

**CHECK AGAINST DELIVERY**



**Forum on Human Rights and Business – Panel on Priorities and key issues for 2014 – 4<sup>th</sup> December 2013**

**Contribution by Mary Robinson**

It is a pleasure to be back in Geneva and an honour to participate in this, the second annual UN Forum on Business and Human Rights. The fact that so many of you have gathered here over the past three days to discuss successes and shortcomings in the implementation of the UN Guiding Principles on Business and Human Rights is an encouraging sign of growing global commitment to this critical agenda.

The consensus achieved by the Human Rights Council in 2011 through the unanimous endorsement of the UN Guiding Principles, and their widespread and rapid uptake by diverse stakeholder groups, has been pivotal in moving the business and human rights agenda from the margins of international policy debates.

I know from my own five years here as High Commissioner, and later as Chair of the Business Leaders Initiative on Human Rights and then as founding Chair, and now patron, of the Institute for Human Rights and Business, how deeply divided all stakeholders were just a decade ago. None of us should

underestimate how difficult the challenge was of moving this agenda toward higher ground. We should continue to acknowledge the importance of the Guiding Principles in establishing the foundations needed to ensure that all states carry out their duty to protect, that all businesses implement their independent responsibility to respect all rights, and that those negatively impacted have access to effective remedies. But we must also recognize that human rights abuses linked to business activity remain all too common. The work of building national, regional and international systems to ensure effective implementation has only begun.

My efforts over recent years to address the links between climate change and human rights face a similar challenge. We have made the case for climate justice – and people are increasingly responding – but commitment to concrete action is far too slow. In the context of the private sector, there is still an urgent need to demonstrate that acting on climate change is not a constraint but an opportunity and makes good business sense. The same is true for making faster progress on the broad human rights agenda as well.

So what does this mean for the year ahead?

My message to all of you is that 2014 must be a time in which all of us take more strategic and effective action on the inter-linking agendas of human rights, climate change and development.

It is important to recall that 2014 is critical to the successful delivery in 2015 of a new universal and legally binding climate agreement and a new development agenda building on the Millennium Development Goals and incorporating the Sustainable Development mandated at Rio + 20. Together,

these policy processes are a framework for a comprehensive approach – providing greater clarity and certainty to government, business and investors.

To achieve this goal in 2015, we need 2014 to be a year of scaled up ACTION and greater POLITICAL LEADERSHIP.

I participated in COP 19 in Warsaw just 2 weeks ago. My overriding impression from that international meeting was one of deep concern due to the almost complete absence of political will to move beyond short term and narrow interests.

It is often said that business is key to building political will by demonstrating and communicating to political leaders what is possible – in this case by highlighting efforts being made to reduce emissions and make the transition to sustainable development. What more can business leaders – with support from other actors - do to move governments to take brave steps and make a clear commitment to a new model of development. One they can support with innovation, new technologies and increased investment?

In order to act governments need to feel supported – by their citizens and especially by the key players in their economies – business. The UN Secretary General is organising a Leaders’ Summit in September 2014 which will provide a platform for business, governments and civil society to demonstrate ACTION. So the time is short between now and then for businesses and civil society to engage with political leaders at the domestic level, support them to make the commitments to change that are so urgently needed, and work in coalitions with governments, local authorities and communities to deliver climate actions to the September summit.

This approach focuses on the ‘we can’ aspect of climate action. The other side of the coin is the ‘we must’, the moral imperative to act to avoid the injustice of the impacts of climate change on those who have contributed least to the problem. This is the climate justice approach, linking human rights, development and climate change to provide compelling narratives for action based on the moral imperative to act and the opportunities of acting now to make an equitable and inclusive transition to low carbon, climate resilient development.

I believe the UN Guiding Principles on Human Rights and Business provide an important tool for moving us all in the right direction. At the BSR conference in San Francisco in October, and in meetings with business at COP 19, there was considerable interest from business in using the ‘Protect, Respect and Remedy’ framework and Guiding Principles to address climate justice. I would urge all of you to see the year ahead as an opportunity to bring the discussions on business and human rights centered here in Geneva to this critical and related agenda.

It is now recognised that climate change has an adverse impact on human rights<sup>1</sup>, so action by business to avoid infringing on these rights fits within this approach. As increasing numbers of businesses around the world embrace and implement the UN Guiding Principles, it is a logical next step to use them to address the impacts of climate change and promote more sustainable development.

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<sup>1</sup> HRC Resolutions 7/23, 10/4 and 18/22.

As you know, the Guiding Principles make clear that all businesses have a responsibility to put in place policies and processes to respect human rights. All of these measures apply equally to climate justice – for example:

- a) A policy commitment to minimise contributions to the causes of climate injustice; that is to the reduce greenhouse gas (GHG) emissions which cause climate change and undermine human rights. This commitment could also embrace adaptation to climate change and the need to build resilience in the face of climate risks.
  
- b) A due diligence process which includes integrated impact assessments of environmental and human rights factors and which seek to minimise the contribution of business to GHG emissions while maximising positive investments and actions to increase resilience to climate impacts and enable the transition to low carbon, climate resilient development.
  
- c) Business engagement in processes to remediate the negative impacts of climate change on human rights. This could be through support for adaptation and disaster risk reduction or through remediation of unmanageable climate impacts such as extreme events (like Typhoon Haiyan), sea level rise or glacial retreat.

While attributing responsibility to a particular State or business is not yet possible scientifically - an acceptance that all fossil fuels are contributing to the problem should be enough to engage business in respecting the human rights of those whose lives, livelihoods and cultures are at risk and taking measures to protect them.

So 2014 can be and needs to be a year of action. A year in which business, working with a range of partners, shows political leaders what can be done, demands of them the policy certainty needed to instigate a rapid transformation of the global economy, and makes them feel supported in committing to bold action.

It can also be the year in which business embraces climate change as a human rights issue and integrates it into the growing work being done to implement the Guiding Principles on Business and Human Rights.

That means that as the post-2015 agenda unfolds and new development goals are developed, climate change and human rights must be central and closely linked. Business can play an important role in contributing to development and the delivery of global public goods – if it respects human rights. This also means an important role for government in seeing to it that the right incentives and disincentives to respect human rights are in place to steer business practice, including through shaping public-private partnerships that are rights-respecting, rights-promoting and place clear emphasis on accountability.

Let me close by returning to my earlier point about where the debate on business and human rights was in 2003, and where we find ourselves a decade later at the end of 2013. I should note that I am of course aware of the criticism from some that the Guiding Principles haven't provided a robust enough tool for ensuring that states fulfill their duties of holding corporations accountable for actions which cause or contribute to rights abuses.

The Guiding Principles provide for a wide range of preventative action, which avoids or reduces adverse impacts. But as John Ruggie stressed at last year's

Forum, accountability gaps for the most egregious human rights abuses require further coordinated action on the part of states. I am pleased that OHCHR, with the support of the Working Group, has initiated a process that aims to shed more light on the factors that create barriers in access to justice with a view to seeking solutions that will be effective in practice.

We should recall that the Guiding Principles make clear that legal and practical barriers can prevent legitimate cases involving business-related human rights abuse from being addressed. The implications of such barriers can be particularly acute for victims of gross human rights abuse. As part of their duty to provide access to effective remedy, states must make concerted efforts to reduce barriers that could lead to a denial of access to justice. This is particularly pressing when it comes to corporate involvement in gross abuses – conduct that rises to the level of internationally recognized crimes. We find ourselves today in the truly anomalous situation where such conduct by states is proscribed by international law, but the corporate form still provides companies with impunity. Perhaps home and host states should begin to focus on ways of eliminating this yawning gap.

I would urge all stakeholders here to be supportive of efforts to find a way forward that builds on the consensus achieved through the Guiding Principles and moves us closer to effective implementation.

So 2014 will be a busy year on many fronts – but it has to be. There is too much at stake not to act now. And we are all responsible – so we all have a part to play.

**ENDS**