

Save-the-date

Open multi-stakeholder consultation convened by the UN Working Group on Business and Human Rights

Geneva

15:00-18:00, 28 September, 2017

The State as an economic actor and human rights: further unpacking practical implications of international business and human rights principles for the “state-business nexus”

Aims of the consultation

With a mandate to promote worldwide implementation of the UN Guiding Principles on Business and Human Rights and to identify and scale up good practice, the UN Working Group on Business and Human Rights has decided to give specific attention to issues related to the “state-business nexus” during 2017-18.

It has identified activities to complement and support efforts by others, including to *(i) identify good practice models of integrating human rights in the operation of “economic diplomacy tools”, such as export credit, investment guarantees, export promotion and trade missions; (ii) develop practical recommendations for States and international and regional organizations relating to these policy areas; (iii) identify good practice models of integrating human rights in public procurement; (iv) engage key actors and stakeholders to support dialogue and drive convergence in these areas.*

The aim is to develop concrete recommendations to be presented in its report to the Human Rights Council in June 2018. To gather information about good practice models and inform recommendations, the Working Group intends to consult with experts and a range of relevant stakeholders through both written processes and in-person meetings. It will seek to get inputs from States from all regions as well as from other stakeholders, including business organizations, civil society, international and regional organizations and other UN experts.

The open multi-stakeholder consultation in Geneva on 28 September, held during the Working Group’s 18th session, will have as its main focus points (i) and (ii) above.

Agenda and practical information

An agenda for the consultation will be posted on the Working Group’s web page closer to the date of the meeting. For information about how to register, see the Working Group’s web page.

Background

In addressing what they call the “State-business nexus”, the UN Guiding Principles on Business and Human Rights clarify that all States are expected to ensure protection of and respect human rights in their role as economic actors. This aspect of the State duty to protect human rights covers policy areas such as management of State-owned enterprises, export credit, official investment insurance, and public procurement, and emphasizes that States should both integrate human rights due diligence in the entities in charge of these areas as well as incentivize due diligence by business with which the State conducts commercial transactions. The Guiding Principles also highlight that States should ensure policy coherence between government departments and agencies that “shape business practice” and the States’ international human rights obligations.

While the Guiding Principles clarify normative and policy implications of States’ existing human rights obligations, further work to unpack to unpack good practice models and practical implications is necessary in order to support and scale up implementation efforts. A key issue is to support convergence and coordination among the various international, regional and state actors that play a role in shaping practice in relation to the “State-business” nexus.

During 2015-16 the Working Group undertook the first part of this project, which had an overall aim of encouraging States to “lead by example” in their role as economic actors to a much larger extent than today. The first stage focused on the duty of States to protect against human rights abuses involving those business enterprises that they own or control, generally referred to as State-owned enterprises (SOEs). In this regard, the Working Group set out special recommendation in its 2016 report to the Human Rights Council “Leading by example - The State, State-owned enterprises, and Human Rights” (A/HRC/32/45). In the second part of its project exploring the “state-business nexus”, the Working Group will focus on the operation of “economic diplomacy tools”, such as export credit, investment guarantees, export promotion and trade missions, as well as public procurement.

The policy areas covered by the project relate closely to a range of the Sustainable Development Goals and their implementation both at home and abroad as well as in multi-lateral settings. Good practice by States – individually and collectively – in these policy areas has tremendous potential to contribute positively to advancing human rights and sustainable development, but this potential might not be realized unless current efforts are backed up by strengthened alignment with and practical implementation of the UN Guiding Principles.