

A compendium by

Shift



The Human Rights Opportunity

15 real-life cases of how business is contributing to the Sustainable Development Goals by putting people first



in collaboration with



“The Human Rights Opportunity: 15 real-life cases of how business is contributing to the Sustainable Development Goals by putting people first”

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Shift is the leading center of expertise on the UN Guiding Principles on Business and Human Rights. Shift’s global team facilitates dialogue, builds capacity and develops new approaches with companies, government, civil society organizations and international institutions to bring about a world in which business gets done with respect for people’s fundamental welfare and dignity. Shift is a non-profit, mission-driven organization.

Shift was established following the 2011 unanimous endorsement of the Guiding Principles by the UN Human Rights Council, which marked the successful conclusion of the mandate of the Special Representative of the UN Secretary-General for Business and Human Rights, Professor John Ruggie. Shift’s founders were part of Professor Ruggie’s core advisory team that helped develop the Guiding Principles. Professor Ruggie is the Chair of Shift’s Board of Trustees. www.shiftproject.org

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Land rights



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Land is life. Regardless of geographical location and socioeconomic status, each person relies on land, at least to some degree, for the provision of basic human needs such as clean water to drink, nutritious food to eat, and safe housing to shelter in.

In many cases, the planet's most vulnerable populations also directly rely on land in farming, hunting, gathering and carrying out other tasks for daily subsistence and in maintaining their and their families' livelihoods and cultural identities.

Almost 75% of the world's poor are affected directly by land degradation.²³³

Business activities can have a wide range of impacts on people in relation to land. According to the UN High Commissioner for Human Rights, "[a]n increasing number of people are forcibly evicted or displaced from their land to make way for large-scale development or business projects, such as dams, mines, oil and gas installations or ports."²³⁴ What's more, "[i]n many countries the shift to large-scale farming has also led to forced evictions, displacements and local food insecurity, which in turn has contributed to an increase in rural to urban migration and consequently further pressure on access to urban land and housing."²³⁵

Land quality is closely linked to a healthy environment and sustainable access to natural resources.²³⁶ As such, land degradation connected to private sector activities can have significantly negative and widespread effects on people, for instance due to higher levels of water and air pollution or lack of access to firewood and other essential energy sources.

Approximately 1.6 billion people depend on forests for their livelihoods, including around 70 million indigenous people.²³⁷

Access to, use of and control over land directly affect people's enjoyment of their human rights. For example, "[f]or many people, land is a source of livelihood, and is central to economic rights. Land is also often linked to peoples' identities, and so is tied to social and cultural rights."²³⁸ Moreover, "the human rights aspects of land affect a range of issues including poverty reduction and development, peacebuilding, humanitarian assistance, disaster prevention and recovery, urban and rural planning, to name but a few. Emerging global issues, such as food insecurity, climate change and rapid urbanization, have also refocused attention on how land is being used, controlled and managed by States and private actors."²³⁹

Under the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), land-related human rights issues are of particular concern in the context of business impacts on indigenous populations.²⁴⁰ For instance, UNDRIP and other frameworks such as the International Finance Corporation (IFC) Performance Standards require the free, prior and informed consent (FPIC) of indigenous peoples for business activities that pose actual or potential impacts on their land and associated human rights.²⁴¹

As illustrated in Figure 5, and depending on the specifics of the relevant corporate initiative, addressing land rights in the context of business activities may contribute to the achievement of an array of the Global Goals, including:

- **Goal 1:** End poverty in all its forms everywhere²⁴²
- **Goal 2:** End hunger, achieve food security and improved nutrition and promote sustainable agriculture²⁴³
- **Goal 3:** Ensure healthy lives and promote well-being for all at all ages²⁴⁴
- **Goal 5:** Achieve gender equality and empower all women and girls²⁴⁵
- **Goal 6:** Ensure availability and sustainable management of water and sanitation for all²⁴⁶
- **Goal 8:** Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all²⁴⁷
- **Goal 10:** Reduce inequality within and among countries²⁴⁸
- **Goal 11:** Make cities and human settlements inclusive, safe, resilient and sustainable²⁴⁹
- **Goal 12:** Ensure sustainable consumption and production patterns²⁵⁰
- **Goal 13:** Take urgent action to combat climate change and its impacts²⁵¹
- **Goal 14:** Conserve and sustainably use the oceans, seas and marine resources for sustainable development²⁵²
- **Goal 15:** Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss²⁵³
- **Goal 16:** Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels²⁵⁴

Figure 5: Rights related to land and how they link to various SDGs. See the Annex for a list of associated SDG targets.



So, how are companies currently supporting a world in which these goals can become a reality – a world in which land-related human rights are respected across all areas of business activity?

Examples illustrated by the case studies below include:

- **Mining companies operating in the same region are engaging in similar initiatives around stakeholder engagement:** Three diamond mines in the Northwest Territories of Canada are linked to independent monitoring agencies set up to protect the environmental and land rights of affected Aboriginal groups at all stages of the mines' life cycles.

- **A large buyer of a high-risk commodity is partnering with an international civil society organization:** A global food and beverage brand is participating in a new model for socially and environmentally sustainable palm oil production that focuses on participatory and inclusive land-use planning and development.
- **An oil and gas company is working with trained community members to support early-stage dialogue with indigenous populations:** An extractives exploration project in Bolivia is working with community liaison officers to implement proactive engagement strategies with local indigenous populations based on past experiences and key lessons learned.

The case studies below explore each of these innovative and evolving models in more detail. Each case study captures publicly available information on the initiative, alongside experiences and opinions from various actors involved.

The following summaries do not claim to give a definitive account of a specific initiative or of all perspectives on that case study; instead, they are intended to serve as illustrative examples of how action toward corporate respect for human rights can make a critical contribution to the achievement of various goals and targets under the SDGs.



DE BEERS AND THE SNAP LAKE ENVIRONMENTAL MONITORING AGENCY

Supporting community-based oversight bodies to address Aboriginal rights

Figure 5a: Rights related to DeBeers and SLEMA and how they link to various SDGs.



The challenge

The Northwest Territories (NWT) province in Canada is one of two jurisdictions in the country where Aboriginal peoples are in the majority, constituting slightly more than 50% of the population.²⁵⁵ The region’s geographical resources include diamonds, gold, natural gas and petroleum, all of which have attracted extractive companies

to the area since the early 1900s.²⁵⁶

While the mining and oil and gas industries have brought economic growth and job opportunities to the NWT at various stages, significant challenges have arisen in terms of preserving the land and natural resource rights of the Aboriginal population throughout the course of business activities.

The response

Under the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), land-related human rights issues are of particular concern in the context of business impacts on indigenous populations.²⁵⁸ In this context, three diamond mines in the NWT have taken a distinct approach in understanding and managing risks to surrounding communities when it comes to land and the environment in connection with mining operations. The licensing and registration process for each mine has involved legally binding environmental agreements between the respective diamond company, the federal government, the NWT government, and affected Aboriginal groups in the area.

“When we talk about ‘Land’ in the Northwest Territories, it’s with a capital ‘L.’ Land here means more than just actual territory. It’s about wildlife, water, air quality, entire ecosystems, and livelihoods for the people who live on that land. All of this depends on the integrity of the land; and there are deep cultural connections to the natural resources connected to both the land and the environment.”

Alex Power, Yellowknives Dene First Nation²⁵⁷

Each agreement requires the establishment of a community-based, independent environmental monitoring agency (EMA) to study potential and actual environmental impacts, including those that relate to impacts on people, and facilitate activities around the free, prior and informed consent (FPIC) of Aboriginal groups in relation to each mine. Each EMA acts as a public watchdog organization to ensure environmental regulatory compliance by the mining company and oversee inspection processes by government regulators.

The three EMAs in the NWT include: (1) the Independent Environmental Monitoring Agency (IEMA), covering Dominion Diamond Ekati Corporation's Ekati mine;²⁵⁹ (2) the Environmental Monitoring Advisory Board (EMAB), covering Diavik Diamond Mines' Diavik mine;²⁶⁰ and (3) the Snap Lake Environmental Monitoring Agency (SLEMA), covering De Beers Mining Canada's Snap Lake mine.²⁶¹ All three agencies facilitate multi-stakeholder dialogue and engagement across Aboriginal, company and government actors.

"Our approach is to engage early and often with potentially affected communities, going beyond the minimum requirements of the law to capture issues and concerns that aren't yet fully addressed in legislation. We also share learnings from our experiences with SLEMA across the whole of the organization, integrating a better understanding of these issues across procurement, human resources, senior management and other functions."

Alexandra Hood, De Beers Mining Canada²⁶²

Key aspects of the initiative

As an example of the EMA approach to addressing land-related human rights risks to Aboriginal groups associated with mining activities, De Beers and the work of SLEMA involves the following components and activities to date:

- 1. Secretariat** with an Executive Director and an Environmental Analyst. Led by the Secretariat, the agency is charged with: "(1) Reviewing and commenting on the design of monitoring and management plans and the results of these activities; (2) Monitoring and encouraging the integration of traditional knowledge of the nearby Aboriginal peoples into the mine's environmental plans; (3) Acting as an intervener in regulatory processes directly related to environmental matters involving the Snap Lake Project and its cumulative effects; (4) Bringing concerns of the Aboriginal peoples and the general public to De Beers Canada Mining Inc. and the government; (5) Keeping Aboriginal peoples and the public informed about Agency activities and findings; and (6) Writing an Annual Report with recommendations that require the response of De Beers Canada Mining Inc. and/or government."²⁶³

“De Beers has been very proactive in its engagement with SLEMA. Our assessment is that they want to do a good job and have this be a positive case study that they can learn from. They’re quite focused on engagement and want the project to be wrapped up nicely. They place particular importance on the role of SLEMA in bringing traditional knowledge into the picture and incorporating this information in the company’s decision-making processes.

De Beers and other companies must understand that, if they want to do business in these types of regions, they have to do it in collaboration with the impacted communities. The SLEMA model is a smart approach that should be replicated, synchronized, adequately resourced and shared wherever possible.”

Philippe di Pizzo, Executive Director, SLEMA²⁶⁴

2. Agency board comprised of eight representatives from the four signatory Aboriginal groups, including the Tli Cho Government, Lutsel k’e Dene First Nation, Yellowknives Dene First Nation, and the North Slave Metis Alliance. The board “strives to involve Aboriginal traditional knowledge and conventional science in its assessment of mining activities and environmental reports submitted by De Beers and government inspectors.”²⁶⁵

3. Technical panel made up of scientific experts who are familiar with the NWT and who have reviewed the mine’s annual reports, wildlife monitoring program, Aquatic Effects Monitoring Program Design Plan, and the Interim Closure and Reclamation Plan.²⁶⁶

4. Traditional Knowledge (TK) panel comprised of Elders from the affected Aboriginal groups that have hunted, trapped and lived in the area of the mine site. The TK panel provides “advice on water and fisheries issues and wildlife and habitat issues.”²⁶⁷ The group has a particular focus on the mine’s current closure activities and on ensuring that this stage of the project is monitored for the long-term stability of the land once the company leaves.

“It is incredibly important to have an independent oversight body for these types of business projects, where surrounding communities are impacted in numerous ways. It’s really key for Aboriginal groups to have an expert body to go to, because we’re under-resourced, particularly where multiple projects require our consultation and participation. These oversight bodies also carry a lot of weight in terms of credibility as they are directed by multiple groups, maintain full independence and blend scientific and traditional knowledge.”

Alex Power, Yellowknives Dene First Nation²⁶⁸

“Throughout the course of our mining operations, we see ourselves as stewards of the land, and we aim to be open and transparent so that we’re trustworthy in this role. All of our Snap Lake reports have been open to public review and comment and we’ve welcomed community members to visit the mine and see the activities for themselves.

Our priority is to leave a positive legacy wherever we have operated and with the surrounding communities. In the end, we should avoid focusing on assumed differences in values and instead come from a place that recognizes our shared interests. We also want the water to be clean, the fish to be good to eat, and the land to be left as it is. This is our responsibility and it’s also in the economic interest of the company.”

Alexandra Hood, De Beers Mining Canada²⁶⁹