

Joint Side Event at 2015 Annual Forum on Business and Human Rights
Geneva, Switzerland
Palais de Nations
Monday, 16 November 2015; 10 am – 11:30 am

Business and the Bar: Leadership from the Legal Profession on Business and Human Rights

Organized by:

American Bar Association

International Bar Association

Japan Federation of Bar Associations

Law Society of England and Wales

Background

In 2005, the UN Secretary General appointed a Special Representative on Business and Human Rights to address the widespread lack of clarity on the roles and obligations of States and businesses with regard to human rights. This three-year mandate resulted in the UN's "Protect, Respect, and Remedy" Framework for Business and Human Rights and was subsequently extended by a further three years to 'operationalize' the Framework with the aim of providing practical guidance on steps that can be taken by States, businesses, and other actors to implement the Framework. This mandate resulted in the UN Guiding Principles on Business and Human Rights (UNGPs).

The UN Human Rights Council (UNHRC) unanimously endorsed the UNGPs in 2011. The aim of the UNGPs is to guide governments, corporations, and other relevant stakeholders in ensuring that business operations around the world do not negatively impact and abuse human rights. Since the adoption of the UNGPs, States from a variety of regions around the globe have committed in principle to the UNGPs and other business and human rights (BHR) frameworks, yet significant work remains to be done on embedding these principles in law firms and Bar Associations.

This side event will seek to foster an honest and critical review of this issue and in the process will highlight guidance, toolkits and case studies on implementing the UN Guiding Principles and other related business and human rights frameworks in the legal profession. The side event will feature, as part of a larger tableau discussion on the role of lawyers in this area:

- a discussion on a Declaration that was developed by the ABA and endorsed by numerous bar associations from around the world;
- a presentation of the work of the IBA Business and Human Rights Working Group, discussing the consultation process, focussing on the salient commentaries, criticisms and developments.
- a presentation of the Japan Federation of Bar Associations (JFBA) human rights due diligence guidance, including CSR model clauses.
- a presentation from the UK Law Society.

Questions to be discussed will include:

- 1) Are we doing enough on promoting the uptake and embedding of business and human rights frameworks, including the UNGPs in law firms and with our clients?
- 2) Is there tangible progress on the issue?
 - a. What guidance exists on this issue, how was it developed and what does it recommend?
 - b. What tools exist on this issue, and how do they work to improve respect for human rights, and protections, including remedial mechanisms?
- 3) What more can and should lawyers be doing, and which entities or organizations can set it into motion?
- 4) What are reflections from in-house and NGO lawyers?

Session Overview

WELCOME AND MODERATION:

Ms. Deborah Enix-Ross
Chair, Business and Human Rights Project, ABA Center for Human Rights
(5 minutes)

OPENING REMARKS:

UN Working Group on Business and Human Rights

Reflecting on the following questions: What is the role of lawyers in the field of business and human rights? Are we leading or lagging? What more can and should we be doing?
(10 minutes)

Mr. Michael Addo, Member of UN Working Group on Business and Human Rights (Invited)

DISCUSSION FRAMING AND PANELISTS

1) Are we doing enough on promoting the uptake and embedding of business and human rights frameworks, including the UNGPs in law firms and with our clients?

Respondents: 10 minutes

- Ms Salli Swartz, ABA Center for Human Rights Advisory Board; Partner, Artus Wise; Presentation of the Declaration signed by Bars and other legal technical assistance Associations
- Ms. Isabella Bunn, Chair, Advisory Council, ABA Center for Human Rights

2) Is there tangible progress on the issue?

a. What guidance exists on this issue, how was it developed and what does it recommend?

Respondents: 10 minutes

- Ms. Jane Ellis, Director, Legal Projects Team, IBA
- Ms. Andrea Saldarriaga, IBA, CSR Committee and LSE Investment & Human Rights Project Lead

- b. Are there examples of tools existing on this issue, and how do they work to improve respect for human rights, and protections, including remedial mechanisms?

Respondents: 10 minutes

- Mr. Makoto Saito, Chair, CSR Project Team, JFBA; President, SAITO Law Office Legal Profession Corp.
- Mr. Daisuke Takahashi, Vice Chair, CSR Project Team, JFBA; Partner, Shinwa Sohgo Law Offices

- 3) What more can and should lawyers be doing, and which entities or organizations can set it into motion?

Respondent: 10 minutes

- Ms. Andrea Shemberg, Law Society of England and Wales

- 4) Reflections from In-House and NGO Stakeholders

Respondents: 10 minutes

- Mr. Dan Bross, Senior Director, Corporate Citizenship, Microsoft
- Mr. Amol Mehra, Director, International Corporate Accountability Roundtable (ICAR)

Open Floor Discussion (25 minutes)