

Corporations have little regard for human rights: UN

by Carey L. Biron via stan - IPS *Saturday, May 4 2013, 8:17am*

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WASHINGTON, May 4 2013 (IPS) - A United Nations expert group is warning that too many gaps remain in implementing new safeguards among businesses based in the United States, both in terms of their domestic and international operations, to ensure the protection of human rights of workers and communities affected by those operations.

Two members of the U.N. Working Group on Business and Human Rights wrapped up a 10-day fact-finding mission to the United States this week, at the end of which they released initial observations. Ultimately, these will be expanded upon and finalised for presentation to the U.N. Human Rights Council in June 2014.

“With a few exceptions, most companies still struggle to understand the implications of the corporate responsibility to respect human rights,” Puvan Selvanathan, the current head of the Working Group and one of the two members on the U.S. trip, said at the end of the mission “Those that do have policies in place, in turn, face the challenge of turning such policies into effective practices.”

Selvanathan and his colleague, Michael Addo, focused on gauging U.S. adherence to and regulatory changes following the 2011 adoption of the U.N. Guiding Principles on Business and Human Rights. These principles offer the first international standards aimed at ameliorating the negative rights impacts of global business.

Although the United States is a signatory to the Guiding Principles, Washington has not yet come up with a national plan for their implantation, a gap highlighted by the Working Group and long emphasised by civil society.

“We were pleased that the Working Group engaged with civil society organisations, including human rights, environmental, labour and indigenous groups,” Amol Mehra, director of the International Corporate Accountability Roundtable (ICAR), a Washington-based coalition, told IPS.

“We believe that the U.S. government has much farther to go in fulfilling its duty to protect human rights under the Guiding Principles ... and we also note the Working Group’s call to the U.S. government to develop a National Action Plan for implementation of the Guiding Principles.”

Both Mehra and the Working Group also noted the recent U.S. Supreme Court decision known as *Kiobel vs. Royal Dutch Shell*. That case, decided just weeks ago, will now “significantly limit access to judicial remedy for victims of corporate-related human rights abuse,” Mehra said.

The Working Group, meanwhile, noted that further analysis was still necessary to understand the “full implications” of the judgement.

Due diligence

In late April, ICAR and a group of civil society groups sent a brief to the U.S. State Department

outlining a series of recommendations to bring the country closer in line with the Guiding Principles and to strengthen related indicators.

The brief's three central recommendations, in addition to developing a national implementation plan, include strengthening remedies for human rights violations. It also calls on regulators to mandate that U.S. corporations incorporate human rights into their "due diligence", the legally mandated inquiries that companies must take ahead of a business sale or agreement.

Currently, such a step regarding human rights impact is not required.

"Our overall concern is that quite a bit more needs to be done on this issue in the United States, and we're looking for regulatory mechanisms that can hold businesses to account on human rights," Corinna Gilfillan, head of the U.S. office of Global Witness, a watchdog group, told IPS.

"In particular, we're asking that the U.S. government mandates human rights due diligence, looks into how laws can be structured around this issue. And, of course, we're also asking that U.S. government institutions themselves act in accordance with human rights norms."

The early notes from the Working Group do offer positive reports on local-level engagement in line with the Guiding Principles, as well as on important strengthening of U.S. policy and regulation, including bolstering disclosure standards. Movement towards broad implementation, however, appears to be taking place only slowly.

"The U.S. government has committed to the Guiding Principles, and established a number of key initiatives in this regard," the Working Group's Michael Addo stated Wednesday, when he and Selvanathan unveiled their early observations here in Washington.

"[But] it is now facing the challenge of putting them into practice, across all departments, ensuring that this is done in a coherent and effective way, and in a way that makes a real difference to people on the ground."

Selvanathan and Addo pointed to "significant gaps" in oversight, regulation and enforcement in the context of U.S. attempts to conform to the Guiding Principles. Yet they said the responsibility goes beyond government officials.

"There is negligible awareness of the Guiding Principles generally among U.S. stakeholders," they note in an eight-page concluding statement seen by IPS, "and, it seems, little appreciation of human rights being material to the conduct of business in the U.S."

Chronic disregard

Speaking with reporters and civil society on Wednesday, the Working Group voiced particular concerns regarding low-wage agricultural workers, lack of free and prior informed consent for Native American communities engaging with big business, and harmful practices by the domestic extractives industry.

Indeed, Selvanathan and Addo reserved some of their strongest language for these issues. For instance, they reported having heard "allegations of labour practices in low-wage industries with migrant workers, particularly within the services sector, that would be illegal under both U.S. laws and international standards."

Such violations reportedly include violations of minimum wage requirements, wage theft and “chronic disregard for minimum health and safety measures”.

The two also singled out the extractives industry, traveling to the state of West Virginia, in the Appalachian Mountains, to talk to communities living near strip mines and so-called “mountaintop removal” mining operations.

There, they were told of “significant adverse human rights impacts, most notably related to the enjoyment of the rights to health and water”, and also heard allegations of intimidation and harassment by those opposed to surface mining.

“I am hopeful that our visit from the United Nations is a sign that they’re starting to take notice of the human rights atrocities being committed in Appalachia today,” Junior Walk, a campaigner with Coal River Mountain Watch, a local advocacy group, said in a statement.

“It’s a sad thought that our politicians are so crooked that we have to ask the United Nations for help, but no one else will listen.”

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