

# Due Diligence: Defining ‘Conflict-Affected’ and ‘High-Risk Areas’

## Concept Note for a Side Event at the Business and Human Rights Forum 2013

The Geneva Academy on International Humanitarian Law and Human Rights proposes a side event on criteria and indicators to identify the existence of conflict-affected and high-risk areas in specific zones within a country in order to support the implementation of the *UN Guidelines on Business and Human Rights*.

The *UN Guiding Principles on Business and Human Rights* recognize that business activities in conflict-affected and high-risk areas increase the risks of enterprises fueling conflict and contributing to, or facilitating, human rights abuses committed by other actors, such as security forces or armed non-state actors. Due to this heightened risk, the *UN Guiding Principles on Business and Human Rights* specify that “States should help ensure that business enterprises operating in those context are not involved with such abuses” (*Principle 7 on Supporting Business Respect for Human Rights in Conflict-Affected Areas*). Moreover, the commentary to *Guiding Principle 23 on Issues of Context* singles out conflict-affected areas as an operating environment that “may increase the risks of enterprises being complicit in gross human rights abuses committed by other actors”. The increased risks for business enterprises operating in such contexts are highlighted as well in other instruments, namely the *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas* and its *Supplement on Gold* and the *UN Global Compact Guidance on Responsible Business in Conflict-Affected and High Risk Areas*.

However, there is no accepted definition for conflict-affected and high-risk areas. With support from the Swiss Government, the Geneva Academy is developing criteria and indicators to identify conflict-affected areas (in accordance with international humanitarian law) as well as high-risk areas in specific zones within a country. For example, such areas may be identified by:

- the presence of an international or non-international armed conflict;
- the transition from an armed conflict to peace;
- widespread or serious human rights violations;
- political and social instability or repression; or
- institutional weakness or collapse of state infrastructure.

These criteria and indicators will help stakeholders, especially in industry, to identify areas where due diligence is especially important and will support their efforts to implement the *UN Guiding Principles*. The side event on the criteria and indicators provides the forum participants with an opportunity to understand the methodologies used to identify such areas and examples of conflict-affected and high-risk areas that are available on a new specialised website that the Academy is developing.

### **Name and Contact Details of a Focal Point for Proposed Event**

Kamelia Kemileva, Executive Manager, [kamelia.kemileva@geneva-academy.ch](mailto:kamelia.kemileva@geneva-academy.ch), Geneva Academy of International Humanitarian Law and Human Rights, Rue de Lausanne 120B, CP 67, 1211 Genève 21.