
REPORT FROM BUSINESS STAKEHOLDER MEETING AT SECOND UNITED NATIONS FORUM ON BUSINESS AND HUMAN RIGHTS

Companies engaging business partners, civil society, affected individuals and governments in the context of meeting the Corporate Responsibility to Respect Human Rights

3 - 6pm, December 2nd 2013
Room XI, Palais des Nations, Geneva

1. INTRODUCTION

The Business Stakeholder Meeting was a single-stakeholder meeting held on 2 December 2013 prior to the UN Forum on Business and Human Rights. Part of the motivation for the meeting and the other single stakeholder meetings held at the same time came from participant feedback received by the UN Working Group on Business and Human Rights (UNWG) following the 2012 UN Forum.

Upon the invitation of the UNWG, the Secretariats of five business organizations designed and convened the meeting: **the UN Global Compact (UNGC), the International Organization of Employers (IOE), the International Chamber of Commerce (ICC), the Global Business Initiative on Human Rights (GBI), and Business for Social Responsibility (BSR).**

The meeting was aimed at providing an opportunity for business representatives to share and discuss diverse actions, key challenges and opportunities in relation to the implementation of the UN “Protect, Respect and Remedy” Framework and UN Guiding Principles on Business and Human Rights (UNGPs). This note provides some background to the agenda design and a summary of the discussions.

2. AGENDA

The agenda for the meeting was focused on **companies engaging business partners, civil society, affected individuals and governments in the context of meeting the Corporate Responsibility to Respect Human Rights**

There were two primary reasons for this focus. First, as the UNGPs note, engagement with third parties is critical to establishing sustainable responses to prevent, mitigate and remediate adverse human rights impacts. This is especially true when third parties have particular expertise (for example about local contexts or

international human rights), have leverage to improve the human rights situation, or – arguably most importantly – are the individuals or communities being impacted. Further, it can be challenging when business or other actors lack commitment and capacity to fulfil their own duties and responsibilities. Addressing this topic reinforces that the three pillars of the UN Framework are inter-related and all societal actors need to work together to meet their respective duties/responsibilities.

Second, an increasing number of companies in diverse sectors and geographies are focusing on embedding respect for human rights in internal policies, systems, functions, processes and governance mechanisms. This is necessary and there is more work to be done, including interacting with stakeholders about this work. This “internal focus” is the subject of many existing forums and initiatives. The conveners felt that this meeting was a chance to address the important issue of engaging with third parties in the hope that it could help orient business participants to the opportunity for constructive dialogue at the UN Forum about stakeholders working together to achieve “tangible results for affected individuals and communities” as called for by the UNGPs.

The session proceeded as follows:

- **Welcome, Context and Opening Dialogue**
Led by session chair, Mrs. Margaret Jungk, Member, UN Working Group
- **UNWG Corporate Questionnaire Update**
Presented by Ms. Kathryn Dovey, Director, Global Business Initiative on Human Rights
- **Session One: Business Relationships**
Led by Mr. Dan Bross, Senior Director of Corporate Citizenship, Microsoft
- **Session Two: Engaging Civil Society and Affected Individuals**
Led by Ms. Liesel Filgueiras, Human Rights, Indigenous Community Relations, International Community Relations and Vale Volunteers, Vale
- **Session Three: The Role of Governments**
Led by Mr. Clifford Henry, Associate Director, Global Sustainability, Proctor and Gamble

3. HEADLINES

At the start of the UN Annual Forum on December 3rd, *Vanessa Zimmerman*, *Group Advisor Human Rights, Rio Tinto* was asked to present views from the business stakeholder meeting with reference to three questions developed by the Forum secretariat. Her report is summarized below:

What is happening on implementation?

- There is progress from policy drafting and training programs through to reporting systems and capacity building with business partners. The UNGPs have provided a very credible road map.

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- There is recognition of the importance of an integrated, coordinated approach including through cross-functional internal working groups and embedding implementation of the UNGPs as much as possible into existing company processes. There was also recognition that companies need to ensure all relevant functions and colleagues are engaged, whether human resources, sales, procurement, legal or corporate affairs engaged in public advocacy.
 - Sector specific and multi-stakeholder initiatives are assisting businesses to take a more context specific approach and multi-stakeholder initiatives are also facilitating implementation.
 - There are also good examples of business engaging with NGOs to better understand key challenges and opportunities on the ground. It was recognized that civil society often do support companies to “know and show” that they respect human rights including when relationships start off in a more adversarial manner.

What are the key challenges on implementation?

- Complete implementation is difficult and will take time and buy-in from both internal and external stakeholders.
- Business relationships remain complex – the sheer number of business partners may make it necessary to prioritize action relating to human rights. The concept of leverage and different perceptions of this concept as set out in the Guiding Principles were also discussed.
- Companies discussed the importance of addressing how to best communicate the work they are doing and how to convey to external stakeholders that developments are occurring. This can be challenging when much of the work is internal capacity and capability building.

What are the key needs regarding implementation?

- There remain clear connections between all three pillars of the Protect, Respect and Remedy Framework including between the State duty to protect and the corporate responsibility to respect. Difficulties arise when business is asked to step into the role of government. There are good opportunities for government to support business to respect human rights, including through National Action Plans (NAP). The idea that companies, including SMEs should be part of NAP design processes was raised.
- There are many different ways in which civil society and business can engage. There are clear benefits in both groups engaging productively in relation to specific challenges as well as more general discussions.
- All types of businesses need to be equipped to be part of this discussion including SMEs and others from diverse sectors and geographies.

3. MEETING NOTES

Welcome, context and opening dialogue

Led by Chair, Mrs. Margaret Jungk, Member, UN Working Group

Mrs. Jungk provided some background to the business stakeholder meeting, and the other single stakeholder meetings taking place in parallel. She emphasised that the intention was to support learning between individuals and institutions on comparable journeys of implementation around the UNGPs. The intention was not to create entrenched interest groups. Mrs. Jungk then shared that the UNWG wanted to give ownership to each constituency and went on to thank the organisers for their work in developing the session. She emphasised that her role was to be a neutral chair/facilitator and to help the session run smoothly.

As requested by the organisers, Mrs. Jungk then offered an overview of the UNGPs, briefly outlining their history and content. In particular, she focused on the way in which the past 30 years has been a journey to clarify the appropriate roles and responsibilities of companies in relation to human rights. In the past, positions have ranged from an expectation of business to use their resources to fulfil human rights to notions that “the business of business is business” and companies simply need to meet local law. The only successful attempt to achieve clarity came from the six years’ work of the UN Special Representative from 2005 to 2011 in the form of the UNGPs, which rest on the three-pillar UN Framework endorsed in 2008 by the Human Rights Council:

- **Pillar One: Protect** - The State duty to protect against human rights abuses by third parties, including business enterprises, through appropriate policies, regulation, and adjudication.
- **Pillar Two: Respect** - The corporate responsibility to respect human rights, which means that business enterprises should act with due diligence to avoid infringing on the rights of others and to address adverse impacts with which they are involved.
- **Pillar Three: Remedy** - Access to remedy, which addresses the need for greater access by victims to effective remedy, both judicial and non-judicial.

The second pillar therefore recognizes while the purpose and role of business in society is to generate value for society, profit, jobs, and economic growth generally, companies should undertake due diligence to ensure they do not undermine human rights or have adverse human rights impacts.

Finally, Mrs. Jungk provided an overview of the composition and role of the UNWG, and noted that the mandate of the group is being reviewed in the coming year. She strongly encouraged the business community to engage in this process, noting that NGOs and governments are already inputting ideas and expectations.

Before the dialogue began, ***Kathryn Dovey, Director, Global Business Initiative on Human Rights***, provided a brief introduction to the UNWG Corporate Questionnaire, and invited business participants in the room to complete the

questionnaire. The Questionnaire is a project of the UNWG, in partnership with GBI, the ICC, the IOE and the Corporations and Human Rights Database Project at the University of Denver. The purpose of this Questionnaire is to understand progress on dissemination of the UNGPs amongst the business community, and highlight some challenges and motivations regarding implementation of the UNGPs. A summary of results will be shared in 2014 by the UNWG.

Discussion Questions and Summary

What have you seen that has changed (in particular in your companies) since the UNGPs have been endorsed? What is the driving force behind work on this topic? How are other standards, like the OECD Guidelines, informing human rights policies and practices?

- **A period of “absorption”** has been taking place whereby leadership companies are working to integrate the UNGPs into management systems and core business processes.
- The **UNGPs have helped to ignite a conversation internally** with corporate responsibility teams, human resources, risk functions, security, procurement teams and others.
- One common action is **looking at all of the work being done already, identifying the gaps and establishing how to take a more coherent approach**. This includes who to engage from a cross-functional perspective and which business processes to look at. Many companies have, or are establishing, internal steering committees to drive this work.
- Another aspect is that the UNGPs provide a reference point for addressing human rights more clearly including **looking beyond impacts on labor rights to all human rights**, and some appear to be moving from a risk lens-based approach focused only on company risk, to a risk to rights-holders or impact approach.
- The areas of **priority in the past few years seem to depend on the size of the company, the sector and the starting point**. Some companies have already been working with the UN Framework since 2008, and others are very new to it.
- **Sector specific initiatives have played a key role** in thinking about the UNGPs in the context of (often existing) business processes, tools and impacts at a more operational level. Some initiatives have developed tools and examples of early thinking and implementation (such as the Oil and Gas, Mining and Finance sectors).
- A key message is that **building a program consistent with the second pillar of the UNGPs in a way that is serious, sustainable and meaningful takes time**. Communicating this organizational change journey can be a challenge and should not be mistaken for the perception that the UNGPs have not changed anything.
- **Developments such as the OECD Guidelines have supported wider awareness** and uptake by business. Being the subject of a special instance, or being at risk of being the subject of a specific instance does heighten attention from some within companies. One company mentioned that they are beginning to recognize that it can often make sense to treat soft law as hard law.

Session One
Business relationships – partners, suppliers, and customers
Led by Mr. Dan Bross, Senior Director of Corporate Citizenship, Microsoft

The focus of Session One was on companies engaging with prospective or existing partners, suppliers and customers to address adverse human rights impacts. The UNGPs state that all business enterprises should address impacts that they cause, as well as those that they contribute to or are directly linked to in the context of their business relationships. The starting point for the UNGPs in this regard is that all enterprises should meet their responsibility to respect human rights *including* by working with others (e.g. suppliers, customers, joint venture partners, and acquired businesses) as early as possible in the lifecycle of a relationship, and on an ongoing basis. The UNGPs differentiate the nature of the likely response depending on the degree of involvement in the adverse impact.

Mr. Bross opened the session by thanking the Working Group for the opportunity to speak, and for their ongoing work. Mr. Bross echoed the sentiments of the first panelist by stating that the UN Guiding Principles have provided a very clear framework for action and to analyse existing approaches by business to human rights. He stated that in the past it was unclear what exactly companies needed to do. Now it is neatly set out: the UNGPs call for companies to adopt a human rights policy commitment, to “know and show” how they address human rights impacts, and where appropriate, to engage in processes to support remediation.

Mr. Bross then provided some examples of actions taken by Microsoft on their journey towards implementing Corporate Respect for Human Rights relevant to this section of the agenda, including:

- Microsoft adopted its **Global Human Rights Statement** in 2012, in which the company commits to respect key international human rights standards. Microsoft’s approach to human rights is premised on four key beliefs/ideas: the power of technology to support human rights; the importance of a consistent global approach; engagement and presence in difficult or high-risk contexts is better for human rights than disengagement; and good governance and the rule of law are key foundations for the realisation of human rights. The statement sets out four Key Impact Areas: Products and Partnerships, Employees, Suppliers and Communities.
- In the key impact area of Products and Partnerships, the company has undertaken **Human Rights Impact Assessments of their commercial relationships** (products, services, business relationships, and markets). This work involved a corporate-wide mapping of relevant human rights issues, a review of how they are currently being managed, and prioritizing areas for action where the greatest risks to rights-holders existed/exists. This work surfaced multiple lessons and actions for Microsoft, for example: i) while privacy policies and terms of use are posted and available to users, these could be more clearly articulated and user-friendly; ii) the need to undertake human rights training programs for various functions responsible for

developing and managing products and partnerships; and iii) building in human rights considerations into partner due diligence in a holistic way and avoiding a scenario where this is done on an ad hoc basis. A new round of impact assessments on areas with greatest risks to rights-holders will take place in the future.

- **Two concrete examples** of impact assessments undertaken by Microsoft in relation to Products and Partnerships are:
 - A countrywide assessment to decide whether to enter **Burma/Myanmar**. This work identified the need to ensure rigorous “know your customer” policies and the need to support and engage with civil society. Further, Burma/Myanmar is a case in point for the presence of technology companies having the potential to support the realization of human rights.
 - A review related to a joint venture arrangement between SKYPE (owned by Microsoft) and GMF – **SKYPE’s new joint venture partner for the Chinese market**. The new agreement and customer data encryption protocols are now aligned to Microsoft’s human rights commitments related to censorship and surveillance. The previous JV partner/agreement had been criticized for not doing this.
- Microsoft recognises that its work/commitment to **human rights is an ongoing process that needs to be implemented in a sustainable way**. In order to effect continuous improvement and learning, a number of groups, functions and committees must be engaged. The Regulatory Committee of the board is responsible for oversight of the human rights commitment and work. The General Counsel works with the Corporate Affairs team to regularly review and update policies, processes and management systems with the aim of having appropriate policies in place to respect the rights of rights-holders. The findings from impact assessments also need to be implemented. Mr. Bross noted that this requires strong cross-group collaboration, support of senior management, and patience.

Discussion Questions and Summary

What success stories exist for building capacity of business partners to meet their responsibility to respect? In what ways has your business created and exercised leverage? How does your company deal with multiple requests for information or assessment (e.g. from customers)? What are the challenges of communicating about business relationships to stakeholders?

- Businesses are sometimes confronted by **different and contradictory interpretations of the UNGPs concepts related to business relationships**. By extension, viewpoints about the scope/nature of what their responsibility looks like in particular situations can differ considerably. This applies in particular to the distinction that the UNGPs make related to “causing or contributing” vs. being “directly linked” to an adverse impact. Further, some feel that by virtue of a company being in a business relationship, it has adequate leverage to fully change the situation. Others feel that such a position exaggerates the leverage and role that companies have to change the situation.

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- There are an increasing number of examples of **industry groups seeking to establish and use leverage** to improve the practices of suppliers, customers and business partners. During the session, examples of collective action in a number of industries were shared including Shipping, Finance, Oil and Gas, Mining and Chemicals.
 - Several **success stories and lessons** were shared in relation to working with business partners. For example, some companies have found that HSE (Health, Safety and Environment) is a sensible starting point for discussion about wider human rights impacts. Others mentioned linking good human rights practices to improved productivity, reduced costs and future business. Other new approaches appear to involve support and collaboration with third parties. One example shared was work between a major tourism company and the ILO in East Africa to train hotel managers in relation to trafficking awareness.
 - In the past few years, some companies and industry groups have begun to consider **supply chain efforts that complement auditing**, corrective action and capacity building programs developed over the past few decades. A few participants noted that buyers should begin to ask suppliers to demonstrate evidence of policies and practices consistent with the UNGPs and so reinforce that all companies have a responsibility to respect human rights. Related, the aim should be for all companies to have their own codes of conduct and processes instead of signing up to others. However, this is easier said than done, and suppliers may prefer to have clearer direction from customers with more experience and resources.
 - For companies receiving **requests for information about human rights policies and practices from customers**, the experience is mixed. On the one hand, requests from customers can reward and incentivize good practices, and reinforce existing positive efforts by companies who are taking human rights seriously. On the other hand, the current scenario in which companies receive multiple, and often inconsistent or different, requests from customers is not helpful or sustainable. Responding to questionnaires and surveys can divert attention from undertaking effective human rights due diligence.
 - Companies naturally, and probably appropriately, focus on communicating about their own operations. Communicating about human rights impacts associated with business relationships is also an important part of transparency. The dialogue about **disclosure and reporting** in this area needs to be informed by a series of other considerations, such as the nature of the company's involvement in the impacts, and the need to enhance, not undermine, human rights outcomes. An issue some companies are considering is that if a company discloses information in response to specific question from one actor (e.g. an SRI investor) then logically – because this suggests the answer is material - this information should be shared with all investors and stakeholders.
 - There was recognition that **different functions/teams** within a company (e.g. Corporate Communications, Legal, Sustainability, Procurement, Public Policy, Sales etc.) sometimes take different attitudes to communication about human rights, especially when it involves business
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partners and relationships. A number of participants expressed that aligning departments on this point is helpful.

Session Two

Engaging civil society and affected individuals

Led by Ms. Liesel Filgueiras, Human Rights, Indigenous Community Relations, International Community Relations and Vale Volunteers, Vale

The focus of Session Two was companies engaging with civil society and affected individuals in the course of implementing human rights due diligence and remediation. The UNGPs emphasize the importance of engagement with stakeholders when identifying and assessing actual and potential human rights impacts, when tracking effectiveness of company responses to impacts, and when designing and implementing grievance mechanisms. Further, many companies engage with human rights organizations and NGOs to provide technical advice to their own systems/approaches, in the course of existing stakeholder engagement processes and when undertaking assessments.

Ms. Filgueiras opened the session by explaining that she was asked to provide concrete examples of how Vale has worked with civil society and other experts in the course of implementing corporate respect for human rights, consistent with the UNGPs. The following bullet points summarize her comments:

- Vale **partnered with a University in Brazil on human rights training** - The Group on Human Rights and Business at the Getulio Vargas Foundation Law School in Rio De Janeiro, Brazil. Following the adoption of Vale's human rights policy, it was important to make employees aware of the policy and to be clear what it means in practice. This relates to ensuring diverse business functions understand their relationship to human rights, as well as the fact that employees are themselves rights-holders. Another priority was to design a clear way to approach due diligence and human rights risk management. Ms. Filgueiras noted that it was not easy to find experts who were familiar with the UNGPs and business and human rights more generally, as most of them are focused on advocacy roles and do not understand the due diligence approach and the role of the company in respecting and remediating human rights. That was the differential of FGV legal department, working with Vale's Human Rights team to develop a training course adapted to the company's reality and focused on the due diligence approach.
- Vale has partnered with **local NGOs and municipal health departments to prevent child sexual exploitation** around mine sites. This is an example of collaborating with civil society and governments to address a specific impact within the company's human rights action plan. The issue is that mining projects employ/attract a large concentration of workers – often male - to a single location. In some remote poor areas, this presence may intensify the risk of sexual exploitation of children, and as such Vale has already implemented education and monitoring programs around this issue. However, the company also recognised that the issue was a wider societal and systemic problem requiring action from multiple sections of society. Hence

this ongoing partnership. Vale also shared that working as part of this network can inform/improve internal policies, processes and programs.

- Vale **engaged with Human Rights Watch (HRW) on an investigation/report about a resettlement process** involving multiple companies in a coal operation in Mozambique. Ms. Filgueiras noted that the company did not proactively start the relationships, but followed HRW's approach and found the overall experience positive and informative. Vale found that HRW was respectful and its approach was fact-based. Further, it was noted that Vale's engagement with HRW differed from other NGOs that have raised allegations against the company. Ms. Filgueiras noted that Vale dedicated considerable time to meeting with the NGO and experts. HRW undertook primary data gathering for three months including surveying the area (vs. relying on second-hand data or reports). HRW had multiple check-ins with Vale to verify facts and get the company's assessment of the facts. The report ultimately included some critical conclusions, as well concrete actions that the company agreed to take. In addition, the report provided recommendations for other actors, including the government. Ms. Filgueiras noted that this approach is welcome because it a) is consistent with the three pillar framework of the UNGPs; and b) recognises the complexity of the situation that requires cross-sector approaches and partnerships.

Discussion Questions and Headlines

In what diverse ways do you engage civil society and/or affected individuals in your human rights due diligence efforts? What types of engagement or communication approaches work well? What do companies learn when engaging civil society? What positive examples exist of business/civil society co-operation?

- **A number of concrete examples of civil society engagement were shared.** One company is working alongside NGOs, business partners, worker organizations and local governments to address child labor in the agricultural supply chain. A pharmaceutical company recently worked with a campaign-oriented NGO as well as technical experts on access to medicines. A few companies mentioned the value of challenging, open and honest conversations via multi-stakeholder initiatives that are trying to address complex and urgent human rights abuses.
- **“Civil Society” is a large concept and can include diverse actors, including rights-holders.** Civil society comprises more than large, international NGOs. Civil society also involves citizens, church groups, worker organizations and others. These groups can help a company determine what is material in the course of undertaking impact assessments. Relationships can often start with groups voicing a range of interests or making demands of their company. However, often the relationship (gradually or rapidly) focuses in on what a company can/should change and what is needed from other actors. Some companies are thinking about how to better identify and engage rights-holders as part of Human Rights Due Diligence. Identifying diverse models to do this would be very useful.
- **Engagement with international NGOs and local NGOs or civil society is often very different. Connecting the global and local can be**

important and useful. Campaigning NGO reports can be useful in illuminating or giving profile to the issues and problems, and so, engagement as part of due diligence to understand what the problems are can be useful. However, solving/addressing those problems is far more challenging, and often requires engagement with different NGOs and actors at a local level to find sustainable solutions, and to support implementation of the UNGPs. One company shared that when they receive an enquiry at the corporate-level from an international NGO, they try to arrange an introduction and facilitate connections with local site managers/teams who can discuss the local context. This relates to internal coherence, because a corporate team may manage the overall engagement, and a country or site team might be better placed to discuss implementation.

- **Diverse and innovative modes/methodologies of engagement are being tried and tested.** These include direct contact *between stakeholders and company executives*, whether it is taking board members to see the reality in supplier factories/countries (an example from a textile company) or bringing rights-holders / affected populations from a project to meet directly with the CEO, board and executive team (an example from the financial sector). This approach can result in the most tangible and rapid changes (including in targets, KPIs, business processes) due in part to the emotive and transformational nature of the conversation (for all involved). Another approach involves *encouraging feedback/critique from civil society* organizations about gaps or problems – whether asking for feedback/critique on internal policies and procedures, resourcing field trips whereby civil society groups visit the most controversial operations, or funding third party NGOs (like Open Society) to train local groups on how to conduct human rights monitoring of projects. A final example mentioned was the involvement of international and local expertise on an ongoing basis, whether through independent advisory panels or employment at operations e.g. as Community Liaison Officers. In these scenarios, the importance of enabling/protecting independence was mentioned. In the spirit of building capacity of NGOs to engage with companies, one participant shared the news that a **guide for constructive engagement by NGOs**, using the UNGPs as a reference point, has just been launched/published.
- **“Politeness” of a group should not determine whether a company engages or not.** The point was made that not all communities have access to international NGOs to act as intermediaries, and many have been faced by broken promises, distrustful companies and governments. Further, if an NGO is naming and shaming it does not mean that the concerns/claims/insights lack credibility. The moderator for the session responded to this issue by explaining that Vale’s approach is to a) establish credible grievance mechanisms to address all concerns at the community level; and b) endeavour to respond to *all* requests for information and allegations.

Session Three

The role of governments

Led by Mr. Clifford Henry, Associate Director, Global Sustainability, Proctor and Gamble

The focus of Session Three was on engaging governments in the context of the three pillars of the UN Framework and Guiding Principles. It is clear that working constructively with governments and responding to actions that they take to meet their State Duty to Protect is part of the vision of the UNGPs and can reinforce a company's own efforts. Obvious examples of this include government initiatives focused on building capacity of business enterprises, public procurement and requiring/encouraging disclosure.

Mr. Henry opened the session by reminding participants that the agenda was designed to provide an opportunity to focus on the first and third pillars of the UN Framework, given that most meetings – especially business meetings – only discuss what businesses should do and the second pillar. He then offered the following opening reflections before moderating the discussion:

- The UNGPs are clear **that achieving better human rights outcomes in the context of business activity depends on states** fulfilling their duty. Mr. Henry emphasised that the UNGPs call on governments to consider a range of tools at their disposal including the adequacy of laws, the need for consistent enforcement of laws, awareness raising, incentives and more.
- There are areas where it is obvious that multinational companies can try and address human rights but that governmental action is warranted. For example, the **informal economy, land ownership**, titling and licenses. While many companies, including Proctor & Gamble, invest millions every year in supply chain programs largely targeted at the **practices of SMEs**, this will only ever be a stopgap solution. Widespread government efforts to build capacity and establish labour inspection programs are needed.
- Mr. Henry shared that there are areas where governments are right to be more active in providing guidance and incentives to all businesses. For example, in the context of **public procurement** and **reporting** when investments are in high-risk contexts. Burma reporting requirements seem to be a good example of this. It is clear that governments also need to provide remedies when things go wrong in their jurisdictions. There is a need to explore the **diverse forms of access to remedy** set out in the UNGPs, alongside existing legal/judicial processes.
- Businesses should be part of the dialogue to develop National Action Plans. The development of National Action Plans is a very urgent and welcome development. Mr. Henry expressed that they could become useful tools where states build commitment and internal coherence. He emphasised that the processes to develop these plans should be multi-stakeholder and businesses should engage proactively.

Discussion Questions and Headlines

What are your expectations of host and home governments to help you move forward in meeting your human rights responsibilities? What do you feel governments could do over the coming years to enable more companies to take forward the corporate responsibility to respect human rights? What should business do, or not do, to reinforce the Protect and Remedy pillars of the UN Framework?

- **Solutions to bad governance will originate within the country**, and many countries have already taken this path. We have seen developed and developing countries implement new regulatory regimes, establish independent courts, and commit to the process of eradicating corruption.
- The **State Duty to Protect sets the tone for everyone doing business** in the country whether it be in relation to health and safety, indigenous rights, labor laws, building codes, etc. This is highly relevant for achieving meaningful change in global supply chains.
- **Companies need to work on being consistent/coherent internally in their interaction with governments about responsible business.** It is important to address situations where companies can undermine the tone that States may in fact want to set. This can happen through lobbying or public advocacy for example. We also need to address the trend, or perception of a trend, that corporations will relocate production or supply from a country that sets a positive tone, to one that is weak or silent on human rights and labor rights protection.
- National Action Plans are an opportunity to **translate commitments and agreements into concrete changes at the local and country level.** Just as companies need to work towards awareness and responsible practices beyond the corporate headquarters, governments need to translate commitments/agreements in Geneva to action back home. This also then needs to extend from federal or national government level to local government leadership.
- **Laws that mandate Human Rights Due Diligence need to be developed patiently and carefully in order to incentivize the right behavior.** These can level the playing field but if the approach becomes a tick-box exercise or simply a communications effort, then it will neither help companies manage risk nor lead to better human rights outcomes.
- **Development of diverse forms of access to remedy beyond judicial approaches and litigation** are welcome. This could be an area of focus for the UN or States. It is also clear that law firms could/should consider this as part of their corporate responsibility to respect when they advise clients.