

Civil Society Meeting Arranged by ESCR-Net and Dejusticia Following UN Regional Forum on Business & Human Rights in Medellin (Colombia) on August 30th, 2013

Below is a summary of the discussions that took place between civil society groups who were present at the civil society meeting arranged by the International Network for Economic, Social and Cultural Rights (ESCR-Net) and Dejusticia on August 30th, following the UN Regional Forum for Latin America and the Caribbean on Business & Human Rights.

This meeting was designed to provide space for civil society participants attending the UN event to share their reflections on the event and continue to share and develop strategies that groups have planned for the short and long term, looking to the UN Forum in Geneva and beyond to the renewal of the mandate of the UN Working Group on Business and Human Rights in 2014.

Conveners

ESCR-Net & Dejusticia

Attendees

AIDA, APRODEH, CAOI, CEMDA, CAJAR, CONECTAS, Global Rights, Grufides, Justicia Global, ICAR & PIDHDD

Attendees Views on the Regional Forum

- very little participation from CSOs, Unions, etc. Impressed by the capacity of companies to do PR on their HRs conduct
- There is a lack of participation of IPs.
- Frustrated that can't get into issues
- Repeat what happened in Geneva.
- Not enough presence on the panels of CSOs. The questions didn't touch critical issues.
- there is a huge gap between what people talk about and what happens on the ground
- No real dialogue
- Worried that the evaluation of the GPs by companies – taken in instrumental form with regard to their HRs conduct
- Parade of companies discussing good practices but not a cohesive approach to the consequences that specific groups could suffer, esp. labour, envt and IP groups.
- Economic calculations of how to benefit to associate with HRs
- The policies and the guides were being made without the participation of social sectors.
- Frustrated of the unrealized potential of this space and clear capture of these panels – by companies directly

- We have a vision that the community struggles comes through these spaces as well. They need to be in these spaces to know. Causes a lot of frustration to see voices of communities aren't taken into account
- Absence of affected people is very serious.
- The format of the dialogue wasn't ideal. Need to define a participatory strategy.
- Haven't been more IP groups, unions, and HRs organizations. No real engagement.
- there wasn't really testimony from the communities and its necessary to start with the reality and not the companies and states to protect rights of the communities, we have to start with them.

Beyond the Regional Forum

- Proposal to do a press release with a critical eye on this Forum.
- Joint communication about this event. Put orgs on alert that we're being strategic in Geneva.
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Geneva

- More participation of CSOs in Geneva.
- Change the dynamic in Geneva
- What are we going to say in Geneva?
- We have to think how we're going to act on that panel. What do we want from CSOs being there.
- Would like to make the engagement in Geneva more critical.
- Business & Human Rights – there should be international instruments that are binding and coercive power over corporations to respect human rights.
- UN WG follows the same process as with the Inter-American system. How do you neutralize a system? A restricted mandate – stronger mandate is needed. Put in people not able or willing to do the work. Take away money. This is what is happening.
- Need to advance an international system of obligatory international instruments that make them respect human rights in all countries. If there is some possibility to participate in Geneva opposition is in that sense. Continue working so States assume a different position – political unity is a long time coming. We have to continue working towards it.
- Organised coalitions in Geneva to retake the place like we didn't in Geneva. CSO had a minimal appearance. Two possibilities: Influence of the agenda of what happens in Geneva, so the actions of this WG know that we're following them, without supervision of CSOs. Also on the terms of the next mandate for three years, pressure really hard the structural problems of the mandate – do some effective about remedy.
- We are in agreement to make an effort one more time. What are we going to do from now until Geneva to not feel the same feeling again.
- Want to act in unity in Geneva.
- We have to push this group to make the opinions of affected people come to the fore.

- How have Latin American groups bring their criticisms to Geneva in a coordinated way. In the next few months, we'll define strategies in December.
- nobody spoke of the asymmetry of power between affected groups and companies. Companies and states.
- we want to make a Latin American bloc to coordinate with other groups. Do actions with Latin America, articulated with other coalitions in Geneva.

Beyond Geneva

- Beyond Geneva – there is already an organizing space through ESCR-Net, and there are other groups that are not part of ESCR-Net. The Latin American bloc here would be willing to keep everyone in the loop.
- Issues of binding measures. Different forums – gross crimes. Need a renewed effort to say we invested our capital and legitimacy to engage.
- GPs & WG are just one of the tools we have, along with all the other instruments we'd like to use – binding treaties, etc, need to be discussed.
- How to evaluate the work of the WG? Working on this. Need a mechanism for making them responsible in this process. They need to be accountable for what they are doing, and what they are not doing.
- The accountability of the companies has to happen, and make binding the accountability of companies. We denounced the role of voluntary and cooption of national and international system.
- int. economic court, and convention will take a long time we know
- If there are strategies that come from this it should be to strengthen the mandate and push for binding international systems.
- They have to think of something more progressive.
- If it continues with this kind of scene, these spaces are not going to be paid attention to. Push the WG to do their work and they don't say to us, what to do with the companies – what do you want? Defense of the company – rather than the role they have as a mechanism to defend the rights of affected people.
- In Latin America – position of Ecuador to work on a binding instrument.
- Ecuadorian ambassador gave an invitation to – Second HRs Regional Forum in Ecuador
- In Ecuador they decided to build an observatorio of MNEs. Not sure if it is governments only or not
- Ecuador interested in advancing an instrument – that's interesting. Try and look for friendly states. What kind of lobbying work could we do so states could help us more to push for an instrument.
- TNI have been talking to the Ecuadorian govt to develop a group of international experts to give them advice on their positions – so it shouldn't just be states.
- 1/ Agreement of action to tell about what happened here;
- 2/ Influencing the agenda in Geneva – There is space to push on a consistent mandate of the mandate and the compositions of the WG

- 3/ Do we strengthen or weaken the WG. If it continues the same, we might not want to give them that much. We can pressure from within and from without and reestablish what we might be thinking for the next mandate – thinking critically about the composition of the WG, or the agenda be a strict interpretation of the mandate.
- Ecuadorian Govt push will continue.
- Need to keep working on cases – Doing the most with mechanisms that already exist. The protocol, the inspection panel of banks, the pressure points. We need legislative initiatives. Criminal liability. ETOs.
- Continue to push for binding mechanisms through the UN. Int mechanisms.
- Need to address corporate capture – Ministry to Env't becomes a CSR person in companies.
- Supervising the WG have to be independent as possible.
- We should try to not make it flat – and the same resolution, with 2014. Try to make sure it has more teeth. Justiciability and remedy need more representation
- Preference on remedy. Strengthen the mandate – remedy ask
- New instrument could clarify criminal atrocities by companies or be a treaty mechanism – with a system of review
- New mandate: Regulation. An emphasis on regulation domestically, and exploring the international instrument – it is important that we're all on the same page.
- ESCR-Net could perhaps organize something to ask NGOs as a bloc and other NGOs – To define remedy practices, experiences, local people – what has been good for them – what has been terrible? What works, what doesn't?
- The third pillar is there, but the WG has no interest to work on it – pillar three will never advance with these members.
- Using ETOs. That's what lawyers are talking about. Criminal liability, legislation, etc. Ruggie didn't take these issues up seriously. Many binding treaties, ILO conventions, env't. & economic, environmental systems that aren't implemented. There's no interest in advancing these issues. I don't know if it makes sense to do if they don't really want to have that responsibility. What they need is political will. There are things written about financial crimes, anti-corruption at the EU that has criminal mechanisms, so what I'm worried about is that we're doing what has already been done.
- For, at in Geneva, try to influence the mandate and members of the groups – strong responses on remedy, national action plan & GPs. If we have agreement on the first ones.
- We will keep following this mandate – some will be intervening, some will keep trying to sue the companies – we are all in the same movement.
- We should formulate details of the new mandate. Mechanism of transparency.
- Put pressure on all Govts.
- Mandate: push to consider WG to advance regulation at the national level; secondly the obstacles victims face in seeking remedy and suggestions for overcoming them; elaboration of an instrument to deal with gross violations of HRs, in conflict zones.
- Focus on policy outcomes + build the regulation they'd like to see.
- If we have criteria to do lobbying with, some of us can focus on Argentina or Norway – we divide the work.

- Not abandon the idea of the survey on remedy – asking people. That’s a tool that we can point to and say – that we can advance.