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**The corporate response to allegations of human rights abuse:  
an analysis of responses published  
by the Business & Human Rights Resource**

Author **Elizabeth Lynn Schweisfurth**

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THE CORPORATE RESPONSE TO ALLEGATIONS  
OF HUMAN RIGHTS ABUSE:  
AN ANALYSIS OF RESPONSES PUBLISHED  
BY THE BUSINESS & HUMAN RIGHTS RESOURCE CENTRE

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## THE CORPORATE RESPONSE TO ALLEGATIONS OF HUMAN RIGHTS ABUSE

AFBTF	Agriculture, Food, Beverage, Tobacco, Fishery
BRIC	Brazil, Russia, India, China
B&HR RC	Business & Human Rights Resource Centre
CBO	Community Based Organisation
COP	Communication on Progress
CPI	China Power Investment
CSR	Corporate Social Responsibility
CWE	China International Water and Electric
EU	European Union
EEC	Energy, Engineering, Construction
EICC	Electronics Industry Citizenship Coalition
EITI	Extractive Industries Transparency Initiative
FISI	Focused Improved Supplier Initiative
GeSI	Global e-Sustainability Initiative
GNI	Global Network Initiative
HQs	Headquarters
HRW	Human Rights Watch
IGO	International Governmental Organisation
IHRB	Institute for Human Rights and Business
ILO	International Labour Organisation
IPT	Indian People's Tribunal
ISO	International Organisation for Standardisation
MNE	Multinational Enterprise
NGO	Non-Governmental Organisation
NLC	National Labor Committee
OECD	Organisation for Economic Cooperation and Development
PR	Public Relations
SACOM	Students and Scholars Against Corporate Misbehaviour
SME	Small/Medium Sized Enterprise
SOE	State Owned Enterprise
SRI	Socially Responsible Investment
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNHCHR	United Nations High Commission on Human Rights

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## INTRODUCTION

The absence of international binding regulation for Multinational Enterprises (MNEs) requires the vigilance of civil society to hold corporations accountable for their misconduct. Investigative journalism and critical NGO reports remain the sole means of enforcing accountability when companies are found to be complicit in human rights violations. However, the responsiveness of corporations when confronted with their critics has to date avoided scrutiny. Indeed, they are under no obligation to respond. When and how they do, therefore, provides some insight into how companies perceive the allegations made against them and whether or not they present a threat to their reputation. This thesis conducts exploratory quantitative and qualitative research of corporate responses as published on the Business & Human Rights Resource Centre (B&HR RC) website<sup>1</sup>. As of February 2011 the Centre has published over 500 responses from 519 companies from 65 countries which this thesis will examine as a means of assessing the impact of their publication on corporate behaviour. The analysis will show how far public commitments of ethical conduct correspond with the reality of business in a globalised economy and shed light on the coherency and consistency of CSR policies.

The B&HR RC is an independent non-profit organisation whose mission is to encourage corporations worldwide to respect human rights. By archiving and publishing via its website all reporting on corporate activity, negative as well as positive, the Centre seeks to raise awareness of corporate complicity in human rights abuses and to promote ethical business conduct. As well as critical reports on human

<sup>1</sup> Business & Human Rights Resource Centre, mission statement, available at <http://www.business-humanrights.org/Aboutus/Briefdescription> (consulted on 4 July 2011).

rights related issues, the Centre also publishes information on topics connected with CSR, self-regulatory initiatives and guidelines for ethical business practice. It chronicles all news items connected to the subject such as civil litigation cases and relevant legislation. It can thus be regarded as a resource for anyone wishing to inform themselves on the subject of business and human rights whether from civil society or from business. It is to my knowledge the only organisation providing such information and collated data on a global level. The Centre's website has 1.2 million visitors per month and currently has an archive on the activities of over 5,000 companies<sup>2</sup>. The Centre relies heavily on the engagement and limited resources of non-governmental organisations (NGOs) and journalists for the information on its website.

Much as civil society cannot report on all the corporate wrongdoings in the world, the archive of the Centre<sup>3</sup> can by no means be considered a comprehensive catalogue of all corporate activity connected to human rights violations in the world today. The Centre however stores the only publicly accessible archive of corporate responses to allegations of complicity in human rights abuse. The allegations relate to almost the entire spectrum of human rights as defined by the Universal Declaration of Human Rights (UDHR), from labour rights and freedom of association to crimes against humanity. The overwhelming majority of allegations against MNEs involve aiding, abetting and profiting from egregious human rights abuses, which occur in over 180 countries in the world<sup>4</sup>.

Since 2005 the Centre has invited companies to respond to allegations of complicity in human rights violations when NGOs or journalists making the allegations have received no response to their criticism or have requested the Centre to intervene on their behalf<sup>5</sup>. Companies which have already responded directly to their critics do not receive a further invitation to respond from the B&HR RC. The Centre does not take responsibility for the accuracy or content of reports or articles but simply provides a forum where the information can be read and responded to, with or without invitation. It can thus be considered as a platform for dialogue between companies and civil

<sup>2</sup> *Ibidem*.

<sup>3</sup> Business & Human Rights Resource Centre, all company responses, available at <http://www.business-humanrights.org/Documents/Update-Charts> (consulted on 25 June 2011).

<sup>4</sup> Business & Human Rights Resource Centre, mission statement, at <http://www.business-humanrights.org/Aboutus/Briefdescription> (consulted on 4 July 2011).

<sup>5</sup> Interview with Chris Avery, Director and Mauricio Lazala, Senior Researcher, B&HR RC, London, 11 March 2011.

society where dialogue has been absent. By offering companies the opportunity to respond to often serious allegations, the Centre has created an opening for engagement between corporations and civil society.

Lack of dialogue and engagement can have several causes which this thesis will explore: smaller domestic NGOs with no international profile may find it difficult to make themselves heard in the higher echelons of an MNE; financial and time constraints can undermine the capacity of critical authors to dedicate more time to monitor implementation; executives may underestimate the seriousness of the allegations or possible negative repercussions on the company. For whatever reasons a company has chosen not to respond to criticism, the Centre imparts a message of urgency and attention by expressly asking companies to respond within one week. The data shows a 74% response rate<sup>6</sup>.

As well as exposing corporate complicity in human rights violations, civil society is also tasked with monitoring compliance and implementation. By making these findings public, the B&HR RC facilitates a further monitoring mechanism by extending attention to the findings of critical actors in the field to an international audience. In addition, the publication of company responses to allegations of human rights abuses lends traction to the issues at stake which may otherwise remain less accessible to the general public and companies alike.

The findings of this research will show to what extent and under what conditions corporations see the necessity to engage with civil society and their critics. The responses offer a sense of the degree to which corporations actually commit to their CSR policies and to what extent they take responsibility for the allegations levelled against them. The case study in Chapter 6, focussing on the electronics sector in South China, will assess to what extent public statements of good corporate citizenship can affect a company's reaction to critical reporting and the relevance of soft law and self-regulatory codes. By looking at the types of responses from the companies concerned, the level of engagement with civil society and improvements subsequent to publication of reports and responses, the case study will provide an assessment of the impact and outcomes of public pressure and initiatives from within the business community itself.

Since the scope of this thesis does not allow for a comprehensive

<sup>6</sup> Annex I: 793 invitations were issued to 519 companies as of 12 January 2011 which elicited 588 responses.

analysis of the substance of all 588 responses, Chapter 4 will provide a general quantitative overview of all responses and non responses while Chapter 5 will give a detailed analysis of the responses from a smaller sample of companies from Brazil, Russia, India and China, widely referred to as the BRIC countries<sup>7</sup>. Despite their enormous political, historical and cultural differences, their analogous economic development and combined emerging economic power contributes to almost one quarter of the world's economy<sup>8</sup> and is predicted to outstrip those of the G7 by 2032<sup>9</sup>. The corporate conduct of companies headquartered in those countries is therefore of considerable significance when considering the future development of CSR policies.

The conclusions drawn from this study are subject to a number of limitations which are outlined in Chapter 1. To my knowledge there exists no empirical research on corporate responsiveness to accusations of complicity in human rights violations and whether publication of responses to these allegations can effect change in corporate behaviour. It is hoped that this exploratory research will present findings which may provide the basis for further research.

<sup>7</sup> Goldman Sachs, *Building Better Global Economic BRICs*, Global Economic Paper No. 66, 30 November 2001, available at <http://www2.goldmansachs.com/ideas/brics/building-better-doc.pdf> (consulted on 30 June 2011).

<sup>8</sup> Goldman Sachs, *Is This the BRICs Decade?*, in «BRICs Monthly», no. 10/03, 20 May 2010, available at <http://www.goldmansachs.com/our-thinking/brics/brics-decade.html> (consulted on 10 March 2011).

<sup>9</sup> «The Financial Times Magazine», *The Story of the BRICs*, 15 January 2010, available at <http://www.ft.com/cms/s/2/112ca932-00ab-11df-ae8d-00144feabdc0.html#axzz1Adlw4g Qv> (consulted on 14 April 2011).

CHAPTER 1  
METHODOLOGY

1.1. ANALYSIS OF THE DATA

Given the absence of a defined sample of companies, countries and sectors, an interpretative rather than a statistical approach has been used to analyse the data as a means of identifying patterns of corporate behaviour when confronted with allegations of human rights violations. A quantitative cross-national comparison of corporate behaviour would be beyond the scope of this thesis as it would entail taking into account all social, political and historical contexts which will have inevitably affected the development of corporate culture in the 65 countries in the study<sup>10</sup>. The quantitative research is nonetheless necessary to establish the basis for a qualitative analysis of a narrower line of enquiry: how do companies respond to public criticism and to what extent can civil society impact corporate ethical behaviour? It will therefore combine both qualitative and quantitative methods in the search for explanations. It will avoid empirical generalisations in the cross-national context but instead seek to identify similarities and differences which are of relevance when examining corporate responses to public criticism<sup>11</sup>. The approach to this research therefore acknowledges that inferences drawn may not have universal applicability but can demonstrate patterns of behaviour based on the evidence at hand which itself is limited to the archive of the B&HR RC<sup>12</sup>. The main objective of this preliminary research is to uncover fresh empirical evidence which will provide some

<sup>10</sup> Landman, 2009, pp. 31-36.

<sup>11</sup> *Ibidem*, pp. 39-41.

<sup>12</sup> All company responses can be found on the Business & Human Rights Resource Centre, available at <http://www.business-humanrights.org/Documents/Update-Charts> (consulted on 25 June 2011).

tentative conclusions and indicators and may be of use for further research.

## 1.2. SOURCES

The primary source of research derives solely from the archive of company responses and non responses of the B&HR RC. To my knowledge there exists no other empirical research which has specifically analysed, either quantitatively or qualitatively, the way in which corporations respond to allegations of human rights abuse. Although much has been written on the subject of supply chain management, self-regulation and codes of conduct, there is no supporting empirical evidence to confirm or dispel assumptions that they are effective instruments to enforce compliance with international human rights standards. Despite much literature on CSR and its implementation, including in emerging and developing countries, there exists little research on how pressure from civil society can impact corporate behaviour. A lot of attention has been paid to the business case for CSR through studies which aim to show the positive effect of corporate responsibility on financial performance. Research on company responses tends to focus on public relations (PR) and communications strategies rather than the challenge of responding specifically to allegations of human rights violations. Much of the available literature focuses on specific case studies of companies or countries rather than wider empirical data. No research to date has attempted to correlate corporate responses to complicity in human rights abuse with the nationalities of companies, sector of industry or the location of the allegations of violations.

Secondary sources of research are the B&HR RC website, NGO reports, newspaper articles, academic journals, company websites and interviews. Bearing in mind the limited resources to corroborate the findings of this thesis, it should be regarded as preliminary research with accompanying limitations and caveats.

## 1.3. CAVEATS

Firstly, the fact that a particular company's activities have not been documented on the B&HR RC website does not mean that that company has not had a human rights impact. The B&HR RC only issues an invitation to respond where a response has not already been obtained or requested by the NGO or journalist. A company's absence in the

archive could therefore mean that it has already engaged in dialogue with its critics, thus requiring no intervention by the B&HR RC.

Secondly, the number of responses obtained by the Centre also depends on how much time and effort was invested in obtaining a response. The Centre's limited resources are a key factor in defining its global presence and outreach. The absence of staff in certain regions<sup>13</sup> and punitive translation costs will consequently impact the likelihood of reports being referred to the B&HR RC. The Centre relies on the press and NGO reports to be pro-active in sharing their critical findings. If the Centre's profile among NGOs and journalists in a particular region is low, then critical reports may well fail to reach its website. In addition the Centre has no influence over the choices critical authors make when selecting the subjects of their reporting. With this in mind, any inferences drawn from these numbers would therefore have to be measured against considerations of the extent of reporting which was not published by the B&HR RC in the same time period. It is therefore safe to assume that the quantity of invitations in the B&HR RC archive is far from a real reflection of the number of issues being reported on worldwide.

Thirdly, unequal numbers of companies and sectors in the database means that only tentative conclusions can be drawn relating to the extent of corporate complicity by corporations from those specific countries or sectors. The content of the database does however show that the focus of investigations remains on companies from the developed economies. Apart from obvious considerations that companies from developed economies are more prevalent in their transnational operations, other reasons may come into play, such as the seriousness of violations or an NGO's or journalist's prioritisation of certain human rights issues. Bearing in mind the disproportionate resources available to investigate these issues compared to their frequent occurrence, priorities over which issue, country or company to address and which not to, are affected by a number of factors: a particular issue may have more resonance in one country than another and therefore have better chances of attracting more attention; a critical report released at a particular point in time, say to coincide with a donor or trade conference, may result in greater traction as part of a broader advocacy plan; the exposure of abuses by a high profile brand company may resonate with a broader audience than one less known among consumers. If we accept that the ultimate goal of critical reporting is to bring about

<sup>13</sup> The Centre has only one part-time member of staff covering over 25 Eastern European countries and until recently no member of staff for Latin America.

change, then prudent choices over which issues to report on cannot be avoided.

Fourthly, it should be noted that the parameters of this analysis do not take into account the size of the company. SMEs are more likely to operate at home rather than abroad. It may also be assumed that MNEs have significantly more means at their disposal to design and implement CSR strategies. Therefore when looking at corporate misconduct in countries outside the home state and CSR implementation in general, more detailed research, which includes the size and means of a company, would be required to give a broader perspective.

Lastly, it should be borne in mind that the accuracy or effectiveness of NGO and critical reporting has not been taken into consideration. The B&HR RC can thus be considered as fulfilling the role of a library for whose contents it can take no responsibility.

Despite the limitations these caveats impose, the data nevertheless reflects the state of reporting on and responses to corporate misconduct which can be accurately documented at this time. It would require much more empirical research, including personal interviews with those involved, both from the companies as well as from those reporting, in order to draw firmer conclusions. The available information can nonetheless help paint a broad picture of the landscape in which companies from different countries and sectors interact with civil society and their critics.

As the time limits on this thesis do not allow for a qualitative analysis of all 793 invitations, a sample has been selected to examine in detail the types and style of corporate responses to public criticism. The sample taken is based on the invitations sent to companies whose HQs are based in the BRIC countries and will be looked at in Chapter 5. This sample serves as a means of analysing a manageable number of responses for detailed analysis. Although comparisons of corporate behaviour between BRIC and non-BRIC countries remain tentative, the responses offer some insight into the relevance of varying contexts when assessing CSR implementation.

The selection of this sample is based on certain assumptions: that the impact of corporations from BRIC countries on human rights is no different than those from other countries; that companies based in these countries, as in other countries, are equally dependent on their social license to operate and will be affected by societal expectations; that national legislation regulating corporate conduct is just as varied within BRIC countries as it is in others; that companies in BRIC countries are just as vulnerable as companies in other countries to public scrutiny, if not at home, then at least on the international stage; that all

other variables which come into play with regard to CSR are just as manifold in BRIC countries as in others. These variables include but are not limited to the level of civil society and shareholder activism, consumer awareness, environmental awareness, media coverage and the availability of the Internet in the dissemination of information<sup>14</sup>.

The responses archived at the B&HR RC since 2005 have been collated and categorised according to company HQs, sectors and locations of the allegations of human rights violations. The quantitative analysis differentiates between the total number of companies (519) and the total number of invitations (793) the companies received. The data used includes all responses up to and including those contained in the Centre's weekly update<sup>15</sup>, dated 16 February 2011<sup>16</sup>.

The data has been collated manually and transposed from Word documents into Excel tables to facilitate numerical evaluation. Sectors have in part been renamed and regrouped to enable a broader overview of the data, while HQs and locations of allegations of abuse have retained the categorisation used by the B&HR RC. While every effort has been made to ensure accurate transferral of information from the database of the B&HR RC, human error may not be excluded.

#### 1.4. CATEGORISATION OF NATIONALITY OF COMPANIES

The nationality of a company has been defined by the location of its HQs. As MNEs are by definition companies operating in more than one country, with representative or subsidiary offices outside its home state, the nationality has been defined according to the branch to which the criticism was addressed. Thus, it has been distinguished between Coca-Cola with its HQs in the USA and Coca-Cola FEMSA, its bottling plant operating in Mexico. Some companies have dual HQs and in order to avoid duplication of numbers, those companies have been categorised under one of the two locations, according to which HQs has the dominant identity. For example, Johnson & Johnson/Tibotec has its HQs in USA/Belgium. It has been categorised under USA since the Belgian firm Tibotec was acquired by the US firm Johnson &

<sup>14</sup> Rannels, Kennedy & Brown, 2010, pp. 509-510.

<sup>15</sup> The B&HR RC issues a weekly newsletter to subscribers which includes an ongoing update of all responses and non responses from companies, available at <http://www.business-humanrights.org/Documents/Update-Charts> (consulted on 25 June 2011).

<sup>16</sup> The response charts contained in the newsletter of 16 February are dated 12 January 2011.

Johnson. This thesis will not provide an in-depth analysis of the various corporate structures which MNEs employ in their global activities but will instead rely on the information contained in the reports of the NGOs and journalists and as published by the B&HR RC.

### 1.5. CATEGORISATION OF SECTORS

Given the wide range of industries and services across the globe, it is necessary to categorise them in their overarching sectors in order to identify discernible patterns. Where a company is a conglomerate operating in a range of business activities, they have been categorised according to the business activity for which there have been allegations of human rights abuses<sup>17</sup>.

Where different sectors often overlap in their operations it seems logical and for the purpose of this paper to group them together.

The category EEC refers to energy, engineering and construction. It includes companies in the energy sector but which are not directly involved in the extractive process. Energy includes the distribution of electricity whether it has been derived from water, coal or nuclear power. The sectors energy, engineering and construction have synergistic links to each other. Engineering and construction companies often work hand in hand in the building of dams and large infrastructure projects and provide the technology and distribution means for the extractive industry.

Likewise, the category AFBTF (Agriculture, Food, Beverage, Tobacco, Fishery) includes sectors which often operate under similar conditions and may result in similar human rights violations.

The extractive sector refers to all companies actively involved in the process of extracting natural resources and minerals and includes oil, gas and mining companies. It does not include the timber industry which is categorised under natural resources. Steel and aluminium production are also grouped separately.

<sup>17</sup> Lajat (Grupo Lajat) comprises various business areas including textiles, real estate, food, gas and construction. The company has been categorised under textiles because of allegations relating to their activities as a supplier to retailers of apparel.

## Categories of sectors:

AFBTF: Agriculture, Food, Beverage, Tobacco, Fishery	Apparel/Textile	Automobile
Chemical/Waste Management	Consumer Goods	EEC: Energy, Engineering, Construction
Extractive (includes mining and gas)	Finance/Insurance	ICT: Information and Communications Technology (includes telephone companies, Internet providers, computer technology and manufacturers of hard and software)
Natural Resources/Timber (includes water and rubber)	Pharmaceutical	Retail (all products)
Security/Defence (includes services and technologies)	Steel/Aluminium	Tourism
Transport/Shipping	Other <sup>18</sup>	

## 1.6. LOCATIONS OF ALLEGATIONS OF ABUSE

The scope of the impact of MNEs can extend throughout entire regions, even continents. For example, pharmaceutical companies which resist demands from developing countries to make cheaper generic medication available will thereby obstruct access to affordable healthcare for millions of people in numerous countries throughout the world<sup>19</sup>. Some reports define locations according to the regions they affect, such as Africa or the Americas; in some cases a company's activities will overlap amongst countries not normally geographically associated with each other, for example, the US-based food producer Dole,

<sup>18</sup> Includes the production of glass, cement, packaging and cosmetics; carpentry, commodities trading, scrap metal, property development, legal services, employment agencies, media and service industries. These areas of business were represented by fewer than three companies and have therefore been classed together.

<sup>19</sup> Oxfam, *Investing for Life: Meeting Poor People's Needs for Access to Medicines Through Responsible Business Practices*, November 2007, pp. 2-12, available at <http://www.oxfam.org/sites/www.oxfam.org/files/bp109-investing-for-life-0711.pdf> (consulted on 23 April 2011).

which operates worldwide, was singled out for criticism because of its poor working conditions in Colombia and the Philippines<sup>20</sup>. For this reason a precise quantitative analysis of locations of allegations is somewhat skewed by their categorisation under «global,» as categorised by the B&HR RC.

<sup>20</sup> International Labour Rights Forum, *Working for Scrooge: Worst Companies of 2010 for the Right to Associate*, December 2010, pp. 6-7, available at <http://www.laborrights.org/sites/default/files/publications-and-resources/WorkingForScrooge2010.pdf> (consulted on 23 April 2011).

## CHAPTER 2

### GLOBALISATION OF SHAME

#### 2.1. GLOBAL CIVIL SOCIETY

While shame is defined concisely by the Oxford English Dictionary as «a painful feeling of humiliation or distress caused by the consciousness of wrong or foolish behaviour,» globalisation has been the subject of numerous interpretations<sup>21</sup>. Its most significant characteristic today is perhaps the speed of technological and social change<sup>22</sup>. The media, the Internet and social networks were identified as key drivers of recent uprisings in the Middle East, not only as methods of dissemination of information but as tools to organise the protests. Globalisation is also characterised by the interconnectedness of human consciousness across all fields of society<sup>23</sup>.

Global civil society has responded to the shifting relationship between the economy and the role of the state with the formation of social movements<sup>24</sup>. Higher levels of civil society participation in public debate have been extended to areas outside the confines of traditional institutions of government<sup>25</sup>. Civil society can thus be described as a complex process consisting of social movements, supranational institutions and NGOs with a normative function guided by aspirations of a more humane world<sup>26</sup>. It is characterised by notions of human rights, social justice, sustainability and peace<sup>27</sup> and is formally recognised by

<sup>21</sup> Kaldor, 2003, pp. 111-114.

<sup>22</sup> *Ibidem*, p. 108.

<sup>23</sup> *Ibidem*, p. 112.

<sup>24</sup> Edwards, 2004, pp. 113-114.

<sup>25</sup> Newman, 2005, pp. 119-120.

<sup>26</sup> Kaldor, 2003, pp. 106-108.

<sup>27</sup> Keane, 2003, pp. 175-176.

the world's institutions<sup>28</sup>. The combined efforts of civil society have contributed to the establishment of international treaties, customary law, soft law, codes of conduct and more recently the CSR movement to provide protection for human rights where that protection was lacking. Where these norms remain outside of legislation, shame continues to be a potent means of enforcement.

The level of shame that is felt for wrongful behaviour will depend on society's sanctions of it, for sanctions are what validate wrongful behaviour. As shown in the case study in Chapter 6, a lack of sanctions effectively means that companies are at liberty to include possible litigation costs or a dip in sales in their risk calculation and opt for maximum profit minus the price of shame. In the absence of regulation and effective sanctions for corporate complicity in human rights violations, the question remains as to how shame can be elevated to a level where it is unacceptable even if the price is small.

## 2.2. NGOS, THE MEDIA AND CORPORATIONS

NGOs have become adept at mobilising public opinion through international campaigns and networking to expose wrongful acts to provoke shame on a global level. It is the ability of global civil society to join forces across continents, mainly via the Internet, which makes its influence formidable. Indeed this paper would not have been possible had it not been for the collaboration of NGOs and media around the world to publicise corporate misconduct. However the media are first and foremost in the business of selling news. Whether celebrity news or the discovery of slave labour in a factory on another continent makes the front page will be decided by editors and not human rights defenders. The vast majority of NGOs do not operate internationally – in India alone there are an estimated 3.3 million NGOs<sup>29</sup> – but at a grass roots local level. In authoritarian regimes, the media does not have the freedom to report critically. Here the Internet has provided the means to elevate issues of public concern on to a wider global platform and create forums for public debate and activism. The online organisation Avaaz, for example, has over nine million members participating in pro-

<sup>28</sup> The UN lists over 3,400 accredited NGOs. UN Department of Economic and Social Affairs, NGO Branch, available at <http://csonet.org/> (consulted on 27 April 2011).

<sup>29</sup> One World South Asia, *India - More NGOs than Schools and Health Centres*, 7 July 2010, available at <http://southasia.oneworld.net/todaysh headlines/india-more-ngos-than-schools-and-health-centres> (consulted on 5 May 2011).

test petitions worldwide and has been able to mobilise over a million signatures for some of its campaigns<sup>30</sup>.

For civil society to elevate shame to its maximum potential it requires strategic methods of communications to extend its reach. Here the B&HR RC has created a role somewhere between media and watchdog to raise awareness in constituencies which may otherwise not be reached. By filling a gap in the communications strategies of NGOs and priorities of the media, it has established a new space for dialogue between the accusers and the accused. By offering a platform, not only for critics, but for businesses alike, human rights issues are being channelled in a direction where those with most influence are to be found, namely companies themselves. Moreover, the name and shame policy is no longer confined to the realm of accusers and accused but extends to the peer community.

Obtaining responses from corporations is however time consuming. Identifying and contacting the responsible person within a company for human rights issues can be a labour intensive task. It appears that despite often elaborate CSR websites, companies do not always have a strategy for responding to allegations of human rights abuse. The National Labor Committee (NLC) reported that they were unable to contact Lenovo's US office and found themselves constantly redirected to an Indian call centre<sup>31</sup>. Where an NGO is internationally known and respected, the likelihood of negative publicity is naturally higher which can lead to higher responsiveness of the company. Some NGOs, even those with a high profile, turn to the B&HR RC to request a response from a company because their chances of being heard are higher<sup>32</sup>. This suggests that the Centre presents a more neutral environment in which businesses are more likely to respond to their critics.

Certain developments show that the relationship between NGOs and corporations has moved away from the traditional «them and us» stereotype to one of collaboration. There are numerous examples of an evolving stakeholder approach to business which includes engagement with NGOs and local community-based organisations (CBOs) to address human rights issues. A number of companies have embarked on projects aimed at resolving human rights concerns by forging partnerships with NGOs with considerable success. There is growing evidence

<sup>30</sup> Avaaz, available at <http://www.avaaz.org/en/index.php> (consulted on 2 June 2011).

<sup>31</sup> National Labor Committee, *High Tech Misery in China: The Dehumanization of Young Workers Producing Our Computer Keyboards*, February 2009, p. 59, available at <http://www.globallabourrights.org/reports?id=0006> (consulted on 20 April 2011).

<sup>32</sup> E-mail, Mauricio Lazala, Senior Researcher, B&HR RC, 8 June 2011.

therefore that among some companies at least, civil society can be a helpful ally in developing and implementing CSR policies and thereby preserving and protecting company reputation<sup>33</sup>.

### 2.3. THE CSR MOVEMENT

Numerous past corporate scandals and accompanying negative publicity can haunt companies for years, not only in terms of damage to the brand but also in costly litigation<sup>34</sup>. The CSR movement which developed over the past 15 years as a response to higher societal expectations of corporate conduct has led companies to incorporate soft law, self-regulatory guidelines and social reporting into their business strategies<sup>35</sup>. The emergence of initiatives such as the Extractive Industries Transparency Initiative (EITI)<sup>36</sup>, the Electronics Industry Citizenship Coalition (EICC)<sup>37</sup> or voluntary codes such as the UN Global Compact<sup>38</sup> and OECD Guidelines<sup>39</sup>, are an indication of a growing awareness among corporations that society is demanding higher ethical standards and accountability for corporate misconduct<sup>40</sup>. On 16 June 2011 the UN Human Rights Council endorsed a new set of Guiding Principles for Business and Human Rights<sup>41</sup>, devised by the Special Representative of the UN Secretary General<sup>42</sup>.

In addition, the growing popularity of Socially Responsible Investment (SRI)<sup>43</sup>, accompanied by shareholder activism<sup>44</sup>, has provided

<sup>33</sup> Seitanidi & Crane, 2009, pp. 414-415.

<sup>34</sup> Chambers, 2005, pp. 14-15.

<sup>35</sup> Florini, 2003, p. 4.

<sup>36</sup> EITI, available at <http://eiti.org/> (consulted on 25 March 2011).

<sup>37</sup> EICC, available at <http://www.eicc.info/EICC%20CODE.htm> (consulted on 10 April 2011).

<sup>38</sup> UN Global Compact, available at <http://www.unglobalcompact.org/> (consulted on 16 June 2011).

<sup>39</sup> OECD, Guidelines for Multinational Enterprises, 2008, available at <http://www.oecd.org/dataoecd/56/36/1922428.pdf> (consulted on 10 April 2011).

<sup>40</sup> Stohl, Stohl & Popova, 2009, pp. 607-609.

<sup>41</sup> OHCHR press release, *New Guiding Principles on Business and Human Rights Endorsed by the UN Human Rights Council*, 16 June 2011, available at <http://www.business-humanrights.org/media/documents/ruggie/ruggie-guiding-principles-endorsed-16-jun-2011.pdf> (consulted on 4 July 2011).

<sup>42</sup> UN, Report of the Special Representative of the Secretary General, John Ruggie, *Guiding Principles on Business and Human Rights*, UN index: A/HRC/17/31, 21 March 2011, available at <http://www.business-humanrights.org/media/documents/ruggie/ruggie-guiding-principles-21-mar-2011.pdf> (consulted on 4 July 2011).

<sup>43</sup> Martin, 2009, pp. 549-550.

<sup>44</sup> Florini, 2003, p. 8.

companies with more motivation to meet the criteria for certification in indexes such as the Footse4Good and thereby enhance their market value. By falling short of the standards they publicly prescribe to, accusations of «greenwashing» or «bluewashing» are unavoidable. A striking example is the *Kaskey v. Nike* case of 2003<sup>45</sup> which confirmed blatant false advertising on the part of Nike. The case shows that consumers of brand goods base their purchases and choice of brand on trust in the image a company has created. When that image is tarnished or called into question, as in the aforementioned case due to disclosure of child labour in its supply chain, the result is a breach of legitimate consumer expectations of a particular corporate conduct which was associated with the product and advertised by the company. In this context responding to accusations of corporate misconduct is even more pressing if companies wish to preserve their credibility and mitigate negative publicity. The empirical data collated in this paper will show to what extent companies which participate in self-regulatory initiatives are more responsive to criticism.

The globalisation of shame, i.e. a heightened sensitivity to what constitutes ethical conduct, has become visible and palpable on a number of levels. Companies are showing more concern at exposure of human rights violations and have begun to cooperate more closely with their critics in an effort to improve their corporate behaviour<sup>46</sup>. When confronted with the consequences of their business practices which have resulted in human rights abuses, company executives, frequently unaware of the impact of their operations, are often dismayed, even ashamed<sup>47</sup>. The spread of CSR has arisen also from pressure among peers, as seen in the implementation of codes of conduct, and not only as a result of pressure from below. A number of forums, such as the Business Leaders Initiative on Human Rights<sup>48</sup> show that human rights issues are being pushed also from the top down.

And still there is much work to be done. In a recent survey of company executives carried out by the Institute for Human Rights and Business (IHRB), 97% of participants felt that businesses must respect the human rights of those affected by their activities. At the same time

<sup>45</sup> Mayer, 2007, pp. 65-66.

<sup>46</sup> E-mail, Arvind Ganesan, Director, Business & Human Rights Programme, Human Rights Watch, 19 June 2011.

<sup>47</sup> Interview with Dr. Leïla Choukroune, Director of the Advanced Masters in International and European Economic Law, Maastricht University, Maastricht, 15 June 2011.

<sup>48</sup> Business Leaders Initiative on Human Rights, available at <http://www.blihr.org/> (consulted on 15 April 2011).

however, only 33% said their company had a human rights policy. Perhaps more tellingly, only 25% of those invited to take part in the survey took the trouble to respond<sup>49</sup>.

<sup>49</sup> Institute for Human Rights and Business, *Results of Global Survey on Corporate Human Rights Preparedness*, June 2011, available at [http://www.echoresearch.com/data/File/IHRB/IHRB\\_Full\\_Research\\_Results.pdf](http://www.echoresearch.com/data/File/IHRB/IHRB_Full_Research_Results.pdf) (consulted on 14 June 2011).

CHAPTER 3  
REPUTATION AND RESPONSE

When Kate Middleton's engagement to Prince William of England was announced, she was immediately hailed a fashion icon, apparently inspiring millions of women the world over to mimic her dress sense. Months later, a dress she had worn to meet President Obama sold out in record time, causing the retailer's website to crash. The very next day, a newspaper not otherwise widely known for its critical journalism, reported on the poor working conditions and wages of the workers at the factory in Rumania where the dress had been manufactured<sup>50</sup>. In short, the blinding speed by which the company gained a reputation as purveyor to the royal household was destroyed just as quickly by association with unethical conduct. The story affirms the claim that brands take years to build but only seconds to destroy. This particular retailer may take comfort in the knowledge that according to Reputation Xchange<sup>51</sup>, a blog run by Dr. Leslie Gaines-Ross, chief reputation strategist at the global PR agency Shandwick Weber, 43% of the world's largest companies suffered damage to their reputations between 2010 and 2011.

3.1. MANAGING REPUTATION

Reputation has been identified as a major contributing factor to a

<sup>50</sup> «The Daily Mail», *Kate's Dazzling Dress Is Made in Rumanian «Sweatshop» by Women on Just 99p per Hour*, 28 May 2011, available at <http://www.dailymail.co.uk/news/article-1391673/Kates-dazzling-dress-Romanian-sweatshop-women-just-99p-hour.html> (consulted on 30 May 2011).

<sup>51</sup> ReputationXchange, *Reputation Stumble Rate Still High*, 29 April 2011, available at <http://reputationxchange.com/2011/04/29/reputation-stumble-rate-still-high/> (consulted on 15 May 2011).

company's market value<sup>52</sup>. Reputation is formed by the knowledge we have gained from a company, based on our experience of its products and actions as well as information passed from word of mouth and through the media. A positive reputation can give a company a competitive advantage, breed customer loyalty, attract more talented staff and distinguish its products from those of its competitors. It can therefore be regarded as an intangible asset equally vulnerable to risk as capital<sup>53</sup>.

Consumers generally respond positively to companies which claim to be doing good for the community at large<sup>54</sup>. A look at company websites, which use images of nature, children and positive work environments, suggesting that the company has in some way created them, supports this assumption. The popularity of the Fair Trade brand is evidence of how consumers are concerned not just about the product itself, but how it is produced<sup>55</sup>.

When public criticism is threatening to reputation, companies often put into operation a reputation management regime to manage perceptions of the damaging actions<sup>56</sup>. Such a regime can consist of preparing a response and implementing corrective action to repair the damage. The types of response can vary from public apologies and payment of compensation for damages to complete silence, depending on the management's perception of threat. An ethical scandal does not necessarily mean loss of reputation as long as the accused is seen to be contributing to a remedy<sup>57</sup>. If reputation is built on trust, it will be at greater threat if it is inconsistent with a company's promises. A company with a strong history of social responsibility however will stand better chances of surviving public scandal and be in a stronger position to protect its image<sup>58</sup>.

### 3.2. RESPONDING TO CRITICISM

Although the archive of the B&HR RC offers only an incomplete

<sup>52</sup> «McKinsey Quarterly», *When Social Issues Become Strategic*, May 2006, available at [https://www.mckinseyquarterly.com/When\\_social\\_issues\\_become\\_strategic\\_1763](https://www.mckinseyquarterly.com/When_social_issues_become_strategic_1763) (consulted on 10 May 2011).

<sup>53</sup> Sims, 2009, pp. 454-455.

<sup>54</sup> Bhattacharya & Sen, 2004, p. 9.

<sup>55</sup> Raynolds & Long, 2007, pp. 21-22.

<sup>56</sup> *Ibidem*.

<sup>57</sup> Reuber & Fischer, 2010, p. 43.

<sup>58</sup> Vanhamme & Grobben, 2009, pp. 273-274.

picture of the authors of company responses it is nonetheless significant that many of them are sent by the communications or PR departments and not the CSR or Sustainable Development Departments<sup>59</sup>. This suggests that the notion of a corporate response seems to remain very much an integral part of a company's communications strategy. By looking at the content of these responses it is possible to ascertain to what extent companies view public criticism as a threat to its reputation and brand. But to what extent is it willing to take all necessary measures to protect them? The length and detail of the response as well as the language contained in it reflects the time and resources invested to safeguard its reputation. The response therefore reveals the degree of a company's perception of the severity of the issues and the extent of their obligations.

By inviting a company to respond to accusations of human rights abuse, the policy of naming and shaming goes a step further. Evidence is presented to the alleged offender establishing the existence of a problem for which a solution may be found by engaging in dialogue with the responsible party. This requires an admission of responsibility if not in full, at least in part. As will be shown, companies often offer acknowledgement of human rights abuses but stop short of taking full responsibility, which, depending on the accuracy of the allegations, may in some cases be justified.

Although the B&HR RC records a significant response rate of 74%, a quarter of companies still choose not to respond, even in the light of egregious human rights abuses and multiple invitations to respond<sup>60</sup>. By choosing not to respond, companies leave much room for speculation. Studies have shown however, that a company which faces responsibility for its actions through public acknowledgement stands a much better chance of avoiding costly litigation, damage to reputation and can even improve its public image. A company which has a track record of misconduct will not only have to invest more in repair, it will also be more prone to scrutiny in future<sup>61</sup>. This thesis will assess to what extent the rate and substance of responses from companies in different countries and sectors reflect the reality of corporate accountability. Moreover, the

<sup>59</sup> Many of the responses do not reveal by whom it was written. Interview, Chris Avery, Director, and Mauricio Lazala, Senior Researcher, B&HR RC, London, 11 March 2011.

<sup>60</sup> The Canadian mining company Goldcorp failed to respond to three invitations regarding allegations of human rights abuses and severe environmental degradation in connection with its mining operations in the Americas. B&HR RC website available at <http://www.business-humanrights.org/Documents/Update-Charts> (consulted on 25 June 2011).

<sup>61</sup> Runnels, 2010, pp. 481-486.

analysis of responses in Chapter 5 will show that even in cases where companies did not respond, some nonetheless took positive measures to improve their conduct.

Provoking reaction therefore, even if outwardly silent, is an important step in the process of bringing about change. It opens a door for dialogue and, in the best scenario, fosters collaborative relationships between internal and external stakeholders which may not otherwise have developed.

## CHAPTER 4

### OVERVIEW OF ALL DATA

#### 4.1. CORRELATION OF NATIONALITY OF COMPANIES, LOCATION OF ABUSES AND SECTOR OF INDUSTRY

The data differentiates between the total number of companies in the database which received invitations from the B&HR RC and the total number of invitations which were issued. In many cases, companies received more than one invitation to respond to different allegations, as shown in Table 10.

The data has been organised to identify the total number of companies cited in the invitations according to their HQs. The total number of invitations sent to these companies have been organised according to the nationality of companies, sectors of industry and the location of where the allegations took place.

Since the Centre began archiving responses from corporations in 2005, it has issued 793 invitations to respond to public criticism to 519 companies from 65 countries<sup>62</sup>. Of the 793 invitations issued, 588 elicited responses.

Although for the purpose of this analysis the number of invitations companies received and responded to is more relevant, it is nonetheless useful to present an overall picture of the major players in the field. The vast majority of companies in the database have their HQs in developed economies. The twelve countries shown in Table 2 are home to the HQs of more than ten companies which received invitations from the B&HR RC, accounting for 68% of all companies in the database.

<sup>62</sup> Includes responses up to and including 12 January 2011.

4.2. COMPANIES AND HQS

Table 1. Company HQs per region

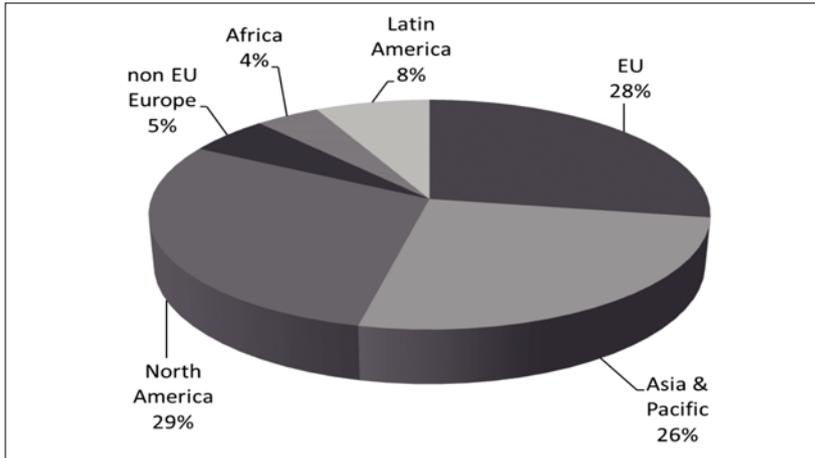
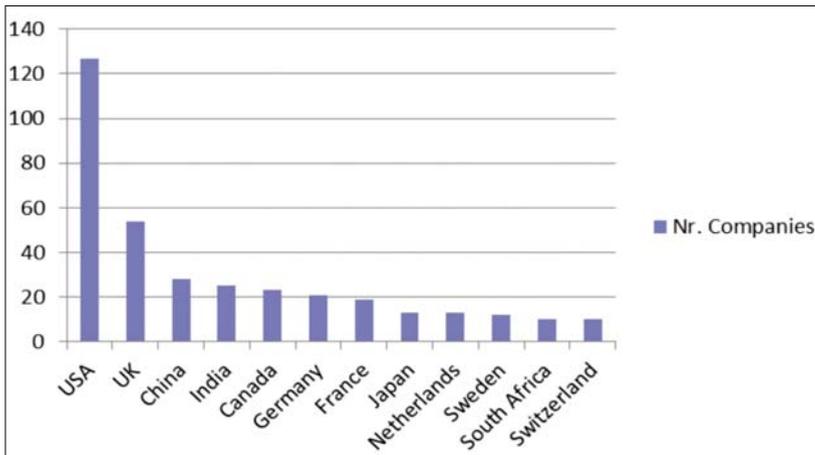
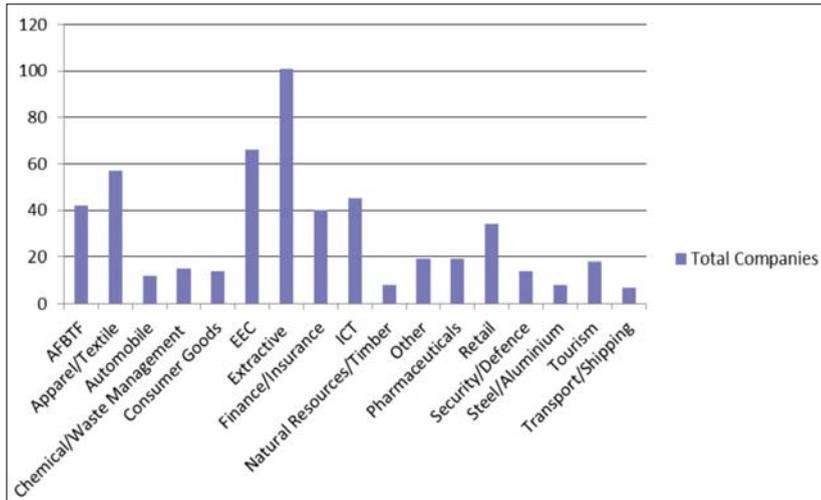


Table 2. Total companies per HQs



## 4.3. COMPANIES AND SECTORS

Table 3. Total companies per sector



The single sector with the highest number of companies is the extractive sector. Together the companies in the extractive and EEC sectors make up almost a third of all companies receiving requests to respond to allegations of misconduct. In the extractive sector, companies with their HQs in Canada, the USA and the UK make up 48% of those being asked to respond to allegations. Of the 83 companies in the EEC sector, companies based in the UK, the USA and China are the dominant actors, with the USA and China equally represented by eight companies and the UK by nine. The high number of companies from the extractive and EEC sectors can most likely be explained by the dimension of the impact of their operations. Projects such as dam building or mining operations are often on a very large scale affecting thousands of people and their livelihoods<sup>65</sup>. Involuntary displacement, environmental degradation and hazardous working conditions can result in an array of human rights abuses. Given the scope and seriousness of violations related to these sectors, it is therefore self evident that they have become the focus of reporting.

<sup>65</sup> Rights Action, *Investing in Conflict. Public Money, Private Gain: Goldcorp in the Americas*, May 2008, available at <http://rightsaction.org/Reports/research.pdf> (consulted on 3 July 2011).

Companies in the ICT sector are predominantly based in China (9) and the USA (10). As many of the companies in this sector are brands as well as manufacturers, many brand companies which source their component parts from non-compliant manufacturers have found themselves cited in the same reports: the brands for insufficient compliance of their supply chain codes and manufacturers for labour rights violations. Companies in the apparel/textile and consumer goods sectors likewise become complicit in human rights abuses at both ends of the trade relationship. In fact across almost all sectors, the relationships between corporate clients and their suppliers highlight the inherent challenges in cross-border supply chain management. This contextual relationship and its relevance to CSR development will be dealt with in more detail in Chapter 6.

Human rights violations connected to the pharmaceutical, finance/insurance, AFTBF and chemical/waste management sectors appear to arise out of a different context. Here, companies have become complicit due to their own direct operations, often in countries outside their home state, and with no third party supplier or client. Allegations concern negligence in their operations abroad, often accompanied by weak domestic legislation and enforcement<sup>64</sup> and providing services and goods to rogue regimes<sup>65</sup>.

#### 4.4. RESPONSES AND HQS

Table 4 shows the top 15 country HQs of companies which received more than ten invitations to respond. Table 5 shows the response rates of the companies in those countries. The USA received the highest number of 238 invitations from the B&HR RC, accounting for just under a third of all invitations and shows a response rate of 77%. Only companies based in South Africa recorded a 100% response rate followed by companies from the Netherlands with 93% and Sweden and Germany both with 88%. Only Indian companies had a response rate lower than 50%.

Despite the fact that the numbers of invitations issued to companies

<sup>64</sup> A number of drug companies have been criticised for outsourcing clinical trials of drugs to developing countries where regulation is weaker. See «The Hindu», *Centre Halts HPV Vaccine Project*, 8 April 2010, available at <http://www.hindu.com/2010/04/08/stories/2010040857390100.htm> (consulted on 30 June 2011).

<sup>65</sup> A number of banks have been criticised for facilitating transactions from abusive governments. See «Sunday Times», *Barclays Bankrolls Mugabe's Brutal Regime*, 11 November 2007, available at <http://www.timesonline.co.uk/tol/news/uk/article2848046.ece> (consulted on 3 July 2011).

Table 4. Top 15 countries response rates

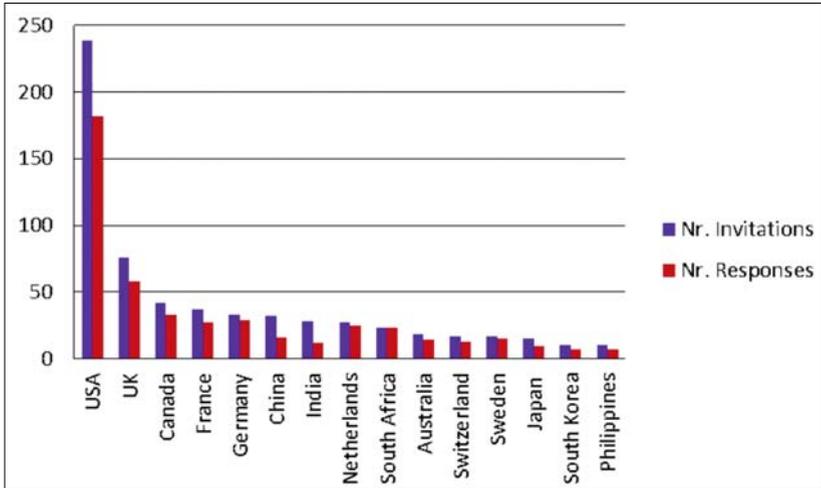
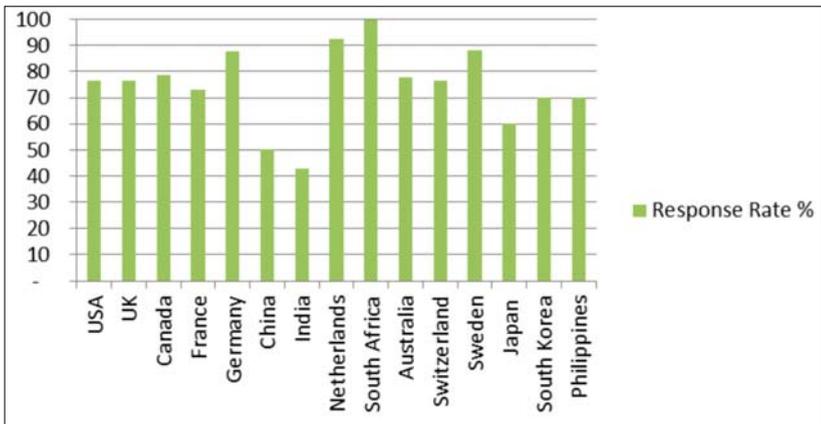


Table 5. Top 15 countries response rates (%)

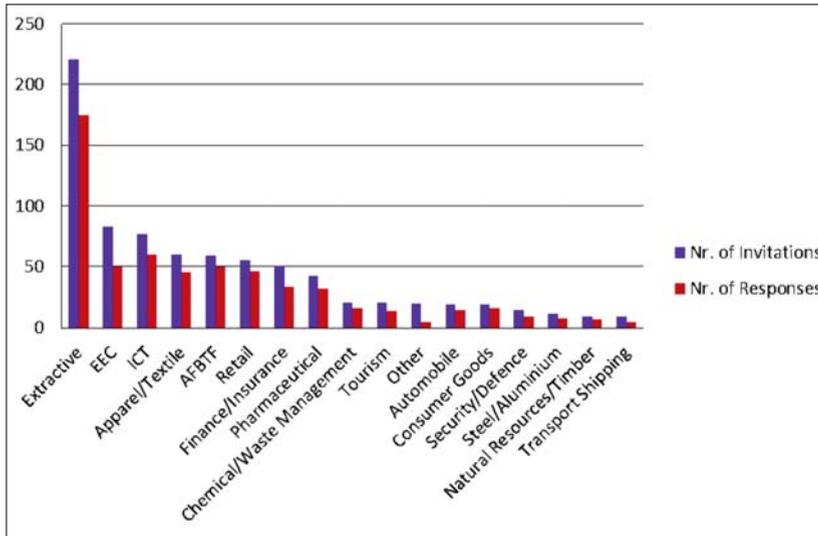


vary significantly, the response rates suggest a possible linkage between a company's history of responding to criticism. It may be assumed, for example, that a company which has repeatedly been accused of ethical misconduct may have developed more effective ways of dealing with public criticism than others. This may account for the high response rate from companies from South Africa and the Netherlands. Of the 27 invitations

issued to Dutch companies, ten were directed at Shell, which has a 100% response rate. While the data suggests that the nationality of a company may have bearing on its corporate culture, the parameters of this survey do not include factors which would justify any concrete conclusions.

4.5. RESPONSES AND SECTORS

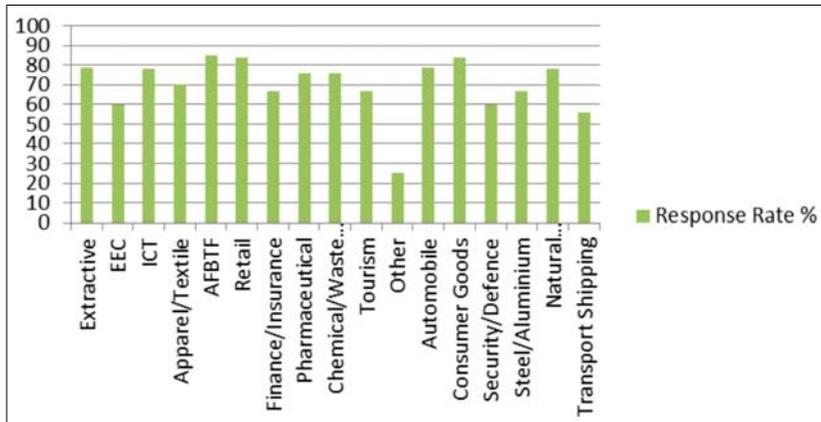
Table 6. Response rates per sector



221 invitations related solely to the extractive sector which corresponds to 29% of all invitations in the archive. The extractive sector's high response rate of 79% however, should be measured against the relevance of the dominant players in this sector with HQs in Canada (22), the USA (12) and the UK (14). The overall high response rates from companies based in these countries could well have a bearing on the high response rate in the extractive sector. By contrast, the EEC sector shows a much weaker response rate which may reflect the more diverse nationality pool of companies represented in this sector.

The sectors which received 50 or more invitations to respond show varying response rates with the EEC sector responding to the fewest invitations. The retail sector showed a particularly high response rate of 84%, as did the sector consumer goods, although with a much smaller number of invitations. The high response rate for these sectors may be

Table 7. Response rates per sector (%)



explained by the relevance of a high consumer profile as companies are more likely to respond if they feel they are at risk of consumer boycotts. A closer look at the markets in question, consumer profiles and the nature of allegations would be necessary to confirm this assumption. Divergent levels of consumer awareness and resonance of particular human rights abuses have been found to have varying effects on consumer behaviour in different contexts<sup>66</sup>.

#### 4.6. RESPONSES AND LOCATIONS OF ALLEGATIONS

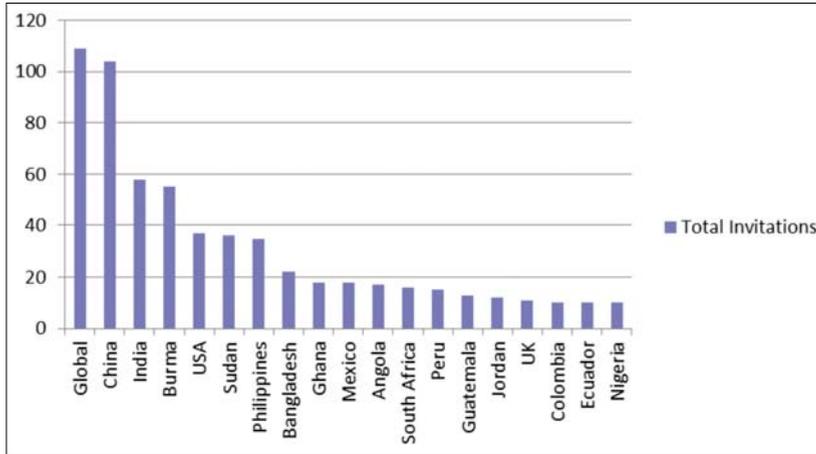
The environment in which companies operate is highly significant, particularly when it is considered high risk, i.e. where governments are dysfunctional or illegitimate or where conflict is taking place. Weak governance often results in weak protection of human rights and the environment. Companies are therefore often faced with the dilemma of either abiding by weak local legislation, thus risking complicity in human rights abuses, or jeopardising their business opportunities<sup>67</sup>.

The data at hand shows that an overwhelming number of companies allegedly become complicit in human rights abuses arising from their

<sup>66</sup> Tsalikis & Seaton, 2008, pp. 921-927.

<sup>67</sup> Institute for Human Rights and Business, *From Red to Green Flags*, 2 May 2011, pp. 3-7, available at [http://www.ihrb.org/news/2011/from\\_red\\_to\\_green\\_flags.html](http://www.ihrb.org/news/2011/from_red_to_green_flags.html) (consulted on 3 July 2011).

Table 8. Location of allegations

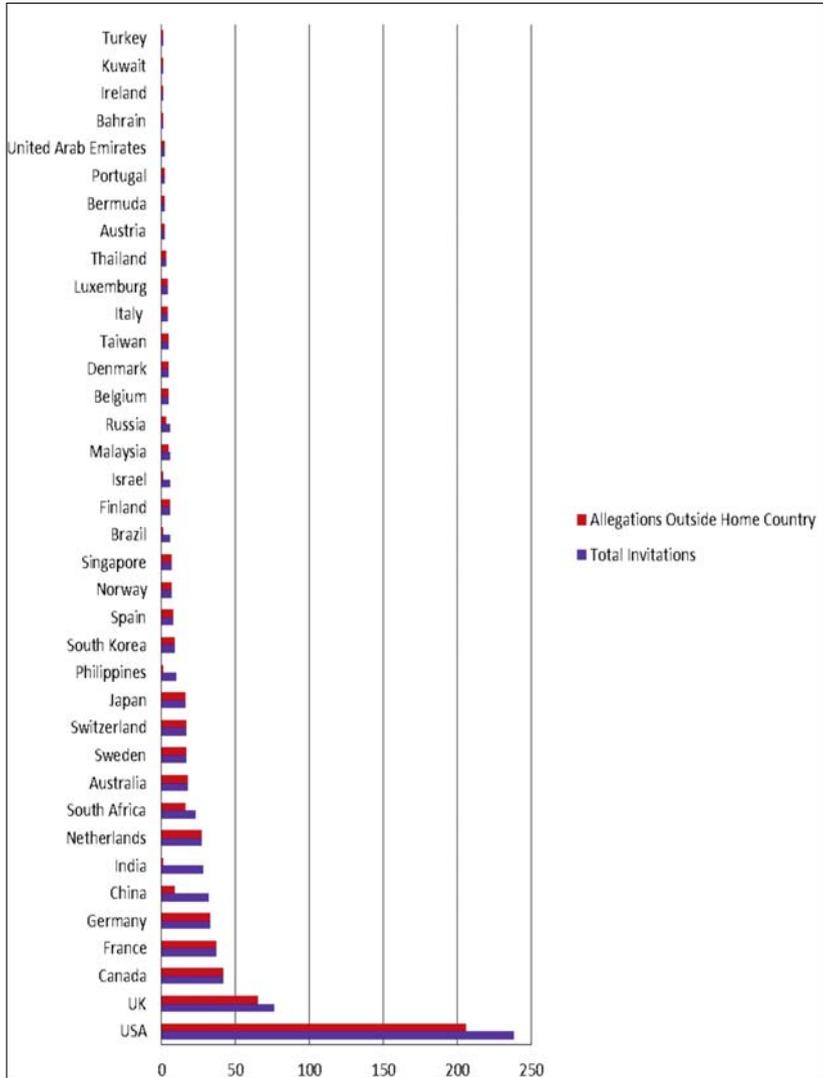


operations in countries outside of their home states, usually in developing countries. Only 12% of all invitations were issued to companies for allegations of abuse in their own countries. The vast majority of these companies accused of misconduct at home had their HQs in developing countries. Only Israel, the UK and the USA were the notable exceptions.

Unsurprisingly the majority of locations of allegations are to be found in the global context, where claims of abuse are not confined to one specific country. China was the single most cited country where corporate abuse allegedly took place. Given that human rights reporting in China is still severely repressed, one likely explanation could be that trade relationships between Chinese and international companies have helped draw more attention to corporate conduct there<sup>68</sup>. The case study in Chapter 6 will examine these relationships in more detail and look at the influence of supply chain codes of conduct and the role of global activism in exposing human rights violations in challenging environments.

<sup>68</sup> Gao, 2009, p. 26.

Table 9. Allegations outside home state



4.7. NON RESPONSES

As previously mentioned, success in obtaining a response from a company depends a great deal on the available resources and determination of the critical authors as well as the B&HR RC. Many companies, particularly SMEs, may not have staff dealing solely with issues of CSR so that any request for a response may disappear in the in-box. In numerous cases, enquiries relating to human rights are referred to the public relations or communications department. For whatever reasons companies choose not to respond, there is reason to believe that corporations' strategies for responding are often *ad hoc* rather than systematic or consistent with their public CSR commitments. This can be seen in the instances where companies respond to some invitations but not to others as shown in Table 10. Furthermore, as will be seen in Chapter 5, the quality of responses often amounts to the same as a non response when companies refrain from acknowledging that abuses have taken place or simply refer the enquirer to its company website for further information.

Table 10. > 5 invitations

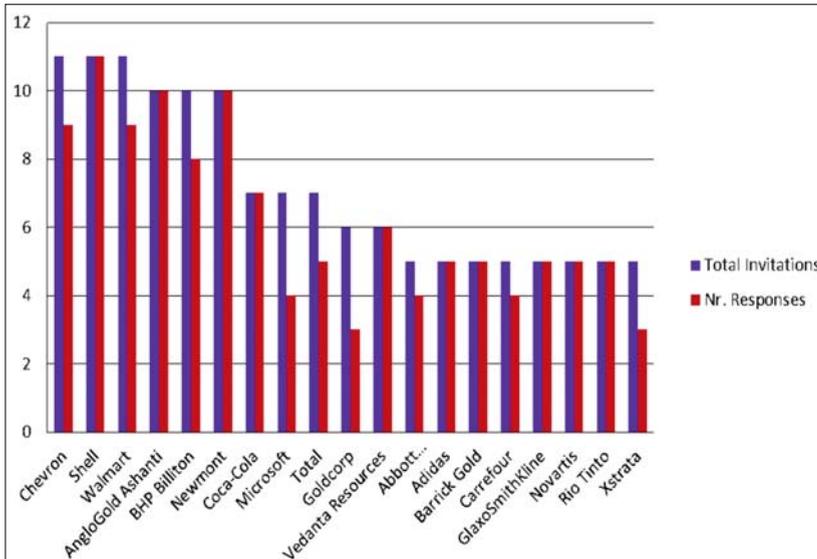


Table 10 shows the 19 companies which received five or more invitations to respond and the responses they elicited. Ten companies show 100% response rates which suggest a more coherent approach to dealing with critics. However Microsoft, significant not only for its global presence but also high consumer profile, shows surprisingly inconsistent responsiveness, replying to only four of seven invitations. The cases study in Chapter 6 provides more insight into how Microsoft's strategy of responding to critics compares with its peers in the ICT sector.

## CHAPTER 5

### THE BRICS

#### 5.1. THE BRICS IN CONTEXT

Although the main purpose of the selection of the BRIC countries is to define a manageable number of corporate responses for more detailed analysis, their combined economic and political influence in the world are undeniable. They have come to be regarded as a homogenous group solely on the grounds of their similar economic development which has implications for comparisons between them and with countries outside of the BRICs. It is therefore useful to consider some context when making a qualitative analysis of the responses.

The BRIC countries represent over 2.8 billion of the world's population<sup>69</sup>, employ almost half of the world's workers<sup>70</sup> and contribute to almost a quarter of the global economy<sup>71</sup>. They are represented by two of the five permanent members of the UN Security Council, China and Russia, and are members of the G20 which represents the world's leading economies. As their economic influence has grown, so too has its identity as an economic bloc with accompanying political clout. In April 2011 the four countries, joined by South Africa, held a summit in China which ended with a joint statement calling for more influence in the economic and political world order<sup>72</sup>. This has been illustrated by

<sup>69</sup> The World Bank Data, World Bank Data: Total Population, available at <http://data.worldbank.org/indicator/SP.POP.TOTL> (consulted on 19 April 2011).

<sup>70</sup> OECD, *Employment Outlook 2007*, June 2007, available at <http://www.oecd.org/dataoecd/28/32/38798341.pdf> (consulted on 10 April 2011).

<sup>71</sup> Goldman Sachs, *Is This the BRIC's Decade?*, «BRICs Monthly», no. 10/03, 20 May 2010, available at <http://www2.goldmansachs.com/ideas/brics/brics-decade.html> (consulted on 10 March 2011).

<sup>72</sup> «The Economist», *BRICs in Search of a Foundation*, 16 April 2011, available at [http://www.economist.com/blogs/banyan/2011/04/emerging\\_economic\\_powers](http://www.economist.com/blogs/banyan/2011/04/emerging_economic_powers) (consulted on 30 April 2011).

their united stance on a number of issues of international concern. At the time of writing, a planned UN Security Council Resolution to impose sanctions on Syria was being opposed by China and Russia<sup>73</sup>. Both China<sup>74</sup> and India<sup>75</sup> have defied calls from the West to boycott the Burmese military government, instead preferring to engage in lucrative business deals. Furthermore, trade relations between the four BRICs show a new interdependence in export and import markets. China has now replaced the USA as Brazil's largest trade partner and Russia now exports more of its commodities to China than to the USA or Europe<sup>76</sup>.

The emerging economic influence of the BRIC economies coupled with their attractiveness for foreign investment by MNEs has drawn attention to their social and environmental issues<sup>77</sup>. The interaction between foreign MNEs and the communities they operate in has the potential to transmit not only capital, but knowledge, value systems and ideas<sup>78</sup>. But interactions with MNEs and subsequent spillovers can be negative as well as positive and raise questions as to the implementation in differing cultural and social contexts<sup>79</sup>. The case study in Chapter 6 will explore the pros and cons of the export of CSR practices from Western companies to their Chinese suppliers.

### 5.1.1. *CSR in the BRICs*

Given the speed of their economic development since the early nineties, it is fair to assume that implementation of effective CSR policies may not have kept pace. It is therefore necessary to consider other factors which may affect, positively or negatively, its implementation. These factors vary widely given the divergent contexts in which they are to be found at any given moment in time. The role of civil society, the main driver of CSR anywhere in the world, may provide some ex-

<sup>73</sup> «Al Jazeera», *UN Security Council Weighs Syria Resolution*, 9 June 2011, available at <http://english.aljazeera.net/news/middleeast/2011/06/20116815955110282.html> (consulted on 22 June 2011).

<sup>74</sup> «Al Jazeera», *China's Myanmar Balancing Act*, 26 September 2007, available at <http://www.aljazeera.com/news/asia-pacific/2007/09/2008525185628235625.html> (consulted on 22 June 2011).

<sup>75</sup> «The Hindu Business Line», *Myanmar Invites Indian Investments*, 28 July 2010, available at <http://www.thehindubusinessline.com/todays-paper/tp-economy/article999765.ece?ref=archive> (consulted on 19 June 2011).

<sup>76</sup> BBC, *BRIC Nations Become Increasingly Interdependent*, 14 April 2011, available at <http://www.bbc.co.uk/news/business-13046521> (consulted on 18 June 2011).

<sup>77</sup> Jamali & Neville, 2011, pp. 599-600.

<sup>78</sup> Meyer, 2004, p. 259.

<sup>79</sup> *Ibidem*, pp. 259-262 and 272.

planations for the development of CSR, but the business environment together with the political conditions and socially dominant issues such as discrimination, labour rights or safety of consumer goods, to mention only a few examples, are also important factors which will affect corporate behaviour. To what extent these policies have been embraced depends also on global institutional pressures as well as the business environment<sup>80</sup>.

The perceptions and practices of CSR in BRIC countries vary as widely among each other as do those of other countries. According to a survey by Ethical Corporation<sup>81</sup>, Brazilian companies have been quick to embrace CSR, although the notion of corporate philanthropy has a long and historic tradition. At least outwardly, Brazilian companies have adopted many of the international standards relating to business and human rights with membership of the UN Global Compact growing by 48% between 2008 and 2010<sup>82</sup>.

In India, a country in which over half the workforce<sup>83</sup> is employed in the informal economy, corporate philanthropy has a long-standing tradition in community involvement which has its roots in religion<sup>84</sup>. The CSR movement in India has been galvanised by a number of high profile cases of corporate misconduct and serious human rights abuses<sup>85</sup>, the most notable of which was the Bhopal disaster<sup>86</sup> which cost scores of lives and many more injuries. More recently, in December 2009, the Indian Ministry of Corporate Affairs introduced voluntary guidelines for businesses in the public sector which requires them to pay 5% of their profits in tax for CSR<sup>87</sup>.

In Russia, following the chaotic transition from a planned to a free market economy, the development of CSR and the debate around it is heavily influenced by the Soviet legacy whereby companies traditionally provided not just voluntary social benefits but also services ranging

<sup>80</sup> Jamali & Neville, 2011, p. 600.

<sup>81</sup> Ethical Corporation, *Champions in the Making*, Country Briefing Brazil, July 2010, available at [http://www.ethicalcorp.com/resources/pdfs/content/201075215445\\_Briefing-%20Brazil.pdf](http://www.ethicalcorp.com/resources/pdfs/content/201075215445_Briefing-%20Brazil.pdf) (consulted on 4 June 2011).

<sup>82</sup> *Ibidem*.

<sup>83</sup> Sundar, 2010, p. 52.

<sup>84</sup> CSR360 Global Partner Network, *A Picture of CSR in India*, 4 June 2010, available at <http://www.csr360gpn.org/magazine/feature/a-picture-of-csr-in-india/> (consulted on 19 June 2011).

<sup>85</sup> *Ibidem*.

<sup>86</sup> A gas explosion in 1984 at the Union Carbide plant in Bhopal killed approximately 3,800 people. Bhopal Information Centre, available at <http://www.bhopal.com/> (consulted on 28 May 2011).

<sup>87</sup> «CSR Asia», *India - CSR Tax Next?*, 12 August 2010, available at <http://www.csr-asia.com/index.php?id=13576> (consulted on 28 May 2011).

from health and education to infrastructure<sup>88</sup>. According to CSR Weltweit<sup>89</sup>, a non-profit organisation funded by the German Foreign Office and the Bertelsmann Foundation, CSR in Russia is still in its infancy with companies making only little use of international frameworks such as the UN Global Compact which counts only 46 Russian members<sup>90</sup>, of which only 20 are companies<sup>91</sup>.

China on the other hand, sent the greatest number of delegates from a single country to the UN Global Compact Leaders Summit in 2007<sup>92</sup> and currently has 223 members. While in China the CSR movement has been gaining momentum since 2004 with the introduction of government designed CSR guidelines and legislation, many human rights issues continue to be excluded, particularly freedom of assembly and freedom of speech<sup>93</sup>.

### 5.1.2. *Human Rights and Corruption*

Identifying common business practices and corporate cultures among the BRIC countries therefore remains limited to the fact that as their economies have rapidly emerged, the development of CSR has lagged behind. However, two factors combine which all countries share, albeit to varying degrees: a high level of corruption and human rights risk. Transparency International's Corruption Perception Index for 2010 rates all four BRIC countries hovering close to a score denoting a high level of corruption<sup>94</sup>. The consulting company Maplecroft identified several emerging economies including the BRICs to have deteriorating human rights records in their 2011 Human Rights Risk Atlas<sup>95</sup>. The report evaluates countries on the basis of key operational, strategic and reputational risks for business and draws attention to the fact that countries with a poor human rights record present added insecurity for business. India and Russia were categorised as extreme

<sup>88</sup> Settles, Melitonyan & Gillies, 2009, pp. 83-93.

<sup>89</sup> CSR Weltweit, Russia, available at <http://www.csr-weltweit.de/en/laenderprofile/profil/russische-foederation/index.nc.html> (consulted on 25 May 2011).

<sup>90</sup> UN Global Compact, Participants, available at <http://www.unglobalcompact.org/participants/search> (consulted on 25 June 2011).

<sup>91</sup> Others are registered as associations, NGOs or academic institutions.

<sup>92</sup> Jamali & Neville, 2011, p. 599.

<sup>93</sup> Lin, 2010, pp. 68-74.

<sup>94</sup> Transparency International, *Corruption Perceptions Index 2010 Results*, available at [http://www.transparency.org/policy\\_research/surveys\\_indices/cpi/2010/results](http://www.transparency.org/policy_research/surveys_indices/cpi/2010/results) (consulted on 15 May 2011). On a scale from one to ten, with zero denoting highly corrupt, Brazil scored 3.7, China 3.5, India 3.3 and Russia 2.1.

<sup>95</sup> Maplecroft, *Human Rights Risk Index 2010*, available at <http://human-rights.unglobalcompact.org/#> (consulted on 15 May 2011).

risk countries for investors in terms of security due to politically motivated violence and terrorism.

According to the 2011 Annual Report by Human Rights Watch<sup>96</sup> indigenous peoples and landless peasants in Brazil face threats and violence over land distribution with repeated intimidation and harassment of human rights defenders. In 2009 an estimated 6,000 forced labourers were found to be working in rural areas and the textile industry. Despite the government's efforts to redress the issue, accountability for abusive employers remains weak<sup>97</sup>.

China has been sharply criticised for its repression of civil and political rights, its crackdown on human rights defenders and censorship of the country's 384 million Internet users. The country's 230 million migrant workers continue to face discrimination and severe labour rights abuses despite government legislation and, aside from China's official trade union, The All China Federation of Trade Unions, independent trade unions remain illegal<sup>98</sup>.

In Russia, intimidation, harassment, and, in a number of cases, the murder of human rights defenders and journalists remain particularly disturbing and represent a grave threat to civil society and freedom of information. Russia's estimated four to nine million migrant workers often face confiscation of passports, non payment of wages, hazardous working conditions and little means of legal redress<sup>99</sup>.

Despite India's vibrant media and active civil society, serious human rights violations occur in connection with armed insurgencies in several regions of the country<sup>100</sup>. Forcible land acquisitions for infrastructure and mining projects, systematic discrimination against Dalits and minority groups<sup>101</sup>, as well as the alarming rise of farmer suicides resulting from export oriented agrarian reforms, remain areas of deep concern<sup>102</sup>.

Human rights violations and corruption levels in BRIC countries may be more widespread than this short overview allows for and may be more or less severe than in other countries. It is not the intention of

<sup>96</sup> Human Rights Watch, Annual Report 2011, available at <http://www.hrw.org/en/world-report-2011/brazil> (consulted on 18 May 2011).

<sup>97</sup> *Ibidem*.

<sup>98</sup> *Ibidem*, available at <http://www.hrw.org/en/world-report-2011/china> (consulted on 18 May 2011).

<sup>99</sup> *Ibidem*, available at <http://www.hrw.org/en/world-report-2011/Russia> (consulted on 18 May 2011).

<sup>100</sup> *Ibidem*, available at <http://www.hrw.org/en/world-report-2011/India> (consulted on 18 May 2011).

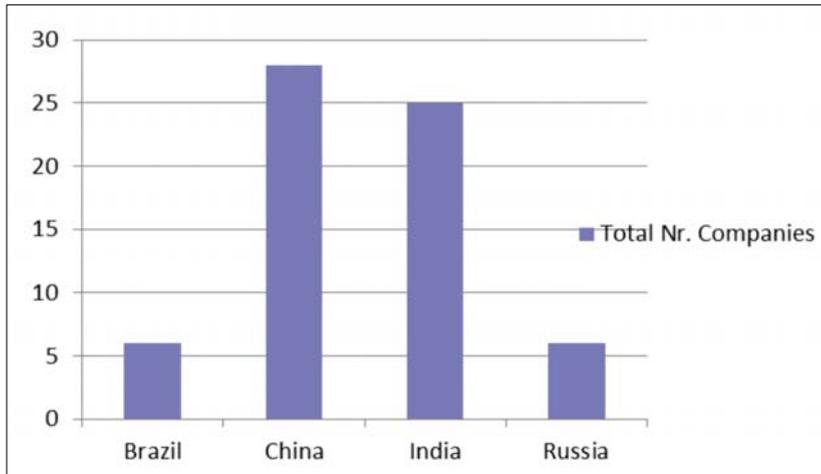
<sup>101</sup> *Ibidem*.

<sup>102</sup> Democracy Now, *Every 30 Minutes: Crushed by Debt and Neoliberal Reforms, Indian Farmers Commit Suicide at Staggering Rate*, 11 May 2011, available at [http://www.democracy-now.org/2011/5/11/every\\_30\\_minutes\\_crushed\\_by\\_debt](http://www.democracy-now.org/2011/5/11/every_30_minutes_crushed_by_debt) (consulted on 20 May 2011).

this paper to analyse each country's human rights record or assess corruption levels but to provide the social and political context which has broad relevance for an interpretative analysis of the data.

## 5.2. OVERVIEW OF RESPONSES

*Table 11. Nr. BRIC companies*



The human rights issues contained in the allegations include labour rights, discrimination, right to life, property rights and indigenous rights. Only 13 of 72 cases related to allegations occur in countries outside of their home countries<sup>103</sup>.

Of the 65 companies in the sample, only five<sup>104</sup> (7%) are currently participating members of the UN Global Compact. One has permanently been delisted<sup>105</sup> and two are inactive<sup>106</sup>. Companies which fail to

<sup>103</sup> Countries where human rights abuses took place outside of BRIC countries were Burma, Congo, Jordan, Guyana and Sudan.

<sup>104</sup> China Power Investment, Lenovo, Coal India, DSM and Rusal. UN Global Compact, Participants, available at <http://www.unglobalcompact.org/participants/search> (consulted on 25 June 2011).

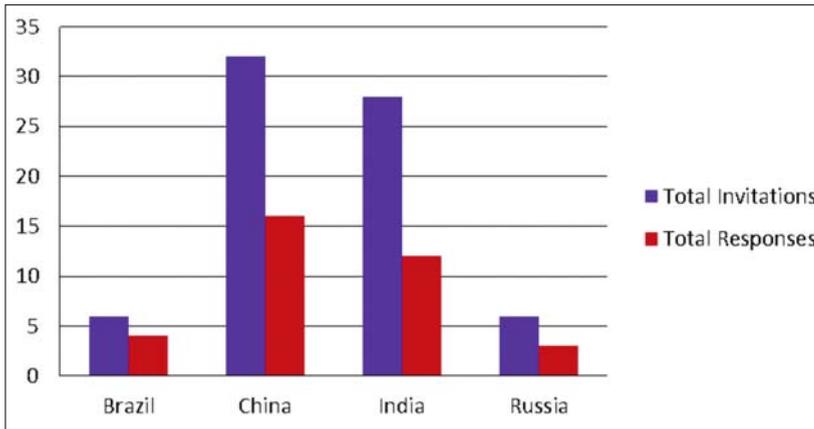
<sup>105</sup> The Brazilian company Veracel has been delisted. UN Global Compact, Participants, available at <http://www.unglobalcompact.org/participants/search> (consulted on 25 June 2011).

<sup>106</sup> Amalgamated Plantations Private Ltd and National Hydroelectric Power Corporation. UN Global Compact, Participants, available at <http://www.unglobalcompact.org/participants/search> (consulted on 25 June 2011).

meet the deadline for submitting an annual progress report or Communication on Progress (COP) are listed as inactive, while repeated failure to submit a COP results in a company's delisting<sup>107</sup>. Less than half the companies<sup>108</sup> devoted space to their CSR or sustainable development policies on their company websites.

It should be pointed out however, that these UN Global Compact inactive participation rates are comparable with the US, Germany, the UK and France<sup>109</sup>. Indeed, it should be noted here that out of the some 70,000 multinational companies worldwide, only 274 (none of them from BRIC countries), have a human rights policy statement<sup>110</sup>.

Table 12. BRICs response rate



72 invitations to respond to allegations of human rights abuses were sent to the 65 companies in the BRIC sample. Less than half responded, far lower than the 74% overall response rate of all company responses in the archive. The unequal numerical representation of companies

<sup>107</sup> As of 1 January 2010, 859 companies from 5,300 had been removed from the UN Global Compact. UN Global Compact, available at <http://www.unglobalcompact.org/news/8-02-01-2010> (consulted on 16 June 2011).

<sup>108</sup> 14 company websites could not be found.

<sup>109</sup> 19% of 415 participating companies from the US are inactive; from Germany, 15% of 206 participating companies are inactive; from the UK, 20% of 229 participants are inactive; from France, 22% of 705 companies are inactive. UN Global Compact, Participants, available at <http://www.unglobalcompact.org/participants/search> (consulted on 25 June 2011).

<sup>110</sup> Business & Human Rights Resource Centre, company policy statements on human rights, available at <http://www.business-humanrights.org/Documents/Policies> (consulted on 15 May 2011).

from the four countries places limitations on comparisons of response rates. The data nonetheless reflect the level and content of global reporting on companies from these countries at the present time.

A quarter of all invitations in the sample were directed at the EEC sector, while the extractive and ICT industries made up 18% each. Brazil and Russia each received only six invitations in total, while China and India account for 84% of all invitations in the sample. China responded to exactly half the invitations with India responding to only 43%.

66% of all invitations to Chinese companies related to abuses in the EEC and ICT sectors, while 70% of invitations received by Indian companies involved the EEC, extractive, AFBTF and pharmaceutical sectors. Four companies in the sample received more than one invitation to reply: China Power Investment (CPI) and Lenovo, both based in China, and Reliance Energy and Hindalco, based in India. In the 13 instances where allegations occurred outside the home country, five concerned Chinese, Indian and Russian companies operating in Burma. Russian companies' foreign operations all took place in the extractive sector. In total 62% of allegations of abuse abroad took place in the EEC sector.

### 5.3. NON RESPONSES

Of the companies in the BRIC sample which chose not to respond, the EEC and extractive sectors again make up the largest portion, constituting almost half of all non responses. Of the 32 companies which did not respond, it is interesting to note that just under half advertise their CSR policies on their websites and two of the companies, CPI and Lenovo, are members of the UN Global Compact<sup>111</sup>. Although allegations in the BRIC sample overwhelmingly relate to violations committed in the home country, over half of all non responses related to allegations occurring in countries outside the home country.

### 5.4. SUBSTANCE AND SOURCES OF ALLEGATIONS

#### 5.4.1. *Brazil*

All five of the reports involving Brazilian companies operating in

<sup>111</sup> See Annex 2 for a full overview of companies from BRIC countries in the research.

Brazil pertain to the environment, in particular the protection of the rainforest and the impact on indigenous peoples caused by projects in the agricultural, timber and engineering sectors<sup>112</sup>.

As mentioned in Chapter 1.4, it is not always apparent which company has the prime responsibility for its operations, as many operate with subsidiaries in the host country or, as in the case of the Brazilian engineering company Odebrecht, in transnational joint ventures with an Angolan state-owned enterprise (SOE), Endiama. The company was accused of complicity in unlawful killings by Angolan security companies at its diamond mines in Angola, operating alongside the UK-based mining company ITM Mining and counted US and Israeli companies as its clients<sup>113</sup>.

Three of the invitations issued to Brazilian companies related to a high profile report by Greenpeace on the Brazilian cattle sector, *Slaughtering the Amazon*<sup>114</sup>. It identified a number of Brazilian companies profiting from illegal deforestation in the Amazon, citing incidents of slave labour and complicity of the Brazilian government through indirect financing. The report drew worldwide attention due to the fact that Brazilian beef and leather producers were supplying several global retailers such as Wal-Mart and Carrefour. The Greenpeace campaign ultimately forced the accused companies to adopt new environmental standards and implement stricter monitoring<sup>115</sup>.

#### 5.4.2. China

Opaque business structures of companies operating abroad can

<sup>112</sup> Independencia, Marfig and JBS were implicated in the Greenpeace report, *Slaughtering the Amazon*, June 2009, available at <http://www.greenpeace.org/international/en/publications/reports/slaughtering-the-amazon/> (consulted on 12 April 2011). Veracel was implicated in the article «Mondiaal Nieuws», *Sustainable on Paper: the Eucalyptus Plantations of Babia*, September 2010, available at <http://www.mo.be/node/150516> (consulted on 1 July 2011). The NGO Terra de Direitos accused BAESA of human rights abuses in their report *Alcoa e Votorantim serão Denunciadas à OCDE por Organizações da Sociedade Civil*, 3 June 2005, available at <http://terradedireitos.org.br/biblioteca/noticias/alcoa-e-votorantim-serao-denunciadas-a-ocde-por-organizacoes-da-sociedade-civil/> (consulted on 1 July 2011).

<sup>113</sup> Speech by Rafael Marques at the School of Oriental and African Studies, University of London, *Angola: The New Blood Diamonds*, 28 November 2006, available at <http://www.reports-and-materials.org/Marques-speech-Angola-The-New-Blood-Diamonds-28-Nov-2006.doc> (consulted on 1 July 2011).

<sup>114</sup> Greenpeace report, *Slaughtering the Amazon*, June 2009, available at <http://www.greenpeace.org/international/en/publications/reports/slaughtering-the-amazon/> (consulted on 12 April 2011).

<sup>115</sup> Ethical Corporation, *Growing Pains*, Country Briefing Brazil, July 2010, p. 33, available at [http://www.ethicalcorp.com/resources/pdfs/content/201075215445\\_Briefing-%20Brazil.pdf](http://www.ethicalcorp.com/resources/pdfs/content/201075215445_Briefing-%20Brazil.pdf) (consulted on 5 June 2011).

result in their detachment, perceived or real, from the impact of their operations. For example, the timber company Baishanlin was criticised for poor working conditions and breaches of safety and health regulations at its plant in Guyana<sup>116</sup>. Baishanlin is owned by the Chinese company BUCC International Wood Industrial and a Chinese investor based in Canada. When asked to respond to the allegations, BUCC replied that their relationship with Baishanlin was purely contractual and that the company thus had no responsibilities regarding working conditions at the plant<sup>117</sup>.

China's repressive measures against human rights organisations, censorship of the Internet and its ban on independent trade unions pose serious challenges for those reporting on human rights abuse inside the country. Unsurprisingly therefore, the authors of the reports in the sample are mainly foreign NGOs and investigative journalists<sup>118</sup>.

Human rights violations found in supply chains provide plenty opportunity for NGOs to exploit their global networks to disseminate their findings. A number of reports are the product of NGO alliances which have formed to launch a campaign focussing on a particular issue or sector of industry<sup>119</sup>. Students and Scholars Against Corporate Misbehaviour (SACOM), based in Hong Kong, has produced a number of reports together with European NGOs such as WEED from Germany<sup>120</sup>, SOMO from the Netherlands<sup>121</sup>, Bread for All, based in Switzerland<sup>122</sup> and Finnwatch from Finland<sup>123</sup>. Given the export-based

<sup>116</sup> Guyana Forestry Blog, *Bai Shan Lin a Slave Camp*, 16 August 2007, available at <http://guyaneforestryblog.blogspot.com/2007/08/bai-shan-lin-slave-camp-workers.html> (consulted on 1 July 2011).

<sup>117</sup> Business & Human Rights Resource Centre, Response from BUCC, 15 August 2007, available at <http://www.business-humanrights.org/Links/Repository/398468> (consulted on 14 May 2011).

<sup>118</sup> China Labour Watch, US; South China Morning Post, Hong Kong; National Labour Committee, US; International Textile, Garment and Leather Workers Federation, multiple offices worldwide; Kachin Development Networking Group, Thailand; Irrawaddy Newspaper, Thailand; Libcom.org, UK; Terradaily.com, Australia; «CSR Asia», offices throughout Asia, including Beijing; Starbroek News, Guyana; China Daily, China.

<sup>119</sup> The Make it Fair Campaign was established to draw attention to human rights abuses in the Chinese electronics industry. Available at <http://sacom.hk/category/campaigns/make-itfair> (consulted on 1 July 2011).

<sup>120</sup> SACOM, *The Dark Side of Cyberspace*, December 2008, available at <http://sacom.hk/archives/449> (consulted 19 May 2011).

<sup>121</sup> SACOM, *Game Console and Music Player Production in China*, February 2011, available at <http://makeitfair.org/the-facts/reports/game-console-and-music-player-production-in-china> (consulted on 19 May 2011).

<sup>122</sup> SACOM, *High Tech - No Rights?. One Year Follow Up Report on Working Conditions in China's Electronics Hardware Sector*, May 2008, available at <http://sacom.hk/wp-content/uploads/2008/07/report-high-tech-no-rights-may2008.pdf> (consulted on 7 May 2011).

<sup>123</sup> SACOM, *Game Console and Music Player Production in China*, February 2011, available

economy in China, the advantages of NGOs forging transnational alliances to raise awareness among Western consumers of Chinese-made products about human rights violations are fairly self-evident. The negative publicity raises the pressure on Western brand companies, which have outsourced their manufacturing operations to China, to monitor their supply chain codes of conduct more closely. The case study in Chapter 6 will look at the interplay between brand companies and Chinese manufacturers in more detail.

While the reports on Brazilian companies operating in Brazil focussed on the environment, the reports on Chinese companies operating in China documented for the most part labour rights abuses at manufacturing plants across several sectors. Business activity in the EEC sector however was the source of other types of violation and was not confined to China. Companies involved in large-scale dam projects in Burma<sup>124</sup> and Sudan<sup>125</sup> were accused of complicity in severe environmental degradation and widespread human rights abuses including forced displacements, extortion and unlawful killings. The Myitsone dam in the Kachin state of Burma which began in 2007, is a joint venture between CPI and the Burmese state-owned Asia World Company. While CPI declined three times to respond to serious allegations of the forced displacement of approximately 15,000 villagers, extortion and forced labour<sup>126</sup>, its Burmese joint venture partner responded to the B&HR RC. In their response, they referred to the allegations contained in the report as falling under «the rights of the private company<sup>127</sup>.» As already noted, CPI is one of only two Chinese companies in the sample which is a participating member of the UN Global Compact. In addition it gives its CSR policy significant space on its company website<sup>128</sup>.

at <http://makeitfair.org/the-facts/reports/game-console-and-music-player-production-in-china> (consulted on 19 May 2011).

<sup>124</sup> The Chinese company, China Power Investment and the Burmese state-owned Asia World Company began building the Myitsone dam in the Kachin state of Burma in 2007. Kachinnews.com, *KDNG Urges China to Halt Dam Projects in Kachin State*, 27 October 2009, available at <http://www.kachinnews.com/news/1183-kdng-urges-china-to-halt-dam-projects-in-kachin-state.html> (consulted on 1 July 2011).

<sup>125</sup> China International Water and Electric (CWE) was accused of complicity in the killings of protesters at the building operations of the Merowe dam in Sudan. «Terradaily», *Three Killed in Sudan Protest over Nile Dam*, 23 April 2006, available at <http://www.terraily.com/2006/060423102947.sxn7mwoj.html> (consulted on 1 July 2011).

<sup>126</sup> Business & Human Rights Resource Centre, Burma: Kachin Development Networking Group calls for halt to Myitsone Dam, October 2009, available at <http://www.business-humanrights.org/Documents/Irrawaddy> (consulted on 15 May 2011).

<sup>127</sup> Business & Human Rights Resource Centre, Response from Asia World Company, available at <http://www.reports-and-materials.org/Asia-World-Company-response-re-Irrawaddy-dam-report-19-Nov-2009.doc> (consulted on 15 May 2011).

<sup>128</sup> China Power Investment Corporation, available at <http://eng.cpicorp.com.cn/Social-Responsibility/ProductionSafety/> (consulted on 31 March 2011).

In April 2006, an article published by Agence France-Presse<sup>129</sup> reported on the killings of protesters of the construction of the Merowe dam in Northern Sudan, Africa's largest hydroelectric power project. The Chinese company China International Water and Electric (CWE) was accused alongside three European companies: Lahmeyer of Germany, ABB of Switzerland and Alstom of France. The following year, the UN Special Rapporteur on Adequate Housing, Miloon Kothari, reported on the human impact of the project which entailed the forced evictions of an estimated 50,000 people and disastrous consequences for the livelihoods of local communities of the flooding of the Nile Valley<sup>130</sup>. The sheer brutality of the Sudanese government's handling of the relocations and protests against them caused international outcry and has resulted in what could become a landmark case in German law courts by the filing of a criminal complaint against two executives of Lahmeyer for complicity<sup>131</sup>.

In a similar case involving the shooting of protesters who opposed the building of a power plant in the Dongzhou region of China, four Chinese companies from the EEC sector were named in a report in «CSR Asia<sup>132</sup>.» The only one to respond, Guangdong Yudean, simply redirected the enquiry to the Chinese Government Press Office. Given the seriousness of the allegations and the international media coverage these cases attracted<sup>133</sup>, it is all the more startling that the companies did not feel the necessity even to issue a denial of involvement.

As illustrated in Chapter 4.7, companies respond to some allegations and not to others without any apparent reason or motivation. Lenovo, which advertises its UN Global Compact membership on its CSR website<sup>134</sup>, received three separate invitations to respond to separate reports, of which it replied to two. Two invitations related to their labour practices<sup>135</sup> and one

<sup>129</sup> «Terradaily», *Three Killed in Sudan Protest over Nile Dam*, 23 April 2006, available at <http://www.terradaily.com/2006/060423102947.sxn7mwoj.html> (consulted on 1 July 2011).

<sup>130</sup> Relief Web, *UN Expert Urges Sudan to Respect Human Rights of Communities Affected by Hydro Electric Dam Projects*, 27 August 2007, available at <http://reliefweb.int/node/241370> (consulted on 1 July 2011).

<sup>131</sup> European Centre for Constitutional and Human Rights, *German Engineering, Regardless of the Consequence?*, 3 May 2010, available at <http://www.ecchr.eu/lahmeyer-case.html> (consulted on 15 May 2011).

<sup>132</sup> «CSR Asia», *Power, Protests and the Police: The Shootings at Shanwei*, vol. 2, 10 May 2006, available at [http://www.csr-asia.com/weekly\\_detail.php?id=6471](http://www.csr-asia.com/weekly_detail.php?id=6471) (consulted on 22 April 2011).

<sup>133</sup> EastSouthWestNorth, *The Shanwei (Dongzhou) Incident*, overview of press coverage from December 2005-January 2006, available at [http://www.zonaeuropa.com/20051209\\_1.htm](http://www.zonaeuropa.com/20051209_1.htm) (consulted on 1 April 2011).

<sup>134</sup> Lenovo CSR, available at [http://www.lenovo.com/social\\_responsibility/us/en/](http://www.lenovo.com/social_responsibility/us/en/) (consulted on 10 May 2011).

<sup>135</sup> Business & Human Rights Resource Centre, Responses from Lenovo, available at

concerned Lenovo's role of sponsor of the China Olympics<sup>136</sup>. Lenovo responded to criticism of its sponsorship of the Chinese Olympic Games but responded to only one of the reports on labour abuses by the NLC<sup>137</sup>. By contrast, the other companies cited in the same report, Dell, HP, IBM, Microsoft and Mae Tay, all responded to the B&HR RC.

### 5.4.3. India

In contrast to China, India has a vibrant civil society and independent media which is reflected in the sources of critical reporting in the sample. The sample of Indian companies accused of corporate abuse show that journalists, the press and online news forums are very much part of the community responsible for uncovering alleged human rights violations. The NGOs reporting in this sample partly limit themselves to issues focussing only on India, but also include global networks such as the International Transport Workers Federation and the International Union of Foodworkers.

The 25 Indian companies in the sample received 28 invitations from the B&HR RC. Only two companies, Eastern Coal Fields (Coal India) and DSM are members of the UN Global Compact and over half include their CSR policies on their company websites. Only one case involved allegations occurring outside of India<sup>138</sup>. Just under half of the allegations raised environmental concerns in the EEC and extractive sectors. Child labour in the textile<sup>139</sup>, mining<sup>140</sup> and agricultural sectors<sup>141</sup> as well as labour rights violations in the food<sup>142</sup>, construction and trans-

<http://www.business-humanrights.org/Documents/SACOMresponses2007> and <http://www.reports-and-materials.org/Lenovo-response-re-NLC-report-10-Feb-2009.pdf> (consulted on 1 April 2011).

<sup>136</sup> Business & Human Rights Resource Centre, Responses from Lenovo, available at <http://www.business-humanrights.org/Documents/DreamforDarfur> (consulted on 1 April 2011).

<sup>137</sup> Business & Human Rights Resource Centre, Response from Lenovo, available at <http://www.reports-and-materials.org/Lenovo-response-re-NLC-report-10-Feb-2009.pdf> (consulted on 1 April 2011).

<sup>138</sup> National Hydroelectric Power Corporation's operations in Burma.

<sup>139</sup> «The Telegraph India», *Meet the Sweatshop Boys*, 25 November 2006, available at [http://www.telegraphindia.com/1061125/asp/calcutta/story\\_7042022.asp](http://www.telegraphindia.com/1061125/asp/calcutta/story_7042022.asp) (consulted on 1 July 2011).

<sup>140</sup> Mines, Minerals & People, *Our Mining Children*, April 2005, available at <http://ideas.repec.org/p/ess/wpaper/id962.html> (consulted on 1 July 2011).

<sup>141</sup> India Committee of the Netherlands, *Child Bondage Continues in Indian Supply Chain*, September 2007, available at <http://www.indianet.nl/childbondagecotton.html> (consulted on 15 April 2011).

<sup>142</sup> Asian Foodworker, *Pesticide Worker Dies and Two Shot and Killed*, 1 October 2010, available at <http://asianfoodworker.net/?p=1253> (consulted on 18 May 2011).

port<sup>143</sup> sectors were also prominent. Given the scope of media reporting and NGO activism, it would be reasonable to expect a higher rate of corporate responsiveness than the relatively low response rate of 43% in the sample.

Again, there is inconsistency regarding when or to whom or on what issues the companies chose to respond. Reliance Energy responded to an invitation regarding attacks on protesters against forced displacements<sup>144</sup> but declined to comment on a petition relating to its cellular phone business and allegations of corruption involving government officials<sup>145</sup>.

Hindalco, a subsidiary of Aditya Birla, responded to none of three invitations<sup>146</sup> from the B&HR RC each of which voiced concerns of environmental degradation and serious human rights violations in its mining operations in Orissa. The Canadian mining company Alcan, (now Rio Tinto Alcan), Hindalco's partner in the \$1 billion joint venture, did however respond. It should be noted that invitations were sent asking for responses to allegations which were reported on by three different sources over the course of three years: The first came from the Indian weekly online magazine «Tehelka» in July 2005<sup>147</sup>. The NGO, Indian People's Tribunal (IPT) subsequently published a full report in October 2006<sup>148</sup> which was followed by a report in March 2007 by the former director of the World Bank's Environment Department, Robert Goodland<sup>149</sup>. The stated purpose of the latter was to provide information to Alcan with regard to its involvement in the project and to bring social justice to the indigenous people of the region most affected by the operations. Alcan eventually withdrew from the project which remains contentious to this day.

<sup>143</sup> Eye for Transport, *IFT Tells Moeller-Mersk to Dump Violent Contractor*, 19 November 2009, available at <http://www.eyefortransport.com/content/itf-tells-moeller-maersk-dump-violent-contractor> (consulted on 4 July 2011).

<sup>144</sup> Business & Human Rights Resource Centre, Response from Reliance Energy, available at <http://www.business-humanrights.org/Links/Repository/921562> (consulted on 1 July 2011).

<sup>145</sup> Business & Human Rights Resource Centre, Response from Reliance Energy, available at <http://www.business-humanrights.org/Links/Repository/434597> (consulted on 1 July 2011).

<sup>146</sup> Business & Human Rights Resource Centre, Responses from Hindalco, available at <http://www.business-humanrights.org/Links/Repository/249091> and <http://www.business-humanrights.org/Links/Repository/116587>, <http://www.business-humanrights.org/Links/Repository/609459> (consulted on 20 June 2011).

<sup>147</sup> «Tehelka», *Mines vs People: Sleeping with the Enemy*, 30 July 2005, available at [http://www.tehelka.com/story\\_main13.asp?filename=Cr073005Sleeping\\_with.asp](http://www.tehelka.com/story_main13.asp?filename=Cr073005Sleeping_with.asp) (consulted on 1 July 2011).

<sup>148</sup> Indian People's Tribunal, *Kashipur: An Enquiry into Mining and Human Rights Violations in Kashipur, Orissa*, 20 October 2006, available at <http://www.iptindia.org/2006/10/kashipur-an-enquiry-into-mining-and-human-rights-violations-in-kashipur-orissa/> (consulted on 1 July 2011).

<sup>149</sup> Goodland, 2007.

There are further examples where Western companies appear to have been more responsive than their Indian counterparts. The 2007 report commissioned by the India Committee of the Netherlands<sup>150</sup> on child labour in India's cotton fields implicated three Indian companies, Nuziveedu, Ankur and Raasi, and Monsanto and Bayer, headquartered in the US and Germany respectively. While Monsanto and Bayer responded, all three Indian companies refused to comment<sup>151</sup>.

Whether the reporting comes from an NGO or from a better-known daily newspaper, and whether the reporting occurs at a local or international level may also affect corporate response rates. When the «Times of India» reported that three pharmaceutical companies, Max India, Ranbaxy and DSM had allegedly poisoned ground water in a village in Punjab, all three responded. In the case of child labour in the agricultural sector, the higher consumer profiles of Monsanto and Bayer may have played a role in motivating them to respond. Being seen as foreign MNEs exploiting children in developing countries would surely have been perceived as a serious threat to their reputations worldwide. Moreover, the credibility of both companies have been seriously undermined in the past through their involvement in several high profile scandals<sup>152</sup>.

These initial observations could provide the basis for more detailed research in assessing the relevance of channels of reporting to pressure companies to respond to public criticism.

#### 5.4.4. *Russia*

The six Russian companies in the sample show a 50% response rate. Four of the companies claim to implement CSR policies on their company websites<sup>153</sup> while one, Rusal is a member of the UN Global Compact. With the exception of one invitation to the company Fort-S in the security/defence sector, all of the invitations related to abuses in the extractive sector, although Fort-S was a subcontractor to Gazprom in the extractive sector.

<sup>150</sup> India Committee of the Netherlands, *Child Bondage Continues in Indian Supply Chain*, September 2007, available at <http://www.indianet.nl/childbondagecotton.html> (consulted on 15 April 2011).

<sup>151</sup> Business & Human Rights Resource Centre, Responses from Monsanto and Bayer, available at <http://www.business-humanrights.org/Links/Repository/812295> (consulted on 27 May 2011).

<sup>152</sup> Monsanto was the producer of the controversial chemical Agent Orange and has been criticised for its aggressive marketing of genetically modified seeds in developing countries. Bayer has been at the centre of various scandals involving the production of chemicals.

<sup>153</sup> Gazprom CSR, available at <http://www.gazprom.com/social/>; GeoProMining CSR, available at <http://www.geopromining.com/social.html>; Norlisk CSR, available at [http://www.normik.ru/en/development/development\\_strategy/social\\_mission/](http://www.normik.ru/en/development/development_strategy/social_mission/); Rusal CSR, available at <http://rusal.ru/en/development.aspx> (all consulted on 1 July 2011).

None of the reporting on human rights abuses involving Russian companies were raised by Russian NGOs. Ecolur, an Armenian ecology watchdog, the Blacksmith Institute, a NY-based non-profit organisation and the UK-based Burma Campaign were responsible for raising awareness of corporate complicity. The only domestic involvement was that of «The St. Petersburg Times» which reported on the beating of protestors by Fort-S at its Okhta construction site in St. Petersburg where Gazprom had planned to build a controversial tower block<sup>154</sup>. No response was received from Gazprom while Fort-S responded to the allegations saying they had put an end to the unlawful protests and that a police investigation had confirmed no wrongdoing on the part of Fort-S<sup>155</sup>.

Rusal was criticised in a letter to the editor of a national newspaper in Guyana by the MP, Everall Franklin, for failing to live up to its commitments to the UN Global Compact of which it is a member<sup>156</sup>. Although Rusal responded to the B&HR RC<sup>157</sup>, the company squarely laid the blame of the allegations at the employees, whom Rusal had been accused of unfairly dismissing.

With such a small number of Russian companies in the sample, one can only speculate rather than draw conclusions. Nonetheless at first sight, it appears that the reactions from a similarly small sample of Brazilian companies resulted in wider media attention and consequences. Aside from the impact of the Greenpeace report<sup>158</sup> mentioned earlier, the Brazilian company Veracel, for example, was sentenced in 2008 to a fine of \$12.5 million in a historic federal court decision in Brazil for environmental violations<sup>159</sup>. While efforts to halt BAESA from building the Barra Grande dam ultimately failed, environmental pressure groups were successful in lobbying for more scrutiny in the

<sup>154</sup> «The St. Petersburg Times», *Okhta Conflict*, 27 October 2009, available at [http://www.sptimes.ru/index.php?action\\_id=2&story\\_id=30139](http://www.sptimes.ru/index.php?action_id=2&story_id=30139) (consulted on 4 July 2011).

<sup>155</sup> Business & Human Rights Resource Centre, Fort-S Response, available at <http://www.business-humanrights.org/Search/SearchResults?SearchableText=fort-s&x=0&y=0> (consulted on 20 May 2011).

<sup>156</sup> «Starbroek News», *The Bauxite Company of Guyana Inc's Treatment of Bauxite Workers Does Not Reflect Rusal's Commitment to the Global Compact*, 1 December 2010, available at <http://www.starbroeknews.com/2010/opinion/letters/12/01/the-bauxite-company-of-guyana-inc-s-treatment-of-bauxite-workers-does-not-reflect-rusal-s-commitment-to-the-un-global-compact/> (consulted on 20 May 2011).

<sup>157</sup> Business & Human Rights Resource Centre, Response from Rusal, available at <http://www.business-humanrights.org/Links/Repository/1003529> (consulted on 4 July 2011).

<sup>158</sup> Greenpeace, *Slaughtering the Amazon*, June 2009, available at <http://www.greenpeace.org/international/en/publications/reports/slaughtering-the-amazon/> (consulted on 12 April 2011).

<sup>159</sup> World Rainforest Movement, *Brazil: Historic Federal Court Decision Sentences Veracel Celulose for Environmental Violations*, in «WRM Bulletins», no. 132, July 2008, available at [http://www.wrm.org.uy/bulletin/132/Brazil\\_2.html](http://www.wrm.org.uy/bulletin/132/Brazil_2.html) (consulted on 20 May 2011).

tendering of contracts and environmental impact reports as well as pressuring BAESA to establish a compensation fund for the displaced<sup>160</sup>. And although the diamond mining company Odebrecht flatly denied responsibility for the allegations made against it amid claims of false and inaccurate reporting, the correspondence between Odebrecht and journalist Rafael Marques nevertheless reveals a company plainly under pressure to respond<sup>161</sup>.

## 5.5. TYPES OF RESPONSE

The responses from the BRIC sample<sup>162</sup> have been categorised according to the types of language they contain. They range from one-line statements redirecting the enquiry to a third party<sup>163</sup> to ten page detailed correspondence with specific references to the allegations<sup>164</sup> in question. In some rare cases companies show appreciation for the opportunity to clarify the allegations and signal a strong willingness to engage with the author to seek a solution to the problem<sup>165</sup>. Some responses contain denials of some allegations while partially acknowledging others<sup>166</sup>. Many of the responses however appear to have been drafted in such a way as to eliminate any risk of liability claims<sup>167</sup>. For example they contain rebuttals but at the same time inform that steps have been taken to remedy the

<sup>160</sup> Global Greengrants Fund, *Barra Grande: The Hydroelectric Dam that Ignored the Forest*, 20 February 2006, available at <http://www.greengrants.org/2006/02/20/barra-grande-the-hydroelectric-dam-that-ignored-the-forest/> (consulted on 20 May 2011).

<sup>161</sup> Business & Human Rights Resource Centre, Responses from Odebrecht, available at <http://www.business-humanrights.org/Documents/Angola-diamonds> (consulted on 20 May 2011).

<sup>162</sup> Business & Human Rights Resource Centre, all company responses, available at <http://www.business-humanrights.org/Documents/Update-Charts> (consulted on 1 July 2011).

<sup>163</sup> Business & Human Rights Resource Centre, Response from Guangdong Yudean, available at <http://www.reports-and-materials.org/Guangdong-Yudean-response-Shanwei-13-Jun-2006.doc> (consulted on 1 July 2011).

<sup>164</sup> Business & Human Rights Resource Centre, Response from Veracel, available at <http://www.business-humanrights.org/media/documents/veracel-response-mn-oct-2010.pdf> (consulted on 1 July 2011).

<sup>165</sup> Business & Human Rights Resource Centre, Response from Kingmaker Footwear, available at <http://www.reports-and-materials.org/Kingmaker-Footwear-response-re-Zhuhai-labour-conditions-30-Aug-2005.doc> (consulted on 1 July 2011).

<sup>166</sup> Business & Human Rights Resource Centre, Response from Excelsior Electronics, available at <http://www.reports-and-materials.org/Excelsior-Electronics-response-SACOM-WEED-report-28-Apr-2009.doc> (consulted on 1 July 2011); some allegations are refuted, while some are partially acknowledged.

<sup>167</sup> Business & Human Rights Resource Centre, Response from Rusal, available at <http://www.business-humanrights.org/Search/SearchResults?SearchableText=rusal&x=0&y=0> (consulted on 20 May 2011).

situation<sup>168</sup>. In some cases neither a denial nor an acknowledgement is made of criticism but remedies have nonetheless been implemented<sup>169</sup>. Where there is a statement of denial but remedies pertaining to the allegations have been implemented, this has not been interpreted as a partial acknowledgement of an allegation<sup>170</sup>. Where remedies to mitigate the allegations and provide compensation for victims have been implemented, it does not necessarily follow that this took place as a result of the correspondence or public pressure, but may have been implemented prior to public criticism as a result of legal or contractual obligations<sup>171</sup>. The companies in the sample often use their responses to restate their claims that they generally act in an ethical way<sup>172</sup>. This has not however been interpreted to mean that remedies have been implemented subsequent to the criticism. Nor does it necessarily follow that the company's ethical corporate conduct has been improved due to public pressure<sup>173</sup>. No responses I came across admitted any failure on the part of the company to implement more stringent measures that would have prevented the allegations from occurring in the first place. Only the Chinese company Harbin contained the words «human rights» in its response<sup>174</sup>. In fact the word «rights» appears in none of the correspondence, unless specifically referring to the allegations. In some cases, companies attempt to deflect from the criticism levelled against them by discrediting the authors. Undermining the competence of the authors is different from blatantly denying the allegations. It uses derogatory language which infers that the authors are unprofessional, unscrupulous or acting on ulterior motives<sup>175</sup>.

<sup>168</sup> Business & Human Rights Resource Centre, Response from Himagiri Hydro Energy, available at <http://www.reports-and-materials.org/Himagiri-response-re-ACT-petition-9-Mar-2009.doc> (consulted on 1 July 2011).

<sup>169</sup> Business & Human Rights Resource Centre, Response from Fittec, available at <http://www.business-humanrights.org/Documents/SACOMresponses2007> (consulted on 21 May 2011).

<sup>170</sup> Business & Human Rights Resource Centre, Response from Coal India (Eastern Coalfields Ltd), available at <http://www.reports-and-materials.org/Coal-India-response-to-Tehelka-article-10-Feb-2009.doc> (consulted on 21 May 2011).

<sup>171</sup> Business & Human Rights Resource Centre, Response from BAESA, available at <http://www.reports-and-materials.org/BAESA-statement-re-Barra-Grande-OECD-Guide-lines-complaint-14-June-2005.doc> (consulted on 21 May 2011).

<sup>172</sup> Business & Human Rights Resource Centre, Response from Swire Beverages, available at <http://www.reports-and-materials.org/Swire-Beverages-response-re-SACOM-29-Sep-2009.pdf> (consulted on 21 May 2011).

<sup>173</sup> Business & Human Rights Resource Centre, Response from Harbin Power Engineering Company Ltd, available at <http://www.reports-and-materials.org/Harbin-response-re-Merowe-Dam-10-Oct-2007.doc> (consulted on 21 May 2011).

<sup>174</sup> *Ibidem*.

<sup>175</sup> Business & Human Rights Resource Centre, Response from BELL, available at <http://www.business-humanrights.org/Links/Repository/515281> (consulted on 21 May 2011).

Regardless of whether a company denies or acknowledges the accusations against them, almost all responses contain language which reinforces companies' acknowledgement of their human rights obligations. The use of words such as «corporate citizenship,» «ethical,» «commitment,» «responsibility,» «environment friendly» or «sustainability» feature prominently in the correspondence.

### *5.5.1. Characteristics of Responses*

#### *Denial*

The response clearly refutes all allegations and acknowledges no responsibility for them or refers responsibility to the partner or holding company of a joint company operation.

#### *Partial Acknowledgement*

The response acknowledges in part allegations made against the company without taking responsibility and/or by undermining the seriousness or reliability of the allegations.

#### *Specific Reference to Allegations*

The response refers specifically to all allegations made against the company in contrast to a general statement. Specific references are an indication that the allegations are being treated seriously and are being responded to by those familiar with the issues at stake. This is in contrast to responses sent by Communications Departments, often comprising standard PR or defensive legal language.

#### *Remedies Implemented*

The response states that the company has taken steps to remedy the situation by making changes in policy and/or providing compensation for the victims. The fact that a company has already taken steps to improve the situation *before* responding, signals keenness to avert further negative attention or possible legal consequences.

#### *Assurance to Implement Remedies*

The response states that the company intends to take steps to remedy the situation and/or provide compensation<sup>176</sup> for victims. This type of response signals an acknowledgement that a remedy is necessary in order to thwart more negative attention or legal consequences.

<sup>176</sup> Compensation refers to payment of unpaid wages or compensation for land acquisition.

*Willingness to Engage*

The response contains an offer to engage in further dialogue with the author. A willingness to engage can be seen as an indicator of how seriously the company takes the report or the potential legal or reputational consequences it may incur. The language used to define «engage» goes beyond the commonplace closing line of correspondence, such as «[...] please do not hesitate to contact us [...]»; «[...] for further information please contact [...]»

A willingness to engage is characterised by such language as «[...] we welcome the opportunity to engage in constructive dialogue [...]»; «[...] we will keep you informed of new developments [...]»

HQs	Company	Denial	Partial Acknowledgement	Specific Reference to Allegations	Remedies Implemented	Assurance to Implement Remedies	Willingness to Engage
Brazil	BAESA		✓	✓	✓		✓
Brazil	Independencia				✓	✓	✓
Brazil	Odebrecht	✓		✓			✓
Brazil	Veracel	✓		✓			
China	Baishanlin		✓				
China	Bestec Electronics		✓	✓	✓	✓	
China	Excelsior Electronics	✓	✓	✓	✓		
China	China Forestry		✓		✓	✓	
China	China International Water & Electric Corp. (CWE)	✓					

THE CORPORATE RESPONSE TO ALLEGATIONS OF HUMAN RIGHTS ABUSE

HQs	Company	Denial	Partial Acknowledgement	Specific Reference to Allegations	Remedies Implemented	Assurance to Implement Remedies	Willingness to Engage
China	China Road & Bridge	✓					
China	Fittec			✓	✓		
China	Full Start			✓	✓	✓	✓
China	Guangdong Yudean <sup>177</sup>						
China	Harbin Power Engineering Ltd	✓			✓	✓	✓
China	Henan Rebecca Hair Products	✓					
China	Hoida <sup>178</sup>			✓			
China	Kingmaker Footwear		✓	✓	✓		✓
China	Lenovo		✓	✓	✓		
China	Lenovo <sup>179</sup>						
China	Mae Tay				✓	✓	

<sup>177</sup> The response from Guangdong Yudean makes neither a denial nor an acknowledgement but refers the enquiry to the Government Press Office. Business & Human Rights Resource Centre, Response from Guangdong Yudean, available at <http://www.reports-and-materials.org/Guangdong-Yudean-response-Shanwei-13-Jun-2006.doc> (consulted on 1 July 2011).

<sup>178</sup> The response from Hoida makes no denial or acknowledgement of the allegations but consists of a statement of commitment to fair, accountable and transparent conduct. Business & Human Rights Resource Centre, Response from Hoida, available at <http://www.reports-and-materials.org/Hoida-response-4-Aug-2008.pdf> (consulted on 22 May 2011).

<sup>179</sup> The response from Lenovo contains nothing pertaining to its responsibility as a sponsor. Business & Human Rights Resource Centre, Response from Lenovo, available at <http://www.reports-and-materials.org/Lenovo-Dream-for-Darfur-response-11-Dec-2007.doc> (consulted on 22 May 2011).

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HQs	Company	Denial	Partial Acknowledgement	Specific Reference to Allegations	Remedies Implemented	Assurance to Implement Remedies	Willingness to Engage
China	Swire Beverages			✓	✓		
India	Amalgamated Plantations Private Ltd	✓					
India	Beil	✓		✓	✓		✓
India	DSM		✓		✓	✓	
India	Eastern Coalfields Ltd	✓		✓	✓		
India	Gateway Terminals India				✓	✓	
India	Himagiri Hydro Energy Pvt. Ltd	✓		✓	✓	✓	
India	Jindal Vijayanagar Steel Ltd	✓					✓
India	Max India	✓					
India	National Mineral Development Corporation	✓					
India	Ranbaxy	✓					
India	Reliance Energy	✓		✓	✓		

THE CORPORATE RESPONSE TO ALLEGATIONS OF HUMAN RIGHTS ABUSE

HQs	Company	Denial	Partial Acknowledgement	Specific Reference to Allegations	Remedies Implemented	Assurance to Implement Remedies	Willingness to Engage
India	SP International	✓		✓			
Russia	Fort-S	✓					
Russia	Norilsk Nickel	✓					
Russia	Rusal	✓		✓			✓
<b>Total</b>	<b>36</b>	<b>20 (56%)</b>	<b>8 (22%)</b>	<b>17 (47%)</b>	<b>18 (50%)</b>	<b>9 (25%)</b>	<b>9 (25%)</b>

The most frequent type of response (56%) contained the language of denial and no acknowledgment of responsibility, even when in some cases remedies had been implemented, either prior to or subsequent to the response. Of nine cases where a company signalled a willingness to engage with the author, four of them simultaneously denied the allegations. Almost half of the respondents referred specifically to the allegations made against them, regardless of whether they denied or acknowledged them. Half the responses stated that either remedies had already been taken or gave assurance that they would be taken in future. Of these respondents six simultaneously denied the allegations.

The patterns of response in this sample show that companies have an evidently self-contradictory and incoherent approach to responding to public criticism. In an attempt to reveal more about how companies deal with allegations of human rights abuses and to assess the impact of public pressure on corporate behaviour, the next chapter will track the reporting of allegations of corporate misconduct in the electronics sector in South West China. It will examine the implications of ensuring ethical business practices across the supply chain, corporate reactions to criticism and the impact on working conditions in the factories in question between November 2006 and August 2009.

CHAPTER 6

CASE STUDY:  
THE ELECTRONICS SECTOR IN SOUTH WEST CHINA

There are a number of reasons for focussing on this case. It illustrates some of the most prevalent labour rights issues in the Chinese manufacturing industry today and offers the opportunity to determine what factors may contribute to how the companies in question respond to allegations of human rights violations. It uses three NGO reports by SACOM and the NLC between 2006 and 2009 in which both Chinese manufacturers and international brand companies were cited. SACOM is an independent Hong Kong-based NGO whose mission<sup>180</sup> is to improve worker's rights and to advocate against corporate abuse in South China. The NLC, now known as the Institute for Global Labor and Human Rights, is based in the USA and is dedicated to improving workers' rights worldwide<sup>181</sup>. The time span covered by the three reports allows for an assessment of whether or not public pressure resulted in real and lasting improvement of workers' rights in electronics production facilities in Guangdong Province in South West China.

The reports cover a range of companies operating both in the Chinese domestic context and globally. The various company responses demonstrate differing reactions and levels of responsiveness and engagement at various stages of dialogue with their critics. The case study sets out to determine whether factors other than public pressure may contribute to any improvements which were made. It will look at the enforcement of existing domestic legislation; the implementation of soft law and voluntary codes of conduct; the CSR policies of the companies; and the companies' level of commitment to respect human rights. The case study also offers an opportunity to look at the com-

<sup>180</sup> SACOM mission, available at <http://sacom.hk/mission> (consulted on 1 July 2011).

<sup>181</sup> Institute for Global Labor Rights, available at <http://www.globallabourrights.org/about> (consulted on 30 June 2011).

panies' supply code relationships and how they may affect working conditions. Finally, the case shows how local NGOs can collaborate transnationally and increase pressure on companies on a global level.

## 6.1. BACKGROUND

Since the late 1990s NGOs and the media have been reporting on abusive working conditions in China's booming manufacturing industries<sup>182</sup>. The rise of outsourcing of production by companies from developed countries to countries where production costs are lower is perhaps the most salient feature of a globalised economy<sup>183</sup>. Cheaper production costs in developing countries are often a result of weak legislation or lack of enforcement, leaving labour rights unarticulated and, for many, impossible to invoke. At the same time, pressure from client companies to produce faster and more flexibly can further undermine wages and workers' rights leading to the so-called «race to the bottom»<sup>184</sup>. However, the trend has brought with it many risks for high profile brand companies which are found to be sourcing from abusive factories. Consumer boycotts and campaigns have shown that it is not just the product itself, but how the product is produced which affects consumer choices<sup>185</sup>. The landmark *Kasky v. Nike* case<sup>186</sup> put brand companies on notice that societal expectations of CSR had now extended to the supply chain and that corporations could no longer use ethical claims solely for PR purposes but had to actually practice what they preached. Ultimately, client companies could be held responsible for human rights abuses in supply chains outside of their direct control<sup>187</sup>. The spate of self-regulatory and industry-wide codes of conduct which subsequently began to emerge was an effort to extend control of supply chains, primarily addressing labour issues, by contractual means<sup>188</sup>. A number of codes of conduct are the result of multi-stake-

<sup>182</sup> «The Guardian», *Fashion Favourites Named in Sweatsshop Lawsuit*, 15 January 1999, available at <http://www.guardian.co.uk/world/1999/jan/15/michaellellison?INTCMP=SRCH> (consulted on 10 June 2011).

<sup>183</sup> Mares, 2010, p. 196.

<sup>184</sup> SACOM, *High Tech - No Rights?. One Year Follow Up Report on Working Conditions in China's Electronics Hardware Sector*, May 2008, p. 45, available at <http://sacom.hk/wp-content/uploads/2008/07/report-high-tech-no-rights-may2008.pdf> (consulted on 7 May 2011).

<sup>185</sup> Ethical Consumer provides a list of all active consumer boycotts, available at <http://www.ethicalconsumer.org/Boycotts/currentboycottlist.aspx> (consulted on 10 June 2011).

<sup>186</sup> Mayer, 2007, pp. 65-66.

<sup>187</sup> McBarnet & Kurchiyan, 2007, pp. 62-64.

<sup>188</sup> *Ibidem*.

holder dialogues which include businesses, NGOs, civil society and governments.

Identifying client/supplier relationships and corroborating evidence of complicity however is exacerbated by brand companies' reluctance to make their suppliers lists public<sup>189</sup>. Claims of fear of anti-trust laws and competitive disadvantage are among the most common arguments to justify strict discretion. It is therefore challenging to unravel the web of client/supplier relationships which characterise today's globalised economy. This lack of transparency provides, intentionally or not, a kind of screen behind which client companies are able to conceal the extent of their obligations in the supply chain and distance themselves from allegations of abuse.

6.2. «CLEAN COMPUTERS CAMPAIGN: REPORT ON LABOUR RIGHTS IN THE COMPUTER INDUSTRY IN CHINA», SACOM, NOVEMBER 2006

The report<sup>190</sup> was published in both Chinese and English<sup>191</sup> and investigated labour conditions in 13 electronics factories in Shenzhen which supply electronic components to some of the world's leading computer companies. The investigation invited responses from all 13 factories as well as the 47 companies they supplied. The findings concluded that prison like conditions existed and that serious human rights violations occurred on a systematic basis arising from excessive and forced overtime, unpaid wages, discrimination, hazardous working conditions, child labour, the absence of contracts and non provision of health and social insurance. Where SACOM received no reply, the B&HR RC issued further invitations to respond to four manufacturers, Bestec, Fittec, Xinhao and Yonghong Factory, as well as six brand companies, Delta, Dell, Motorola, NEC, Samsung, Lenovo and TCL. Of the manufacturers, only Bestec and Fittec responded while all brand companies responded except Lenovo.

<sup>189</sup> SACOM, *High Tech - No Rights?. One Year Follow Up Report on Working Conditions in China's Electronics Hardware Sector*, May 2008, pp. 52-56, available at <http://sacom.hk/wp-content/uploads/2008/07/report-high-tech-no-rights-may2008.pdf> (consulted 7 May 2011).

<sup>190</sup> SACOM, *Clean Up Your Computer Campaign: Yonghong Electronics*, February 2007, available at [http://sacom.hk/wp-content/uploads/2008/09/yonghongelectronicsreport\\_eng.pdf](http://sacom.hk/wp-content/uploads/2008/09/yonghongelectronicsreport_eng.pdf) (consulted on 1 July 2011).

<sup>191</sup> *Ibidem*. The report was translated into English by the B&HR RC in February 2007.

## 6.3. THE LEGAL SETTING

6.3.1. *The Law*

Companies are obliged to comply with the legislation of the country in which they are operating. The allegations made against the Chinese manufacturers in the SACOM report were all in breach of existing domestic legislation contained in the China Labour Act of 1994<sup>192</sup> which lays out clear provisions for a minimum wage, limits on overtime, which must be voluntary, payment of wages, health and safety and the prohibition of child workers under the age of 18. China has also ratified four of the ILO core conventions<sup>193</sup>, the International Covenant on Economic, Social and Cultural Rights<sup>194</sup>, the Convention on the Rights of the Child<sup>195</sup> and the Convention on the Elimination of all Forms of Discrimination against Women<sup>196</sup>. The allegations against the Chinese manufacturers were not isolated incidents but demonstrated an abusive culture within the Chinese manufacturing industry in various sectors. NGOs and the media, in particular in the run up to the China Olympics in 2008, had been reporting for some time on adverse working conditions in factories in China in general. It is therefore safe to assume that the brand companies were aware, if not of detailed, specific abuses, then at least of the permissive environment in which abuses were routinely taking place. Motorola, for example, had already been alerted by SACOM in August 2006 to abusive work practises by another of its suppliers, Hivac Startech Film Window in Shenzhen<sup>197</sup>. Against this backdrop, societal expectations of client companies to perform a more rigorous due diligence before entering into contractual agreements with their suppliers are justifiably high. Failure to do so will understandably result in accusations of complicity that are hard to deny.

<sup>192</sup> International Labour Organisation, China Labour Act, July 1994, available at <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/37357/64926/E94CHN01.htm> (consulted on 11 May 2011).

<sup>193</sup> International Labour Organisation, China Ratification Status of up-to-date Conventions, available at <http://www.ilo.org/ilolex/cgi-lex/ratifgroupe.pl?class=g03&country=China> (consulted on 1 July 2011).

<sup>194</sup> UN Treaties Collection, available at [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&cmdtsg\\_no=IV-3&chapter=4&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&cmdtsg_no=IV-3&chapter=4&lang=en) (consulted on 15 May 2011).

<sup>195</sup> *Ibidem*.

<sup>196</sup> *Ibidem*.

<sup>197</sup> SACOM, *Hivac Startech Film Window (Shenzhen) Co., Ltd. An Investigative Report on Labor Conditions*, August 2006, pp. 1-4, available at <http://sacom.hk/wp-content/uploads/2008/07/english-report-aug2006-hivac-startech.pdf> (consulted on 7 May 2011). The report alleged that the supplier negligently exposed its workers to toxic substances.

### 6.3.2. *Soft Law and Self-Regulation*

In the absence of international binding legislation for MNEs, the question and major challenge they face is therefore to what extent their business practice can and should fill the gap which facilitates human rights violations, particularly when operating in countries where the state fails in its duty to protect the rights of its citizens<sup>198</sup>. It is this question which has driven the debate on CSR and has led to the development of voluntary codes of conduct and soft law, which, although not legally enforceable, reiterate the international community's expectations that corporations should, at the very least, do no harm. The UN Guiding Principles<sup>199</sup>, OECD Guidelines<sup>200</sup>, the UN Global Compact and the ILO core conventions<sup>201</sup> provide a set of principles for corporations to respect human rights, particularly when operating in an environment which otherwise provides no protection. In addition, a number of self-regulatory initiatives attempt to establish standards specific to businesses in particular sectors, such as the EICC in the electronics sector.

In an effort to demonstrate publicly their commitment to compliance with these standards, over 40 companies in the electronics sector have signed up to the EICC, designed specifically to address challenges across the supply chain. The EICC code of conduct obliges participants to comply with laws, rules and regulations of the countries in which they operate and to respect the human rights of workers as understood by the international community<sup>202</sup>. To become a participant, a business must «declare its support for the code<sup>203</sup>» and «actively pursue conformance<sup>204</sup>». No other references in the code are made to compliance, monitoring or reporting. Although the standards laid out in the code are consistent with minimum international standards con-

<sup>198</sup> Institute for Human Rights and Business, *From Red to Green Flags*, 2 May 2011, pp. 3-7, available at [http://www.ihrb.org/news/2011/from\\_red\\_to\\_green\\_flags.html](http://www.ihrb.org/news/2011/from_red_to_green_flags.html) (consulted on 3 July 2011).

<sup>199</sup> UN, Report of the Special Representative of the Secretary General, John Ruggie, Guiding Principles on Business and Human Rights, UN index: A/HRC/17/31, 21 March 2011, available at <http://www.business-humanrights.org/media/documents/ruggie/ruggie-guiding-principles-21-mar-2011.pdf> (consulted on 4 July 2011).

<sup>200</sup> OECD, Guidelines for Multinational Enterprises, 2008, available at <http://www.oecd.org/dataoecd/56/36/1922428.pdf> (consulted on 10 April 2011).

<sup>201</sup> International Labour Organisation, Declaration on Fundamental Principles, available at <http://www.ilo.org/declaration/lang-en/index.htm> (consulted on 11 May 2011).

<sup>202</sup> Electronics Industry Citizenship Coalition, Code of Conduct, Version 3, 2009, p. 1, available at <http://www.eicc.info/EICC%20CODE.htm> (consulted on 10 April 2011).

<sup>203</sup> *Ibidem.*

<sup>204</sup> *Ibidem.*

cerning labour rights, the code specifically states that it cannot be interpreted to mean that it creates third party rights for others, including those of workers. Therefore with a lack of compliance mechanisms and non enforceability of the rights upon which the code is based, it is simply an addition to the numerous guidelines and standards already in existence. Those most relevant to the electronics sector and therefore to the companies in this case study, include but are not limited to: the Global e-Sustainability Initiative (GeSI)<sup>205</sup>; the Social Accountability 8000 Standard certification scheme (SA8000)<sup>206</sup>; Health and Safety Standard 18001 (OHSAS 18001)<sup>207</sup>; International Organisation for Standardisation 14001 (ISO 14001)<sup>208</sup>. Over and above, an increasing number of companies have developed their own codes of conduct. These initiatives vary widely in their scope and membership.

In the context of self-regulation it is necessary to mention the growth of SRI<sup>209</sup>, which many view as a positive force for encouraging ethical business conduct. The emergence of ratings indexes such as FTSE4 Good requires companies to report on non-pecuniary business practices, resulting in a higher level of scrutiny of corporations' public commitments to CSR. The indexes have however been criticised for failing to impose criteria which are strict enough to ensure compliance with human rights issues rather than offering an opportunity for enhancing brand value<sup>210</sup>.

The following case study shows that the lack of enforcement of domestic legislation and the Chinese government's failure to uphold its international obligations ultimately contributed to the complicity of the brand companies sourcing their goods from the manufacturers. Criticism is therefore directed at both the Chinese corporations for non compliance with national legislation and foreign source companies for compliance in the resulting abuses, often in violation of their own codes of conduct.

<sup>205</sup> Global e-Sustainability Initiative, available at <http://www.gesi.org/> (consulted on 4 July 2011).

<sup>206</sup> Social Accountability International, available at <http://www.sa-intl.org/> (consulted on 4 July 2011).

<sup>207</sup> OHSAS 18001 Health and Safety Standard, available at <http://www.ohsas-18001-occupational-health-and-safety.com/> (consulted on 4 July 2011).

<sup>208</sup> International Organisation for Standardisation, available at <http://www.iso.org/iso/home.html> (consulted on 4 July 2011).

<sup>209</sup> Martin, 2009, pp. 549-550.

<sup>210</sup> Blowfield & Murray, 2011, pp. 248-251.

## 6.4. RESPONSES FROM CHINESE COMPANIES

Of the six Chinese companies which received invitations to respond from the B&HR RC<sup>211</sup>, only two manufacturers, Bestec and Fittec, replied.

Both companies referred specifically to the allegations made against them and communicated what steps had been taken remedy to them<sup>212</sup>. The fact that the responses are relatively detailed and contain indirect admissions of violations in so far as they adopt corrective measures, reflects a level of awareness of their obligations. The responses however show no willingness to engage with their critics to deepen their knowledge and develop a long term improvement strategy. Rather they resemble a list of answers to SACOM's questions but offer no other information on their CSR policies.

It is perhaps surprising that Lenovo, as the only Chinese company in the sample which is a member of both the UN Global Compact and the EICC did not feel obliged to respond. Not only does this raise questions as to the monitoring of compliance of members of these self-regulatory instruments, it also demonstrates the disparity between company public statements and implementation of commitments in reality. Lenovo's website puts its strategy of «world sourcing<sup>213</sup>» at the heart of its success. The company explains its strategy:

Lenovo [...] defies geographic and organizational boundaries on a global scale [...]. We locate hubs of excellence where they create the most value. [...] In today's economy, Lenovo believes customers judge companies solely by the level of value they deliver to customers worldwide<sup>214</sup>.

The company's US website<sup>215</sup> provides extensive information on how Lenovo manages its global supply chain:

The company embraces the values of customer satisfaction, innovation, operational excellence and trustworthiness.

<sup>211</sup> Business & Human Rights Resource Centre, Responses from Bestec, Delta and Fittec, available at <http://www.business-humanrights.org/Documents/SACOMresponses2007> (consulted on 1 July 2011).

<sup>212</sup> *Ibidem*.

<sup>213</sup> Lenovo UK, available at [http://www.lenovo.com/lenovo/uk/en/our\\_company.html](http://www.lenovo.com/lenovo/uk/en/our_company.html) (consulted on 1 July 2011).

<sup>214</sup> *Ibidem*.

<sup>215</sup> Lenovo US, available at [http://www.lenovo.com/social\\_responsibility/us/en/global\\_supply\\_chain.html](http://www.lenovo.com/social_responsibility/us/en/global_supply_chain.html) (consulted on 10 May 2011).

Lenovo seeks to integrate these core values into every aspect of its business, [...] employee welfare, global supply chain, ethical corporate behavior, social investments and environmental affairs. Lenovo has been a member of the Electronic Industry Citizenship Coalition (EICC) since June 2006<sup>216</sup>.

Lenovo goes on to confirm that its tier one suppliers too must comply with the EICC code of conduct and that it has implemented an «aggressive» compliance programme for its tier two suppliers<sup>217</sup>.

By working together, Lenovo and other member companies are creating a comprehensive strategy, including tools and processes to proactively pave the way for a standards-based approach for monitoring suppliers' performance across several areas of social responsibility. These areas include labor practices, health and safety, ethics, and protection of the environment<sup>218</sup>.

With so much effort, emphasis on corporate citizenship and assurances of ethical behaviour, it is hard to understand how and why Lenovo then entered into contractual relations with four of the manufacturers<sup>219</sup> listed in the SACOM report and subsequently found no reason to respond to serious allegations which violate their voluntary commitments. Furthermore, two of Lenovo's suppliers, Yonghong Factory and Xinhao, similarly failed to respond when contacted by the B&HR RC.

## 6.5. RESPONSES FROM FOREIGN MNES

All five foreign brand companies responded to invitations from the B&HR RC<sup>220</sup>: Dell (USA), Delta (Taiwan), Motorola (USA), Samsung (South Korea) and NEC (Japan). Dell, Motorola and Samsung are participants of the EICC while NEC is the only member of the UN Global Compact. With the exception of Delta, all companies devote

<sup>216</sup> *Ibidem*.

<sup>217</sup> *Ibidem*.

<sup>218</sup> *Ibidem*.

<sup>219</sup> Companies supplying Lenovo were Yonghong Factory, Lixun, Xinmei and Xinhao. SACOM, *Clean Up Your Computer Campaign: Yonghong Electronics*, February 2007, available at [http://sacom.hk/wp-content/uploads/2008/09/yonghongelectronicsreport\\_eng.pdf](http://sacom.hk/wp-content/uploads/2008/09/yonghongelectronicsreport_eng.pdf) (consulted on 1 July 2011).

<sup>220</sup> Business & Human Rights Resource Centre, Responses from Dell, Delta, NEC, Motorola, Samsung and NEC, available at <http://www.business-humanrights.org/Documents/SACOMresponses2007> (consulted on 1 July 2011).

substantial space to their CSR policies on their company websites and make explicit references to their CSR commitments in their correspondence. All companies, including Delta, made assurances that the allegations had been or were being investigated and that corrective measures had either already been implemented or would be implemented pending the results of enquiries. Samsung and Dell signalled a clear willingness to engage with NGOs and other stakeholders in an effort to improve the situation.

The responses reflect the challenges of ensuring compliance throughout multiple tiered supply chains and expose some of the inherent contradictions of self-regulation. Without reciprocity among industry peers and with no enforcement mechanisms an uneven playing field emerges, creating competitive advantage for less scrupulous players. NEC, Dell and Motorola specifically refer to the necessity to apply industry-wide codes of conduct and implement third party audits to ensure compliance<sup>221</sup>. But despite the plethora of guidelines, codes of conduct, certification schemes and public pledges of ethical conduct, the investigations carried out by SACOM demonstrate an overall lack of teeth when it comes to implementation and monitoring. To a certain extent, the responses show an admission of failure of such initiatives. Dell explicitly concedes that «[...] insufficient business processes were of great concern<sup>222</sup>.» In other words, the codes lack the means to ensure that standards are embedded in management strategies. However the responses stop short of acknowledging a need for regulation. On the one hand, calls are made for industry-wide standards but at the same time companies recognise that they lack the means of ensuring compliance.

## 6.6. THE REGULATORY GAP

Given the existence of domestic legislation and the EICC code of conduct, which in theory should have prevented human rights abuse, SACOM made clear and explicit recommendations as to how to prevent human rights violations from occurring in future<sup>223</sup>. In view of the unreliability of the authorities to enforce their laws and companies

<sup>221</sup> *Ibidem.*

<sup>222</sup> *Ibidem.*

<sup>223</sup> SACOM, *Clean Up Your Computer Campaign: Yonghong Electronics*, February 2007, available at [http://sacom.hk/wp-content/uploads/2008/09/yonghongelectronicsreport\\_eng.pdf](http://sacom.hk/wp-content/uploads/2008/09/yonghongelectronicsreport_eng.pdf) (consulted on 1 July 2011).

to enforce their own regulations, the report called for workers to receive training in labour rights and standards laid out in the EICC code of conduct and to increase worker participation in monitoring to prevent the widespread practice of falsification of audits<sup>224</sup>. The recommended strategy therefore is not one of more legislation and regulation, rather it advocates for more empowerment of those most affected as drivers of enforcement. As the B&HR RC acts solely in the role of intermediary and not as an advocate of NGOs, I will look at the correspondence between SACOM and one of the brand companies named in the report to assess the extent to which companies reacted to their recommendations. For this purpose, the next section will look at the dialogue which developed between SACOM and Hewlett-Packard (HP). As SACOM was not available to comment on the report and its findings, the correspondence between HP and SACOM, as published on the B&HR RC<sup>225</sup>, is the primary source of analysis<sup>226</sup>.

## 6.7. ENGAGING WITH CRITICS

As previously pointed out, human rights violations in Chinese factories had been well documented by others prior to the release of the SACOM report. Already in 2002, HP had launched its Social and Environmental Responsibility Programme which aimed to control its supply chain more effectively. In addition, HP introduced a training programme, The Focused Improvement Supplier Initiative (FISI), for the management staff of its suppliers in 2006. Its objective was to improve the social and environmental obligations of their suppliers, thus indirectly supporting HP in their stated commitments to respect human rights throughout the supply chain. HP was mentioned in the report as a source company of eight manufacturers in the investigation, three of which were tier one suppliers.

The correspondence from HP acknowledges the seriousness of the allegations and the challenges in exerting sufficient control over an increasingly invisible supply chain. The company outlines specific

<sup>224</sup> Ethical Trading Initiative, *Getting Smarter at Auditing: Tackling the Growing Crisis in Ethical Trade Auditing*, Report from ETI Members' Meeting, 16 November 2006, pp. 8-9, available at <http://www.ethicaltrade.org/resources/key-eti-resources/getting-smarter-at-auditing> (consulted on 23 June 2011).

<sup>225</sup> Business & Human Rights Resource Centre, Responses to SACOM Report, available at <http://www.business-humanrights.org/Documents/SACOMresponses2007> (consulted on 1 July 2011).

<sup>226</sup> Attempts to contact SACOM were unsuccessful.

measures and remedies it has implemented, such as training for management staff to ensure compliance with the EICC code of conduct. In all the correspondence available, the company shows a strong willingness to engage with SACOM and other NGOs by participating in conference calls and on-site meetings and providing updated status reports. At all times, the company reiterates its ethical commitments.

The main thrust of the correspondence from SACOM addresses the shortcomings of the training programme which was provided only to management staff. It recommends that labour rights training should be extended to workers on the factory floor with the overall objective of educating them on their rights and by so doing, building their capacity to monitor compliance with the EICC code of conduct. Furthermore SACOM urgently recommends that HP set a precedent in the industry to improve transparency by making their suppliers publicly know and hence assist in identifying responsibility for claims of abuse.

The following section looks at the findings of two further follow up reports in the electronics industry in China in order to assess any changes that took place and identify linkage between those changes and the actors involved.

## 6.8. IMPLEMENTING RECOMMENDATIONS

### 6.8.1. SACOM Report: «High Tech - No Rights?»

SACOM made a further investigative report which was published in May 2008 in collaboration with another NGO, Bread for All, to assess if improvements had been made in the Chinese electronics industry<sup>227</sup>. The researchers of the report conducted independent surveys of another six factories, including Yonghong Factory which had been cited in the previous report, and issued questionnaires to five of the brand companies they supplied: Apple, Dell, Acer, HP and Fujitsu Siemens. The companies were asked to comment on how their CSR policies were implemented between January 2007 and March 2008<sup>228</sup>. The outcome of the study showed no marked improvement in conditions for workers in the industry, with low wages, partial non payment of wages, lack of work contracts, hazardous working conditions and mandatory overtime still

<sup>227</sup> SACOM, *High Tech - No Rights?. One Year Follow Up Report on Working Conditions in China's Electronics Hardware Sector*, May 2008, available at <http://sacom.hk/wp-content/uploads/2008/07/report-high-tech-no-rights-may2008.pdf> (consulted on 7 May 2011).

<sup>228</sup> *Ibidem*, pp. 47-51.

rife<sup>229</sup>. Again, the report concluded that the manufacturing companies were failing to abide by China's labour laws and that brand companies were failing to implement their own codes of conduct as well as the EICC code. Indeed the researchers were able to find no workers in any of the seven factories who had knowledge of the EICC<sup>230</sup> code which had been adopted by 36 companies as of January 2008. While Acer signed up as a member of the EICC shortly after publication of the report<sup>231</sup>, it is not clear whether the other four companies were already members at the time the report was released.

The authors confirmed a relative improvement in payment of the legal minimum wage but that any other improvements were of an *ad hoc* nature rather than as a result of a change in management policy. According to SACOM's report the responses from the five brand companies varied widely in terms of their level of commitment to their CSR policies and transparency in their supply chains<sup>232</sup>.

Although some improvements had been made at a company level, such as increasing the number of staff in their CSR departments, they remained reluctant to make suppliers lists public, ensure independent and regular auditing, engage with NGOs and labour rights groups and provide training for employees. HP however had made far-reaching efforts to improve its CSR in its supply chain. With over 150 first tier suppliers and many more further down the supply chain, HP is a significant player in the Chinese electronics industry. The company set a precedent in the sector by agreeing to make public its suppliers list and had invested considerable resources in implementing its own code of conduct for which it provided training for managers of its supply firms. But perhaps most significantly the company agreed to collaborate with SACOM and other NGOs to design and carry out training schemes which would improve worker-management communications on issues of labour rights. Inspired perhaps by HP, Fujitsu Siemens took the step of publishing its list of suppliers on its website shortly after publication of the report<sup>233</sup>.

<sup>229</sup> *Ibidem*, pp. 1-2.

<sup>230</sup> The EICC was founded in 2004.

<sup>231</sup> Fair Computer Campaign, available at <http://www.fair-computer.ch/cms/index.php?id=537> (consulted on 24 May 2011).

<sup>232</sup> The responses from the companies to SACOM are not publicly available. For a summary of the responses, see SACOM, *High Tech - No Rights?. One Year Follow Up Report on Working Conditions in China's Electronics Hardware Sector*, May 2008, pp. 46-52, available at <http://sacom.hk/wp-content/uploads/2008/07/report-high-tech-no-rights-may2008.pdf> (consulted 7 May 2011).

<sup>233</sup> Fair Computer Campaign, available at <http://www.fair-computer.ch/cms/index.php?id=537> (consulted on 24 May 2011).

In addition to company responses, SACOM also received responses from the EICC<sup>234</sup> and GeSI<sup>235</sup> in which they reaffirmed their commitments to fair and ethical business practices in the electronics industry but made no reference to specific allegations and made only general comments in regard to remedies.

### 6.8.2. NLC Report: «High Tech Misery»

In February 2009, NLC, a US-based NGO, published the findings of research they had carried out between June and September 2008 and in January 2009<sup>236</sup>. The research centred on working conditions at the Mae Tay factory<sup>237</sup> in Shenzhen, a supplier to some of the brand names cited in the SACOM report of 2006<sup>238</sup>, although it is unclear if or to what extent the two organisations collaborated. The report found that similar labour rights violations as those in the SACOM report of 2006 were still widespread and concluded that brand names' supply chain codes were not being effectively implemented. All five brand companies as well as the Mae Tay factory responded to the B&HR RC<sup>239</sup>. This report shows to what extent the language of commitment, partly contained in previous responses, translates into action and effectiveness in similar contexts elsewhere. Here it is possible to compare the responses of HP and Dell to the SACOM report and those to the NLC report. The allegations and context are almost identical. The responses outlined in the following section therefore reflect how companies respond to different critics on similar issues and give an idea of the coherence and coordination of their CSR policies.

<sup>234</sup> Fair Computer Campaign, Response from EICC, available at [http://www.fair-computer.ch/cms/fileadmin/user\\_upload/computer-Kampagne/News/EICC\\_Full\\_document\\_2\\_.pdf](http://www.fair-computer.ch/cms/fileadmin/user_upload/computer-Kampagne/News/EICC_Full_document_2_.pdf) (consulted on 24 May 2011).

<sup>235</sup> Fair Computer Campaign, Response from GeSI, available at [http://www.fair-computer.ch/cms/fileadmin/user\\_upload/computer-Kampagne/News/GeSi\\_Full\\_document.pdf](http://www.fair-computer.ch/cms/fileadmin/user_upload/computer-Kampagne/News/GeSi_Full_document.pdf) (consulted on 24 May 2011).

<sup>236</sup> National Labor Committee, *High Tech Misery in China: The Dehumanization of Young Workers Producing Our Computer Keyboards*, February 2009, available at <http://www.global-labourrights.org/reports?id=0006> (consulted on 20 April 2011).

<sup>237</sup> Mae Tay is referred to as Meitai in the NLC report.

<sup>238</sup> Companies cited in both the SACOM 2006 and NLC reports are Dell, HP, Lenovo, IBM and Microsoft.

<sup>239</sup> Business & Human Rights Resource Centre, Responses from Dell, HP, Lenovo, IBM and Microsoft, available at <http://www.business-humanrights.org/Documents/NLCFeb2009> (consulted on 2 July 2011).

### 6.8.3. Responses to the NLC Report

The B&HR RC invited all six companies named in the report to respond. The response from Mae Tay<sup>240</sup> is timely, short and specifically refers to the allegations. It assures of investigations and promises to respect human rights and cooperate with an audit by the EICC. It does not in any way try to deny the allegations, but instead offers its full cooperation to investigate and states its commitment to comply with local laws and codes of conduct. The response is perhaps indicative of the pressure on suppliers and their fear of losing business to major clients. The response was sent by the Vice General Manager.

HP had been singled out for praise in SACOM's follow up report of 2008 for leading the way in transparency and concerted efforts to improve implementation of its code of conduct. The response from HP<sup>241</sup> relating to allegations of abuse at its supplier Mae Tay is consistent with the commitments it had previously made and explains in detail what steps the company has taken and will take to remedy the situation. The timeline of HP's response is notable. Given that the company had not been contacted by NLC prior to the report's publication in February 2009, the company responded to the B&HR RC upon request on 10 February 2009. By that time HP had already begun to investigate its relationship with the Mae Tay factory, a second-tier supplier, and had held a meeting with its first tier supplier, a subcontractor of Mae Tay, together with Mae Tay's management to restate the obligations of suppliers in HP's code of conduct. HP also contacted NLC and committed to taking further measures pending an independent audit by the EICC. The response reflects a coordinated policy of CSR which applies not only in single cases, but appears to have set applicable rules which can be implemented across the company's operations. Critics of course could point out, that the fact that HP had to be alerted to the abuses in the first place, is in itself an indication of the weaknesses in its code of conduct, and that had the code been implemented effectively, the abuses would have been prevented. Still, in order to make a fair judgement of HP's ethical conduct and level of commitment in this instance, it would be necessary to take into account the complex nature of their supply chains against the backdrop of weak domestic labour legislation.

In many respects the response from Dell<sup>242</sup> is similar to that of HP in so far as it is consistent with its previous response to the SACOM report

<sup>240</sup> *Ibidem.*

<sup>241</sup> *Ibidem.*

<sup>242</sup> *Ibidem.*

of 2008. The response is detailed, refers specifically to the allegations and reiterates its commitments, listing its participation in numerous self-regulatory initiatives and respect for the UDHR. It states that investigations have been started and assures that corrective measures will be taken. The response further explains how it is working with Dell's suppliers to improve implementation of its code of conduct through training and sharing of best practices. It signals a strong willingness to engage both with the NLC and other stakeholders to ensure full implementation. It is sent by the Director of Sustainable Business.

Lenovo did not respond to allegations in the SACOM report of 2006. This time they responded promptly and clarified their supply relationship with Mae Tay as being a second tier supplier<sup>243</sup>. Acknowledging that the indirect supply relationship does not alleviate them from their responsibilities, the company assured that corrective measures would be taken pending the results of an independent audit by the EICC. The response does not contain any language to suggest Lenovo would adopt any measures over and above their minimum obligations as participants of the EICC and does not signal a strong willingness to engage with the NLC. The response contains language of assurance: a responsible corporate citizen that makes every possible effort to comply with international standards. The response is sent by the Sustainability Programme Manager.

Microsoft's response<sup>244</sup> consists of four sentences stating its commitments to worker safety and fair treatment; confirming its supply relationship with Mae Tay as second tier; giving assurance of its cooperation in investigations; making assurances that necessary improvements will be made. There is no indication of engagement with other stakeholders and no information regarding the company's CSR policies other than a link to their website on Corporate Citizenship.

The response from IBM exceeds that of Microsoft's only in brevity<sup>245</sup>. The single sentence statement confirms it is a founding member of the EICC and that it is carrying out investigations, which, to my knowledge, are not publicly available.

#### 6.8.4. *Summary of Responses*

All of the brand companies have significant influence on supply chain management by virtue of their economic might and trading leverage in

<sup>243</sup> *Ibidem.*

<sup>244</sup> *Ibidem.*

<sup>245</sup> *Ibidem.*

the Chinese electronics industry. Judging from these responses, it appears that only HP and Dell are sincerely interested in addressing the challenges companies face in doing business in complex supply chain systems. It would however require more detailed study of these companies' actions in other areas of CSR to assess the reliability of their public commitments and affirm this assumption. Both IBM and Microsoft are participants of the EICC and Microsoft is also a member of the UN Global Compact. The archive of responses of the B&HR RC provides some indication of Microsoft's approach to addressing public criticism. In total the Centre issued seven invitations to Microsoft, to which it replied to four. All except one invitation related to human rights issues in China<sup>246</sup>. It is worth taking a closer look at these responses. A request to respond to Microsoft's role as sponsor of the China Olympics<sup>247</sup> elicited another four-sentence statement. However on the issue of Internet censorship the company issued on one occasion a press release clarifying its position. The response to Amnesty International's report<sup>248</sup> on Internet censorship is more detailed and substantial in length but uses the opportunity to deflect any responsibility on the part of Microsoft to use its influence in its dealings with the Chinese government to press for greater Internet freedom. The responses from Microsoft show little if any willingness to engage with their critics and other stakeholders. They demonstrate a distanced CSR policy which reacts to public criticism rather than actively working to prevent it. This aside, and perhaps indicative of a retroactive method of dealing with human rights issues, Microsoft has become engaged in multi-stakeholder dialogues and initiatives such as the Global Network Initiative (GNI), a voluntary code of conduct which provides guidelines and principles for companies operating in the ICT sector. Again, a more precise documentation of commitments vis-à-vis actions would be required to accurately gauge a company's level of engagement in human rights.

<sup>246</sup> Greenpeace France, *Console de Jeu Video*, May 2008, available at <http://blog.greenpeace.fr/toxiques/greenpeace-epingle-sony-microsoft-et-nintendo-dans-son-rapport-«-playing-dirty-»> (consulted on 19 May 2011). It reported on the use of dangerous chemicals in the manufacture of their game consoles.

<sup>247</sup> Business & Human Rights Resource Centre, Response from Microsoft, available at <http://www.reports-and-materials.org/Microsoft-Dream-for-Darfur-response-11-Dec-2007.doc> (consulted on 10 May 2011).

<sup>248</sup> Amnesty International, *Fighting for Human Rights in Cyberspace*, January 2006, available at <http://www.amnesty.org/en/library/info/POL30/006/2006/en> (consulted on 22 May 2011).

## 6.9. OUTCOMES AND IMPACT

Assessing impact is a notoriously difficult exercise given that the process of change is a dynamic one occurring over time and is not linear with a finite point of departure or end<sup>249</sup>. Impact which brings about change can be described as a process and not a singular event in which multiple factors combine which influence it. Determining causality therefore cannot be achieved by attributing change in a system or pattern of behaviour to one specific NGO intervention or one critical media report. Given that social change is multidimensional and non-linear, NGO objectives are generally long term and broad based<sup>250</sup>. The impact resulting from this case should therefore be evaluated in terms of the incremental steps that were taken and/or events which took place and logically contributed to an overall change. The long-term goal of the SACOM report is to end inhumane working conditions in the Chinese manufacturing industry by achieving short-term goals towards that aim, such as through education to empower workers to recognise and claim their rights. The role of the B&HR RC can be seen as a supporting one, adding leverage to the case by publicising the report, tracking changes in corporate behaviour, making available company reactions on its website and intervening with requests for responses when companies refused to comment or NGOs and journalists lacked the capacity.

6.9.1. *Positive Developments*

This chapter has shown to what extent corporate responses indicate the validity of their assurances and whether employees benefited as a result of public pressure.

HP's programme in collaboration with SACOM and local labour rights organisations to raise awareness of its code of conduct and labour rights among the workforce of one of its suppliers, Delta Electronics, is the most prominent example of impact in this case. In August 2009, SACOM published an assessment report<sup>251</sup> of this collaboration confirming its effectiveness and drawing attention to areas which could be improved and expanded upon. The programme was implemented at one of Delta's seven factories providing training and information bro-

<sup>249</sup> Kruse, 2005, pp. 119-126.

<sup>250</sup> Interview, Chris Avery, Director, and Mauricio Lazala, Senior Researcher, B&HR RC, London, 11 March 2011.

<sup>251</sup> SACOM, *Towards a New Worker-Based CSR Model: A Pilot Labor Rights Training Program in China*, August 2009, available at <http://sacom.hk/category/campaigns/sacom-hp-labor-rights-training> (consulted on 19 May 2011).

chures on labour rights and the EICC code for 1,500 employees who were paid by Delta to attend. It was designed with input from all stakeholders, NGOs, management and workers, in order to address their specific needs and priorities. It was found to have a trickle down effect among the workforce, with employees spreading information on their rights among their co-workers. The programme was received positively both by HP and Delta as it allowed them to improve their auditing obligations through better monitoring both at the management and workplace levels. It also facilitated better worker management communications by establishing a workers' grievance mechanism. It should be noted however that the course was implemented only for those employees involved in production for HP. Whether Delta's management has integrated the trainings as part of its general management policy throughout all of its production facilities and whether HP has extended this programme to all of its suppliers remains unclear. In view of HP's leadership role in this case, Acer's decision to join the EICC and Fujitsu Siemens' new policy of transparency in its supply chain can be regarded as positive steps resulting possibly from a combination of peer pressure from within the industry and pressure from civil society.

### *6.9.2. Evaluating the Impact*

Codes of conduct for ensuring respect and protection of human rights have been shown to be lacking in enforcement and suffer from uneven application as they arise solely from voluntary statements of commitment. Nonetheless they provide a useful entry point for human rights defenders to hold companies accountable to the claims they gladly make in public. From this point of view, encouragement to ascribe to a code of conduct is still a viable means to achieve a certain level of accountability, even if no enforcement mechanism is available<sup>252</sup>. It encourages more scrutiny of companies and can have a positive influence on peers and suppliers, if not in achieving immediate change, at the very least by raising awareness of human rights violations. Still, the EICC Annual Report of 2009 records only four new memberships since the previous year, bringing the total to 42 companies worldwide<sup>253</sup>. Critics may also be quick to point out that in light of the publicity companies give to membership and participation in such initiatives, it begs the question if they benefit the companies more

<sup>252</sup> Kolk & Van Tulder, 2002, p. 260.

<sup>253</sup> Electronics Industry Citizenship Coalition, Code of Conduct, 2009 Annual Report, 2010, p. 2, available at <http://www.eicc.info/documents/AnnualReport.pdf> (consulted on 23 June 2011).

than those they are intended to protect. Others would claim that by actively regulating themselves, companies are thus pre-empting any possible endeavours to impose binding regulation<sup>254</sup>.

Finally, although HP had taken the lead in the case of Delta, its relationships with a number of other suppliers continued to present contradictions to its commitments as documented by SACOM<sup>255</sup> and the NLC<sup>256</sup> between 2008 and 2009.

A follow-up report by SACOM published in December 2008<sup>257</sup> confirmed that investigations undertaken in two production facilities of suppliers to Dell, Motorola, Lenovo, Apple and Fujitsu Siemens showed that workers were not benefiting from the new provisions of the China Labour Contract Law. Neither were they aware of the EICC of which Apple, Dell and Lenovo were members at the time the report was published<sup>258</sup>. Indeed the EICC itself in its annual report of 2009<sup>259</sup> reiterates that illegal overtime was still ongoing and widespread among suppliers. Given the continuing catalogue of reports of violations of labour rights in Chinese factories by various NGOs and journalists since 2009 and today, it is clear that change can be measured in only miniscule amounts. Considering that Foxconn alone employs almost one million employees, it gives an idea of the scale of human rights violations which are affecting millions of workers in China today. Add to that the media attention given to the spate of suicides at Foxconn in 2010<sup>260</sup> and its supplier relationship with Apple<sup>261</sup>, it is somewhat discouraging that Apple's business does not appear to have been adversely impacted by the negative publicity with i-phones and i-pads having so far escaped

<sup>254</sup> Conley & Williams, 2005, pp. 14-15.

<sup>255</sup> SACOM, *High Tech - No Rights?. One Year Follow Up Report on Working Conditions in China's Electronics Hardware Sector*, May 2008, available at <http://sacom.hk/wp-content/uploads/2008/07/report-high-tech-no-rights-may2008.pdf> (consulted on 7 May 2011) and SACOM, *The Dark Side of Cyberspace*, December 2008, available at <http://sacom.hk/archives/449> (consulted on 19 May 2011).

<sup>256</sup> National Labor Committee, *High Tech Misery in China; The Dehumanization of Young Workers Producing our Computer Keyboards*, February 2009, available at <http://www.globallabourrights.org/reports?id=0006> (consulted on 20 April 2011).

<sup>257</sup> SACOM, *The Dark Side of Cyberspace*, December 2008, available at <http://sacom.hk/archives/449> (consulted on 19 May 2011).

<sup>258</sup> EICC 2008 Annual Report lists Apple, Dell, and Lenovo as members, p. 9, available at <http://www.eicc.info/2008AnnualReport.shtml> (consulted on 13 June 2011).

<sup>259</sup> Electronics Industry Citizenship Coalition, Code of Conduct, 2009 Annual Report, 2010, p. 2, available at <http://www.eicc.info/documents/AnnualReport.pdf> (consulted on 23 June 2011).

<sup>260</sup> SACOM, *Game Console and Music Player Production in China*, February 2011, p. 28, available at <http://makeitfair.org/the-facts/reports/game-console-and-music-player-production-in-china> (consulted on 19 May 2011).

<sup>261</sup> A Google search of «Apple Foxconn Abuses» returns approximately 1,4 million results (consulted on 1 July 2011).

consumer boycotts. Such outcomes suggest that consumers cannot necessarily be relied upon to join forces with civil society in defence of the rights of others. It also questions the notion of the business case for human rights, that doing good is good for profit and that damage to reputation and brand must be avoided at all costs. Doing bad also appears to be good for profit when your brand is strong enough to resist public outcry.

Although the authors of the SACOM report confirmed a positive influence by Western brand companies by imposing standards<sup>262</sup>, they were also able to identify possible reasons why suppliers continued to violate them. Client companies' excessive demands for flexibility, resulting in drastically fluctuating orders, reduced delivery times and lower price demands, place immense pressure on manufacturers<sup>263</sup>. As a result they make themselves felt in the working lives of their employees in forced overtime and cost-cutting measures which impact wages, health and safety and employee insurance. From this perspective, there appears to be a contradiction in the approach to imposing codes of conduct on business partners which do not reflect the reality of business practice and which are thus almost impossible to abide by. Moreover, they may be counter-productive by encouraging a culture of deceit and falsification<sup>264</sup>. Sanctions imposed on suppliers by client companies for non compliance can also have disastrous results. After publication of the 2006 SACOM report Dell cancelled its orders with Yonghong Factory resulting in the loss of jobs<sup>265</sup>.

It is difficult to estimate the motivation for Delta and HP to embark on a comparatively ambitious and unusual project in the given context and to what extent their actions were galvanised by public pressure and fear of reputation damage. At the very least, it can be viewed as an attempt to fill the gaps in non-enforced existing legislation and inadequate codes of conduct, requiring considerable investment of time and money. From this angle it would therefore be logical to assume that had the Chinese authorities enforced the law with more vigour and the brand companies ensured more effective compliance of their codes of conduct, they would have been able to avoid the negative publicity which

<sup>262</sup> SACOM, *High Tech - No Rights?. One Year Follow Up Report on Working Conditions in China's Electronics Hardware Sector*, May 2008, p. 58 available at <http://sacom.hk/wp-content/uploads/2008/07/executive-summary-report-may-2008.pdf> (consulted on 7 May 2011).

<sup>263</sup> SACOM, *The Dark Side of Cyberspace*, December 2008, p. 28, available at <http://sacom.hk/archives/449> (consulted on 19 May 2011).

<sup>264</sup> Ethical Trading Initiative, *Getting Smart at Auditing: Tackling the Growing Crisis in Ethical Trade Auditing*, Report from ETI Members' Meeting, 16 November 2006, pp. 6-8, available at <http://www.ethicaltrade.org/sites/default/files/resources/Get%20smarter%20at%20auditing%20ETI%20briefing%2006.pdf> (consulted on 23 June 2011).

<sup>265</sup> SACOM, *Statement to Michael S. Dell, Chairman and CEO of Dell Inc*, 1 May 2007, available at <http://sacom.hk/archives/173> (consulted on 20 May 2011).

was possibly their strongest motivating force to redress the grievances. Instead they found themselves stepping into the role of educators and enforcers, albeit under limited conditions. Hence one could conclude that companies, in the long run, would benefit from a predictable and robust legal environment. There is however evidence to suggest that this is not necessarily the case and that corporations are often ambivalent when it comes to legal enforcement of customary labour standards.

In an effort to offset growing social unrest and a growing instability of the workforce<sup>266</sup> the Chinese government, increasingly aware of abusive labour practices, has introduced a number of laws incorporating CSR measures, including the China Labour Contract Law of January 2008<sup>267</sup>. In particular the new law sets out to address labour contracts, insurance and the responsibilities of employment agencies. However rather than embrace the legal certainty the new legislation provided, Western corporations, with the support of both the European Union and the US Chambers of Commerce in China, actively lobbied against better protection for workers by threatening to withdraw contracts and move production elsewhere<sup>268</sup>. Such a reaction can only lead to the assumption that legislation to protect workers' rights is only welcome when it does not place any constraints on a company's ability to maximise profits. Again, it took a concerted effort by international labour rights activists and NGOs to counteract opposition to the new legislation<sup>269</sup>. Corporations' preference for business-friendly and labour-unfriendly environments is not only confined to developing countries. A report published by Human Rights Watch in 2010 documented European companies operating in the USA which took advantage of weaker US labour legislation to minimise union activity<sup>270</sup>. Such action would have been unthinkable, even impossible in their home countries<sup>271</sup> where labour rights are more strictly protected by law.

<sup>266</sup> Lin, 2010, pp. 91-93.

<sup>267</sup> Ministry of Commerce of the People's Republic of China, available at [http://www.fdi.gov.cn/pub/FDI\\_EN/Laws/GeneralLawsandRegulations/BasicLaws/P020070831601380007924.pdf](http://www.fdi.gov.cn/pub/FDI_EN/Laws/GeneralLawsandRegulations/BasicLaws/P020070831601380007924.pdf) (consulted on 13 May 2011).

<sup>268</sup> «The New York Times», *China Drafts Law to Empower Unions and End Labour Abuse*, 13 October 2006, available at <http://query.nytimes.com/gst/fullpage.html?res=9C04E7DD1130F930A25753C1A9609C8B63&&scp=2&sq=dauid%20barboza%20and%20chin a%20drafts%20law&st=cse> (consulted on 5 April 2011).

<sup>269</sup> Global Labor Strategies, *Undue Influence: Corporations Gain Ground in Battle over China's New Labour Law - But Human Rights and Labour Advocates Are Pushing Back*, March 2007, available at [http://laborstrategies.blogs.com/global\\_labor\\_strategies/files/undue\\_influence\\_global\\_labor\\_strategies.pdf](http://laborstrategies.blogs.com/global_labor_strategies/files/undue_influence_global_labor_strategies.pdf) (consulted on 1 May 2011).

<sup>270</sup> Human Rights Watch, *A Strange Case*, September 2010, available at <http://www.hrw.org/en/reports/2010/09/02/strange-case-0> (consulted on 3 June 2011).

<sup>271</sup> The nationality of the companies cited in the report were German, French, British, Norwegian and Dutch.

## CONCLUSIONS

The rates and content of corporate responses analysed in this research reveal significant incoherence in the business community's perceptions of their human rights obligations. Although almost three quarters of companies respond when requested, reflecting a certain level of their awareness of society's expectations, the research has shown that responses do not necessarily translate into action.

It may be unfair to suggest that companies are using CSR purely as a PR instrument, but the manner and frequency of their responses demonstrate that CSR policies and public commitments are far from embedded in management strategies. The fact that over a quarter of companies, even in the face of serious allegations, declined to respond to their critics is in itself symbolic of the voluntary nature of corporate ethical conduct.

While soft law and self-regulation are to be welcomed for their normative function, their effectiveness is seriously undermined by a lack of enforcement mechanisms. The data has shown that companies which ascribe to the UN Global Compact or codes of conduct are not exempt from accusations of ethical misconduct and do not demonstrate a higher response rate. Even companies with a positive track record in CSR can fall short of their commitments in another setting.

No matter how well intentioned a company may be, the case study highlights the challenges of ensuring respect for human rights in countries where weaker standards apply or are non-existent. In some respects it appears that the development of self-regulation and CSR has created a point of no return. In response to public pressure, companies have been pushed into publicly committing to ethical behaviour. By doing so, they have set themselves their own standards to which they can only partially adhere as long as they are not equally applicable to all. In an indirect fashion, this paradoxical situation suggests that companies themselves see the need for binding regulation.

A significant finding of this research is the fact that, despite theories to the contrary, threat to brand and reputation does not seem to be a major concern of a number of high profile corporations. Neither can consumers be relied upon to stand with victims of corporate abuse. This poses a number of challenges for those seeking to protect human rights in the business environment.

Maintaining pressure on corporations to improve their human rights record requires a constant effort to unearth the facts and confront those responsible with the evidence. The main challenge for the countless number of NGOs, particularly at the grassroots level, is finding the means to conduct solid research and accessing the channels of communication to those most responsible. Information technology provides unprecedented opportunity to raise awareness of human rights violations, but ensuring that the message reaches the desired audience in the business community is another matter.

The B&HR RC has created a forum which can further facilitate and deepen the dialogue between companies and their critics. By intervening as a neutral observer, in an almost mediatory role, the Centre has the capacity to reach the ears of decision makers, thus increasing the volume of critical voices. It appears that establishing an environment which is less confrontational increases the chances of achieving a reaction. Moreover, publication of responses (and non responses) alongside those of their peers can strengthen the name and shame policy among the business community itself. By removing all barriers which may potentially provide excuses for not responding, companies will inevitably find it more difficult to ignore their critics.

Despite the many caveats which accompany the tentative conclusions drawn from this research, it nonetheless offers empirical evidence of corporate responses and responsiveness to allegations of human rights abuse which has hitherto escaped analysis. If accurate documentation of evidence is key to building stronger strategies to hold companies to account, these findings may provide useful information for those reporting on corporate abuse in future.

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THE CORPORATE RESPONSE TO ALLEGATIONS OF HUMAN RIGHTS ABUSE

INTERVIEWS

Chris Avery, Director, and Mauricio Lazala, Senior Researcher, Business & Human Rights Resource Centre, London, 11 March 2011.

Dr. Leïla Choukroune, Director of the Advanced Masters in International and European Economic Law, Maastricht University, Maastricht, 15 June 2011.

ANNEX I:  
LIST OF ALL COMPANY RESPONSES

*Source:* Business & Human Right Resource Centre, 12 January 2011.

<b>Company</b>	<b>Company HQ</b>	<b>Location of Allegations</b>	<b>Response</b>	<b>Sector</b>
<i>ABB</i>	Sweden	China	No	EEC
<i>ABB</i>	Sweden	Sudan	Yes	EEC
<i>ABB</i>	Sweden	Sudan	Yes	EEC
<i>ABB</i>	Sweden	Sudan	Yes	EEC
<i>Abbott Laboratories</i>	USA	Global	Yes	Pharmaceutical
<i>Abbott Laboratories</i>	USA	Global	Yes	Pharmaceutical
<i>Abbott Laboratories</i>	USA	Global	Yes	Pharmaceutical
<i>Abbott Laboratories</i>	USA	Global	No	Pharmaceutical
<i>Abbott Laboratories</i>	USA	Global	Yes	Pharmaceutical
<i>ACE</i>	Bermuda	Burma	Yes	Finance/Insurance
<i>Adidas</i>	Germany	China	Yes	Apparel/Textile
<i>Adidas</i>	Germany	China	Yes	Apparel/Textile
<i>Adidas</i>	Germany	El Salvador	Yes	Apparel/Textile
<i>Adidas</i>	Germany	Sudan	Yes	Apparel/Textile
<i>Adidas</i>	Germany	Thailand	Yes	Apparel/Textile
<i>ADM</i>	USA	USA	Yes	AFBTF
<i>ADM</i>	USA	USA	Yes	AFBTF
<i>Aegis</i>	UK	Global	Yes	Security/Defence
<i>Aegon</i>	Netherlands	Global	Yes	Finance/Insurance
<i>AES</i>	USA	Panama	Yes	EEC
<i>AES</i>	USA	Panama	No	EEC
<i>Afrimex</i>	UK	DRC	No	Other
<i>Aguas Claras</i>	Chile	Chile	Yes	AFBTF
<i>Abava</i>	Israel	Israel/West Bank	No	Other
<i>Abold</i>	Netherlands	Global	Yes	AFBTF
<i>AkezoNobel</i>	Netherlands	Global	Yes	Chemical/Waste Management
<i>Al Wasl</i>	UAE	Burma	Yes	Finance/Insurance
<i>Alcan</i>	Canada	India	Yes	Extractive

THE CORPORATE RESPONSE TO ALLEGATIONS OF HUMAN RIGHTS ABUSE

Company	Company HQ	Location of Allegations	Response	Sector
<i>Alcan</i>	Canada	India	Yes	Extractive
<i>Alcan</i>	Canada	India	Yes	Extractive
<i>Alcoa</i>	USA	Brazil	Yes	Extractive
<i>Alcoa</i>	USA	Suriname	Yes	Extractive
<i>Alcoa</i>	USA	USA	Yes	Extractive
<i>Aldi</i>	Germany	Asia	Yes	Retail
<i>Ali Baba Foods</i>	South Africa	South Africa	Yes	AFBTF
<i>Alianza Fashion</i>	Guatemala	Guatemala	Yes	Apparel/Textile
<i>Almedabls</i>	Sweden	India, Pakistan	No	Apparel/Textile
<i>Alstom</i>	France	Sudan	No	EEC
<i>Alstom</i>	France	Sudan	No	EEC
<i>Alstom</i>	France	Sudan	Yes	EEC
<i>Aluminiј</i>	Bosnia & Herzegovina	Bosnia & Herzegovina	Yes	Extractive
<i>Aluminiј</i>	Bosnia & Herzegovina	Bosnia & Herzegovina	No	Steel/Aluminium
<i>Amalgamated Plantations Private Ltd - APPL</i>	India	India	Yes	AFBTF
<i>Amazon</i>	USA	Global	Yes	Retail
<i>AMCOR</i>	Philippines	Philippines	No	Other
<i>Anchor</i>	USA	Cambodia	Yes	AFBTF
<i>Anglo American</i>	UK	Global	Yes	Extractive
<i>Anglo American</i>	UK	Global	Yes	Extractive
<i>Anglo American</i>	UK	Global	Yes	Extractive
<i>Anglo Platinum</i>	South Africa	South Africa	Yes	Extractive
<i>Anglo Platinum</i>	South Africa	South Africa	Yes	Extractive
<i>Anglo Platinum</i>	South Africa	South Africa	Yes	Extractive
<i>AngloGold Ashanti</i>	South Africa	Africa	Yes	Extractive
<i>AngloGold Ashanti</i>	South Africa	Ghana	Yes	Extractive
<i>AngloGold Ashanti</i>	South Africa	Ghana	Yes	Extractive
<i>AngloGold Ashanti</i>	South Africa	Ghana	Yes	Extractive
<i>AngloGold Ashanti</i>	South Africa	Ghana	Yes	Extractive
<i>AngloGold Ashanti</i>	South Africa	Ghana	Yes	Extractive
<i>AngloGold Ashanti</i>	South Africa	Ghana	Yes	Extractive
<i>AngloGold Ashanti</i>	South Africa	Global	Yes	Extractive
<i>AngloGold Ashanti</i>	South Africa	Tanzania	Yes	Extractive
<i>AngloGold Ashanti</i>	South Africa	Tanzania	Yes	Extractive
<i>Anheuser-Busch</i>	USA	Cambodia	No	AFBTF
<i>Anheuser-Busch</i>	USA	Sudan	Yes	AFBTF
<i>Ankur</i>	India	India	No	EEC
<i>Anvil Mining</i>	Australia	DRC	Yes	Extractive
<i>ANZ</i>	Australia	Philippines	Yes	Finance/Insurance
<i>Apple</i>	USA	China	Yes	ICT

LYNN SCHWEISFURTH

<b>Company</b>	<b>Company HQ</b>	<b>Location of Allegations</b>	<b>Response</b>	<b>Sector</b>
<i>Apple</i>	USA	China	Yes	ICT
<i>Apple</i>	USA	Global	Yes	ICT
<i>AquaChile</i>	Chile	Chile	Yes	AFBTF
<i>Arab Insurance Group (ARIG)</i>	Bahrain	Burma	Yes	Finance/Insurance
<i>ArcelorMittal</i>	Luxembourg	Bosnia & Herzegovina, Czech Republic, India, Kazakhstan, Liberia, Romania, South Africa	Yes	Steel/Aluminium
<i>ArcelorMittal</i>	Luxembourg	Global	Yes	Steel/Aluminium
<i>ArcelorMittal</i>	Luxembourg	Ukraine & Kazakhstan	Yes	Steel/Aluminium
<i>ArcelorMittal</i>	Luxembourg	USA	Yes	Steel/Aluminium
<i>Areva</i>	France	India	Yes	Extractive
<i>Areva</i>	France	Niger	Yes	Extractive
<i>Argos</i>	UK	Global	Yes	Retail
<i>Armenian Titanium Production</i>	Armenia	Armenia	No	Extractive
<i>Armenian-Russian Mining Company</i>	Armenia	Armenia	Yes	Extractive
<i>Ascendant Copper</i>	Canada/USA	Ecuador	Yes	Extractive
<i>Ascendant Copper</i>	Canada/USA	Ecuador	Yes	Extractive
<i>Asda</i>	UK	Bangladesh, Costa Rica, India	No	Retail
<i>Asia Pacific Resources</i>	Canada	Thailand	Yes	Extractive
<i>Asia World Company</i>	Burma	Burma	Yes	EEC
<i>AstraZeneca</i>	UK	Global	Yes	Pharmaceutical
<i>AstraZeneca</i>	UK	Global	Yes	Pharmaceutical
<i>AT&amp;T</i>	USA	China	No	ICT
<i>Atateks</i>	Turkey	Jordan	Yes	Apparel/Textile
<i>Atos Origin</i>	France	Sudan	Yes	ICT
<i>Atrium Underwriting</i>	UK	Burma	No	Finance/Insurance
<i>Avgi Morris Carpenters</i>	Israel	Israel/Occupied Territories	No	Other
<i>AXA</i>	France	Global	Yes	Finance/Insurance
<i>BAE Systems</i>	UK	USA/Armenia	No	Security/Defence
<i>BAESA</i>	Brazil	Brazil	Yes	EEC
<i>Babria Town</i>	Pakistan	Pakistan	Yes	Other

THE CORPORATE RESPONSE TO ALLEGATIONS OF HUMAN RIGHTS ABUSE

Company	Company HQ	Location of Allegations	Response	Sector
<i>Baisbanlin</i>	China	Guyana	Yes	Natural Resources/Timber
<i>Balfour Beatty</i>	UK	UK	Yes	EEC
<i>Banco Espirito Santo</i>	Portugal	Angola	No	Finance/Insurance
<i>Bangladesh Ship Breakers Association</i>	Bangladesh	Bangladesh	No	Other
<i>Banorte</i>	Mexico	Mexico	No	Finance/Insurance
<i>Barclays</i>	UK	Indonesia	Yes	Finance/Insurance
<i>Barclays</i>	UK	Zimbabwe	Yes	Finance/Insurance
<i>Barclays</i>	UK	Zimbabwe	Yes	Finance/Insurance
<i>Barrick Gold</i>	Canada	Tanzania	Yes	Extractive
<i>Barrick Gold</i>	Canada	Tanzania	Yes	Extractive
<i>Barrick Gold</i>	Canada	Papua New Guinea	Yes	Extractive
<i>Barrick Gold</i>	Canada	Papua New Guinea	Yes	Extractive
<i>Barrick Gold</i>	Canada	Tanzania	Yes	Extractive
<i>Bayer</i>	Germany	India	Yes	Chemical/Waste Management
<i>Bayer</i>	Germany	India	Yes	Chemical/Waste Management
<i>Bayer</i>	Germany	India	Yes	Chemical/Waste Management
<i>Bayer</i>	Germany	USA	Yes	Chemical/Waste Management
<i>BEIL (Bharuch Enviro Infrastructure Ltd)</i>	India	India	Yes	Chemical/Waste Management
<i>Best Western</i>	UK	South Africa	Yes	Tourism
<i>Bestec</i>	China	China	Yes	ICT
<i>Bharti Airtel</i>	India	India	No	ICT
<i>BHP Billiton</i>	Australia	Botswana	Yes	Extractive
<i>BHP Billiton</i>	Australia	Peru	Yes	Extractive
<i>BHP Billiton</i>	Australia	Global	Yes	Extractive
<i>BHP Billiton</i>	Australia	Global	Yes	Extractive
<i>BHP Billiton</i>	Australia	Global	Yes	Extractive
<i>BHP Billiton</i>	Australia	Philippines	Yes	Extractive
<i>BHP Billiton</i>	Australia	Philippines	Yes	Extractive
<i>BHP Billiton</i>	Australia	Philippines	No	Extractive
<i>BHP Billiton</i>	Australia	Sudan	No	Extractive
<i>BHP Billiton</i>	Australia	Suriname	Yes	Extractive
<i>Blackfire</i>	Canada	Mexico	Yes	Extractive
<i>Calyon</i>	France	Angola	Yes	Finance/Insurance
<i>Carlsberg</i>	Denmark	Cambodia	Yes	AFBTF

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Company	Company HQ	Location of Allegations	Response	Sector
<i>Carlsberg</i>	Denmark	China	Yes	AFBTF
<i>Carrefour</i>	France	Bangladesh	Yes	Retail
<i>Carrefour</i>	France	Bangladesh	Yes	Retail
<i>Carrefour</i>	France	China	No	Retail
<i>Carrefour</i>	France	Asia	Yes	Retail
<i>Carrefour</i>	France	Turkey	Yes	Retail
<i>Caterpillar</i>	USA	Israel/Occupied Territories	Yes	EEC
<i>Catlin</i>	Bermuda	Burma	No	Finance/Insurance
<i>Centerra Gold</i>	Canada	Global	Yes	Extractive
<i>Cermaq</i>	Norway	Chile	Yes	AFBTF
<i>Corfejon Coal</i>	Colombia	Colombia	Yes	Extractive
<i>Charming Shoppes</i>	USA	Guatemala	Yes	Retail
<i>Charming Shoppes</i>	USA	Guatemala	Yes	Retail
<i>Chevron</i>	USA	Ecuador	Yes	Extractive
<i>Chevron</i>	USA	Chad/Cameroon	Yes	Extractive
<i>Chevron</i>	USA	DRC	Yes	Extractive
<i>Chevron</i>	USA	Ecuador	Yes	Extractive
<i>Chevron</i>	USA	Ecuador	Yes	Extractive
<i>Chevron</i>	USA	Global	Yes	Extractive
<i>Chevron</i>	USA	USA/Armenia	No	Extractive
<i>Chevron</i>	USA	Burma	Yes	Extractive
<i>Chevron</i>	USA	Burma	Yes	Extractive
<i>Chevron</i>	USA	Angola	Yes	Extractive
<i>Chevron</i>	USA	Burma	No	Extractive
<i>Chi Fung</i>	El Salvador	El Salvador	Yes	Apparel/Textile
<i>China Power Investment</i>	China	Burma	No	EEC
<i>China Power Investment</i>	China	Burma	No	EEC
<i>China Power Investment</i>	China	Burma	No	EEC
<i>China Road &amp; Bridge (CRBC)</i>	China	Rep. of Congo	Yes	EEC
<i>Chiquita</i>	USA	Colombia	Yes	AFBTF
<i>Chiquita</i>	USA	Guatemala	Yes	AFBTF
<i>Cicam</i>	Cameroon	Cameroon	No	Apparel/Textile
<i>Cimpor</i>	Portugal	Mozambique	No	Other
<i>Cintas</i>	USA	Global	Yes	Apparel/Textile
<i>Clarks</i>	UK	China	Yes	Apparel/Textile
<i>CMT-Windfield</i>	France	Bangladesh	No	Apparel/Textile
<i>Coal India</i>	India	India	Yes	Extractive
<i>Coca-Cola</i>	USA	India	Yes	AFBTF

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Company	Company HQ	Location of Allegations	Response	Sector
<i>Coca-Cola</i>	USA	India, Colombia, USA	Yes	AFBTF
<i>Coca-Cola</i>	USA	Sudan	Yes	AFBTF
<i>Coca-Cola</i>	USA	Colombia	Yes	AFBTF
<i>Coca-Cola</i>	USA	China	Yes	AFBTF
<i>Coca-Cola FEMSA</i>	Mexico	Mexico	Yes	AFBTF
<i>Coca-Cola FEMSA</i>	Mexico	Mexico	Yes	AFBTF
<i>Commerzbank</i>	Germany	Angola	No	Finance/Insurance
<i>ConocoPhillips</i>	USA	USA	No	Extractive
<i>ConocoPhillips</i>	USA	USA	No	Extractive
<i>ConocoPhillips</i>	USA	Peru	Yes	Extractive
<i>Continental Minerals</i>	Canada	Tibet	Yes	Extractive
<i>Coop</i>	Sweden	China	Yes	Retail
<i>Corus</i>	UK	UK	No	Steel/Aluminium
<i>Costain</i>	UK	UK	No	EEC
<i>Cotton Group</i>	Belgium	Bangladesh	Yes	Apparel/Textile
<i>Crédit Agricole</i>	France	Global	Yes	Finance/Insurance
<i>Crédit Suisse</i>	Switzerland	Indonesia	Yes	Finance/Insurance
<i>Crédit Suisse</i>	Switzerland	Global	Yes	Finance/Insurance
<i>Crescent Security</i>	Kuwait	Global	Yes	Security/Defence
<i>Crew Gold</i>	UK	Philippines	Yes	Extractive
<i>Cummins</i>	USA	USA	Yes	EEC
<i>Custer Battles</i>	USA	Global	No	Security/Defence
<i>CWE (China International Water &amp; Electric)</i>	China	Sudan	Yes	EEC
<i>Daewoo International</i>	South Korea	Burma	No	Automobile
<i>De Beers</i>	South Africa	Botswana	Yes	Extractive
<i>De Beers</i>	South Africa	Botswana	Yes	Extractive
<i>Dechert</i>	USA	UK	No	Other
<i>Defence Housing Authority</i>	Pakistan	Pakistan	Yes	Other
<i>Dell</i>	USA	China	Yes	ICT
<i>Dell</i>	USA	China	Yes	ICT
<i>Delta Electronics</i>	Taiwan	China	Yes	ICT
<i>Deutsche Bank</i>	Germany	China	Yes	Finance/Insurance
<i>Deutsche Bank</i>	Germany	Angola	Yes	Finance/Insurance
<i>Dexia</i>	Belgium	Global	Yes	Finance/Insurance
<i>Diageo/Guinness</i>	UK	Cameroon	Yes	AFBTF
<i>Disney</i>	USA	China	Yes	Consumer Goods
<i>Disney</i>	USA	China	Yes	Consumer Goods
<i>Djoser Reisen</i>	Germany	Burma	Yes	Tourism
<i>DSM</i>	India	India	Yes	Pharmaceutical

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<b>Company</b>	<b>Company HQ</b>	<b>Location of Allegations</b>	<b>Response</b>	<b>Sector</b>
<i>Doe Run</i>	USA	Peru	Yes	Extractive
<i>Doe Run</i>	USA	Peru	Yes	Extractive
<i>Doe Run</i>	USA	Peru	Yes	Extractive
<i>Dole</i>	USA	Colombia	Yes	AFBTF
<i>Dole</i>	USA	Latin America	Yes	AFBTF
<i>Dole</i>	USA	Philippines, Colombia	Yes	AFBTF
<i>Dow Chemical</i>	USA	USA, India	Yes	Chemical/Waste Management
<i>Dow Chemical</i>	USA	USA	Yes	Chemical/Waste Management
<i>Drax</i>	UK	UK	No	EEC
<i>Drummond</i>	USA	Colombia	No	Extractive
<i>Dundee Precious Metals</i>	Canada	Bulgaria	Yes	Extractive
<i>Dundee Precious Metals</i>	Canada	Armenia, Bulgaria, Kyrgyzstan	Yes	Extractive
<i>Dundee Precious Metals</i>	Canada	Armenia	Yes	Extractive
<i>DuPont</i>	USA	USA	Yes	Chemical/Waste Management
<i>DuPont</i>	USA	China	No	Chemical/Waste Management
<i>DuPont</i>	USA	USA	Yes	Chemical/Waste Management
<i>Eagle Industries</i>	USA	Global	Yes	Apparel/Textile
<i>Ecuavital Biox</i>	Ecuador	Ecuador	Yes	Security/Defence
<i>Ecopetrol</i>	Colombia	Colombia	No	Extractive
<i>EDF</i>	France	Laos	Yes	EEC
<i>EDF Energy</i>	UK	UK	Yes	EEC
<i>Electric Power Development Company</i>	Japan	Burma	Yes	EEC
<i>Eli Lilly</i>	USA	Global	No	Pharmaceutical
<i>Eli Lilly</i>	USA	Global	No	Pharmaceutical
<i>Emirates</i>	UAE	Mexico	No	Tourism
<i>Endesa</i>	Spain	Latin America	No	Extractive
<i>Endiama</i>	Angola	Angola	No	Extractive
<i>Endiama</i>	Angola	Angola	Yes	Extractive
<i>Energi Mega Persada</i>	Indonesia	Indonesia	No	EEC
<i>ENI</i>	Italy	Kazakhstan	Yes	Extractive
<i>ENI</i>	Italy	Rep. of Congo	Yes	Extractive
<i>ENI</i>	Italy	Rep. of Congo	Yes	Extractive

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Company	Company HQ	Location of Allegations	Response	Sector
<i>Entergy</i>	USA	USA	Yes	EEC
<i>Envoy Group</i>	Bangladesh	Bangladesh	No	Apparel/Textile
<i>E.ON</i>	UK	UK	Yes	EEC
<i>Ericsson</i>	Sweden	China	Yes	ICT
<i>Ericsson</i>	Sweden	China	Yes	ICT
<i>Ericsson</i>	Sweden	China	Yes	ICT
<i>Erinys</i>	UK	Iraq	Yes	Security/Defence
<i>Erinys</i>	UK	Iraq	Yes	Security/Defence
<i>Eutelsat</i>	France	Iran	Yes	ICT
<i>Excellon Resources</i>	Canada	Mexico	Yes	Extractive
<i>Excelsior Electronics</i>	China	China	Yes	ICT
<i>Exotissimo</i>	Thailand	Burma	No	Tourism
<i>ExxonMobil</i>	USA	Chad / Cameroon	Yes	Extractive
<i>ExxonMobil</i>	USA	Chad	No	Extractive
<i>ExxonMobil</i>	USA	USA	No	Extractive
<i>ExxonMobil</i>	USA	USA	Yes	Extractive
<i>Fechheimer Brothers</i>	USA	Global	No	Apparel/Textile
<i>Fiat</i>	Italy	Global	Yes	Automobile
<i>Firestone Natural Rubber</i>	USA	Liberia	Yes	Natural Resources/Timber
<i>First Cabin</i>	USA	Burma	No	Tourism
<i>Fittec</i>	China	China	Yes	ICT
<i>Flextronics</i>	Singapore	India	Yes	ICT
<i>Ford</i>	USA	USA	Yes	Automobile
<i>Ford</i>	USA	Argentina	Yes	Automobile
<i>Ford</i>	USA	Global	Yes	Automobile
<i>Fort-S</i>	Russia	Russia	Yes	Security/Defence
<i>Fortis</i>	Netherlands/ Belgium	Indonesia	Yes	Finance/Insurance
<i>Forza</i>	Peru	Peru	No	Security/Defence
<i>Foxconn/Hon Hai</i>	Taiwan	China	No	ICT
<i>Foxconn</i>	Taiwan	China	Yes	ICT
<i>Foxconn</i>	Taiwan	India	Yes	ICT
<i>Fred Meyer</i>	USA	Global	Yes	Retail
<i>Frederick's of Hollywood</i>	USA	Philippines	No	Retail
<i>Freeport-McMoRan</i>	USA	West Papua/ Indonesia	Yes	Extractive
<i>Freeport-McMoRan</i>	USA	Philippines	Yes	Extractive
<i>Freeport-McMoRan</i>	USA	Philippines	No	Extractive
<i>Fresh Del Monte Produce</i>	USA	Costa Rica, USA	No	AFBTF
<i>Friosur</i>	Chile	Chile	Yes	AFBTF

<b>Company</b>	<b>Company HQ</b>	<b>Location of Allegations</b>	<b>Response</b>	<b>Sector</b>
<i>Fujitsu Technology Solutions</i>	Netherlands	China	Yes	ICT
<i>Full Start</i>	China	China	Yes	Consumer Goods
<i>G4S</i>	UK	UK	Yes	Security/Defence
<i>Gaffney Cline &amp; Associates</i>	UK	Burma	No	EEC
<i>Gap</i>	USA	Sri Lanka	Yes	Retail
<i>Garib &amp; Garib</i>	Bangladesh	Bangladesh	No	Apparel/Textile
<i>Gaslink</i>	Nigeria	Nigeria	Yes	EEC
<i>Gateway Terminals India</i>	India	India	Yes	Transport/Shipping
<i>Gazprom</i>	Russia	Russia	No	EEC
<i>GCM Resources</i>	UK	Bangladesh	Yes	Extractive
<i>Gelmart Industries</i>	USA	Philippines	Yes	Apparel/Textile
<i>Gem Diamonds</i>	UK	Botswana	No	Extractive
<i>General Electric</i>	USA	USA	Yes	EEC
<i>General Electric</i>	USA	China	Yes	EEC
<i>General Electric</i>	USA	Sudan	Yes	EEC
<i>General Electric</i>	USA	USA	Yes	EEC
<i>General Motors</i>	USA	Global	Yes	Automobile
<i>GeoProMining</i>	Russia	Armenia	No	Extractive
<i>Georgia Gulf</i>	USA	USA	Yes	Chemical/Waste Management
<i>GEPIL (Gujarat Enviro Protection and Infrastructure Ltd)</i>	India	India	No	Chemical/Waste Management
<i>Gilead Sciences</i>	USA	Global	No	Pharmaceutical
<i>Gilead Sciences</i>	USA	Global	No	Pharmaceutical
<i>Glamis Gold</i>	USA	Guatemala	Yes	Extractive
<i>GlaxoSmithKline</i>	UK	Global	Yes	Pharmaceutical
<i>GlaxoSmithKline</i>	UK	Thailand	Yes	Pharmaceutical
<i>GlaxoSmithKline</i>	UK	Global	Yes	Pharmaceutical
<i>GlaxoSmithKline</i>	UK	Global	Yes	Pharmaceutical
<i>GlaxoSmithKline</i>	UK	India	Yes	Pharmaceutical
<i>Glencore</i>	Switzerland	Colombia	Yes	Natural Resources/Timber
<i>Global Coal Management</i>	UK	Global	Yes	Extractive
<i>Goldcorp/Glamis</i>	Canada	Guatemala	Yes	Extractive
<i>Goldcorp</i>	Canada	Guatemala	No	Extractive
<i>Goldcorp</i>	Canada	Americas	No	Extractive
<i>Goldcorp</i>	Canada	Honduras	No	Extractive
<i>Goldcorp</i>	Canada	Honduras	Yes	Extractive
<i>Goldcorp</i>	Canada	Honduras	Yes	Extractive

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<b>Company</b>	<b>Company HQ</b>	<b>Location of Allegations</b>	<b>Response</b>	<b>Sector</b>
<i>Golden Star Resources</i>	Canada	Ghana	No	Extractive
<i>Golden Star Resources</i>	Canada	Ghana	No	Extractive
<i>Golden Star Resources</i>	USA	Africa	No	Extractive
<i>Goldfields</i>	South Africa	Ghana	Yes	Extractive
<i>Goldfields</i>	South Africa	Africa	Yes	Extractive
<i>Goldsmiths</i>	UK	Global	No	Extractive
<i>Goodrich</i>	USA	USA/Armenia	No	EEC
<i>Google</i>	USA	China	Yes	ICT
<i>Google</i>	USA	China	Yes	ICT
<i>Google</i>	USA	China	Yes	ICT
<i>GP Garments</i>	Sri Lanka	Sri Lanka	Yes	Apparel/Textile
<i>Graciela Naum</i>	Argentina	Argentina	Yes	Apparel/Textile
<i>Grand Circle Travels</i>	USA	Burma	No	Tourism
<i>Group Talent/Jordan Silk</i>	China	Jordan	No	Apparel/Textile
<i>Grupo Agbar</i>	Spain	Mexico	Yes	Natural Resources/Timber
<i>Grupo Flores de la Montaña</i>	Ecuador	Ecuador	Yes	AFBTF
<i>Grupo México/Industrial Minera México</i>	Mexico	Mexico	Yes	Extractive
<i>Grupo Vicini</i>	Dominican Republic	Dominican Republic	Yes	AFBTF
<i>Guangdong Yudean</i>	China	China	Yes	EEC
<i>Guangdong Red Bay Generation</i>	China	China	No	EEC
<i>Guangdong Electric Power Development</i>	China	China	No	EEC
<i>Guangzhou Development Industry Holdings</i>	China	China	No	EEC
<i>Habib Rafique</i>	Pakistan	Pakistan	No	Other
<i>Hanesbrands</i>	USA	Jordan	Yes	Apparel/Textile
<i>Hantai Shoe</i>	China	China	No	Apparel/Textile
<i>Harbin</i>	China	Sudan	Yes	EEC
<i>Hasbro</i>	USA	China	Yes	Consumer Goods
<i>Heineken</i>	Netherlands	Cambodia	Yes	AFBTF
<i>Heineken</i>	Netherlands	Global	No	AFBTF
<i>Henan Rebecca</i>	China	China	Yes	Apparel/Textile
<i>Heritage Oil</i>	UK	Uganda	Yes	Extractive

## LYNN SCHWEISFURTH

<b>Company</b>	<b>Company HQ</b>	<b>Location of Allegations</b>	<b>Response</b>	<b>Sector</b>
<i>Hilton Worldwide</i>	USA	South Africa	Yes	Tourism
<i>Hilton Worldwide</i>	USA	Global	Yes	Tourism
<i>Himagiri Hydro Energy</i>	India	India	Yes	EEC
<i>Hindalco (Aditya Birla)</i>	India	India	No	Extractive
<i>Hindalco (Aditya Birla)</i>	India	India	No	Extractive
<i>Hindalco (Aditya Birla)</i>	India	India	No	Extractive
<i>Hoffman-La Roche</i>	Switzerland	Global	No	Pharmaceutical
<i>Hoida factory</i>	China	China	Yes	Consumer Goods
<i>Honda</i>	Japan	Global	No	Automobile
<i>Horizon Clothing</i>	Jordan	Jordan	Yes	Apparel/Textile
<i>Horizonte</i>	Germany	Turkey	No	Apparel/Textile
<i>Hoya Corporation</i>	Japan	Thailand	Yes	Other
<i>HP (Hewlett-Packard)</i>	USA	Global	Yes	ICT
<i>HP (Hewlett-Packard)</i>	USA	China	Yes	ICT
<i>HSBC</i>	UK	China	Yes	Finance/Insurance
<i>Hsikwangshan Twinkling Star</i>	China	China	No	Extractive
<i>Hyatt Hotels</i>	USA	South Africa	Yes	Tourism
<i>Hyundai</i>	South Korea	Global	Yes	Automobile
<i>Iam Gold</i>	Canada	Ecuador	Yes	Extractive
<i>Ibena</i>	Germany	Turkey	Yes	Apparel/Textile
<i>IBM</i>	USA	China	Yes	ICT
<i>Ikea</i>	Sweden	Turkey	Yes	Retail
<i>Implats</i>	South Africa	South Africa	Yes	Extractive
<i>InBev</i>	Belgium	Cambodia	Yes	AFBTF
<i>Inco</i>	Canada	New Caledonia	Yes	Extractive
<i>Independencia</i>	Brazil	Brazil	Yes	AFBTF
<i>Inditex (Zara)</i>	Spain	Bangladesh	Yes	Retail
<i>Indophil/Sagittarius Mines Inc (SMI)/ Xstrata</i>	Philippines	Philippines	Yes	Extractive
<i>ING</i>	Netherlands	China	Yes	Finance/Insurance
<i>ING</i>	Netherlands	Uruguay	Yes	Finance/Insurance
<i>ING</i>	Netherlands	Global	Yes	Finance/Insurance
<i>Ingenio Guadalupe</i>	Guatemala	Guatemala	Yes	Transport/Shipping
<i>Intel</i>	USA	China	Yes	ICT
<i>Intercontinental Hotels</i>	UK	South Africa	Yes	Tourism

THE CORPORATE RESPONSE TO ALLEGATIONS OF HUMAN RIGHTS ABUSE

Company	Company HQ	Location of Allegations	Response	Sector
<i>Intex Resources</i>	Norway	Philippines	Yes	Extractive
<i>Intex Resources</i>	Norway	Philippines	Yes	Extractive
<i>Intex Resources</i>	Norway	Philippines	Yes	Extractive
<i>Intex Resources</i>	Norway	Philippines	Yes	Extractive
<i>Island Oil &amp; Gas</i>	Ireland	Morocco/ Western Sahara	No	Extractive
<i>ITM Mining</i>	UK/Angola	Angola	Yes	Extractive
<i>ITM Mining</i>	UK/Angola	Angola	No	Extractive
<i>Ivanhoe Mines</i>	Canada	Mongolia	No	Extractive
<i>JBS</i>	Brazil	Brazil	No	AFBTF
<i>JC Penney</i>	USA	Global	Yes	Retail
<i>JC Penney</i>	USA	Jordan	No	Retail
<i>Jindal Vijayanagar Steel</i>	India	India	Yes	Steel/Aluminium
<i>JMS Garments</i>	Bangladesh	Bangladesh	Yes	Apparel/Textile
<i>Jockey International</i>	USA	Philippines	Yes	Retail
<i>Johnson &amp; Johnson/ Tibotec</i>	USA/Belgium	Global	Yes	Pharmaceutical
<i>Johnson &amp; Johnson</i>	USA	Sudan	Yes	Pharmaceutical
<i>Johnson &amp; Johnson</i>	USA	Global	Yes	Pharmaceutical
<i>Jostens</i>	USA	Global	Yes	Retail
<i>Kabir Steel Ship-breaking Yard</i>	Bangladesh	Bangladesh	No	Steel/Aluminium
<i>Kansai Electric Power Co (KEPCO)</i>	Japan	Burma	No	EEC
<i>Karachaganak Petroleum Operating (Operating cos.: BG Group, ENI)</i>	Kazakhstan	Kazakhstan	Yes	EEC
<i>Karstadt-Quelle</i>	Germany	Bangladesh	Yes	Retail
<i>KBC</i>	Belgium	Angola	Yes	Finance/Insurance
<i>KBC</i>	Belgium	Global	Yes	Finance/Insurance
<i>KBR</i>	USA	Global	Yes	Finance/Insurance
<i>Kellwood</i>	USA	Guatemala	Yes	Retail
<i>Kellwood</i>	USA	Guatemala	Yes	Retail
<i>Kingmaker Footwear</i>	China	China	Yes	Apparel/Textile
<i>Kmart (part of Sears)</i>	USA	Philippines	Yes	Retail
<i>Kmart/Sears</i>	USA	Global	No	Retail
<i>K-Nex</i>	USA	China	Yes	Retail
<i>Kodak</i>	USA	USA	Yes	Consumer Goods
<i>Kodak</i>	USA	Sudan	Yes	Consumer Goods
<i>Kodak</i>	USA	USA	Yes	Consumer Goods
<i>Kohl's</i>	Germany	Turkey	No	Retail
<i>Kobler</i>	USA	China	No	Consumer Goods

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<b>Company</b>	<b>Company HQ</b>	<b>Location of Allegations</b>	<b>Response</b>	<b>Sector</b>
<i>Kolomyjskiy Plant</i>	Ukraine	Ukraine	No	Other
<i>Korea Gas</i>	South Korea	Burma	No	EEC
<i>Kraft</i>	USA	Argentina	Yes	AFBTF
<i>Kyivskiy ipodrom</i>	Ukraine	Ukraine	No	Other
<i>Labuan Re</i>	Malaysia	Burma	No	Finance/Insurance
<i>Lajat (Grupo Lajat)</i>	Mexico	Mexico	Yes	Apparel/Textile
<i>Labmeyer</i>	Germany	Sudan	Yes	EEC
<i>Labmeyer</i>	Germany	Sudan	Yes	EEC
<i>Labmeyer</i>	Germany	Sudan	Yes	EEC
<i>Labmeyer</i>	Germany	Sudan	Yes	EEC
<i>Laird</i>	UK	India	No	ICT
<i>Lazare Kaplan</i>	USA	Angola	Yes	Extractive
<i>Lazare Kaplan</i>	USA	Angola	No	Extractive
<i>Ledesma</i>	Argentina	Argentina	Yes	AFBTF
<i>Lee Group</i>	Nigeria	Nigeria	Yes	Other
<i>Lenovo</i>	China	China	No	ICT
<i>Lenovo</i>	China	Sudan	Yes	ICT
<i>Lenovo</i>	China	China	Yes	ICT
<i>Lev Leviev Group</i>	Israel/USA	Angola	Yes	Extractive
<i>Lev Leviev Group</i>	Israel/USA	Israel/Occupied Territories, Angola, USA, Burma	Yes	Extractive
<i>LG Chem</i>	South Korea	DRC	No	Chemical/Waste Management
<i>LG Electronics</i>	South Korea	DRC	Yes	ICT
<i>LG Electronics</i>	South Korea	China	Yes	ICT
<i>LG Electronics</i>	South Korea	China	Yes	ICT
<i>Lidl</i>	Germany	Asia	Yes	Retail
<i>Lion Apparel</i>	USA	Global	Yes	Apparel/Textile
<i>Lloyd's of London</i>	UK	Burma	Yes	Finance/Insurance
<i>Lotus Travel Service</i>	Germany	Burma	No	Tourism
<i>Lonmin</i>	UK	South Africa	No	Extractive
<i>Lundin Petroleum</i>	Sweden	Sudan	Yes	EEC
<i>Lvovske Konstruktorske Buro</i>	Ukraine	Ukraine	No	EEC
<i>Lyondell</i>	USA	USA	No	Chemical/Waste Management
<i>Macy's</i>	USA	Guatemala	Yes	Retail
<i>Mae Tay</i>	China	China	Yes	ICT
<i>Maersk</i>	Denmark	China	No	Transport/Shipping
<i>Maersk</i>	Denmark	India	Yes	Transport/Shipping
<i>Malcolm Dunstan &amp; Associates</i>	UK	Burma	No	EEC

THE CORPORATE RESPONSE TO ALLEGATIONS OF HUMAN RIGHTS ABUSE

<b>Company</b>	<b>Company HQ</b>	<b>Location of Allegations</b>	<b>Response</b>	<b>Sector</b>
<i>Manhattan Minerals</i>	USA	Peru	Yes	Extractive
<i>Manulife</i>	Canada	Sudan	No	Finance/Insurance
<i>Marfrig</i>	Brazil	Brazil	No	AFBTF
<i>Martinson Konfektion</i>	Sweden	India, Pakistan	Yes	Apparel/Textile
<i>Max India</i>	India	India	Yes	Pharmaceutical
<i>McDonald's</i>	USA	USA	Yes	AFBTF
<i>McDonald's</i>	USA	Sudan	Yes	AFBTF
<i>MedcoEnergi</i>	Indonesia	Indonesia	Yes	EEC
<i>Mediterranean Resources</i>	Jordan	Jordan	Yes	Extractive
<i>Mengma Rubber</i>	China	China	No	Natural Resources/Timber
<i>Merck</i>	USA	Global	Yes	Pharmaceutical
<i>Merck</i>	USA	Global	Yes	Pharmaceutical
<i>Merck</i>	USA	Global	Yes	Pharmaceutical
<i>Merck</i>	USA	India	Yes	Pharmaceutical
<i>Merrill Lynch</i>	USA	China	No	Finance/Insurance
<i>Merrill Lynch</i>	USA	Indonesia	No	Finance/Insurance
<i>Metals Exploration</i>	UK	Philippines	Yes	Extractive
<i>Metro Group</i>	USA	Bangladesh	Yes	Retail
<i>Microsoft</i>	USA	China	No	ICT
<i>Microsoft</i>	USA	China	Yes	ICT
<i>Microsoft</i>	USA	China	No	ICT
<i>Microsoft</i>	USA	Sudan	Yes	ICT
<i>Microsoft</i>	USA	Global	No	ICT
<i>Microsoft</i>	USA	China	Yes	ICT
<i>Microsoft</i>	USA	China	Yes	ICT
<i>Minefinders</i>	Canada	Mexico	Yes	Extractive
<i>Minefinders</i>	Canada	Mexico	Yes	Extractive
<i>Minera Alumbraera</i>	Argentina	Argentina	No	Extractive
<i>Minera Yanacocha</i>	Peru	Peru	Yes	Extractive
<i>Mitsui Sumitomo Insurance</i>	Japan	Burma	No	Finance/Insurance
<i>Mittal Steel</i>	Netherlands	Bosnia & Herzegovina	Yes	Steel/Aluminium
<i>Monsanto</i>	USA	India	Yes	AFBTF
<i>Monsanto</i>	USA	India	Yes	AFBTF
<i>Monsanto</i>	USA	India	Yes	AFBTF
<i>Monsanto</i>	USA	Global	Yes	AFBTF
<i>Montagne</i>	Argentina	Argentina	No	Apparel/Textile
<i>Monterrico Metals</i>	UK	Global	Yes	Extractive
<i>Morgan Stanley</i>	USA	China	Yes	Finance/Insurance
<i>Mothercare</i>	UK	Turkey	Yes	Retail

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<b>Company</b>	<b>Company HQ</b>	<b>Location of Allegations</b>	<b>Response</b>	<b>Sector</b>
<i>Motorola</i>	USA	China	Yes	ICT
<i>Motorola</i>	USA	Israel/Occupied Territories	Yes	ICT
<i>Motorola</i>	USA	DRC	Yes	ICT
<i>Motorola</i>	USA	China	Yes	ICT
<i>Muriel Mining</i>	Colombia	Colombia	Yes	Extractive
<i>Mysore Minerals</i>	India	India	No	Extractive
<i>Naftoprommash</i>	Ukraine	Ukraine	No	EEC
<i>Nassa Global</i>	Bangladesh	Bangladesh	No	Apparel/Textile
<i>Natixis</i>	France	Angola	Yes	Finance/Insurance
<i>National Express</i>	UK	USA, UK	No	Transport/Shipping
<i>National Hydro-electric Power Corporation</i>	India	Burma	No	EEC
<i>National Mineral Development Corporation</i>	India	India	Yes	Extractive
<i>Natixis</i>	France	Indonesia	No	Finance/Insurance
<i>Natixis</i>	France	Global	Yes	Finance/Insurance
<i>NBC</i>	USA	China	No	Other
<i>NEC</i>	Japan	China	Yes	ICT
<i>Nestlé</i>	Switzerland	Pakistan	Yes	AFBTF
<i>New Wave Group</i>	Sweden	Bangladesh	Yes	Apparel/Textile
<i>New Yorker</i>	Germany	Bangladesh	Yes	Retail
<i>Newmont</i>	USA	Ghana	Yes	Extractive
<i>Newmont</i>	USA	Ghana	Yes	Extractive
<i>Newmont</i>	USA	Ghana	Yes	Extractive
<i>Newmont</i>	USA	Peru	Yes	Extractive
<i>Newmont</i>	USA	Ghana	Yes	Extractive
<i>Newmont</i>	USA	Ghana	Yes	Extractive
<i>Newmont</i>	USA	Ghana	Yes	Extractive
<i>Newmont</i>	USA	Ghana	Yes	Extractive
<i>Newmont</i>	USA	Africa	Yes	Extractive
<i>Newmont</i>	USA	Ghana	Yes	Extractive
<i>NH Hotels</i>	Spain	South Africa	Yes	Tourism
<i>Nicotex</i>	Guatemala	Guatemala	Yes	Apparel/Textile
<i>Nigerian Agip Oil Company (Nigerian Natl. Petroleum, ENI, ConocoPhillips)</i>	Nigeria	Nigeria	Yes	EEC
<i>Nike</i>	USA	China	Yes	Apparel/Textile
<i>Nissan</i>	Japan	USA	Yes	Automobile
<i>Nissan</i>	Japan	Global	Yes	Automobile
<i>Nobel Oil</i>	Russia	Burma	No	EEC

THE CORPORATE RESPONSE TO ALLEGATIONS OF HUMAN RIGHTS ABUSE

Company	Company HQ	Location of Allegations	Response	Sector
<i>Nokia</i>	Finland	China	Yes	ICT
<i>Nokia</i>	Finland	DRC	Yes	ICT
<i>Nokia</i>	Finland	China	Yes	ICT
<i>Nokia</i>	Finland	India	No	ICT
<i>Norilsk</i>	Russia	Russia	Yes	Extractive
<i>Northrop Grumman</i>	USA	USA/Armenia	No	Security/Defence
<i>Novartis</i>	Switzerland	Global	Yes	Pharmaceutical
<i>Novartis</i>	Switzerland	Global	Yes	Pharmaceutical
<i>Novartis</i>	Switzerland	India	Yes	Pharmaceutical
<i>Novartis</i>	Switzerland	Global	Yes	Pharmaceutical
<i>Novartis</i>	Switzerland	India	Yes	Pharmaceutical
<i>Nucete</i>	Argentina	Argentina	No	AFBTF
<i>Nuclear Power Corporation of India Ltd (NPCIL)</i>	India	India	No	EEC
<i>Nuziveedu</i>	India	India	No	AFBTF
<i>OCBC Bank</i>	Singapore	Burma	Yes	Finance/Insurance
<i>OCBC Bank/Great Eastern Life</i>	Singapore	Burma	Yes	Finance/Insurance
<i>Occidental</i>	USA	Peru	Yes	Extractive
<i>OceanaGold</i>	Australia	Philippines	Yes	Extractive
<i>Odebrecht</i>	Brazil	Angola	Yes	EEC
<i>Ole Wolff Electronics</i>	Denmark	China	Yes	ICT
<i>Olga Naum</i>	Argentina	Argentina	Yes	Apparel/Textile
<i>OMV</i>	Austria	Sudan	Yes	EEC
<i>OrkideExpressen</i>	Norway	Burma	Yes	Tourism
<i>Otto</i>	Germany	Turkey	Yes	Apparel/Textile
<i>Oxus Gold</i>	UK	Global	Yes	Extractive
<i>Pacific Rim Mining</i>	Canada	El Salvador	Yes	Extractive
<i>Pacific Rim Mining</i>	Canada	El Salvador	Yes	Extractive
<i>Pana Harrison</i>	Singapore	Burma	No	Finance/Insurance
<i>Panasonic</i>	Japan	Sudan	Yes	ICT
<i>Pelican Resources</i>	Australia	Philippines	Yes	Extractive
<i>Pelican Resources</i>	Australia	Philippines	No	Extractive
<i>PEMEX</i>	Mexico	Mexico	Yes	EEC
<i>PepsiCo</i>	USA	Poland	Yes	AFBTF
<i>PepsiCo</i>	USA	Poland	Yes	AFBTF
<i>Perenco</i>	France	Ecuador	Yes	Extractive
<i>Perenco</i>	France	Peru	Yes	Extractive
<i>Perlos</i>	Finland	India	Yes	ICT
<i>Perupetro</i>	Peru	Peru	No	EEC
<i>Petroecuador</i>	Ecuador	Ecuador	Yes	EEC
<i>Petronas</i>	Malaysia	Chad/ Cameroon	Yes	EEC

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Company	Company HQ	Location of Allegations	Response	Sector
<i>Petronas</i>	Malaysia	Sudan	Yes	EEC
<i>Pfizer</i>	USA	Global	Yes	Pharmaceutical
<i>Pfizer</i>	USA	Global	Yes	Pharmaceutical
<i>Pfizer</i>	USA	Global	Yes	Pharmaceutical
<i>Philex</i>	Philippines	Philippines	Yes	Extractive
<i>Philex</i>	Philippines	Philippines	No	Extractive
<i>Philips</i>	Netherlands	Global	Yes	ICT
<i>Philips</i>	Netherlands	China	Yes	ICT
<i>Pierre Cardin</i>	France	Indonesia	Yes	Apparel/Textile
<i>Placer Dome</i>	Canada	Philippines	Yes	Extractive
<i>PPG Industries</i>	USA	USA	Yes	Chemical/Waste Management
<i>Procter &amp; Gamble</i>	USA	China	Yes	Pharmaceutical
<i>Propper Intl.</i>	USA	Global	No	Apparel/Textile
<i>PSA Peugeot-Citroën</i>	France	China	Yes	Automobile
<i>PSA Peugeot Citroën</i>	France	Global	Yes	Automobile
<i>PTTEP</i>	Thailand	Burma	No	Extractive
<i>PTTEP</i>	Thailand	Burma	Yes	Extractive
<i>Puma</i>	Germany	China	Yes	Apparel/Textile
<i>Pure Iron Plant</i>	Armenia	Armenia	Yes	Chemical/Waste Management
<i>QBE</i>	Australia	Burma	No	Finance/Insurance
<i>QVC (part of Liberty Media)</i>	USA	Global	Yes	Retail
<i>R.J. Reynolds</i>	USA	USA	Yes	AFBTF
<i>Radiopyrad</i>	Ukraine	Ukraine	No	Other
<i>Rahim Steel</i>	Bangladesh	Bangladesh	No	Steel/Aluminium
<i>Ramky</i>	India	India	No	Chemical/Waste Management
<i>Ranbaxy</i>	India	India	Yes	Pharmaceutical
<i>Rand Uranium</i>	South Africa	South Africa	Yes	Extractive
<i>Rasi</i>	India	India	No	AFBTF
<i>Raytheon</i>	USA	USA/Armenia	No	Security/Defence
<i>Red Back Mining</i>	Canada	Ghana	No	Extractive
<i>Red Back Mining</i>	Canada	Africa	No	Extractive
<i>Regent Holidays</i>	UK	Burma	Yes	Tourism
<i>Reliance Energy</i>	India	India	Yes	EEC
<i>Reliance Energy</i>	India	India	No	EEC
<i>Repsol YPF</i>	Spain	Peru	Yes	Extractive
<i>Río Blanco Copper (Montericco Metals)</i>	Peru	Peru	Yes	Extractive
<i>Río Tinto</i>	UK/Australia	Madagascar	Yes	Extractive
<i>Río Tinto</i>	UK/Australia	Global	Yes	Extractive

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Company	Company HQ	Location of Allegations	Response	Sector
<i>Rio Tinto</i>	UK/Australia	Colombia, Indonesia, USA	Yes	Extractive
<i>Rio Tinto</i>	UK/Australia	USA	Yes	Extractive
<i>Rio Tinto</i>	UK/Australia	Mongolia	Yes	Extractive
<i>Rimbunan Hijau</i>	Malaysia	Papua New Guinea	Yes	Natural Resources/Timber
<i>Risks Incorporated</i>	USA	Mexico	No	Security/Defence
<i>Rivenskyj Car Repair Plant</i>	Ukraine	Ukraine	No	Other
<i>Roche</i>	Switzerland	Global	No	Pharmaceutical
<i>Rolex</i>	Switzerland	Global	No	Consumer Goods
<i>Rössing Uranium (Rio Tinto)</i>	Namibia	Namibia	Yes	Extractive
<i>Royal Bank of Scotland</i>	UK	Angola	Yes	Finance/Insurance
<i>Royalife</i>	Israel	Israel/Occupied Territories	Yes	Apparel/Textile
<i>Rubie's Costume</i>	USA	Mexico	Yes	Apparel/Textile
<i>Rusal</i>	Russia	Guyana	Yes	Extractive
<i>Russell</i>	USA	Jordan	No	Apparel/Textile
<i>RWE npower</i>	UK	UK	No	EEC
<i>Sabodala Gold Operations/Mineral Deposits Ltd</i>	Senegal	Senegal	Yes	Extractive
<i>Sagittarius Mines Inc (SMI)/Xstrata</i>	Philippines	Philippines	Yes	Extractive
<i>Sagittarius Mines Inc (SMI)/Xstrata/Indophil</i>	Philippines	Philippines	Yes	Extractive
<i>Sainsbury's</i>	UK	Costa Rica	Yes	Retail
<i>Salcomp</i>	Finland	India	Yes	ICT
<i>SalmonChile</i>	Chile	Chile	Yes	AFBTF
<i>Samling</i>	Malaysia	Malaysia	No	Timber
<i>Samsung</i>	South Korea	China	Yes	ICT
<i>Samsung</i>	South Korea	Sudan	Yes	ICT
<i>Samsung</i>	South Korea	DRC	Yes	ICT
<i>San Miguel</i>	Philippines	Cambodia	Yes	AFBTF
<i>sanofi-aventis</i>	France	Global	No	Pharmaceutical
<i>sanofi-aventis</i>	France	Global	Yes	Pharmaceutical
<i>Santos</i>	Australia	Indonesia	Yes	Extractive
<i>Sara Lee/Hanes</i>	USA	Mexico	Yes	Apparel/Textile
<i>Sasol</i>	South Africa	USA	Yes	Chemical/Waste Management
<i>SBM Offshore</i>	Netherlands	Global	No	EEC

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<b>Company</b>	<b>Company HQ</b>	<b>Location of Allegations</b>	<b>Response</b>	<b>Sector</b>
<i>SC Thakur</i>	India	India	No	EEC
<i>Scapino</i>	Netherlands	Bangladesh	Yes	Retail
<i>Schering-Plough</i>	USA	Global	No	Pharmaceutical
<i>Schlumberger</i>	USA	Libya	Yes	EEC
<i>Seaboard/Ingenio Tabacal</i>	USA/ Argentina	Argentina	No	AFBTF
<i>Serco</i>	UK	UK	Yes	Other
<i>Shell</i>	Netherlands	Global (8 countries)	Yes	EEC
<i>Shell</i>	Netherlands	Nigeria	Yes	Extractive
<i>Shell</i>	Netherlands	China	Yes	Extractive
<i>Shell</i>	Netherlands	Global	Yes	Extractive
<i>Shell</i>	Netherlands	Nigeria	Yes	Extractive
<i>Shell</i>	Netherlands	Ireland	Yes	Extractive
<i>Shell</i>	Netherlands	Nigeria	Yes	Extractive
<i>Shell</i>	Netherlands	Global	Yes	Extractive
<i>Shell</i>	Netherlands	Nigeria	Yes	Extractive
<i>Shell</i>	Netherlands	Nigeria	Yes	Extractive
<i>Shellseekers</i>	UK	Burma	Yes	Tourism
<i>Silver Planet</i>	Jordan	Jordan	Yes	Apparel/Textile
<i>Singer</i>	USA	China	Yes	Consumer Goods
<i>Singtel</i>	Singapore	China	Yes	ICT
<i>Singtel</i>	Singapore	China	Yes	ICT
<i>Sir Robert McAlpine</i>	UK	UK	No	EEC
<i>Skechers</i>	USA	China	Yes	Apparel/Textile
<i>Skye Resources</i>	Canada	Guatemala	Yes	Extractive
<i>Socatur</i>	Cameroon	Cameroon	Yes	Transport/Shipping
<i>Société Générale</i>	France	Global	No	Finance/Insurance
<i>Soffe (part of Delta Apparel)</i>	USA	El Salvador	Yes	Apparel/Textile
<i>Solo Invest</i>	France	Bangladesh	No	Apparel/Textile
<i>Sompo</i>	Japan	Burma	Yes	Finance/Insurance
<i>Sony</i>	Japan	China	Yes	ICT
<i>Sony Ericsson</i>	UK	DRC	Yes	ICT
<i>SP International</i>	India	India	Yes	Apparel/Textile
<i>Sputnik Petroleum</i>	British Virgin Islands	Burma	No	EEC
<i>Staples</i>	USA	Sudan	Yes	Consumer Goods
<i>Standard Chartered</i>	UK	Angola	No	Finance/Insurance
<i>Standard Flour Mills</i>	Nigeria	Nigeria	Yes	AFBTF
<i>Starbucks</i>	USA	Guantanamo Bay	Yes	Retail
<i>Starwood Hotels</i>	USA	Egypt	No	Tourism

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Company	Company HQ	Location of Allegations	Response	Sector
<i>Starwood Hotels</i>	USA	South Africa	Yes	Tourism
<i>Statoil</i>	Norway	Global	Yes	Extractive
<i>Steilmann</i>	Germany	Bangladesh	Yes	Apparel/Textile
<i>Studiosus</i>	Germany	Burma	Yes	Tourism
<i>Sudapet</i>	Sudan	Sudan	No	Extractive
<i>Suez</i>	France	Bolivia	Yes	EEC
<i>Surpassing Shoe Co.</i>	China	China	No	Apparel/Textile
<i>Suzuki</i>	Japan	Global	No	Automobile
<i>Swatch</i>	Switzerland	Sudan	Yes	Consumer Goods
<i>Swarovski</i>	Austria	India	Yes	Consumer Goods
<i>Swire Beverages</i>	China	China	Yes	AFBTF
<i>Target</i>	USA	Jordan	Yes	Retail
<i>Target</i>	USA	Burma	Yes	Retail
<i>Target</i>	USA	Turkey	Yes	Retail
<i>Target Insurance Brokers</i>	Singapore	Burma	No	Finance/Insurance
<i>Tata</i>	India	India	No	ICT
<i>TCL</i>	China	China	No	ICT
<i>TeliaSonera</i>	Sweden	Belarus	Yes	ICT
<i>Tesco</i>	UK	South Africa	Yes	Retail
<i>Tesco</i>	UK	China	Yes	Retail
<i>Tesco</i>	UK	Asia	Yes	Retail
<i>Textiles KN de Oriente</i>	Mexico	Mexico	Yes	Apparel/Textile
<i>Thermopower</i>	South Africa	South Africa	Yes	Chemical/Waste Management
<i>Tiffany</i>	USA	Burma	Yes	Retail
<i>Timberland</i>	USA	China	Yes	Apparel/Textile
<i>TNT</i>	Netherlands	Global	Yes	Transport/Shipping
<i>Tokio Marine</i>	Japan	Burma	No	Finance/Insurance
<i>Tongaat Hulett</i>	South Africa	Mozambique	Yes	Natural Resources/Timber
<i>TOP-TOY</i>	Sweden	China	Yes	Consumer Goods
<i>Total</i>	France	Burma	Yes	Extractive
<i>Total</i>	France	China	No	Extractive
<i>Total</i>	France	Burma	Yes	Extractive
<i>Total</i>	France	Burma	No	Extractive
<i>Total</i>	France	Burma	Yes	Extractive
<i>Total</i>	France	Burma	Yes	Extractive
<i>Total</i>	France	Burma	Yes	Extractive
<i>Toyota</i>	Japan	Burma	No	Automobile
<i>Toyota</i>	Japan	Global	Yes	Automobile
<i>Toyota</i>	Japan	Global	Yes	Automobile
<i>Triple Canopy</i>	USA	Global	Yes	Security/Defence

<b>Company</b>	<b>Company HQ</b>	<b>Location of Allegations</b>	<b>Response</b>	<b>Sector</b>
<i>Triumph</i>	Germany	Philippines & Thailand	Yes	Apparel/Textile
<i>TUI</i>	Germany	Burma	Yes	Tourism
<i>TVI Pacific</i>	Canada	Philippines	Yes	Extractive
<i>TVI</i>	Canada	Philippines	Yes	Extractive
<i>TVI</i>	Canada	Philippines	Yes	Extractive
<i>Tyson</i>	USA	USA	Yes	AFBTF
<i>UBS</i>	Switzerland	China	Yes	Finance/Insurance
<i>UBS</i>	Switzerland	Global	Yes	Finance/Insurance
<i>Ukrenerg</i>	Ukraine	Ukraine	Yes	EEC
<i>UMW Holdings</i>	Malaysia	Burma	Yes	EEC
<i>Unilever</i>	UK/Netherlands	Global	Yes	AFBTF
<i>Union Fenosa</i>	Spain	Colombia	Yes	EEC
<i>Union Fenosa</i>	Spain	Latin America	Yes	EEC
<i>Union Fenosa</i>	Spain	Guatemala	Yes	EEC
<i>United Technologies</i>	USA	USA/Armenia	Yes	Security/Defence
<i>UPS</i>	USA	China	No	Transport/Shipping
<i>UPS</i>	USA	Sudan	No	Transport/Shipping
<i>Uranium Corp. of India Ltd (UCIL)</i>	India	India	No	Extractive
<i>US Steel</i>	USA	USA	Yes	Steel/Aluminium
<i>US Steel</i>	USA	USA	Yes	Steel/Aluminium
<i>Vattenfall</i>	Sweden	Colombia	Yes	EEC
<i>Vedanta Resources</i>	UK	India	Yes	Extractive
<i>Vedanta Resources</i>	UK	Zambia	Yes	Extractive
<i>Vedanta Resources</i>	UK	Global	Yes	Extractive
<i>Vedanta Resources</i>	UK	India	Yes	Extractive
<i>Vedanta Resources</i>	UK	India	Yes	Extractive
<i>Vedanta Resources</i>	UK	India	Yes	Extractive
<i>Veracel</i>	Brazil	Brazil	Yes	Timber
<i>VF Corporation/Nautica</i>	USA	Jordan	Yes	Apparel/Textile
<i>Victoria's Secret</i>	USA	Sri Lanka	Yes	Retail
<i>Visa</i>	USA	Sudan	Yes	Finance/Insurance
<i>Vodafone</i>	UK	China	Yes	ICT
<i>Volcán Compañía Minera</i>	Peru	Peru	No	Extractive
<i>Volkswagen</i>	Germany	Sudan	Yes	Automobile
<i>Volkswagen</i>	Germany	Global	Yes	Automobile
<i>Volvo</i>	Sweden	Israel	Yes	Automobile
<i>Wal-Mart</i>	USA	Canada	Yes	Retail
<i>Wal-Mart</i>	USA	Philippines	No	Retail
<i>Wal-Mart</i>	USA	Jordan	Yes	Retail
<i>Wal-Mart</i>	USA	Burma	Yes	Retail

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Company	Company HQ	Location of Allegations	Response	Sector
<i>Wal-Mart</i>	USA	China	No	Retail
<i>Wal-Mart</i>	USA	China	Yes	Retail
<i>Wal-Mart</i>	USA	Jordan	Yes	Retail
<i>Wal-Mart</i>	USA	Bangladesh	Yes	Retail
<i>Wal-Mart</i>	USA	Asia	Yes	Retail
<i>Wal-Mart</i>	USA	Mexico	Yes	Retail
<i>Wal-Mart/Sam's Club</i>	USA	Global	Yes	Retail
<i>Walt Disney</i>	USA	China	Yes	Consumer Goods
<i>Walt Disney</i>	USA	France	Yes	Tourism
<i>Walt Disney</i>	USA	China	No	Consumer Goods
<i>Walt Disney</i>	USA	China	Yes	Consumer Goods
<i>Warner Brothers (part of Time Warner)</i>	USA	Mexico	Yes	Consumer Goods
<i>Wendy Wu Tours</i>	USA	Burma	No	Tourism
<i>Weyerhaeuser</i>	USA	Global	Yes	Timber
<i>White Nile Petroleum Operating</i>	Sudan	Sudan	Yes	Extractive
<i>Whitehall Jewellers</i>	USA	Global	No	Retail
<i>Wintek</i>	Taiwan	India	No	ICT
<i>WorleyParsons Komex</i>	Australia	Egypt	Yes	EEC
<i>Wyeth</i>	USA	Global	Yes	Pharmaceutical
<i>Wyeth</i>	USA	Global	No	Pharmaceutical
<i>Xinhao</i>	China	China	No	ICT
<i>Xstrata</i>	Switzerland	South Africa	Yes	Extractive
<i>Xstrata</i>	Switzerland	Global	No	Extractive
<i>Xstrata/Sagittarius Mines Inc (SMI)</i>	Philippines	Philippines	Yes	Extractive
<i>Xstrata/Sagittarius Mines Inc (SMI)/ Indophil</i>	Philippines	Philippines	Yes	Extractive
<i>Xstrata/Sagittarius Mines Inc (SMI)/ Indophil</i>	Philippines	Philippines	No	Extractive
<i>Yad Lechayey Adam Carpenters</i>	Israel	Israel/Occupied Territories	No	Other
<i>Yaboo</i>	USA	China	Yes	ICT
<i>Yaboo</i>	USA	China	No	ICT
<i>Yaboo</i>	USA	China	No	ICT
<i>Yaboo</i>	USA	China	Yes	ICT
<i>Yamana Gold</i>	Canada	Honduras	Yes	Extractive
<i>Yonghong Electronics</i>	China	China	No	ICT

LYNN SCHWEISFURTH

<b>Company</b>	<b>Company HQ</b>	<b>Location of Allegations</b>	<b>Response</b>	<b>Sector</b>
<i>Yonghong Factory/ FSP Group</i>	China	China	No	ICT
<i>Zambia Copper Investments</i>	Zambia	Zambia	Yes	Extractive
<i>Zapata Engineering</i>	USA	Global	No	EEC
<i>7NG</i>	Cambodia	Cambodia	No	EEC

THE CORPORATE RESPONSE TO ALLEGATIONS OF HUMAN RIGHTS ABUSE

ANNEX II:  
OVERVIEW OF COMPANIES FROM THE BRIC SAMPLE

HQ	Company	Sector	Nr. of Invitations	Nr. of Responses	Nr. of non Responses	Location of Allegations	UN Global	CSR Website
Brazil	BAESA	EEC	1	1	0	Brazil	No	Yes
Brazil	Independencia	AFBTF	1	1	0	Brazil	No	No
Brazil	JBS	AFBTF	1	0	1	Brazil	No	Yes
Brazil	Mafing	AFBTF	1	0	1	Brazil	No	Yes
Brazil	Odebrecht	EEC	1	1	0	Angola	No	Yes
Brazil	Veracel	Natural Resources/ Timber	1	1	0	Brazil	Delisted	Yes
<b>Total Brazilian Companies: 6</b>			<b>Total: 6</b>	<b>Total: 4</b>	<b>Total: 2</b>		<b>Total: 0</b>	<b>Total: 5</b>
China	Baishanlin	Natural Resources/ Timber	1	1	0	Guyana	No	No
China	Bestec	ICT	1	1	0	China	No	No
China	China Power Investment	EEC	3	0	3	Burma	Yes	Yes
China	China Road & Bridge (CRBC)	EEC	1	1	0	DRC	No	Yes
China	CWE (China International Water & Electric)	EEC	1	1	0	Sudan	No	No
China	Excelsior Electronics	ICT	1	1	0	China	No	Not found
China	Fitec	ICT	1	1	0	China	No	No
China	Full Start	Consumer Goods	1	1	0	China	No	No
China	Group Talent/ Jordan Silk	Apparel/Textile	1	0	1	Jordan	No	Not found
China	Guangdong Electric Power Development	EEC	1	0	1	China	No	Not found
China	Guangdong Red Bay Generation	EEC	1	0	1	China	No	Not found
China	Guangdong Yudean	EEC	1	1	0	China	No	Yes
China	Guangzhou Development Industry Holdings	EEC	1	0	1	China	No	Yes
China	Hantai Shoe	Apparel/Textile	1	0	1	China	No	Not found
China	Harbin	EEC	1	1	0	Sudan	No	No
China	Henan Rebecca	Apparel/Textile	1	1	0	China	No	Not found
China	Hoda factory	Consumer Goods	1	1	0	China	No	Not found
China	Huikwangshan Twinking Star	Extractive	1	0	1	China	No	No
China	Kingmaker Footwear	Apparel/Textile	1	1	0	China	No	No
China	Lenovo	ICT	3	2	1	China	Yes	Yes
China	Mae Tay	ICT	1	1	0	China	No	No
China	Mengma Rubber	Natural Resources/ Timber	1	0	1	China	No	No
China	Surpassing Shoe Co.	Apparel/Textile	1	0	1	China	No	Not found
China	Swire Beverages	AFBTF	1	1	0	China	No	Yes
China	TCL	ICT	1	0	1	China	No	Yes
China	Xinhao	ICT	1	0	1	China	No	Not found
China	Yonghong Electronics	ICT	1	0	1	China	No	Not found
China	Yonghong Factory/ FSP Group	ICT	1	0	1	China	No	No
<b>Total Chinese Companies: 28</b>			<b>Total: 32</b>	<b>Total: 16</b>	<b>Total: 16</b>		<b>Total: 2</b>	<b>Total: 7</b>
India	Amalgamated Plantations Private Ltd - APP	AFBTF	1	1	0	India	Inactive	Yes
India	Ankur	AFBTF	1	0	1	India	No	No
India	BEIL (Bharuch Enviro Infrastructure Ltd)	Chemicals/Waste Management	1	1	0	India	No	Not found
India	Bharti Airtel	ICT	1	0	1	India	No	Yes
India	Coal India (Eastern Coal Fields)	Extractive	1	1	0	India	Yes	Yes
India	DSM	Pharmaceutical	1	1	0	India	Yes	Yes
India	Gateway Terminals India	Transport/Shipping	1	1	0	India	No	Yes
India	GEPL (Gujarat Enviro Protection and Infrastr)	Chemicals/Waste Management	1	0	1	India	No	Yes
India	Himagrji Hydro Energy	EEC	1	1	0	India	No	No
India	Hindalco (Aditya Birla)	Extractive	3	0	3	India	No	Yes
India	Jindal Vijayanagar Steel	Aluminum/Steel	1	1	0	India	No	No
India	Max India	Pharmaceutical	1	1	0	India	No	Yes
India	Mysore Minerals	Extractive	1	0	1	India	No	Not found
India	National Hydroelectric Power Corporation	EEC	1	0	1	Burma	Inactive	Yes
India	National Mineral Development	Extractive	1	1	0	India	No	No
India	Nuclear Power Corporation of India Ltd. (NP EEC)	EEC	1	0	1	India	No	No
India	Nuzveedu	AFBTF	1	0	1	India	No	No
India	Rasul	AFBTF	1	0	1	India	No	No
India	Ranbaxy	Pharmaceutical	1	1	0	India	No	Yes
India	Ramky	Chemicals/Waste Management	1	0	1	India	No	Yes
India	Reliance Energy	EEC	2	1	1	India	No	Yes
India	SC Thakur	EEC	1	0	1	India	No	Not found
India	SP International	Apparel/Textile	1	1	0	India	No	No
India	Tata	ICT	1	0	1	India	No	Yes
India	Uranium Corp. of India Ltd (UCIL)	Extractive	1	0	1	India	No	Yes
<b>Total Indian Companies: 25</b>			<b>Total: 28</b>	<b>Total: 12</b>	<b>Total: 16</b>		<b>Total: 2</b>	<b>Total: 14</b>
Russia	Fort-S	Security/Defence	1	1	0	Russia	No	Not found
Russia	Gazprom	Extractive	1	0	1	Russia	No	Yes
Russia	GeoProMining	Extractive	1	0	1	Armenia	No	Yes
Russia	Nobel Oil	Extractive	1	0	1	Burma	No	No
Russia	Norilsk	Extractive	1	1	0	Russia	No	Yes
Russia	Rusal	Extractive	1	1	0	Guyana	Yes	Yes
<b>Total Russian Companies: 6</b>			<b>Total: 6</b>	<b>Total: 3</b>	<b>Total: 3</b>		<b>Total: 1</b>	<b>Total: 4</b>
<b>Total Companies: 85</b>			<b>Total: 72</b>	<b>Total: 35 (49%)</b>	<b>Total: 37 (51%)</b>		<b>Total: 5 (7%)</b>	<b>Total: 30 (42%)</b>

