



STATEMENT ON NATIONAL ACTION PLANS ON BUSINESS AND HUMAN RIGHTS

Session at the UN Annual Forum on Business and Human Rights | "National action plans to implement the UN Guiding Principles: stepping up Government commitments and action" | Wednesday 16 November, 11:40-13:00

This statement has been drafted by the leading business associations involved in the business and human rights discussion including: BSR; the Foreign Trade Association; the Global Business Initiative on Human Rights; the International Chamber of Commerce; the International Council for Mining and Metals; the International Organisation of Employers; the US Council for International Business; the UN Global Compact; and the World Business Council for Sustainable Development.

1. Business supports the UN Framework and Guiding Principles and wishes to see States implement the State Duty to Protect human rights. The global business community must continue and accelerate its work to fully respect human rights throughout their operations. But without concerted action from all States in all regions of the world, the vision of the Guiding Principles will not be fully realised. Not only are the rights of the most vulnerable at stake, but business thrives when operating in jurisdictions with stable operating environments that support rule of law, justice, human rights, and sustainable development. Where possible, business welcomes consistency amongst States in what they expect of business to avoid duplication or varied expectations of companies. For these reasons, business welcomes National Action Plans as a mechanism to set out expectations and map ways forward.

2. States should see NAPs as the opportunity to exercise leadership to build genuine commitment and capacity to achieve tangible progress in standards, business behaviour and change for rights-holders. An essential element to successfully implement the Guiding Principles is decisive actions by States in their own activities. Therefore, NAPs should be accelerating action to ensure the protection and respect for human rights in their own policies and decisions that address the nexus between economic actors and human rights. States should therefore expressly ensure that their NAPs support the implementation of their own obligations under Pillar 1 and 3 of the UNGPs.

States should also be innovative and creative in how they respond to business and human rights challenges and gaps. States should use the full range of options available to them, including all public policy and market-based levers available to them to effect change. These options could include: improving the enforcement of regulatory regimes, especially around entrenched, systemic issues such as land disputes; incentivising and supporting the capacity and capability of their business communities to implement respect for human rights (and even financing this for the SME community); States' improving their ability to effectively monitor and guide challenging business and human rights issues e.g. consultation with indigenous peoples around development projects or mediation and resolution around entrenched conflict between companies and workers or communities.

3. States should engage with the business community to learn from their experiences in dealing with human rights commitments. Business is not just a stakeholder in NAPs processes but can, does and must contribute to process. Beyond the actual process of developing the NAP there are multiple opportunities for States to benefit from engaging with business – and, as such, States should look to strategically and creatively engaging with business in order to leverage their inherent collective strengths to complement the implementation of NAPs.

States can learn from business – and vice versa. Companies have an increasing level of experience of implementing business and human rights related policies and practices, and already do dialogue with certain governments on what is practical and effective policy.

4. States should use the NAPs as an opportunity for collective action. While each individual country situation is unique, the NAPs processes should be the opportunity to foster collective action on all three pillars of the 'Protect, Respect and Remedy' Framework. Therefore, States should build a leadership coalition including States from all regions of the world focused on further developing or implementing the lessons learned from their NAPs. This would: foster peer learning on NAPs and best practice; create a space to talk about progress, challenges, lessons learned and opportunities for collaboration; establish healthy peer pressure and mutual expectations to increase the uptake of NAPs, and ensuring the quality of NAPs and accelerating implementation of NAPs.

States are also the executives of the UN. In this context, States could require the UN to take more decisive action, including for instance by establishing a NAPs leadership committee that convenes multi-stakeholder expertise on NAPs, by mandating the UN Working Group on Business and Human Rights to monitor and report on the development and quality of NAPs, and by utilising and expanding the sessions of the UN Forum to establish a community of government leaders committed to implement the UNGPs, including through dialogue with all stakeholders e.g. civil society, affected stakeholders and business – who can input and add value to conversations.