



Third Annual Trygve Lie Symposium on Business and Human Rights

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Moderators:

Terje Rød-Larsen
Jonas Gahr Støre, Foreign Minister

Panelists:

**John Ruggie, Special Representative of the Secretary-General
on Business and Human Rights, and Professor, Harvard University**
Maite Nkoana-Mashabane, Foreign Minister of South Africa
Alexander Yakovenko, Deputy Foreign Minister of Russia
Alberto D'Alotto, Deputy Foreign Minister of Argentina
Maria Otero, Undersecretary of State for Democracy and Global Affairs of the United States
Bukun Onemola, Representative for the Foreign Minister of Nigeria
Mary Robinson, Chair of the Institute for Human Rights and Business
Ronnie Goldberg, Executive Vice President of the United States Council for International Business

Terje Rød-Larsen:

Excellencies, ladies and gentlemen, dear friends, a very warm welcome to the International Peace Institute and to this Third Annual Trygve Lie Symposium on Business and Human Rights. Norway, together with other states, assume great leadership on this issue in the Human Rights Council and in other international fora. And I am particularly pleased to welcome my co-host, Foreign Minister Jonas Gahr Støre, and I commend him for making this issue such a priority, and for bringing it to the attention of the U.N. community here in New York.

It is almost inconceivable to discuss this topic without mentioning the pioneering work of SRSG and Professor John Ruggie, who I'm incredibly pleased to welcome as a speaker today. Over the past years, Professor Ruggie has worked persistently and with the greatest of skill to bring together the business and human rights community in an unprecedented way. His innovative approach to this difficult issue is captured in the "Protect, Respect and Remedy" framework. And we will soon hear more about some of the challenges involved in implementing this framework and pushing the agenda forward.

I'm also very pleased to tell you that John and I, we go a very long way back. We met over a dinner in Oslo in the early '90s, hosted by Oslo and

Norwegian Foreign Minister, namely Johan Jørgen Holst, who was a few years afterwards awarded an honorary doctorate at Columbia University, where John Ruggie was the dean and he could actually give that doctorate to his old student, Johan Jørgen Holst, personally, on that occasion, in recognition of Holst's work for the Oslo agreement. You are very much welcomed here, John.

We have a very busy program and many speakers, so I would not take too much of your time, but before I hand over to Jonas and then Professor Ruggie for their opening statements, I'd like to welcome our other distinguished speakers to the panel. You have the full biographies attached to the list of participants, which I can see all of you have in your hands. So let me welcome Maite Nkoana-Mashabane, the Foreign Minister of South Africa; Alexander Yakovenko, who is the Deputy Foreign Minister of Russia; Alberto D'Alotto who is the Deputy Foreign Minister of Argentina; and Maria Otero, who is the Undersecretary of State for Democracy and Global Affairs of the United States. And Mary Robinson, my old colleague, the Chair of the Institute for Human Rights and Business, former President of Ireland and former U.N. Commissioner for Human Rights. And, finally, Ronnie Goldberg, Executive Vice President of the United States Council for International Business.

And with these opening words, it is now my great pleasure to give the floor to Jonas, who will moderate our deliberations this morning. Jonas, you have the floor.

Jonas Gahr Støre:

Thank you, Terje, and thank you to the International Peace Institute for being such a wonderful convener. I started this week here with Terje at dinner over Middle East issues and I end my New York stay here at the Institute at another lovely occasion.

I would like to pay tribute to the busy people who have come here. To the ministers who have taken time, this is greatly appreciated. To John Ruggie, who we are all here to support, because he is on a mission from a broad community of business, politicians and real people. So we have great expectations that this seminar will stand out as a firm support to the work which is ahead of you.

Just a few introductory remarks before I pass to John and then to my colleague from South Africa. Imagine a few years ago all the sharp divisions we had on this topic. They were states and civil society, state and business, state and state, and we have unprepared societies and governments facing strong transnational corporations -- effects of globalizations. The reality of unchecked forces working against each other; media brought us pictures of children in damp factories, women fleeing rape on their mineral-rich land, and men marching in protest against violation of labor rights. These challenges are not gone, but we are starting to deal with them, and through extensive research, pilot projects and consultation covering more than 40 countries. Professor Ruggie has managed to find a reasonable common denominator, and not the lowest one, for bridging this governance gap.

So the U.N. framework -- "Protect, Respect, Remedy" and the forthcoming guiding principles which we are now focusing on -- represent

one of the first steps of what I would consider a long march. The framework is already having an impact in a number of multinational forums, including the U.N. Security Council, the OECD, voluntary principles and international financial institutions. And what we see, and that is welcomed, is that business is already running with it, and some faster than governments. And that's good, to be challenged from that side. It shows that the U.N. can be innovative, even in relation to highly complex and sensitive public-private issues.

We will build on that positive momentum. Many of us want to go further, and at the same time we are told that we need to take one step at a time. If we aim to achieve a perfect solution too quickly, we could risk ending up with nothing, and even losing what we have achieved so far. So what we have to do is to secure and deepen the consensus in the Human Rights Council, step by step, in support of the SRSG and his work, and implement piece by piece existing recommendation before we embark on the next shift. Together, we should all do our utmost to consolidate the U.N. framework and the guiding principles at the Human Rights Council this coming spring.

So I think the Professor, supported by us, knows that he has a challenge ahead of him -- challenging time. Equally important, let me finish on this -- we need to consolidate these principles at home. Each and every one of us, business and states alike, this will be our main challenge. Business and human rights agenda concerns us both at home as host states for businesses and as member states of the U.N. So when we adopt and implement these principles and engage with the business sector and are clear about the expectation, we can create this conducive environment for taking this whole effort forward. We now have a financial crisis, which to some serve as an excuse for not doing things which are important to people, but we have seen also that those who do take these principles seriously are not losers in the market. They are innovative companies who can go forward and really demonstrate leadership.

So we in this room represent different interests. I think that's the way we need to work these days, not to bring together automatically like-minded, but private-public countries from different backgrounds. Governments bring political and diplomatic influence. Governments are also owners and regulators. Companies bring resources, dynamism and the ability to make a real difference on the ground, and there is civil society which we also need to bring along. So with these words, I give the floor to the SRSG, Professor Ruggie. I thank you for your lasting efforts on this and simply reiterate that we will follow and support your work actively in the coming months. Professor, you have the floor.

John Ruggie:

Thank you very much. Excellencies, ladies and gentlemen. I'm truly grateful to the government of Norway for its unstinting support and to you personally, Minister, for the leadership that you and your government and your missions here in New York and in Geneva have dedicated to this project over the years. I also want to thank the Russian Federation, a co-sponsor of the resolution that created my mandate, along with Argentina, India, and Nigeria, and, of course, the other panelists who honor us with their presence today.

Just to tell you a few words by way of introduction to the project, the mandate, and then open things up for discussion later on, once we've heard from the other panelists. I think we need to recognize that the international community is still in very early stages in adapting the human rights regime that was, after all, created for states to provide more effective protection against business-related human rights harm. The diversity of countries that are sponsoring my mandate, I think, indicates the widespread recognition that change is necessary, and also a willingness to consider sensible changes.

The fundamental challenge that we face -- and this is how I have framed my mandate -- is this: Recent decades have witnessed a growing misalignment, if you will, between economic forces and actors, their impact, their scope, and the ability of societies to adapt to their adverse consequences. This goes from the local level to the global level. No country is immune to these misalignments. These misalignments, as I call them -- being an academic, what do you expect -- they create a permissive environment within which blameworthy acts by businesses can take place without fear of punishment or adequate sanctioning. The human rights consequences and their adverse impact on the sustainability of markets and enterprises themselves have become major concerns. In 2005, it led the then Commission for Human Rights to ask the Secretary-General to appoint a special representative, first to map out the challenges and then to recommend ways of dealing with them, and that's how I got into the act.

The number of public and private initiatives over the years by business itself, by governments, multi-stakeholder initiatives, has increased rapidly. But the problem is that they have not acquired sufficient scale to reach a tipping point to truly move markets. And one major reason has been the lack of an authoritative focal point, if you will, around which the expectations of all actors could converge -- states, businesses, affected individuals, and communities and civil society at large, which, as you've seen, is a series of interesting fragments, but no coherent whole.

Therefore, when I was requested to make recommendations to the Human Rights Council in 2008, I need only one recommendation: that it endorse a policy framework that I had put forward, called the "Protect, Respect, Remedy" framework around which thinking and action could build over time. The Human Rights Council was unanimous in welcoming this framework, and it extended my mandate another three years with the task of operationalizing it and coming forward with concrete guidance for states and for businesses.

The framework rests on three principles, as the title suggests. First, the state duty to protect against human rights abuses by third parties, including business, through appropriate policies, regulation and adjudication. Secondly, an independent corporate responsibility to respect human rights, which means to act with due diligence to avoid infringing on the rights of others, and to address adverse impacts that occur. And, third, greater access by victims to effective remedy -- judicial and non-judicial.

Now, the framework's normative contribution, if you will, does not stem from any new legal obligation, but from the compilation of diverse existing standards and practices, integrating them into a single and

coherent template, elaborating their implications for states and businesses, and, finally, helping us identify where current practices fall short and how they might be improved.

So, in brief, what are some of the key areas for improvements that we are pushing? For states, it is dealing with widespread legal and policy gaps and policy incoherence. The most common gap is the failure to enforce existing laws, although for at-risk and vulnerable groups, there often is inadequate legal protection to begin with. The most prevalent cause of policy incoherence is that governments and agencies which directly shape business practices, including corporate law and securities regulation, investment, promotion, export credit and insurance, trade, and so on; these areas of policy and regulation, which as I say, directly affect business, typically work in complete isolation from and uninformed by their own governments, human rights obligations, and agencies. They exist in different worlds. And we won't make any progress in this area unless we manage to connect them up more effectively than they are today.

For companies, the key area for improvement is realizing that the corporate responsibility to respect human rights cannot be met by words alone. It requires proactive measures by companies whereby they can know and show that they respect rights. And the only way for them to do that is to exercise adequate human rights due diligence, whereby they identify and address adverse human rights impacts of their business activities and relationships, and that, in turn, involves assessing such impacts, integrating respect for human rights across their various business functions and processes, and tracking, as well as communicating, performance. Access to remedy -- the third principle -- is an integral part of both the state duty to protect and the corporate responsibility to respect human rights. Yet on the state side, obstacles to judicial remedies abound. And the universe of state-based non-traditional grievance mechanisms everywhere is under-populated and under-resourced.

For companies, grievance mechanisms at the local level -- at the site of operations -- can serve particularly important functions. First, they serve as an early warning system, providing companies with ongoing information about their current or potential human rights impact from those they impact. What better source of information about whether you're getting things right or wrong. Secondly, these mechanisms make it possible for grievances to be addressed and remediated directly, so preventing harm from being compounded and grievances from escalating.

One of the things that we have found based on our research is that very few major human rights egregious violations started out that way. They started out as minor grievances that were ignored, and as a result of being ignored, they escalated. And as a result of escalation, bad things happened, which got both the communities and the company itself often in trouble, including ending up in courts of law.

I'm very pleased to report that major companies with business operations in Russia and South Africa, two countries represented on this panel, are participating in a pilot project under my mandate designed to test criteria

for company-level grievance mechanisms, to see what makes them effective.

So, friends, these are just a few illustrative examples of a very comprehensive approach to a complex and even historic set of challenges.

My bottom line is this: There is no single silver bullet solution to the challenge of business and human rights. Instead, all actors, states, businesses and civil society must learn to do many things differently. But those things must cohere, and they must become cumulative, and that's what the "Protect, Respect, Remedy" framework is intended to help achieve. I very much hope that we will continue to enjoy the support of all stakeholders as the Human Rights Council next June considers my proposals for the implementation of the "Protect, Respect and Remedy" framework. Thank you very much.

Jonas Gahr Støre: Thank you, Professor. I'm now pleased to pass the floor to my South African colleague, and indeed, I appreciate having South Africa here, which is so much at the crossroads of these challenges and also showing so much leadership. So Excellency Maite Nkoana-Mashabane, please the floor is yours.

Maite Nkoana-Mashabane: Thank you. Thank you for pronouncing my name so well.

Jonas Gahr Støre: Not bad, huh? I've been training.

Maite Nkoana-Mashabane: Yes. Chairperson, first allow me to extend my sincere gratitude to my colleague, Foreign Minister for Norway, and the International Peace Institute for inviting us to participate in this panel discussion on Human Rights and Business. I'll be failing if I do not recognize all my fellow panelists, personalities whose reputation and contribution in the field of human rights are well known. Allow me to single just but two out of the group of very distinguished panelists. The Special Representative of the Secretary-General, Professor Ruggie, who has just spoken to us now and Madam Mary Robinson.

Let me go back to Professor Ruggie for his tireless efforts, leadership role and guidance as he continues to provide to the international human rights system in the area that we are discussing here today. The aims and objectives of the work of the United Nations on business and human rights should be a concern to all member states. In this regard, we welcome the report of the Special Representative. The realization by the international community that the respect, protection and promotion of human rights extend beyond the state and civil society organizations to include business -- it's a welcome development, Professor Ruggie. The positive role that business continues to play in the uplifting of our communities must not be marred by a practice that undermines the respect, protection and promotion of fundamental freedoms and human rights.

For South Africa, human rights are an important pillar of both our domestic and foreign policies, and are deeply enshrined in our conscience. In fact, they are the cornerstone of our constitution. They inform both our corporate governments and labor relation regimes domestically, as well as our behavior as a country in international affairs

in our bilateral relations and multinational organizations. In fact, we believe what human rights for South Africans mean. It means a word that you can only find nowhere else but in South Africa – *ubuntu*. “I am because you are.” We should all be concerned by the observation made in the report of the Special Representative, that it is poor countries in our continent, Africa, and those in conflict, emerging from conflict, that are worse affected by violations of human rights by big multinational corporations. We know of many cases in our continent where big corporations are doing business with no regards at all to basic standards of human rights and fundamental freedoms, including the right to develop.

When I was young and I was an activist, I never ceased to be amazed by the level of foreign direct investments into our continent. It was the war-torn countries that got the highest FDI's. So I don't know when and at what point we'll be able to turn that corner. For Africa has examples of what has become known as a resource curse, whereby the country's wealth -- largely oil and mineral resources in particular -- does not benefit the country and its people. And instead, it becomes the source of conflict and political instability. We all know that some big corporations are at the center of the resource curse, because of the manner that they exploit our wealth. Some of you distinguished panelists and members here may be aware that one of the core focus areas of the African peer review mechanisms is on the problem of corporate -- of good corporate governance in Africa. The aim here is to promote a culture of good corporate practice, not good corporate governance in Africa for sustainable development.

For our part as a South African government, after realizing that our liberation had made it possible for many of the South African companies to do business on the continent, we decided to initiate the process of developing a code of good business practice that will regulate and guide this company's on basic standards of corporate social responsibility, as well as respect for human rights and fundamental freedoms across the borders. I can share with you that we're beginning to hear rescinding voices from other African countries of those who have been in business in South Africa in the past who are beginning to think because they can no longer do business as usual of just looking for cheap labor and exploiting people at home, then they must export this also with themselves somewhere else. So we had to stop the tide before we become unpopular in that regard.

But we are now exporting apartheid to the neighboring countries. That's what we are to nip in the bud. We actually believe as South Africans that such a code of conduct would assist South African companies and ourselves to address labor-specific issues such as conditions of service for workers. It must talk to issues of political rights, such as the right of association. It must address issues related to development, such as skills development, local economic development, beneficiation at source, technology transfer, recruiting labor locally as opposed to the used of expatriates only, and corporate social responsibility. It must encourage South African business to partner with local business wherever they go in the continent and wherever possible. It must say something about good corporate governance, the democratic and exemplary and responsible manner that our company should run their business entities.

By that I mean the one export that they shouldn't leave back home is *ubuntu*.

Finally, it must urge business to play a positive role in protection of our environment on the continent and elsewhere. The notion of voluntary corporate responsibility has become moribund in contemporary international human rights law. Non-state actors must be held accountable for their actions, especially when these actions result in human rights violations. Chairperson, South African government stands ready to support the initiatives in this process which will ensure maximum protection of victims of the violation of human rights. Our people across the world -- the vulnerable groups, the underprivileged -- should never be made to choose between the basic human rights and the right to earn a living. I thank you.

Jonas Gahr Støre:

Thank you, Foreign Minister. I think you know your intervention is a piece of leadership in what we try to do together, and thank you for bringing *ubuntu* into the center of it. I think you know it's mostly what we try to achieve.

I'd like, now would like to pass the floor to my Russian colleague. I very much appreciate that Minister Lavrov personally has taken an interest in this. Last week, he and I signed the landmarking deal between Norway and Russia on the Arctic and Bering Sea, after 40 years of negotiations. So we bring this same spirit of progress and impatience to this process. So we will not keep you for 40 years, Professor. So I pass the floor to Minister of Foreign Affairs deputy, Mr. Alexander Yakovenko. Please. You're on the floor.

Alexander Yakovenko:

Thank you very much, Mr. Minister. I just want to say that a week later Prime Minister Putin had a huge conference on the Arctic in Moscow and he said that that was the general vision of all the participants there would be no struggle for the Arctic. And the only just, peaceful cooperation, how to deal with the huge possibility, and the special access was made on the environment issue. He said that, we do something, we have to do something about the Arctic to clean it first, and to preserve it. So, maybe the same motto, we'll deal with the human rights. Who knows.

But anyway, thank you very much for this invitation, and as you rightly said, unfortunately Lavrov couldn't come because, this minute, he's talking his airplane flight to China. But for me, it's a real pleasure to participate in this meeting because one of my tasks in the Ministry of Foreign Affairs is not just the multilateral diplomacy, Security Council, but also the questions of human rights, and this subject is very close to my heart.

The topic of today's meeting -- the respect of the human rights by the business -- and it has a special relevance today when we are coping with the consequences of the global crisis. History knew the moments when the new trends made their way through, especially at the time of coming out of crisis. The '30s of the last century brought up an understanding of the special role of the government, primarily in social policy and stimulation of demand. The '70s of the last century generated a new energy strategy dictated by the need to save energy. And by the way, the beginning of the 21st century generated the idea of the climate change and the wish of the world community to do something about that.

So basically, the time of the crisis, it's on one side this is a bad story, but on other hand, this is the window for the opportunities.

It seems that the crisis, the first crisis of the new millennium gave a powerful impetus to the idea of private-public partnership as the part of the modern concept of the government model, that combines market economy and powerful social security mechanisms. The states make a commitment to promote business environment, and business takes a social responsibility for the people.

In his statement of the World Political Forum of the 10th of September this year in Yaroslavl, President Medvedev said a very interesting thing. He said that a poor person cannot be free, and the economic foundation of free society resides in high living standards, introduction of inventions and progress of education, complex educated and intelligent people and generally higher quality of life. This leads to a conclusion that the state has an obligation to ensure and maintain high level of technological development, stimulate innovations as independent, indispensable prerequisite to the living standards of the citizens, and personal development of -- and self-fulfillment. This belief forms the basis of Russia's policy towards full-scale modernization of the country that will contribute to its greatest competitiveness in the modern world. By and large, all countries, whether they recognize it or not, confront the modernization challenge, and this is powerful incentive for unity in the world affairs, and the focus of the international relations is shifting towards development problems. And by the way, we witnessed that during this session of the General Assembly.

The existing development potential that Russia has also can become a major resource to help overcome the consequences of the crisis, which is far from being over. We strongly believe that in the conditions of crisis and post-crisis recovery, social obligations of states are indispensable, indisputable, and must not shrink. This is a policy Russia pursues. This is the reason why Russia has joined this year three international labor organization conventions. This is collective-bargaining convention, holidays-with-pay convention, workers-representatives convention.

However, the efforts of the state are not enough. Business can do much for the society. Big companies possess significant financial and other resources, and, consequently, wide possibilities to implement such progress. The corporate social responsibility applies a voluntary contribution of business in the development of state and society and its active engagement in social and environmental activities. When we discuss these issues on the G8 summit, we came to conclusion that the concept of social responsibility of corporations plays a tremendous role in the development of economy. By ensuring great transparency and contributing to economic, social and environmental sustainability, this concept demonstrates the important role of business in the life of the society. There is an obvious need to formulate and promote international and voluntary guidelines pertaining to social responsibility of corporations. Much is yet to be done in this respect. We understand how difficult this task is, however, today the state and business need to understand each other and come up with a long-term plan of specific measures and policies. We must strengthen together the culture of social solidarity and the system of moral values of the society. Many representatives of the Russian business began to understand that the

sustainable development of companies that combines economic, social and environmental factors helps reduce risk and strengthen competitiveness. It improves the reputation and makes a positive contribution of the business community to economic and social development.

However, the business community lacks a clear orientation, not only on economic, but also social well being of the citizens. Not only on the parameters of the psychological survival, but also on a quality of work and life that would ensure human dignity and free development of an individual. The U.N. can provide this criteria, and we are sure on that.

Besides a socialist aspect, there is another side of the problem. This is the violation of the human rights. In this the absence of clarity, primarily legally, legal clarity on the issue of private companies liability for the abuse of human rights, is a source of many problems. Therefore, it's necessary to elaborate international legal rules and norms with a respective control mechanism. As an important step in this direction was made when in 2005, the mandate of the Special Representative of the Secretary-General of Human Rights and Transnational Corporations and Other Business Enterprises was establishing the framework of the U.N. Commission on the Human Rights and subsequently the Human Rights Council. Russia, as it was mentioned today, co-sponsored this mandate, and provided this through our support, including through its contribution to the budget of the United Nations High Commissioner of Human Rights.

As is known, the success of mandate doesn't depend on its content only, but also personal quality of the Special Representative, especially thanks to the professional skills of Mr. Ruggie, who is holding this position with substantial positive result, which have been achieved for the five last years. And the U.N. project, "Respect, Protect and Remedy" framework that developed, became a significant landmark. This is one of the documents that enjoys the support of all interested parties.

Now, we're faced the task to improve these strategies, provide them with the practical content, and make them work. In this regard, it would be appropriate to support the initiative of Mr. Ruggie on the new document in the format of the guidelines that would set up human rights benchmark for the business community. And we believe this is a very important business. We note with regret that pursuit of this topic is negatively accepted by some states, who try to gradually move this question out of the human rights agenda, but we in Russia strongly believe that there is a need for further develop and strengthen this area of this international corporation. Thank you very much.

Jonas Gahr Støre:

Thank you, and as we all know there is a dynamic schedule out there. Thank you, Foreign Minister. We will continue, and I now pass the floor to another co-sponsor of this work, to the representative from Argentina, Deputy Minister Alberto D'Alotto. You have the floor.

Alberto D'Alotto:

Thank you very much. First of all, I'd like to thank the Minister of Foreign Affairs of Norway, Minister Støre for this invitation, and I am very happy to be here in this Third Trygve Lie Symposium. I also want to thank the International Peace Institute for co-sponsoring this meeting.

I want to say first that we have to note that this debate around corporations and human rights began in the '90s when liberalizations, technologies and innovation in corporate structures came together to expand the previous established limits on geographical location and means of operations. These circumstances created a number of social and political consequences, and it has also an impact in many areas of the law, and we have to say that human rights and corporate responsibilities is one of them. It was with this main concern that in 2005 an initiative, a cross-regional initiative presented to the Human Rights Council by Argentina, India, Nigeria, the United Kingdom and Russia, we started to think that we need to identify and clarify standards on responsibility and accountability of corporations regarding human rights.

This new approach, proposed by some states together with important NGOs, allowed us to go beyond the polarize visions and binding norms and to gain consensus in the Human Rights Council which inaugurated an opportunity for dialogue and cooperation among all actors. After that, I have to mention that among all actors, including civil society and NGOs, later in 2008, the council renewed Professor Ruggie's mandate and endorsed the framework in a change and more constructive atmosphere. Last year... I am very happy to see again Professor Ruggie. We met in Buenos Aires. We have these regional consultations on the framework presented in his report by Mr. Ruggie, and unanimously supported by the Human Rights Council's "Protect, Respect and Remedy," a framework for business and human rights.

After these consultations that we held in Buenos Aires in last year, 2009, we concluded that the effective support and guidance at the international level would help states to achieve greater consistency in the policies. The International Human Rights Treaty and other organs can play also an important role in formulating recommendation to states for the fulfillment of their obligations to protect human rights *vis-à-vis* corporate activities. Additionally, when states lack the technical and financial resources to effectively regulate corporations and to monitor the fulfillment of their obligations, the assistance of the international community and states with the relevant know-how and experience are key factor to strengthen the implementation of human rights.

Minister Støre mentioned the impact of the framework in a number of multilateral fora. So I would like to share some developments that took place in my own region. For example, the work undertaken our region at the Organization of American States starting in 2004 the General Assembly of the OAS has addressed corporate social responsibility for a number of resolutions calling on states to support programs to promote social responsibility of enterprises through internationally recognized principles and guidelines, bearing in mind initiatives with the private sector such as business associations, unions, academic institutions and non-governmental organizations.

Also, starting with the Summit of the Americas in Quebec, 2001, the Summit of America has placed in its agenda the issue of corporate social responsibility, further strengthening the four summits, which took place in my country in the city of Mardelplata in 2005. In the context of my country, in Argentina, the Ministry of Foreign Affairs is one of the pillars of corporate social responsibility, together with the Ministries of Labor or of Social Action and of Justice, Security and Human Rights, and the

Department of Environmental and Sustainable Development. In 1997, Argentina acceded to the 1976 OECD text of the OECD Declaration of International Investment and Multinational Enterprises. As a consequence, in 2006, the OECD Coordination Unit was created in our ministry with a national focal point in charge of promoting and divulging the OECG guidelines for multinational enterprises, who has initiated several specific processes from the basis of complaint for non-compliance against multinational corporations, mostly by NGOs.

I would like to conclude that in the present context where corporations are again redefining the structures and methods in response to international crisis and the changes in profitabilities, it is especially relevant to continue working together. We firmly believe in the free access that was explained by Professor Ruggie today. We believe that this is an excellent framework for our work: prevention, the duty of the state to provide protection against human rights abuses; respect, corporations have the social responsibility to respect human rights; and remedy, we need to allow for the wider access of victims to effective mechanisms to remedy damage caused by corporations. So it is especially relevant to continue working together -- government, city society and the private sector at the national and international levels -- to strengthen this commitment and to ensure the solution is done with no shortcuts and within full respect of fair trade and human rights.

Jonas Gahr Støre:

Thank you Vice Minister. I now pass the floor to Undersecretary of State for Democracy and Global Affairs of the United States, Maria Otero. Please, Maria, you have the floor.

Maria Otero:

Thank you very much. It is a personal pleasure to be part of this distinguished panel and to be in room of members of government, NGOs, business representative, and to have it be a standing room only event. I want to, of course, thank the organizers of this symposium, particularly thank the International Peace Institute and thank Foreign Minister Støre for certainly the work that the Norwegian government has done in this area in bringing together annual symposia on this topic.

And I do also want to thank Professor Ruggie for his groundbreaking contribution in developing the "Protect, Respect and Remedy" framework. We have followed your work closely ever since your mandate began, Professor Ruggie, and we are committed to working with you and with the other stakeholders as you continue to refine this framework and have it provide a very important, and, as you put it, coherent effort to align things.

I'm sure that all of you by now have seen the emphasis that President Obama placed on human rights in open societies in his address yesterday before the General Assembly. He's called to promote new tools of communication, to support free and open internet, and to call out those who suppress ideas has important implications for our discussion today. The President admonished that we should be careful not to allow the economic downturn to divert us from our pursuit of human rights and prosperity, and this is something also that the Foreign Minister mentioned today. He emphasized that it's a mistake to put aside human rights for the promise of short-term stability, and that it is a false notion that economic growth can be done at the expense of freedom. Clearly,

we must pursue both of these objectives together, and governments should work together with business to achieve these goals.

It is now more important than ever to cultivate business environments that are socially conscious, that are responsive, and that are responsible to human rights concerns. Multinational corporations today represent more than half of the world's 100 largest economic actors. Businesses wield significant influence in areas where they operate. In many of these environments, the rule of law is weak, respect for individual rights is lacking, and civil conflict may be prevalent. Wherever business operate, but particularly in these environments, it is important the companies work to respect human rights. In instances where they are not, we -- governments, business and civil society -- should work collaboratively to be able to address this situation.

The "Protect, Respect, Remedy" framework, which Professor Ruggie so eloquently described for us as we began this session, has assigned each of us a distinct responsibility. States need to protect their citizens, companies need to assume the responsibility of respect of human rights, and remedies need to be easily accessible when violations occur. We concur with Professor Ruggie that states have the primary responsibility to protect their citizens from harm and to mitigate human rights abuses. And this is something that other members of the panel have also mentioned.

Of course, the framework highlights the important role that businesses play in addressing human rights. I want to share with you some examples of how the Obama Administration is undertaking several efforts to actively engage on human rights issues and business. We regularly meet with businesses to discuss how they can advance human rights, and to encourage transparency and accountability, model behavior, and compliance with the rule of law.

We also encourage businesses to monitor and redress human right abuses throughout their supply chains. This effort to collaborate with business also creates improved capacity to be able to work together.

Secretary Clinton has made conflict minerals a priority issue. In Eastern Democratic Republic of Congo, as many of you know, the illicit trade of minerals continues to finance conflict to fuel human right abuses in mines and in mining communities. We are working with other governments and with the private sector on how to address these issues. We have found that this type of work that is multi-stakeholder engagement can be of great value in tackling some of the difficult human rights issues that we face. For example, our current role as chairs of the Voluntary Principles on Security and Human Rights is an effort involving instructive industries in challenging environments, and we are working with the corporate organizations, with NGOs, and with governments to increase the accountability and to have on the ground effectiveness of these principles. Many human rights issues involve private companies, and center around the role of security forces, both public and privately contracted, and effectively implement principles that can be of great value in reducing abuses and redressing the wrongs that exist. We're very pleased that Professor Ruggie gives strong support to this initiative.

Similarly, we are very supportive of the global network initiative, which is an effort on the part of companies, of investors, and of civil society stakeholders to advance freedom of expression and privacy on information and communication technologies. Now is the time for companies to demonstrate the commitment to implementation and accountability under this initiative. We hope to see increased participation of all stakeholders in the Global Network Initiative, and we have particularly encouraged more companies to join this effort and to move it forward. Clearly, the multi-stakeholder approach provides us with a very good value at collaborating together.

As Professor Ruggie mentioned, there is no silver bullet in addressing these very complex business and human rights challenges which we face, as different players come in with different objectives and different priorities. So it's our responsibility to work together and to engage in a meaningful way with a "Protect, Respect and Remedy" framework.

I am sure that this conversation that we are having today is really just the beginning. I look forward to reading the final report that Professor Ruggie will be preparing, and to continuing these discussions actively. Thank you.

Jonas Gahr Støre:

Thank you. I think we see, Professor, that these notions that you've introduced is now going through a reflection on several governments which I think is an important step on the road. I am now happy to pass the floor to Nigeria, which is also a co-sponsor of this work, Mr. Bukun Onemola. Please, you have the floor.

Bukun Onemola:

Thank you for giving me the floor. And let me apologize on behalf of my Minister of Foreign Affairs who was supposed to have been here. Only this morning, we had to assign me to come here to represent him because about this time my President is making his statement in the General Assembly. So he has asked me to apologize to you.

Good morning Excellencies, ladies and gentlemen. The issue at stake, which is the work of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and Other Business, is one that is of utmost importance to my country and we are -- it is one of the reasons we decided to be one of the sponsors of this program. I should, therefore, like to seize the opportunity to commend the efforts of the government of Norway and International Peace Institute for providing the platform for interactions here today. I should also like to salute the commitment and professionalism of Professor John Ruggie in carrying out this work.

Five years ago when the mandate of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises was created by the former Commission on Human Rights, no one could have predicted the success of this mandate. As anyone could recall at the time there was outright opposition from the business community. On the other hand, NGOs and the civil society generally welcomed the idea, because for them, it promised binding obligations. On their part, states we were uncertain of the future of the mandates. Such were the ambivalence surrounding the part of this important mandate, all of which have now been skillfully addressed by the excellent work of Professor Ruggie. We thank

Professor Ruggie that by the end of the first phase of the mandate, hundreds of public allegations against companies have not only been successfully analyzed, several multi-stakeholder consultations in all regions of the world have also been held.

Today, the result of all these efforts is the collaboration of the conception framework, namely the principle of the duty of states to protect against human rights abuses by third parties, including business, corporate responsibility to protect human rights, and the need for greater access by victims to remedy both the judicial and non-judicial implication of this. This approach has attracted universal acclaim as an excellent diagnosis of the challenges facing transnational corporations in a globalized world. The fact that this approach also recognized the need for an improved accountability of all actors in a manner that is commensurate with the influence, the exercise, is an additional merit. Having come this far, it is our collective interest never to allow a return to the pre-2005 negative spirit that heralded the creation of this mandate. There is, therefore, good reason why we must now build on our recent gains. As far as I can see, there is abundant merit in being able to identify adversary facilitative and regulatory means at the disposal of states to prevent and deter abuses in the first place and to punish wrongdoing by companies where it does occur.

While mindful of the positive role transnational corporations are playing in my country, Nigeria supports for the accepting of this mandate which was driven in part by a concern for substantial abuses by these corporations in the course of their operations. While it is in our national interest to encourage transnational corporations to do business in Nigeria, we are conscious of our duty to protect against human rights abuses by third parties. We believe in the necessity for this corporation to live up to their responsibility to respect human rights in the areas of operation. Consequently, we fully support the elaboration of the guiding principles by the Special Representative of the Secretary-General and we call upon member states or the human right council to endorse these guidelines in readiness for their subsequent adoption in the General Assembly. We would do well to build on this momentum to promote the use of human rights framework in the belief that this could serve as an international recognized benchmark for activities related to corporate responsibility and social sustainability. A lot has been said by previous speakers, and we have made substantial improvement since the work of this committee started, and we believe that what is important now is for us to improve on the strategies in which we apply in these measures. I thank you.

Jonas Gahr Støre:

Thank you so much. We have now heard interventions from governments -- the government perspective, so to say, but there is a broader side to this. So I will turn to a person who has been both government and multilateral and activist and all the good things and still is, President Mary Robinson. Please, Mary, you have the floor.

Mary Robinson:

Thank you very much. Excellencies, ladies and gentlemen, good morning. And I'd also like to add my thanks to the government of Norway, and in particular to Foreign Minister Støre and to the IPI for organizing today's discussion on business and human rights, and I agree with Maria Otero. It's great to see a standing room only, very full room for this meeting.

I'm speaking towards the end of a distinguished panel of speakers, so I'm going to keep my reflections brief. The first point I want to stress is how truly encouraging it is, as I think each of us has said, to see that the "Protect, Respect, Remedy" framework is gaining traction around the world among governments, business and civil society. Again, as has been emphasized, it was a very divisive debate at one time, and indeed I found myself in the middle of it when I'm serving as U.N. High Commissioner for Human Rights. And it's great to see that it's now moving forward in a constructive spirit that we all welcome.

I've certainly seen through my own continuing involvement and engagement with business executives in the U.N. Global Compact, in the Business Leaders Initiative on Human Rights, and now as chair of the Institute for Human Rights and Business, that companies want very much the increasing certainty that the framework John Ruggie has put forward can provide.

A second point is that we shouldn't underestimate how critical a moment this is for the corporate responsibility movement. John's work as special representative has made it clear that business as usual approaches to CSR [corporate social responsibility], and the wider governance challenges involving the private sector just aren't adequate to the problems we face. As he put it so well at the U.N. Global Compact Leader's Summit in June, the age of declaratory CSR is dead. Companies must now know their responsibilities and be able to show how they are being implemented and practiced. Fortunately, the "Protect, Respect, Remedy" framework, welcomed unanimously by the Human Rights Council, and so strongly endorsed by each of the speakers today, I'm glad to see, has affirmed that the business community must meet its responsibility to respect human rights and be able to demonstrate that it's doing so through due diligence and positive actions. Companies themselves increasingly acknowledge this responsibility, irrespective of local contexts and government capabilities.

The final point I want to make is that the "Protect, Respect Remedy" framework won't be workable in practice unless governments from the global north and the global south now do more as well. The fact is that for too long many governments have avoided providing leadership in this area, suggesting either that the status quo is tolerable, or that CSR strategies alone were sufficient. I think we would acknowledge that policies and legislation in different states don't always work effectively to address business human rights related challenges.

For example, public reporting on social issues, including corporate human rights impacts, is mandatory for some companies in some U.N. member states, but for the majority, it remains a purely voluntary enterprise. Different states place different non-financial duties on senior executives and non-executive board members. As differences in libel laws placed different restraints on the media and civil society with regard to alleged human rights abuses of companies. This makes the playing field uneven and difficult to navigate, and results in abuses not being addressed adequately when they occur. As John has said, there's no silver bullet for overcoming these and other obstacles. But the "Protect, Respect, Remedy" framework provides a much needed entry point for addressing a range of issues from a shared perspective.

Let me close on a personal note by stressing that getting to where we are today has been a huge achievement. John, we're all greatly appreciative of the leadership role you've played in moving the business and human rights debate forward so constructively since you took on your mandate as special representative. There were times when on behalf of the human rights community I was pushing you, but, you know, you listened, and that's the important point. And the governments here today have been really showing a leadership themselves and have been, I think, very encouraging to all of us in supporting these efforts and will continue to support the important resolutions before the Human Rights Council.

But we all do know that much difficult work remains. John has been asked to provide recommendations and practical guidance for governments, companies and other stakeholders on a range of issues. Clearly, different governments will decide to move at different speeds in addressing the issues we're discussing, but it's vital that we all join in building on success achieved thus far. Ensure that all sides continue to engage openly in dialogue and get behind the guiding principles John is developing, which will be key in providing more direction to future efforts. Doing so will help ensure that we achieve workable solutions that are not only acceptable to states and businesses, but they address the rights of those most affected wherever they are located -- the civil society, the people on the ground. Believe me, from a lot of work with civil society on the ground, business is not considered to be a friend too often, and business is part of the solution, but business is also still part of the problem, and that we have to address. So thank you again to the government of Norway and the IPI and other governments, and I look forward to continue to work with all of you on this important mandate. Thank you.

Jonas Gahr Støre:

So let's conclude this round of introductory statements by listening to business. So Ronnie Goldberg, Executive Vice President of the U.S. Council for International Business. Please.

Ronnie Goldberg:

Thank you so much, Mr. Minister. Excellencies, ladies and gentlemen, I am truly honored to be included on this distinguished panel and to add the thanks and the acknowledgement of the business community to Professor Ruggie for the excellent work he has done and is continuing to do.

Let me begin by taking just one moment to explain to you why I'm here and who it is that I -- for whom I'm speaking. The organization I work for, the United States Council for International Business, is a U.S. business policy organization, and we have a special role in the world of international business and U.S. business in that we represent American business in the three major organized international business associations. Those are the International Chamber of Commerce, which is an interlocutor for business in the United Nations system; the International Organization of Employers, which represents employers at the ILO, the International Labor Organization; and thirdly, the Business and Industry Advisory Council to the OECD, which represents and advises the OECD governments on economic and business matters. I tell you this at some length because ICC, the IOE and BIAC -- so representing business in over 142 countries, the most representative organs that we

have -- these three organizations have been working very closely with John in the elaboration of his work, and we will continue to do so.

So I'm here, very briefly, to give you the main elements of our perspective on this U.N. framework on "Protect, Respect, and Remedy." And I'm going to make four points. First, I hope this is obvious, but perhaps it's not, and it sometimes gets lost in the debate. Business supports human rights. It always has. That's not just because business is not some abstraction. It's people. We live and work in the same communities as everybody else. We have families. We have ties to our communities where we're managers, employers, whatever. So we're not some alien force out there. Secondly, and perhaps more to the point, business depends on the same freedoms and rights that support human rights. Individual liberty, the rule of law, independent courts, freedom of speech and movement, freedom from arbitrary government action, security -- these things are all necessary to the conduct of business. I think this fact is lost sometimes in the debate and the rhetoric, and it may have been lost in the pre-2005 debates over the U.N. norms. And, for that reason, we were -- we really welcome the opportunity to reset this debate with the establishment of the Ruggie mandate.

Second point: the success of this mandate -- and I think it's been an enormous success so far and will continue we trust will continue to be so -- that success is based in large measure on the process that Professor Ruggie established, which I think sets a new standard and a high bar for future United Nations activities of this sort. That process has been objective, transparent, and inclusive, and has been based on exhaustive research, direct consultations with stakeholders, and numerous field visits. That process itself has ensured that the framework is not just an academic exercise, but reflects real world experience, and most importantly will be able to work in practice on the ground, because all the fine words in New York, in Geneva, wherever, won't matter a bit unless things change on the ground.

Thirdly, the business community strongly supports, as I've said, the U.N. "Protect, Respect, and Remedy" framework, and one reason for that is that the foundation of that framework is the clear recognition of the different roles of governments and business. And the fact that business cannot and should not take over the role of governments. I don't think anyone here in this room wants that to happen, nor do business want that to happen.

There's a lot that business can and must do within its own sphere of responsibility to respect human rights, and the first place to start is basic compliance with national law. If governments were able to adequately implement and enforce their national law, and deal with bad actors, a great many of the situations and the dilemmas in that we have to deal with would not happen. So, in our view, a lot starts with the underlying operative environment set by governments, and the challenge as to how to work together to improve that.

Which leads me to the fourth point and my final point, which is now the current task is to operationalize these three legs of the framework, and business, as I've said, is working closely with Professor Ruggie to help complete that task. We're going to be participating in a consultation in Paris in October, for which we're doing a great deal of work that is going

to include companies and business associations from around the world, and we plan and hope to delve into the details of the guiding principles to maximize the chances that they can be operationalized and reflected in operations around the world. Once completed, the guiding principles will be the start of a new phase of implementation that we hope will be based on shared objectives and increased collaboration.

Among the things we need to do are to ramp up things that we do very well in the business community. Big companies are good at due diligence, they're good at risk assessment. But we need a great deal more awareness-raising and education and the organized business community has committed itself to engaging in that.

We also need -- and this is very important -- we need to be able to address and equip smaller businesses -- small and medium enterprises where, by the way, the bulk of business of business activity around the world takes place, and where multinational supply chains are activated. We need to be able to increase the capacity of small and medium businesses to deal with some of these issues. By definition, there is less resource there, and by definition, there is less awareness.

I would just like to come back though to the idea that everything hinges on the state capacity to give effect to this framework and I think Mary Robinson agrees with that. Therefore, we hope that at the end of the day, the Office of the High Commission will not only welcome the results of Professor Ruggie's work, but will give a mandate to find ways to support governments who need to raise their capacity in the area of human rights in terms of implementing and enforcing national law. Thank you.

Jonas Gahr Støre:

Thank you so much for these introductions. I know people have busy schedules and we run this for another 15 minutes.

What we are faced with is a very complex issue covering all states, all sectors. So there's no silver bullet. There's no one size fit all. I think the last remark by Mrs. Goldberg about capacity building is important. I mean, in my country, we need to do capacity building among business, politicians, law enforcers, but that was underlined by the Minister from South Africa, a country going through turbulent transition. That's another part of the scale of capacity building, and strengthening the capacity to deal with international corporations. There are unprepared societies out there, meeting a force that they are not very well placed to deal with. So I think what we see is that the work which is now taken forward by the co-sponsors, by Professor Ruggie, and we will hope we will have a good vote in the Human Rights Council, as a kind of a main avenue.

Some say that we should have more kind of voluntary approaches. I think these can exist side by side. You know, we have the EITI, the Extractive Industry Transparency Initiative, covering a group of countries, more countries every year, and similar initiatives which compliment this for all their effort.

But there's one question which keeps coming back from the NGO side, and I'd like to ask these questions to Professor Ruggie in terms of where he would like to see this process end, although I think he will say that it is not ending, it's an ongoing process, but it's the work we often get also in

other areas here at the U.N, that what we need is a convention and that's the kind of -- the silver bullet. You know, the end game. We have the same thing on disarmament. We should have a convention that would settle the issues. And Norway is a firm believer in conventions when they serve a purpose. But I think the word has been quoted several times here -- efficiency and effectiveness. We need solutions which are effective and efficient. And at least we have experienced in my country that the very ongoing near dialogue with business has been the best approach, not kind of some distant legislation, but really having that exchange which is taking the agenda forward. But, John, will you respond to that how you see the end result, reflect on the idea of a convention? And then if there are some among the public who would like to ask questions afterwards, I will take note, and you will have the floor. John?

John Ruggie:

Well, thank you very much. You get right to the point don't you? May I, before I answer your question, just add a word to Ronnie's remarks about the upcoming consultation. I want to make sure everyone understands that I'm having similar consultations with states, and also similar consultations with NGOs. It isn't only business. I just want to make sure everyone understands. And they're all within a week of each other, and so that no one can claim they had an advantage. We try very hard to walk a fine line in this mandate, to make sure that all views are represented and are represented equally. But thank you, Ronnie, for your comments and I just wanted to make sure everyone understands that.

Jonas, the issue of a convention -- I think you gathered from my remarks that I believe that the business and human rights agenda at this point in time is far too complex and cross-cutting to be susceptible to a single legal instrument, an overarching convention that somehow brings all of these things together. As I indicated in my opening remarks, the issue of business in human rights involves investment law. It involves corporate law. It involves securities regulation. It involves international criminal law. It involves humanitarian law. I mean, just talking about the legal side of things. To pull all of these -- or try to pull all of these together into a single overarching legal instrument, would, I think make the law of the sea negotiations that took what we -- look easy, and as I recall, they took about 20 years and I'm still not quite sure about all the things that are not agreed to. So you know, I'm not one who is much interested in heroic failures. I'm interested in moving the game ahead step by step.

That's not to say that there are not specific legal issues that don't need clarification along the way. For example, just in the last few weeks, we've had a series of decisions coming out of U.S. courts on the applicability of the Alien Tort Statute to corporations. What the aiding and abetting standard should be for companies, and whether the statute applies to companies at all. We've had divergent opinions now in courts. Different countries elsewhere are moving in different directions. Increasingly, we have companies facing divergent legal demands and legal criteria, and we have victims increasingly confused about what they can get redress for and what they can't. So, that may be an area in where some further clarification is necessary for all concerned. But that involves essentially acts that amount to international crimes, which is a fairly small sliver of the totality that we're talking about. So my answer, in short, is that there may well be specific issues that need to be clarified.

Issues of a legal nature. But I think the idea of somehow solving this -- in quotation marks "solving" -- with an overarching convention will lead to heroic failure, and I'm interested, along with victims I think, in practical successes.

Jonas Gahr Støre:

Good answer. Gentleman down there.

Wael Attiya:

Thank you. My name is Wael Attiya from Egypt. First of all, of course, thank you very much for all the interventions and statements that were made by different panels today, and it was really interesting to hear all these different view points. However, I can see there is a focus by almost everyone on some called it social aspects, some call it, of course, as we do in the human rights framework, we call it civil and political rights. Most of the issues or the rights that we're highlighted by different panelists were about freedom of expression, about all different elements that actually fall under civil and political rights. But I was wondering, where do the economic, social, and cultural rights fall into place here? This is one. And the second, what about the areas in which multinational corporations might have an impact on probably indirect, but enormous impact, such as the environment, for example, and derive from that the impact of deteriorating environment on the attainability of the high standards of physical and mental health, and, of course, the adequate standard of living in many countries. So these are very important rights as well, and they are impacted by the activities of different multinationals when they work in the fields and especially the environmental aspects of their activities. Thank you.

Jonas Gahr Støre:

Professor?

John Ruggie:

Thank you for that question and I look forward to visiting Cairo in December for some bilateral discussions with your government on this mandate. Let me say that on the part of the mandate, we established right at the outset that because companies can impact on virtually the entire spectrum of internationally recognized rights, the corporate responsibility to respect rights, therefore, ought to apply to the full spectrum of rights that companies could impact. So we certainly have not selected civil and political rights, and pay equal attention to the economic, social and cultural rights, and have suggested to companies in outlining the due diligence -- the human rights due diligence component, that different rights or different issue will be more likely to be pressing in a particular context, or in a particular industry and that, therefore, will require additional attention. But because situations can change, companies ought to make sure that they gauge their actions or their impacts on all internationally recognized rights.

Jonas Gahr Støre:

We will take two more questions before we sum up. One, down there, please, and then here. First question to the lady in the back.

Annabel Short:

I'm Annabel Short from Business and Human Rights Resource Center. First, thank you very much to the panelists for your insights, and also for all of your commitment on this very important issue. A question for John Ruggie again about looking forward, and a lot of people raise the importance of the coherence that you've brought to this area. And I can see, you know, beyond the mandate, how there'll be a kind of dynamic compartmentalism you could call it perhaps of work in all the different areas of the mandate has highlighted. But how do you see the

coherence carrying forward? What are your hopes for that coherence to be maintained? Thanks.

John Ruggie:

In addition to having asked me to produce the text of guiding principles on the implementation of the "Protect, Respect, Remedy" framework, the Human Rights Council has also invited me to submit an options paper of various ways in which the council could follow up on the mandate itself, and so we're also preparing that paper and we hope that we can convey the importance of a coherent approach going forward, and for this thing not to fragment into the little individual pieces again. So in the first instance, that's what we are doing.

Jonas Gahr Støre:

Okay.

Jonathan Granoff:

Jonathan Granoff, The Global Security Institute. I would be remiss in not commending Norway on its forward-looking business practice in your investment policy of the Windfall Pension Fund that has come from your oil revenues, with prohibitions on companies that degrade the environment, and companies involved in benefiting from weapons of indiscriminant effect. And I think it's a model for all business investment that should be universally known and extolled.

I have a very simple question. With respect to improving the capacity building and advocacy of the International Labor Organization (ILO) in advancing the human rights agenda and it's to the entire panel. How can the voice of labor through the ILO be strengthened?

Jonas Gahr Støre:

Can I just have a go on that one? I think that the -- the challenge for ILO in the whole perspective of its work is to provide teeth, you know? And what we have tried from the Norwegian government side as a modest contribution is, two years ago, to bring together WTO and ILO on the issue of decent work. I firmly believe that this needs to be the next theme that we need to approach in a systematic and balanced fashion. I say it this way because we know that decent work standards may be perceived from the south as a protectionist measure by the north, and we have all these, you know, as we had with the environment, in WTO context some years ago, we have to approach it systematically. It's not in the Doha round. We struggled to complete a Doha round, but I very much believe that in the next phase of taking legislation on trade forward, we need to address two issues much more vigilantly -- climate change, climate issues, and decent work.

And then, two weeks ago, we brought together in Oslo the IMF and the ILO, and I found that quite groundbreaking that Juan Somavia and Dominique Strauss-Kahn together addressed the issue of how to deal with a financial crisis in a way that respected labor. And I think it was for the IMF, really, showing a different face, different approach, having the team of experts work together with ILO teams of experts. So, you know, we very firmly believe that the mandate of the ILO is crucial. It's kind of the pressure of conventions looking after conventions, but as we believe we need to work cross region as countries, we also need to get these organizations to work cross region, cross sector. And Mary Robinson, when she was High Commissioner, I think was able to do that -- to engage with the different sectors so that human rights was not kind of a sector issue, but an issue which went through all layers.

On the pension fund -- one thing which I find quite interesting, you know, we take these decisions of disinvesting based on the ethical criteria of the fund and that decision is taken, you know, based on study of the 7,000 companies in the portfolio. Now, the person that has to go out there and face it is me, because I'm being approached by other governments saying that this is an unfriendly gesture against my country because you disinvested from this company. And I have to explain that, you know, there is absolutely no link. It's not because that company is from their country. It's because that company was engaged in violations of international regulations which led to that. I believe that is now becoming more understood, but it illustrates that this new practice of having a disinvestment clause from a sovereign wealth fund in such a politicized world takes a lot of explanation to simply communicate to people that it is not another tool of foreign policy. Any other comment to the ILO?

Mary Robinson:

Maybe to reinforce the point you made. We actually had a roundtable with the ILO on decent work on Monday. Your prime minister was there, and also Juan Somavia and Dominique Strauss-Kahn came emphasizing the points you're making, but also we feel that the corporate sector has a responsibility that hasn't yet been fully thought about -- to look at its whole value chain and see, by different sourcing, by different distribution to create more local jobs when working in countries where the government may not be providing any, you know, incentives or any good framework, but nonetheless they're making profits in poorer countries to really explore. And there is a lot being done I must say and I -- and I agree that it's better for business to work from its core mandate rather than to do things outside its core mandate. And to create jobs and to have an environment where decent work is at the heart of that policy. So I very much welcome the leadership of your prime minister as well on this as yours.

Ronnie Goldberg:

Just one very quick note to take up what Mary just said about value chains. There's a great deal going on in the business community on value chains. We had a meeting with the U.S. State Department last spring to sort of talk about some of these initiatives. What we discovered was not only that there was a great deal of ignorance about a great number of ongoing initiatives to -- of companies in various industries to get their arms around various supply chain issues, ignorance by the government, but that the U.S. government, anyway, had lots of different initiatives, and they don't talk to each other. So I think you can probably multiply this problem internationally, and I'm sure the U.S. is not alone. So one of the projects that we have going collaboratively with our own government is to try to get our arms around these supply chain issues and all get on the same page and work together. And I'll say if there's one lesson of the ILO for other parts of the international organization world, it's that we work in a tripartite way in the ILO, and that bringing the parties together, the social dialogue, that's at the heart of the ILO process is a very important part of the legitimacy and the value of what comes out.

Jonas Gahr Støre:

We have time for one last question. Please.

Kathryn Shaffner:

Hi. Kathryn Shaffner from the U.S. Mission. Once thing I haven't heard you mention today is the role of the consumer in business on the protection of human rights. Does the framework address any consumer

education or the role of consumer responsibility of protecting the rights of business?

Jonas Gahr Støre:

Professor?

John Ruggie:

Only indirectly. The main purpose to the framework is to spell out the respective legal and policy responsibilities of the main actors involved, the companies and governments, and provide a template whereby other social actors can judge both governments and businesses, but it doesn't address consumers specifically. No.

Bukun Onemola:

Thank you. Just in related development, I just want to say that the need for creating awareness, because even as we speak, many communities are still not aware of this, and although the civil societies and NGOs have done a lot, but a lot needs more to be done, and this is why you must involve the media in our work. I thought I should mention this. Thank you.

Jonas Gahr Støre:

Okay. Mary Robinson, one last comment?

Mary Robinson:

It's actually -- it's an informational point, but I thought it was relevant, that there is going to be a meeting in Scotland in Edinburgh on the -- I think it's about the 6th to the 8th of October -- of human rights commission from around the world -- more than 80 human rights commissions on business and human rights. And they will be looking very much at John Ruggie's mandate. And that's very good because the human rights commissions, as we know, are established by government, but independent of it under the Paris Principles, and are that kind of intersect between government and local communities. So I think it's, you know, really very good that this year they're taking on the theme. They only meet about two years globally in this way, and it's on this subject. So I think that will do it.

John Ruggie:

I'll be there and I know you will too.

Mary Robinson:

Yes, we will.

Jonas Gahr Støre:

Okay. Thank you to -- to the panel. Thank you for all coming.