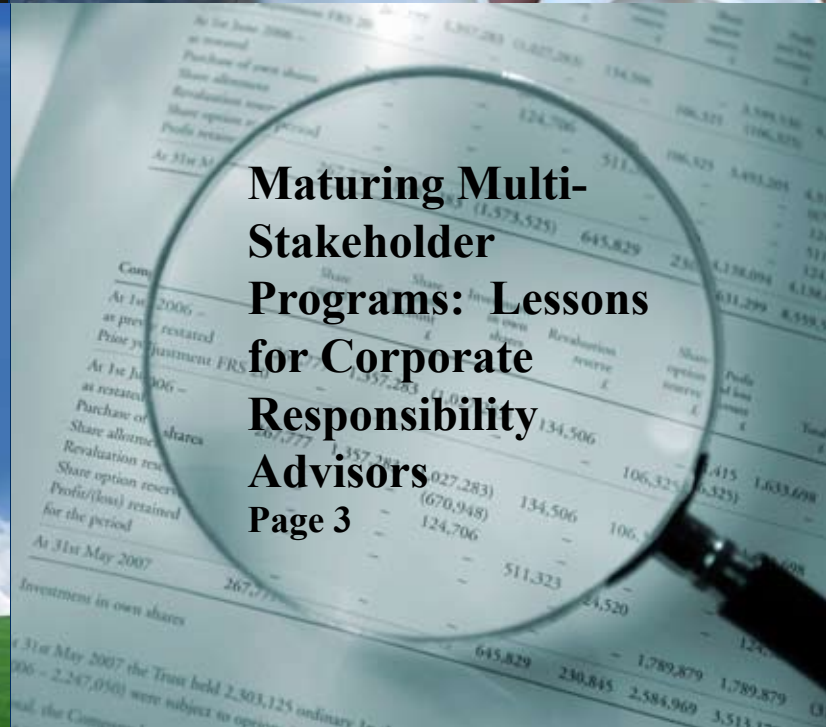


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## Guidelines for Contributors

*CSR Journal*, published electronically four times a year by the International Section of the ABA's Corporate Social Responsibility Committee, offers practical articles on topics of interest to lawyers and their clients who practice in the CSR field.

### Submissions

- CSR Journal articles present substantive material in a conversational rather than academic style.
- Articles generally run between 500 (for short news items or updates) and 2,000 words (for feature articles).
- Text should be double-spaced, with one-inch margins.
- Avoid excessive document formatting, but include sub-headings for longer articles.
- Number all pages consecutively from beginning to end.
- Use 12-point type, Times New Roman or Courier.
- Include a suggested title and a byline at the top of the first page.
- Include author's contact information (name, affiliation, address, phone, fax, email) on a separate page. You may include a 25 word biography and photo.
- Keep citations to a minimum. For necessary citations, use endnotes and the Bluebook format. If you decide to cite or quote materials, you are responsible for the accuracy and completeness of both the quotation and the citation information.

Please submit manuscript via e-mail attachment in Word format to Jessica Ulm at [julm@wnj.com](mailto:julm@wnj.com).



### Editorial and Production Process

All manuscripts are reviewed and edited by *CSR Journal's* leadership and editorial board and are copy-edited to conform to *CSR Journal's* style and design. Thus, your article may differ from its original form. The Corporate Social Responsibility Leadership has final authority regarding published content.

*CSR Journal* is published four times per year. If you intend to submit an article for publication, please forward a short summary in advance of the February 28, 2009, submission deadline to avoid duplication of content.

## Maturing Multi-Stakeholder Programs: Lessons for Corporate Responsibility Advisors

*by Anthony P. Ewing*

Voluntary “multi-stakeholder” programs have been a prominent feature of the corporate responsibility landscape for more than a decade. Launched by companies, industry groups, NGOs, governments and international organizations, programs like the Fair Labor Association, the United Nations Global Compact and the Voluntary Principles on Security and Human Rights bring together diverse actors to tackle common problems on the corporate responsibility agenda, including human rights, labor standards, environmental standards and transparency.

Many of these pioneering efforts established best practices for subsequent multi-stakeholder collaborations (see accompanying chart).

Initiative	Year	Issue(s)	Original Partners
Soccer Ball Project (Pakistan)	1997	Child labor	Local manufacturers, ILO, Unicef
Social Accountability 8000 (USA)	1997	Labor standards	NGAs, companies, labor organizations
Fair Labor Association (USA)	1999	Labor standards	Apparel brands, NGOs, universities
UN Global Compact	2000	Human rights, labor, environmental and anti-corruption standards	UN agencies, companies
Voluntary Principles on Security and Human Rights (UK/USA)	2000	Human rights standards for public and private security forces	Governments, multinational extractive and energy companies, NGOs
Better Factories (Cambodia)	2001	Labor standards	ILO, Government of Cambodia, Garment Manufacturers' Association, trade unions
International Coca Initiative (Switzerland)	2002	Child labor, forced labor	Cocoa industry, trade unions, NGOs
Extractive Industries Transparency Initiative (Norway)	2003	Transparency and accountability in the extractive sector	Governments, extractive and energy companies, NGOs, investors, international organizations
Kimberley Process	2003	Conflict diamonds	Governments, World Diamond Council, NGOs
Equator Principles	2003	Environmental and social standards for project finance sector	Financial institutions, World Bank and International Finance Corporation

But as the corporate responsibility field matures, many of these multi-stakeholder programs are struggling to remain relevant. Initial successes have been followed by substantial challenges. Stakeholders are questioning programs over the scope of their mandates, participation levels, and accountability and governance mechanisms. Some multi-stakeholder efforts face credibility and sustainability concerns with the potential to scuttle the programs altogether.

I had the opportunity recently to look closely at one of the pioneering programs, the Soccer Ball Project, a multi-stakeholder effort that has substantially eliminated child labor in one industry in one location, but is struggling to expand its mandate beyond child labor to address all core labor rights.

I examined the project as an independent corporate responsibility expert invited by the ILO to engage stakeholders on ways to strengthen the effort. Concerns over the project’s credibility and sustainability led stakeholders in February 2007 to forge the Sialkot Initiative. This initiative established a set of priorities for expanding the scope of the project beyond child labor; promoting dialogue among employers, workers and government; strengthening government labor inspections; increasing economic opportunities for women; and strengthening the program’s governance and monitoring. It remains to be seen whether Soccer Ball Project stakeholders can successfully implement the Sialkot Initiative and expand the project.

Are there lessons in the Soccer Ball Project experience for other voluntary multi-stakeholder corporate responsibility programs?

A few simple, hopefully common sense-based lessons emerge for professionals seeking to strengthen voluntary multi-stakeholder programs as they mature, or for stakeholders considering new partnerships. Attorneys and other corporate responsibility advisors can help their clients by counseling them to keep these lessons in mind when evaluating voluntary multi-stakeholder initiatives.

Like investments for which past performance is no guarantee of future returns, corporate responsibility efforts cannot rely on initial successes to sustain themselves. To keep a program relevant, stakeholders in voluntary corporate responsibility partnerships should periodically ask themselves, and each other, three questions:

### How Have Stakeholder Expectations Changed?

Meeting stakeholder expectations is the essence of corporate responsibility.

Most of the concerns surrounding the Soccer Ball Project can be traced to stakeholder expectations that have changed in the decade since the program launched (see related chart).

1997	2007
Focus on child labor	Address all core labor rights
Pressure on brands	Pressure on all project stakeholders
Voluntary effort	Government role
Single industry and geography	Expand to other industries and markets
Promote industry compliance	Promote industry competitiveness
Independent monitoring	Transparent independent monitoring
Workers under-represented	Call for social dialogue
Change community attitudes regarding child labor	Change community attitudes regarding formal employment for women

Multi-stakeholder initiatives can address changing expectations by raising performance standards and by adopting emerging best practices. For example, two prominent efforts — the United Nations Global Compact and the Voluntary Principles on Security and Human Rights — responded to calls for greater accountability by strengthening program governance. In 2007, the Voluntary Principles adopted formal participation criteria. This year, the Global Compact began to de-list companies that have failed to submit a “communication on progress.” Both of these changes seek to meet stakeholder expectations for greater accountability.

### How Have Roles And Responsibilities Shifted?

It also must be determined whether the program accounts for new roles and responsibilities. As stakeholders’ needs shift over time, their roles and responsibilities may need to change accordingly.

Stakeholders with the greatest incentives for participation typically assume leadership roles early in multi-stakeholder programs, but often do not view themselves in the same role for the long-term. A common issue for

many voluntary corporate responsibility programs today, for example, is the expectation that governments begin to reassert themselves with the capacity and responsibility to enforce minimum standards, a trend highlighted by Professor John Ruggie’s business and human rights recommendations to the United Nations.

### What Is The Business And Social Impact?

Perhaps the best way to sustain a voluntary multi-stakeholder initiative is to demonstrate, over time, a measurable business and social impact for everyone involved.

First generation corporate responsibility efforts were focused almost exclusively on standard setting and compliance. Meeting minimum standards and eliminating abuses satisfied most stakeholders. Today, the bar for measurable improvements is rising. Stakeholders increasingly expect corporate responsibility efforts to drive meaningful social change and address the root causes of inadequate compliance. Companies are seeking to make corporate responsibility efforts a competitive advantage closely linked to core business strategy.

Members of the Fair Labor Association, for example, are developing and testing a new integrated approach to supply chain management that seeks to move beyond monitoring and deliver a more sustainable social and business impact.

The multi-stakeholder programs that ask these questions, find the right answers, and adapt accordingly will survive and continue to move the corporate responsibility field forward. Their efforts will shape the corporate responsibility agenda for the next decade.

*Anthony P. Ewing is a Senior Fellow with Logos Institute and a lecturer at Columbia Law School. He counsels executives on corporate social responsibility strategy, helping companies to engage stakeholders, define standards and implement compliance programs and partnerships. He also teaches business and human rights at Columbia Law School. He can be reached at 212.792.4327 or by e-mail to [aewing@logosinstitute.net](mailto:aewing@logosinstitute.net).*

## Annual BSR Conference Touts Sustainability, Leadership

By Jessica L. Ulm

Business for Social Responsibility's annual conference in New York opened on the morning after the U.S. presidential election. The theme of the conference was Sustainability: Leadership Required.

The timing of the conference afforded many speakers the opportunity to discuss the sustainability-related challenges and opportunities facing President-Elect Obama.

One of the challenges for corporations facing a difficult financial climate will be whether to cut the budgets for social responsibility and sustainability programs. But a survey of conference participants found that an overwhelming majority believe that sustainability will continue to be a key topic for corporations, even in these tough economic times.

Many companies have found that environmental initiatives ultimately improve the financial bottom line. Investing in environmentally friendly technology could provide solutions for both the climate and financial crises.

Increasingly, citizens and consumers are realizing that environmental issues are linked to health problems, poverty and human rights. To make progress in these areas, we must take a broad view. As highlighted by author and conference speaker Peter Senge, collaborating across disciplines to analyze the larger systems at work can lead business leaders to lasting solutions.

Another key topic at the BSR Conference was human rights, as some corporations are beginning to integrate human rights concepts into their CSR programs. Attorneys with human rights training can provide leadership in this emerging area, but a few conference attendees raised questions about outside counsel's ability to provide guidance when corporate clients set goals to exceed

legal minimums in areas of social and environmental performance.

Although regulation has historically set a floor for corporate behavior, society now expects more than mere compliance. This raises questions regarding the line between corporate, government and individual responsibility. Do corporations have the same human rights responsibilities as state actors? Do corporations that step into a void in the law further weaken governments that should be regulating corporate activity?



U.N. Special Representative John Ruggie spoke at the BSR Conference on his recent report to the U.N. regarding business and human rights. Ruggie, in consultation with business leaders and NGOs, has developed a framework that could clarify the roles of government and business in the human rights arena. In Ruggie's framework, governments have a duty to protect human rights and corporations have a responsibility to respect human rights.

A third prong of Ruggie's framework involves providing victims of human rights abuses access to remedies. The U.N. has extended Ruggie's mandate to allow him to elaborate on how businesses and governments can put this framework to use.

The 2008 BSR Conference provided CSR professionals with a head start on 2009 and the tools that are needed to ensure that sustainability and corporate responsibility continue to provide meaningful solutions to some of

today's most pressing problems. For more information about Business for Social Responsibility, visit [www.bsr.org](http://www.bsr.org).

*Jessica L. Ulm is an attorney with Warner Norcross & Judd in Grand Rapids, Michigan. She is vice chair of the American Bar Association International Section Committee on Corporate Social Responsibility.*



## New Resource Available For Human Rights Lawsuits

*By Isabella Bunn*

The Business & Human Rights Resource Centre is the world's leading independent resource on the subject of human rights lawsuits against companies — covering more than 4,000 companies in 180 countries, and topics such as discrimination, environment, poverty and development, labor, access to medicines, health and safety, security and trade.

Its Web site aims for balanced reporting on the human rights impact of companies worldwide, as well as on related business and policy initiatives. Having addressed legal and regulatory questions since its inception, the Business & Human Rights Resource Centre is now establishing a unique online portal for corporate legal accountability.

**WHAT:** A free online portal, profiling more than 50 leading lawsuits against companies for alleged human rights abuses. Includes cases from the United States (using Alien Tort Claims Act), Argentina, Belgium, China, Ecuador, India, Indonesia, Mexico, Netherlands, Nigeria, South Africa and United Kingdom. Links to pleadings, decisions, articles about each case.

**WHO:** The portal also features expert commentaries about corporate legal accountability by Mary Robinson (former U.N. High Commissioner for Human Rights and President of Ireland), U.S. corporate accountability lawyers Terry Collingsworth, Jennie Green, Michael Hausfeld, Paul Hoffman and Beth Stephens — and lawyers from Africa, Asia, Europe and Latin America, including some advising corporate clients.

**WHEN:** Launched October 2008

**WHERE:** Go to homepage of nonprofit Business & Human Rights Resource Centre: [www.business-humanrights.org](http://www.business-humanrights.org). Three U.S. lawyers at the Resource Centre, which is based in London, developed the portal: Chris Avery, Greg Tzeutschler Regaignon and Sif Thorgeirsson.

*Dr. Isabella D. Bunn is co-chair of the Committee on Corporate Social Responsibility and vice-chair of the Committee on Human Rights for the American Bar Association.*