

Emerging literature on business and human rights

Evening event at the 3rd Annual Forum on Business and Human Rights

1 December, 18:30-19:30

Room XXI, Palais des Nations

This session is aimed at highlighting emerging literature designed to promote good practices and lessons learned on the implementation of the UN Guiding Principles on Business and Human Rights across various geographical regions and sectors. It will involve presentations of recent academic and non-academic texts and discussions on the assessments and recommendations that they make for states, business and other actors.

The session will be moderated by Puvan Selvanathan from the UN Working Group on Business and Human Rights, who will introduce the authors and highlight the particular relevance of the respective books to advancing the implementation of the UN Guiding Principles within the given region, industry or contexts. The presentation of each book will be followed by a Q&A with the authors and discussions on some their main conclusions.

Part I: Business and Human Rights in South East Asia: Risk and the Regulatory Turn (Routledge Research in Human Rights Law) by Mahdev Mohan and Cynthia Morel

This book aims to make an important contribution to understanding how the Guiding Principles are or can be embedded in the ASEAN region, and canvasses a broad array of academic and expert opinion. The foreword of the book is penned by public international law expert Professor Robert McCorquodale, its conclusion is authored by the chair of the 2nd Geneva Forum, Dr Makarim Wibisono, and it counts Dr. Puvan Selvanathan among its authors.

This book draws on the UN Guiding Principles and recent regional plans of action, to provide an overview of relevant developments within the ASEAN region. Bridging theory and practice, the editors have positioned this book, and its policy-relevant recommendations, at the intersection of human rights risk and its regulation. Chapter authors discuss the implications of key case-studies undertaken across the region and various sectors, with a particular focus on extractive industries, the environment, and infrastructure projects. Topics covered include: due diligence and the role of audits; businesses' responsibilities to women and children; and the mitigation of human rights risks in the region's emerging markets.

Part II: The Social License: How to Keep Your Organization Legitimate (Palgrave MacMillan) by John Morrison

Businesses and other organizations are increasingly aware that they need more than just a permit for their activities. The concept of the "social licence" is transforming power relationships and explains

how organizations can acquire or lose the legitimacy in the eyes of society that they need to be able to operate effectively.

A social license cannot be directly managed, but is the result of interactions between a number of factors – factors that John Morrison shows business can manage, but which mainstream Corporate Social Responsibility (CSR) often struggles to frame correctly. Instead the book looks to over three hundred years of social contract theory (Hobbes, Locke and Rousseau) to understand the different roles of government, business and civil society today.

With examples ranging from the Gulf of Mexico to the Niger Delta, Morrison shows how the social license is dynamic, and why managers must start by focusing on the rights of those directly impacted by their activities. He provides clear guidance on understanding, measuring and integrating legitimacy into an organization's strategy. The book is written in John's personal capacity and has been diversely acclaimed, including endorsements from Mary Robinson, John Ruggie, Mark Moody-Stuart, Kumi Naidoo, Paul Polman, Ed Potter and Margot Wallstrom. Recently published in September 2014, the book is already on its second print run.

About the book presenters

Mahdev Mohan is Assistant Professor of law and directs the Asian Business & Rule of Law initiative at the Singapore Management University. A former Fulbright scholar, Mahdev's research and writing in the fields of international law have been awarded Stanford University's Carl Mason Franklin Jr. Prize for International Law. He has a background in commercial & international dispute resolution, and is an Associate Member of Temple Garden Chambers' public international law practice. He is also the Executive Director of the Society of International Law (Singapore). Mahdev has represented genocide victims before the UN-backed Khmer Rouge Tribunal, and is a member of the Africa/Asia coalition that has been commissioned by the United Nations Working Group on Business & Human Rights to assist with its guidance on national action plans for business, government and civil society.

Cynthia Morel has been an expert adviser to the Asian Business & Rule of Law initiative at the Singapore Management University since 2011. In that capacity, she has contributed to submissions to various bodies, including the UN Working Group on Business & Human Rights. She additionally helped conceptualize and coordinate SMU's first Summer Institute on Business and Human Rights in 2012. Morel has concurrently served as a consultant to ASEAN-based and international NGOs on matters relating to large-scale land acquisitions; community stakeholder engagement; and advocacy strategies for rights-based development. Prior to moving to Asia, Morel established Minority Rights Group International's strategic litigation programme in 2002. In her capacity as founding legal officer, and later as senior legal advisor, she spearheaded landmark cases before the European Court of Human Rights and the African Commission on Human and Peoples' Rights. She has also litigated on behalf of the Open Society Justice Initiative.

John Morrison is a leading practitioner and thinker on issues relating to the social responsibilities of government, business, and civil society. He is currently the Executive Director of the Institute for Human Rights and Business (www.ihrb.org), and has advised a number of governments, the European Union, OECD, and the United Nations on related issues. Previously, John has worked in

business, civil society, and government, and lived and worked in Europe and North America. He has been a Harkness Fellow, a member of a number of advisory boards, and chaired the Jury of the Dutch Government's Human Rights Award in 2013. He has written and spoken widely on human rights, international migration, and corporate responsibility. He blogs at johnmorrisonbooks.com and tweets @jomo1966.