

Corporate Complicity in Human Rights Violations

Workshop -October 23 & 24 2006

Workshop Summary

The Council on Ethics for the Norwegian Pension Fund hosted an international workshop on the topic: "Corporate Complicity in Human Rights Violations" on 23 and 24 October this year, in support of its own work on this complex issue, and also in support of the mandate of the UN Secretary-General's Special Representative on Business & Human Rights (SRSG), Professor John Ruggie. The subject was discussed from several different perspectives, including international law, human rights law, national tort and criminal law, philosophical and ethical perspectives, and investors' and corporate perspectives. Approximately 50 participants from these different backgrounds and various countries met in a two day discussion regarding to what extent companies as well as investors can be legally or ethically responsible for contributing to human rights abuses within their "spheres of influence". The SRSG Ruggie, was one of the keynote speakers, together with members of the Council on Ethics (Gro Nystuen, Ola Mestad and Andreas Føllesdal), as well as Simon Chesterman, Christopher Kutz, Marinn Carlson, Urs Gasser, David Rodin, Henrik Syse, Bruno Demeyere, Paul Munn and Pernilla Klein. The Norwegian Minister of Finance, Kristin Halvorsen opened the seminar.

Topics

The scene was set for the workshop with opening presentations from political, legal, and ethical viewpoints:

- Political: What responsibility for what conduct in which industries? (from a political perspective)
- Legal: Laws, Standards or Voluntary Guidelines? (from a legal perspective)
- Ethical: Responsibility beyond Law? (from an ethical perspective)

The workshop continued with a session titled, "In Search for Criteria for Corporate Complicity in Human Rights Violations", with presentations and discussions on the following:

- Responsibility for Human Rights Abuses Conducted by Wholly or Partly Owned Subsidiaries or Partner Companies, including Joint Ventures (from a legal and corporate perspective)
- Responsibility for Acts and Omissions of Entities outside the Ownership Sphere but Possibly within the "Sphere of Influence": Suppliers, Contractors, Distributors, etc. (from a legal and ethical perspective)

In the final session, "Investors' Complicity in Companies' Unethical Conduct", participants explored:

- Investor responsibility for Acts or Omissions by Companies in their Portfolio (from an investor perspective)

- The Level of Due Diligence Required for Releasing Investors from Potential Complicity—Is There a Success Criterion? (from a legal and investor perspective)

Participants

The list of participants included representatives from the legal community, corporations, the investment community, academia, and international organizations.

Name	Organisation
Kristin Halvorsen	Ministry of Finance, Norway
Madeleine Albright	Georgetown University
Anthony Biddulph	Merrill Lynch /BlackRock
Marinn Carlson	Sidley
Simon Chesterman	New York University Law School
Aron Cramer	Business for Social Responsibility
Bruno Demeyere	Faculty of Law of the K.U. Leuven
Kai Dramer	Norges Bank
Tormod C. Endresen	Ministry of Foreign Affairs, Norway
Ivar A. Eriksen	Norges Bank
L. Thomas Galloway	Albright Group
Urs Gasser	University of St Gallen, Switzerland
Pia Goyer	University of Oslo
Frank Jaan de Graaf	PGGM
Hans Petter Graver	University of Oslo
Else Hovind Hendel	Norges Bank
Kirsty Jenkinson	F&C
Emma Jane Joyce	National Pensions Reserve Fund of Ireland
Pernilla Klein	AP3
Christopher Kutz	University of California at Berkeley
Valborg Lie	Ministry of Finance, Norway
Paul Munn	Hermes
Justine Nolan	University of South Wales
James C. O'Brien	Albright Group
Anne-Maree O'Connor	CoreRatings
Gerald Pachoud	United Nations - OHCHR
Alex Popplewell	Merrill Lynch /BlackRock
David Rodin	University of Oxford
Carl Rosén	AP2
John Ruggie	United Nations and Harvard University
Andrea Shemberg	International Commission of Jurists
Martin Skancke	Ministry of Finance, Norway
Henrik Syse	Norges Bank
Raj Thamotheram	AXA
Lene Wendland	United Nations - OHCHR
Council on Ethics	
Andreas Føllesdal	
Anne Lill Gade	
Ola Mestad	
Gro Nystuen	
Bjørn Østbø	
Secretariat for the Council on Ethics	
Malin Helgesen	
Hilde Jervan	
Aslak Skancke	
Christopher Wilson	
Kamil Zabielski	
Maja Stade Aarønæs	

Workshop Report

The Council on Ethics of the Norwegian Ministry of Finance is discussing the possibility of publishing a report of the workshop. Upon publication, we will provide a link to the report.