



## ‘Business, human rights and conflict-affected regions: towards heightened action’

New report from the UN Working Group on Business & Human Rights sheds light on what governments, business and the UN need to do

### EXECUTIVE SUMMARY

#### Background

As part of its mandate to promote the [United Nations Guiding Principles on Business and Human Rights](#), the [United Nations Working Group on Business and Human Rights](#) launched a [project](#) in 2018 to clarify the practical steps that States and business enterprises should take to implement the Guiding Principles in conflict and post-conflict contexts to prevent and address business-related human rights abuse. The starting point for the report was two-fold:

1. The global situation: Over the last decade, the number of civil wars has almost tripled, with a six-fold increase in related deaths – peaking in 2016 with 53 countries experiencing conflict. This bleak picture means that, more than ever, businesses face complex challenges of not becoming involved in human rights abuses as they operate or have business relations with actors in conflict environments.
2. The recognition that 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.

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

To shed light on the practical measures needed, the Working Group 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 results of this work, with recommendations to governments, business actors and the United Nations system are presented in the [report to the United Nations General Assembly \(October 2020\)](#).

#### Highlights

In the report, the Working Group identifies and clarifies a 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.

Key aspects addressed by the report are:

- The evolving normative environment of human rights and humanitarian law
- Triggers and indicators that should lead to heightened action by States, business (in the form of heightened corporate human rights due diligence) and the UN system
- The specific challenges in post-conflict (reconstruction and peacebuilding), including the key issues of access to remedy and transitional justice
- Challenges of the cyber age

The report notes that the 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.”

### Recommendations to States

- Home and host States should use their key policy tools and levers to ensure that business engages in conflict-sensitive heightened due diligence when operating in conflict-affected areas. This may include linking access to export credit, investment approvals and access to investment finance, to demonstrable heightened human rights due diligence.
- Embassies and investment-related and trade-related functions should provide conflict-sensitive advisory services and tools to the private sector, including to small- and medium-sized enterprises, to assist them in respecting human rights in conflict-affected settings.
- States should develop appropriate guidelines for business engagement in peacebuilding settings to ensure that businesses operate with respect for human rights and conflict-sensitivity.
- States should encourage multilateral institutions dealing with peace and security issues to promote business respect for human rights through the proactive engagement of business actors in peace and security processes that concern them.
- States should ensure that transitional justice mechanisms include all actors, including economic actors, and ensure that the role of business is fully considered within such mechanisms, consistent with core principles of transitional justice such as accountability, reparations and guarantees of non-repetition, as essential parts of effective remedy.
- States must actively pursue cross-border investigations and prosecutions of international crimes committed by corporate actors as part of a commitment to access to effective remedy.
- States, under the auspices of the United Nations or other international processes, should develop guidelines for human-rights based engagement with armed non-State actors.

### Recommendations to the United Nations

- The United Nations, in particular its peacekeeping, peacebuilding and mediation pillars, should develop a strategy on business, peace and security that embraces the Guiding Principles as a foundational component.
- The United Nations should ensure that an appropriate level of awareness is incorporated into its peace and security pillar on the issue of business, human rights and conflict, including by disseminating information about news, tools and research both within and outside the United Nations system, and by organizing regular awareness-raising sessions for staff and Member States.
- The United Nations should establish robust interagency cooperation to ensure that all its entities confronted with a business presence in their operations in conflict-affected contexts do not work in isolation and share existing knowledge with the United Nations system.

- The United Nations peace and security pillar should strengthen its own knowledge and capacity and develop, in cooperation with relevant entities within and outside the United Nations system, basic tools and specific guidance notes and thematic briefs, for peacekeepers, mediators and peacebuilders.

#### Recommendations to businesses

- Seek advice from embassies and investment and trade-related functions to receive conflict-sensitive advisory services and tools to assist them in respecting human rights in conflict-affected settings.
- Engage in heightened human rights due diligence that incorporates tools from atrocity prevention and conflict prevention to augment their existing due diligence frameworks.
- Develop operational-level grievance mechanisms that have a conflict-sensitive approach.

#### Next steps

The presentation at the United Nations General Assembly is supplemented by a series of discussions with civil society organizations, business, governments and international organizations on 'what's next' for this critical topic, which in turn will also feed into a [roadmap for global implementation of the Guiding Principles for the next decade \(UNGPs10+\)](#).

#### Links

Full report: <https://undocs.org/en/A/75/212>

Project page: <https://www.ohchr.org/EN/Issues/Business/Pages/ConflictPostConflict.aspx>