



PERMANENT MISSION OF NORWAY

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Working Group on the issue of human rights and transnational corporations

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Suggestions for the work programme of the Working Group on Human Rights and Transnational Corporations

The Norwegian Permanent Mission to the UN appreciates the opportunity to submit the views of Norwegian authorities on the work programme and key priorities of the new WG. Norway believes that the activities by the WG to follow up on the mandate established by the Human Rights Council in June is key for a dynamic debate at global level on this increasingly important issue. We look forward to continuing the debate with the WG in relevant forums.

When entering the next phase of the important work in the area of human rights and business, we need to remember the complex history of this issue in the UN human rights system, characterized by deep divisions among the various stakeholders. It is therefore the view of Norway that we need to continue the fact based and incremental approach so successfully carved out in the first phases of this work.

The area of business and human rights is still an emerging field and the magnitude of the task of carrying this initiative forward should not be underestimated. The Working Group, with experts from all five regions, represents a great combined knowledge about the variety of circumstances and challenges in the area of business and human rights. This is a great starting point for reaching out to all relevant stakeholders, including private sector, civil society, UN member states and relevant mechanisms and special procedures in the UN system. Norway would like to underline the need for the working group to actively conducting country visits and participating in relevant events in all regions.

In our view the Working Group should address the challenges related to implementation Guiding Principles, such as the need to clarify legal issues in connection with the division of responsibility between state and business enterprises. This will contributing to avoiding important differences between the national interpretations of the applicability of international standards prohibiting human rights violations in the context of business activities.

In the operationalization of the Guiding Principles, Norway believe that close contact should be kept with other institutions engaged in the implementation of related international standard framework, including the IFC Performance Standards and the OECD Guidelines for Multinational Enterprises. The national contact points for the OECD guidelines will have relevant experience which can be useful for the Working Group. The Voluntary Principles on Security and Human Rights (VPs) is another relevant framework that can be useful for the Working Group.

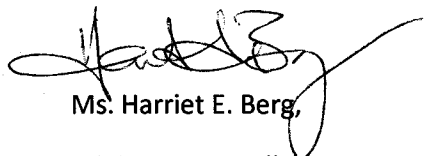
Norway believes that the WG should give high priority to national alignment and coordination in the operationalization of the Guiding Principles. This relates both to coordination within governmental structures/ between ministries and coordination between different national stake holders. We believe that development of national strategies and action plans on business and human rights could be valuable, involving key national stakeholders. In this context it could also be important to leverage the national support system in relevant sectors.

Best practice sharing from multi-stakeholder projects within industrial sectors could be of interest. One recent example from Norway is the project 'Sustainable Investments in Energy' where representatives from government, civil society and the hydropower industry have focused on standardization work in relation to hydroelectric activities. This is based on seminars and discussions on issues such as indigenous people's rights, consultations with affected local communities and benefit sharing. Another outcome of the project is a compendium which gives an overview over relevant standards and safeguards for the hydropower sector and how these standards overlap and complement each other.

We would also suggest that the Working group address challenges related to "Due Diligence", including requirements to undertake human rights risk analysis, implementation of the assessments, usage of the results, monitoring and reporting. Best practices from different corporations and enterprises will be of great interest in this area.

Finally, Norway would like to underline the need to give special attention to the impact of corporate activities on indigenous peoples' communities, and the rights of indigenous peoples in the contexts of such activities. In this area we recommend that the Working Group cooperates with the UN Special Rapporteur on the Rights of Indigenous Peoples.

With kind regards,



Ms. Harriet E. Berg,

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