

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

## **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.