

Conference “Business and Human Rights”

Luxembourg, June 7<sup>th</sup>, 2019

**Opening Remarks by HE Mr. Jean Asselborn**  
**Minister of Foreign and European Affairs**

(read by Marc Bichler, Ambassador-at-Large for Human Rights)

*Excellences,*

*Mesdames et Messieurs,*

*Chers invités,*

*Je vous souhaite une chaleureuse bienvenue au Ministère des Affaires étrangères et européennes pour cette journée de discussion sur le sujet « Entreprises et droits de l’homme ». Je suis ravi de vous voir si nombreux et surtout de voir dans la salle des représentants du secteur public, du secteur privé et de la société civile organisée.*

Allow me to switch to English to extend a special welcome to our honored guests from abroad who will bring precious insights to the discussion, based on their diplomatic and academic backgrounds.

I did not want to miss the opportunity to make these opening remarks, as a token of the Luxembourg government’s determination to live up to its international obligations. As a matter of fact, it is our duty to guaranty the respect of human rights, in full compliance with the letter and the spirit of the United Nations Principles on Business and Human Rights. We intend to do so in full cooperation with all stakeholders concerned and we are ready to share the lessons learned with our partners, at the international level.

Ladies and Gentlemen,

With great power comes great responsibility!

This quote has proven right over time and has been handed down through the ages: from the French National Convention in the late 18<sup>th</sup> century to Winston Churchill and Franklin D. Roosevelt.

The direct link between power and responsibility is a serious issue that deserves to be addressed in a serious way. In organizing a conference on “Business and Human Rights”, we want to make a meaningful contribution to a debate held in international and in national fora. Two additional conferences on this topic will be organized in Luxembourg later this year: one in October, by the Ministry of the Economy in

collaboration with the *Union des entreprises luxembourgeoises* (UEL) and one in November by the *Union internationale des avocats* (UIA).

To implement the United Nations Guiding Principles on Business and Human Rights is the endeavor at the center of today's discussions. In order to do so in an effective manner, I am delighted to see the room filled with stakeholders from the public side, the private sector and from civil society, all well advised and accompanied by eminent members from academia and diplomacy. That is exactly the type of set-up needed to address complex issues like the one we are dealing with today.

In the globalized world we are living in, companies and business ventures – domestic and international – are wielding economic, social and political power of an unprecedented scope. This is true to the extent that the turnover of some multinational corporations exceed the gross national income of smaller countries! Traditional commercial relationships around the earth have been boosted by digital information and communication technology and are woven in ever-tighter nets between businesses and individuals, between businesses and states and between businesses themselves.

Obviously, we recognize and welcome the benefits generated by sound business practices worldwide, in terms of wealth generation, job creation, scientific advancement through research and development. On the other hand, we are not naïve. Unbridled economic activities characterized by the sole purpose of profit maximization and a flagrant disregard for devastating social and environmental consequences are aggravating the inequalities between rich and poor, young and old, men and women, urban and rural populations. In the worst cases – and all too often – such business practices directly cause human rights violations. This is unacceptable!

As the Luxembourg government, we do not shy away from the obligations that we signed up to at the international level. Our country is on the record for being a staunch defender of an effective multilateralism, strongly rooted in the rule of law and the sovereign equality of states.

On the occasion of the 70<sup>th</sup> anniversary of the Universal Human Rights Declaration, on December 10<sup>th</sup> last year, I made it a point of honor to remind us all of the fact that the fight against insecurity, poverty and climate change and the fight for human rights are inextricably linked. And, in my annual address to Parliament, in February this year, I stressed yet again the non-negotiable nature of every human being's freedom and equality, in dignity.

As a credible and reliable partner on the international stage, we are determined to deliver on the promise to protect against human rights abuse by third parties, including by business enterprises, within our territory and our jurisdiction. We are all the more aware of this important duty that we are aiming to be elected as a member of the Human Rights Council, for the period 2022 to 2024, by the members of the UN General Assembly. To protect and to promote human rights at home and abroad is a central pillar of the government's internal and foreign policies. The implementation of the United Nations Guiding Principles on Business and Human Rights is not only an important contribution in living up to our international commitments; it also holds the promise to help improve the dire situations of thousands of women, children and men that are deprived of their universal, indivisible and inalienable human rights on a daily basis.

Now, you may argue that the fight for human rights is a tall order for a country the size of Luxembourg; especially when we observe a regrettable erosion of the respect for human rights, fueled by nationalist

and populist attitudes, in many regions of the world. – But rest assured, we are not alone in this fight. We can rely on strong partners from likeminded governments, from academia, from the private sector and – very strongly so – from civil society.

We have adopted the first edition of our National Action Plan on “Business and Human Rights” on June 22<sup>nd</sup>, 2018. In preparing this document, and now in implementing the common programme of work therein defined, we are drawing on the expertise and experience from all of these stakeholders, in full respect of each and everybody’s motivation to contribute to this worthwhile exercise. In all likelihood, it is specifically the size of our country and our organizations that allow us to define a common objective and to rely on everybody’s comparative advantage to make things happen and, in this particular case, to help advance the global agenda of human rights. Allow me to take this opportunity to thank all the actors who are actively involved in our Working Group on Business and Human Rights, for their input, their openness and their flexibility in preparing a common outcome.

As an example of our practical approach, let me refer to the multistakeholder delegation from Luxembourg that has attended, last November, the United Nations Forum on Business and Human Rights. This forum demonstrates, year after year, the need and the effectiveness of bringing actors from different backgrounds together in order to address complex issues. Listening to each other is paramount; learning to use the same vocabulary is indispensable in order to avoid misunderstandings, and exchanging best practices helps to understand what is possible in terms of common ambitions. We are lucky to have a former member of the UN Forum on Business and Human Rights, Prof. Michael ADDO, with us today to deliver the keynote address in a moment.

The two panel discussions on the programme of today’s conference will, among others, also allow to address a question that is currently the subject of an open debate: do we need, as a state, to legislate or not in order to guaranty that businesses around the world live up to their responsibility to respect human rights within their own organization and all along their economic value chain?

The jury seems to be still out on that one. On the one hand, the voluntary implementation of the United Nations Guiding Principles make perfect business sense from a perspective of risk management and corporate social responsibility; but patchy compliance with the UN rules may not get us the results we are aiming for. On the other hand, clearly drafted legislation may force everybody to face their responsibility with regard to human rights; but unless it is globally adopted and implemented, it may lead to detrimental competitive distortions and could be difficult to enforce.

In Luxembourg, the government and the private sector do not ignore the legal obligation and the responsibility that we shoulder respectively. Also, it should come as no surprise to anyone that our National Action Plan on Business and Human Rights was drafted and is now implemented with the participation and under the scrutiny of our National Human Rights Institutions, the NGOs and labor organizations. The end result may not satisfy either party to 100 per cent, but it is important to mention that it has been adopted by consensus.

Furthermore, the Government intends to study the possibility of legislating on the matter of due diligence by companies registered in Luxembourg, in so far that such a legal duty will, on the one side, allow to guaranty the respect for human rights and the environment by businesses and along their economic value chain and, on the other side, be complementary to our National Action Plan, that

already highlights the importance of reasonable diligence to prevent human rights violations and environmental damage.

Excellencies,

Ladies and Gentlemen,

In concluding, let me say that I trust that today's discussions will provide precious additional insight into the important matter of "Business and Human Rights".

I thank you for your attention and I wish you an interesting and fruitful conference and a pleasant stay in Luxembourg for those who joined us from abroad.