**Side session at the UN Business and Human Rights Forum, Geneva**

**3 December 2014**

**Theme: exploring access to effective remedy**

**An international arbitration tribunal on business and human rights**

The UN Guiding Principles affirm the need for greater access to remedy for victims of human rights abuses due to the activities of business enterprises. Victims lack accessibility to effective judicial and other mechanisms.

Arbitration and mediation could augment existing judicial remedies and fill the large gaps in many areas of the world where judicial remedies are inaccessible.

This session will discuss a recent proposal developed by an international working group for a new arbitration tribunal, along the lines of existing international arbitration institutions. The new tribunal would enable parties to human rights disputes, wherever they arise, to have access to mediators and arbitrators who would specialize in business and human rights issues.

The latest version of the proposal is available at [www.l4bb.org](http://www.l4bb.org)

The tribunal cannot be seen as a solution to every problem presented by the lack of accountability for human rights abuses. It would be an additional tool to deal with disputes. All other efforts to provide justice for victims should continue as a matter of urgency.

**Objective of the session**

The panel will discuss how arbitration and mediation provide flexible methods for dispute resolution that could benefit human rights disputes. The panel will address concerns raised in comments on the proposal, such as:

* how business enterprises could be persuaded to use the tribunal
* the sources of the tribunal’s jurisdiction over international human rights law
* the demands by human rights groups for transparency of proceedings and awards
* the lack of equality of arms between parties
* the need for effective methods to enforce the tribunal’s awards.

The session will also explore how the tribunal could work with other international institutions, such as human rights courts, the OECD and the International Financial Corporation. It will discuss how arbitration and mediation are frequently built into commercial and financial contracts in ways that could strengthen implementation of the Guiding Principles.

**The panel**

**How an arbitration and mediation tribunal would operate**

Claes Cronstedt

Member of the Swedish bar, former international partner, Baker & McKenzie

**Perspectives from the business community**

Rae Linsday

Partner, Clifford Chance

**Perspectives from civil society**

Amol Mehra

International Corporate Accountability Roundtable (ICAR)

**Next Steps**

Robert Thompson

Member of the California bar and former Associate General Counsel of the U.S. Environmental Protection Agency.

**Chair:**

Mauricio Lazala
Deputy Director
Business & Human Rights Resource Centre

In addition to the panel, Roger Alford, Associate Dean for International and Graduate Programs and Professor of Law, Notre Dame Law School and Jan Eijsbouts, professor of CSR and Law at Maastricht University, former General Counsel of AkzoNobel and former Chair of the Chief Legal Officers Round Tables Europe and North America, will be on hand to help answer queries.

**Organisers:**

Lawyers for Better Business (L4BB)

Business & Human Rights Resource Centre

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