Securing Sustainable and Accountable Business in Europe: the role of National Action Plans (NAPs)

Date and Time
Tuesday 5 June 5 9am-4.30pm

Venue
COSLA Conference Centre, 19 Haymarket Yards, Edinburgh EH12 5BH

Context
The UN Human Rights Council unanimously endorsed the UN Guiding Principles on Business and Human Rights (UNGPs) in 2011. Since then, the European Union (EU), Council of Europe and Organisation for Economic Cooperation and Development (OECD), besides the UN, have called for the development of National Action Plans (NAPs) to promote the implementation of the UNGPs around the world.

To date, governments in over 30 countries have developed, or are currently developing, NAPs. Existing NAPs in European countries exhibit considerable variety in terms of their processes of development and contents. In particular, NAPs processes differ in the extent to which they embody transparency, and inclusion and participation of relevant duty-bearers, stakeholders and rights-holder representatives, as well as in their balance between domestic and international issues. Critics have noted that some published NAPs are largely declaratory of existing measures, lacking concrete commitments, while in some cases stakeholder participation in their development has been nugatory.

Nevertheless, if they embody good governance norms, such as transparency, inclusion and participation, as well as respect for human rights, NAPs hold potential to strengthen the social accountability of business, and to lead to better "vertical" alignment of national measures with international human rights and sustainability commitments, as well as improved "horizontal" policy coherence across government. Further, greater consistency between national law, policy and practices and international commitments should foster more effective enjoyment of human rights domestically as well as beyond national borders.

Objectives
The purpose of the workshop is to evaluate NAP processes across Europe and to consider how NAPs may serve as a mechanism to strengthen business governance and social accountability. The workshop will bring together leading business and human rights practitioners who are involved in

NAPs and related policy processes across Europe and will serve as a learning forum to highlight issues and best practices around the conduct of NAPs processes. It will also serve as a forum for dialogue around further strengthening NAP processes, individually, and in aggregate at regional and international levels, as a tool for holding governments and businesses to account to human rights standards.

A central theme of the workshop will be effective involvement of stakeholders – in particular, business, labour and civil society - in NAPs processes. At the same time, the workshop will consider how national action plans should link to Europe-wide business and human rights instruments and accountability mechanisms in the European Union and the Council of Europe, and internationally, via existing UN human rights mechanisms as well as via a possible business and human rights treaty.

The workshop is supported by the Scottish Government, who are currently involved in the development of a National Action Plan (NAP) on Business and Human Rights[1]. To date, a National Baseline Assessment has been undertaken and published in October 2016. Since its publication, there have been extensive stakeholder consultations on the NBA to provide a further evidence base to underpin the development of a National Action Plan (NAP). A further objective of this workshop will be to feed into the development of the Scottish NAP as well as contributing to the development of a body of expertise in this area.

The workshop will comprise five sessions addressing the following themes:

1) NAPs in Europe: past actions, current status and key questions
2) NAPs as a driver for action: government and business perspectives
3) Participation and democratic accountability: Labour and civil society perspectives
4) Monitoring and follow-up to NAP implementation
5) Connecting with regional and international initiatives.

Each theme will be briefly introduced by one or two relevant experts before discussion is opened up to the floor.

The workshop will proceed under the Chatham House Rule.

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[1] See: http://www.snaprights.info/action-areas/better-world/business-and-human-rights

9:00am – 9:30am   **Welcome and Introductions**

Scottish Government
John Ferguson & Claire Methven O'Brien
Michael Addo, UN Working Group on Business and Human Rights

9:30am – 10:30am   **Session 1. NAPs in Europe: past actions, current status and key questions**

Beata Faracik, Polish Institute for Human Rights and Business
Ciara O'Brien, European External Action Service
Douglas Wedderburn-Maxwell, Council of Europe

(*Chair: John Ferguson*)

Possible issues for discussion:

- What have been the main triggers for NAP development in Europe?
- How effective are NAPs as a BHR policy instrument?
- What is the interplay between NAPs and other current European policy agendas, such as the SDGs, decent work and modern slavery?
- What is the end goal for NAPs in Europe?

10:30am – 11:00am   COFFEE/TEA BREAK

11:00am – 12:00pm   **Session 2. NAPs as a driver for action: government and business perspectives**

Ambassador Geneviève Jean- van Rossum, French Ministry of Foreign Affairs
Linda Piirto, *Ministry for Economic Affairs and Employment, Finland*
Matthias Thorns, International Organisation of Employers

(*Chair: John Ferguson*)

Possible issues for discussion:
- What is NAPs' value-added in promoting UNGPs implementation by government and business?
- To what extent have NAPs fostered cross-government collaboration and policy coherence?
- Have new national measures resulted from NAPs processes? What kind?
- What influence have NAPs had on business adherence to the UNGPs?
- Could targets for business uptake of the UNGPs be envisaged within NAPs?

| 12:00pm – 1:00pm | LUNCH |

1:00pm – 2:00pm   **Session 3. Participation and democratic accountability: Labour and civil society perspectives**

Mary Alexander, UNITE
Marilyn Croser, CORE Coalition

(*Chair: Claire Methven O'Brien*)

Possible issues for discussion:
- What is best practice in stakeholder participation in NAPs processes?
- How do European NAPs provide for stakeholder – and democratic - accountability?
- What have we learned from labour, civil society and NHRI participation in NAPs?
- Should NAPs connect with existing multi-stakeholder processes/mechanisms or dedicated new ones?
- Which relevant constituencies have been missing from existing NAPs processes? How can they better be reached and involved?

2:00pm – 3:00pm   **Session 4. Monitoring and follow-up to NAP implementation**

Les Allamby, Northern Ireland Human Rights Commission
Iona Ebben, Netherlands Ministry of Foreign Affairs

(*Chair: Claire Methven O'Brien*)

Possible issues for discussion:
- What are the relative merits of different approaches to monitoring NAP implementation, for example, inter-ministerial groups, stakeholder bodies parliamentary committees?
- Have countries established timeframes for review and revision of their NAPs?
- Can greater use be made of indicators and benchmarks to assess implementation and its effectiveness?
- What

3:00pm – 3:30pm   COFFEE/TEA BREAK

3:30pm – 4:20pm   **Session 5. Connecting with regional and international initiatives**

Michael Addo, UN Working Group on Business and Human Rights

(*Chair: Claire Methven O'Brien*)

Possible issues for discussion:
- Are new mechanisms needed to promote BHR policy transfer?
- How can existing human rights monitoring and accountability mechanisms connect with NAPs?
- Is there a role for regional or international peer learning based on NAPs?
- What is the role of NAPs with regard to a possible BHR treaty?

4.20pm – 4.30pm   **Wrap up**

John Ferguson & Claire Methven O'Brien

4.30pm   **Workshop ends**

Participants

Michael Addo, Chair, UN Working Group on Business and Human Rights

Mary Alexander, Acting Regional Coordinator, UNITE

Les Allamby, Chief Commissioner, Northern Ireland Human Rights Commission

Per N Bondevik, Ethical Trading Initiative Norway

Joe Brown, Scottish Government

Marilyn Croser, Director of CORE, the UK civil society coalition on corporate accountability

Iona Ebben, Senior Policy Officer Business & Human Rights, Ministry of Foreign Affairs, Netherlands

Carole Ewart, Convenor, Campaign for Freedom of Information Scotland

Beata Faracik, President, Polish Institute for Human Rights and Business

John Ferguson, University of St Andrews

David Holmes, Scottish Government

Duncan Isles, Scottish Government

Ken McPhail, University of Manchester

Marisa McVey, University of St Andrews

Claire Methven O'Brien, Strategic Adviser, Danish Institute for Human Rights

Daniel Morris, Adviser, Danish Institute for Human Rights

Ciara O'Brien, Chair of the Council Working. Party on Human Rights, European External Action Service

Sara Phung, Researcher & Policy Advisor - German Institute for Human Rights

Linda Piirto, Senior Advisor in corporate social responsibility at the Finnish Ministry of Employment and Economy,

Maria Prandi, CEO, Business and Human Rights

Scott Reid-Skinner, Scottish Enterprise

Diego Quiroz, Scottish Human Rights Commission

Matthias Thorns, Director of Stakeholder Engagement, IOE

Ambassador Geneviève Jean van Rossum, Special Representative for Bioethics and Corporate Social Responsibility, French Ministry for European and Foreign Affairs

Douglas Wedderburn-Maxwell, Council of Europe