



BUSINESS AND HUMAN RIGHTS

DEFORESTATION IN RIAU, INDONESIA ©PHOTO: CCO/WIKIMEDIA

Business and Human Rights

THE NCHR INTERNATIONAL DEPARTMENT

Overview of major global Initiatives on business/HR

Background and Objective

The growing reach and impact of business enterprises have given rise to a debate about the roles and responsibilities of such actors with regard to human rights. Weak and non-inclusive local governance constitutes one of the underlying reasons for many developing countries' high number of conflicts over land and natural resources. The NCHR works to strengthen rights and management of local resources in areas prone to conflicts over land between companies and local populations. We also offer an important academic base for studies and discussions concerning Human Rights and Business, through master courses, PhD positions, academic publications and seminars.

OECD guidelines for multinational Enterprises

The OECD guidelines, a set of government-backed recommendations on responsible business conduct, were first adopted in 1976 and have since then been endorsed by 46 states and a number of corporations. States who have adopted the principles set up National Contact Points responsible for the promotion of the Guidelines and investigating complaints about companies whose business activities relate to that country.

Human Rights Framework

The UN Global Compact is a voluntary policy initiative for businesses launched in 2000. Thousands of companies participate and report publicly on steps they take to comply. However, it is not legally binding and "not a performance or assessment tool". In 2005, John Ruggie was appointed **special representative on business & human rights** by the UN secretary-general. He developed the 'protect, respect and remedy' framework that lead to the **UN guiding principles on Business and Human Rights**, endorsed by the UN Human Rights Council in June 2011. These principles constitute an interpretation of existing standards that has gained wide support. They consist of three pillars:

- 1) the state duty to protect against human rights abuse by private actors, such as corporations.
- 2) the corporate obligation to respect human rights
- 3) access to remedy.

After the adoption of the guiding principles In 2011, the **Working Group on Business and Human Rights** was established by the Human Rights Council to further the implementation of these principles.

The Norwegian Centre for Human Rights (NCHR) is a part of the University of Oslo, Faculty of Law. The NCHR's **International Department (ID)** has an extended network of cooperating partners around the world including academic institutions, UN organs and civil society organisations. Our activities are supported by the Norwegian MFA.

We promote human rights through international competence building, knowledge enhancement and dialogue in the countries we cooperate with. We aim at integrating a gender sensitive approach across our six thematic areas of commitment:

- Human Rights Education
- Rule of Law
- Freedom of Religion or Belief
- **Business and Human Rights**
- Equality and Non-discrimination
- Human Rights Mechanisms

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www.jus.uio.no/smr/english/about/id/business/

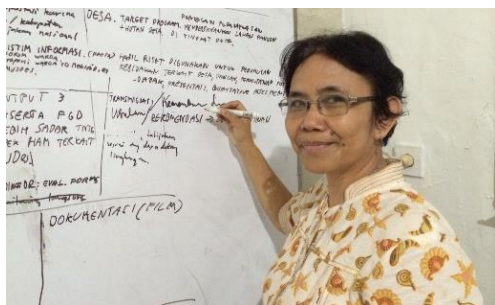
Selected Results

Report on human rights impact of Oil palms in C. Kalimantan

In cooperation with the Institute for Economic, Social and Cultural Rights, we have studied the human rights impact of Palm Oil Plantations. The findings have been used for engagement with government institutions at village, province and national level.

Presenting findings at the Indonesian President's Office

Field studies on the human rights impact of various cooperation schemes between oil palm plantation companies and tied "plasma" smallholders were presented to the President's office with recommendations.



Strengthening Management of Assets and Natural Resources

The NCHR developed a Handbook on rights-based implementation of the Indonesian Village Law in cooperation with the Institute for Economic, Social and Cultural Rights and Nadulathul Ulama (NU). The handbook has been to as basis for trainings at village level (by NCHR, by NU and by others) and approved as reference material for Indonesia's thousands of government-training Villages Facilitators.

Side event at UN Forum for Business and Human Rights

The NCHR participated at a side event organised by FoHRC and focused on the rights of consumers vis-à-vis the global food industry.

FAST FACTS INDONESIA

4 of the richest people in Indonesia owns the same as the poorest 100 million (Oxfam).

11,3 million hectares of land in Indonesia are covered by Oil Palms. (BPS)

1222 complaints are registered by the Indonesian National Human Rights Commission annually.

Key Ongoing Projects and Activities

NCHR activities pertaining to business and human rights cover both project activities internationally, in particular in Indonesia, through the International Department, and academic research and education in Norway (UiO).

Palm Oil, Human Rights and Transmigration

The NCHR, in cooperation with the Institute for Economic, Social and Cultural Rights, has collected field data on access to social, economic and cultural rights at a number of locations in Indonesia. The aim is to assess the human rights impacts of palm oil plantation development, and so-called transmigration programmes (domestic population relocation programmes) to support palm oil plantation development. The findings are used as basis for engagement, policy inputs and trainings with government agencies and other stakeholders at local, regional and national level in Indonesia.

Rights-based implementation of the Indonesian Village Law

The Indonesian Village Law contain a number of provisions that could strengthen transparency, access to information and accountability at village level. As such, the law could play an important part in fulfilling the Indonesian state's obligation to protect against corporate misconduct, as elaborated on in the first pillar on the UN guiding principles on business and human rights. Emphasis is on preventing corporate land-grab, especially in areas located close to the forest estate.

NCHR cooperates with the Institute for Economic, Social and Cultural Rights on field studies and data collection used to generate a knowledge base for inputs to local, regional and national levels of government. Further, a range of trainings are conducted by the NCHR at village level of government in four provinces: Central Kalimantan, West Kalimantan, Bengkulu and Central Sulawesi.

Business and Human Rights Education

The course HUMR 5133 on Business and Human Rights is taught as part of NCHR's master programme 'The Theory and Practice of Human Rights' at the University of Oslo. The course addresses recent developments in linking business practices and human rights, including corporate social responsibility (CSR) within the UN and in other international organisations, and focusses on the efforts in making human rights an important normative framework for the conduct of business in different societal and political contexts. It offers students arguments in favour of and against extending human rights to the corporate sector, and discusses legal developments, including normative and remedial mechanisms. Business and Human Rights is also the focus of past and present PhD candidates at NCHR. NCHR's academic staff has published a range on articles and books on the topic.

Food, Human Rights and Corporations (FOHRC)

FOHRC is an interdisciplinary academic research and action initiative based at NCHR in cooperation with academic and civil society partners. The aim is to promote corporate respect for human rights in the food sector and strengthen governments' protective obligations vis-à-vis the rights to adequate food and health for all.

Research group on Human Rights and Sustainable Development

The NCHR is the host institute for this research group, which studies the interconnection between human rights and sustainable development. The group is interdisciplinary and takes a special interest in business and human rights and the role of non-state actors, and the responsibilities of commercial actors for human rights.

