

HUGO



Oct-Dec 2011

Professor John Ruggie (left) Former UN Secretary General Special Representative for Business and Human Rights, and Austin Onuoha (right) Fellow at the Netherlands Institute for Advanced Study in the Humanities and Social Sciences. World Legal Forum Annual Conference 2010

Issue No.1

[In this issue](#)

Who is HUGO?

An Introduction to the HUGO program and the HUGO CSR Initiative

Previous and Upcoming Events

Key CSR developments 2011:

UNHRC endorses the 'Protect, Respect and Remedy Framework'

OECD Guidelines for Multinational Enterprises Updated

Contact us

Welcome to the first edition of the HUGO Corporate Social Responsibility Initiative Newsletter

It is our pleasure to present to you our first newsletter on the HUGO CSR Initiative, an initiative aimed at operationalizing the third pillar of the Ruggie Framework: access to effective remedies.

July 2010 marked the kick-off of the HUGO CSR Initiative, designed to investigate the possibilities for the establishment of a conflict management and information center on CSR. The first of the quarterly newsletter intends to provide you with background information on the HUGO CSR project.

We hope that this newsletter will arouse your interest in the project and will inspire you to become involved in the process of the establishment of the new CSR conflict management and information center.

If you do not wish to receive this newsletter in the future, please send an e-mail to secretary@worldlegalforum.org.

*Who is HUGO? What is the HUGO CSR Initiative?
Find out on the next page...*

Who is HUGO?

Hugo de Groot, more commonly known as Grotius is said to have laid down the foundation of international law with his main work *Mare Liberum*, written to facilitate international business and free trade. In 2009, The Hague celebrated the 400th anniversary of *Mare Liberum*. Inspired by Grotius' ambitions, and aspiring to facilitate the interaction between international law and business, the World Legal Forum foundation and its partners launched the program Hague Utilities for Global Organisations (HUGO). This program explores the possibilities for creating and establishing international dispute resolution with private stakeholders. It is geared towards three subprograms:

1. P.R.I.M.E. Finance: Dispute resolution in the financial markets
2. HUGO CSR: Dispute resolution and Corporate Social Responsibility
3. International Anti-Fraud and Corruption.

HUGO CSR Initiative

Bridging the gap between communities and multinationals

In 2008, the United Nations Special Representative for Business and Human Rights, Professor John Ruggie, proposed the "Protect, Respect and Remedy Framework", a policy framework which rests on three pillars: the state duty to protect against human rights abuses, the corporate responsibility to respect human rights and greater access for victims to effective (judicial and non-judicial) remedies. With the HUGO programme, WLF and its partners aim to contribute to the operationalization of the third pillar of the Ruggie Framework *greater access for victims to effective remedies*.

The HUGO CSR Initiative aims to establish a center which will contribute to the field focusing on five objectives:

- **Building a network:** Providing a single focal point for regional conflict management organizations with the ambition to collect, analyze, and evaluate local CSR conflicts, disputes and their resolution; building a network among stakeholders, communities, mediators, business and dispute resolution mechanisms;
- **Raising awareness and understanding for CSR:** Setting up a knowledge center, organizing conferences and workshops about CSR disputes resolution;
- **Educating stakeholders about CSR;**
- **Matching the parties in a conflict to appropriate mediators:** With its network of institutes offering lists of mediators and mediation services, the center aims to broker in the relationship between the parties. The center can be the first point of contact for parties that seek assistance in finding the appropriate path for dispute resolution;
- **Facilitating the dispute resolution process:** Acting as a global hub from which regional disputes resolution centers can be reached to assist in the local solution of CSR conflicts.



HUGO Partners

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Guelen, The Hague
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Serge Bronkhorst,
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Prof. Jan Eijbouts,
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consultant

Netherlands Institute for
Advanced Study

Pels Rijcken &
Droogleever Fortuijn, the
Hague based law firm

Science Alliance B.V.

World Legal Forum
foundation

Upcoming Events...



World Legal Forum
Annual Conference
6 December 2011

'Managing Corporate
Conflicts: From Threat to
Opportunity for Sustainable
Business'

Conference Venue:
Peace Palace, The Hague

Registration and more
information:

Please contact
secretary@worldlegalforum.org

The HUGO partners are continually working towards new and innovative ways of dealing with CSR related conflicts. To this aim, from September 2011 until December 2011, Austin Onuoha, Katinka Jesse and Erik Koppe will conduct **research** at the Netherlands Institute for Advanced Study, which will contribute to the HUGO program and is focused on:

- The normative framework in case of conflict management of environment related CSR disputes, researched by Katinka Jesse;
- The effectiveness of existing mechanisms for resolving CSR-related disputes and potential design for a CSR facility, researched by Austin Onuoha.
- Further investigations on the existing international key principles and good practices in order to get a clear understanding on the need of a centralized CSR dispute resolution facility with respect to human rights, environment and labor law, researched by Erik Koppe.

The next **CSR café** will take place on **17 November 2011** at 17.00 in The Hague, the Netherlands. You are welcome to join this informal event, in which you can meet other professionals in the field of CSR. For more information, or to RSVP please contact secretary@worldlegalforum.org.

... and Previous Events

On 7 October 2010, **the first CSR Expert meeting** was held to discuss the results of the feasibility study conducted by the CSR Initiative of HUGO partner Harvard Kennedy School of Government. For more information on the study and the expert meeting, please go to page 4 of this newsletter.

Our **Annual Conference 2010** was hosted at the Peace Palace. With the theme '*Business and Community in Dialogue, Connecting Corporate Social Responsibility and Global Governance*' speakers from different professional backgrounds discussed with the attendees the challenges that company-community relations are facing nowadays and the steps that need to be taken in order to address these challenges.

On June 14 2011 **the second CSR Expert Meeting** took place at the offices of Pels Rijcken & Droogleever Fortuijn, titled '*Towards an International Conflict Management Facility on Corporate Social Responsibility*'. The meeting gave the opportunity to participants to brainstorm on the potential services that the facility may offer.

Innovating Justice Co-Creation Day

Developing Business Models for Justice Initiatives

During an event organized by Innovating Justice, partners of the HUGO project joined more than 40 professionals with different backgrounds and together generated Business Models for different initiatives at Leiden University Campus Den Haag

Innovating Justice describes itself as a platform to improve the rule of law and access to justice. During the Co-Creation Day, 5 innovating teams, including the HUGO CSR team, brainstormed on potential Business models, using the Business Model Canvas. This session has been valuable as a basis for the development of a business model for the intended CSR center.

Harvard CSRI Working Paper N° 63

Published by the Corporate Social Responsibility Initiative of the Harvard Kennedy School of Government under the authorship of David Kovick and Caroline Rees, and with the support of the HUGO program, the working paper addresses the topic of ‘International Support for Effective Dispute Resolution Between Companies and Their Stakeholders: Assessing Needs, Interests and Models’.

The paper ‘aims to help clarify how some elements of the “Access to Remedy” pillar of the [UN] Framework and the Guiding Principles (...) might be further operationalized’. The results presented in the report are based on interviews carried out to different stakeholders in society, among others, businesses, international, national and local civil organizations, and organizations with expertise in dispute resolution.

The research framed eight findings related to company-community disputes and identified the priority roles and functions for a potential new facility. The results of the research were presented at a CSR Expert Meeting organized by the World Legal Forum Foundation and its partners in October 2010.

These priority roles and functions are:

First priority:

- Helping parties to assess their options for accessing remedy;
- Strengthening professional resources;
- Enhancing effective participation of parties; and
- Acting as a clearinghouse for case stories, experiences and analysis.

Second priority:

- Promoting awareness of the nature and benefits of mediation;
- Strengthening the incentives for parties to use mediation;
- Developing process standards and principles for mediation in this field; and
- Building the capacity of mediators in this field.

The Working Paper N° 63 is available for download at the CSRI website:

<http://tinyurl.com/4x7dkv8>

Key CSR developments 2011

The UNHRC endorses the 'Protect, Respect and Remedy' Framework

On 16 June 2011, the Human Rights Council of the UN endorsed the Guiding Principles on Business and Human Rights, which will serve as a road map for the implementation of the Ruggie Framework. This framework, proposed by professor John Ruggie, former UN Special Representative on Business and Human Rights, outlines specific responsibilities for different actors in the field of business and human rights. The framework comprises three pillars:

1. The state duty to protect against human rights abuses by third parties
2. The corporate responsibility to respect human rights
3. Greater access for victims to effective remedies (judicial and non-judicial)

Prof. Ruggie has previously participated in the World Legal Forum Annual Conference as keynote speaker and it is the third pillar of his proposed framework upon which the HUGO CSR initiative is based.

The OECD Guidelines updated

On May 25 2011, the adoption ceremony for the updated OECD Guidelines took place at the 50th anniversary Ministerial Meeting.

These Guidelines for Multinational Enterprises have served as a starting point among OECD members, to promote responsible business behaviour in or from countries adhering to the declaration.

This set of recommendations cover among other topics, information disclosure, combating bribery, competition, environment and employment. The adhering countries -42 to date- set up National Contact Points (NCPs) in order to deal with complaints within the guidelines' framework.

The consultation process, which started in 2009, builds on the NCPs' work and experiences. The review was enriched by the views of different stakeholders, i.e. NGOs, international organizations, businesses, on the priority areas that needed to be addressed.



"We're going to look at new strategies that will seek to make our case to companies that due diligence, while not always easy, are absolutely essential" Hillary Clinton, US Secretary of State at the adoption ceremony of the updated guidelines.

