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Oral Statement by Ms. Anita Ramasastry

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corporations and other business enterprises**

“Business, human rights and conflict-affected regions: towards heightened action”

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Madame Chair, Excellencies, Ladies and Gentlemen,

I have the honour of speaking to you today as Chair of the Working Group on Business and Human Rights to present our latest thematic report entitled “Business, human rights and conflict-affected regions: towards heightened action”. This report aims at clarifying the practical steps that States and business enterprises should take to prevent and address business-related human rights abuse in conflict and post-conflict contexts.

COVID-19 has not only exacerbated the risks of violent conflict across the world, adding to an already fragile political landscape, it has underscored the need for all actors, including business, to ensure their activities do not fuel tensions and violence.

The starting point for this report is simple: while it is well documented that the worst forms of business-related human rights abuse tend to happen in conflict-affected contexts, a better understanding of the practical measures that all actors should take is still needed. Therefore, as part of its mandate to promote the UN Guiding Principles on Business and Human Rights, our Working Group launched a project in 2018 to shed light on this question.

We undertook research, invited stakeholders to provide inputs, and conducted a series of bilateral and multi-stakeholder consultations with States, civil society organizations, business representatives and experts in several regions of the world.

The report focuses on the core concept of heightened due diligence because, while the Guiding Principles do not specifically mention a different type of due diligence for conflict-affected regions, they are built around a concept of proportionality: the higher the risk, the more complex the processes.

Because the risk of gross human rights abuses is heightened in conflict-affected areas, action by States and due diligence by business should be heightened accordingly. With this principle in mind, the report identifies and clarifies a wide range of policies and tools that States, alone or when acting as members of multilateral organizations, and businesses, could employ in conflict-prone regions to help ensure that business activity does not lead to human rights abuse and in turn stimulate or exacerbate conflict or negatively impact peacebuilding.

At the normative level, the report outlines the complementarity of human rights and humanitarian law.

At the practical level, the report proposes triggers and indicators that should lead to heightened action by States, by business (in the form of heightened corporate human rights due diligence) and by the UN system and examines the specific challenges posed by post-conflict reconstruction and peacebuilding, including the key issues of access to remedy and transitional justice.

Madame Chair,

Allow me to flag three areas discussed in the report which deserve attention and might be of specific interest to the General Assembly:

The first is what the report describes as the need for heightened United Nations action in this space. Indeed, the report notes that while maintaining worldwide peace and security is one of most essential purposes of the UN, the role and impact of business in conflict contexts have received little attention from the United Nations peace and security architecture.

An essential part of any conflict prevention and peacebuilding framework should be the development of a strategy on “business, peace and security”, drawing on the Guiding Principles.

In this context, the onus is on the United Nations system, but States have a key role to play to mandate, encourage and support the Organization to institute policies and practices that promote corporate respect for human rights in conflict-affected settings.

Engaging in such a path would not only promote responsible practices in line with the Guiding Principles, it would also be a decisive contribution to SDG 16.

The second point is that core principles of transitional justice have not been further analysed to understand how economic actors including individual businesspeople as well as companies, should participate in and be held accountable as part of a transitional justice process.

The third is the impact of technology in conflict-affected contexts.

To echo the Secretary-General’s Roadmap for digital cooperation, much work remains to be done to flesh out the concrete consequences of implementing the Guiding Principles for this sector.

The reports suggest that a multi-stakeholder initiative bringing together representatives of industry, States and civil society, with the objectives of (i) operationalizing the human rights responsibilities of the sector, and (ii) setting out practical guidance and standards for the responsible provision of cyber services in conflict-affected regions, would seem to be particularly timely.

In conclusion, the report notes that the UN Guiding Principles “provide clarity on what is expected from business and States in conflict-affected areas. What is now required is more decisive action to integrate business and human rights into peace and security frameworks.”

With the support of external organizations, the Working Group is now seeking to disseminate the findings of the report, today among States at the General Assembly, and tomorrow and beyond, with key actors from civil society, business and the international system to generate follow-up on this critical topic.

Madame Chair

The UN is now 75 and one of its many offspring, the Guiding Principles on Business and Human Rights, is turning 10. We are using the opportunity of next year’s 10th anniversary of the Guiding Principles, to undertake an effort, also known as UNGPs10+, to make a renewed push for global implementation over the next decade.

The report presented today will serve as a key reference in this context. In a world where armed conflicts and violence remain a major threat to a sustainable future for all, action to promote corporate respect for human rights in conflict-affected settings should be high on the agenda of policy-makers in both the human rights and the peace and security arenas. We look forward to your support and collaboration.

Thank you, Madame Chair