



VALUING RESPECT

— BY *Shift* —

VALUING RESPECT

Second Round of Expert Multi-Stakeholder Consultations

Pretoria, 30 and 31 October 2019





About Valuing Respect

Valuing Respect is a global collaborative platform, led by Shift, to research and co-create better ways of evaluating business respect for human rights. Our aim is to develop tools and insights that can help both companies and their stakeholders focus their resources on actions that effectively improve outcomes for people.

Valuing Respect is generously funded by:



Ministry for Foreign
Affairs of Finland



Norwegian Ministry
of Foreign Affairs



Learn more: valuingrespect.org

About Shift

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.

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Recognized internationally for excellence in human rights law in Africa, the Centre for Human Rights is uniquely positioned as both an academic department and a non-governmental organization. A leader in human rights education in Africa, the Centre works towards a greater awareness of human rights, the wide dissemination of publications on human rights in Africa, and the improvement of the rights of women, people living with HIV, indigenous peoples, sexual minorities and other disadvantaged or marginalized persons or groups across the continent. Visit: chr.up.ac.za



1. Executive Summary

On 30 October, Shift and its local partner the Centre for Human Rights, University of Pretoria, held an expert, multi-stakeholder consultation in Pretoria, South Africa with participants from business, investors, civil society, government and other expert organizations, with two objectives: 1) to share the progress in the work of the Valuing Respect project and 2) to seek feedback on approaches and ideas developed in the project.

On the following day, participants from civil society – all of whom were invited to the main meeting on the 30th – met to reflect on how the project’s research and resources could aid in their advocacy work. Participants who attended the first day of the consultation, shared challenges and experiences in business human rights they encounter in their home countries: Kenya, Nigeria, South Africa, Uganda and Zimbabwe. Participants who could not attend the first day offered initial feedback about the project focus and workstreams. A summary of the discussion and the list of participants can be found in Annex C.

The Valuing Respect project is a three-year collaborative initiative, which aims to develop better ways to evaluate business respect for human rights. Further background on the project, as well as reports from previous consultations across Europe, North America, South East Asia and Sub-Saharan Africa are available on the project’s website: <https://www.shiftproject.org/valuing-respect/>.

In the first year of the Valuing Respect project, the team focused on establishing evidence of the current state of evaluation of companies’ human rights performance and on identifying areas of interest or workstreams that would be developed further in year two and three of the project. The workstreams reflect the nature of the challenge we identified and are summarized in Annex A.

The consultation in Pretoria hosted by the Centre for Human Rights was the second multi-stakeholder discussion in Sub-Saharan Africa, the first of which was held in November 2018. The 2019 consultation was an opportunity to seek inputs on draft resources and tools for four of the project workstreams. We also discussed findings of the project’s 2918 research into current evaluative practice, with special attention to the use of metrics in company human rights disclosures in South Africa.

The headlines from participant feedback and discussions were:

On the **New Thinking and a New Tool to design meaningful indicators**

- Participants noted that defining outcomes for people may often require a collaborative process between affected stakeholders, business and civil society organizations. This should be reflected in the tool. Some advised the tool and the accompanying materials to ensure that desired outcomes for people do not fall below international human rights expectations. This early collaboration on articulating outcomes may also help to address inherent and common power imbalances in company’s relationships with its stakeholders.
- Participants found that the Theory of Change tool offers a useful way to surface complementary activities necessary to deliver desired changes. Formulating assumptions and risks to the



realization of outcomes for people also highlights the need to collaborate with other relevant actors, including the government, industry and civil society organizations.

- Representatives of civil society felt that the final version of the tool should guard against companies using theory of change as another tick-box exercise. Many noted that log frames can easily become compliance exercises based on historical commitments, as opposed to challenging existing thinking and driving meaningful change.

On **Embedding Stakeholder Voice into Evaluation**

- A key theme to the discussion was that it may prove challenging to integrate affected stakeholders into the evaluation of company programs in situations of mutual distrust between parties. With this in mind, a number of comments centered on the importance of paying attention to the quality of relationships between companies and their stakeholders.
- Participants suggested several principles and elements to expand the current list of foundational values underpinning the incorporation of stakeholder voice into evaluation of human rights efforts. These included:
 - Transparency and accountability
 - Openness to learning and sharing
 - Importance of setting clear objectives and managing expectations
 - Active listening
- Participants noted that accompanying the principles and elements with examples of how they are realized in practice will increase the usefulness of the final outputs.

On **Indicators of Rights-Respecting Leadership and Governance**

- Participants supported the focus on how leaders and formal governance arrangements drive culture. Many encouraged a framing of this work to more strongly connect to ongoing discussions about the purpose of the corporation and innovation towards sustainable business.
- A number of representatives from business emphasized that collaboration and collective action are key to successful realization of human rights. In this respect, the indicators could possibly be expanded beyond cross-functional collaboration within a company, to peer-to-peer learning and cooperation.
- A number of civil society representatives reinforced the importance of empathy while also sharing that more often than not they see practices that undermine empathy. Examples cited included CEOs or other executives sending legal teams to negotiate with communities, and companies resorting to "slapp suits" or other measures when allegations arise.

On **Identifying Human Rights Risks in Business Models**

- Some participants flagged that investors can, and often do, exacerbate business model-related human rights risks. And investor practices can limit the business' ability and commitment to address human rights risks inherent in business models. Participants suggested that the project



team should address the ways in which investor community business practices that reinforce unsustainable business models.

- Participants urged more clarity about the link between human rights risks inherent to certain business models and operational contexts. It was felt that some business models will not carry human rights risks in contexts where local law has strong human rights protections but will do so in contexts of weak protections.

The final session offered a space for reflections and suggestions for the project team moving forward. The participants' recommendations included:

- Increased usability can be achieved by further simplification of the tools. In addition, providing examples of principles and elements of good practice can enhance the centrality of the stakeholder voice to the Valuing Respect project.
- Currently, the tools are designed to be used by a single company. Highlighting the complexity of business respect for human rights, the participants suggested to focus more on cross-industry and cross-sectoral collaboration.
- Overall, the participants highlighted the significant progress from last year and expressed interest in following the next phase of the project, as it moves towards testing the approaches in practice.

These points are further elaborated in the remainder of this summary report. Annex A lists the focal areas of the project. Annex B includes the meeting agenda and the list of participants.

2. Opening session

In the opening session Shift presented the project's background and an overview of its workstreams. The session also offered an opportunity to present the key findings from the research into the current use of metrics in South Africa undertaken by the Centre for Human Rights in collaboration with Shift. The research and its findings have been published in the report entitled '[The Current Use of Metrics in Company Human Rights Reporting South Africa](#)'. The research applied a methodology developed by Shift to evaluate the current state of human rights reporting of South African companies listed on the Johannesburg Stock Exchange. The research contributes to the project's understanding of how businesses currently track the progress and effectiveness of their efforts to respect human rights.

The review of the non-financial reports of the top 100 listed companies found that companies report mostly activities that have been conducted (such as training, assessments, audits) and outputs that have been achieved (i.e. new products or knowledge). These make up 50% of all the indicators identified by the research. The review also concluded that 70% of all indicators use quantitative information, such as numbers of meetings, numbers of problems or complaints, percentages or other numerical expressions. This is consistent with the project's findings of the use of metrics by companies in other geographies, which concluded that only 30% of indicators relate to practices and behaviors, outcomes for people or outcomes for business.



Participants found the research very useful and appreciated its application in the South African context and raised various questions and reactions, including that:

Environmental, Social and Governance indicators are designed to be universal and can therefore be too vague to capture meaningful information. Participants felt that this is intensified by the multinational character of the companies represented in the ESG products. Their own operations, value chains and sustainability practices can vary substantially in quality from country to country, which makes single-score, composite indicators troublesome.

The focus on controversies as a proxy for performance raises challenges. Participants expressed the view that while it is necessary and legitimate for ESG indices to consider incidents of bad practice and abuse, it can be problematic if these are not evidenced. The risk is that companies are driven to focus resources on issues that may not be the most important from a human rights perspective.

3. New Thinking and a New Tool to design meaningful Indicators

This session introduced an initial version of the Valuing Respect project's theory of change tool to develop meaningful indicators, which has been tested throughout 2019. The method is designed to stretch companies' thinking to encourage conversation about the effectiveness of their interventions to prevent and mitigate human rights impacts.

The session focused on the methodology and the early progress in field-testing the approach with a select number of companies. The participants were given an opportunity to try how the tool works in practice through an exercise in small break out groups. Group work consisted of breaking the participants into four groups filling in a theory of change for one of two scenarios: 1) a food and beverage company with a multi-year program to build capability of local farm owners and managers to recruit ethically and 2) a mining company addressing a gap in its community engagement program to strengthen its on-site processes and competencies. Groups could choose a section of the pre-populated theory of change and brainstorm assumptions and relevant indicators.

During the discussions participants highlighted several key ideas including that:

The way the tool is presented risks demoting outcomes for people as less important as compared to inputs and activities at the top, or the endpoint of outcomes for business. Participants agreed that if the outcomes for people are central to the approach, the formulation of the theory of change should begin with this step. In addition, inverting the theory of change in order to bring the outcomes for people (and for business) to the top of the graph was also suggested.

A robust formulation of outcomes for people is critical and may not always be straightforward. Participants noted that defining outcomes for people may often require a collaborative process between affected stakeholders, business and civil society organizations. Some advised that the tool should be clear about this, as well as ensuring that desired outcomes for people do not fall below international



human rights expectations. Such early collaboration on articulating outcomes may also go some way to identifying how any project can address inherent and common power imbalances in a company's relationships with its stakeholders.

The Theory of Change helpfully surfaces the need for additional, complementary actions and the necessity to collaborate with other actors, such as government, and other companies. In particular, paying attention to assumptions forces a recognition of the role of these actors in realizing desired outcomes for people.

The need to recognize that change takes time. Some of the desired outcomes for people and even the desired practices and behaviors in a Theory of Change will take considerable time to achieve. The final tool should provide guidance on this. And companies will need to be aware that sustained commitment will be required to move from the formulation of the theory of change to its successful implementation, evaluation and improvement.

The risk of the Theory of Change becoming another tick-box exercise. Representatives of civil society pointed out that the final version of the tool should guard against companies using it as another tick-box exercise. Many noted that Log Frames can easily become compliance exercises based on historical commitments, as opposed to challenging existing thinking and driving meaningful change.

3. Embedding Stakeholder Voice into Evaluation

The second session started with a presentation of the project team's work on ways to incorporate the experiences and insights of affected stakeholders into the evaluation of companies' human rights performance. Building on learnings from participatory approaches to evaluation in international development and public policy, the project team has identified several opportunities for affected stakeholders to shape the process of evaluation. This inclusive evaluative practice can involve workers and community members in indicator design, data collection and analysis as well as the re-design of current interventions. Such successful integration of stakeholder voice, however, requires certain preconditions to be in place. The participants were asked to reflect on the main principles underlying participatory evaluation and some challenges the approach might encounter.

With regards to the principles on which participatory evaluation should be built, the participants suggested the following:

- **Accountability and transparency.** This includes accountability both to external stakeholders, such as civil society, shareholders and affected stakeholders, and to the company's senior leadership. Affected stakeholders' inputs and evaluation findings should be reported directly to the company's top decision-makers, firstly to ensure a continuous commitment to seeking stakeholder experiences, and secondly to avoid misinterpretation of those experiences when relying on multiple layers of management.



- **Openness to sharing lessons learnt.** Many companies have extensive experiences in bringing in the voices of affected stakeholders. However, due to intense scrutiny from civil society, they are cautious of sharing the best practice with their peers and others.
- **Identifying and including all the voices, mainly of those in vulnerable positions, is challenging.** This is particularly true in traditional patriarchal communities, in which women, the youth and others can be excluded. Companies' commitment to ensure diverse groups are represented is the key to successful implementation of the principle of 'inclusiveness' in this respect. Therefore, the engagement cannot be rushed.
- **Setting clear objectives and managing expectations.** The participants shared experiences with stakeholder engagement in which conflict arose due to the mismatch between communities' expectations and company objectives. When approaching affected stakeholders, a company must be clear about the purpose of the engagement as well as cautious in its promises. Transparency in this respect also helps to build a more sustainable and truthful engagement in the future.
- **Active listening.** A practitioner in the field of participatory evaluation highlighted active listening as an important element of stakeholder engagement. Even though setting clear objectives is useful, stakeholder engagement must be flexible and adaptable to stakeholders' needs. Openness to someone's experiences sometimes means that the evaluator is comfortable with the role of a listener.

Additional reflections included:

It may prove challenging to integrate affected stakeholders into the evaluation of company programs in situations of mutual distrust between parties. Overall the discussion revealed the need for the project to lay the groundwork for framing stakeholder voice in evaluation in the context of stakeholder engagement. Several of the principles which were suggested cannot be solely defined as principles for participatory evaluation but are better understood as foundations of meaningful stakeholder relations. With this in mind, a number of comments centered on the importance of paying attention to the quality of relationships between companies and their stakeholders.

Timing of the evaluation is important. Some participants reflected that evaluation is an important element of every program, but its timing remains crucial. By looking to incorporate stakeholder input into project design and the early stages of implementation, a company can build sustainable relationships with affected stakeholders as well as creating interventions which meet their needs.

Community- led monitoring and audits are a good example of participatory approaches in the business and human rights space. Civil society organizations also suggested that companies should incorporate practices and learnings from audits designed and performed by communities themselves.



4. Indicators of Rights-Respecting Leadership and Governance

This session focused on a set of draft leadership and governance indicators of rights-respecting culture. The indicators developed by the project highlight the centrality of four values and norms for successfully embedding right-respecting culture into an organization: Authenticity of Commitment, Responsibility with Accountability; Respect and Empathy and Openness & Learning,

Furthermore, while traditional indicators focus on the existence of formal policies, the Valuing Respect draft indicators center on what senior leaders say and do. Senior leaders in this context refer to top management and board members as well as others in leadership positions, for example heads of departments, heads of business units, country and on-site general managers.

To encourage in-depth discussion, participants were divided into three groups, each of which discussed a different category of indicators. Feedback included:

Reflecting the importance of collective action: A number of representatives from business noted that collaboration and collective action are key to the successful realization of human rights. In this respect, the indicators could possibly be expanded beyond cross-functional collaboration within a company, to peer-to-peer learning and cooperation.

Peer-to-peer learning as a part of the Openness indicators. Much like sharing learnings about stakeholder engagement, peer-to-peer learning about other issues is crucial for improving industry best practice. However, companies often fear not only increased public scrutiny, but also crossing the line of competition regulations. One participant suggested that it could ameliorate companies' concerns in this regard if government took a leading role in convening such industry-wide learning exchanges.

Calling out lobbying as a practice which can impede the realization of a rights-respecting culture. Participants from civil society appreciated the inclusion of lobbying in the indicators, and the project's recognition of the negative impacts of lobbying activities. Lobbying is often depicted as neutral, even when it undermines a company's human rights efforts. In addition to lobbying, other conflicting policies might exist within the same company – for example, policies in purchasing departments being in conflict with sustainability commitments. A company representative suggested creating a way to compare or benchmark company policies to see how (in)compatible they are with the company's human rights commitments.

Authenticity must be applied evenly, including when senior leaders act irresponsibly and counter to company policies. Participants from across stakeholder groups noted that senior leaders themselves must be bound by values and norms that they promote. Some noted that #MeToo revealed that some senior leaders see themselves as above company policies. Rights-respecting culture and commitment is relevant to everyone in the company and should be practiced by all, irrespective of seniority.

Communicating with external stakeholders should also include creating space for external stakeholders to establish what and how they want to engage with the company. Participants noted



that a good indicator of a rights-respecting company culture is where the business gives up the power to control outcomes or the form of engagement. It was noted that the power imbalance inherent in a company's relationships with external stakeholders can sometimes be best addressed by a company creating a space for its external stakeholders to engage with each other outside the company's reach.

Learning from purpose-driven companies. It was suggested that purpose-driven companies, which pride themselves as change-makers whose objectives go beyond selling products or services, can offer an interesting lens on how to embed particular values and norms in the company culture. What sets these companies apart is their aspiration, which captures employee potential and consumer demand. Participants encouraged a framing of this work to more strongly connect to ongoing discussions about the purpose of the corporation and innovation towards sustainable business.

5. Identifying Human Rights Risks in Business Models

This session presented a framework to identify human rights risks inherent to certain features of business models. The approach aims to assist business leaders, investors and civil society to discuss these risks in a constructive manner in order to develop effective ways to mitigate them. The introductory paper entitled '*Developing Red Flag Indicators of Human Rights Risks in Business Models*' was shared with the participants prior to the consultation. The publication is also available on the project's [website](#).

The session focused on the overview of the fundamental typology, which divides business model features into three categories: a) value proposition, b) value chain and c) revenue model. The input sought in this session related to the further development of the tool, which would include the formulation of key questions for senior leaders and examples of successful mitigating actions. The purpose is not to advocate for terminating business activities in high-risk contexts, but to develop effective ways to manage human rights risks pertaining in such contexts.

Some reflections on the overall framework included:

Investors' own business models create pressures on companies to deliver returns. Some participants flagged that investors can, and often do, exacerbate business model-related human rights risks. And investor practices can limit the business' ability and commitment to address human rights risks inherent in business models. Participants suggested the project broadens its analysis to include various investor business models and related practices that can reinforce unsustainable business models.

Sources of risks can differ depending on the operational context. Some participants flagged that human rights risk can arise from different sources. Business might face human right risks associated with the structure of their industry, as a result of which the ability of a single company to mitigate such risk is limited.

The state has a role to play as well. A number of comments addressed the issue that some companies operate in countries with weak government institutions and weak standards. The state should motivate companies to adhere to human rights by taking up its own role to protect human rights. It can also do so



through modelling a good human right due diligence in its own transactions with business and through public-private partnerships.

Making the objective and target audience of the business model red flags tool clearer. The participants encouraged the project team to develop the tool further to offer practical use cases for how business leaders and investors would apply the content in practice.

6. Reflections and Recommendations

The last session of the consultation closed with final reflections and recommendations. Participants offered the following insights:

There has been significant progress from last year. Those participants who attended the prior year's consultation agreed that the project had made great progress towards developing practical approaches to measure the effectiveness of business' human rights efforts.

Simplifying tools to make them easy to use and to experiment with. Participants would welcome further simplification of the tools in order to make them more practical for companies and other practitioners to take them up and experiment. Making them less descriptive would improve their usability.

Stakeholder voice, which is core to the Valuing Respect project, needs further definition and clarity of its objective. Demonstrating how to apply the principles in practice and how companies are using stakeholder voice to improve its practices would make the workstream stand out more.

Promoting collaboration among businesses. The majority of the tools focus on single companies – the way they operate and mitigate human rights risks. The participants would appreciate it if the project could also speak to the need for greater collaboration within different industries, to create a united front in tackling some of these challenges.

Greater attention to operational and single-asset level. Participants highlighted that a number of these tools and approaches have been developed to be used at the corporate/group level. Some of the companies presented in the room speculated about how to adopt them for the operational/site level.

ANNEX A: OVERVIEW OF FOCAL AREAS

FOCAL AREAS	KEY QUESTION	POTENTIAL OUTPUTS
Current evaluation practice	Are we right that most metrics are fairly superficial and remote from outcomes?	Results of analysis of ratings, rankings, benchmarks and disclosure
Business model risk	What features of business models carry significant and inherent human rights risks?	Summary overview for investors and top leaders, with mitigation options and guidance for teams
Leadership and governance	How do leadership and governance support a culture that respects human rights?	A menu of indicators of rights-respecting leadership and governance
Accounting models	How can and should accounting models capture value associated with respect for human rights?	Proposals/recommendations; possibly a tested model around e.g. living wages.
Theory of Change Method	How can companies structure robust approaches to evaluating the effectiveness of their efforts to mitigate human rights risk?	A practical and piloted tool that companies can apply to their human rights interventions, individually or collectively with others
Behavioral Science	What lessons can we learn from behavioral science for ways to design and evaluate interventions aimed at embedding key behaviors for respecting human rights?	A range of insights, approaches and results of experiments using behavioral insights that can support effective behavioral change
Stakeholder voice	How can and should stakeholder voices be included in processes of evaluating business respect for human rights?	Case studies and pilots showing ways in which stakeholder voice has been effectively integrated into evaluation processes

ANNEX B: AGENDA AND PARTICIPANTS, 30TH OCTOBER

0900 Arrivals and Refreshments

0930 Welcome, Introductions and Project Overview

In the opening session, the project team will introduce the purpose and goals of the Valuing Respect project. The team will position the project in relation to business implementation of the UN Guiding Principles on Business and Human Rights. We will provide an overview of the research we have completed into the current use of metrics, and of the six focal areas of the project.

1015 Session One: New Thinking and a New Tool to design meaningful Indicators

Throughout 2019, the project team has been field-testing an initial version of the first Valuing Respect product - a theory of change method to develop meaningful indicators for initiatives to prevent and mitigate human rights impacts. In this session, we will present the methodology, demonstrate its application and share progress (and early lessons) from companies field-testing the approach.

We will invite participants to explore using the tool based on a hypothetical scenario, and to share reflections regarding:

- Lessons from applying analogous methodologies to indicator design.
- Strengths of the methodology and the range of ways it could be applied in practice.
- Ideas for how to make the eventual product accessible and user-friendly

1145 Break

1200 Session Two: Embedding Stakeholder Voice into Evaluation

Evaluating the human rights outcomes of business interventions demands engaging with the experience and perspectives of the people whose human rights those efforts seek to advance. Identifying how to do this in practice and applying lessons and approaches at scale is a critical part of the Valuing Respect project agenda. Drawing on the learnings from participatory evaluation, this session will present a simple framework to incorporate voices of affected stakeholders into evaluation of business respect for human rights.

1300 Lunch

1400 Indicators of Rights-Respecting Leadership and Governance

This Valuing Respect workstream is developing a set of indicators for rights-respecting leadership and governance that signal a company's seriousness in making respect for human rights part of how they do business. Shift will present the draft of these indicators as a basis for dialogue among participants to:

- Reflect on the proposed construct and draft indicators, including identifying any gaps or ideas for edits
- Advise on which indicators are of greatest utility inside a company, and those best suited to evaluation from outside a company.

1530 Break



1545 Identifying Human Rights Risks in Business Models

This Valuing Respect workstream explores the possibility of furnishing business leaders, investors and civil society with indicators of risks to people that are inherent in certain features of business models. The goal is to facilitate an early discussion of these risks with, and within, business in order to support decisions that avoid or mitigate them. Following a brief introduction of our initial draft typology, we will seek inputs about:

- A draft typology with examples of business model risk indicators;
- How to elaborate on the red flags to make the overall resource useful for investors, boards, business leaders, and civil society.
- Ideas for how to make the eventual product accessible and user-friendly

1700 Reflections, Recommendations and Next Steps

1730 End

Participants

Alan Fine	R&A Strategic Communications
Allison Burger	Gold Fields
Arnold Kwesiga	Ugandan Coalition for Corporate Accountability
Bonita Meyersfield	University of the Witwatersrand
Chairman Okoloise	Faculty of Law, University of Pretoria
Danny Bradlow	Centre for Human Rights, University of Pretoria
Emily Vining	&Wider
John Mackrill	Nestle
Jonathan Hanks	Incite
Mashudu Masutha	Corruption Watch
Mutuso Dhlwayo	Zimbabwe Environmental Law Association
Nokuzola Jeanesse	Yellowwoods
Rose Kimotho	Danish Institute for Human Rights
Stewart Bailey	Anglogold Ashanti
Tanja Rasmussen	Rio Tinto
Tebello Chabana	Minerals Council
Thandiwe Matthews	South African Human Rights Commission
Jana Mudronova	Shift
Mark Hodge	Shift
Oyenyi Abe	Centre for Human Rights, University of Pretoria



ANNEX C: SUMMARY AND PARTICIPANTS

MEETING WITH CIVIL SOCIETY ORGANIZATIONS, Pretoria, 31 October 2019

On 31st October 2019, individuals from civil society met to reflect on how the project's research and resources could aid in their advocacy work. Considering that the project's tools and resources are being designed with investors, companies, regulators and NGOs in mind, this meeting was organized to:

- Seek initial inputs from a cross-section of civil society as to whether the project workstreams seem to be credible: do they touch upon areas of corporate practice and behavior that are of concern to advocacy organizations? Is the content of the workstreams addressing areas for which policy-level and local community advocacy groups would like to see more objective analysis and accountability of company performance?
- Understand existing methods that the civil society representatives presently use to critique and evaluate corporate performance, with the aim of seeing how these methods could inform Valuing Respect outputs and resources.
- Provide space for discussions about how the project's research, early-stage outputs and eventual products could be used by civil society organizations in their work to drive business respect for human rights, and advocate for States to meet their human rights commitments.

Individuals attending were organized into two groups. Participants who attended the first day of the consultation, shared challenges and experiences in business and human rights that they encounter in their home countries – Kenya, Nigeria, South Africa, Uganda and Zimbabwe – and how the project outputs might support their work. Participants who could not attend the meetings on 30th October offered initial feedback about the project focus and workstreams. This second group was comprised of individuals working on the impacts of mining in South Africa. As such, particular attention was given to the priorities, methods and challenges of evaluating corporate performance for local, affected communities. The two groups then reconvened to share headlines from their discussions. One point raised by both groups was whether there was scope for the project to tailor the proposed outputs to the specific contexts of civil society organizations operating in the Global South.

The following is a summary of the key themes from the meeting:

Failure of the government to keep companies accountable. Participants shared their challenges with respect to some governments prioritizing attracting foreign investment over realizing their duty to protect human rights. This can lead to a vacuum in protection and respect for human rights, which business is left to fill. In some instances, non-governmental organizations have been accused of being “against development” that private sector brings into these countries. At the same time, the state can be



sometimes complicit in human rights violations by surrendering its assets (for example, land and mineral rights) without requiring business to respect human rights.

Geographical discrepancy in application of rights-respecting practices. The environment in which business operate can have positive, neutral or negative impacts on business' efforts to respect human rights. However, as highlighted by some of the representatives of civil society, in situations where the state's leadership is missing, companies can sometimes be less pro-active in maintaining the same policies and standards they committed to in other, mostly developed, countries.

Barriers to a speak-up culture when faced with repercussions and the lack of economic and other opportunities. Participants shared their views on the difficulties they experience with respect to calling out abuse. The lack of diversified economic opportunities accompanied by a high level of unemployment, inequality and poverty can impede affected stakeholders' ability and willingness to speak up. Even though formal mechanisms to access remedy are often in place, they are seldom used due to the fear of repercussions, the lack of trust in the mechanism itself as well as the lack of feedback.

A large informal sector that is outside the laws protecting human rights, including environmental rights. Even though businesses that are a part of informal economies in Kenya, Uganda and Zimbabwe greatly contribute to environmental degradation and human rights violations, they remain outside formal legislative frameworks.

Existing networks of community monitors could be a valuable resource to support the evaluation of outcomes on the ground, but these projects are not well funded and rarely trusted or supported by business. Participants noted that community members are best placed to monitor if companies are meeting their commitment to respect human rights or meet commitments under Social and Labor plans. One example is the *Tuna Ta Zama* project that provides monitoring training to local leaders who use WhatsApp groups and blogs to record adverse mining impacts. Some of the individuals in the group who are community monitors shared their own stories of evidence-based advocacy that had informed legal judgments seeking to hold mining companies to account. But it was clear that community monitors are operating with limited resources and often experiencing intimidation from the businesses they are trying to monitor. As such, one recommendation was that any guidance or resources relating to stakeholder voice in evaluation recognize the existence of these community-led efforts and the challenges they face.

As a starting point, many communities want simple and clear, quantifiable commitments to be met, which includes transparency about what composite figures will mean in practice and confirmation that these commitments will not be altered once mining license are granted. Participants appreciated the attention that the project is giving to the quality of relationships between companies and communities, and the effort to try and surface power dynamics and mutual trust. At the same time, many felt that a first step should be to ensure companies meet job creation, housing and infrastructure commitments regardless of the quality of relationships. This issue is partly about a lack of accountability for companies when targets are not met. Another underlying challenge raised was that community members are often "sold" on large



commitments, which then become qualified or altered as operations begin. An example is a situation where a local community was promised 400 local jobs which was later specified to mean 40 jobs for 10-years.

It is critical to focus on business culture and how the most senior leaders act. But sometimes it is easier to spot or measure when the absence of a rights-respecting culture. Participants noted that focusing on how company representatives interact with and treat communities is critical, and agreed that this is a function of culture. There was particular support for paying attention to genuine respect and empathy. However, participants noted that they – and local communities - too often have experience of what constitutes a business culture that is *not* rights-respecting. One participant noted that when NGOs or consultancies are sent to conduct assessments, or when lawyers are sent to negotiate agreements, this is seen as a sign of lack of senior leadership commitment to a relationship of trust and mutual respect. A few participants made the point that affected stakeholder views – not just employee views – can be very informative about company culture. An example of a pro-active effort to do this is the Benchmarks Foundation Corporate Personality Index: a bottom-up approach that rates a company according to positive or negative traits on a number of spectrums, such as from respectful to bullying; caring to heartless; creative to destructive and honest to secretive.

Simplify and include practical examples of how to implement the project's tools in practice. Another recommendation was to provide concrete guidance for civil society, which would allow it to direct the attention of business to a set of particular requirements or examples that manifest what respect for human rights look like in practice.

Tools have great potential to become a concrete way to engage with businesses and communities. Civil society organizations that works with companies need to be able to judge companies' seriousness to make changes in their behaviors. Both the Business Model Red Flags and Leadership and Governance indicators were seen as well-positioned for this purpose.



Participants

Arnold Kwesiga	Ugandan Coalition for Corporate Accountability
Chairman Okoloise	Faculty of Law, University of Pretoria
Constance Mogale	Alliance for Rural Democracy
Eric Mukuoa	Benchmark
Francina Nkosi	Women in Mining United in Action
Mariette Liefferink	Federation for a Sustainable Environment
Mashudu Masutha	Corruption Watch
Mutuso Dhliwayo	Zimbabwe Environmental Law Association
Rose Kimotho	Danish Institute for Human Rights
Jana Mudronova	Shift
Mark Hodge	Shift
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Valuing Respect is a global collaborative platform, led by Shift, to research and co-create better ways of evaluating business respect for human rights. Our aim is to develop tools and insights that can help both companies and their stakeholders focus their resources on actions that effectively improve outcomes for people.

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