Business & Human Rights:

The Role of States in Effectively Regulating and Adjudicating the Activities of Corporations With Respect to Human Rights

Copenhagen, 8 – 9 November 2007

Summary Report

BACKGROUND TO THE CONSULTATION

Subparagraph (b) of the SRSG's mandate requires him to "elaborate on the role of states in effectively regulating and adjudicating the role of transnational corporations and other business enterprises with regard to human rights, including through international cooperation."

The SRSG, in Section I of his 2007 report to the Human Rights Council, documented that under international human rights law states have the duty to protect against human rights abuses by third parties, including business.[1] The role of states in regulating and adjudicating business activities with regard to human rights arises from this duty. At the same time, questions remain about the precise nature, scope and content of the duty to protect, and its full implications for states' regulatory and adjudicative functions in the business and human rights context.

Accordingly, the SRSG convened an expert consultation in Copenhagen on November 8-9, 2007 to help clarify some of these questions. The consultation was hosted by the Danish Ministry of Foreign Affairs and organized in cooperation with the Danish section of the International Commission of Jurists. Additional support was provided by the Canadian Department of Foreign Affairs and International Trade. The SRSG is grateful for this assistance, and for the contributions made by all participants.

The consultation included representatives from states, corporations and civil society as well as academics and legal practitioners. Annex 1 contains a list of participants and their affiliations.

In order to encourage full and frank discussion, the consultation was held under non-attribution rules. Accordingly, the following is a general record of the discussion.

GOALS OF THE CONSULTATION

The consultation aimed to generate key ideas concerning the legal and policy dimensions of home as well as host state duties and their implications for the SRSG's mandate, which could feed into the recommendations he is invited to submit to the Human Rights Council in 2008.

The SRSG explained in his opening remarks that he saw no "single silver bullet" solution to the many issues raised in his mandate, including states' roles. Accordingly the consultation would examine not only the general provisions of the state duty to protect, but also its implications for a variety of specific policy areas that may affect, positively or negatively, the ability of states to reduce the incidence of corporate related human rights abuses.

[1] A/HRC/4/035.

SESSION I – MEANING, SOURCES AND SCOPE OF THE DUTY TO PROTECT

Session I explored the current status of the state duty to protect against corporate human rights abuses, both within and outside a state's jurisdiction. Participants agreed that states are the primary duty bearers under international law with respect to preventing corporate abuse. However, they also noted that states often do not seem fully to understand their duties or are unwilling to fulfill them.

It was acknowledged that the state duty to protect is an obligation of conduct, not result. States are not automatically responsible for abuse by a corporation that is not acting under their control. But they do have a responsibility to implement systems of "due diligence" to prevent, investigate, punish, and redress interference with rights by all types of corporations.

It was highlighted that there is often confusion as to the difference between states' primary and secondary obligations in relation to preventing corporate abuse. For example, the secondary rules of state responsibility, as described in the International Law Commission's Articles on Responsibility of States for Internationally Wrongful Acts (ILC Articles), may be used to attribute responsibility to a state for the "internationally wrongful" acts of a corporation at home or abroad where the corporation was exercising elements of government authority or acting under government control.[2] However, even without such a connection between the corporation and the state, the latter may be held responsible for corporate abuse through a failure to fulfill primary duties under the core human rights treaties and customary international law to protect individuals against third party abuses.

Participants agreed that there is still uncertainty as to the extraterritorial dimensions of the state duty to protect against corporate abuse, i.e., whether the duty extends beyond protecting individuals within a state's own jurisdiction. Nevertheless, some participants noted that many states are moving away from the belief that the use of extraterritorial regulation to hold corporations accountable for overseas abuse is illegal under jurisdictional principles of international law.

The discussion moved on to address the emerging web of potential corporate liability for the worst forms of human rights abuses, reflecting international standards but imposed through national courts.[3] The growing number of jurisdictions in which corporations may be held liable for both direct and complicit involvement in international crimes, including overseas violations, means that the risk environment for corporations is expanding, as are remedial options for victims.

In relation to human rights abuses other than crimes, one participant described a growing trend for states to adopt human rights charters and codes that impose obligations on companies that perform state functions.

Participants raised the issues of government capacity, funding, and political will, explaining that even the strongest legislation and regulations "in form" will be ineffective in substance without these elements. Matters of policy coherence were also discussed, such as how to ensure that relevant state agencies are working effectively together to provide protection against corporate abuse.

[2] See http://untreaty.un.org/ilc/texts/instruments/english/commentaries/9_6_2001.pdf.
[3] See Section II of the SRSG's 2007 report to the Human Rights Council, A/HRC/4/035.

Several participants noted the importance of considering corporate law when exploring the tools available to states in improving corporate behavior. Corporations receive judicial personality through government approval, and these participants said more thought should be given to how that privilege could be made conditional on respect for human rights.

One participant suggested that further comparative research be conducted on the use of judicial review to make government agencies more accountable for decisions made without due consideration of human rights implications. Another participant noted that state practice might show that while judicial review is readily available, claimants may face hurdles where judges are not willing to accept that human rights are "relevant considerations" for administrative agencies.

Turning to guidance from international human rights mechanisms, one participant highlighted that there are several ways whereby the duty to protect is specified, including through treaties, declarations and the commentaries of human rights bodies. However, he noted that the international community is still without definitive guidance as to the precise nature and scope of the duty. He questioned how best to increase the level of specification, particularly through the UN human rights treaty bodies and the Human Rights Council. Another participant wondered whether an optional protocol to the Covenant on Economic, Social and Cultural Rights should expressly define the state duty to protect against corporate abuse.

The SRSG noted that his mapping of UN human rights treaty bodies' commentaries provided insights into the specification of state obligations under the duty to protect.[4] He also briefed participants on his meeting with the treaty bodies, in which he encouraged them to further develop guidance for states in this area.

SESSION II – STATE ECONOMIC POLICIES AND HUMAN RIGHTS

The state duty to protect against corporate related human rights abuses is not confined to a self-contained domain labeled "human rights." States have that duty within all policy domains. Therefore, Session II examined the considerations involved in states' balancing human rights concerns with economic and other interests when they make economic policy. Participants were asked to consider the trends in state practice with respect to balancing these interests; arguments for and against providing states with a wide margin of appreciation when engaging in such balancing; and the obligations states have or should have under international human rights law to consider human rights when entering into trade, investment, and other commercial agreements.

At the outset, one participant questioned whether states today in fact are adequately balancing community interests against economic interests. It was suggested that when economic interests consistently trump human rights, the result may lead to major discord between the affected community, relevant corporations, and the state—thereby undermining the economic viability of the investment itself. One participant said that finding the right balance between economic interests and human rights is a task for the international community as a whole so as to avoid prejudicing states that choose to pay more attention to rights.

[4] A/HRC/4/035, Add.1.

It was recognized that there also may be a divide between human rights doctrinalism and economic analysis that needs to be overcome. One participant pointed out that the market itself was generating innovations supportive of human rights, such as social reporting and shareholder activism. However it was also noted that states may undermine such market mechanisms by weakening the ability of shareholders and third parties to complain about corporate conduct.

Another participant questioned the market's morality. He spoke of corporations undertaking projects in developing countries and leaving after depleting the available resources. He questioned whether states should require such companies to act in a more sustainable and responsible manner.

It was noted that governments themselves can face reputational risks, and that such risks are leading more states to consider human rights when making economic and commercial decisions. However, because of problems in implementation, even if human rights are considered when making economic decisions it may be difficult to ensure that they remain on the policy agenda. Participants suggested that one of the issues adversely affecting implementation is policy incoherence, particularly where the economic policy arms of governments dominate or ignore departments dealing with corporate social responsibility and human rights.

A state representative suggested that states should have a wide margin of appreciation when deciding how to balance economic interests with human rights, while still making sure to abide by their international obligations. It was also argued that states may have reasons for allowing their companies to invest in questionable situations abroad: they may believe that some oversight is better than none and that opposing investment might harm the local population to a greater extent.

SESSION III – INVESTMENT AND HUMAN RIGHTS

Session III addressed concerns regarding the potential effects of host government agreements (HGAs) and bilateral (and multilateral) investment treaties (BITs) on the willingness and ability of states to safeguard human rights. It also aimed to explore policy options for how such agreements (both private and state-to-state) could be better formulated and implemented so as to alleviate some of these concerns while still encouraging and supporting investment. In particular, participants were asked to consider how stabilization clauses in HGAs may impact state action to promote and protect rights and the ways to address such impacts.

The discussion started with a briefing on a joint study by the International Finance Corporation and the SRSG to identify how the use of stabilization clauses might constrain the protection of human rights in host countries. The study is the first major research effort ever undertaken to look at private investment agreements spanning a large number of industries and regions. It provides a unique opportunity to see how states and private actors may better work together to reduce any effects of such clauses on governments' ability to protect rights.

One participant described the different types of stabilization clauses included in HGAs. There are "freezing clauses," which might negate any changes to relevant laws for the life of the investment or another term set out in the agreement. There are also "economic equilibrium clauses," which provide that if new laws disturb the investment's economic equilibrium there may be an apportionment of costs between the investor and the government. It was argued that both types of clauses may disincentivize a government from changing laws to better protect rights and pursue

other social and environmental policies. Some participants were also concerned by the fact that disputes in relation to HGAs can go directly to international arbitration, bypassing host country courts, with little or no transparency as to cause, process, or outcome.

The link between HGAs and BITs was also explored. Participants explained that the latter generally contain rights for investors, set out state obligations, and contain a dispute settlement process which may be triggered by investors. Such agreements rarely mention human rights. One participant highlighted that a party to an HGA might be able to complain under a BIT about host state changes in laws by arguing that there has been a form of expropriation of their assets, with expropriation generally being a ground for arbitration and compensation.

It was argued that arbitrators for HGA or BIT disputes rarely consider the human rights impacts of their decisions. Participants said it was also difficult to discern any clear patterns from such decisions because the process is so confidential and ad-hoc. However, there was some knowledge about disputes relating to water services, health legislation, and economic empowerment of historically disadvantaged groups that could provide insights into how human rights issues are raised in these forums.

Similar to some of the arguments made in session II, one participant questioned the traditional meaning of stability for investors, arguing that an investment is likely to be more stable where it is responsive to its social context rather than restrictive of positive change.

Participants considered a number of recommendations to improve the ability of states to negotiate both BITs and HGAs so as to safeguard their capacity to protect rights while still retaining certainty for investors. For instance, arbitrators could refuse to hear a dispute on its merits if the investor is clearly trying to circumvent human rights protection. Interested parties could be permitted to submit amicus briefs as to why and how arbitrators should consider human rights issues. It was also suggested that the parties to a dispute could take steps to include at least one person on an arbitral panel with human rights knowledge. Transparency was viewed as a critical issue—it was argued that the public should be aware of the types of agreements their governments are signing as well as the outcome of disputes. While certain business issues must be kept confidential, it was felt that there is little justification for keeping entire agreements and disputes from the public.

It was also suggested that model stabilization clauses could be drafted so that regulatory certainty is secured in relation to only a limited number of new laws, and to allow for more flexibility for states regarding environmental and social issues. In relation to BITs, several participants referred to the International Institute for Sustainable Development's Model International Agreement on Investment for Sustainable Development.[5]

In a discussion about power imbalances between host states and corporations, one participant argued that corporations do not always have the upper hand. He explained that states may be able to exert considerable influence over the scope and structure of an HGA. Thus any recommendations should bear in mind that states must also be willing to abide by their international law obligations when negotiating and implementing agreements. It was highlighted that even where states lack the resources for careful negotiation of HGAs, corporations cannot be expected to negotiate "for both sides"—more needs to be done to better equip states so that

[5] See http://www.iisd.org/investment/model/ for more information.

there can be an effective meeting of the minds on risk allocations. This would help to avoid bad deals on both sides. One solution could be targeted training programmes for government lawyers to increase their understanding of the risks that stabilization clauses may pose to human rights protection.

It was also argued that home states should consider ways to encourage corporations to think more about whether provisions in their contracts might have a negative impact on a host state's ability or willingness to safeguard rights, and how to minimize any such impacts.

By the end of the session there was consensus that changes in approaches are needed for a wide range of actors in this context, most obviously for states and investors but also for arbitrators, lawyers and civil society.

SESSION IV – TRADE AND HUMAN RIGHTS

Session IV looked at the potential impacts the world trading system and multilateral trade agreements may have on human rights protection, and the policy options that are available to states for encouraging positive impacts and minimizing any negative impacts. For instance, participants were asked to think about how to encourage the recognition of core human rights principles throughout the trading system. They were also asked to consider the role of international institutions in encouraging and facilitating states to consider human rights in their commercial relations while still safeguarding the ability of states to trade freely.

Similar to the disconnect already noted between broader economic policies and human rights, one participant argued that trade policymakers rarely consider human rights in their deliberations.

With regard to the role of the World Trade Organization (WTO), participants also argued that WTO members should pay more attention to upholding the rule of law in all areas, including in export processing zones and conflict zones.

The need was expressed to dispel the assumption that trade and investment laws are "harder" law than states' international human rights obligations. States operating within the trade and investment regime must still abide by their international human rights obligations. One participant called for greater transparency at the WTO to make it clearer how trade agreements may impact human rights. At the same time, several participants maintained that the WTO may not be the most appropriate forum to deal with human rights, and that it may be more effective for human rights mechanisms to increase their attention to trade issues.

Participants were optimistic that more could be done at the drafting stage of trade agreements to better safeguard rights. One suggestion was for trade negotiators to be informed about human rights issues. It was also noted that lessons could be learned from the labor and environmental side agreements to the North American Free Trade Agreement, intended to encourage enforcement of domestic environmental and labor laws within the participating countries.

The Kimberley Process was cited as an example of states working to protect rights through a WTO waiver. From a different point of view, one participant suggested that more thinking is needed on the links between trade and human rights so as to avoid any adverse effects on rights from unduly restricting trade.

SESSION V – STATE SUPPORT TO COMPANIES OPERATING ABROAD

Session V explored the various types of support, financial and otherwise, that states provide to companies operating abroad. It addressed the challenges of incorporating human rights considerations into the provision of assistance, with a particular focus on export credit agencies (ECAs).

The session began with a discussion of state responsibility for the acts of publicly controlled ECAs. One participant argued that under the ILC Articles, states are responsible for the international wrongful acts of such ECAs, including breaches of international human rights law. It was also contended that states could be held complicit under the ILC Articles for abuses by host states as a result of certain ECA activities—for instance, where an ECA funds a corporation that enters into a HGA which prevents a host state from protecting rights. It was argued that to avoid such complicity, states should adopt legislation requiring ECAs to implement policies and practices to protect against interference with human rights by clients. States should then monitor compliance with such policies and establish remedies for abuses associated with ECAs. Not all participants shared this interpretation of states' legal obligations.

Several participants also considered that it was vital for ECAs to be transparent about their human rights policies so that clients understand exactly what is expected of them, and the public understands why a project was or was not allowed to proceed in light of human rights concerns. One participant argued that company disclosures to ECAs on the potential human rights impacts of projects should be made public so that interested parties could consider taking action if it becomes known that a corporation has misrepresented the facts and risks.

Some participants noted that while ECAs already may have discretion to consider environmental and social impacts of proposed projects, they are rarely expressly mandated to consider human rights concerns—for example, by requiring human rights impact assessments in addition to or part of environmental and social impact assessments.

One ECA representative said that some ECAs hardly know where to start on this issue. It was explained that ECAs may be quite far down the "supply chain" of policymaking when it comes to knowledge about government policy with respect to human rights. It was also suggested that any recommendations the SRSG may make vis-à-vis ECAs should be applicable to the range of projects that ECAs support, including situations where an ECA only provides a small percentage of finance or insurance for a project. Further, more thought should be given to how ECAs may better coordinate at the multilateral level, including through the OECD.

Several participants felt that ECAs should take more responsibility for their actions, noting that as state agents they should understand and abide by their state's human rights obligations. One participant said that ECAs should require greater due diligence, be more transparent, and hire more staff with human rights experience. Some participants also spoke of various tools that are available to ECAs wanting to learn more about human rights, including human rights impact assessment guides. One participant suggested that ECAs should require clients to follow human rights standards similar to those they respect in the home country.

Other participants asked why ECAs agree to insure a client without full disclosure as to the human rights risks of the project. One responded that given ECAs' mandates,

it made sense that their financial risk assessments would not necessarily consider human rights unless there is financial accountability for human rights violations. An ECA representative explained that while risk assessment was certainly a priority for ECAs, they were still moving from a history of assessment based only on fiscal risk to greater consideration of social and environmental risk.

Responding to earlier arguments about home state complicity, a state representative said that states may not believe they should stop ECAs from supporting questionable projects abroad because they do not feel obliged to protect individuals in other jurisdictions. The SRSG acknowledged that the extraterritorial scope of the duty to protect remains controversial. However, he added that participants need not enter into that debate in order to recommend better practices for ECAs. The relevant question was whether ECAs can and should act on policy grounds to ensure that investments they support abroad do not contribute to human rights abuses, especially when the investments are made in difficult areas such as conflict zones. That said, the SRSG noted that his focus was on ECAs mitigating or reducing human rights risks abroad, not on ECAs taking steps to promote or fulfill rights.

The SRSG also stated that a significant challenge in business and human rights is that governments may believe they are doing business a favor by discounting the potential for certain problematic investments to have adverse human rights effects, when in fact they are exposing companies to unnecessary risks thereby.

SESSION VI – REGULATORY STEPS TO PREVENT CORPORATE ABUSE ABROAD

Session VI considered what legal, political, or practical challenges might interfere with a state's willingness or ability to regulate the extraterritorial acts of corporations in order to safeguard rights. It also explored policy options for alleviating some of these challenges, including prescriptive regulation in encouraging better corporate practice. Participants were asked to consider arguments for and against particular situations meriting regulation with extraterritorial effect; challenges faced by victims in obtaining access to justice; and policy options in addition to regulation, including incentive schemes and support of voluntary company initiatives.

The discussion began with one participant introducing the concept of "human rights investment risk." He explained that the concept assessed the risk to human rights of a company investing or operating in a particular state or region. The risk would vary according to several factors, including the host state's governance capacity in the geographic area concerned, and the particular industry's propensity to abuse rights. This participant argued that the higher the human rights investment risk, the stronger the home state's interest should be in monitoring the relevant company's behavior. Thus it is important for states to have high quality advisory functions in place so that they are able to assess this risk and act accordingly. The concept could also be incorporated when drafting investment and trade agreements.

Nevertheless, the participant emphasized the need to recognize the reality of foreign policy—governments may not act to reduce a human rights investment risk if it jeopardizes "higher" political objectives. Another participant questioned whether a government decision to withdraw support for a company's overseas activities based on human rights investment risks could harm rights to a greater extent than if the company was encouraged to work with the host government and local communities to improve rights.

Turning to the use of prescriptive and adjudicative extraterritorial jurisdiction, several participants expressed the view that international law does not prohibit the use of such jurisdiction to hold corporations accountable for rights abuses overseas. One participant argued that the greatest challenge facing the effective use of adjudicative jurisdiction is access to justice for victims. One important procedural hurdle is judicial unwillingness to "pierce the corporate veil" to hold parent companies responsible for the acts of subsidiaries. Other impediments to access to justice include the cost of evidentiary collection; fee shifting issues; and the general inability or unwillingness of home state legal systems to support cases against overseas corporate abuse.

One participant noted that even if these challenges are overcome, victims could still lack effective access to justice if the home government is not truly supportive of corporate accountability. It was contended that all governments need to recognize that concepts relating to sovereignty have evolved to an extent that international law is unlikely to frown on a home state taking reasonable steps to strengthen corporate accountability for abuse in another state. Governments should keep this in mind when deciding whether to object to an action in a corporation's home state against abuse committed overseas. Another participant argued that judicial review of administrative decisions may be a powerful tool where procedural hurdles slow down or thwart more traditional civil and criminal actions.

Participants generally favored greater use of prescriptive extraterritorial jurisdiction through legislation. It was suggested that legislative changes, including incentive schemes and the use of corporate law tools, might more effectively prevent corporate abuse, compared to the reactive nature of adjudication. One participant emphasized that legislators should design regulatory tools with the knowledge that corporate abuse is generally unintended. Thus, legislation addressing corporate policies, processes, and culture could be more effective than proscriptive rules. Corporate law tools were again discussed, with a focus on social reporting, fiduciary duties, and the prohibition of unfair commercial practices. Several participants mentioned that legislation could be used to help pierce the corporate veil considering that state judiciaries often seem unwilling to take innovative steps in this regard.

The participants also discussed self-regulation, with one arguing that while command and control tools are important, self-regulation by companies through individual and multi-stakeholder initiatives may serve to raise levels of consciousness which can also lead to effective change.

SESSION VII – STRENGTHENING DOMESTIC AND INTERNATIONAL POLICY COHERENCE

Session VII considered key issues of policy coherence in facilitating states to fulfill their duty to protect. The session considered ways to improve knowledge sharing and collaboration within governments so that relevant departments are better equipped to deal with business and human rights issues. It also explored the ways states could work together more effectively to encourage better corporate behavior, as well as the role international institutions could play to assist states in fulfilling their duty to protect with respect to business and human rights.

The discussion began with a participant comparing government decision-making processes to those featured in company supply chains: even if a state at its highest level commits to protect certain rights, such promises may not be implemented

further down the "chain." Implementation problems may be due to a lack of commitment from state agencies. But it is probably more common for agencies to lack critical knowledge and resources, which may be more easily addressed.

Several participants referenced the Canadian Roundtables on the Extractive Industries.[6] While acknowledging that the roundtable process had flaws, participants generally recommended that other states engage in similar processes because they provide an opportunity for government, business, civil society and other experts to work through key issues. One participant noted that the roundtables in some cases highlighted lack of communication within government, as well as between business and the government, on the relevance of human rights to key business interests. It seems that despite beliefs to the contrary, in some instances companies were willing to accept more guidance and even regulation on the human rights front, especially if the benefits included greater certainty and more sustainable projects. This development showed the benefit of engaging with business in policy generation.

Turning to international policy coherence, one participant mentioned the challenge of gathering systematic information about corporate activities, as well as differences in national priorities in how to respond collectively. Another recommended that governments be creative when choosing appropriate regional and international forums in which to raise business and human rights issues, citing the discussion of corporate social responsibility at a recent G8 summit.

In relation to international human rights mechanisms, several participants suggested that the Human Rights Council should be encouraged to use the universal periodic review process to learn more about state practices vis-à-vis business and human rights. Another appealed to civil society to provide more information to both states and human rights bodies about allegations regarding business abuse. Several participants discussed opportunities for further collaboration amongst UN human rights special procedures.

SUMMING UP

The SRSG noted that the consultation's high level of discussion indicated how much progress had been achieved in the business and human rights debate since the beginning of the mandate. One could see an emerging community of actors who, while approaching the challenges from different perspectives, nevertheless are working to improve current practices. There is a growing recognition that the status quo provides neither sufficient guidance to companies and governments, nor sufficient protection to individuals and communities.

The SRSG concluded that while international legal standards have an important role to play in this context, such instruments typically take considerable time to bring to fruition. In view of the need to achieve progress here and now, all available options must be pursued. The SRSG considered the consultation to have been extremely valuable in exploring concrete steps states can take to improve corporate respect for human rights in the short to medium term.

[6] See http://geo.international.gc.ca/cip-pic/current_discussions/csr-roundtables-en.aspx.

Annex 1 – List of Participants

Susan Aaronson	George Washington University, USA
Charles Abrahams	Abrahams Attorneys, South Africa
Motoko Aizawa	International Finance Corporation
Cecilia Anicama	Inter-American Commission on Human Rights
Christine Bader	SRSG's Team
Uri Boychenko	Permanent Mission to the UN, Russian Federation
Rosemarie Boyle	Export Development Canada, Canada
Antony Crockett	Clifford Chance, United Kingdom
Aidan Davy	International Council on Metals and Mining, United Kingdom
Thomas Dimitroff	Independent consultant, USA
Aaron Dhir	Osgoode Hall Law School, Canada
Michel Doucin	Human Rights Ambassador, France
Kathryn Dovey	Business Leaders Initiative for Human Rights, France
Natalie Erard	Ministry of Foreign Affairs, Switzerland
Tricia Feeney	Rights and Accountability in Development, United Kingdom
H.E. Luis Gallegos	Ambassador to the USA; Member of the UN Committee Against Torture, Ecuador
Hans Grunnet	Human Rights Ambassador, Denmark
Nick Howen	International Commission of Jurists, Switzerland
Richard Howitt	Member of the European Parliament, United Kingdom
Torben Jensen	Commerce and Companies Agency, Denmark
Mora Johnson	Ministry of Foreign Affairs, Canada
Seema Joshi	Global Witness, United Kingdom
Margaret Jungk	Danish Institute for Human Rights, Denmark
Karyn Keenan	Halifax Initiative, Canada
Shane Kelleher	Amnesty International, United Kingdom
Anna Kiertzner	Ministry of Foreign Affairs, Denmark
John Knox	Wake Forrest U., USA
Kamilla Kolshus	Ministry of Foreign Affairs, Norway
Amy Lehr	CSR Initiative, USA
Howard Mann	International Institute For Sustainable Development, Canada

Annemarie Meisling	Danish Industries, Denmark
Peter Muchlinski	School of Oriental and African Studies, United Kingdom
Rachel Nicolson	Allens Arthur Robinson, Australia
Doug Norlen	Pacific Environment, USA
Julian Oram	ActionAid, United Kingdom
Stephen Ouma Akoth	National Human Rights Institution, Kenya
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Daniel Taillant	Center For Human Rights and Environment, Argentina
Mark Taylor	FAFO Institute for Applied International Studies, Norway
Salil Tripathi	International Alert, United Kingdom
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