



## **National Action Plans: A comparative analysis of corporate accountability**

Project Partner: ProDESC

### **About ProDESC**

ProDESC's main goal is to defend and promote Economic, Social, and Cultural Rights (ESCR) to contribute to their enforcement, justiciability (judicial enforceability) and accountability, thus constructing a more just and equitable society.

ProDESC has developed a proposal that is unique to Mexico, a living-instrument and comprehensive defence method. Through this comprehensive defence method, the ProDESC team defends and walk alongside ("*acompañar*") local communities.

The comprehensive defence method is based on a series of strategic guidelines which, when applied harmoniously, increase the likelihood for communities and collectives -not only in Mexico, but also in the Global South- to gain access to justice and enjoy ESCR. These guidelines are as follows:

- National and international strategic human rights litigation,
- Analysis of key information for human rights defence,
- Advocacy work with public and private actors engaged in the field of human rights,
- Strategic communication of narratives that confront the hegemonic discourse,
- Organisational strategies to strengthen collective subjects,
- Education and training for human rights defenders, and
- Corporate research aimed at comprehensive human rights defence.

<https://prodesc.org.mx/>

### **Project Overview**

National Action Plans are the policy strategy developed by States to protect against the adverse human rights impacts of business. Currently, several countries in the world already have such a governmental plan, but little is known, through comparative studies, about the challenges and opportunities they present to be an effective public policy.

ProDESC's project proposal is to carry out a comparative analysis of three countries in Europe and three more in Latin America to identify relevant variables and dimensions of analysis that can shed light on the design, implementation and monitoring mechanisms of these legal and policy instruments for ESCR. The three Latin American countries may be Chile, Peru and Colombia, and the three European ones may be Germany, UK and France.

The central objective of this comparative exercise will be to provide clarity about the institutional designs and organisational routes that best help to defend human rights against the business models of large transnational corporations that may hurt people, collectives and groups historically marginalised from the processes of justice and development.

The comparison aims to identify commonalities and differences between the six countries.



## Project Output

A 30-40-page report will be submitted to ProDESC at the end of the research. The research will include at least five sections: introduction, methodology, comparative study, conclusion, and policy recommendations, which ProDESC may make their own.

The report will be written in English, but ProDESC may have it translated in Spanish to make it available on their website, with the due acknowledgment of authorship under the umbrella of Essex's HRC Clinic.

## Project Timeline

### Phase 1: November-December 2021

- Preliminary research, understanding the project and developing research/report outline.
- Discuss and analyse the best methodology for achieving the general objective.
- Identifying databases, sources of information and a list of experts for interviews (design the questionnaires). ProDESC may facilitate a list of potential interviewees.
- Securing ethical approval.
- Mapping of cases and bibliography. The outline, bibliography to be submitted by the end of autumn for comments.

### Phase 2: January-March 2022

- Carrying out the interviews online or via telephone.
- Research and data gathering.
- Report writing.
- Submission of the first full draft to ProDESC.

### Phase 3: April-June 2022

- Revision and finalising the research based on input from ProDESC.
- Check technical requirements for publishing at ProDESC website and other websites where we can capture important and specialised audiences.

## Essential readings

- Anita Ramasastry, Michel Forst, David R. Boyd, Victoria Tauli-Corpuz, *The Deadly Price Of Fighting For Human And Environmental Rights*, September 2018, <https://News.Trust.Org/Item/20180831122805-Wjivf/>
- International Service For Human Rights & The International Corporate Accountability Roundtable, *Human Rights Defenders In National Action Plans (Naps) On Business And Human Rights. A Thematic Supplement To 'National Action Plans On Business And Human Rights: A Toolkit For The Development, Implementation, And Review Of State Commitments To Business And Human Rights Frameworks'*, June 2016, <https://Globalnaps.Org/Wp-Content/Uploads/2018/01/Human-Rights-Defenders-In-National-Action-Plans-Naps-On-Business-And-Human-Rights.Pdf>
- Marella Fabrizio, *The UN Guiding Principles On Business And Human Rights. A Challenge For The European Union Or Only For Its Member States? Towards A Eu*



National Action Plan, September 2016,  
[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2845320](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2845320)

- OHCHR, *Guiding Principles On Business And Human Rights. Implementing The United Nations “Protect, Respect And Remedy” Framework*, 2011, [https://www.ohchr.org/Documents/Publications/Guidingprinciplesbusinesshr\\_En.Pdf](https://www.ohchr.org/Documents/Publications/Guidingprinciplesbusinesshr_En.Pdf)
- OHCHR, *Substantive Elements To Be Included In Guidance On National Action Plans To Implement The Guiding Principles On Business And Human Rights*, <https://www.ohchr.org/Documents/Issues/Business/Nationalplans/Napconsultation.Pdf>
- The Danish Institute For Human Rights, *Business And Human Rights National Action Plans – A Snapshot In 2020*, November 2020, [https://globalnaps.org/wp-content/uploads/2020/11/Summary-Of-Bhr-Naps-November-2020-Dihr\\_Final.Pdf](https://globalnaps.org/wp-content/uploads/2020/11/Summary-Of-Bhr-Naps-November-2020-Dihr_Final.Pdf)
- The Danish Institute For Human Rights & The International Corporate Accountability Roundtable, *National Action Plans On Business And Human Rights Toolkit 2017*, <https://globalnaps.org/wp-content/uploads/2018/01/National-Action-Plans-On-Business-And-Human-Rights-Toolkit-2017-Edition.Pdf>
- The International Corporate Accountability Roundtable & The Due Process Law Foundation. *Extractives And National Action Plans (Naps) On Business And Human Rights. A Thematic Supplement To ‘National Action Plans On Business And Human Rights Toolkit: 2017 Edition’*, <https://globalnaps.org/wp-content/uploads/2018/01/Extractives-And-National-Action-Plans-Naps-On-Business-And-Human-Rights.Pdf>
- UN Working Group On Business And Human Rights, *Guidance On National Action Plans On Business And Human Right*, November 2016, [https://www.ohchr.org/Documents/Issues/Business/Unwg\\_Napguidance.Pdf](https://www.ohchr.org/Documents/Issues/Business/Unwg_Napguidance.Pdf)
- UN Working Group On Business And Human Rights, *Informal Background Note. Human Rights Defenders And Civic Space – The Business & Human Rights Dimension*, 2017, [https://www.ohchr.org/Documents/Issues/Business/Forumsession6/Unwg\\_Projecthrdsbackgroundnote12052017.Pdf](https://www.ohchr.org/Documents/Issues/Business/Forumsession6/Unwg_Projecthrdsbackgroundnote12052017.Pdf)
- UN Working Group On Business And Human Rights, *Time To Act: Protect Defenders Who Speak Up Against Business Impact On People And Planet*, 2019, <https://www.ohchr.org/En/NewsEvents/Pages/DisplayNews.aspx?Newsid=25416&Langid=E>
- Żenkiewicz Maciej & Smoleńska Agnieszka, *Operationalizing The UN Guiding Principles On Business And Human Rights. Polish And Italian Steps To Adopt National Action Plan*, April 2017, <https://apcz.umk.pl/Czasopisma/Index.Php/Tsp-W/Article/View/Tsp-W.2017.006>
- O’Brien, C.M., Ferguson, J. & McVey, M. National Action Plans on Business and Human Rights: an Experimentalist Governance Analysis. *Hum Rights Rev* (2021). <https://doi.org/10.1007/s12142-021-00637-x>

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