

Response to UNWG on Business and Human Rights Open Call for Input

Overview

A new Chatham House synthesis paper, '[The Role of the Private Sector in Supporting Civic Space](#)' (February 2020), highlights opportunities and motivations for companies to go beyond their normative responsibilities under the UNGPs through proactively upholding and defending civic freedoms, which are vital to sustainable and profitable business environments.

1) Where has progress taken place in UNGPs implementation over the course of the last decade? What are the promising developments and practices that can be built on?

Over the course of a decade of implementation, the UNGPs have established clear normative responsibilities on companies to avoid causing, contributing, or being linked to human rights harm (including to human rights defenders) through their business practices. The UNGP framework is becoming increasingly entrenched through growth of mandatory human rights due diligence laws, corporate human rights policies and human rights impact assessments. All of these are positive steps.

2) Where do gaps and challenges remain? What has not worked to date?

The normative responsibility established by the UNGPs concerns not only economic and social rights issues such as fair pay, safe working conditions and supply chain issues (traditional 'business and human rights' issues) but also civil and political rights, including freedoms of expression, assembly and association. In business environments where such rights are being curtailed by the host government, with detrimental effects for civil society space, such issues may not be directly related to a company's supply chains or operations and therefore they may see no reason to act. Yet such an approach fails to recognize benefits to companies making discretionary decisions to use their power and resources to defend civic space and civic freedoms. Many companies might not understand that a sustainable and profitable business environment depends on a healthy and open civic space (the 'shared space' between business and civil society) and therefore do not engage with such issues even when there is a business and a moral case for doing so.

3) What are key obstacles (both visible and hidden), drivers, and priorities that need to be addressed to achieve fuller realization of the UNGPs?

The synthesis paper draws upon a series of conversations with private sector actors and civil society organisations, drawing out the key drivers for business activism in this area. Internal catalysts for change include leaders and CEOs and investors, who can set values, priorities and standards from the top-down, as well as employees who can exert pressure from the bottom up through campaigns and walkouts. External catalysts include industry bodies and collectives, which can develop shared policies and procedures and coordinate best practice and collaborative action, social movements, which place pressure on businesses to be more accountable, and the COVID-19 pandemic, which has highlighted the interconnected nature of business and civil society space. These catalysts will each play a vital role in encouraging businesses to proactively support civic freedoms, even when there is not a normative responsibility to do so.

4) What systemic or structural challenges need to be tackled to realize sustainable development based on respect for human rights?

The research found that distrust between the private sector and civil society organisations is one of the major barriers to effective collaboration on issues of civic freedoms. Civil society actors often have invaluable contextual knowledge, but may be reluctant to engage with corporates due to feedback

fatigue or suspicion that they are colluding with repressive governments through public-private partnerships. Conversely, private sector actors often lacked confidence on when and how to act, citing difficulties in identifying genuine and effective civil society groups to support. Additionally, there are often large informational and power asymmetries between the private sector and civil society, particularly when it comes to tech actors. Robust network- and alliance-building initiatives are needed to overcome such difficulties and foster more productive and informed corporate support for civic freedoms.

5) In concrete terms, what will be needed in order to achieve meaningful progress with regard to those obstacles and priority areas? What are actionable and measurable targets for key actors in terms of meeting the UNGPs' expectations over the coming years?

The paper makes five key recommendations for business actors to gain trust amongst civil society actors and make effective use of their time and resources when taking discretionary action on civic space issues:

1. **Work collaboratively** – partner with international and local civil society organizations, industry bodies and multi-stakeholder initiatives, and dialogue with international organizations
2. **Act collectively** – there is power in numbers. Groups or coalitions of companies are able to exert more pressure and to avoid push-back from repressive governments.
3. **Act contextually** – consideration of the political environment (authoritarian vs. democratic), the regulatory environment and the local challenges should inform the choice of action taken.
4. **Move beyond rhetoric to credible action** – providing resources to civil society organisations that increasingly lack access to funding, using their position to stand up to abusive government regulation, or actively safeguarding the position of human rights defenders, trade unionists or journalists. Indicators and feedback will be key.
5. **'Build back better' with purpose**; corporate governance must evolve from one based purely on profit to one that considers a healthy and shared civic space to be a fundamental part of its own value system, and an anchor for the stability, sustainability and ultimately profitability of business.

LIST OF RESOURCES

[Synthesis Paper: The Role of the Private Sector in Supporting Civic Space](#)

1 February 2021

[Expert Comment: Corporate Big Beasts Stick Their Necks Out for Democracy](#)

16 December 2020

[Webinar: Tech Sector Engagement with Civic Space: What's the business case?](#)

15 October 2020

[Webinar: Healthy Civic Space in a Global Health Crisis – What Role for the Business Sector?](#)

1 July 2020