

## **Statement on the Quality of the UN Annual Forum on Business and Human Rights 10 December 2012**

On behalf of SOMO, the Centre for Research on Multinational Corporations, I have participated in the first Annual Forum on Business and Human Rights that took place in Geneva at 4-5 December 2012, and facilitated the session on the challenges for civil society, together with Chris Avery of the Business and Human Rights Resource Centre. The Forum was established under resolution 17/4 of the UN Human Rights Council, to discuss trends and challenges in the implementation of the Guiding Principles and promote dialogue and cooperation on issues linked to business and human rights, including challenges faced in particular sectors, operational environments or in relation to specific rights or groups, as well as identifying good practices. Hereby I would like to convey to the Working Group my evaluation of the first Forum in light of this objective, and provide suggestions on how to increase its relevance for rights holders in the years to come, for this to be included in the report on the Forum to the Human Rights Council.

### **Evaluation**

Although the Forum attracted an overwhelming number of stakeholders from several sectors, it failed to realise a true dialogue between these stakeholders. While rights holders and civil society organisations used the space provided by the Forum to bring up multiple cases of business and human rights abuses they continue to face, companies, states and public institutions used the Forum to explain the policies they have adopted to manage their risks to human rights. Policy (that is: risk management) and practice (that is: addressing impacts) barely met, the instances of business related human rights abuses raised by rights holders remained unaddressed, and the 'safe space' that businesses recurrently asked for to address the challenges they face in implementing the Guiding Principles was not realised. This hampered true learning amongst the stakeholder groups and, as a consequence, the realisation of the ambition of the Forum to come from agreed upon principles to standard practice.

### **Suggestions**

In order to increase the Forum's value for rights holders, I recommend the Working Group to restructure the format of the second Forum. I suggest sessions would be organised around emblematic cases of business and human rights abuse, in which States, businesses, civil society organisations and rights holders faced with such situations in practice participate. The cases discussed at the Forum need not to be existing and current cases. They may be fictitious, but should be illustrative for systematically occurring business related human rights abuses. Purpose would be to engage in a multi-stakeholder dialogue in which stakeholders share the challenges and dilemmas each of them face in realising the State duty to protect human rights, the corporate responsibility to respect human rights, and access to remedy for victims of business related human rights abuse, and explore how the Guiding Principles could and should be implemented to effectively address the abuse(s). This would for instance be instrumental in developing the much needed understanding of what human rights due diligence means in concrete cases.

Only by surfacing the real dilemmas and challenges each of the stakeholders face in practice can we learn to jointly and effectively address these challenges. The Forum could provide a safe space to allow for these dialogues to happen. Echoing Aret van Heerden's closing remarks during the Forum, a safe space does not necessarily mean it is comfortable or not antagonistic at some times. But it is directed at problem-solving to which all stakeholders commit. I urge the Working Group to invest in the transformation of next year's Forum along these lines, and I am willing to continue engaging with the Working Group in realising these goals.

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