

UN Working Group on Human Rights and Transnational Corporations and Other Business Enterprises
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To whom it may concern:

RE: Thematic priorities and suggested activities for the UN Working Group on Human Rights and Transnational Corporations and Other Business Enterprises

We are a team of researchers based at the University of Melbourne and Monash University working on issues relating to business and human rights (for further information please see our website: www.corporateaccountabilityresearch.net). We are currently engaged in research projects evaluating non-judicial extra-territorial redress mechanisms relating to human rights, as well as accountability processes surrounding private sector involvement in aid delivery and international development. In November 2011 we hosted a workshop at the University of Melbourne evaluating Australia's response to the Ruggie process. This submission is informed by discussions at this workshop, as well as by our own ongoing research. We welcome the formation of this UN Working Group, and ask you to consider the below suggestions in relation to thematic priorities and activities.

We fully support the Working Group's mandate to promote and disseminate the Guiding Principles, and help ensure their effective implementation by governments and business. Given the nature and funding arrangements of the working group, we would like to suggest that the Working Group could play a particularly constructive role in promoting implementation of the Guiding Principles by helping to initiate and facilitate structured processes of multi-stakeholder dialogue and policy development within national jurisdictions.

In concrete terms, we suggest that in addition to the annual UN Forum on Business and Human Rights to be held in Geneva, the Working Group capitalise on its mandate and profile to initiate or convene decentralised forums (such as workshops or networks) at the national level. Such an approach would acknowledge the importance of engaging a wide variety of social organisations and governmental agencies in individual jurisdictions, whose engagement with the Guiding Principles will be critical to their effective implementation. This approach could contribute to raising broader

awareness about the Guiding Principles, as well as strengthening communication and coordination between relevant government agencies and other interested groups.

Our practical suggestions on how this approach—which would be relatively undemanding in time and resource terms for the Working Group—could make a tangible contribution to enhancing implementation are twofold:

1. The Working Group could convene multi-stakeholder dialogues at the national level at which the many groups already working on business and human rights issues could meet and take stock of their respective activities and priorities. The workshops could be formally convened by the Working Group, but hosted by relevant local organisations.
2. These multi stakeholder networks can then identify key agencies or individuals in their respective governments to whom the Working Group could write requesting specific information:
 - a. What activities are they currently engaged in relating to business and human rights?
 - b. What could be done by various stakeholders to facilitate a more significant and effective approach to business and human rights?
 - c. Request that a relevant department within government write to all companies listed on the national stock exchange to inform them of the Guiding Principles, and their obligations under them.

For example, in Australia the Working Group could convene a workshop or forum via the Australian Corporate Accountability Network, and invite local trade unions, key NGOs working in the area such as Jubilee Australia and Oxfam Australia, and academics conducting relevant research. Potential agencies within government for whom the Guiding Principles have implications, and from whom the Working Group could seek structured dialogue, might include the Australian Human Rights Commission, the Australian export credit agency EFIC, the Australian OECD National Contact Point, and the Department of Foreign Affairs and Trade, including AusAID.

In this way local networks could identify key issues, institutions and policies requiring reform, and draw on existing expertise to assist government and other stakeholders to advance the implementation of the Guiding Principles. This approach would have the benefits of reducing resource burdens on the Working Group, promoting local ownership and legitimacy for the Guiding Principles, and strengthening local communities of practice (encompassing civil society, academia and government) to make implementation processes more effective, legitimate and sustainable.

Please do not hesitate to contact us to discuss any aspect of this submission further. We have tried to keep our comments brief, but would be happy to expand on any of them if that would be helpful. We appreciate you taking the time to consider our submission, and look forward to following the work of the Working Group.

Best regards,

Kate Macdonald, Shelley Marshall and Samantha Balaton-Chrimes