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Whose Agenda? Strengthening Civil Society's Voice In an Age of Corporate Engagement at the U.N.

July 15, 2014
9:45-11:45am

Session Organizer:

- Lourdes Rivera, Program Officer, Ford Foundation
- Laura Katzive, Program Officer, Wellspring Advisors

Facilitator:

- Lesley Carson, International Human Rights Program Director, Wellspring Advisors

Panelists:

- Nicole Bidegain, Executive Committee Member, Development Alternatives for Women in a New Era (DAWN)
- Roberto Borrero, UN Programs Coordinator, International Indian Treaty Council
- Ignacio Saiz, Executive Director, Center for Economic and Social Rights
- Ursula Wynhoven, General Counsel and Chief, Social Sustainability and Governance, UN Global Compact

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- Funders Network on Population, Reproductive Health & Rights
- The Fund for Global Human Rights
- IHRFG Sexual and Reproductive Health and Rights Working Group

Lesley Carson, International Human Rights Program Director at Wellspring Advisors, introduced the session by noting that civil society organizations are reporting that their advocacy is facing a lot of challenges. They are seeing unprecedented influence, both formal and informal, by corporations and business associations. So, what's at stake if the human rights community does not successfully engage with businesses? Are companies exercising greater influence in the development arena? Can corporate interests align with human rights interests?

Ignacio Saiz, Executive Director of Center for Economic and Social Rights, shared that, from a human rights perspective, the Millennium Development Goals (MDGs) were unambitious targets and weak on accountability. Progress has been limited, but some targets were met due to trends that were already in place and preceded the MDGs. So the process to provide a new set of Sustainable Development Goals (SDGs) has been seen as an opportunity to remedy that lack. There has been an unprecedented degree of civil society consultations. They will help determine how national governments will structure their strategies, and they will shape donor priorities in those states that are providing donor assistance, as well as foundations. Additionally, they will provide civil society with tools to hold governments accountable and to incentivize progress in human rights. It's important to develop an agenda that puts inequality at the core and doesn't gloss over disparities.

Just as civil society organizations have been consulted, corporations have organized successfully to influence towards their goals and values. Some have argued that business has been given privileged access. Some warn of the risk of privatization of the post-2015 agenda. Oil and gas sectors, as well as pharmaceutical sectors, have been well represented.

Ignacio asked the audience, "How has corporate and civil society engagement been reflected in the draft of the post-2015 development process?" Now there are 17 goals instead of 8 – more comprehensive. The goals are more ambitious, especially in terms of poverty. The agenda is a universal agenda. There is a much stronger focus on human rights issues - access to justice, for example. In parallel, corporate interests have shown through in the following 3 ways:

- The SDGs sees business-led economic growth as the solution to poverty
- They are extremely weak on corporate accountability, especially in corporate involvement for many of the issues that the SDGs are trying to address.
 - No reference even to the UN guiding principles for human rights.
 - Nothing on grappling corporate tax evasion
- Relegates the role of governments to that of creating an enabling environment for investment and growth

Ignacio concluded by highlighting the potential role of philanthropy in the current stage of SDGs and beyond:

- Amplifying the voice of civil society organizations as we seek to influence the next stages of SDGs
- Developing content of these goals and the means of implementation, including monitoring and accountability.
- Issues of financing. Few human rights organizations have really tried to engage. It is crucial that human rights funders support capacity of NGOs to engage in those discussions.

With regards to strengthening corporate accountability, funders could consider becoming involved with the calls for the UN to adopt strict criteria for partnerships with businesses at the UN level, and for the

adoption of conflict of interest guidelines that would screen out certain businesses, such as those responsible for human rights abuses and environmental harm, from entering into partnerships with the UN. Additionally, there is a very interesting new binding instrument for corporate accountability, which is being led by Ecuador.

Nicole Bidegain, Executive Committee Member of Development Alternatives for Women in a New Era (DAWN), spoke of why it's important for organizations from the South to engage in this process. The UN has been a critical space for the advancement of policy frameworks that Global South organizations can push at a regional and local level. However, they have been seeing the narrowing down of the role of UN in development. Now the global economic crisis has been used as a reference to say that the UN needs to call on the private sector as a new development actor and that the private sector should play a central role in the agenda. Development has been understood as economic growth.

This trend of economic conservatism has now been combined with religious conservatism, and women's rights are now facing a challenging moment. So, for DAWN, it is very important to engage in this process because there is a need to change this narrative. They must promote women's rights and the narrative of investment in women that has positive economic returns. But what about the rights that do not yield positive economic returns, such as food security? They are facing the preference of some rights over others.

Nicole wondered if it is possible to align corporate incentives with government incentives. It seems difficult because of the profit-driven nature of the private sector. Additionally, how can they ensure that all transnational corporations comply with national and local codes?

Another concern is that this approach can increase the current power imbalances between governments, corporations and civil society organizations. For example, the CEO of Coca-Cola is now chairing the UN Women's Private Sector Leadership Advisory Council. How do you have a partnership between unequal actors who have differing interests and goals?

Nicole's recommendations included supporting regional dialogues that are bringing progressive voices from government and civil society together. In Latin America, they are trying to bring finance, gender and health ministries together to share strategies for mobilizing resources for development. Additionally, they are trying to connect with some progressive language that is underway in Geneva to ask their government to implement what they are saying in Geneva into the New York SDGs talks. For instance, they are supporting a report about how tax policies can help mobilize resources in a progressive way to finance agendas. And lastly, Nicole recommended supporting women's efforts to build capacity to address accountability gaps and to increase the voice and presence during this process in order to really shape the outcome.

Roberto Borrero, UN Programs Coordinator of International Indian Treaty Council, focused on Indigenous Peoples' goals in particular. There are 370 million self-identified Indigenous Peoples in over 70 countries, with over 70% located in Asia and the Pacific. Roberto went on to highlight some of the lacks in incorporating Indigenous Peoples' voices in the MDGs and Rio+20.

Although businesses had gotten very good at talking about human rights, especially with Indigenous Peoples, there is a disconnect. In the MDGs, for example, Indigenous Peoples were invisible from the dialogue. There was no specific mention of Indigenous Peoples.

Oftentimes, Indigenous Peoples are grouped in with other minority groups. However, Roberto urged that it was critical to recognize Indigenous Peoples separate from other marginalized groups. Oftentimes, there is a push towards lumping vulnerable communities together. This happened in the MDGs and there was no specific mention of Indigenous Peoples. As a result, funding streams and focus were on the national level and Indigenous Peoples were not a priority. Therefore, a specific reference in the document apart from other marginalized groups is very important.

During Rio+20: Future We Want, member states decided to launch a process to set the SDGs. Within that process, major groups and stakeholders can participate in working group meetings. Indigenous Peoples are one of those 9 major groups.

Roberto added that, within these international processes, it is important to try to achieve principled and culturally sensitive outcomes. Current existing procedures have no effective means of safeguarding Indigenous rights. States still don't let go even if they agreed with the rights. There still exists a very paternal dynamic with Indigenous Peoples. And governments often support businesses over Indigenous rights.

Additionally, Indigenous groups are not always NGOs. Oftentimes, Indigenous Peoples are linked with the NGO rubric, but that may not always be the case. Some may be public governance of territories, for example.

It is imperative that Indigenous Peoples are engaged in the decision-making process, but also that they are able get to these meetings to be able to lobby at the international level because the access they get at the United Nations, for example, is not the access that they can have to public officials back home. This engagement is an important part of the process, and also the ability to engage and link with other groups.

Ursula Wijnhoven, General Counsel and Chief of Social Sustainability and Governance at UN Global Compact, detailed her work at UN Global Compact – UN's corporate responsibility and sustainability initiative. It is an advocacy initiative promoting responsible business practices to the global community and within the UN system. They focus on the 'how' of corporate sustainability and what actions businesses need to take to reduce harm and to create shared value for business *and* society.

Business, obviously, can have negative human rights impact, but they can also have positive impacts and be important enablers of the enjoyment of human rights.

Within the post-2015 process, Global Compact has been very engaged in involving businesses who have made the public commitment to uphold and support universal principles, as well as those who update their progress to their own stakeholders on an annual basis. Those who do not fulfill this commitment are asked to leave the Global Compact initiative and about 4,000 businesses have been kicked out in the last several years.

Global Compact has recently released a white paper on the role of responsible business and finance. The key center of their work has been creating the vision of responsible business with the following goals at the forefront:

- Tackling poverty
- Building human needs capacity

- Protecting the environment
- Building the enabling environment to help achieve the other goals
- Good governance
- Realization of human rights
- Empowerment of women and girls

Ursula concluded by reminding the audience that poverty, environmental degradations and corruption is the antithesis of a successful business environment. And successful societies in terms of their human development indicators, good governance, and protection of the environment are also good for responsible business.

Question and Answer

One participant asked to take a look at issues around indicators and data. If we look at processes around developing the MDGs, what data was important and how that data was captured really drove the processes at the national level. When talking about influence in the development of these goals, it seems to be that data and what the data collection points are is very important. How does civil society, which generally comes to the table with fewer resources, both in terms of accessing and analyzing data, compete and get its issues and data points to the table? And how can funders support that?

The panelists responded by saying they there is a regressive discourse on data. And civil society organizations need to ask what they want to achieve and then how to build data around that. It is critical for civil society to be part of the debate, and within data measurement systems. Yes, civil society is at a disadvantage in terms of resources, but a lot of creativity and forward thinking comes from civil society organizations.

Indigenous Peoples, for example, have been bringing to light the large lack of disaggregated data on Indigenous Peoples and how Indigenous Peoples have not been brought into the process. It was alarming to see that there were committees for the MDGs, but despite that, Indigenous Peoples were not part of the MDGs. Enabling Indigenous Peoples access is a key issue on all levels- locally, nationally and regionally.

Another participant commented on the notion that successful SDGs will not happen without industry buy-in. Their role of influence is too great on the ground. So, they need to also have a seat at the table. It is important to incorporate them and not to isolate them nor speak of “infiltration” by businesses.

The panelists all agreed that corporations are already there, so at this point it’s best to focus on measures of accountability and have those systems be put into place. There needs to be clearer rules and transparency about addressing issues of conflicts of interests. There is currently no public oversight and transparency about extra-budgetary contributions to the United Nations by businesses.

Another panelists added that business is there and has substantial negative impact, but now it’s important to engage to maximize *positive* impact. This isn’t a battle for the soul of the vision of development between corporate society and civil society organizations. The human rights field can rightly claim credit for a lot that was placed on the agenda. Similarly, engaging the private sector would be great in terms of advancing digital technology and renewable energy. But with that increased role *must* come increased accountability.

Another participant asked that if corporations are going to be involved, shouldn't they be paying their taxes first? There was also a follow-up question about the emergence of impact investments and how corporations are getting into social issues, but also looking into financial returns, and how does that link into SDGs?

The panelists replied by saying companies should absolutely pay tax. It is a great source of income for governments to implement educational services, for example. Corporate tax evasion is one of the key obstacles to development and human rights in today's world. What those progressive businesses interested in social impact can do in moving that forward is critical. The amount of money governments lose from tax evasion dwarfs the amount of money they receive in terms of assistance. However, this issue is not really on the radar of any major human rights organization.

Another participant asked if the United Nations recognized Global Compacts statistics? Additionally, they commented that the ecosystem of the language that we use in development and human rights seem to be at the point where you have no boundaries. There is a flat way in which we talk about development. Sometimes in human rights, we feel like corporations have co-opted our language, such as relying on the word 'investment'. What do we do to actually address the issue of where the ecosystem is today without just standing in our own square alone?

A panelist mentioned that we do need to be mindful of cooptation of human rights language. Corporations come with legal advisors and civil society doesn't have as much access to that resource. In fact, corporations are actually suing governments for putting in place environmental and health regulations, for example.

A panelists anecdotally mentioned the common phrase "We cannot eat with rights!" and rhetorically answered with "We cannot eat without rights!" Without a certain rights framework, for example, girls will eat secondary to boys in certain circumstances. We cannot have development without human rights and we cannot have human rights without development. We cannot have economic growth that is not well-oriented towards the people of the planet.

Lesley concluded the session by recapping some important highlights and recommendations:

- Important to fund data collection
- Develop clear criteria for governments and multinationals, including clear conflict of interests statements.
- Importance of supporting a stronger voice of civil society within this process
- Develop the means of implementation, including monitoring and accountability, and the financing of sustainable goals.
- Create opportunities to support regional and interregional dialogues.
- Break down the silos
- Holistic approach
- The need to support capacity around accountability using a human rights framework

Some of the last audience reactions:

- Foundations can fund a universal effort towards corporations by saying "If you want to be a part of this, you must pay taxes."
- Fund groups that understand what their rights are and how to use them. And funding legal

advice is extremely useful.

- Funding local communities to not only know their rights but to protect them from land seizures that are illegal. Especially in the current context of major uptakes against community rights, particularly land issues.
- Fund divest/invest campaigns, especially in corporate accountability.
- Greater need for organizations to have a stronger voice. More collaboration. Collective, stronger voice against the corporate voice that is oftentimes very united and much more focused.

Biographies of Panelists:



Nicole Bidegain, Executive Committee Member, Development Alternatives for Women in a New Era (DAWN)

Nicole Bidegain Ponte is an Uruguayan feminist activist and sociologist and a member of the Executive Committee of (DAWN) since 2012. She engages in advocacy and provides training at the global level and analyses on the political economy of globalization. She represents DAWN in the Righting Finance Initiative, as well as in the Women's Major Group on Sustainable Development. As part of her global advocacy work, she follows the Post-2015 Development Agenda debates and negotiations. Previously, she worked in various regional and global networks, including Latin American and Caribbean Youth for Sexual and Reproductive Rights, Social Watch, the International Council for Adult Education, and the Center for Interdisciplinary Studies for Development in Uruguay. Nicole is the author of and contributor to several publications on gender and trade, education, care economy, gender impact of waste management, and gender mainstreaming in public policies. She holds a Masters degree in Contemporary Latin American Studies jointly developed by the *Universidad Complutense de Madrid* and the *Universidad de la República*, Uruguay.



Roberto Borrero, UN Programs Coordinator, International Indian Treaty Council

An artist, historian, musician, writer, and advocate, *Roberto "Mukaro" Borrero* (Taino) offers a broad range of experience with particular expertise in Caribbean and other Indigenous Peoples issues. His unique perspective draws from his ancestral heritage, mentorship from indigenous elders from around the world, and real world experience in the arts, as well as human rights and environmental advocacy. Roberto was a former radio host and producer for WBAI Pacifica Radio's *Circle of Red Nations*, with over a decade of experience as *Senior Programs Coordinator for Public Programs* in the Education Department of the American Museum of Natural History. A cultural consultant and advisor, Roberto has shared his expertise in various capacities within the United Nations system, as well as with non-profit and for-profit entities such as PBS, BBC, the Smithsonian Institution's National Museum of the American Indian, the Institute for American Indian Studies, the Aveda Corporation, Tribal Link Foundation, El Museo de Barrio, Natural Resources Stewardship Circle, and the International Indian Treaty Council, among others.



Lesley Carson, Program Director of International Human Rights, Wellspring Advisors

Lesley Carson has directed the International Human Rights Program at Wellspring Advisors, a philanthropic consulting firm, since 2007. She provides strategic direction on work in four thematic areas: human rights in the global economy, disability, human rights defenders, and accountability. Lesley also serves on the steering committee of the International Human Rights Funders Group. Lesley has over 20 years of experience in international public service, field experience in Africa, Asia, Latin America, and Europe, and policy- and grant-making experience in the United States. For six years, she was Founding Director of Forefront, an advocacy, training, and protection network of frontline human rights defenders from around the world. She has also worked for Amnesty International USA and served on the Foreign Operations Subcommittee of the Appropriations Committee with U.S. Senator Patrick Leahy. She taught a course on the role of civil society in human rights at New York University and speaks Spanish. She has a Master of International Affairs degree from Columbia University and a Bachelor of Arts degree from Harvard University.



Ignacio Saiz, Executive Director, Center for Economic and Social Rights

Ignacio Saiz is Executive Director of the Centre for Economic and Social Rights (CESR), an international NGO that works to promote human rights in economic and social policy, and that has been at the forefront of efforts to secure human rights on the post-2015 sustainable development agenda. Prior to joining CESR, Ignacio was Director of Policy at the International Secretariat of Amnesty International, where he developed Amnesty's first program on economic, social and cultural rights, as well as oversaw the organization's work on corporate accountability and other global themes. In a previous role as Deputy Director of the Americas Program, he was responsible for Amnesty International's research and advocacy strategies in Mexico and Central America. He has also worked as a freelance consultant for other human rights organizations in areas relating to sexuality and human rights, the prevention of torture and post-conflict accountability. He holds a Master's degree in International Human Rights Law with distinction from the University of Essex.



Ursula Wynhoven, General Counsel and Chief, Governance and Social Sustainability, UN Global Compact

Ursula Wynhoven is General Counsel as well as Chief of Governance and Social Sustainability for United Nations Global Compact, the UN's corporate sustainability initiative. In addition to managing legal affairs and governance matters, Ursula founded and is responsible for work programs on the various dimensions of social sustainability, including human rights and labor principles, women's empowerment, business and children, indigenous peoples' rights, human trafficking, and on business and the rule of law. Prior to joining the UN Global Compact, Ursula worked in private legal practice and government human rights agencies in both Australia and the United States. Ursula has also worked for the Secretariat of the Organisation for Economic Cooperation and Development (OECD) on the Guidelines for Multinational Enterprises, the OECD's corporate responsibility initiative. Among other academic qualifications, Ursula has two Masters of Law degrees - from Columbia Law School, where she was also a Human Rights Fellow, and from Monash University

Law School in Australia. She has been an Adjunct Professor in Corporate Sustainability, Transnational Business and Human Rights at Fordham Law School. She is admitted to practice law in jurisdictions in Australia, United States (California), England and Wales. Ursula is also a Trustee of the Parker School of Foreign and Comparative Law.