

UN Forum on Business and Human Rights 2019

Session: National Action Plans - From Paper to Practice: Lessons Learned, Challenges, Innovations

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It is timely to discuss how commitments in the field of business and human rights are being implemented on the ground. Warm words on paper will not improve human rights situations.

The German National Action Plan for implementing the UN Guiding Principles on Business and Human Rights was adopted in 2016. When drawing up our NAP, we had the pleasure to count on a broad involvement of ministries and stakeholders. The government could also build on former work of several ministries on responsible business conduct. These include the Ministry for Labour and Social Affairs' involvement with Corporate Social Responsibility issues, the Ministry for Economic Affairs' work on the OECD Guidelines for Multinational Enterprises, and the Multi-Stakeholder-Initiatives set up by the Ministry for Economic Cooperation and Development together with other ministries. Our NAP has thus built on many processes already under way. We continuously seek for policy coherence of our NAP with

different processes concerning responsible business conduct as well as with the 2030 Agenda and sustainable development as a whole.

Interministerial cooperation is institutionalized during NAP implementation: We have set up an Interministerial Committee to oversee the NAP implementation. It consists of ten ministries and the chancellery; the Foreign Office acts as its chair. The Committee meets every other month and applies consensus-based decision making procedures.

The German NAP stipulates around 50 measures for government, with different ministries competent. These measures include public procurement, development cooperation, foreign trade promotion, support for GER companies abroad on human rights due diligence, and many more.

A recurrent and central issue in our Interministerial Committee work is the NAP Monitoring. The German government expects implementation of human rights due diligence from all companies. The NAP set the objective of having at least 50% implementation among companies with more than 500 employees and a place of business in Germany. The monitoring assesses whether this target will be reached until 2020. Finding agreement in the Interministerial Committee on the questionnaire and the evaluation methodology was a bit of a challenge. The level of the evaluation's ambition was unclear, and consensus had to be reached on what is feasible and what data and information we need. Ideas included following supply chains until the sources, simply reviewing media, and many more. In our final decision we agreed on an online questionnaire with plausibility checks.

In 2018 our service provider held qualitative interviews with 30 companies and stakeholders. In 2019 and 2020, we are having quantitative surveys of a representative sample of businesses. Results from the 2019 round will be available early in 2020.

The German NAP is valid from 2016-2020. The German government committed to produce an “updated status report” to inform about NAP implementation as a whole. This is a task set for us in the NAP. The assessment will include results from company surveys, but also implementation of government measures. This updated status report will serve as baseline for NAP revision.

Another important part of our NAP governance architecture is the stakeholder forum on business and human rights. It meets every other month and at every session receives a report from IMA sessions. The stakeholders can formulate comments and recommendations for the government concerning NAP implementation. German stakeholders have prepared a mid-term review of NAP implementation by the government, and they are planning to produce joint complete stakeholder review (end of 2020).

Two examples for NAP implementation (government measures):

- a) Foreign trade promotion – human rights are now given more specific consideration and a higher profile in assessment procedures. One particular priority is the identification of human rights risks in assessment process.
- b) Support for companies implementing the NAP abroad – this is a task carried out by the Foreign Office. In pilot countries on three continents, our embassies have set up NAP networks. The main participants include

the Chambers of Commerce Abroad, Germany Trade and Invest, and our agency for Development Cooperation. The aim is to provide tailor-made information and consulting for German companies and their suppliers when implementing the NAP abroad. Local NGOs, business associations, trade unions, Global Compact networks and international organizations are also invited to take part in the networks.

Besides implementing the UNGP at the national level Germany also addresses EU policymaking on business and human rights. With EU partners, we call for an EU Action Plan on Business and Human Rights. Many issues in the business and human rights context concern the supranational level and are best to be addressed at this level to ensure better protection of human rights and legal certainty for business. Germany will be the Presidency of EU Council in the second half of 2020. We will try to achieve continuity with our Finnish colleagues' activities on this topic, as we strive for coordinated EU action, a strengthening of policy coherence and for a contribution to a unified, visible EU position in the international business and human rights discussion.