

# **Beyond CSR: Addressing the Accountability Gaps**

RCEN Multistakeholder Dialogue on CSR

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# SRSR - John Ruggie

**The root cause of the business and human rights predicament today lies in the governance gaps created by globalization – between the scope and impact of economic forces and actors, and the capacity of societies to manage their adverse consequences. These governance gaps provide the permissive environment for wrongful acts by companies of all kinds without adequate *sanctioning or reparation*. How to narrow and ultimately bridge the gaps in relation to human rights is our fundamental challenge.**

[emphasis added] (Ruggie 2008:3)

- **voluntary CSR measures taken by corporations to avoid human rights and environmental transgressions**
- **host government capacity building projects – as proposed by the government of Canada**
- **creation of an international regulatory regime to hold multinationals to account**
- **the creation of an international legal system and court to provide sanction and reparation**
- **regulatory measures taken by the home countries of multinationals**
- **legal reform in the home countries of multinationals allowing sanction and remedy through the courts in home countries**

# SRSB – John Ruggie

**“...escalating charges of corporate–related human rights abuses are the canary in the coal mine, signalling that all is not well.”**

John Ruggie, April 7, 2008 p. 3

Ruggie studied 320 random cases of human rights abuses by corporations (between February 2005 and December 2007) and found that of eight sectors studied, and a further category of “other,” the extractive sector dominated the cases of abuses with 28%.

John Ruggie. 23 May 2008. Page 8-9.

# Supreme Court Justice Ian Binnie

“There is increasing recognition of the sheer extent of corporate participation in such abuses and of the practical difficulties in establishing national jurisdiction in respect of firms acting extraterritorially....By granting the International Criminal Court jurisdiction over corporate entities, the international community may ensure that such entities do not escape punishment for culpable conduct because of procedural gaps within and between national criminal systems.”

(emphasis added)

# SRSRG – John Ruggie

**Experts disagree on whether international law requires home States to help prevent human rights abuses abroad by corporations based within their territory. There is greater consensus that those States are not prohibited from doing so (...) Indeed, there is increasing encouragement at the international level, including from the treaty bodies, for home States to take regulatory action to prevent abuse by their companies overseas.**  
(Emphasis added - Ruggie 2008:7)

# Legal and Regulatory Reform in Canada

**Bill C-492** is sponsored by Member of Parliament Peter Julian. Bill C-492 proposes legal reform in Canada making it possible for individuals or communities that allege harm by a Canadian company to seek legal remedy in Canada.

**Bill C-300** *an Act respecting Corporate Accountability for the Activities of Mining, Oil or Gas in Developing Countries.*

**THANK YOU**