the areas of citizenship studies, ethnic politics, democracy and diversity, and corporate accountability. She is currently working on an Australian Research Council funded research project investigating the efficacy and legitimacy of redress avenues available to citizens whose human rights are impacted by transnational business. Her geographic expertise is in Kenya, India and Indonesia.</p>
	<p>Dini Widiastuti, Economic Justice Programme Director, Oxfam in Indonesia</p> <p>Dini Widiastuti directs Oxfam in Indonesia's Economic Justice programme. She leads the implementation and development of Oxfam in Indonesia's Economic Justice strategy with programme focus on sustainable livelihoods and value chains, private sector accountability, natural resources management and women economic empowerment. She has over 15 years experience working for national and international NGOs (including Oxfam, Caritas and National Democratic Institute) at national and headquarter levels in the fields of education, food security, emergency response , DRR, sustainable livelihoods, governance and human rights.</p>
	<p>Patricia (Tricia) Feeney, Executive Director at RAID</p> <p>Patricia Feeney is the Executive Director of Rights and Accountability in Development (RAID). A key focus of RAID's research has been conflict and corruption related to the exploitation of natural resources in the Democratic Republic of Congo. RAID has investigated the conduct of Chinese-run mining companies and analysed the regulations of London Stock Exchange. Patricia Feeney was one of the founders of OECD Watch, the international NGO network set up to promote the OECD Guidelines for Multinational Enterprises and monitor its implementation. She was a member of the Steering Board for the UK National Contact Point for the OECD Guidelines, a government advisory body. RAID's report <i>Principles without justice – the corporate takeover of human rights</i> examines how the UN Guiding Principles (UNGPs) and the Voluntary Principles on Security and Human Rights (VPSHR) encourage companies to privatise and control the implementation of non-judicial grievance</p>

	<p>mechanisms. Through a careful examination of company remedy programmes in the Democratic Republic of the Congo and Tanzania, RAID argues that there are significant omissions and gaps in the UNGPs and VPSHR which urgently need to be addressed in order to prevent their misuse and misapplication.</p>
	<p>Larry Memmott, Senior Advisor for Responsible Business Conduct for the U.S. Department of State Larry L. Memmott began his duties as Senior Advisor for Responsible Business Conduct in the Economic Bureau of the Department of State in July, 2014. A career U.S. Senior Foreign Service Officer, Larry previously served as Charge d’Affaires of the Embassy of the United States of America to the Plurinational State of Bolivia from 2012 to 2014. From 2009 to 2012 he was Deputy Chief of Mission in the Kyrgyz Republic. He began his diplomatic career in 1987, taking up his first assignment, as Vice Consul in La Paz, Bolivia, in that year. His assignments have also included positions in U.S. Embassies in Norway, Chile, Uzbekistan, Ecuador, and the Philippines, and in the Department of State in Washington. He speaks Spanish and Russian and has won several State Department awards for his contribution to U.S. diplomacy and his leadership. A native of the state of Utah, Larry earned a Bachelor's degree in International Political and Economic Relations from the University of Utah. He undertook post-graduate studies in economics at the University of Chicago. He is married and has four children.</p>
	<p>Kindra Mohr, Policy Director at Accountability Counsel Kindra Mohr, Esq. oversees the Policy Advocacy program at Accountability Counsel, an organization that works with communities around the world to defend their environmental and human rights through policy advocacy and direct case support. The Policy Advocacy program focuses on strengthening and creating effective non-judicial grievance mechanisms within the sphere of international financial institutions and development and export/trade promotion agencies. Kindra has extensive advocacy and accountability experience based on her work in civil society, the private sector, and the U.S. Senate. She has conducted human rights, anti-corruption, and environmental compliance investigations across Latin America.</p>
	<p>Brent Wilton, Director of Global Workplace Rights at The Coca-Cola Company Having trained as a labor lawyer in New Zealand, Brent has spent the last 28 years representing companies and their</p>



representative organizations across a range of labor and human rights issues in countries around the world. Prior to joining Coca-Cola as director of Global Workplace Rights in April of 2015, for the last 15 years, Brent has been based in Switzerland with the International Organization of Employers (IOE) representing the interests of business in 150 countries on global labor and social policy matters across the UN and wider multilateral system, particularly within the International Labor Organization. As a result, Brent has directly engaged with Global Union Federations, NGOs, Governments, other stakeholders and opinion makers in the negotiation and resolution of issues. In particular, Brent was engaged from the outset in the stakeholder discussions that led to the creation of the UN Guiding Principles on Business and Human Rights, working closely with Professor John Ruggie and his team, and more recently with the UN Human Rights Working Group on their follow up to the implementation of the Principles. Brent also served on the Board of the UN Global Compact in his last role as IOE Secretary General and was co-chair of their multi-stakeholder Labor and Human Rights Working Group.