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A First Timer's Perspective on the 4th UN Forum on Business and Human Rights

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The prospect of flying for forty-eight hours to attend a thirty-six hour conference had always made attendance at a UN Forum seem fanciful for a lawyer tucked away in one of Australia's southern-most cities. This year, I was exceptionally excited to take advantage of my new geographic location and jet-set to Geneva for the Fourth Annual UN Forum on Business and Human Rights.

Corporate activity can affect the entire suite of human rights, across sectors and regions. The growth of multinational corporations in global reach and influence over the past twenty years, in many cases rivalling that of states, has consequently led to calls for greater corporate accountability. 'Business and Human Rights' (BHR) is an inter-disciplinary project which seeks to unpack issues around the state duty to protect human rights, corporate responsibility to respect human rights, and the right to remedy for victims of corporate human rights violations. These issues stem from Professor Ruggie's '[Guiding Principles on Business and Human Rights](#)', unanimously endorsed by the UN Human Rights Council in 2011, which remains the foundational document for addressing BHR issues.



The 4th Annual Forum on Business and Human Rights. Photo credit: F. Dinshaw.

I had long pondered what this UN forum might involve. From the summary reports and materials available for previous forums, it appeared that the three-day event would cover almost every aspect of the BHR agenda, showcasing the hours spent by academics, activists, and companies in working on different aspects of ensuring global corporate accountability for human rights violations.

I ogled at the attendance statistics: 2,400 people from 130 countries, over sixty events and hundreds of presentations. I anxiously pored over newspapers in the lead-up to see what the topical subjects might be. BHP's Samarco disaster? FIFA's labour rights issues in Brazil and Qatar? Technology and freedom of speech in a post-terror world? I read blogs and highlighted my itinerary on the program. I checked in with others to see what sessions they were attending, so that we could gain greatest coverage of developments in the field.

Did the forum live up to my expectations? Here is my debrief, from the perspective of a first-time attendee:

1. *Much ado about something*

There was plenty of buzz, but it was hard to tell where it was being directed. Tuesday's four-hour plenary session delivered a sense that the hundreds of attendees were committed to ensuring greater corporate respect for human rights.

However, while I could not help but be moved by the solidarity shown by so many people gathered in the one room, the mood seemed pragmatic rather than transformational. This was perhaps due to the chosen theme being 'Tracking Progress and Ensuring Coherence' – an important topic, but also one that lends itself more to processes, reporting and corporate governance than potentially more pressing issues, such as root causes of human rights violations or innovative conversations around remedy.

The panel discussions were expertly moderated, and featured government officials, business representatives, civil society, and human rights defenders. Topics of discussion included reflections on the UN Guiding Principles four years on, how businesses and governments can support each other, the merits of foreign investment for indigenous communities, the personal risks of exposing violations, various industry-specific insights, and a lament about the lack of progress on developing access to remedy for victims of corporate human rights abuses.

Upon opening the conversation to the audience, inputs ranged from governments expressing their commitment to human rights, to participants inquiring about the ethics of driverless cars, tax evasion, navigating LGBTI rights in certain jurisdictions, and the plight of indigenous populations. There was passion and pragmatism, blunt truths and glosses, and I couldn't help but



UN Headquarters in Geneva. Photo credit: F. Dinshaw.

wonder what the purpose of it all was. It seemed like this important meeting of the minds meant completely different things to completely different people, but that it meant *something* to everyone.

2. Fierce resistance

Some months ago, I read an excellent [blog post](#) by Surya Deva titled 'Regulatory Initiatives on Business and Human Rights: Where are the Victims?' in which he criticises the disproportionate influence between company and state interests in BHR decisions and suggests that victims' voices should be key. In similar vein, at the Forum one could sense the frustration of those who either represented victims of corporate human rights violations, or who had suffered from corporate or state abuse. While seldom on the panels, there were frequent interjections in the audience discussion stating that indigenous rights are not upheld by companies and governments, including the gross violations that are suffered, particularly by women, and that the voices of the indigenous and of the workers, in particular, were simply not being heard.

I saw these interjections as formal resistance, challenging the power dynamics and ensuring awareness of the fact that some narratives were missing. This resistance almost seemed to treat the Forum as a remedy in itself, a place to build a historical record and acknowledge harms suffered. However, the Forum dealt with so many wide-ranging and important issues that it was simply ill-equipped to provide any sense of restorative justice. In that sense, the resistance highlighted the need for more solutions and places for greater engagement with the most important stakeholders of the BHR project.

3. Catharsis

For me, there were three cathartic moments amid the hustle and bustle of the Forum.

First, a session on business relationships unpacked some of the nuts and bolts of corporate respect for human rights, where a number of business participants engaged on common challenges and methods for conducting their due diligence, managing expectations with supply chains, and understanding when to engage with business partners in order to improve their human rights observance versus when to terminate a business relationship that is likely to result in abuse. It was a welcome relief from the cross-conceptual rhetoric of previous sessions, and by the end there was a sense of what best practice corporate respect for human rights might look like.

Second, during lunchtime on the last day, I opted for what I thought would be a relaxing option – a film viewing. It was incredible. The film, *Food Chains*, depicted the treatment of migrant workers in U.S. farms and the activism that led to a revolution in improving labour standards. A discussion panel followed, featuring one of the activists who starred in the film, a representative from the enforcement arm of the U.S. Labour Department and a company representative that had supported the 'Fair Food Program' highlighted in the film. Overall, the session was powerful, providing an insight into to all stakeholders in a BHR dispute while demonstrating the possibility of political solutions.

Lastly, I attended an engaging session on human rights due diligence. During this, I discovered that I had sat next to a woman from a small island nation that was being exploited for its minerals, to the detriment of the environment and future generations. Due to the economic incentives of hosting foreign investment, the government had given up placing regulations and conditions on the investment in favour of the cash injection it would receive. There were therefore no domestic avenues available to challenge the project, and the future was looking bleak. Yet the woman was optimistic. "Thank god for international law!" she said. I smiled back nervously, unsure of what to say.

After listening to lawyerly arguments over extraterritoriality, corporate processes for human rights compliance, and the outcries against violations in various pockets of the world, this was the conversation that has stuck with me the most. It penetrated through the millions of sentiments that had been expressed during those sessions, and reminded me why business and human rights matters.

The forum wasn't what I had expected– it was far more chaotic, divergent, and intellectually draining than I could have imagined. Yet, in attending, I felt part of a global community committed to improving respect for human rights that would remain unseen without the forum. If business and human rights matters, then so too does the forum.

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Freya Dinshaw at the 4th Annual Forum on Business and Human Rights. Photo credit: F. Dinshaw.

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