INVESTOR ALLIANCE FOR HUMAN RIGHTS
AN INITIATIVE OF ICCR

Resources on the Ukraine Crisis

General:

- Business and Human Rights Resource Centre, (ongoing updates of multiple resources), Russia and Ukraine

USG Business Advisory on Russia:

- On February 23, 2024, the US government released a business advisory, Risks and Considerations for Doing Business in the Russian Federation and Russia-Occupied territories of Ukraine.

Webinars:

- Essex Business and Human Rights Project and the Global Business & Human Rights Scholars Association (March 21, 2022), Rapid responses, business, human rights and Ukraine
  This event will focus on the crisis in Ukraine. Experts in Business and Human Rights (BHR) in Eastern Europe and in conflict and post-conflict setting settings will share their insights and experience, tackling questions such as: what roles are business actors playing in the war of Russian aggression in Ukraine and occupation? What practical measures can businesses employ for human rights compliance and conflict prevention, particularly in the situation of Russian aggression in Ukraine? How can governments from home states effectively respond to this crisis? What obligations do they have? Moderator: Tara Van Ho
  Speakers:
  1. A Ukrainian BHR colleague (name withheld in advance due to security concerns)
  2. Anita Ramasastry, UN Working Group on Business and Human Rights
  3. Jelena Aparac, UN Working Group on Mercenaries
  4. Jernej Letnar Černič, Professor of Constitutional and Human Rights Law, Faculty of Government and European Studies, New University (Slovenia)
  5. Beata Faracik, Co-founder, and President of the Board of PIHRB
  6. Peter Webster, EIRIS Foundation

- PRI (March 29, 2022), Responsible Investment in Times of Conflict
  This webinar brought together different voices to highlight and discuss the social and human rights implications of conflict. What are the considerations and practical challenges for responsible investors in considering the social implications in conflict-affected situations? How can investors work with stakeholders, civil society, peers in advancing responsible investment in times of conflict? Speakers: Jessie Cato, Natural Resources & Human Rights Program Manager, Business and Human Rights Resource Centre; Sam Jones, President, Heartland Initiative; Gerald

Pachoud, Managing Partner, Pluto Advisory; Anita Ramasastry, Henry M. Jackson Professor of Law, Member of UNWG; Bettina Reinboth, Director of Human Rights and Social Issues, PRI

- ICCR Spring conference session (March 29, 2022), Ukraine & UN Guiding Principle 7: The War, Its Aftermath, and Responsible Investor Stewardship (Available to ICCR members only, please contact Investor Alliance staff regarding access.)
  This session, hosted by ICCR's Conflict-Affected & High-Risk Areas Working Group, will provide participants with a practical primer on the mounting crisis in Ukraine. We will explore how investors can fulfil their responsibilities under UNGP 7 to conduct enhanced human rights due diligence in conflict-affected areas like Ukraine. We will also examine the human rights risks and corresponding due diligence requirements associated with information and communication technology companies, an industry with significant exposure to human rights harms on the ground. Most importantly, we'll explore emerging efforts to engage companies from this sector.

- B4Ukraine (July 21, 2022) New frontiers, corporate accountability, and business exit from Russia: What next?

  On July 21, 2022, Business for Ukraine's (B4Ukraine's) first session in an event series brought together experts from Ukraine, the U.S., and Europe to discuss questions arising from the corporate exit from Russia and explored the central question of corporate accountability in Russia's war against Ukraine. The event was the soft launch of the coalition and its declaration.

UN Documents:

- UN Working Group on Business and Human Rights (July 21, 2020), Business, human rights and conflict-affected regions: towards heightened action
  In the present report, the Working Group on the issue of human rights and transnational corporations and other business enterprises clarifies the practical steps and outlines practical measures that States and business enterprises should take to prevent and address business-related human rights abuse in conflict and post-conflict contexts, focusing on heightened human rights due diligence and access to remedy.

Investor Perspectives:

- Heartland Initiative (June 9, 2021), Advancing business respect for human rights in conflict-affected areas through the UNGPs
  Published ten years ago, the UNGPs call on businesses to conduct enhanced human rights due diligence (HRDD) to identify, prevent and mitigate these risks and treat them as a matter of legal compliance due to the heightened risks of gross rights abuses associated with operating in conflict-affected and high-risk areas (CAHRA). Enhanced HRDD is more important than ever, with the World Bank reporting that the number of people living in close proximity to conflict has more than doubled in the past decade and, if trends continue, two-thirds of the world's poor will live in fragile and conflict-affected situations by the end of 2030.

- Investor Alliance for Human Rights (March 3, 2022), Investor Alert: Human Rights Risks Related to the Russian Invasion of Ukraine
  As a network of investors engaging our portfolio companies on business and human rights concerns, we recognize the importance of strong national rule of law and adherence to

internationally recognized human rights standards to foster peace and prosperity and to guarantee the exercise of democratic rights necessary for a stable business and investment environment. We, therefore, strongly condemn Russia's invasion of Ukraine as an act of aggression and urge businesses and investors to take all necessary measures to ensure that their activities do not cause or contribute to violations of international humanitarian and human rights law, especially against civilians affected by the conflict. The current crisis challenges investors to recognize and respond to the fact that risks to the people of Ukraine translate to financial risks for their portfolio companies.

- Sonia Kowal, Zevin Asset Management (March 7, 2022), The investor response to the Russian war in Ukraine
  As another needless war unfolds, it's important to consider how investors have enabled Putin over the years and the lessons to be learned from burying one's head in the sand.

- Chris Cox, SGI (March 15, 2022), The Necessity to Perform Investor Human Rights Due Diligence
  In this difficult time, we continue to follow the crisis in Ukraine from afar. The war itself and its humanitarian and economic fallout pose some tough questions. Good stewardship may come down to posing and answering difficult questions.

- BMO, Russia's War on Ukraine: Active Ownership in Times of Conflict
  Russia's military invasion of Ukraine has severe implications for human rights and presents significant challenges to businesses with ties to both countries. These include protecting workers in Ukraine, managing supply chain disruptions, and spikes in energy, food, and commodity prices, among others. On the other hand corporations are facing significant operational and reputational risk from continued presence in Russia and are under pressure to take rapid action. Divestment is one potential response from the investor community to the crisis in a bid to isolate Russia, but engagement with companies with exposure to the region is also critical. In this note we provide an insight into our initial dialogues and the questions we believe should be asked.

- SSGA, Our Stewardship Approach to the Russian Invasion of Ukraine
  As stewards of long-term capital with a global footprint, we believe the Russia/Ukraine conflict represents new portfolio risks. As such, we have outlined our approach to stewardship in the context of this conflict. As the event unfolds, we expect our approach to evolve over time.

- SHARE (April 29, 2022), Briefing Note: Investors and the Russian Invasion of Ukraine
  The war in the Ukraine raises important short- and long-term humanitarian, human rights and economic issues for investors. In the short term, companies with operations or business relationships in Russia that are not restricted by sanctions must decide how they will respond. Some within the energy sector are pressing for investments to increase alternate fossil fuel supplies that conflict with long-term sustainability and climate change mitigation goals. The millions of displaced women and children increase the danger of human trafficking and forced labour, with consequent challenges for business…. This briefing note discusses six questions for investors, both short-term and long-term, raised by the Russian invasion of Ukraine.

- Heartland Initiative (May 16, 2022), Investor Statement on the Crisis in Ukraine

We, the 56 undersigned investors and their representatives with more than 1.7 trillion USD in combined assets under management or advisement, strongly condemn the Russian military invasion and ongoing war of aggression against Ukraine. We unequivocally support the Ukrainian people, their protections under international humanitarian law, and their recognized rights to life, freedom, democracy, and territorial integrity. Russia's human rights abuses and violations of international law have manifested in salient and material risks that should compel investors to take measures to help protect both the rights of the Ukrainian people and the integrity of our investment portfolios...

Blogs/Briefings:

- Michael Poser (March 10, 2022), The Ukraine Crisis: How Corporations Should Respond To Russia's Invasion
  Governments, especially those in the U.S. and Europe, bear primary responsibility for challenging Russia's military assault. Western governments are providing Ukraine with advanced defensive weapons and imposing financial sanctions on Moscow. But companies operating in Russia or making money from Russian-related activities also have a responsibility to act. When deciding whether to suspend or maintain those businesses relationships, senior executives need to apply criteria that go beyond standard questions about whether their companies are making a profit or complying with local law. Instead, these companies must consider whether their commercial activities are aiding the Russian military, directly or indirectly, and even if they aren't implicated in Putin's lethal aggression, whether they ought to cease operations in Russia as part of the broader opposition to the invasion.

- BICCL (March 14 and 22, 2022), Two-part blog on divestment and responsible exit.
  This is a two-part blog series. In Part 1 Dr Irene Pietropaoli discusses whether foreign companies have a responsibility under international law to leave Russia. In Part 2, Dr. Irene Pietrapaoli and Dr. Daniel Aguirre discuss responsible exits from Russia.

- Phil Bloomer and Ella Sybenko, BHHRC (March 18, 2022), Ukraine: Responsible Business Conduct in a War of Aggression
  So what should business do, not just in response to current Russian aggression in Ukraine, but also to mitigate risk longer term (for no one could say the human rights risks of operating in Russia are new)? As companies respond to the sanctions, they must ensure they implement international human rights standards for business: the UN Guiding Principles for Business and Human Rights (UNGPs) which are clear on the need for heightened due diligence duties in conditions of conflict. By doing so, companies will also be practicing their future duties on human rights and environmental due diligence, which will become a legal necessity when the draft European Corporate Sustainability Due Diligence Directive is finalised.

- John Morrison and Salil Tripathi, IHRB (March 28, 2022), Can Sanctions, Boycotts, and Divestments Achieve Human Rights outcomes?
  As the Russian invasion of Ukraine enters a second painful month, more questions are being asked about the extent to which sanctions, boycotts and divestment campaigns can change the

behaviour of Russian leaders, and what the wider human rights implications of such actions may be in the short and medium term.

- Claude Voillat and Ashley Nancy Reynolds, ICRC (May 2, 2022), Why Conflict Must Be Included in Mandatory Due Diligence Laws
  Legislation on human rights due diligence has exploded in recent years. However, there is a concerning gap in many of these laws, including the EU's new proposal: the absence of provisions on conflict and security issues. In conflict-affected contexts, businesses face acute risks of involvement or complicity in human rights abuses and violations of international humanitarian law. Many such impacts are unintended, as businesses inadvertently contribute to grievances and drivers of conflict. As a result, conflict-sensitive due diligence is critically important.

- Gordon Tveito-Duncan, ESG Investor (May 20, 2022), Divesting from Russian Investments
  One of the key questions which asset owners have been asking of their asset managers with greater regularity over the last three months since Russia began its invasion of Ukraine, is: *'how do we assess our level of exposure to Russian investments and how do we reduce unacceptable exposure with a view to protecting investors' savings and remaining in line with our declared ESG goals?'.*

- ECCJ and Frank Bold (June 29, 2022), From rushed reactions to proper preparedness: Corporate Due Diligence in Times of Armed Conflict
  The Russian war in Ukraine has, in addition to the COVID-19 global pandemic, once again highlighted the need for corporate human rights and environmental due diligence (HREDD) regulation, such as the proposed EU Corporate Sustainability Due Diligence Directive (CSDDD). Future private sector preparedness in the face of such crises requires a harmonised standard of responsible business conduct in order to help direct corporate behaviour and to ensure companies do not contribute to armed conflict, or otherwise exacerbate crises.

- Bennett Freeman (July 26, 2022), Geopolitical Corporate Responsibility Can Drive Change
  Russia's long invasion of Ukraine is testing the commitment of business, but this could see the emergence of a new pillar of support for the rules-based international order… The war in Ukraine may be a catalyst, or even a turning point, for the emergence of a new geopolitical corporate responsibility. As multinationals face inescapable and irreversible pressures to address national and geopolitical challenges, this agenda can inform their commitments and actions to help uphold the international rules-based order on which they depend.

Business Guidance:

- ICRC (2006), Business and International Humanitarian Law: An introduction to the rights and obligations of business enterprises under international humanitarian law
  States party to the Geneva Conventions have mandated the ICRC to protect and assist persons affected by armed conflict and to promote awareness of, and respect for, international

humanitarian law. To fulfil its mandate, the ICRC seeks to develop a constructive dialogue with all State and non-State actors who have a stake in or may have an influence on situations of armed conflict. It is within this framework that the ICRC engages with business enterprises. The main objective of this dialogue is to help them better understand their rights and meet their obligations under international humanitarian law. The ICRC also wants to assist business enterprises in implementing undertakings relating to international humanitarian law to which they have subscribed under various multi-stakeholder initiatives.

- ICRC, DCAF, et al (2019), Conflict Prevention Tool
  This Conflict Prevention Tool is the culmination of an international research initiative which was designed as an incubator of new ideas around conflict prevention and resolution efforts around business operations. Its innovative aspects include re-centering corporate culture as part of conflict analysis and providing detailed yet hands-on questionnaires to support companies in meeting their due diligence obligations related to security and human rights. The tool, when integrated into existing business practices, thus reinforces implementation of the United Nations Guiding Principles on Business and Human Rights and Voluntary Principles on Security and Human Rights.

- Australian Red Cross and RMIT University, Doing Responsible Business in Armed Conflict
  This publication aims to assist Australian businesses in understanding their risks, rights and responsibilities under international humanitarian law. It has been specifically designed to provide an overview for managers and executives, and supplements existing human rights-oriented guidance documents.

- Australian Red Cross and RMIT University (2021), Seven Indicators of Corporate Best Practice in International Humanitarian Law
  Australian Red Cross and RMIT University (Royal Melbourne Institute of Technology and Melbourne Technical College) have developed seven indicators of corporate best practice in international humanitarian law (IHL) as a guide for the corporate sector. These indicators aim to assist businesses in enhancing their human rights due diligence by effectively integrating IHL into companies' existing business and human rights frameworks.

- FIHRRST (October 2019), Business and Human Rights in Conflict and High-Risk Countries: A Look at Myanmar and Xinjiang Uyghur Autonomous Region of China
  Drawing on established international norms and the work of the Independent International Fact Finding Mission on Myanmar, the team at the Foundation for International Human Rights Reporting Standards (FIHRRST) wrote the following report to help business entities identify factors that will allow them to make informed decisions about whether to stay or leave conflict and high-risk areas.

- BHRRC (March 8, 2022), Operating in conflict-affected contexts: An introduction to good practice
  To provide guidance to responsible business assessing their situation, Business & Human Rights Resource Centre referred to materials developed by the Geneva Centre for Security Sector Governance and the International Committee of the Red Cross on guidance and good practices

for companies operating in conflict-affected contexts. This material, which we have adapted below, should be helpful for companies operating in Ukraine and Russia.

- BSR (2021), Business in Conflict-Affected and High-Risk Contexts
  To prevent and mitigate human rights risks in high-risk contexts, companies should conduct "heightened" human rights due diligence. Heightened human rights due diligence goes beyond what is required by the UN Guiding Principles on Business and Human Rights (UNGPs) by accounting for context and the business's impact on that context. It requires ongoing stakeholder engagement, forward-looking trend analysis, proactive mitigation measures, and localized decision-making.

- BSR (2022), Rapid Human Rights Due Diligence During Political and Armed Conflict
  This document guides human rights due diligence in situations when very little time is available, with a focus on situations of political and armed conflict. It is intended to be used predominantly as a discussion guide by company human rights teams as they think through human rights considerations during periods of rapid internal decision-making, such as during crisis.

- IRC (June 7, 2022) Why is International Humanitarian Law important in Ukraine and around the world?
  The International Rescue Committee (IRC) is calling on all sides to adhere to international humanitarian law (IHL), the rules aimed at regulating conduct and protecting civilians in war. Mass suffering like that seen in Ukraine has become all too familiar as these laws are disregarded in conflicts in Syria, Yemen, the Sahel region in Africa and around the world. So how does international humanitarian law work exactly? And why is it so important? Get the facts and find out how these critical rules apply to Ukraine and conflicts around the world.

On-line training:

- Australian Red Cross and RMIT University, War, Law and Business: A free immersive e-learning module on international humanitarian law
  This simulation places users in the shoes of the CEO of a fictitious company operating in a conflict zone. Along the way, they can learn about the basics of IHL and how to manage the unique risks associated with doing business in conflict-affected environments. Although this training module has been designed for students in business-related disciplines, it is also suitable for company personnel and broader stakeholders who are working on the 'business and human rights/IHL' agenda.

Company assessments:

- BHRRC (ongoing), Russian invasion of Ukraine: What companies have to say about their human rights due diligence - See also Briefing: Analysis of companies HRDD
  Since Russia's invasion of Ukraine on 24 February 2022, the Business & Human Rights Resource Centre has been closely monitoring company activity and the private sector response to the rapidly changing situation. Under the United Nations Guiding Principles on Business and Human Rights (UNGPs), in situations of armed conflict business should conduct enhanced human rights due diligence to identify, prevent, and mitigate heightened risks and adopt a conflict-sensitive

approach. Companies need to do so because of the severe risk of gross human rights abuses. Businesses must also avoid contributing to violations of international humanitarian law. For this reason, we invited 250 companies operating or investing in Ukraine and/or Russia to respond to questions about human rights due diligence. The purpose of the survey is to increase transparency of business human rights due diligence practices related to the Russian invasion of Ukraine, including gaps and examples of good practice. We provided companies two weeks to respond to the survey and will post their responses to this dedicated story.

- Kyiv School of Economics (ongoing), KSE Institute Self-sanctions
  At the beginning of the Russian invasion of Ukraine KSE Institute launched an analytical project, which was named "SelfSanctions", aimed to collect data on foreign companies operating in the Russian market and limiting or terminating their activities… KSE database is more complete and comprehensive and contains ~40 percent more information than most other similar databases, as it also includes data on number of staff, revenue, capital and other financial indicators, the latest updates and changes in statuses, links to used sources, and daily updates from the telegram-bot etc.

- Yale School of Management (ongoing), Over 500 companies have withdrawn from Russia – but some remain
  Since the invasion of Ukraine began, over 500 companies have announced their withdrawal from Russia—but some companies have continued to operate in Russia undeterred. Originally a simple "withdraw" vs. "remain" list, our list of companies now consists of five categories - graded on a scale of A-F for the completeness of withdrawal. The list below is updated continuously by Jeffrey Sonnenfeld and his team of experts, research fellows, and students at the Yale Chief Executive Leadership Institute to reflect new announcements from companies in as close to real time as possible.

Human Trafficking:

- Verité (March 31, 2022) Responding to Refugee Vulnerability to Trafficking: Ukraine and Beyond
  The political and humanitarian crises in Ukraine are reshaping the landscape for supply chain accountability throughout the broader region. More than 4 million refugees have fled Ukraine into neighboring countries, according to the UN… People fleeing war or other grave threats such as environmental crises seek basic safety as well as livelihood, and are among the most vulnerable of workers. As they are integrated into the workforces of receiving countries, their potential to be exploited, including falling victim to forced labor and human trafficking, is a real risk, one that companies have a responsibility to address proactively through heightened due diligence and other measures.

Industry-specific:

ICT

- IPHR & NAKO (February 2023), Enabling War Crimes? Western-Made Components in Russia's War Against Ukraine
  A new report, released by the International Partnership for Human Rights and the Independent Anti-Corruption Commission (NAKO), has found that western-made dual-use components have

continued to reach Russia long after its full-scale invasion of Ukraine, and that western-made components have been and continue to be used within weapons involved in Russian suspected war crimes. The report explores multiple suspected war crimes that have been committed by Russian forces since the start of the full-scale invasion, with each of them believed to have been carried out using a weapon or weapons containing western-made components.

- Investor Alliance for Human Rights and Heartland Initiative (July 2019), Technology and Human Rights - Salient Issue Briefing, Conflict & Security
  The ICT sector can promote security and other human rights in conflict-affected areas by helping to amplify the voices of vulnerable communities experiencing conflict, enabling the investigation of abuses through open source intelligence, enhancing peacekeeping/building efforts through crowd-sourcing technology, and assisting in the rebuilding of post-conflict economies. However, the benefits of new technologies can be severely undermined when human rights are adversely impacted by their misuse in ways that escalate conflict. This may include the use of technology to surveil, detain, and/or censor individuals or groups, wage cyber-attacks on civilian infrastructure, "weaponize information" and provide a platform for "hate speech," unlawfully seize property to develop ICT infrastructure, or the sourcing of materials from conflict-affected areas.

- Access Now, BHRRC, and Heartland Initiative (March 9, 2022), Navigating the surveillance technology ecosystem: A human rights due diligence guide for investors
  Grounded in the perspectives of digital rights advocates, HRDD modelling experts, and investors, this Guide seeks to assist investors of all sizes, types, and geographies to navigate the surveillance technology ecosystem and strengthen their human rights due diligence. The Guide includes: An examination of how surveillance technologies create human rights risks for individuals and communities; An explanation of material risks for investors; Questions to identify severity of risk; and a framework for investment decision making.

- Access Now, Wikimedia Foundation, and various CSOs (March 10, 2019), Open civil society letter to the Biden administration on Russian sanctions and internet access
  The signatories to this letter deplore Russia's invasion of Ukraine, condemn in the strongest possible terms the grave violations committed by Russian forces there, and applaud efforts by the Biden Administration and other governments to respond with strong and targeted measures. However, we write to express our concerns about growing calls to interfere with the Russian people's access to the internet, which we fear will hurt individuals attempting to organize in opposition to the war, report openly and honestly on events in Russia, and access information about what is happening in Ukraine and abroad. These measures could also unnecessarily facilitate further repression by the Russian government.

- Access Now, Updates: Digital Rights in the Russia Ukraine Conflict
  Regularly updated page on digital rights issues. Includes links to various statements, alerts, and recommendations from Access Now and its Allies, such as What the tech sector can do to respect human rights in Ukraine, Russia, Belarus, and beyond and Don't help Putin and Lukashenko silence anti-war voices.

Oil & Gas

- Urgewald, Ecodefense, and SoFA Münster, Defuel Russia's War Machine
  The German environment and human rights NGO Urgewald and the Russian environment NGO Ecodefense expanded their campaign website "Defuel Russia's War Machine" with information on upstream oil & gas joint ventures between Russian and foreign energy companies as well as data on the biggest global financiers of the Russian fossil fuel industry.

Banking

- BankTrack et al, Putin 100
  Coalition of NGOs seeking to stop finance for Russia's fossil fuel regime. See also Bank Track's letter to commercial banks signed by over 30 NGOs, calling on them to: Take a clear public stance against the Russian invasion of Ukraine; Report publicly on business activities in Russia, with as much detail and transparency as legally permitted; Cease any and all provision of financial services to Russian and non-Russian companies operating in the Russian coal, oil and gas sectors; Suspend all corporate and investment banking activities in Russia; Engage with clients and investee companies with ongoing operations in Russia to heed the call of the Ukrainian government to cease their operations in Russia.