

Assessment of the National Action Plan (NAP) on Business and Human Rights of THE UNITED KINGDOM (2013)



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INTERNATIONAL CORPORATE
ACCOUNTABILITY ROUNDTABLE



In September 2013, the government of the United Kingdom launched a National Action Plan (NAP) on business and human rights. In response, the International Corporate Accountability Roundtable (ICAR) and the European Coalition for Corporate Justice (ECCJ) conducted a structured assessment of the U.K. NAP, using the NAPs Checklist developed and published by ICAR and the Danish Institute for Human Rights (DIHR).¹ The NAPs Checklist lays out a set of twenty-five criteria that address both the content of NAPs and the process for developing them.

This assessment is part of a larger effort by ICAR to assess all existing NAPs on business and human rights. In November 2014, ICAR and ECCJ published its first version of a joint report *Assessments of Existing National Action Plans (NAPs) on Business and Human Rights*,² which systematically assessed the published NAPs from the United Kingdom, the Netherlands, Denmark, and Finland. In November 2015, ICAR and ECCJ published an update of this report including the assessments of the Lithuanian and Swedish NAPs. This report was updated a further time in August 2017, in conjunction with both ECCJ and Dejusticia, to include assessments of the Colombian, Norwegian, United States, United Kingdom (second iteration), Italian, and Swiss NAPs.

ASSESSMENT SUMMARY:
UNITED KINGDOM NATIONAL ACTION PLAN

Introduction

The United Kingdom (U.K.) was the first State to publish a NAP specifically focused on business and human rights and explicitly on implementation of the UNGPs in particular. The United Kingdom made its initial commitment to create a NAP in 2011³ and launched the document in September 2013.⁴ Other ongoing U.K. government initiatives, while perhaps not explicitly framed in terms of business and human rights, also reflect U.K. government activity in this area.⁵

The U.K. should be commended for showing leadership in embarking on the process of developing a NAP and for being the first state to publish such a plan. However, this willingness to take initiative at a time when other States were reluctant to move forward should not mask some significant oversights in the drafting and consultation process. Nor should it mask the apparent lack of momentum in taking forward some elements of the NAP since its release.

In terms of future actions on the part of the U.K. government, the NAP offers mostly voluntary self-regulation, is somewhat broad, and lacks timelines for implementation. Civil servants have acknowledged that further work is needed to the deliver on the commitments made in the plan.

One of the aims of this assessment, laid out in general terms in this document and more fully in the attached checklist, is to provide a constructive contribution to the process of creating a new and updated NAP, which the United Kingdom has committed to do by the end of 2015.⁶ This summary provides key trends in terms of process and content, as identified through the assessment of the U.K. NAP.

Process

The positive aspects of the NAP drafting process include the facts that the government entity tasked with overseeing the process was clearly identified and a cross-departmental steering committee was created to ensure that other parts of the government would have a voice in the process. Moreover, there were pre-drafting consultations with a wide range of stakeholder groups and the NAP lays out a framework for follow-up (i.e. through the Annual Report on Human Rights and Democracy) and, as noted above, commits the United Kingdom to updating the NAP by the end of 2015.

The first weakness in the NAP drafting process was that, as far as ICAR and ECCJ are aware, the United Kingdom did not conduct a national baseline assessment (NBA)⁷ prior to the drafting of the NAP. This is problematic as a NBA has the potential to provide evidence and data concerning the State's unique context, current progress in implementation, and remaining governance gaps, all of which are essential in informing the NAP and ensuring its efficacy in addressing the most pressing business and human rights concerns within the country.

There were helpful pre-drafting consultation events with stakeholder groups, such as civil society (including trade unions and NGOs) and different types of businesses. However, the consultation process could have been improved to better ensure that the other relevant stakeholders, including impacted communities and rights-holders, were heard. Specifically, the government should have conducted and published a stakeholder mapping to ensure that all stakeholders, even those that are less obvious, were given a chance to voice their opinion. Similarly, the government failed to provide any form of capacity-building in terms of government-wide education on the UNGPs and failed to facilitate participation in the consultation process by disempowered or at-risk stakeholders. This means that some voices that would otherwise have been heard may have been excluded from the dialogue. Moreover, once the pre-drafting consultation was complete, no draft document was published. The government did send a copy of the draft to selected stakeholders. However, an additional follow-up consultation with a broad range of external stakeholders on the draft NAP was not conducted. In conjunction with the delays to the process, this meant that there was a lack of transparency around the government's prioritization or de-prioritization of certain issues or concerns following the consultations.

Content

A strength of the content of the U.K. NAP is that it includes references to how the NAP will influence the United Kingdom's interaction with international and regional organizations and standards. The NAP also addresses a few thematic and sector-specific human rights issues, such as commitments in relation to procurement and investment agreements, as well as instructions to embassies and high commissions to support human rights defenders working on issues related to business and human rights in line with the EU guidelines.

However, the content of the U.K. NAP could be significantly improved. Although the NAP is organized around all three Pillars of the UNGPs, it is heavily focused on Pillar II, with less attention given to Pillar I and with a minimalist approach to Pillar III. The future actions set out in the NAP, which primarily focus on voluntary measures, do little to set out binding measures

that broaden and deepen the government's legal duty to protect human rights and guarantee access to judicial remedy for business-related human rights violations. The fact that the commitments made by the U.K. government in the NAP are vague and lack timelines for implementation, and that the NAP rarely identifies what part of the government will be in charge of implementing each planned action, is indicative of a lack of planning and coordination. This also weakens the ability of any party to assess to what extent the United Kingdom has fulfilled the steps it has committed to within the document. Finally, the NAP does not prioritize the most serious business-related human rights abuses. The plan does mention marginalized and at-risk groups, but it lacks an adequate strategy to address these vulnerable populations.

**ASSESSMENT OF THE UNITED KINGDOM
NATIONAL ACTION PLAN ON BUSINESS AND HUMAN RIGHTS**

1. GOVERNANCE AND RESOURCES	COMMENTS
Leadership and Ownership of NAP Process	
1.1. Commitment to the NAP process.	<p>The UK government announced its intention to create a NAP in 2011.⁸ The UK has committed to continuing the development and implementation of its NAP, noting that the NAP released in 2013 is just the first step.⁹ In the NAP, the UK expressly commits to monitoring NAPs created by other countries and to responding to the development of NAP “best practices” in its future policies.¹⁰ The UK plans to have representatives of civil society, government, and business meet “periodically to monitor implementation” of the UK NAP and to update it.¹¹ The Annual Report on Human Rights and Democracy of the Foreign and Commonwealth Office (FCO) will include a report on progress of the NAP.¹² The UK made an express commitment in the NAP to create a new and updated NAP by the end of 2015.¹³ These commitments suggest that the UK is serious about continuing to engage with its NAP over the long-term.</p> <p>The fact that the UK NAP was launched by two Secretaries of State – the Secretary of Foreign Affairs and the Secretary of Business, Innovation, and Skills – also sent out a strong signal of the government’s commitment to the NAP process.</p>
1.2. Ensure responsibility for the NAP process is clearly established and communicated.	<p>The responsibility for the NAP process was placed in the UK Foreign & Commonwealth Office (FCO), specifically, under its Human Rights and Democracy Department.¹⁴ A steering committee composed of different government ministries was created to guide the process.¹⁵</p>
1.3. Ensure an inclusive approach across all areas of government.	<p>As noted above, a steering committee composed of different government ministries was created to help coordinate the NAP process.¹⁶</p> <p>Additionally, after the initial draft was complete, it was sent to government agencies</p>

1. GOVERNANCE AND RESOURCES	COMMENTS
	for consultation. ¹⁷ In December 2012, a draft was sent to about 40 government agencies, whose comments and feedback were taken into account and incorporated into the finalized NAP. ¹⁸
1.4. Devise and publish terms of reference and a timeline for the NAP process.	<p>Publication of the NAP was delayed repeatedly, and human rights NGOs say this was done without full communication. As the NAP process continued, it became harder for NGO stakeholders to get information about what was happening.¹⁹</p> <p>No timeline was published.</p>
Adequate Resourcing	
1.5. Determine an appropriate budget for the NAP process.	<p>There is no information publicly available on the level of funding provided for the NAP process.</p> <p>Regarding human capital, the Deputy Head of the Human Rights and Democracy Department of the FCO was in charge of leading the drafting process. Two policy officers assisted the Deputy Head, in addition to inputs and assistance from officials from a number of other departments on an ad hoc basis.</p>

2. STAKEHOLDER Participation	COMMENTS
Effective Participation by All Relevant Stakeholders	
2.1. Conduct and publish a stakeholder mapping.	No stakeholder mapping was conducted.
2.2. Develop and publish a clear plan and timeline for stakeholder participation.	Pre-draft consultation with stakeholders had a clear plan. Meetings were set up and run by the FCO, using an external facilitator. The meetings occurred in early 2012, and each category of stakeholders had its own separate meeting. ²⁰ A final meeting was

2. STAKEHOLDER Participation	COMMENTS
	<p>then held, with all categories of stakeholders in attendance.²¹</p> <p>However, there was considerable delay between these meetings and the launch of the plan. Although the government did send a copy of the draft to selected stakeholders, the draft NAP was not publicly circulated before it was finalized and launched, so there was no broad consultation with external stakeholders on the draft document.²²</p> <p>The timeline/plan for stakeholder participation was not published.</p>
<p>2.3. Provide adequate information and capacity-building where needed.</p>	<p>No capacity-building was provided.</p>
<p>2.4. Facilitate participation by disempowered or at-risk stakeholders.</p>	<p>The UK did not facilitate the participation by disempowered or at-risk stakeholders.</p>
<p>2.5. Consider establishing a stakeholder steering group or advisory committee.</p>	<p>The UK did not establish a multi-stakeholder steering group or advisory committee, only a governmental, inter-departmental steering committee.</p>

3. NATIONAL BASELINE ASSESSMENT (NBA)	COMMENTS
<p>The NBA as the Foundation for the NAP</p>	
<p>3.1. Undertake a NBA as the first step in the NAP process.</p>	<p>The UK did not conduct a NBA. The government has committed to doing a gap analysis sometime in the future.²³</p>

3. NATIONAL BASELINE ASSESSMENT (NBA)	COMMENTS
3.2. Allocate the task of developing the NBA to an appropriate body.	Not applicable.
3.3. Fully involve stakeholders in the development of the NBA.	Not applicable.
3.4. Publish and disseminate the NBA.	Not applicable.

4. SCOPE, CONTENT, AND PRIORITIES	COMMENTS
Scope of NAPs	
4.1. A NAP should address the full scope of the UNGPs.	<p>Although the UK NAP addresses all three Pillars of the UNGPs, it does not go through the UNGPs principle by principle, explaining how they have each been implemented and/or will be implemented.</p> <p>As a whole, the NAP focuses largely on the business responsibility to respect human rights. In Section 4 (covering Pillar III on access to remedy), there is no discussion of creating judicial remedy, but instead the focus is on company-run grievance mechanisms.²⁴ Moreover, although the highest number of planned actions are listed under Section 2 (covering Pillar I on the State duty to protect human rights), the majority of these effectively relate to the promotion of Pillar II on the corporate responsibility to respect human rights.</p> <p>There is not much information on what other government departments outside of the FCO will be required to do, such as the Ministry of Justice; the Home Office; the</p>

4. SCOPE, CONTENT, AND PRIORITIES	COMMENTS
	<p>Department for Business, Innovation, and Skills; or the Department for International Development.²⁵</p> <p>While an extensive analysis of the NAP’s fulfillment of each UNGP is a task to be completed during the National Baseline Assessment (NBA) process, there are criteria that can be used to assess the combination of scope and content. The following four sub-criteria are indicative of the UK NAP’s coverage of the full scope of the UNGPs, with particular regard to the central organizing concept of “due diligence.” These four sub-criteria are: (1) positive or negative incentives for business to conduct due diligence, (2) disclosure of due diligence activities, (3) measures which require due diligence as the basis for compliance with a legal rule, and (4) the regulatory mix (i.e. a combination of voluntary and mandatory measures that the State uses to encourage business to respect human rights.)²⁶ These sub-criteria are not an exhaustive list, but have been supported by other researchers and advocacy groups as indicative of a NAP’s adequacy in terms of substantive content:</p> <p><u>(1) Positive and Negative Incentives for Due Diligence</u></p> <p>Although human right due diligence, meaning to “identify, prevent, and mitigate human rights risks,” is identified in Section 3 of the UK NAP as something the government expects of business, there are no specific positive or negative incentives newly laid out in the UK NAP’s planned actions to influence corporations to conduct human rights due diligence. The only planned action that explicitly refers to due diligence is in Section 3(ii). This planned action states that the government will “encourage” sector groupings/trade associations to create guidance relevant to human rights in that sector, including on due diligence. This planned action does not, however, specify what concrete measures the government will take to “encourage” the development of guidance in different sectors, let alone what measures it will take to reward the use of due diligence or punish failure to conduct due diligence.</p>

4. SCOPE, CONTENT, AND PRIORITIES	COMMENTS
	<p>The NAP does include information on actions already taken that could constitute incentives to conduct due diligence. Specifically, Section 2(i) notes that, during procurement, public bodies can decide not to consider certain bidders if there is a showing of grave misconduct. The NAP notes that “such misconduct might arise in cases where there are breaches of human rights.” For companies that rely on government contracts, this could serve as a fairly strong incentive to conduct due diligence in an effort to prevent human rights abuses that amount to grave conduct from occurring in the first place. Another potential incentive is listed under Section 3(iii) of the NAP, which states that, pursuant to the OECD 2012 common approaches, UK Export Finance considers National Contact Point statements about a company’s human rights practices that are final and negative when deciding if a project may receive an export credit.</p> <p><u>(2) Disclosure of Due Diligence Activities</u> In Section 3(ii), the NAP refers to the fact that the UK Companies Act of 2006 requires that company directors include information on human rights in their annual reports.</p> <p>In the planned action sections of the NAP, however, there is no reference to requiring disclosure of due diligence activities.</p> <p><u>(3) Measures Requiring Due Diligence as the Basis for Compliance with a Legal Rule</u> In the planned action sections of the NAP, there is no reference to a new requirement of due diligence as a component of compliance with a legal rule. However, the Bribery Act is mentioned as an example of an existing UK instrument designed to motivate good corporate behavior and business respect for human rights.</p> <p><u>(4) Regulatory Mix</u> The regulatory mix is unsatisfactory because, while the NAP clearly references existing</p>

4. SCOPE, CONTENT, AND PRIORITIES	COMMENTS
	<p>international legal instruments and national legislation protecting human rights, in terms of actual future actions, its main focus is on voluntary corporate self-regulation. The plan does not create new legal obligations for companies.²⁷</p>
<p>4.2. A NAP should address the full scope of the State’s jurisdiction.</p>	<p>The UK NAP does not adequately address the full scope of the State’s jurisdiction as it is heavily skewed towards external concerns. Human rights abuses perpetrated by business domestically are largely ignored.²⁸ For example, although Section 4(iii) states that the UK will encourage companies to implement their domestic grievance mechanisms in their operations overseas, there is no requirement to assess whether or not those domestic grievance mechanisms are “operating in a rights-compatible manner.”²⁹</p>
<p>4.3. A NAP should address international and regional organizations and standards.</p>	<p>There is discussion of international and regional organizations and standards and how the UK has used, will continue to use, or will begin to use those organizations in its quest to implement Pillar I of the UNGPs.</p> <p>Some international organizations and standards are discussed in the “actions taken” sections of the NAP. For example, “actions taken” under Section 2 (duty to protect) states that the UK “played a leading role in developing the International Code of Conduct for Private Security Service Providers (ICoC).”³⁰ In this same section, there is also reference to how UK will continue to work on developing and monitoring OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict Affected and High-Risk Areas.</p> <p>International organizations and standards are also discussed in the “actions planned” sub-section under Pillar I. Specifically, the UK plans on encouraging State and private entities to only hire private security contractors that are members of the ICoC and seeking certification, plans on working to strengthen the implementation of the Voluntary Principles on Security and Human Rights, plans to lobby foreign States to support the UNGPs and other relevant standards (e.g. ILO Fundamental Principles), and</p>

4. SCOPE, CONTENT, AND PRIORITIES	COMMENTS
	<p>plans to support the UN Working Group on Business and Human Rights.³¹</p> <p>There is no mention of international organizations or standards under Section 3 (duty to respect) or Section 4 (access to remedy) of the NAP.</p>
<p>4.4. A NAP should address thematic and sector-specific human rights issues.</p>	<p>Sector-specific “planned actions” are discussed in the UK NAP. As referred to above, under Section 2 (duty to protect), there are two planned actions in the security and human rights sector. Specifically, the UK government says it will: (1) start to certify land-based private security contractors (PSCs) via the UK Accreditation Service, work to strengthen the ICoC, and encourage State and private actors only to contract with PSCs that are ICoC members and are seeking certification with accredited bodies; and (2) work to strengthen implementation of the Voluntary Principles on Security and Human Rights.³² Exports of information and communications technology is also addressed in Section 2(v), where the UK says it will create guidance on the risks that this technology can pose to human rights.</p> <p>The theme of investment agreements is taken up by the NAP as well. In “New Actions Planned” under Section 2(vii), the UK government says it will ensure that international investment agreements entered into do not harm the host country’s ability to protect human rights. Finally, Section 3(ii) states that the UK government will encourage companies in one sector to work together to create guidance on protecting human rights that is relevant to that sector.</p>
<p>Content of NAPs</p>	
<p>4.5. The NAP should include a statement of commitment to the UNGPs.</p>	<p>The UK’s NAP says that the government “welcomes the creation of the” UNGPs and that the NAP is the UK’s “national implementation plan” for the UNGPs.³³ Section 2(vii) states that the UK will push other States to implement the UNGPs.³⁴ The NAP also refers to key international treaties and conventions beyond the UNGPs.</p>

4. SCOPE, CONTENT, AND PRIORITIES	COMMENTS
<p>4.6. A NAP should comprise action points that are specific, measurable, achievable, relevant, and time-specific.</p>	<p>There is a timetable for implementation for only one of the planned actions. This action is in Section 2(ii), and it only creates a timeline for one section of the planned action, namely, to agree to a standard for maritime PSCs.</p> <p>Although some of the planned actions go into more detail, the majority of them are not specific, measurable, and time-specific. Overall, criteria for success, measurable targets, and timetables are largely lacking.³⁵ This is a major weakness of the NAP as a whole.</p> <p>Section 2 (ii) provides one of the more detailed commitments included in the NAP. It states that the UK is going to start certifying PSCs based on the UK standard for land-based companies. It also states that the UK Accreditation service will be in charge of certification. This planned action also commits the UK to agreeing on a standard for maritime PSCs within the year. This is an example of a concrete action that is measurable and has a time frame.</p> <p>Other planned actions, however, are much less detailed. For example, Section 2(i) simply commits the UK to “develop partnerships with other countries” to implement the UNGPs. Although it does mention the UK’s current partnership with Colombia, it could have identified other particular countries or discussed steps taken with Colombia that could be replicated in other collaborations. It is helpful that Section 2(xi) explicitly states that UK will instruct its embassies and high commissions “to support human rights defenders” who are working on business and human rights. However, although it does point to the EU Guidelines on human rights defenders, the action plan does not set out concrete measures to ensure that such support occurs, and it does not provide any way for success to be measured. A more detailed planned action could have said that each embassy would be required to set aside a certain amount of its budget and appoint someone to be the key contact person for human rights defenders or to serve</p>

4. SCOPE, CONTENT, AND PRIORITIES	COMMENTS
	<p>as head of implementing the EU Guidelines, and that this would be done by a certain date. Detailing more concrete requirements like these would make the commitment more specific and measurable. Section 2(x) says that the UK will support the UN Working Group, and states how much the UK contributed financially in 2012. Instead of a vague commitment “to support” the Working Group, more concrete actions, such as a commitment to matching or exceeding its 2012 financial contribution, would have improved this planned action.</p> <p>In Section 3(iii), the UK NAP merely says that the UK will “support dialogue between business people, parliamentarians and civil society,” but it does not go into detail about how that will be done. Instead, it could have laid out a number of actions that the UK will take to achieve the overarching goal of dialogue, such as setting up recurring meetings between members of these groups and detailing how civil society and business can become participants in those meetings.</p> <p>Section 4(i) states that the UK will “disseminate lessons from the 2012 experience of the London Organising Committee of the Olympic and Paralympic Games” (LOCOG). However, it does not say whether the analysis of the LOCOG process has already been done and merely needs to be given to relevant groups, or whether it still needs to be completed, and if so, who will do it and by what date. Regardless of whether the “lessons learned” have already been compiled, this planned action does not say to whom this will be disseminated, in what form (e.g. as a document or as a training), or how they will be expected to use the information.</p>
Priorities for NAPs	
<p>4.7. A NAP should prioritize for action the most serious business-related human rights abuses.</p>	<p>Because no NBA took place, any prioritization of human rights abuses was not informed by an NBA. Although there appears to be more focus on a few high-risk sectors, such as private security contracting, overall there is no prioritization of particular human rights</p>

4. SCOPE, CONTENT, AND PRIORITIES	COMMENTS
	issues apparent in the NAP.
<p>4.8. In line with the HRBA, the NAP should focus on the most vulnerable and excluded groups.</p>	<p>The UK NAP does not adequately address issues related to the most vulnerable and excluded groups. There is only one “action to be taken” that discusses vulnerable or excluded groups. Specifically, Section 2(vi) states that the UK will “promote new project activity” to raise awareness and deal with the harmful effects of business, “including on the human rights of groups like indigenous peoples, women, national or ethnic minorities, religious and linguistic minorities, children, persons with disabilities, and migrant workers and their families, by tasking our diplomatic missions in countries where these are concerns.”</p> <p>The NAP sets out the expectation in Section 3 that the UNGPs should be a guide for UK companies and that one of the key principles is that companies should consult with people who may be affected by a particular project, and that particular attention should be paid to indigenous peoples and other groups. However, the expectations and principles set out in this section are not reflected fully in the actions taken or planned.</p>

5. TRANSPARENCY	COMMENTS
Full Transparency With All Stakeholders	
<p>5.1. The NBA and any other significant analyses and submissions informing the NAP should be published.</p>	<p>No NBA was done, so it was not published. Interdepartmental meetings and debates were not transparent, and discussions were not made public.³⁶ For example, minutes from the meetings between the government and business or civil society were only circulated confidentially.³⁷ Additionally, although draft outlines were sent to a few stakeholders prior to finalization, this was done informally, and for the most part the draft NAP was not made available until it was officially published.³⁸</p>

6. ACCOUNTABILITY AND FOLLOW-UP	COMMENTS
Holding Duty-Bearers Accountable for Implementation	
<p>6.1. NAPs should identify who is responsible for implementation of individual action points and overall follow-up.</p>	<p>The NAP does not always clearly say who within the government will be responsible for implementing the various planned actions. In Section 2 (state duty to protect), only three out of the eleven planned actions ((vi) awareness raising, (viii) lobby foreign states, and (xi) support human rights defenders) clearly state what part of government will be responsible and accountable for the planned action. In Section 3 (company responsibility to protect), only out of the four planned actions ((iv) raising issues with local authorities abroad regarding international human rights law) specifically names the government actor tasked with implementation. In Section 4 (access to remedy), only two out of the five planned actions ((ii) UK trade and investment will advise companies on grievance mechanisms, and (iv) support projects through the FCO Human Rights and Democracy Programme Fund) specifically state the part of government that will be in charge.</p> <p>Section 6 (References) does provide a list of “mechanisms for the promotion of good corporate behavior and the Government Departments that lead on them.” However, this is in relation to work that is already being done, not in relation to the planned actions. In fact, there is not much information on what other government departments will be required to do, such as the Ministry of Justice; Home Office; the Department for Business, Innovation and Skills; or the Department for International Development.³⁹</p> <p>Overall follow-up for the NAP appears to be in the hands of the FCO, as each year the Annual Report on Human Rights and Democracy (created by the FCO) will include information on the NAP’s progress. Monitoring will also be conducted by representatives of civil society, government, and business who will meet periodically. However, the NAP does not specify who will be part of the group nor how often it will meet. The NAP also does not say whether the inter-agency steering committee will</p>

6. ACCOUNTABILITY AND FOLLOW-UP	COMMENTS
	continue in existence and play a role in the implementation of or follow up to the NAP. ⁴⁰
<p>6.2. NAPs should lay out a framework for monitoring of and reporting on implementation.</p>	<p>There is a framework laid out in section 5 of the NAP. The Annual Report on Human Rights and Democracy will include information on the NAP's progress each year. Representatives of civil society, government, and business will meet periodically to monitor implementation and update it. An updated NAP is promised by the end of 2015. This framework could be improved by elaborating on what "periodically" means (e.g. whether it will be annual, bi-annual, etc.) and what part of government will be responsible for convening the periodic meetings.</p>

ENDNOTES

- ¹ DANISH INSTITUTE FOR HUMAN RIGHTS & INTERNATIONAL CORPORATE ACCOUNTABILITY ROUNDTABLE, NATIONAL ACTION PLANS ON BUSINESS AND HUMAN RIGHTS: A TOOLKIT FOR THE DEVELOPMENT, IMPLEMENTATION, AND REVIEW OF STATE COMMITMENTS ON BUSINESS AND HUMAN RIGHTS (2014) [*hereinafter* NAPS TOOLKIT].
- ² INTERNATIONAL CORPORATE ACCOUNTABILITY ROUNDTABLE & EUROPEAN COALITION FOR CORPORATE JUSTICE, ASSESSMENTS OF EXISTING NATIONAL ACTION PLANS (NAPS) ON BUSINESS AND HUMAN RIGHTS, NOVEMBER 2015 UPDATE (2015).
- ³ CORPORATE RESPONSIBILITY COALITION (CORE), GOOD BUSINESS? ANALYSIS OF THE UK GOVERNMENT ACTION PLAN ON BUSINESS & HUMAN RIGHTS 2 (2013), *available at* http://www.corporatejustice.org/IMG/pdf/goodbusiness_corecommentonuknap_final_dec2013-1.pdf [*hereinafter* CORE].
- ⁴ UK NAP, *supra* note 6.
- ⁵ For example, the Modern Slavery Bill currently under discussion in the United Kingdom includes a measure to require reporting by listed and non-listed companies on actions to identify and address slavery and forced labor in their supply chains. *See* Joint Select Committee: Draft Modern Slavery Bill, <http://www.parliament.uk/business/committees/committees-a-z/joint-select/draft-modern-slavery-bill/> (last visited Nov. 28.2014).
- ⁶ *Id.* at 19.
- ⁷ An NBA is a study conducted at the start of an intervention to analyze current conditions.
- ⁸ CORE, *supra* note 12, at 2.
- ⁹ UK NAP, *supra* note 6, at 19.
- ¹⁰ *Id.*
- ¹¹ *Id.*
- ¹² *Id.*
- ¹³ *Id.*
- ¹⁴ MARTA BORDIGNON, THE CHALLENGE OF IMPLEMENTING THE UN 'PROTECT, RESPECT AND REMEDY' FRAMEWORK BY STATES AND THE EUROPEAN UNION THROUGH THE UN GUIDING PRINCIPLES: THE BRITISH, ITALIAN AND SPANISH CASES 12 (2013).
- ¹⁵ *Id.*
- ¹⁶ Foreign Affairs Committee, Written Evidence from Amnesty International, para. 54, *available at* <http://www.publications.parliament.uk/pa/cm201213/cmselect/cmfaff/116/116we02.htm>; *see also* RACHEL BALL, HUMAN RIGHTS LAW CTR., AN AUSTRALIAN NATIONAL ACTION PLAN FOR THE IMPLEMENTATION OF THE UN GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS: BACKGROUND PAPER 12 (2014), *available at* http://hrlc.org.au/wp-content/uploads/2014/04/National_Action_Plan_on_Business_and_Human_Rights_backgroundpaper_2014.pdf.
- ¹⁷ RACHEL CHAMBERS, EMBODIMENT OF OUR NATIONAL COMMITMENT TO PROTECT HUMAN RIGHTS OR DAMP SQUIB? AN ASSESSMENT OF CORPORATE ACCOUNTABILITY UNDER THE UK GOVERNMENT'S NATIONAL ACTION PLAN ON BUSINESS AND HUMAN RIGHTS 5-6 (2014) (on file with authors, expected submission to the International Journal of Human Rights in January 2015); ANDREAS GRAF, SWISSPEACE, DEVELOPING NATIONAL ACTION PLANS ON BUSINESS AND HUMAN RIGHTS (2013), *available at* http://www.swisspeace.ch/fileadmin/user_upload/Media/Publications/Essentials/Essential_4_2013.pdf.
- ¹⁸ *Id.*
- ¹⁹ Damiano De Felice & Andreas Graf, *The Potential of National Action Plans to Implement the United Nations Guiding Principles on Business and Human Rights: An Early Assessment*, *Journal of Human Rights Practice*, Volume 7, Issue 1 (forthcoming).
- ²⁰ BORDIGNON, *supra* note 37, at 12.
- ²¹ *Id.*
- ²² *Id.*
- ²³ *Id.*

²⁴ *Id.*

²⁵ CORE, *supra* note 12, at 4.

²⁶ Jesnes, *supra* note 19.

²⁷ *E.g.*, Gerry Boyle, *UK Guidance for Business on Human Rights Needs Some Legal Teeth*, GUARDIAN (Sept. 4, 2013), available at <http://www.theguardian.com/sustainable-business/blog/uk-guidance-business-human-rights-legal>.

²⁸ CORE, *supra* note 12, at 9-10.

²⁹ *Id.* at 9.

³⁰ UK NAP, *supra* note 6, at 10.

³¹ *Id.* at 11-12.

³² *Id.* at 11.

³³ De Felice & Graf, *supra* note 42.

³⁴ UK NAP, *supra* note 6, at 12.

³⁵ CORE, *supra* note 12, at 5.

³⁶ De Felice & Graf, *supra* note 42.

³⁷ *Id.*

³⁸ *Id.*

³⁹ CORE, *supra* note 12, at 4.

⁴⁰ De Felice & Graf, *supra* note 42.