

**Latin America Regional consultation
held by the Special Representative of the Secretary-General
on Human Rights and Transnational Corporations and Other Business Enterprises**

Bogotá, 18-19 January 2007

DRAFT AGENDA

From cooperation to conciliation

Obtaining and maintaining a social license to operate with regard to local communities, in particular with indigenous people, is recognized as a key element of successful business practices. The normative framework supporting this concept is also more developed than most other areas of the business and human rights nexus, with principles and standards emanating from company policies (individual, industry-wide-ICMM), from national laws, from international standards (IFC, OECD) and from human rights norms and instruments. And yet, although many tools and policies have been developed, disputes still arise over the impact of business on human rights. This is particularly the case in Latin America, where these disputes are being adjudicated by various mechanisms.

In this context, the consultation will address:

- *How is the concept of a “social license to operate” understood by various actors? , What principles support its development? How does it relate to the role of state as the primary duty-bearer as well as grantor of the legal licence to operate?*
- *What are successful policies, practices and tools permitting the establishment, development and sustainability of a social license to operate?*
- *What happens when the effort is unsuccessful or loses its legitimacy? What remedies are available both in soft/ alternative and hard/traditional settlement mechanisms?*

Thursday, 18 January

900-920 Welcome and introduction

920-1100 Session I: Defining a social license to operate

Gaining and maintaining a social license to operate is recognized as a key element of successful business operations, particularly in relation with indigenous people. But the understanding of this notion and its components vary greatly among stakeholders. This session will allow panelists and participants to set the debate and discuss the various meanings of a corporate social license to operate as seen from the perspective of different stakeholders, identifying areas of consensus and gaps.

1100-1130 Break

1130-1300 Session II: Backing the social license to operate: standards and norms.

Over the years, many standards have emerged to help define the concept of the social license to operate. As such, it is more extensively backed by a normative framework than many other areas of the business and human rights nexus. The Indigenous Peoples' Declaration and other human rights instruments are also used as reference points. It is also sometimes claimed that getting a social license to operate is an obligation of companies, with an equivalent right of communities. Panelists will examine the effectiveness of the various standards in supporting the successful implementation of a social license to operate.

1300-1400 Lunch

1400-1530 Session III: Understanding state responsibilities

While growing demands are placed on companies, States remain the primary duty-bearer to respect and ensure respect for human rights as well as being responsible for setting economic policies. They are also the

primary grantors of the legal license to operate for companies. This panel will explore the various roles local and national governments can play how these roles limit or expand the boundaries of responsibilities for companies, and what are the expectations of other actors.

1530-1600 Break

1600-1800 Session IV: Promoting Successful Community Engagement

Many practices and tools have been developed to ensure successful community engagement. This session will first discuss emerging good practices, and then existing tools.

Panel I: Practices ...

The first panel, the benefits and shortcomings of existing policies aimed at making a positive contribution to local communities, such as revenue sharing, and identify emerging good practices.

1800-1815 Wrap-up

Friday, 19 January

915-1045 Panel II: ... and Tools

The second panel of this session will look at various tools used to support and develop a social license to operate, such as impact assessment tools, human rights training or instruments such as the Voluntary Principles on Security and human rights.

1045-1115 Break

1115-1300 Session V: Adjudicating disputes

Even with effective policies and tools in place, disputes still may emerge and need to be adjudicated. This panel will explore what happens when confronted with failure to successfully establish a social license to operate and the remedies available both in alternative/soft and traditional/hard settlement mechanisms.

Panel I: Non-legal schemes ...

The first session will look at various non-legal existing mechanisms, including procedures established at the company-level, or ombudsman procedures and quasi-judicial initiative such as the people's tribunal. Panelists and participants will discuss their effectiveness, as well as their potential contribution to the emergence of new norms in the field of business and human rights.

1300-1400 Lunch

1400-1530 Panel II: ... And legal redresses

The second session will gauge the positive results and shortcomings of litigation and hard disputes settlement mechanisms. Their effectiveness on laggard and rogue companies will also be addressed.

1530-1600 Break

1600-1730 Open forum: the contributions of the SRSG's mandate

This last session will be an opportunity for all participants to exchange advice, ideas and recommendations with the SRSG.

1730-1745 Closing remarks