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**Working Group on the issue of human rights and transnational  
corporations  
and other business enterprises**

**African Regional Forum on Business and Human Rights  
Opening statement by Michael K. Addo,  
Chairperson of the UN Working Group on Business and Human Rights  
17 September 2014**

Distinguished Forum participants,

It is a great honour for me, representing the United Nations Working Group on the issue of human rights and transnational corporations and other business enterprises [or the Working Group on business and human rights] to welcome you at the African Regional Forum on Business and Human Rights that we have convened with the support of the Africa Union, United Nations Economic Commission for Africa and the Office of the UN High Commissioner for Human Rights. This forum is quite unique. It is the first time that such a large and diverse gathering of stakeholders from across the African continent convene to discuss how to prevent and address business-related human rights impacts in line with the UN Guiding Principles on Business and Human Rights. As conveners of this event, we are very pleased welcome all of you today.

The Regional Forum follows on from the global annual UN Forum that is held annually in Geneva. The next annual Forum in December this year, will be the third of its kind and in that short time it has already become the largest global forum for dialogue on business and human rights. It also follows on from the Regional Forum for Latin America and the Caribbean that was convened by the Working Group last year.

On behalf of the Working Group I would like to express our sincere appreciation to the African Union Commission and its Department of Political Affairs, the United Nations Economic Commission for Africa, and the East Africa Regional Office of the Office of the High Commissioner for Human Rights for their support in organizing the event. We commend the African Union Commission – and Her Excellency the Commissioner Aisha Abdulahi in particular – for the commitment to advancing the business and human rights agenda in the region, as also underlined by Commissioner at last year’s annual Forum in Geneva. I would also like to thank UNDP and the UN Global Compact, our other collaborators in preparing this key event, as well as the European Union, who worked together with the African Union in convening yesterday’s seminar focused on fostering regional cooperation on business and human rights.

I would like to extend special thanks to the Government of Denmark for its financial support to the organization of the Regional Forum, as well as all those supporters who have worked hard to enable an expanded participation of civil society representatives – including the African Coalition for Corporate Accountability – to ensure that their voices are represented. I would also like to thank the Government of Ethiopia for their hospitality and support.

It is a great pleasure to extend a warm welcome to our distinguished speakers and panel moderators, to representatives of Governments from the region and beyond, representatives of the UN, international and regional organizations, national human rights institutions, trade unions, business associations, companies, non-governmental organizations, academics and other experts. It is also an honour for me – both personally and on behalf of the Working Group – to welcome directly affected community members who are participating in the event.

The voices of those directly affected or involved in the issues at hand, be it from business, from Government or from civil society and impacted communities, will allow us to reflect the actual challenges, good practice and lessons learned on the ground.

Ladies and gentlemen,

The UN Guiding Principles on Business and Human Rights provide a key reference for this Regional Forum and for global efforts to strengthen the protection of human rights in the context of business activities.

The UN Human Rights Council endorsed the Guiding Principles in 2011 and the Council refers to them as “an authoritative framework to prevent and address adverse human rights risks and impacts of business activities” (HRC resolution 26/22).

The Guiding Principles are not “voluntary” guidelines. They are grounded in legally binding norms and standards and provide authoritative guidance as to the application of existing core international human rights treaties in these areas.

In explaining the respective human rights obligations and responsibilities of States and business enterprises, the Guiding Principles are structured around three pillars:

- The State duty to protect against human rights abuses by third parties, including business, through appropriate policies, regulation and adjudication;
- The corporate responsibility to respect human rights, which means to act with due diligence to avoid infringing on the rights of others, and to address adverse impacts that occur; and
- The need to ensure access for victims to effective remedy, both judicial and non-judicial.

Distinguished Forum participants,

The UN Human Rights Council in June discussed possible measures to further strengthen the protection against business-related human rights abuses, and decided to establish an inter-Governmental working group, open to the participation of all UN Member States, to consider a new legal instrument on transnational corporations with respect to human rights.

I and my fellow members of the Working Group on Business and Human Rights welcomed the common viewpoint expressed by States that any efforts to strengthen international standards should build upon and be complementary to the framework set out in the Guiding Principles.

The new inter-governmental process (a first meeting of the inter-Governmental working groups will be held next year) does not in any way reduce the need for all States to take steps now to implement their duty to protect human rights. Similarly, all business enterprises need to increase efforts to implement the corporate responsibilities to respect human rights.

Ladies and gentlemen,

Though the Guiding Principles were only endorsed by the Human Rights Council in 2011, they have already spurred significant legal and policy developments. Still, we need to urgently scale up emerging good practice inspired by the Guiding Principles to promote human rights-sensitive business practice.

The Working Group is advocating for national action plans on business and human rights as one important vehicle to spur action to implement the Guiding Principles. In this regard we were very pleased that the Human Rights Council in June encouraged all States “to submit

information on their national action plans and other relevant initiatives, with annual reports on the implementation of such commitments.” The Working Group is encouraging all African States to take steps to initiate open, multi-stakeholder processes to develop action plans to implement the UN Guiding Principles. We are pleased to see the promising progress already underway in several countries in this region, including Ghana, Morocco, Mozambique and Tanzania. The Working Group is also encouraged by the AU Commission’s interest in developing a regional strategy on business and human rights based on the UN Guiding Principles. Having development and implementation of national action plans as a central feature of that strategy could help ensure concerted action around a tool with potential for ensuring greater policy coherence, transparency and prioritization of issues that reflect national realities.

The Working Group is in the process of preparing guidance on the process and substance of preparing national action plans. We have provided some first observations and guidance in a report which will be presented to the General Assembly next month, and we will present further results at the annual Forum in December.

We will be able to discuss these issues further tomorrow during the session dedicated to national action plans.

Distinguished Forum participants,

While traditionally human rights have focused on the relationship between the individual and the State, the increasing attention given to business and human rights reflect the changing realities of a globalized world in which private actors/enterprises play an increasingly significant role.

In today’s world the way in which business activities impact on human rights, both positively and negatively, is increasingly evident. On the one hand, private enterprises, small and large, are contributing to job creation and improving living standards. From mobile phones, to computers, to medicines, to food – we all use services and products that contribute to our welfare and to our enjoyment of fundamental human rights.

On the other hand, the increased role of private enterprises also carries risks, and human rights defenders increasingly address themselves to private enterprises as well as to States to protect individuals from human rights abuse. The role of human rights defenders and national human rights institutions will be the focus of one of tomorrow’s sessions.

As is also evidenced in the submissions to this Forum prepared by the Business and Human Rights Resource Centre, a significant number of adverse human rights impacts affect local communities who depend on land or natural resources that are being extracted or otherwise used for commercial purposes. It is for this reason that we have two sessions dedicated to these issues. Later this morning, a session will focus on experiences and lessons from the extractive industries, while another session tomorrow will look at issues related to large-scale land investments.

Other important challenges relate to the many practical obstacles to access to remedies for business-related human rights abuse. Enhancing access to judicial remedy is the focus of one of the sessions this afternoon, as part of a global process led by OHCHR with the support of the Working Group. Yet another session, later today will look at experiences with non-judicial grievance mechanisms operated by private companies themselves.

Finally, another set of challenges, which will be the subject of a session tomorrow, relates to business and human rights in conflict situations. The UN Guiding Principles underline the fact that the risk of human rights abuses is heightened in conflict-affected areas requiring States and business enterprises to take additional steps to identify, prevent and mitigate human rights-related risks.

Ladies and gentlemen,

We have already benefited from one day of mutual learning, and I look forward to the remaining two days of lesson-sharing and constructive dialogue between all parties. One of the most interesting elements of the business and human rights agenda is the emphasis on multi-stakeholder dialogue. Only through a dialogue among all parties – States, business enterprises, national human rights institutions, civil society and affected communities – can effective solutions be found to the human rights challenges faced.

Thank you.