What’s In It For Us?

Cautionary Tales and Making the Case for Respecting Human Rights in Business

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With the support of

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There are many ‘carrots’ for a business that is sincere in looking for opportunities of being a global-class employer, provider and partner to its stakeholders... There is a significant opportunity for progressive companies to play a leading role in shaping the architecture for the regulation of corporate governance, not just in the self-interest of each business but in the interests of all stakeholders and humankind in general.

Mary Robinson
Former United Nations High Commissioner for Human Rights

Introduction

Business’ engagement in human rights has been gaining traction since the 1990s, after several globally renowned companies faced media backlash, and were at the receiving end of civil society criticism and consumer boycotts for what was believed to be corporate complicity in human rights violations in the Global South. Whilst initially being slow to react and in several instances, arguing against a need to be accountable, many multinational corporations have since recognised the responsibility to respect human rights, and their need to address the social issues that beset them and affect their bottom line.

Despite the reality of such corporations’ human rights impacts – positive and negative, direct and indirect, perceived and actual – when confronted with these issues, many in the wider business community might ask, what do human rights have to do with business? since traditionally, states are the duty bearers in all things human rights. Another question is, what is in it for business? This may particularly be the case when a business enterprise already complies with the laws of its home and host countries, and may have voluntarily established a corporate social responsibility (CSR) programme. These questions resonate in light of conflicting models on corporate governance – shareholder v. stakeholder – and divergent interpretations of the oft-(mis)quoted Milton Friedman doctrine, “there is one and only social responsibility of business – to use its resources and engage in activities designed to increase its profits so long as it stays within the rules of the game, which is to say, engages in open and free competition without deception or fraud.”

Risks and Benefits: Addressing Threshold Questions

It is now widely recognised that corporations, and indeed, business enterprises more generally, can and do impact on the enjoyment by individuals and communities of their rights. Business enterprises do so either by causing or contributing to these impacts through their own actions and omissions, or as a result of their business relationships, even if they have not contributed to these impacts. The range of human rights that business enterprises can affect is broad, and the failure to respect these rights poses social risks that could materialise into adverse impacts, and in turn, become business risks and costs. For example, a company that resorts to union busting adversely affects, among others, workers’ rights to freedom of association and collective bargaining. These negative human rights impacts could trigger the social risk of conflict between the company and labour, and may result in undermining industrial peace. As is often the case, social risks and costs translate into business risks, including:

- Legal risks – the workers might institute labour, criminal and civil cases against the company;
- Financial risks – delays or loss in production caused by work stoppage; litigation expenses; jeopardized access to credit from responsible investors;
- Operational risks – compromised legal license from the government as a consequence of the company’s failure to comply with labour laws; loss of social license to operate caused by the community’s rejection of its unfair labour practices; and
- Reputational risks – the company could be exposed to negative attention from media and civil society.

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1 The social impacts of multinational corporations across industries have been and are being scrutinised, including that of Shell, ExxonMobil, Glencore Xstrata, Nestlé, PepsiCo, FIFA, Nike, Gap, Inc., Bayer, Monsanto, Yahoo!, to name a few.
3 When referring to ‘corporations,’ I use the commonly agreed definition from the Oxford dictionary of ‘a large company or group of companies authorised to act as a single entity and recognised as such in law’. ‘Companies’, on the other hand, refers to commercial businesses more generally and includes limited liability companies as well as publicly listed entities. Finally, business enterprises is a much broader term, that includes companies and corporations but captures the whole range of organisations involved on the trade of goods and services to consumers, and can include small and medium sized enterprises, from the market stall in the Pasar Malam to limited liability partnerships.
While on the one hand, failure to respect human rights poses a host of risks and costs, on the other, “doing the right thing” makes good business sense and promises benefits to responsible businesses. Among these are: risk management based on universal human rights standards, a level playing field in the area of corporate governance; sustainable employee recruitment and retention; and meeting stakeholder expectations.

Cautionary Tales and Making the Case for Respecting Human Rights in Business

This article focuses on the value of respecting human rights in the area of business and risk management, and the incentives for a business enterprise that fulfils its responsibility to respect human rights. Section I gives a brief background on the United Nations (UN) Guiding Principles on Business and Human Rights. Section II provides concrete examples of social and business risks faced by companies, and explains why stand-alone CSR initiatives are insufficient to prevent, mitigate and remediate adverse human rights impacts caused by corporate activities. After showing the sticks – the risks and costs – resulting from corporate complicity to adverse human rights impacts, Section III highlights the carrots – the advantages and benefits – from embedding a culture of respecting human rights in business. Section IV explores trends, drivers and challenges in developing this culture in Southeast Asia, before concluding.

I. The Governance Framework: UNGPs and Principled Pragmatism

Apart from the proliferation of internal CSR programmes, business involvement in voluntary initiatives that promote good corporate citizenship and sustainability’s triple bottom line (social, economic or financial, and environmental) have likewise grown. For example, corporate participation in the United Nations Global Compact (UNGC) has increased to over 12,000 across more than 145 countries since its inception in 2000.6 The UNGC is a strategic policy initiative for businesses that are committed to aligning their operations and strategies with a set of core principles in the areas of human rights, labour standards, the environment and anti-corruption.7 Its growth over the period has been hailed by the UN, as having a positive impact on enabling business to voluntarily participate in addressing global issues.8

Over and beyond CSR and other voluntary initiatives, however, in 2011, the UN Human Rights Council unanimously endorsed9 the “UN Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework” (UNGPs) developed by Professor John Ruggie, Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises. Whilst Ruggie was first to admit that, “no single silver bullet can resolve the business and human rights challenge,”10 the UNGPs nevertheless offer the innovative approach of “principled pragmatism”:

Thus, for states, the emphasis is on the legal obligations they have under the international human rights regime to protect human rights abuses by third parties, including business, as well as policy rationales that are consistent with, and supportive of, meeting those obligations. For businesses, beyond compliance with legal obligations, the (UN)GPs focus on the need to manage the risk of involvement in human rights abuses, which requires that companies act with due diligence to avoid infringing on the rights of others and address harm where it does occur. For affected individuals and communities, the (UN)GPs stipulate ways for their further empowerment to realize a right to remedy.11

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6 Id.
Indeed, for business, Ruggie’s principled pragmatism finds its application in practical mechanisms that typically exist in corporate risk management: undertaking a top down human rights policy commitment, performing due diligence to identify and assess potential or actual human rights impacts, and establishing operational-level grievance mechanisms. In other words, rather than foisting new obligations on business enterprises, the UNGPs integrate an enterprise’s responsibility to respect human rights in prevailing business processes.

The UNGPs stand on three pillars:

**Pillar I**

The State duty to protect against human rights abuses by third parties, including business, through appropriate policies, regulation, and adjudication;

**Pillar II**

An independent corporate responsibility to respect human rights, which means to avoid infringing on the rights of others and address adverse impacts with which companies are involved;

**Pillar III**

The need for greater access by victims to effective remedy, both judicial and non-judicial.

The UNGPs neither impose new human rights standards upon States and business enterprises nor undermine the human rights obligations of States under international law. However, they do represent a watershed moment in clarifying the respective duties of States and responsibilities of business enterprises vis-à-vis respect for human rights, in a way that did not previously exist. Notably, while Pillar I is axiomatic, neither is Pillar II, the corporate responsibility to respect human rights, a novel concept, considering that, as early as 1948, the General Assembly of the UN had proclaimed the “Universal Declaration of Human Rights (UDHR) as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society…shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance…”

Under the UDHR, it is incumbent on every person, natural or otherwise, to respect the inherent dignity of every member of the human family. Finally, Pillar III, access to remedy, provides recourse to persons whose rights have been adversely impacted by corporations, through State-based judicial processes and non-judicial grievance mechanisms, as well as non-State-based avenues for resolving disputes. The absence of the third pillar could render the first two pillars meaningless.

Increasingly, leading companies are discussing and demonstrating the value of respect for human rights in line with the UNGPs and promoting them as a tool to manage human rights risks. As of September 2014, over 350 companies have adopted a human rights policy statement in accordance with Pillar II, Principle 16 of the UNGPs. While this is welcome progress, these figures still represent a marginal fraction of the over 100,000 multinational companies, and nine times more affiliates all over the world.

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II. Cautionary Tales: Understanding the Cost of Human Rights Risks to Business

What then, does seeing business through the lens of aligning operations with Pillars I, II and III of the UN Guiding Principles, have to offer business enterprises? Whilst some business risks, like financial risks, can be reasonably measured and quantified by reduced sales, loss of income, a decline in profits or a decrease in the value of the company’s shares, a number of other risks are not as straightforward. For instance, it may prove difficult for a company operating within a country where governance is weak and corruption rife to determine if its compliance with local legal requirements is subject to uncertainty, or if it could be exposed to spurious litigation. Thus, a company that relies on bribery to obtain its legal license is at risk of being subject to extortion, exposure and government sanctions. Particularly challenging is when adherence to legal obligations is not enough, such as when what is at stake is the company’s legitimacy, which “refers to the ethical and discretionary behaviour of organisations, and suggests that the actions that organisations take to achieve their objectives and the outcomes of their actions are accepted by the society they live in.” Maintaining organisational legitimacy has prompted companies to go beyond complying with legal obligations, and instead, contributing positively and proactively to the welfare, not only of its shareholders, but also of its stakeholders.16

Closely connected with legitimacy is the firm’s social license, which Morrison describes as “the sum of expectations between an organisation and relevant social groups (usually represented by other organisations) in relation to a specific activity or set of related activities.”17 Significantly, sustaining the company’s social license involves an important subset of stakeholders: rights-holders – who may be individuals, such as workers, or communities, such as indigenous peoples – entitled to human rights, and those whose rights may be adversely impacted by the company’s activities or its business relationships. While state agencies issue a company’s legal license, only communities could grant its social license.18 This social license could be at risk when the company is actually delinquent in its Pillar II responsibilities or when the community in which the company is operating, perceives the company to be delinquent. For example, a corporation that employs child labour, fails to pay the minimum wage set by law or refuses to provide safe and hygienic working conditions to its workers jeopardises its social license to operate. The same is true for a company that forcibly displaces indigenous peoples and disregards their right to free, prior and informed consent, or flouts the rights to water and food of individuals and communities by polluting land and water resources. Moreover, while adverse human rights impacts may not be caused by the business enterprise itself, these impacts could be directly linked to its operations, such as when it benefits from forced labour by its suppliers or invests in ventures that employ armed groups to intimidate, repress and inflict violence on persons to protect the ventures’ interests. Human rights risk and adverse impacts jeopardize the legitimacy and social license of the company, which, once compromised, are difficult to salvage without substantial costs to the business.

Results of recent studies show that, the social risk of conflict between extractive companies and the communities in which they operate translates into financial costs. The mining industry has been facing a “crisis of confidence” as a consequence of resistance and criticism from indigenous communities,19 and industry executives have identified “their strained relationship with indigenous peoples as their greatest challenge.”20 According to Frank, et al., the most common causes of company-community conflict were “pollution of, competition over, and access to, natural resources…followed by the absence of opportunities for community

18 Ruggie, Just Business, 10.
20 Id., at 229.
stakeholders to provide consent at the outset of projects, and concerns about community health and safety.\textsuperscript{21} The absence of meaningful engagement between the parties – the failure of the company to adequately respond to the community’s concerns, and the failure of the government to mediate in a manner that can be considered impartial – were found to contribute to the escalation of perceived risks into actual conflict. “The presence of organisations that heighten awareness and perception of risk and present them in stark form,”\textsuperscript{22} also influences the process.

The study identified decreased productivity caused by delay as the main cost sustained from company-community conflict:

Multiple interviewees reported cases of a major, world-class mining project with capital expenditure of between US$3 and US$5 billion suffering roughly US$420 million per week of delayed production in net present value terms as a result of community conflict. This figure was supported by separate analysis of publicly reported financial data of a Latin American mine, at which a 9-mo delay during construction in 2010 resulted in US$750 million in additional project costs (i.e. roughly US$20 million per week). One interviewee revealed that company-community conflict in one country cost one project US$100 million per year in stoppages; in another case, community conflict that shut down a few power lines caused an entire operation to halt at a cost of US$750,000 per day.\textsuperscript{23}

Mining companies that find themselves at loggerheads with communities also incur the opportunity cost of additional personnel time required to address the dispute. For example, “the working assumption is that 5% of an asset manager’s time should be spent managing stake-holder related risk; yet, for one of its subsidiaries in an African country, it is in fact 10-15%, and in one Asia-Pacific country, the figure is as high as 35-50%.”\textsuperscript{24}

Certainly, financial and opportunity costs are not mutually exclusive, and some conflicts that escalate to the point of violence, result not only in loss of money and property, but also in serious human rights abuses and fatalities. In which case, the company runs the danger of losing its legitimacy and social license, which in turn, makes it vulnerable to greater government regulation and control,\textsuperscript{25} particularly when the host country is committed to fulfilling its obligations under Pillar I. The company’s risks and impacts could snowball as it faces possible loss of its legal license, litigation, negative campaigns, and high-speed reportage in view of the prevalence of social media, all of which could result in reputational loss and damage to the company’s track record. Additionally, these consequences compromise access to funding and credit since responsible investors are likely to shirk financing companies that are embroiled in human rights conflicts. More investors recognize that human rights risks could affect the value of the company and consider them a material factor in making investment decisions.\textsuperscript{26} Similarly, it is possible for a company to lose contracts, and find that its business relationships with other companies that are serious about their Pillar II commitments have likewise become insecure.

\textsuperscript{22} Id., at 7578.
\textsuperscript{23} Id.
\textsuperscript{24} Id., at 7579.
\textsuperscript{25} Sarker, Business Case for CSR, 215.
\textsuperscript{26} Galit A. Sarfaty, “Human Rights Meets Securities Regulation” [hereinafter Sarfaty, “Securities Regulation”], Virginia Journal of International Law 54.1 (2013): 118. According to SARFATY, responsible investment groups and pension funds worth more than $1.2 trillion were vocal in the debate regarding mandatory disclosures to the Securities and Exchange Commission by publicly-listed companies on supply chain transparency under §1502 of the Dodd-Frank Act, and by extractive companies of project-level payments to foreign governments under §1504 of the same law. These investors claim that these disclosures will be useful for risk analyses and mitigation of human rights risks exposure.
Cautionary Tales

A number of companies have become cautionary tales in business and human rights discourse, owing to their struggles with perceived and actual adverse human rights impacts caused by their operations and business relationships, and how these, in turn, resulted in risks, impacts and costs to the business itself.

This section overviews three cautionary tales:

- Waiting for the Other Shoe to Drop: The Case of Nike’s Supply Chain in Asia
- Behind Chinese Walls: The Yahoo! Dilemma
- Bitter Sugar: Allegations of Child Labour and Land Grabbing in Cambodia

These cautionary tales have been selected to provide illuminating examples of the different ways and types of human rights impacts that businesses can be involved with, including through its supply chains, relationships with governments, and investments via business relationships. They focus on labour rights (safe and healthy working conditions, fair pay, child labour); rights to freedom of expression, privacy and freedom from arbitrary detention; and right to adequate standard of living, right to property, right to freely participate in the cultural life of the community. The cases also show that business enterprises can impact their employees, employees in their supply chains, their customers, through the products and services they provide; and communities surrounding their operations and investments.

Waiting for the Other Shoe to Drop: The Case of Nike’s Supply Chain in Asia

Nike faced a barrage of negative publicity when accusations that it was outsourcing to Asian sweatshops that grossly underpaid workers and subjected them to oppressive working conditions surfaced. Between 1986 and 2002, Nike figured into 61% of media reports on sweatshops and human rights violations. Its plummeting sales, profits, and stock value was exacerbated by an assortment of claims, including child labour in its Indonesian supply chain, as well as abusive physical and verbal treatment, and restricted access to toilets and drinking water during the workday in factories in Thailand, Vietnam, South Korea, China, Taiwan, and other parts of the region. Moreover, reports surfaced that workers of its suppliers in Asia could leave factory premises only on Sundays, and on the condition that they had obtained a permission letter from management. Initially, Nike eschewed knowledge of any human rights violations but when the allegations became too pressing to be denied, it instead refuted responsibility over the reported abuses by emphasizing that it held no equity in its supply chain, and that its relationship with its suppliers was limited to that of buyer and supplier. According to Ruggie, “Nike was right in strictly legal terms, but wrong to infer that this answer would suffice.”

Nike could no longer assume an arm’s length approach to the situation, even after launching CSR programmes and a public relations campaign to salvage its brand. In May 1998, Phil Knight, Nike’s Chairman and CEO, announced several initiatives to improve working conditions in its supply chain, including improving air quality standards, raising the minimum age of its workers, and allowing factory inspections by independent labour and human rights experts, with the promise of publishing summaries of their findings.

30 Ruggie, Just Business, 5.
31 Id.
32 Avery, Business and Human Rights, Chapter 5.
It took extensive brand rehabilitation and a substantial amount of money over the years for Nike to shake off being “the poster child for what critics described as...all that was wrong with corporate globalization,” to becoming a “leader in progressive practices” and a founding member of the UNGC.

**Behind Chinese Walls: The Yahoo! Dilemma**

American multinational Internet enterprise Yahoo! came under fire when, in 2004, it complied with demands of Chinese authorities to provide information relating to the private records of the Yahoo! e-mail account of Shi Tao, a Chinese journalist. Under a pseudonym, Shi Tao used his Yahoo! account to send activists in the U.S. an e-mail containing a summary of government instructions on restricting media activities leading up to the 15th anniversary of the 1989 Tiananmen Square protests. Shortly after Yahoo! obliged the Chinese authorities, Shi Tao was arrested, and in March 2005, was sentenced to 10 years in prison for “endangering state security.”

Yahoo! suffered a serious media backlash for its cooperation with the Chinese government. It did not earn any sympathy, when at a Congressional hearing in 2007, Michael Callahan, Yahoo!’s Senior Vice President and General Counsel, denied knowledge of the situation and explained that, “[u]hen Yahoo! China in Beijing was required to provide information about the user, who we later learned as Shi Tao, we had no information about the nature of the investigation. Indeed, we were unaware of the particular facts surrounding the case until the news story emerged.” Additionally, Callahan justified the company’s course of action by stating that, “…Failure to comply in China could have subjected Yahoo! and its employees to criminal charges, including imprisonment. Ultimately, U.S. companies in China face a choice: comply with Chinese law or leave.”

Unmoved and unconvinced, then chairperson of the House Foreign Affairs Committee Tom Lantos, admonished Yahoo! for engaging in “inexcusably negligent behaviour at best, and deliberately deceptive behaviour at worst.”

Yahoo!’s rationalisation that it was merely complying with its legal obligations under Chinese law and that its employees were in danger of being imprisoned, is not without basis. According to Morrison, “[w]hen clicking to open his account, Shi Tao had undoubtedly infringed an online tick-box consent form that did not allow the transfer of state communications.” The question however, is that whether this legal justification is ethically justified.

Together with other plaintiffs, Shi Tao and Wang Xiaoning, another Chinese national who was also arrested and sentenced to a 10-year prison term for “incitement to subvert state power,” sued Yahoo! in the US under the Alien Tort Statute. The plaintiffs alleged that Yahoo’s business acts and practices “offend established public policies and involve business practices that are immoral, unethical, oppressive, unscrupulous and/or...

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38 *Id.
41 *Id.* “As Rebecca MacKinnon reflects in her book *Consent of the Networked*, legally, Yahoo were off the hook, but ethically they weren’t.”
substantially injurious to customers.” They further alleged that, “[s]uch practices include, but are not limited to, the unwarranted provision of Internet users’ private electronic communication information or records in order to be permitted to engage in business in China, with the knowledge that such information would substantively support the torture, battery, threats and further intimidation of persons who used Defendants’ services in China.”

In 2007, Yahoo! and the plaintiffs reached a settlement. The company agreed to establish a Yahoo! Human Rights Fund “to provide assistance to persons in China who have been imprisoned for expressing their views using the Internet.” Subsequently, Yahoo! catalysed the founding of The Global Network Initiative, which is committed to “protecting and advancing freedom of expression and privacy in Information and Communications Technologies.”

**Bitter Sugar: Allegations of Child Labour and Land Grabbing in Cambodia**

In Kampong Speu, one of the most impoverished provinces in Cambodia, Phnom Penh Sugar Co. Ltd. has invested over US$200 million on its sugarcane plantation and sugar refining facility, which employs some 5,000 workers, at least 1,000 of whom enjoy housing benefits in company premises. Phnom Penh Sugar’s investments were partly financed by loans amounting to millions of dollars from ANZ Bank through its Cambodian subsidiary, ANZ Royal Bank.

In January 2014, reports emerged alleging that Phnom Penh Sugar is responsible for “child labour, military-backed land grabs, forced evictions and food shortages” in the province. It did not take long for local and international organisations to scrutinize ANZ’s business ethics and challenge the credibility of its due diligence process, amidst Phnom Penh Sugar’s denials of any wrongdoing and assurances that despite reports to the contrary, “Phnom Penh Sugar is wholeheartedly committed to assisting with the continued development of the Kingdom of Cambodia.” According to ANZ, it had been “actively and closely monitoring the company’s performance in addressing its social and environmental obligations, including allegations of human rights abuses.”

To assess the situation, Senior ANZ executives consulted with representatives of the more than 1,000 families forcibly removed from their homes, and were apprised thus –

The executives were told of a former Khmer Rouge battalion’s involvement in the evictions and how families got $100 compensation for lands that once provided them with food and a livelihood. The executives were also told of food shortages because resettlement sites were located on infertile land and of the destruction of community forests and crops. They heard how school-aged children were working in the cane fields to help their families earn money instead of attending class.

Apart from meeting with members of the community, ANZ also held extensive dialogues with non-governmental organisations (NGOs) Equitable Cambodia, Inclusive Development International, and Oxfam to determine their concerns. Subsequently, ANZ Bank presented Phnom Penh Sugar with a detailed action plan to assist

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43 Id. at ¶123, 30.
44 Ruggie, *Just Business*, 16.
48 Phnom Penh Sugar, Response to Allegations, 1.
51 ANZ Bank’s Response, 2.
the latter in addressing its social and environmental impacts. While there is no indication that the company accepted the action plan, it nevertheless took several steps to address the claims against it: the company adopted a zero-tolerance policy on child labour, which it likewise imposed on its subcontractors; it consulted with villagers and NGOs to discuss their concerns regarding the plantation’s social and environmental impacts; and the company reached financial settlements with the families who accepted the compensation deal it offered. However, in July 2014, before further engagement among the parties and remediation materialised, Phnom Penh Sugar repaid its loan to ANZ Bank and was henceforth, no longer the bank’s client. According to ANZ Bank’s head of media relations, the company was able to obtain cheaper financing elsewhere, after considering compliance costs required by ANZ.

Notably, despite the severance of the business relationship between Phnom Penh Sugar and ANZ, protesters claiming to have been adversely affected by the company’s operations demonstrated outside ANZ’s headquarters in the Cambodian capital in August 2014. Farmers and villagers called on the bank to assist them, arguing that the sugar plantation would not have materialized without funding from the bank. In response, ANZ’s spokesperson released the following statement: “Relationships with the local community are a matter for PPS (Phnom Penh Sugar) and it is not appropriate for ANZ to consider any compensation measures.” Additionally, the bank’s spokesperson clarified that, “ANZ is no longer a financier to PPS and it is no longer appropriate to have any discussions on the company’s business. Any issues would need to be raised with PPS directly.”

NGOs are criticizing ANZ for violating its corporate values and human rights policy commitments by providing financing to Phnom Penh Sugar despite the company’s poor human rights record. Moreover, Oxfam Australia has expressed disapproval that ANZ had left the affected Cambodian communities “high and dry, effectively taking no responsibility for remediation, something that any responsible financier must do.” In October 2014, Inclusive Development International and Equitable Cambodia filed a complaint with the Organisation for Economic Cooperation and Development (OECD) against ANZ Bank for breaches of the OECD Guidelines for Multinational Enterprises (OECD Guidelines). The NGOs lodged the complaint “on behalf of 681 families who were forcibly displaced and dispossessed of their land and property to make way” for the Phnom Penh Sugar’s plantation and refinery that received substantial funding from ANZ.

Phnom Penh Sugar can be seen to have a severely compromised social license, and with a reputation that has been tainted with allegations of serious human rights abuses. Already, it has incurred financial, operational and reputational costs to address the adverse impacts rights-holders claim against it. Interestingly, while the company undertook measures to address its social impacts, it promptly chose to prepay its substantial loans and cut off ties with ANZ, instead of conforming to the bank’s social and environmental compliance mechanisms, presumably because it found these requirements too expensive. While ANZ hinted that Phnom Penh Sugar has been tainted with allegations of serious human rights abuses. Already, it has incurred financial, operational and reputational costs to address the adverse impacts rights-holders claim against it. Interestingly, while the company undertook measures to address its social impacts, it promptly chose to prepay its substantial loans and cut off ties with ANZ, instead of conforming to the bank’s social and environmental compliance mechanisms, presumably because it found these requirements too expensive.


53 Khmer Times, “ANZ Cuts Off Ties to Cambodian Firm.”


56 Id.

57 Id.


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found another lender, it is unknown whether the latter has attached social and environmental safeguards with which Phnom Penh Sugar must comply as a condition to financing the company.

Phnom Penh Sugar has implemented measures to respond to the claims against it; it is hoped that the company perseveres in engaging meaningfully with its stakeholders, and integrates its responsibilities under Pillar II in its operations in earnest. ANZ has made assurances that it was “open to a continuing dialogue” with the forcibly displaced families but whether this will mitigate the adverse impacts they suffered over the course of the business relationship between ANZ and Phnom Penh Sugar is open to question. As of yet, it is uncertain how events will pan out for ANZ Bank, Phnom Penh Sugar, and the affected rights-holders. What is clear, however, is that unless carefully implemented and supported by credible human rights due diligence and effective remediation mechanisms, policy commitments will merely remain on paper and prove insufficient to avoid and manage social risks and their consequences.

**Lessons Learned the Hard Way**

None of the enterprises in the foregoing cases have emerged unscathed by the experience, regardless of whether the scope of their operations was local, as in the case of Nike’s suppliers and Phnom Penh Sugar, or multinational, as in the case of Nike, Yahoo!, and ANZ Bank. The companies and bank were and are being forced to grapple with a gamut of social risks in the nature of human rights and labour issues, which ultimately translate into different costs. They have learned the hard way that a business enterprise’s failure to respect human rights – perceived or actual, whether caused by the company itself or as a result of its business relationships – could result in negative reputational, legal, financial and operational repercussions.

More than a risk management tool, however, respecting human rights – avoiding infringing on the human rights of others and addressing the company’s adverse human rights impacts – is the responsibility of every business enterprise, regardless of size, sector, operational context, ownership and structure. Increasingly, civil society organisations are asking companies to demonstrate how they are implementing their responsibility to respect human rights in line with the UNGPs as the authoritative standard of business conduct.

**Gaps in the CSR Paradigm**

Corporate social responsibility has become a buzz phrase in business circles, particularly in Asia, and a burgeoning number of companies use CSR programmes as a means of partaking in the social and environmental issues of the day. A go-to means of showing good corporate citizenship and altruism, CSR has meanings ranging from copious voluntary mechanisms to internal corporate commitments to donate to worthy causes, to regional and global initiatives that promote responsible business conduct. However, CSR remains subject to criticisms, the most insistent of which is its lack of clear definition and purpose, and its voluntary character.

Despite its widespread use amongst businesses, there is no internationally recognized definition of CSR. Whilst this conceptual ambiguity allows CSR to embrace various ideals, objectives and motivations, the lack of a clear definition has meant that it is criticized by many of those in the human rights community as an amorphous miscellany invoked by government, business, civil society, stakeholders, and the media to suit their purposes. As Morrison notes, “[t]he problem is that CSR has been shaped in such a way that it does not fit the hole required of it. A term which ranges from philanthropic gestures such as building hospitals or sponsoring local football teams all the way to building the capacity of suppliers or local governments is too broad and too shallow.”

“Traditional CSR” is largely understood as voluntary activities that are “external to the business process. It was neither perceived as legitimate business conduct nor as an attempt to address harmful side effects, but merely as a vehicle to give something back to the community that was neither commanded nor expected, but rather merely appreciated.” Unlike the UNGPs which articulate the corporate responsibility to respect human rights based on internationally accepted standards, CSR policies that do not incorporate this responsibility remain

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61 Schetzer, “International Report.”
as self-imposed and self-defined “voluntary responsibilities.” Thus, business enterprises have never been sued because of a failure to engage in CSR activities; they are sued for their negative impacts on the human rights of individuals and communities.

However, the UN Economic and Social Commission for Asia and the Pacific (UN ESCAP) argues that interpreting CSR as charity events is “narrow (and wrong),” as it advocates the “new CSR” which has evolved to address the private sector’s role in promoting and sustainable development. Indeed, UN ESCAP supports the call for companies to shift their “CSR attention from how to spend their money (on charity) to how they make their money (i.e. in a sustainable and socially responsible manner).” This is a reflection of the conceptual evolution of CSR and the shift from “traditional CSR” characterized by donations and road shows, to one that creates “shared value,” or “policies and operating practices that enhance the competitiveness of a company while simultaneously advancing the economic and social conditions in the communities in which it operates.”

Nevertheless, CSR, traditional or otherwise, remains indefinite and indefinable, and UN ESCAP, recognizing gaps in the CSR paradigm, encourages progression from CSR to “corporate sustainability.” An example of a CSR initiative in Southeast Asia that goes beyond “traditional CSR” and integrates human rights in its agenda is the Association of Southeast Asian Nations (ASEAN) CSR Network, a regional organisation composed of CSR networks and business chambers from Indonesia, Malaysia, Philippines, Singapore, Thailand, Vietnam, and Myanmar, and counts the ASEAN Foundation as one of its founding partners. The network’s policy statement echoes the UNGPs by expressing that businesses should be committed to “support and respect the protection of internationally proclaimed human rights;” and to “make sure that they are not complicit in human rights abuses.”

To emphasize, this is not to say that CSR has not yielded positive results. Certainly, CSR and many other voluntary initiatives contribute significantly to addressing the business and human rights challenge. It is also clear, however, that a stand-alone CSR approach remains inadequate in the face of every corporation’s responsibility to respect human rights. As Avery succinctly cautioned, “[c]ompanies that are unaware of the difference (between human rights and CSR), or thinking a traditional CSR approach is enough, are exposing themselves to risk.” The cautionary tales in this article tend to illustrate that relying on traditional CSR as an initial response to resolve disputes with stakeholders may have worked as a stopgap measure. Nevertheless, companies cannot offset failure to respect human rights in its operations and business relationships by the mere expediency of undertaking activities that may contribute to the enjoyment of rights. There is an important distinction to be made between “respect” for human rights, i.e., to not infringe on human rights or do no harm, and “support” for human rights, i.e., the realisation of rights to health or education through CSR activities.

Significantly, unless actual and potential human rights impacts are identified, prevented, mitigated, and remedied, grievances and conflicts between the company and its stakeholders, particularly, adversely affected rights-holders, seem far more likely to occur.

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65 Id., at 3.
66 Morrison, The Social License, 35.
70 Commentary on UNGPs, Pillar II, Principle 11, 13.
III. What's in it for Business: Understanding the Benefits of Respecting Human Rights

Empirical and anecdotal data increasingly point to a positive correlation between a company’s social and financial performance.\(^{71}\) This is unsurprising, considering the links between social and human rights risk, on the one hand, and business risk on the other, as exemplified by a myriad of cases across industries, all over the world. As intimated by former UN High Commissioner for Human Rights, Mary Robinson, respecting human rights also has its fair share of carrots, one of the most important of which is social and financial risk management using objective and universal benchmarks.

Multinational corporations operating all over the world are better equipped to understand and manage contradictions in international, national and local law and practice,\(^{72}\) by using human rights standards – at a minimum, those expressed in the International Bill of Human Rights and the principles concerning basic rights set out in the ILO’s Declaration on Fundamental Principles and Rights at Work\(^{73}\) – as the foundation for their policy commitment, due diligence process and operational-level remediation mechanisms. This is particularly useful when the corporation operates in States that are unwilling or unable to fulfil its human rights obligations, in high-risk areas,\(^{74}\) or in places where rule of law is weak. Human rights provide a common, universal standard to operate against that is predictable, stable, and clearly defined.

Ruggie identifies three governance systems that shape corporate conduct at the global level: “the first is the system of public law and governance, domestic and international; the second is a civil governance system involving stakeholders affected by business enterprises and employing various social compliance mechanisms such as advocacy campaigns and other forms of pressure; the third is corporate governance, which internalizes elements of the other two…”\(^{75}\) The UNGPs fill the lacunae in governance by providing an authoritative framework – a “new regulatory dynamic”\(^{76}\) – characterized by the convergence of norms and policies under these three systems. Business then benefits from a level playing field that allows for greater certainty and predictability in the face of the business and human rights challenge across borders.\(^{77}\) A level playing field resulting from embedding a culture of respecting human rights in business prevents unscrupulous companies from using their irresponsible conduct as a comparative advantage and profiting from their adverse human rights impacts.

Additionally, the threefold requirement under Pillar II of the UNGPs contributes to sustainability in the following ways since respect for human rights (1) helps preserve the company’s legitimacy and its legal and social licenses, as well as facilitates its relationships with stakeholders, including governments, investors, clients, and communities; (2) promotes a positive corporate reputation; (3) improves employment recruitment and retention,\(^{78}\) and cultivates employees’ morale, commitment and productivity;\(^{79}\) and (4) reduces social unrest and assists in furthering industrial peace.

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\(^{73}\) UNGPs, Pillar II, Principle 12.


\(^{76}\) Id.


Furthermore, a company taking a proactive approach on the issue is likely to benefit from “first-mover” advantages, especially in Southeast Asia, where debates and planning are still under way. Apart from enhancing its reputation, engagement allows the company to influence the direction of public policy in the area.

IV. Southeast Asia: Trends and Drivers

The continuing expansion of the Southeast Asian market presents both opportunities and challenges in the area of business and human rights. As the demand for labour, products, and services increases, corporate Southeast Asia has the occasion to use its growing leverage – “the ability to effect change in the wrongful practices of the party that is causing or contributing to the impact”\textsuperscript{82} – to demand greater respect for human rights. The advent of the ASEAN Economic Community in 2015 opens the door even wider, as it promotes regional integration through the establishment of (1) a single market and production base; (2) a more competitive economic region; (3) equitable economic development; and (4) ASEAN’s integration into the global economy.\textsuperscript{83}

Drivers Across Borders

The complex process of creating a corporate culture respectful of human rights has begun to take root in Southeast Asia. A number of drivers facilitate robust discourse and a more expedient and meaningful inculcation of respect for human rights in business.

Compliance with State Action

Whilst the spotlight is on corporations’ responsibility to respect, the state continues to be the duty bearer of the obligations to respect, protect and fulfil human rights. Below are a few examples of how government action – its mandatory domestic and local legislation, as well as its “soft” law policies, interventions and collaborations with other actors – remain pivotal in directing business to realize their Pillar II responsibilities.

An example of State legislation as a prime mover is the Philippines’ Indigenous Peoples’ Rights Act of 1997\textsuperscript{84} which guarantees indigenous peoples’ right to, among others, “an informed and intelligent participation in the formulation and implementation of any project, government or private, that will affect or impact upon the ancestral domains and to receive just and fair compensation for any damages to which they may sustain as a result of the project.” The Act also seeks to ensure the free, prior, and informed consent of indigenous peoples, and articulates their right to determine and decide their own priorities for development.\textsuperscript{85}

As regards State-mandated or -encouraged reporting of human rights impacts by business, Indonesia requires listed companies to submit reports that contain “information relating to the environment, labour issues, social and community development, and consumer health safety.”\textsuperscript{86} Similarly, the Bursa Malaysia Corporate Governance Guide prompts listed companies to report on “community involvement, equal opportunity, workforce diversity, human rights, supplier relations, child labour, freedom of association and fair trade.”\textsuperscript{87} In Singapore, the SGX

\textsuperscript{80} Sullivan and Seppala, “Management Perspective,” 112.
\textsuperscript{81} Id.
\textsuperscript{85} Id., §17.
\textsuperscript{87} Id.
Guide to Sustainability Reporting for Listed Companies promotes disclosures on environmental, social and governance issues, and the adoption of “internationally accepted reporting frameworks.” In addition, Thailand’s Stock Exchange released the 2006 Principles of Corporate Governance for Registered Companies to better inform stakeholders about the company’s operations and foster participation, as well as to promote the company’s stability. Laws and regulations on investments are growing, and corporations that are engaged in the debate are likely to enjoy first-mover advantages and leadership in the area. Moreover, ASEAN companies that invest outside the region will face reporting requirements, many of which demand human rights due diligence and compliance.

Non-Asian States are also instituting means to foster responsible investment and business practices in the region. For example, in support of Myanmar’s strides toward reform, the U.S. Government eased its financial and investment sanctions, and instituted the Burma Responsible Investment Reporting Requirements (BRIRR). These new reporting requirements, which took effect in mid-2013, enjoins U.S. persons, natural or juridical, to report on “a range of policies and procedures with respect to their investments in Burma, including human rights, labour rights, land rights, community consultations and stakeholder engagement, environmental stewardship, anti-corruption arrangements with security service providers, risk and impact assessment and mitigation, payments to the government, any investments with the Myanma Oil and Gas Enterprise (MOGE), and contact with the military or non-state armed groups.” The information gathered from the reports provides basis for developing policies and mechanisms to address impacts resulting from the investments and operations of U.S. businesses in Myanmar. Additionally, since the BRIRR has a public reporting component, it allows civil society to monitor investments in Myanmar and work with companies in their efforts to invest responsibly.

**Doing the Right Thing**

More business leaders are recognizing that their corporations’ activities can adversely impact on the ability of rights-holders to enjoy their human rights, and are beginning to implement a relational and integrated approach to risk management. For instance, as early as 2011, Asia Pulp & Paper Group (APP) initiated a comprehensive human rights audit across its Indonesian operations, in keeping with its commitment to adopt the UNGPs. In 2013, APP issued its Forest Conservation Policy, which includes a moratorium on rainforest clearance and an end to deforestation. This progressive move is not only a positive step en route to environmental sustainability but also towards greater respect for the rights of indigenous peoples in the forestlands where APP operates. The company has been consulting with the Forest Peoples Programme to explore effective and practical means to implement its zero-deforestation policy.

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89 HRRC, Baseline Study, 39.

90 Id., at 40.


92 Id.


Meeting the Demands of Stakeholders

Like their Western counterparts, ASEAN corporations, whether operating locally, regionally or globally, have to address stakeholder demands. Meeting these demands, especially that of rights-holders – workers, particular sectors (e.g., children, women, persons with disabilities), and communities, indigenous and “mainstream,” among others – is at the forefront of drivers.

Moreover, civil society is increasingly holding corporations to account in line with the UNGPs, by monitoring their policies, due diligence processes and reporting. To facilitate this process, companies in the region have access to civil society’s initiatives that address the issue of human rights in business. Through consultations, workshops, the release of accessible tools, studies, and guidance resources, organisations like the Human Rights Resource Centre for ASEAN (HRRC), assist corporations that want to fulfill their responsibility to respect human rights, but are unsure where to begin or how to move forward. Notably, in view of the growing demand for human rights disclosure, Shift and Mazars,97 in liaison with HRRC, are developing the Human Rights Reporting and Assurance Frameworks Initiative (RAFI), a “twin set of public frameworks for companies to report on how they meet their responsibility to respect human rights, and to have this report assured by an external party”.’98 The RAFI also finds support from an Eminent Persons Group comprised of 16 leaders from a broad range of stakeholder backgrounds, globally and in ASEAN.99

Measuring up to the Expectations of Business Partners and Investors

Business partners and investors that are committed to respecting human rights use their leverage to prevent or mitigate adverse impacts of the entity causing harm. In which case, a corporation desirous of attracting investments and establishing long-term business relationships should be spurred into improving its human rights record.

International financial institutions including the World Bank, the IFC, and the Asian Development Bank, have included references to human rights exposure in their governance requirements.100 Moreover, besides adherence to existing standards and guidance for the financial sector such as the Equator Principles, there is development towards an increased engagement by some universal banks with the UNGPs, as demonstrated by the Discussion Paper released in October 2013 by the Thun Group of Banks comprised of Barclays, Credit Suisse, UBS and UniCredit. The Discussion Paper covers “what the topic of human rights might mean for banks in practice,”101 and serves as “initial guidance to banks keen to address human rights issues in their core business activities – both to minimise potential adverse impacts to rights holders and related risks to banks, and to identify opportunities to promote good practice.”102
Increased Support from Human Rights National Human Rights Institutions, Regional Bodies, and International Organisations

- National Human Rights Institutions (NHRI)

NHRI.s can provide information and tools to assist businesses that want to “do the right thing” but have limited capacity. In 2012, the International Coordinating Committee of National Human Rights Institutions and the OECD entered into a Memorandum of Understanding to promote the adoption of the new human rights chapter of the OECD Guidelines and the UNGPs, on which the chapter is largely based. Moreover, NHRI.s are progressively involved in developing National Action Plans to disseminate and implement the UNGPs.

- ASEAN

Established in 1967 primarily as vehicle for economic cooperation among its member States, the ASEAN has evolved into an overarching regional body that has expressed its strong commitment to the promotion and protection of human rights and fundamental freedoms. Cognizant of the need for joint efforts in order for this commitment to come into fruition, in 2009, the ASEAN created the ASEAN Intergovernmental Commission on Human Rights (AICHR), the region’s human rights body. AICHR has been actively engaged in discourse on business and human rights. Apart from organizing workshops and consultations in the area, in June 2014, it concluded the Baseline Study for Corporate Social Responsibility and Human Rights in ASEAN, which will be made available to the public. Moreover, as part of its efforts to align its business and human rights programmes with the UNGPs, AICHR partners with NHRI.s and civil society to draw from their experiences and expertise in the field.

- International Labour Organisation

A pioneer in the area of stakeholder engagement, the International Labour Organisation (ILO) sets labour standards, develops policies and devises programs in consultation and with the participation of governments, employers, and workers through its tripartite structure. Its eight core conventions cover the fundamental principles and rights at work: freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; and the elimination of discrimination in respect of employment and occupation.

Considering that labour rights are human rights, the UNGPs refer not only to the International Bill of Rights but also to the ILO’s Declaration on Fundamental Principles and Rights at Work as the minimum benchmarks against which other social actors assess the human rights impacts of business enterprises.


104 The Baseline Study has yet to be publicly accessible at the time of writing. However, AICHR has made assurances that it will release the results of its research on its website soon, as “there was never any intention to keep the study under wraps.” See Business and Human Rights Resource Centre, “Business and Human Rights in ASEAN: Recent Appeals to AICHR Representatives and Foreign Ministers.” Accessed 1 October 2014, http://business-humanrights.org/en/business-human-rights-in-asean-recent-appeals-to-aichr-representatives-and-foreign-ministers.


106 Commentary on UNGPs, Pillar II, Principle 12, 13.
Adherence to International Standards

The Global Reporting Initiative Sustainability Reporting Guidelines, and the ISO 26000 Guidance on Social Responsibility are the instruments commonly used by businesses in the Asia-Pacific.\(^{107}\) Companies that are funded by the International Finance Corporation (IFC), on the other hand, have adopted the IFC Performance Standards to guide their operations and gauge their social and environmental performance.\(^{108}\) Furthermore, the UNGPs are considered as a “key milestone in the development of global CSR instruments.”\(^{109}\)

Whilst the OECD Guidelines have reportedly not been widely adopted by companies in the region,\(^{110}\) its impact and value nevertheless manifests in the work of the OECD National Contact Points (NCP). The NCPs are tasked with assessing possible violations of the OECD Guidelines, and providing a mediation and conciliation platform for resolving issues that may arise with the implementation thereof. For example, the Philippines’ non-membership to the OECD did not hinder the Norwegian NCP from performing its mandate when a complaint was filed alleging breaches of the OECD Guidelines in the mining operations of Intex Resources ASA, a Norwegian company, in the Mindoro Nickel Project in the Philippines.\(^{111}\)

Challenges in Translation

According to UN ESCAP, “[n]o company in the region really stands out as an advocate for human rights. ‘Human rights’ is a troublesome concept for many companies in the Asia-Pacific region...”\(^{112}\) Whilst this candid evaluation of the state of play in Asia and the Pacific could easily be misconstrued as an alarming lack of corporate engagement with human rights, ostensibly, business executives are more “nervous” about the term “human rights,” instead of its substance. Companies are apprehensive about referring to “human rights” because it is perceived as a politically sensitive term that is primarily the concern of government. Moreover, companies want to avoid being at odds with governments “who often see any mention of human rights as an implicit attack on the human rights performance of the Government itself. This makes the private sector cautious and the outcome is that human rights had better not be addressed.”\(^{113}\)

This observation finds support in one of the themes discussed during the Roundtable for ASEAN Business Leaders: Implementing Corporate Respect for Human Rights held in Kuala Lumpur in November 2011. According to the Business Roundtable Report, companies in Southeast Asia recognize social and environmental issues but “may not always use the phrase ‘human rights’ and may not always feel comfortable doing so.”\(^{114}\) Unease in referring to “human rights” appears to be one of the reasons why business enterprises in the region prefer to adopt CSR policies that integrate respect for human rights such as, “labour rights (including rights along the value chain), non-discrimination and good employment practices in terms of human resource policies”\(^{115}\) without using the term “human rights.” Consequently, there are suggestions to “translate” broader human rights concerns, including land rights, indigenous peoples’ rights and the rights of the child, to adapt to the business context.\(^{116}\) The UNGPs, with its thrust of principled pragmatism, contribute to resolving the issue of translation by utilizing tools and mechanisms that already exist in corporate risk management.

107 UN ESCAP, From CSR to Corporate Sustainability, 71.
108 Id., at 72.
109 Id., at 73, 76-7.
110 Id.
111 See Annex for a summary of the Mindoro Nickel Project case.
112 UN ESCAP, From CSR to Corporate Sustainability, 100.
113 Id.
114 Id.
116 UN ESCAP, From CSR to Corporate Sustainability, 82-3.
117 Id.
V. Conclusion

The predicaments and experiences of the article’s cautionary tales are not unique. Rather, they are archetypal of the confluence of dynamics that makes business and human rights the quandary that it is. There are neither quick fixes nor a one-size-fits-all solution. However, corporations and their stakeholders have tools, good practices, and mechanisms from across sectors and industries, to provide guidance and support in meeting the business and human rights challenge: “[e]reating a more just business in relation to human rights involves finding ways to make respecting human rights an integral part of business – that is, making it standard business practice.”

Just as there are cautionary tales of the risks and costs involved in corporate failure to respect human rights, there are also tell-tale signs of business recognising the benefits in doing the right thing. Business will be, as it always has been, a key driver of change, and increasingly there are signs that the responsibility to respect human rights is shaping how some businesses operate. This at least, provides some hope that more mainstream shifts toward respect for human rights are, if not afoot, at least within the realm of the possible.

118 Ruggie, Just Business, xxiv.
The Mindoro Nickel Project

In 2009, the Norwegian NCP (NNCP) received a complaint against Intex Resources ASA from The Future in Our Hands (a non-governmental organization), alleging breaches of the OECD Guidelines relative to the Mindoro Nickel Project in the Philippines, where exploration of approximately one-third of the total mine area has been completed. In fine, FIOH maintained that:

- Consultations with indigenous peoples are flawed and the project contravenes the wishes of the affected community and peoples;
- Intex has been involved in bribery to facilitate mining exploration permits, and failed to comply with the standards of disclosure set forth by the Guidelines;
- There is risk of severe environmental damage if the project is materialised, and this has not been communicated appropriately to affected stakeholders.¹

The Philippines’ non-membership to the OECD did not hinder the NNCP from performing its mandate because Intex is a Norwegian corporation. Despite the NNCP’s mediation efforts, however, the parties did not reach a mutually agreed-upon solution to the dispute, prompting the NNCP to issue the following recommendations to Intex:

**Due Diligence**² – Identify, prevent, mitigate and account for how it will address its actual and potential adverse impacts, including its human rights impacts as defined by, *inter alia*, the updated OECD Guidelines and the UNGPs.

**Consultations with Indigenous Peoples**³ – Conduct an independent assessment to identify the stakeholders through a formal process, and develop a clear and proactive consultation process that allows stakeholders to present their response.

**Disclosure and Transparency**⁴ – Establish a transparent system for deciding community spending and disclose systematic information for planned and implemented projects.

**Environmental Assessment and Management**⁵ – Develop the Environmental Impact Assessment in dialogue with stakeholders directly affected by the company’s operations, and ensure a review by an independent third party. Moreover, clearly explain environmental consequences, employment and development opportunities associated with the project.

**Grievance Mechanism**⁶ – Establish a locally-based grievance mechanism that will deal with concerns or complaints raised by individuals or groups within communities affected by company operations.

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² *Id.*, at 47.

³ *Id.*, at 48.

⁴ *Id.*, at 49.

⁵ *Id.*

⁶ *Id.*, at 50.
Cautionary Tales and Making the Case for Respecting Human Rights in Business

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