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Speech to the Opening Session of the 13th Annual Meeting of the Voluntary Principles on Security and Human Rights

Good Morning. I want to thank the Dutch Government for hosting this event and the Voluntary Principles Group for inviting me to address you all.

I want to do two things this morning. First, I want to talk about what has changed in the world of human rights and business since the Voluntary Principles (VPs) were launched. Second, I want to talk about where the field is going, and the great challenges and opportunities standing before us.

Thirteen years ago, when the VPs were first launched, I was a researcher conducting fieldwork in a small, rural community in Africa. The community was right on the doorstep of the operations of a multinational mining company, and was locked in a years-long debate over how the company should conduct itself.

On one side was the community, which argued that it suffered all of the mine's negative impact, but reaped none of its benefits. People in the community were afraid for their livelihoods and way of life, and demanded that the company provide schools, hospital and other services that had eroded since it began operations.

On the other side was the mining company, which felt it was operating according to the laws of the host country and the contract signed with its government. Company managers wanted to get on with business and were frustrated by the constant complaints and sometimes contradictory requests from the community.

The government remained in the distant background.

The debate had been raging for years by the time I arrived. Both the community and the company had valid arguments, but no clear framework to establish the boundaries within which those arguments could gain purchase. It was a game without rules, and every time the company and the community came to the negotiating table, both sides left unsatisfied.

Just one year ago, in 2012, I found myself in a similar community facing a similar situation, this time in Asia. Again, the community didn't feel the benefits of a nearby mine were accruing to its members. Again the mining company was frustrated by community protests and confused by requests for services it wasn't equipped to provide. Again, members of the community, and the company, were divided about what to do.

But this time, the outcome was very different. Members of the community, the government and the company agreed on an action plan that defined clear roles and responsibilities for each actor. The action plan defined a timeline and impact indicators. The community and the company met regularly, and each was familiar with the other's concerns and desired outcomes.

These were two cases where the basic elements were the same. So what happened in the 12 years between them that contributed to their vastly different outcomes? I think three things have changed.

First, the world reached agreement on the UN Framework and the Guiding Principles on Business and Human Rights. You all know these documents, so I won't go over the contents of the 'protect, respect, remedy' framework and the Guiding Principles here.

What the UN Framework did was give community members a new language to speak about their concerns. In 2000, community members told me things like 'We're suffering from this company's activities' and 'We see no benefits from the mine's operations.' These are valid concerns, but don't suggest immediate or concrete actions. In 2012, community members said things like, 'We have a right to health. Something needs to be done about the dust that's affecting our breathing.' 'We have a right to education. Our kids need basic literacy so they can achieve their right to an adequate standard of living within a community that is now dominated by an international mining operation.'

And even more strikingly, in 2012 the company was using this language too. They were telling community members 'You do have a right to health and education. Let's ensure that those services are provided in a sustainable way, with the government involved.'

The government also recognized these rights, and was watching the company to make sure it investigated the negative impacts it may not have expected or that weren't identified by the community. All three actors were sharing information and collaborating on projects that worked toward each of their objectives.

This brings me to the second major change between these cases: multistakeholder engagement. Back in the 1990s we talked about 'the business side' and the 'the NGO side', and the two didn't mix. Now NGOs and companies aren't just talking to each other, they're working with each other, and engagement with civil society at all levels is seen as standard corporate practice.

The third difference between these two cases is the performance indicators agreed by representatives of the community, the company and the government. Each actor has clear responsibilities, concrete actions and a specific timeline in which to complete them. Everyone at the negotiating table knows what to expect from each other, and those who aren't at the table feel like they're part of the process because they can monitor and evaluate each actor's performance.

Looking at these two cases, and the differences between them, I think it's clear that the VPs were ahead of their time. In 2000 the VPs were already using the clear, concrete language of human rights. The VPs were also already encouraging companies and human rights organizations to meet around the same table, to talk through the tensions toward mutual benefit and clear expectations. I understand that members of the VPs are now developing indicators to provide greater internal understanding and clarity for how they are living up to the VPs.

The VPs were a sort of leading indicator for the changes the world was going through. Now that the world is catching up, I want to talk about the future, and how developments still taking place will affect the VPs and the contexts in which they are applied. To do that, I want to return to a small, rural mining community in a developing country. How will the debate over human rights and business be different in that community in 2023?

The first way it will be different is that the company operating in that community will take having an action plan as a given. In my 2012 field visit, the company with the action plan was still the exception. Most companies operating in similar contexts applied the old model of corporate philanthropy. They build a soccer stadium or a road or whatever else the community asks for, and hope the requests will stop there.

By 2023, the vast majority of multinational companies will be conversant with human rights. They will understand the responsibility to respect, and will acknowledge that this responsibility is core to their business. Like the communities impacted by their operations, companies will use the language of human rights and the approach of stakeholder engagement and concrete performance indicators.

This change will be driven from within companies by individuals who understand that community engagement and human rights due diligence are not a cost, but an investment. I suspect many of those individuals are sitting among us today. Those individuals will be supported from outside their company by networks like ICMM and IPIECA and through initiatives like the VPs. Companies will build the capacity of their industry peers through business partnerships and human rights standards in their relationships with contractors and suppliers.

The second way that mining community will be different in 2023 is that it will be supported by a government that understands the full scope of its duty to protect people from the negative impacts of business activity on human rights. We're already seeing governments around the world take up this charge, from the new legal developments here in the Netherlands to the Guiding Principles National Action Plans in the European Union to the new reporting requirements under Dodd-Frank in the US. As these efforts proliferate, they will be supported by increasing policy coherence across government functions, including working human rights considerations into public procurement, export credit agencies requirements, and even overseas development assistance efforts which are designed to engage business as a vehicle for development.

The third major difference in 2023 will be the community itself. An engaged, empowered civil society is a crucial actor in that it increases the demand for human rights and, at the same time, monitors the supply. In 2023 the mining community will be equipped to speak sharply and loudly about their human rights, and will engage the company and the government in specific requests and processes aimed at protecting them.

In 2023 that local mining community will be supported by local, national and international NGOs, with essential awareness raising efforts from groups like Amnesty International, Human Rights Watch and Oxfam, to learning best practice from other communities through the hand-on work of groups like International Alert

and ICRC. Thanks to information technology, that community will be linked to a worldwide network of consumers, investors and media outlets.

When I was working in that rural mining community in 2000, they distributed information through printed materials or, best-case scenario, a land-line telephone. It was slow, expensive and imprecise. In 2023, nearly every community on the planet will be just a few clicks away from millions of smartphones and computers, ready to share information and provide support almost instantly. This will dramatically change the nature of these cases.

The fourth major difference in 2023 will be the international community itself. Human rights already plays a major role in discussions around the new sustainable development agenda, and most major international institutions have increased their focus on human rights and business in the last decade. As the Guiding Principles are disseminated and implemented, this focus is only set to increase.

We've already seen the human rights section of the OECD Guidelines for Multinational Enterprises go from one sentence in its previous version to a full chapter in its current one. Every time an international institution takes this stance, it will strengthen and reinforce the efforts of others.

The fifth change for the future I want to talk about is the UN Working Group on Human Rights and Business.

For those of you who don't already know, the UN Working Group on Human Rights and Business is a group of five independent experts, one from each region of the world, who were appointed by the UN Human Rights Council to take over the mandate from Professor John Ruggie (not an easy act to follow). We have been given the task of disseminating and implementing the Guiding Principles. In other words, Professor Ruggie got to make them, we get to help make them happen.

One of the ways we're doing this is through an Annual Forum at the UN, which this past December pulled in over 1,000 people from business, governments, and civil society to share their experiences and challenges in making the Guiding Principles a reality. I'm sure some of you were there.

We're also holding two regional forums each year, to ensure that our efforts speak to local contexts and don't simply echo through the halls of Geneva. Last year, from June to November, we engaged in around 180 different outreach efforts, ranging from big international meetings like this one, to small workshops of academics and practitioners who are trying to break new ground on key questions. We have launched a business discussion group to focus on how to integrate human rights considerations into the risk management systems of companies. We are hosting practitioners laboratories; our next one is in Toronto on the topic of effective remedy, supported by the Canadian government. And we are driving the deep-dive research into areas of the Guiding Principles that need further unpacking; for example on the issue of what responsible companies should do when collectively contributing to negative impacts on human rights, such as being 1 of 5 companies that are lowering the local drinking water levels in an area, or 1 of 10 companies whose use of land is restricting the traditional grazing grounds of nomadic herders.

The reason I mention this is that in 2023, the Working Group will be 12 years into its mandate, and will have conducted dozens of projects in collaboration with all of the actors I've already mentioned. This includes conducting annual surveys of state and corporate actors, to assess the level of implementation of the Guiding Principles across the globe. It includes issuing annual reports to the UN General Assembly and Human Rights Council, drawing attention to new developments and pointing to areas where progress isn't happening fast enough. We also conduct 2 country missions each year and work directly with states and businesses and the UN system to push the issue forward.

What this means is that in 2023, that rural mining community will be able to draw upon 12 years of good practices, experiences and dispatches describing how other communities have tackled similar challenges. As I mentioned earlier, the proliferation of information technologies means that just because a community is geographically remote doesn't mean it's alone.

The final change for the future I want to talk about is the VPs themselves.

I've already talked about how the VPs have played an important role for communities, companies and governments, and have encouraged all actors to achieve a deeper understanding through engagement and collaboration. I'd like to encourage the groups that are watching the proceedings today but who aren't members to think about the great value the VPs have already demonstrated.

From what I've already said, it may sound like Initiatives like the VPs will be crowded out by international institutions or local initiatives. On the contrary, I believe the VPs and initiatives like it will only grow in importance in the next 10 years.

As the Guiding Principles are disseminated and become more widely known, demand for the 'how to'/operationalization will increase exponentially. The corporate responsibility to respect human rights is only seven words, but it encompasses a vast range of practices, from community relations to health and safety to land acquisition to supply chain management to managing the security challenges that you are familiar with. This responsibility requires hard choices, technical expertise, and lots more engagement and information-sharing to make it a reality. The VPs are designed to meet this need.

I believe in the next 10 years we'll see dozens of similar initiatives emerge to tackle difficult challenges such as responsible corporate lobbying, collective impacts on human rights, revenue distribution, public services provided by private enterprise, and many other issues that require multistakeholder engagement and experience-sharing. These initiatives will look to the VPs as a model for how this can be done. And the VPs itself, with a ten-year head start on the difficult questions some states and companies are only beginning to ask, will be in a leading position to help push the entire field forward.

The UN Working Group will look forward to a future of continued engagement with you: both as a critical friend to help push you along in your important efforts to tackle human rights abuses arising from security operations, and with a view to learning lessons that we can take to other initiatives which develop over the next decade.

Thank you.