

## Regional consultation: Business and human rights in conflict and post-conflict settings

Open multi-stakeholder discussion

Convened by the UN Working Group on Business and Human Rights

With the support of:

Olayan School of Business, American University of Beirut

Friedrich Ebert Stiftung (FES)

*22 March, 14:15-16:30 - American University of Beirut, Maamari Auditorium (lower campus)*

### *About the consultation*

This regional consultation is convened by the [UN Working Group on Business and Human Rights](#), which is mandated by the UN Human Rights Council to promote worldwide implementation of the [UN Guiding Principles on Business and Human Rights](#). The Guiding Principles provide the authoritative global framework for the respective duties and responsibilities of governments and businesses to prevent and address business-related adverse human rights impacts. They apply to all companies in all sectors and in all geographies and contexts. As part of this mandate, the Working Group in 2018 launched a project to **clarify the practical steps that states, companies and investors should take to prevent and address business-related human rights abuse in conflict and post-conflict contexts**. The project will be informed by a series of multi-stakeholder consultations in several regions, comprehensive research and submissions by stakeholders. Final recommendations will be presented to the UN General Assembly in New York in October 2020. **The first regional consultation is taking place in Beirut**, with the support of the Olayan School of Business at the American University of Beirut and the Friedrich Ebert Stiftung (FES). Consultations in other parts of the world will follow later in 2019-20. The project is supported by the Swiss Federal Department of Foreign Affairs.

### *Invitation to participate*

The consultation in the afternoon of 22 March is **open to all relevant stakeholders**, including representatives of academia, civil society, private sector, government, international organizations and trade unions. Registration must be done online via [this link](#). Participation is free and on a first-come-first-serve basis, subject to available space.

### *Agenda and key topics*

The consultation provides an opportunity to learn about the Working Group's mandate and project, the relevance of the UN Guiding Principles to conflict contexts, and to contribute to the project.

The consultation seeks to **learn from recent experiences in conflict-affected areas across the MENA region.**

Key issues for the consultation:

- Current practice and challenges
- Looking at actions (both currently available options and new ideas)
- Looking ahead and securing a responsible future

Questions for participants to consider include:

- How are companies in the region's conflict-affected areas incorporating human rights into their practices?
- How can human rights be protected and how do companies see their role when the state is either unable or absent, or involved in carrying out human rights violations? To what extent are companies in partnership with government or government-owned or controlled? What does responsible business conduct look like in these situations?
- What concrete actions should be taken by companies with operations or business relationships in conflict-affected areas?
- What to do when a company has to keep operating in a conflict-affected environment?
- What are key elements of "enhanced" human rights due diligence?
- What are key considerations for business relationships when operating in or being involved with third parties in conflict zones?
- What are elements of good practice in relation to key human rights challenges facing the business sector, including:
  - women's rights and gender issues
  - human trafficking and forced labour
  - the situation of migrant populations and refugees, both in refugee camps and when refugees have settled, including human rights abuses that may arise in the employment context
- What is the role of business in reconstruction and development in post-conflict settings? What should international business and investors, international organizations and other governments do to underpin business conduct that respects human rights and contributes to peacebuilding?

The consultation will be led by [UN Working Group member Anita Ramasastry](#).

Opening remarks by:

- Steve Harvey, Dean, Suliman S. Olayan School of Business (OSB), American University of Beirut
- Armin Hasemann, Resident Representative FES Lebanon Office

Simultaneous interpretation in Arabic and English.

### *Contact*

For questions about the project and the agenda, contact [unwgbhrconflictproject@gmail.com](mailto:unwgbhrconflictproject@gmail.com); cc: [wg-business@ohchr.org](mailto:wg-business@ohchr.org). For questions about access and logistics, contact [jj23@aub.edu.lb](mailto:jj23@aub.edu.lb).

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## PROJECT SCOPE AND BACKGROUND

### Scope

The project will address the full “conflict cycle” and practical implications of all three pillars of the Guiding Principles:

- The State duty to protect against human rights abuses by third parties, including business, through appropriate policies, regulation and adjudication;
- The corporate responsibility to respect human rights, which means to avoid infringing on the rights of others and to address adverse impacts with which a business is involved; and
- The need for access to effective remedy for rights-holders when abuse has occurred, through both judicial and non-judicial grievance mechanisms.

### Background

It is well documented that business activity can have adverse impacts on people in conflict-affected settings. At the same time better understanding is needed of the practical measures that companies should take to prevent and address human rights abuse in contexts characterized by conflict or that are emerging from violent conflict. As governance and protection gaps are especially acute, with state institutions typically lacking basic capacity to protect citizens, or functioning institutions completely absent, if not themselves the main perpetrators of human rights violations, what should and can companies operating in such companies practically do to safeguard workers and others affected by their activities and business relationships? Beyond state institutions inside the conflict-affected jurisdiction, how can other states as well as investors play a role in shaping conflict- and human rights sensitive business practice in such contexts?

The Guiding Principles clarify that companies should exercise “[human rights due diligence](#)” in all contexts, meaning that they should assess potential and actual adverse impacts, take action to address them, track the effectiveness of their efforts, and communicate how risks and impacts are being managed. They should also help remediate any negative impacts that they cause or contribute to. Having operations or business relationships in conflict-affected areas will require a different type of human rights due diligence as the risk of involvement in adverse impacts may be higher than in most other contexts. Guiding Principle 23 recommends business enterprises to treat the risk of causing or contributing to gross human rights abuses as a legal compliance issue. It notes that having operations or business relationships in conflict-affected areas may increase the risk of being complicit in gross human rights abuses committed by other actors (for example, security forces), which necessitates extra care. The Guiding Principles imply that such measures should take the form of “enhanced” or “heightened” human rights due diligence.

Spelling out what this means in practical terms in different types of situations and for different types of companies (for example, those that have a choice of leaving easily versus businesses such as small and medium sized local businesses that may need to remain in place) is one of the key components of what the Working Group project seeks to examine. This is also broadly the focus of the consultation in Beirut.

### *Resources and links*

- Guiding Principles on Business and Human Rights - Implementing the United Nations “Protect, Respect and Remedy” Framework, UN Document A/HRC/17/31:  
[https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf)  
*Principles 7 and 23 cover conflict context-related questions specifically.*
- Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, Business and human rights in conflict-affected regions: challenges and options towards state responses, UN Document A/HRC/17/32, 2011:  
<https://www.ohchr.org/Documents/Issues/TransCorporations/A.HRC.17.32.pdf>  
*A companion report to the Guiding Principles focused on policy options for states*
- Report by Working Group on Business and Human Rights, Corporate human rights due diligence: emerging practices, challenges and ways forward, UN Document A/73/163, 2018:  
[http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/73/163](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/73/163) (full report);  
<https://www.ohchr.org/Documents/Issues/Business/ExecutiveSummaryA73163.pdf>  
(executive summary)  
*This report does not address conflict contexts specifically but provides a general overview of key features of human rights due diligence and why it matters; gaps and challenges in current business and Government practice; emerging good practices; and how key stakeholders — States and the investment community, in particular — can contribute to the scaling-up of effective human rights due diligence.*