

Part III: Conclusion and Appendices

Chapter Eleven: Conclusion and Ten Themes for the Next Five Years

Conclusion

Based on the interviews and reflections on the fast evolving business and human rights landscape, the authors of this Report identified the following key messages, and themes for the future, regarding the corporate responsibility to respect human rights in business relationships.

The Report's first key message is that companies *are* increasingly considering human rights impacts with which they are involved through their business relationships, and taking note of the UN Guiding Principles on Business and Human Rights and the corporate responsibility to respect human rights as they do so. More tangibly, there are signs that addressing such impacts can find a place in business management systems. This includes the management of business relationships. More and more companies are recognising there are solid business reasons to work with business partners to ensure respect for human rights in the delivery of operations, products and services to which they are directly linked. None of the participating companies have fully integrated human rights concerns into their business relationships or into every stage of their life cycle. Work is developing – but more is needed – to reinforce human rights policy commitments, align incentives, embed human rights into management systems, and build capacity. Progress is being made.

The Report's second key message is that the spotlight is increasingly reaching a wider range of relationships and actors. Initially, the attention given to human rights and business relationships focused almost exclusively on supply chain relationships. It is likely that the next five years will involve a deepening of attention, knowledge and practice regarding the relationship types addressed in this Report (joint ventures, mergers and acquisitions, supply chain and service providers, licensing and franchising, direct customer and investor-state) and others. Contract farming, contract manufacturing, business process outsourcing, sponsorship and advertising (especially for major sporting events), and financial services (investment, insurance, export credit) are likely to follow soon.

Moreover, not only businesses involved in production will come under the spotlight. Professional legal, accounting, consulting, lobbying, and tax advisers have a responsibility to respect human rights as businesses in their own right. As highlighted in this Report, the responsibility extends to their operations and business relationships – i.e. the advice they give clients about business relationships. By way of example, in a 2012 resolution, the American Bar Association linked the UN PRR Framework and Guiding Principles to its own code of professional conduct, which requires US qualified lawyers to apply “independent professional judgment and render candid advice” and permits them to “refer not only to law but to other considerations such as moral, economic, social and political factors

that may be relevant to the client's situation".¹⁰⁹ This is significant recognition of the influence of legal practices, as businesses to which the Guiding Principles apply, and as advisers who help shape their clients' business relationship.

The Report's third key message is sobering. Too few companies seriously engage with human rights and address the impacts with which they are involved. The Guiding Principles state clearly that all businesses everywhere, large and small, have a responsibility to respect human rights. Consequently, when two or more companies come together in a business relationship, they have overlapping responsibilities to respect human rights that should mutually reinforce their commitment. Currently, however, due to lack of awareness, lack of capacity, unclear incentives or unwillingness to address human rights among a large majority of companies, it is too often a one-way flow of communication emanating from large companies, well versed in international standards and committed to respect human rights. Urgency and innovation are required from business, government and civil society to address this challenge.

Business relationships – and the daily interaction between companies of every size, in their many sectors and locations – are a key avenue for spreading awareness and implementation of the responsibility to respect human rights. Some large multinationals are taking steps to incorporate human rights issues into the enormous webs of business relationships they manage around the world, often applying a pragmatic, risk-based approach. Over time, they will reach and influence an increasing number of businesses. This is an important mechanism for implementing the Guiding Principles and contributing to a more level playing field based on respect for human rights.

Looking Ahead: Ten Themes for the Next Five Years

Theme 1. Multiple actors, including businesses, governments, multistakeholder initiatives, industry initiatives and civil society organisations, will shape what are considered reasonable expectations about adequate and effective human rights due diligence.

The Guiding Principles have already become an authoritative focal point and have been incorporated in a range of other well-known international and regional standards such as the OECD Guidelines for Multinational Enterprises, the ISO 26000 Guidance Standard on Social Responsibility, the IFC's updated Performance Standards¹¹⁰ and updated OECD Common Approaches for Officially Supported Export Credits and Environmental and Social

109 American Bar Association, Resolution 109. At: http://www.americanbar.org/content/dam/aba/administrative/human_rights/hod_midyear_109.authcheckdam.pdf.

110 See IFC, Performance Standard 1: Assessment and Management of Environmental and Social Risks and Impacts. At: http://www1.ifc.org/wps/wcm/connect/3be1a68049a78dc8b7e4f7a8c6a8312a/PS1_English_2012.pdf?MOD=AJPERES. See also its Guidance Note, at: http://www1.ifc.org/wps/wcm/connect/e280ef804a0256609709ffd1a5d13d27/GN_English_2012_Full-Documents.pdf?MOD=AJPERES.

Due Diligence.¹¹¹ As these standards are applied, a better understanding will emerge of their interpretation and application in particular contexts, sectors, and relationships.

In the 18 months that have passed since the UN Human Rights Council endorsed the Guiding Principles, it has become clear that a diverse set of actors are paying attention to their implementation, both in business-to-business and business-to-state relationships. Many of these actors, from business as well as civil society, are asking governments to fulfil their duty to protect people whose rights are harmed by negative impacts associated with economic growth and globalisation, not least by enforcing local law and using available policy tools.¹¹² Governments have begun to act. In some cases they are actively seeking to provide support and guidance to businesses on human rights and corporate responsibility.¹¹³ In other cases, they are introducing new legislation or regulations that are grounded more specifically in the UN PRR framework and the Guiding Principles.¹¹⁴

Individual businesses and other actors are increasingly considering the implications of the Guiding Principles for their own operations and work with business partners. Industry initiatives are producing operational guidance on the Guiding Principles and considering how current codes and practices align.¹¹⁵ Investors, and the financial sector more widely, are developing their own approaches.¹¹⁶ Some initiatives, involving enterprises at different points in the value chain, are exploring how the Guiding Principles can inform their commitments and approaches.¹¹⁷ Civil society organisations are investigating how

111 Recommendation Of The Council On Common Approaches For Officially Supported Export Credits And Environmental And Social Due Diligence (The "Common Approaches"). At: <http://search.oecd.org/officialdocuments/displaydocumentpdf/?cote=TAD/ECG%282012%295&doclanguage=en>.

112 A recent civil society example is the Human Rights Due Diligence project of the International Corporate Accountability Roundtable. At: <http://accountabilityroundtable.org/campaigns/human-rights-due-diligence/>.

113 Examples include the European Commission-led guidance project for SMEs (at: http://www.csreurope.org/news.php?type=&action=show_news&news_id=5069) and sector guidance project for the Oil & Gas, ICT, and Employment & Recruitment Agencies sectors (at: <http://www.ihrb.org/project/eu-sector-guidance/consultation-documents-and-reports.html>). See also the Danish Government's Corporate Social Responsibility Action Plan 2012-2015. At: http://www.samfundsansvar.dk/graphics/publikationer/CSR/ENG_Ansvarlig_Vaekst_2.pdf. See also the Indian Government's National Voluntary Guidelines on Social, Environmental and Economic Responsibilities of Business, which reference the corporate responsibility to respect under the UN Framework. At: http://www.mca.gov.in/Ministry/latestnews/National_Voluntary_Guidelines_2011_12jul2011.pdf.

114 The Danish government's reporting requirements will require large Danish companies and state-owned limited liability companies to state in their annual reports what measures they are taking to respect human rights. At: <http://www.csr.gov.dk/sw51190.asp>. See also the draft US reporting requirements for certain new investments in Burma, which will require companies to report on their use of the UN Guiding Principles framework. At: <http://www.humanrights.gov/wp-content/uploads/2012/07/Burma-Responsible-Investment-Reporting-Reqqs.pdf>.

115 See for example the work of the Global Social Compliance Program, IPIECA, the global oil and gas industry association for environmental and social issues, and the International Council of Mining and Metals. In financial sector, see the work of the *Thun Banks* and numerous investor initiatives.

116 *Investing the Rights Way: A Guide for Investors on Business and Human Rights*, Institute for Human Rights and Business, forthcoming 2012, At: www.ihrb.org.

117 See for example the work of the Electronic Industry Citizenship Coalition and Global e-Sustainability Initiative, and the work they are doing together.

the Guiding Principles can be applied to increase corporate accountability.¹¹⁸ Trade unions are seeking to understand how the UN PRR Framework and Guiding Principles can advance labour rights, giving attention to business relationships.¹¹⁹ Employer's organisations are also considering the implications of the Guiding Principles for employers, including in their value chains.¹²⁰

What is clear is that multiple voices – not business, civil society or government alone – will shape good and effective practices in relation to corporate respect for human rights in business relationships. Aligning interpretations of the Guiding Principles can lead to a positive effect on human rights and business practices, by streamlining expectations, providing shared reference points for multistakeholder dialogue, and removing contradictory incentives and disincentives coming from the policies of investors, governments, and businesses themselves. Diverse interests leading to divergent interpretations are also quite possible. Constructive leadership and dialogue across government, business and civil society, including in multistakeholder contexts, will be critical to developing a coherent consensus on how to best achieve the goal of integrating human rights concerns into businesses. The UN Working Group on Business and Human Rights and annual UN Forum on Business and Human Rights¹²¹ may have a role to play in helping to address any major divergences.

Theme 2. Demands for transparency and traceability around human rights conditions in value chains will also drive expectations about human rights in business relationships.

Investors, consumers and civil society are increasingly looking for a message that translates the complexity of human rights impacts in value chains into a simple, understandable format that presents the consumer with a clear choice. The trend of consumer choice based on human rights in the value chain of particular brands is growing, but remains in its infancy. Businesses themselves also seek clear, credible information. Moves towards traceability and transparency build on recent consumer-driven certification schemes (such as Fair Trade), multistakeholder initiatives that seek to promote “clean” provenance (diamonds in the Kimberly Process, certain minerals in other conflict-free

118 See International Corporate Accountability Roundtable, Human Rights Due Diligence project; and Theme 6 below.

119 *A Guide for Trade Unionists: The United Nations “Protect, Respect, Remedy” Framework for Business and Human Rights and the United Nations Guiding Principles for Business and Human Rights* addresses issues of business relationships, leverage and impact. At: http://www.ituc-csi.org/IMG/pdf/12-04-23_ruggie_background_fd.pdf. With respect to global framework agreements between trade unions and multinational enterprises (MNEs) “one of the frontiers of global agreements is the question of business partners, in other words, how to apply the agreement to enterprises that perform work for the MNE”: Jim Baker, Co-ordinator of the Council of Global Unions (CGU) in *Global Agreements and Protect, Respect, Remedy*. At: http://www.ituc-csi.org/IMG/pdf/12-04-23_ruggie_background_fd.pdf.

120 *Guiding Principles On Business And Human Rights: An Employers Guide* (2012). At: <http://lempnet.itcilo.org/en/hidden-folder/ieo-guide-on-un-guiding-principles-human-rights>.

121 <http://www.ohchr.org/EN/Issues/Business/Pages/ForumonBusinessandHR2012.aspx>.

mineral programmes, timber under the Forest Stewardship Council¹²²), and the publication of supplier lists and audits (in the electronic and apparel sector). The action taken by governments in certain instances (conflict minerals, forced labour and human trafficking in supply chains) indicates how much governments too can be responsive to targeted advocacy, and customer/consumer demand.¹²³

The demand for transparency will extend beyond supply chain relationships. For instance, when governments required internet service providers to give them customer information and correspondence, the companies were pressed to publicly report such demands and some responded by participating in a multistakeholder initiative to examine the issue.¹²⁴ Investor-state relationships are also becoming the subject of advocacy by civil society groups, who often use right to information laws to obtain information on social and environmental impacts associated with the activities of the relationship. The significant nexus to a country's public assets (such as natural resources) and public services (even where provided by the private sector) underlie public demands for greater transparency in these areas.

As important as transparency is, it is not an end in itself. Transparency illuminates situations, thus enabling action. Multistakeholder initiatives and multilateral institutions will also play an important role. They can build on information revealed, and convene broad alliances of organisations and thereby assemble the consent and capacity that are required to resolve some of these deep-seated problems, such as exploitation and lack of social protection.

Theme 3. Governments will play an increasingly important role in stimulating demand for human rights due diligence, in their role as business partners.

The Guiding Principles highlight that, through their own commercial relationships, governments can use their leverage to scale up corporate commitment and action to respect human rights. Though this Report identifies many approaches that can be used to structure business relationships with governments, it does not examine business relationships with governments specifically (except with respect to investor-state contracts). A number of questions will need to be fleshed out. What is distinctive about having a government as a business partner? What impact can government power have on the business relationship cycle? What are the effects of having a government partner on reputational risk?

122 An example is OECD, *Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*. This makes specific recommendations on transparency in the mineral supply.

123 The Dodd-Frank Act requires companies to trace certain minerals through their supply chains, and is complemented by an MSI organised by the US Department of State. The Californian Transparency in Supply Chain Act requires disclosure and reporting on supply chain relationships where there is any risk of forced labour or human trafficking. In an effort to provide simple messages to inform consumer and business choices, the Brazilian and US governments publish lists of enterprises that have been found to use forced labour and child labour respectively. See the US Department of Labor list prohibiting the import of certain products made with child labour. At: <http://www.dol.gov/ILAB/regs/eo13126/main.htm>. In 2004, the Brazilian government's Ministry of Labour and Employment established a register of names of employers (persons or legal entities) caught exploiting workers in conditions analogous to slavery (the 'dirty list').

124 See for example the Google Transparency Report. At: <http://www.google.com/transparencyreport/removals/>.

At one end of the spectrum, businesses may work with government partners who are corrupt, uninterested in sustainable social or environmental approaches to enterprise management, and actively involved in violating human rights. At the other, governments can be a positive force, helping to integrate human rights in their different relationships with business. Governments might:

- Use government procurement to oblige businesses to pay attention to human rights.¹²⁵
- Ensure that SOEs integrate the core steps of the corporate responsibility to respect, and report on their impacts and actions transparently.
- Ensure that export credit agencies, government lending arms and multilateral development banks do human rights due diligence on all loans or investments.¹²⁶
- Oblige public private partnerships that deliver water, health, education and other services linked to human rights to provide these services consistent with the UN PRR Framework and Guiding Principles.

Theme 4. Corporate commitment to respect human rights in business relationships may be driven by clearer and more tangible business opportunities, not just risk avoidance.

Businesses that can “know and show” that they respect human rights will not only manage risk better but may be in a position to gain a competitive advantage. Strong human rights records may translate into public contracts and capital and investment opportunities, when governments are willing to weigh human rights considerations alongside the traditional drivers of cost. Traditional “value for money” considerations are beginning to give way to more informed and broader definitions of what “value” means in a sustainable society.

125 For information on OECD countries see: <http://www.oecd-ilibrary.org/docserver/download/fulltext/4211011ec046.pdf?expires=1351529380&id=id&accname=guest&checksum=71EC47DEDE8FAF8E2CDF9907A072650A>. For a more global, but dated comparison, see: Audet, D. (2002), “Government Procurement: A Synthesis Report,” OECD Journal on Budgeting, 2(3): 149-194, OECD Publishing, Paris). “Based on this OECD work, the main estimates of the size of government procurement markets, expressed as percentage of 1998 GDP data or in billions of US dollars, are for OECD member countries as a whole, the ratio of total procurement (consumption and investment expenditure) for all levels of government is estimated at 19.96% or USD 4 733 billion and for non-member countries the ratio is estimated at 14.48% or USD 816 billion.” <http://www.oecd.org/governance/budgetingandpublicexpenditures/43506020.pdf>. The Netherlands’ incorporates the ILO core conventions and human rights standards into the social criteria for its procurement requirements At: <http://www.agentschapnl.nl/en/programmas-regelingen/criteria-development>. The US government recently announced forthcoming changes in its federal procurement regulations to strengthen protections against trafficking in persons in federal contracts see: <http://www.whitehouse.gov/the-press-office/2012/09/25/executive-order-strengthening-protections-against-trafficking-persons-fe>.

126 See *Recommendation Of The Council On Common Approaches For Officially Supported Export Credits And Environmental And Social Due Diligence* (The “Common Approaches”). At: <http://search.oecd.org/officialdocuments/displaydocumentpdf/?cote=TAD/ECG%282012%295&doclanguage=en>.

The number and breadth of certification schemes has dramatically expanded in recent years.¹²⁷ Certification can enable businesses to leverage their “know and show” record for business advantage, and become more attractive to partners and investors.

Theme 5. Entering markets undergoing political and economic transition responsibly will be a major focus of government, business and civil society and will help define what is considered effective due diligence with business partners in challenging circumstances.

The Arab Spring and developments in Burma/Myanmar have highlighted the challenges for companies of operating in countries that are in political, social and economic transition. Of course, this issue is not new (consider South Sudan recently and South Africa, Indonesia and the former Soviet Union in the 1990s). If the right conditions are in place, foreign investment and links to the global economy can positively improve a local human rights situation, by creating employment, raising living standards, and improving access to services and new technology. At the same time, countries in transition are governed by governments in transition that have limited capacity and weak standards to guide and regulate new economic growth in ways that ensures responsible behaviour.

The spotlight will therefore continue to focus more directly on business practices in challenging new markets. Rapid communication through social media and social networking creates new risks of exposure for companies that do not conduct sound human rights due diligence, or establish procedures for respecting human rights. US government reporting requirements mandating US-based companies making sizeable investments in Burma/Myanmar to report on certain aspects of their human rights due diligence will contribute to the transparency trend.

In environments where there is a high risk that human rights abuses will occur, companies will need to be particularly alert. *Red Flags: Liability Risks for Companies Operating in High-Risk Zones* and *From Red Flags to Green Flags: The Corporate Responsibility to Respect Human Rights in High Risk Countries* provide guidance in this area.¹²⁸ Companies will need to exercise heightened due diligence as they take the steps outlined in the Guiding Principles and in this Report. Companies will be expected to communicate their human rights expectations clearly to their business partners and conduct on-going due diligence; consider break clauses in contracts; use leverage; provide and cooperate in remediation; engage carefully and credibly with stakeholders; and communicate and report formally and regularly.

¹²⁷ See for example, www.standardsmap.org.

¹²⁸ *Red Flags* At: http://www.redflags.info/index.php?page_id=11&style_id=0. *From Red Flags to Green Flags* At: http://www.ihrb.org/news/2011/from_red_to_green_flags.html.

Finally, how business relationships are ended when transitions stall is equally important. Exiting markets can affect employees but can also have a chilling effect on the lives of foreign workers, local suppliers and consumers benefiting from certain products and services. The human rights risks and dilemmas associated with closing a company or project, described in this Report, are also part of the human rights due diligence equation.

Theme 6. “Access to Remedy” and allocation of liability will continue to be a matter of concern with respect to business relationships.

Just as the first and second pillars of the UN PRR Framework provide a way to think about business relationships, the third pillar – Access to Remedy – is another part of the equation. More attention will be given in coming years to the third pillar, where business relationships are likely to be a central concern. Questions of accountability, fairness and compensation are not new, and are central human rights concerns. Many legal cases (in particular, but not limited to, the Alien Tort Claims Act cases in the United States) have examined the involvement of third parties with human rights abuses. Similarly, a considerable proportion of complaints under the OECD Guidelines similarly relate to human rights impacts in supply chains. It is clear that civil society actors will continue to press for increased corporate accountability and improved access to remedies for victims. A recent compendium on recourse mechanisms for human rights abuses suggested that “international law is being quietly revolutionized, to become more responsive to the challenges of economic globalization and to the weakening of the regulatory capacity of States”.¹²⁹

It will be important to understand how recourse mechanisms, courts, and non-judicial bodies (such as the OECD National Contact Points, or national human rights institutions (NHRIs)) begin to apply concepts in the Guiding Principles (such as ‘degree of involvement’, ‘leverage’, ‘severity’) in their assessments.

Businesses themselves may also increasingly explore their role in remediation when they are involved with adverse human rights impacts. Under what circumstances should a company work with or require its business partners to set up effective operational-level grievance mechanisms? If a company has contributed to a negative human rights impact, what good practices will they develop for working with business partners to address grievances when they arise? Beyond grievance mechanisms, how will companies join with peers to support or promote access to remedy? How will companies seek to influence business partners whose record on remedies is poor?

Multistakeholder and industry initiatives will likely also explore their role in remediation and building accountability. They may do this by establishing standards for their members and by addressing complaints and instances of non-compliance.

129 FIDH, *Corporate Accountability for Human Rights Abuses: A Guide for Victims and NGOs on Recourse Mechanisms* (2012). At: <http://www.fidh.org/Updated-version-Corporate-8258>.

Theme 7. Understanding of risk will continue to broaden and will increasingly include human rights risk as a routine consideration in business relationships.

A finding of the original *State of Play Report* is echoed here. “Most businesses interviewed understand that traditional business risk approaches are not adequate in understanding the risks people face, in particular those most vulnerable. In the medium or long-term, business risks and societal (or human rights) risks may converge – a business will eventually lose the ‘social license’ or even the ‘legal license’ to operate if it is routinely abusing the rights of those within or around its operations.”¹³⁰

Some businesses are now working to give practical effect to this broader understanding of risk. On the one hand, this involves a change of mindset. On the other, companies will likely need to translate the significance and severity of adverse human rights impacts into existing systems in order that they “stick”. A particular challenge is how to turn human rights risk into measurable risk or quantifiable measures so that the magnitude, significance and severity human rights risks can begin to be incorporated into the relationship planning process in a more straightforward manner. At the same time, evaluating short-term business relationships, which are transient or poorly defined will always be a challenge. Managers in diverse functions and geographies will want decision matrices, risk mapping tools, rating frameworks and guidance to make decisions about the needs of business partners and the risks they present. This also plays into the effectiveness of action to prevent and mitigate human rights impacts. What qualitative and quantitative indicators will have the greatest practical relevance and application?

The human rights community has struggled for some time with the issue of indicators. It will not be an easier task in the business context. Collaboration between the human rights community (national human rights institutions, human rights NGOs) and the corporate community could be beneficial.

Theme 8. In order to address a wider range of business relationships, companies will increasingly align their practice across corporate functions, business units and locations.

Based on conversations with the respondent companies for this Report, it is fair to say that companies are increasingly engaging with human rights issues outside the traditional corporate social responsibility, sustainability, public affairs and corporate citizenship spheres. This trend will need to be supported: colleagues who select, start, formalise, manage, renew and end business relationships will require policy communication, training, and guidance. However, human rights will continue to compete for attention in a crowded corporate space.

Ideas for peer learning in the business community could include: briefings and guidance for key functions and departments (M&A, legal, procurement, sales and marketing); training modules that build on a company’s human rights policy commitment, clarify

¹³⁰ See footnote 19, p. 13.

the business case, and propose clear and achievable strategies for specific departments and functions; and practical incentives and disincentives designed to improve the human rights performance of business partners, with time-lines. Vocal leadership by senior managers will be vital, to set priorities and ensure that human rights continue to be given attention by partners and the company.

Theme 9. Companies and their stakeholders will be interested in examples of how businesses can create and exercise leverage with business partners.

Establishing and applying leverage with business partners is essentially about encouraging, and if necessary enforcing, behaviours that respect human rights, while managing company risk. Businesses increasingly build “enforcement” into their relationships by referring to the Guiding Principles (and human rights standards) in contracts, in industry association initiatives, in multistakeholder initiatives and their contracts, and in operational performance standards. In this way they create a culture of expected adherence to and collaboration around the Guiding Principles. Continued interest in business-to-business learning on this is inevitable. External stakeholders will also want to understand the process. NGOs may seek evidence that a company has done all it practically can to advance respect for human rights, from the beginning and throughout its relationships. Governments and investors may need to understand how to use the tools at their disposal to reinforce respect for human rights in business relationships, while fulfilling their own duties and responsibilities.

A number of questions will need to be addressed in the coming five years. How are contracts and operating procedures used to create leverage? What degree of pressure or leverage is *reasonable* and *proportional* with respect to presumed human rights risks and potential impacts? What “techniques” in addition to contracts are being used effectively? If a company has or uses leverage, should it “show” this? How effective are drivers external to the relationship itself, such as multistakeholder initiatives, investor requirements, NGO campaigns, and industry initiatives? How will states play a stronger role and use their leverage given their State Duty to Protect (particularly through enforcement of existing laws)?

Theme 10. Companies will continue to look for ways to access credible information and engage stakeholders as part of due diligence in business relationships.

Companies and their stakeholders will increasingly seek meaningful dialogue around accessing credible information while balancing commercial protections and the importance of transparency.

It is now widely recognised (and an expectation of the Guiding Principles) that likely or actual human rights impacts are identified, assessed and addressed more effectively if stakeholders, including affected populations, are consulted. Where companies wholly own and operate projects, they are likely to have experience, procedures and capacity to consult stakeholders. As this Report has highlighted, impacts that involve products, services and operations with which a business is directly linked via a relationship present a challenge even for experienced companies. The challenge can be extremely complex in situations of conflict or high risk areas.

Several questions will need to be addressed in the next five years. What good practice options are available to a company whose business partner is not open to engaging stakeholders, or blocks access to affected stakeholders? What good practice rules should guide a company that wants to consult expert stakeholders before a contract has been signed? Are risk assessment organisations, or political and security or media intelligence experts effective and legitimate proxies for local stakeholders (vulnerable and affected communities, local civil society organisations, religious and community leaders)? What support should be expected (and accepted) from embassies, national human rights institutions, journalists and others? In high-risk situations and locations where stakeholders are unable to speak out, what good practice options are available?

The Institute for Human Rights and Business and the Global Business Initiative on Human Rights welcome feedback from businesses, governments, civil society organisations, trade unions and scholars on this Report. The task of developing guidance, methodologies, and tools for respecting human rights in business relationships, as well as for applying them, is too important for any single player; we all have an interest in its success.