



# BCHR

## Newsletter

November 2018  
N°37



# The BCHR Network

The BCHR Network is pleased to present the BCHR Update Newsletter, which provides a host of insights into the work of the network and its members. The main purpose of this newsletter is to a) share information about the work of the network and its members to a wider audience, and b) to strengthen co-operation and co-ordination between the network members themselves and with other interested parties.

- Click [here](#) to learn more about the BCHR Network
- Click [here](#) for a complete list of the BCHR Network members

# INDEX / Newsletter

<b>1. Network Announcements</b> .....	<b>4</b>
More than 50 experts joined us in our annual meeting in Geneva	
<b>2. Other announcements</b> .....	<b>8</b>
a. Public consultations.....	<b>8</b>
b. Events, workshops and courses.....	<b>8</b>
c. New Library Resources.....	<b>9</b>
<b>3. International News</b> .....	<b>11</b>
<b>4. Blogs and Opinions</b> .....	<b>14</b>
<b>6. About our network</b> .....	<b>15</b>
<b>7. Sharing and posting materials</b> .....	<b>16</b>

# Network Announcements

On November 29th, 2018 the BCHR Network held its 7th annual Conference on Business, Conflict and Human Rights in Geneva, Switzerland. The annual conference was attended by approximately 50 of the field's top experts across the academia, civil society as well as NGOs -- a blend of existing members of the network, members of the UNWG on Business and Human Rights, as well as individuals whom we hope to see join the network in the near future. The day consisted of a keynote speaker, as well as three block sessions, led by experts sharing their updates and experiences -- and with much time to debate and share ideas throughout each session, attendees expressed a general consensus that the conference had been both thoroughly productive and interactive. Below we share a brief overview of the sessions, topics, and takeaways.

After a quick welcoming, and tour de table by María Prandi (Conference Coordinator, and Director of BHR) the day began with the keynote speaker, Clara Gonzales (SHERPA), with a presentation regarding *Legal accountability for companies in conflict zones: the Lafarge case*. Sandra shared a brief history of the situation, the main actors, the facts known and how the proceedings have unfolded to date. According to SHERPA, this is "the first time that a parent company anywhere in the world had been charged with complicity in crimes against humanity." Mark Taylor (FAFO) acted as moderator, guiding a fruitful Q&A between

Clara and the attendees. 11 complainants who are former Syrian employees are filing suit against cement-manufacturer Lafarge and its subsidiary Lafarge Cement Syria (LCS) for its actions in Syria. By having business relations with the terrorist group ISIS in Syria, this company may have taken part in the financing of the group, being therefore complicit in war crimes and crimes against humanity. Takeaway: This is the first time non-profit organizations have filed suit against a multinational corporation for financing terrorist activity and complicity in war crimes and crimes against humanity. According to the information Sherpa and ECCHR collected, LCS would have entered into arrangements with ISIS in order to maintain production, by paying for passes issued by the jihadist organization and buying raw materials necessary for cement production.

The second session of the day was dedicated to *Business, violent conflict, and transitional justice*. This discussion panel was made up of Irene Pietropaoli<sup>1</sup>, Tara Van Ho<sup>2</sup>, Daniel Aguirre<sup>3</sup>, Rosana Alija<sup>4</sup> and Mark Taylor as moderator. This presentation delved into the connection between the business and human rights and transitional justice fields, exploring from various viewpoints: from a corporate accountability standpoint; how violations of

---

1. Independent consultant

2. University of Essex School of Law and Human Rights Center

3. Greenwich University School of Law

4. University of Barcelona School of International Law



corporate accountability can be addressed in relation to international law; and how certain companies can profit in post-conflict settings. Myanmar was discussed at length, touching on actors involved during the conflict, and their involvement in profiting off of investing laws introduced post-conflict. Takeaways: These presentations explored the connection between the business and human rights and transitional justice fields; Dictatorships and armed conflicts can be very profitable for many companies that get (directly or indirectly) involved in the commission of human rights violations. However, once the dictatorship or the conflict is over, they are very seldom accountable for such involvement. There is a potential for State reparation programs to recapture the benefits obtained by companies through the violation of human rights; transitional justice is not on the agenda in Myanmar. More attention needs to be given to post-conflict investment legal frameworks in order to break the economy of war.

Session three, following a quick networking coffee break, was dedicated to *Making*

*Companies Accountable in Occupied Territories*, and the panel consisted of; Gianfranco Fattorini<sup>5</sup>, Erik Hagen<sup>6</sup>, Haddamin Moulud Said<sup>7</sup>, Marya Farah<sup>8</sup>, and was moderated by Omeima Abdeslam<sup>9</sup>. Presentations and discussions evolved around Western Sahara, the Occupied Palestinian Territories (OPT), and Crimea. Presentations shared advances in cutting down on exports of Western Sahara resources by foreign companies, as well as discussions about new illegal installations by companies in the territory (such as renewable energy plants installed by Siemens). The relation between Morocco and France was discussed as one of the primary foundations by which these illegal operations are based, and a large reason why there is not more international attention being given. A brief update on a couple of projects regarding the OPT were also presented, including a project coordinated by the International Corporate Accountability Roundtable (ICAR) studying the

5. Main Representative to UNOG, American Association of Jurists

6. Board Member, Western Sahara Resource Watch

7. Saharawi lawyer

8. Consultant

9. Polisario Front representative to Switzerland and the UN in Geneva



effects of business in occupied territories, and a bill pending vote in Ireland banning goods from Israeli settlements in the OPT. Takeaway: Occupied Territories are absent in many discussions, more attention and recognition are needed. Occupiers and their corporate partners are profiting off of occupied territories under illegal trade agreements. More tools are needed for civil society, and organisations representing these occupied territories.

The fourth and final session was a defining moment for the BCHR Network, bringing distinguished members of the network and members of the UNWG on Business and Human Rights (UNWG) together for an *Expert Consultation in Support of the UN Working Group on Business & Human Rights: UN Guiding Principles on Business and Human Rights in Conflict and Post-conflict Settings*. In conjunction (and co-hosted by the Geneva Academy) with the UNWG's launch of a project on implementing the aforementioned topic, Anita Ramasastry<sup>10</sup> and Gérald Pachoud<sup>11</sup> led

10. Member of the UN Working Group on Business and Human Rights  
 11. Advisor to the UNWG project; former special adviser to the former Special Representative of the UN Secretary General on business and human rights, John Ruggie.

an in-depth idea exchange, Q&A, debate and overall hearty discussion with the attendees of this year's conference. As a takeaway here is a snapshot of some of the questions/topics raised during the consultation:

*How to frame recommendations regarding the role of companies in transitional justice processes when the government is not following up on truth and justice commission (TRC) findings?*

*How to deal with the with the tension in post-conflict between the need for companies to contribute toward reparations and accountability versus the need for stability and economic development?*

*How to define responsibility of companies? What is the threshold for measuring involvement in violations? Are there different considerations for SMEs versus TNCs?*

*How to address the question of trade-off between sustaining peace and development versus applying human rights standards?*

*How to break silos between peacebuilding and human rights considerations?*

*How to address the context of occupations?*

*How to address non-state armed actors?*

Overall the consultation was a valuable opportunity for the network to contribute to the conversations taking place as the project is in its infancy, helping to shape the overall characteristics, and to request specific attributes that members see as vital for supporting their work. The BCHR Network wants to thank the members of the UNWG for

taking their time, and interest in cultivating such a valuable dialogue.

As the final session of the day María Prandi, along with Toni Pigrau<sup>12</sup>, opened the *Network General Assembly* by thanking all of the presenters, as well as attendees for the (once again) incredible dialogue and participation throughout the day. They shared new network news (membership requests, future conference, surveys etc), and again asked the attendees for their feedback -- for the most vital thread connecting this network revolves around the exchange, feedback, and synergy of our work. Touching on the latter, the idea of how to continue the synergy between the UNWG and the Network was brought to the floor, asking how the Network can continue to dialogue with the

---

12. Member of the Advisory Board (ICIP); Director of CEDAT; Universitat Rovira i Virgili

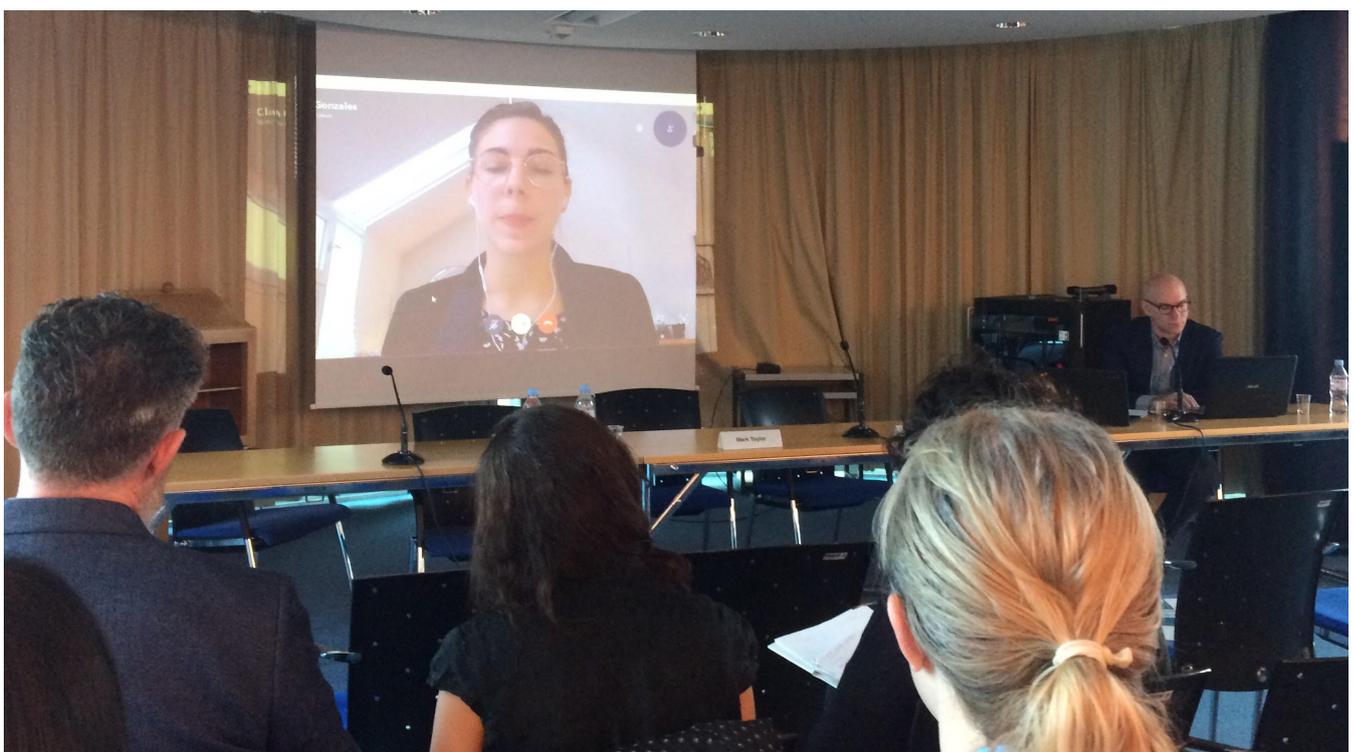
Working Group (especially during field visits).

Takeaway: After some consideration the Network has decided to launch a campaign to expand the ability to interconnect members so that synergies between members can be fully realized. The BCHR Network sees an opportunity for more partnerships between members, and would like to assist members in expanding these synergies, and overall reach of the incredible work that the members of our network produce. Stay tuned for more information!

**By Steven Patrick Landry**

Register [here](#) to become a member of the network.

Click [here](#) to know more about the network.



# Other announcements

## A. PUBLIC CONSULTATIONS

### • Call for contributions on ICT indicators

**Deadline:** The consultation runs from 1 November to 15 December 2018.

The CHRB has used the learnings from its pilot and subsequent year of benchmarking as a foundation for adding the new sector to the CHRB: the manufacturing of Information and Communications Technology (ICT) equipment. The CHRB has been built on a robust consultation process to date, so we are continuing that process by consulting with a wide range of stakeholders involving companies, civil society, trade unions and governments, through on-line and in-person consultations and webinars on our proposed ICT indicators.

**What We Are Consulting On:** We are consulting on the ICT specific indicators for the Benchmark. These are 11 indicators (with sub-indicators) shaded in grey in the consultation document.

[Learn more](#)

---

## B. EVENTS, WORKSHOPS, AND COURSES

### • 6th Winter Course on Human Rights and Asia

**Date:** January 7-18th

**Place:** Seoul National University

The Course designed to promote a better understanding of human rights issues in Asia. An opportunity to have multidimensional approach to human rights through presentation, discussions and visiting to human rights organisations.

[Learn more](#)

---

### • Human Rights Impact Assessment Masterclass

**Date:** December 12th

**Place:** Singapore

This 1-day interactive workshop will focus on how Asian companies can understand and apply the UN Guiding Principles on Business and Human Rights in practice. Real-world case studies and practical exercises will be used to explore the realities of conducting and implementing actionable human rights impact assessments (HRIAs).

[Learn more](#)

## C. NEW LIBRARY RESOURCES

### • Corporate Respect for Human Rights: A Driver for Sustainable Development

**Author: The Danish Institute for Human Rights**

A new database is created to inspire companies by illustrating how other companies' concrete actions to avoid and address their salient human rights issues can contribute to achieving the Sustainable Development Goals. The database provides over 100 real examples of businesses taking action to avoid and address their salient human rights issues. Alongside each example, users can see the SDGs and targets that the companies' actions are linked to.



<https://tinyurl.com/ybval7vc>

[Learn more](#)

---

### • Human Rights: The Foundation of Sustainable Business

**Author: UN Global Compact**

The report highlights insight and initiatives by Global Compact Local Networks around the world, presents snapshots of good practice from companies participating in the UN Global Compact and showcases initiatives that are advancing the UN Guiding Principles on Business and Human Rights.



<https://www.unglobalcompact.org/library/5647>

[Learn more](#)

---

### • Women in Business and Human Rights

**Author: The Danish Institute on Human Rights**

For each topic of the document, the mapping provides an overview of key gender issues, country examples from existing NAPs and key points for consideration for states on how to strengthen attention to the rights of women and girls in UNGPs implementation processes.



<https://tinyurl.com/y7x499cz>

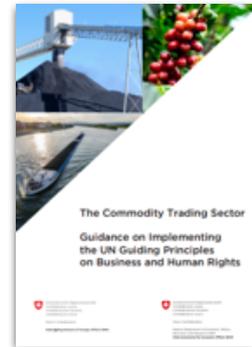
[Learn more](#)

## • The Commodity Trading Sector Guidance on Implementing the UN Guiding Principles on Business and Human Rights

**Author: Swiss Government**

This Guidance is intended to help representatives of commodity trading firms to implement the UN Guiding Principles on Business and Human Rights (UNGPs) in their company systems and cultures. It also provides a tool for the sector as a whole in developing a shared practice of responsible trading consistent with international standards relevant for the respect of human rights.

[Learn more](#)



<https://tinyurl.com/y8kmasfk>

---

## • Human Cost of Sugar

**Author: OXFAM**

India—the second largest producer of sugar in the world—supports an enormous number of jobs. The production process, however, is marred with various social and environmental challenges. Oxfam India’s study Human Cost of Sugar - a ‘farm to mill’ assessment of sugar supply chain in Uttar Pradesh is an attempt to understand the complex issues and how they affect the key stakeholders involved, especially those at the smallholder and the women farmers

[Learn more](#)

# International News

- **Afghanistan Signs Major Mining Deals Despite Legal Concerns****Date:**

**Date:** October 6th

**Source:** NY Times

The Afghan government on Friday signed two contracts for the exploration of copper and gold deposits in the north, in a bid to move away from the country's dependence on foreign aid by tapping its mineral wealth.

[Learn more](#)

---

- **Historic Vote Sees Europe Paving the Way for More Ethical Financial Investment**

**Date:** November 5th

**Source:** Global Witness

On Monday 5th November there was a historic vote in the European Parliament, which groups have said could pave the first step for a more ethical system of financial investment across the continent – and even globally. This vote was led by a cross party group of Member of the European Parliament (MEPs), including from the European People's Party (EPP), Socialist & Democrats (S&D), the Group of the Greens, and the Alliance of Liberals and Democrats (ALDE).

[Learn more](#)

---

- **Amnesty Urges Meghalaya to Investigate Attacks on Activist for Exposing Illegal Coal Mining**

**Date:** November 10th

**Source:** Sikhsiyasat

The grievous attack on activist Agned Kharshiing and her two aides in Meghalaya, highlights a pattern of reprisal against activist who are standing up against injustice and exposing corruption in the state, said Amnesty India.

[Learn more](#)

---

## • **Diamond Industry Urged to Improve Human Rights Record**

**Date:** November 13th / **Source:** Mining Technology

A group of civil society organisations including Amnesty International and Human Rights Watch has called on the diamond industry to unveil relevant clean-up measures to address its track record related to human rights abuses and other trade practices.

[Learn more](#)

---

## • **BHP prepares for UK legal battle over 2015 Brazil dam failure**

**Date:** November 22th / **Source:** Reuters

Mining giant BHP says it will fight an unprecedented English lawsuit filed by hundreds of thousands of Brazilians for multi-billion pound damages over Brazil's worst environmental disaster. SPG Law, a British offshoot of a U.S. litigator, represents 240,000 individuals in Brazil, 24 municipal governments, a Roman Catholic Archdiocese and members of the Krenak indigenous community and has filed three legal claims for unlimited damages over the failure of the Fundao dam in 2015.

[Learn more](#)

---

## • **Killing of Indigenous Man in Chile Spurs Criticism of Security Forces**

**Date:** November 25th / **Source:** The NY Times

The killing of a young indigenous man by an antiterrorism police squad has intensified longstanding criticism over the treatment of native communities in southern Chile by the government and security forces accused of systemic abuses. The killing of Camilo Catrillanca, 24, on Nov. 14 is the latest flash point in a fight over ancestral lands claimed by the Mapuche.

[Learn more](#)

---

- **CMM is First Industry Body To Commit to UN Guiding Principles on Business and Human Rights as a Condition of Membership**

**Date:** November 26th / **Source:** ICMM

The International Council on Mining and Metals (ICMM) announced new membership requirements to advance the sustainability performance of the mining sector, committing members to implement the United Nations Guiding Principles on Business and Human Rights.

[Learn more](#)

---

- **German Clothing Discounter KiK on Trial for Pakistan Factory Fire**

**Date:** November 29th / **Source:** DW

A German regional court in Dortmund on Thursday began proceedings in a lawsuit against discount-clothing chain KiK, which plaintiffs claim is responsible for the deaths of hundreds of people in a factory fire in Pakistan. If the plaintiffs are successful, KiK would be the first German company to be held responsible for a disaster that occurred in the factory of a supplier.

[Learn more](#)

---

- **Global Chocolate Supply Chain Tainted by Abuses in Brazil – report**

**Date:** November 30th / **Source:** Thomson Reuters Foundation News

The global chocolate supply chain is tainted by the use of cocoa from Brazilian farms where human rights violations are common, a report released said. Among the abuses detailed are farmers forced to work off debts to landowners or in degrading conditions, as well as thousands of instances of child labor. The document is the result of a joint effort between the Brazilian Federal Labor Prosecution Office and the International Labor Organization.

[Learn more](#)

## Blogs and Opinions

**Article by:** Miriam Ingeson and Alexandra Lily Kather

### **The Road Less Traveled: How Corporate Directors Could be Held Individually Liable in Sweden for Corporate Atrocity Crimes Abroad.**

**Date:** November 13th / **Source:** Ejil Talk!

On 18 October 2018, the Swedish Government authorized the Swedish Prosecution Authority to proceed to prosecution in a case regarding activities of two corporate directors within Swedish oil company Lundin Oil, and later within Lundin Petroleum, in Sudan (now South Sudan) between 1998 and 2003. The company's chief executive and chairman could be charged with aiding and abetting gross crimes against international law in accordance with Chapter 22, Section 6 of the Swedish Penal Code.

[Learn more](#)

**Article by:** Canadian Network on Corporate Accountability

### **Mining affected communities ask, “Where is Canada’s Ombudsperson for Responsible Enterprise?”**

2018 has been another dangerous year for human rights defenders seeking justice in cases involving large extraction companies, including Canadian companies. At the UN Forum on Business and Human Rights, mining affected communities from Guatemala and Papua New Guinea are asking “where is Canada’s Ombudsperson for Responsible Enterprise?” The Canadian government committed to create this mechanism more than ten months ago and has yet to appoint anyone to the post.

[Learn more](#)

## About our Network

The Network brings together researchers, practitioners and NGO members from various fields with the aim of researching and analysing the role of business in conflict situations reducing the human and people's rights violations and any other negative social and environmental impact as well as other adverse consequences. It also looks at the potential role of companies in relation to peace building.

The Network reflects upon the causes, dynamics and consequences of business involvement in armed conflicts and systematic state repression, as well as upon existing or potential responses to such involvements in light of the responsibilities of all concerned actors and ongoing international and local efforts to develop and apply appropriate initiatives and guidelines.

**Visit: <http://www.networkbchr.org/>**

---

## Sharing and posting materials

We very much welcome your comments and suggestions for how the BCHR newsletter can better serve the network's needs and interests as well as those of its members. We kindly invite you to share this newsletter with academics, NGO and practitioners that might be interested in its content.

If you are interested in contributing to future editions of the newsletter, please do not hesitate to contact us at [maria.prandi@networkbchr.org](mailto:maria.prandi@networkbchr.org).

---