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A fair approach to human rights

By Alison Maitland

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On a grey March morning three years ago Greg Regaignon, a human rights researcher, headed into New York City for breakfast at Tiffany's. Michael Kowalski, chief executive of the world-famous jeweller, had invited him in to discuss its revised position on acquiring gems from Burma.

Their meeting followed a report in *Professional Jeweler*, a trade publication, that Tiffany planned to resume sourcing gems from Burma in line with a US Customs ruling that they were exempt from a ban on Burmese imports if cut and polished elsewhere. Mr Regaignon, New-York-based head of research at the Business and Human Rights Resource Centre, had spotted the article and sought confirmation from Tiffany.

The centre, a non-profit organisation that raises awareness of companies' human rights impacts around the world, posted both the article and Tiffany's response on its website and included both in its weekly newsletter. Thus alerted, the US Campaign for Burma raised concerns with Tiffany, Mr Regaignon says. Two days later Tiffany said it would not buy gems from Burma after all, a decision that drew plaudits from activists.

On the discussion with Mr Kowalski, Mr Regaignon says: "We met in his office for an hour and it was plain he is extremely engaged in these issues. He was very concerned, probably not surprisingly given Tiffany's brand equity, and it seemed to me he was personally committed to operating in a responsible way." He says many big jewellers have followed Tiffany's lead.

The centre's publication of not only the allegation but also the company's response is typical of the even-handed approach it takes in shining a light on companies' human rights practices, good and bad. Since it was established in 2002 it has won a big following among companies, governments, investors, non-government organisations and journalists. Its multilingual website, www.business-humanrights.org, covers 4,000 companies in 180 countries and receives 1.5m hits a month. The free weekly update is e-mailed to nearly 6,000 influential subscribers worldwide.

Funded by individuals and foundations, the centre has an international advisory network chaired by Mary Robinson, former United Nations high commissioner for human rights and president of Ireland. John Ruggie, the UN secretary-general's special representative on business and human rights, requested space on the website to publish his policy framework, presented to the UN Human Rights Council in Geneva this month, together with related documents and responses.

"It is right to be balanced and impartial," says Chris Avery, a US-born international human rights lawyer who launched the website from his London flat in 2000 before

founding the centre in the city's West End in 2002. "But in a purely tactical way it also means companies are much more willing to be open and respond if they think you are approaching them fairly."

About 75 per cent of companies respond to requests for comment about human rights allegations, twice the level he expected. The rate is 100 per cent for companies based in South Africa. Even companies based in China, less used to contacts with NGOs, have a 50 per cent response rate.

"A lot of companies end up thanking us because we print their entire response, which journalists often aren't able to do," says Mr Avery. Another reason the response rate is high, he says, is that often the companies will have featured on the website before, but on that occasion for good practice in human rights.

Unusually, the centre makes a point of tracking the human rights records of companies without a high public profile. It has a global network of researchers who speak local languages and understand the markets.

"We're not necessarily going after the latest big international story related to business, but under-the-radar stories that may not be getting attention and companies that may be keeping their heads down and letting the media focus on Nike, Shell and the other big players," says Mr Avery. "Our goal is to move closer towards the time when every company feels its human rights conduct is being watched."

Another case it has covered involved allegations by Rafael Marques, a leading Angolan journalist and human rights advocate, of "profoundly sadistic" abuse of artisanal miners by security guards protecting diamond mining operations in the Cuango region. Mr Marques alleged the guards used shovels, clubs and machetes to torture their victims, sometimes fatally.

With considerable difficulty, the centre obtained responses from the five diamond companies that employed the security companies: Endiama, ITM Mining, Lazare Kaplan International, Lev Leviev and Odebrecht. Mr Marques, who then issued rejoinders to some responses, says international exposure helped stir debate on the industry and security measures in Angola. Two companies invited him in to discuss his concerns.

"It is a good example of how we are a catalyst and ultimately the key role is played by human rights defenders on the ground," says Mr Avery. "We can give them that international attention and a bit of leverage that helps them to have access to the company.

"It also helps a company that doesn't want this issue to continue in an international setting and looks for ways to meet with local people for the first time."

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