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Statement by Ms. Margaret Jungk,
Working Group on the issue of human rights and
transnational corporations and other business
enterprises

to the Human Rights Council

Geneva, 21 June 2012

Madam President,
Excellencies,
Ladies and Gentlemen,

One year ago, this Council took the historic decision to unanimously endorse the UN Guiding Principles on Business and Human Rights. That decision established for the first time an authoritative global standard to prevent and address adverse impacts on human rights of business activities. These were elaborated through extensive consultations with stakeholders from diverse economic, ideological and geographic backgrounds and supported by Member States, business and civil society from around the world. The Guiding Principles give a concrete definition of the State duty to protect human rights in the context of business activities, the business responsibility to respect human rights, and the need to ensure effective access to remedies for individuals and communities when adverse impacts occur.

The “governance gaps” created by globalization that allow adverse impacts of business activities on human rights have been identified. A global standard of conduct has now been established. What is now required is for awareness of the Guiding Principles to be raised, and for States and business enterprises to implement the Guiding Principles so that they have the positive, sustained impact on human rights that they were designed for.

That is the purpose for which this Council has established the UN Working Group on the issue of human rights and transnational corporations and other business enterprises, which I represent today.

Since our establishment last November, we have had on-going engagement with stakeholders during and in between our sessions, including Member States,

business, civil society, and others, who have all shown a high degree of interest and provided us with solid contributions and thoughts on our mandate.

We have received information on the many existing initiatives that are already taking place, by member States, regional organisations, business, civil society, fellow Special Procedures mandates, Human Rights Treaty Bodies and other UN System entities and other stakeholders, to disseminate and implement the Guiding Principles. We have also observed and encouraged the fact that important international standards and initiatives are increasingly converging around the Guiding Principles.

It is within this context that our first report was developed. It focuses on our strategy for carrying out our mandate, and defines activities and outcomes according to three work streams.

Our first work stream is dissemination. It is urgent, because there is still limited awareness of the Guiding Principles amongst the very stakeholders who are required to implement them. To raise awareness among thousands of actors – spanning the business community, government circles, and local and international civil society -- is an enormous challenge. To tackle this, the Working Group will focus on “multipliers” that can reach hundreds of actors at once, such as regional organisations, networks of national human rights institutions, industry groups, employers federations, trade union federations and civil society networks. They can help us raise awareness and knowledge of the Guiding Principles as well as to establish dialogue and engagement between stakeholders at the regional and national level, to feed the existing dialogue at the global level.

Our second work stream is promoting the effective implementation of the Guiding Principles. This is essential if we are to go from principles on paper to practice on the ground.

What does implementation look like? It means states, businesses and civil society groups around the world taking effective measures to apply the principles of ‘Protect, Respect and Remedy’ in scores of countries, thousands of business operations and across millions of locations and communities. It means applying the Guiding Principles in policies, processes and performance in highly complex and diverse organizational structures. Ultimately, it means ensuring the Guiding Principles have the impact they were designed for – ensuring business respect for human rights, and ensuring effective remedies, when adverse impacts occur.

As mentioned in our report, some of these implementation efforts have already begun. The Working Group’s role in the area of implementation is fourfold:

Firstly, we will encourage efforts to raise the capacity of State, business and civil society to implement the Guiding Principles, by encouraging training and other capacity-building activities.

Secondly, we will insist that implementation efforts in one area inform efforts elsewhere. Tools and experiences in one industry sector or region of the world, should be shared with other sectors and regions and feed capacity-building efforts, so that we do not fragment efforts.

Thirdly, we will encourage implementation efforts to include systematic engagement with all stakeholders, and in particular, to include those that have been negatively affected as a result of business activity, as well as those at

heightened risk of becoming vulnerable or marginalized, such as women, children, indigenous peoples and human rights defenders.

Fourthly, to maintain the integrity of the Guiding Principles, we will issue clarifications and guidance on some of their specific aspects, and develop process and quality criteria that should be taken into consideration by all stakeholders in their implementation.

Our third work stream focuses on global governance structures. Such structures already provide guidance related to business impact on human rights, ranging from standards such as the ILO Tripartite declaration of principles concerning multinational enterprises and social policy, the OECD Guidelines for Multinational Enterprises, the Global Compact principles, the ISO 26000 standard, the Committee on World Food Security Voluntary Guidelines on the Governance of Tenure, the International Finance Corporation Sustainability Framework as well as multiple other binding and voluntary standards, codes of conduct and common reporting frameworks elaborated by States, international organisations and multi-stakeholder initiatives.

The convergence of these governance standards and initiatives with the Guiding Principles represent a unique opportunity for both wide reach and deep influence. The pre-existing accountability mechanisms integrated in some of these initiatives can put an immediate compelling force behind the Guiding Principles.

Within these three work streams, Working Group members are also developing projects that they will guide, including proposals to support development of national plans of action on the implementation of the Guiding Principles, to promote the dissemination and implementation of the Guiding Principles with

regards to indigenous peoples, to embed the Guiding Principles within specific global governance structures, to identify gaps in access to remedy and elaborate guidelines to clarify the requirements under the Guiding Principles, and to foster discussions on model implementation of the Guiding Principles by States and business enterprises on the basis of lessons learned and good practices.

The Working Group is also currently exploring with Member States the possibilities for country visits, so that it is able to ground its work in real-life complexities on the ground, and speak directly and make constructive recommendations to government authorities, business managers, civil society representatives and other national stakeholders, and so that the Working Group can have a real and direct impact at the national level as well as the global level.

On 4 and 5 December of this year, the first Forum on Business and Human Rights will take place under the guidance of the Working Group. This two-day Forum provides a unique global platform for stakeholders from all regions, experts, practitioners and rights holders, to engage in dialogue and discuss experiences, opportunities and challenges in the dissemination and implementation of the Guiding Principles. Its success ultimately depends on the contributions of all stakeholders to share practices, lessons learned and to engage pro-actively and in a constructive way. To generate success beyond the Forum itself, stakeholders should engage in a dialogue at the national level ahead of the Forum and continue the engagement afterwards into the processes that it may generate.

Madam President,

That is what the Working Group will do.

But the responsibility for implementation of the Guiding Principles rests, first of all, with States and business enterprises. We look forward to engaging with both and supporting them and other stakeholders in these efforts, to achieve our common goal of reducing adverse impacts on human rights of business activities, and ensuring access to effective remedies when they do occur.

As we continue our journey, we are deeply grateful for the robust and enthusiastic engagement we've had so far with Member States of the Council, with businesses, civil society and other stakeholders. We will continue this open engagement and rely on the good will and commitment that you have shown as we continue to find—and forge—a sustainable path toward the respect of human rights in business operations.