



Essay

New insight into how global business operates

By David Grayson

Two new books provide some fascinating detail about how big international companies work and how those on the inside can help bring about real sustainable change

Regular Ethical Corporation readers, observing the eight or so new books reviewed in each edition, could be forgiven for feeling overwhelmed by the constant opportunities to expand your library of books about corporate responsibility, business and society, and sustainable development.

Nevertheless, two new books, just published, have got my particular attention. Partly this is because they are both written by people I know and admire; partly because they are both written by business people from the oil industry who have both become involved in multi-stakeholder initiatives; and partly because, from different generations and levels of corporate leadership, they have both had direct experience of some of the complex issues facing business and society, in today's global, connected world where everything is ultimately for the record.

When *Girl Meets Oil: the evolution of a corporate idealist* by Christine Bader describes, with humour and verve, how a Yale MBA graduate spent nearly a decade with BP. She was firstly on the front-line, handling local community engagement and consultation in Indonesia and subsequently in China, and then in BP corporate HQ, before moving to New York and an ad hoc team of volunteers, helping John Ruggie with his UN Business and Human Rights Mandate. Bader did the first-ever business human rights impact assessment – in Papua, Indonesia.

Responsible Leadership: lessons from the front line of sustainability and ethics is part memoir, part erudite and philosophical reflection from Mark Moody-Stuart. It covers some of the dilemmas and challenges that senior business leaders now confront, given weak or bad governance in many parts of the world where they

will operate, and the daunting challenges of working out how to run profitable business, such that nine billion people will be able to live reasonably well within the constraints of planetary boundaries by mid-century.

Working at the top

Moody-Stuart writes with the experience and authority that comes from leading Shell, then chairing Anglo-American and holding a number of other directorships with major multinationals, as well as living and working in ten different countries. As he demonstrates with many of his anecdotes of meetings with presidents and prime ministers, someone like Moody-Stuart is an exemplar of the "CEO as statesman", the theme of an earlier EC essay, in September 2012.

For anyone interested in the evolution of the responsible business debate and practice over the past 30 years, these are very readable, fascinating and valuable books. Unsurprisingly, some of the same organisations and key figures, including John Ruggie, figure in each book. In the extract reproduced in this magazine from *When Girl Meets Oil* (see page 37), Bader describes how she first encountered John Ruggie and subsequently managed to job-craft in order to work with him.

Both are good at interspersing their own stories and experiences, with relevant examples from other companies. From different corporate levels, both grappled with the challenges of convincing colleagues of the "new business normal" in which businesses have to grapple not just with laws but also with a swathe of new, "soft laws" established by corporate peers and new forms of governance mechanisms.

Both authors grapple with convincing colleagues of the 'new business normal'

Business doesn't have all the solutions, but cannot afford to be a passive observer

Each provides plenty of hard evidence and practical illustrations for why companies nowadays need to manage their social, environmental and economic impacts. Each asks, as Bader puts it, "the fundamental question of our age: How does a global business operate?"

Building new structures

They both recognise that business doesn't have all the solutions, but equally cannot afford to be a passive observer faced with the challenges of ineffectual governance nationally and internationally. Moody-Stuart, the principled pragmatist, and Bader, the corporate idealist who has shed her illusions, accept that "Rome was not built in a day", and that "building Rome" is messy, often frustrating, subject to reverses, and involves compromises and many new structures.

Moody-Stuart emphasises the need for patience, and for painstaking efforts to improve governance capacity, in-country. He is no fan of disengagement or sanctions or of extra-territorial legislation, as the extract from his book reproduced in this issue (see p40) makes clear. Instead, he seeks to join up and build greater connectivity between the rich mosaic of multistakeholder initiatives such as those he describes.

His candour on how long it takes for messages from the top to be truly absorbed and internalised across a large, global business, will resonate with other CEOs grappling with how to instil values and ethical principles for "how we do business around here". He describes Shell's commitment to health and safety, how he thought that top management had made their commitment clear but found the reality different:

An analysis of accidents showed that fatal accidents were more likely to occur when operations were started up before all was completely ready. It was also apparent that in the case of many accidents, someone had had some degree of prior concern or uneasiness about the situation but had not felt empowered to take action. So we sent out a strong message to all operations over my signature saying that anyone had a right to stop an operation if they felt that it was unsafe and that it was more important to ensure that all was ready – training and testing complete – than to meet a promised deadline.

For two or more years after that when I attended town hall type meetings with people on operations around the world, I found that at some point there would be a question along the lines of 'Mark, are we not sending out mixed messages on the importance of production versus safety?' Initially I was a bit irritated by the question, pointing to the letter I had signed and which I thought was absolutely clear. Could people not read? Very soberingly, I soon realised that it was not that people had not read my letter, but that they still had some doubts about what it really meant. Not to put too fine a point on it, they did not really believe the words or that I really meant what I said. The answer was not to make the message more strident, but to find operations that had been shut down for safety reasons or where start-up

had been delayed and draw attention to them, publicly commending those concerned. If people see an action clearly costing the company money and yet which attracts commendation, they believe the message.

Bader offers some practical tips for anyone who wants to be a pragmatic, corporate idealist or change-maker. She emphasises the importance of getting to know key colleagues and engaging internal stakeholders; using language and arguments that they can relate to; of having emotional intelligence and capacity to be a good listener; and the value sometimes of getting external voices to make your case.

I suspect that both Bader and Moody-Stuart would recognise and empathise with the following:

There is a fundamental change underway regarding how global problems can be solved, and perhaps how we govern ourselves on this shrinking planet.

Emerging non-state networks of civil society, private sector, government and individual stakeholders are achieving new forms of cooperation, social change and even the production of global public value. They address every conceivable issue facing humanity from poverty, human rights, health and the environment, to economic policy, war and even the governance of the internet itself.

Enabled by the digital revolution and required by the challenges facing traditional global institutions, these networks are now proliferating across the planet and increasingly having an important impact in solving global problems and enabling global cooperation and governance. Call them Global Solution Networks.¹

This quotation comes from a context-setting white paper prepared by a team led by the Canadian writer Don Tapscott, for a multi-year research programme being run by the Martin Prosperity Institute, at Rotman School of Management in Toronto.

This programme is seeking to map the kind of world that both Christine Bader and Mark Moody-Stuart are helping to create and some of the drivers for which they describe in their respective books. Understanding these new Global Solution Networks, identifying the critical success factors for making them work, and the skills that individuals from different sectors need to be effective in them, will all help to make the kind of multi-stakeholder collaborations embraced by Bader and Moody-Stuart, more viable and effective.

These collaborations and multistakeholder, often multisector, initiatives in some measure can be an alternative, sometimes superior, approach to governance. They cannot, however, fill the governance vacuum entirely. If the old dual polarity of markets or regulation is now transformed into something far more varied, regulation, effectively and fairly, enforced still has an important place. ■



Stakeholder engagement

Business and the recognition of universal human rights

By Christine Bader

John Ruggie's work on business and human rights benefitted from experts seconded from industry, including Big Oil

*In this extract from her new book *The Evolution of a Corporate Idealist: when girl meets oil*, Christine Bader explains how she came to be seconded to help John Ruggie, the UN's special representative on business and human rights, while working for BP.*

As part of my research on business's responsibilities for human rights, I found the global debate converging around a Harvard professor named John Ruggie. Ruggie was appointed by United Nations secretary-general Kofi Annan in 2005 to "identify and clarify standards of corporate responsibility and accountability for transnational corporations and other business enterprises with regard to human rights".

Ruggie started his mandate by having private meetings with companies, governments, and civil society groups. He came to BP and spent two hours with me and my colleague David Rice, interrogating us about our experiences, David in Colombia and me in Indonesia and China, both of us now working with colleagues around the world. Ruggie struck me as the classic professor – avuncular, charmingly intellectual, genuinely curious – and David and I went back to our desks impressed with Ruggie's pragmatic approach as well as his ambitions for his mandate.

A few months later, David and I headed to the United Nations in Geneva for a consultation Ruggie held on the extractive industries. We filed into the Palais des Nations and made our way through the maze of escalators and hallways to the conference room.

Ruggie took his spot on the dais and a UN official

gave a few welcoming words. Ruggie spotted me from his seat and gave me a nod and a smile. I regretted having agreed to speak on a panel that day, unnerved by the grandiose venue and the crowd, which I heard had become quite contentious on previous occasions. I delivered my prepared remarks about my experience managing human rights for BP's Tangguh project in Indonesia, then steeled myself for criticism that I assumed would come about BP operating in such a sensitive environment.

Ruggie revival

But I need not have worried. No one cared about my talk; everyone was focused on a proposal that had been floated at the United Nations two years earlier, spelling out government-like duties for companies related to human rights. That proposal had been set aside by the Commission on Human Rights, much to the relief of the business lobby, which felt the proposal put an inappropriate burden on the private sector. But a few campaigners were still vigorously promoting the proposal with Ruggie in the hope that he would revive it, and representatives from companies and lobbying groups were expressing just as vigorous opposition.

Ruggie let everyone have his say, asking just a few clarifying questions. At the end of the day he stated his appreciation to everyone for taking the time to help inform him. I was impressed with how he managed to soothe the angry crowd and intrigued by this motley assortment of people who had travelled from near and far: Filipino indigenous representatives in traditional dress, British company

The business lobby felt the human rights proposals were an inappropriate burden

John Ruggie had been given no staff and minimal budget and support from the UN

executives in three-piece pinstripe suits, European campaigners with tattered backpacks.

A few months later, in early 2006, Ruggie issued his first interim report just as I was finishing the BP guidance note. The clarity of his report far exceeded that of other UN documents I'd tried to read. Ruggie had taken these nasty debates and found clarity based on evidence and logic that seemed impossible to refute. In doing so, he continued to establish his own credibility and build trust among this very diverse group of stakeholders. It occurred to me that he was the kind of man I might like to work for someday.

Secondment suggestion

Around that time, Nick [Butler, BP's then group vice-president for strategy and policy development] starting encouraging me to look for my next role within BP.

"You should really look for a commercial role," he said, echoing the advice others had given me. "No one rises in this company without having run a business."

"What about you?" I asked. He smiled and changed the subject. Nick started working with John Browne in 1989 when Browne led BP's upstream business, and managed to move with Browne as he climbed the BP corporate ladder. Nick certainly wasn't the first person to shape his career by hitching his career wagon to someone else's, but I appreciate that he intended to give me sage counsel based on what he had seen over the years.

Soon after that conversation I had lunch with Calli Webber, a BP friend who had just finished a three-year secondment to the World Bank. BP had paid Calli's full salary and benefits while she was on loan to a Bank project to examine ways to reduce natural gas flaring, and promised to have a job waiting for her when she returned. About 15 BP employees were loaned out at any given time to government agencies or embassies, nonprofit groups, or industry associations. The exchanges were a way for employees to broaden their horizons and BP to give in-kind to worthwhile organisations while gaining valuable expertise.

It occurred to me that John Ruggie had been given no staff and minimal budget and support from the UN, as is standard with such appointments; consequently, many of the appointees treat them as desk-based research jobs. Yet he seemed determined to have a big, positive impact on the world, and I wanted to help him.

I e-mailed him, congratulating him on his interim report and letting him know that the BP human rights guidance note was out. I wrote that I knew that the UN gave him minimal resources to carry out his mandate, and he knew a bit about my experience and interests – would he like any free help? He wrote back five hours later from his BlackBerry: "YESYESYESYESYESYESYESYESYESYES."



John Ruggie led an inspired team

I drafted a proposal for Nick, saying that John Ruggie's interim report was being praised by many as a sensible way forward, and that he was conducting his mandate with so much outreach and consultation that his reports would both reflect and shape expectations – and maybe even legislation – that would impact BP for years to come. Wouldn't it be a great thing for us to support, and given that I had corporate experience both in the field and in headquarters, wasn't I just the person to do it?

I gave the memo to Nick and we sat down to discuss it the next day. He seemed surprised; at the time I thought he was impressed by my initiative, but I wonder if he knew this was the beginning of the end of my time with the company.

"Let's start it as a part-time project," Nick said. "We don't quite know how it's going to go, and I still have work for you to do here." I wrote up a memorandum of understanding that John Ruggie and Nick agreed to, and I started working part time for Ruggie in April 2006. Some NGO representatives expressed concern about my secondment granting Big Oil too much access to him; he responded in an open letter about his work plan that "It is important



to have someone on the team who has actually worked in a company. By the same token, I would be delighted if human rights organisations also were able to second an expert to support the mandate." (The NGO Global Witness later took him up on his offer, seconding one of their staff to develop recommendations for businesses operating in conflict zones.)

It was hard for me to imagine life getting any better. I had just moved in with the lovely English gentleman I'd started dating two years earlier. At work I was still amidst the buzz of headquarters, working with colleagues around the world on issues that mattered, while also contributing to a United Nations effort to make an impact on a global scale.

How long could this ideal state of affairs possibly last? About ten months, as it turned out.

Transition

In the fall of 2006, Nick resigned from BP to establish a new centre on International Energy Policy at Cambridge University. It seemed like a terrific opportunity for him, but I was surprised that he left while his close ally and friend John Browne was still

leading the company. At the time I had no idea that even bigger surprises were to come.

Not long after that, my boyfriend was offered a transfer from London to New York with his company. With Nick's departure and an increasing amount of my time spent on the UN mandate, I figured I could come home to New York, be in the same time zone as John Ruggie at Harvard, and be with this man whom I suspected would become my life partner.

My new boss was a BP executive whom I had known for years, though I had never been sure whether he supported my work on human rights. I feared that he wouldn't see the value of my UN work.

The day before our first formal meeting I sent him a memo explaining my role, and that I would be moving to New York to continue it since my partner was being transferred there. I walked into his office the next day with a copy of the memo printed out two pages per sheet and double-sided, as I always do to save ink and paper.

Seeing the small font, he said, "Gee, you really take this sustainability thing seriously, don't you?" I stared at him, not sure whether he was joking. He stared back at me. We were not off to a good start.

Next he said, "New York won't work." He went on to say that the office is small and out of London's sights, home to only a few investor relations staff and a visitor services team to organise board meetings and occasional senior visits. He doubted that I could be useful to the company from such an outpost.

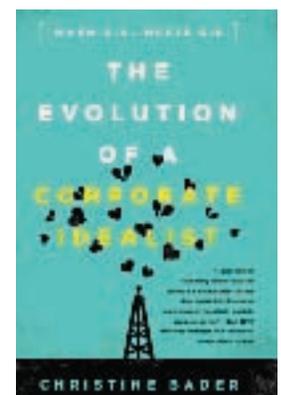
I couldn't tell whether he was serious or just testing whether I'd stand up to him in the first meeting of our new working relationship. Either way, I had decided that my commitment to my relationship outranked my commitment to BP, and therefore I had little to lose.

"Let's start again," I said. "I'm moving to New York because that's where my partner will be – and where I will no longer be an expensive expat like I am here. If you pull me off this UN project, it will attract more negative attention than you want right now. So why don't we start from there?"

He raised an eyebrow, and I thought I saw a flicker of a smile. He asked a few questions about the UN work – which human rights NGOs and governments were involved, what they thought of BP, what I thought the implications of John Ruggie's work would be for our industry – and within half an hour we were discussing my move date. I don't know that I convinced him of the value of my work, but at least he was letting me continue it.

A few weeks later, I flew to New York with the man whom I would marry one year later. I settled into BP's New York office and continued to do some work for the company, but was spending an increasing amount of my time with John Ruggie on his UN mandate. ■

"It is important to have someone on the team who has actually worked in a company"
John Ruggie



This is an excerpt from *The Evolution of a Corporate Idealist: when girl meets oil* by Christine Bader, published by Bibliomotion in March 2014, and reproduced with permission.



SHUTTER, ISTOCK

Business strategy

Responsible leadership: the dilemma of engagement

By Mark Moody-Stuart

Companies have a big role to play through investing in developing economies, especially post-conflict zones

*In an extract from his new book *Responsible Leadership: lessons from the front line of sustainability and ethics*, Mark Moody-Stuart considers how companies can help sustainable progress in developing economies. Here, he takes the example of Sudan, and asks how investment and business activity from foreign companies helped during the traumatic period leading up to the separation of South Sudan. Later, he examines the value of clear state legislation and how voluntary initiatives, such as the UN Global Compact, can help companies frame their activity.*

The direct local impacts of the China National Petroleum Company's operation in southern Sudan was clearly positive in terms of employment, training and development of livelihoods both in the company's supply chain and outside it, as well as medical care. The area was clearly sensitive, and without practical precautions and considerations there is clearly the possibility of exacerbating conflict – whether through impact of security, unbalanced employment, disputes over land or distribution of benefits. Provided this is handled carefully [however] the main argument that critics can and do level at such operations is that, while the revenue does benefit the country, it also supports the state and its often suppressive security apparatus.

This argument came to the fore in 2011 in relation to the events in North Africa, Egypt, Yemen and the Gulf countries with particular emphasis on Libya and Colonel Qaddafi. It is not new and was certainly in the minds of those attending a workshop in Khartoum in 2010. [This workshop was one of a series held to help develop guidance for signatories to the UN Global Compact and the Prin-

ciples for Responsible Investment working in sensitive regions.]

Professor Elias Nyamlell Wakoson, state minister for international cooperation in the unity government of Sudan, formed as a result of the comprehensive peace agreement, was one of the ministers who attended the entire workshop in Sudan. He admitted that he had only planned to come to the opening but had found it so interesting that he stayed throughout.

Jobs for peace

He made the point at the meeting that while security was indeed a major component of central government expenditure, the dream of a big "peace dividend" as this security began to be gradually wound down was just that, a dream. Peace had been bought in many cases by paying militias to lay down their arms. However, this was a short-term solution; unless within a few years jobs could be created for former combatants the temptation to take up arms again would be very strong. Sudan desperately needed investment, including foreign investment, not just into the oil industry but also into agri-businesses and other enterprises.

The minister mentioned in his interventions the fact that in other parts of Africa what was first seen as illegitimate could be transformed over time into something stable and legitimate, without dwelling unduly on the past. In the UK we have after all seen something similar take place though the peace process in Northern Ireland, with extremists on both sides becoming leading members of the government. Some months before the workshop,

Unless jobs could be created, the temptation to take up arms again would be very strong



Post-succession South Sudan needs sustainable investment

President Omar al-Bashir of Sudan had been indicted by the International Criminal Court for crimes against humanity (in my view, while this was just it was also counterproductive).

Elias told of attending a meeting of African governments accompanying President Bashir shortly after the president had been indicted. After the opening ceremonies, Bashir had left the meeting, leaving Elias to handle the rest of the meeting on his behalf. Elias said that the minute Bashir had left, the meeting spent hours debating the indictment, with arguments on all sides. The business of the meeting made little progress. Elias said that in the end he had to point out to all at the meeting that he himself had been an opponent of Omar Bashir in the civil war. However he was now a minister in a government of national unity and President Bashir was his president. He pointed out that Omar Bashir was like a man carrying a basket of eggs. If people kept jostling him, he would sooner or later drop the eggs and there would be broken egg everywhere. He felt that the time had come to get on with the business.

Those were wise and moving words. In the subsequent referendum provided for in the comprehensive peace agreement, South Sudan overwhelmingly voted to split from the north; Omar Bashir has said that he would respect the outcome of the referendum and while the split has been contentious, and in some cases violent, full-scale war has been avoided. There are many issues on the movement of people, the sharing of revenues and the transit of oil to the north that still need to be resolved. Both parts of Sudan need support and investment now more than ever.

There is an important role for responsible businesses investing in such difficult countries.

Voluntary approaches versus legislation

From the outset, the UN Global Compact has been a voluntary movement. Signatories take it upon themselves to embed the ten principles in their day-to-day operations. This is not a light commitment. They must have support at board level to make the commitment and when they sign they commit to reporting publicly on their progress. This exposes them to the scrutiny of the public – consumers, NGOs, the media, shareholders, their own employees and anyone interested in their operations and the way they go about their business. The contents of such reports are often verified by independent third parties, but even where they are not it would be a brave CEO to put in the public domain deliberately inaccurate information. There are many watchers and the power of consumer disenchantment or wrath is formidable.

In spite of this there is a significant body of opinion, particularly in parts of the NGO movement, which considers that legislation is necessary and, since one cannot trust national governments to put in place sufficiently tough regulation or to police and enforce it adequately, the legislation must be somehow be made international and be enforced through extraterritorial judicial processes.

I am not someone who believes that progress will be made simply by relying on the goodwill of people and companies to do the right thing. In all areas we need laws. The history of the development

There is an important role for responsible businesses investing in difficult countries

of laws governing working conditions is a case in point. Some enlightened employers such as the Quaker business people in the UK in the late-18th and early-19th century and pioneers such as Henry Ford who saw the need to pay his workers well, not only to keep them happy but also to turn them into potential purchasers of his products, began to improve pay and conditions for their workers. When coupled with many battles by organised labour and unions for better and safer working conditions, this demonstrated that such changes are beneficial to both the workers and the companies.

Workers benefit from better working and living conditions, while the company benefits from improved quality and productivity. However, in each case, while such innovations are accepted by a few companies at first and are then followed by other companies who see the benefits, there are always a large number of companies that are unresponsive or even deliberately obstructive. It will always be necessary in the end to follow up with regulation and legislation to ensure that the recalcitrant tail is forced to adopt the new standards.

State-level legislation

The place for such legislation is in the nation state, where it covers all companies, large and small, national and international. Attempts at international or extraterritorial legislation catches only the large international companies, which are often not the worst offenders.¹

This is not to say that international efforts that result in protocols and treaties such as the UN Montreal Protocol on Substances that Deplete the Ozone Layer (1989) or the (Land) Mine Ban Treaty (1997) are not valuable, but in the end it is national legislation that generally has to provide for enforcement. Experience in the six decades since the acceptance of the Universal Declaration on Human Rights, and in later international agreements on labour standards and the environment, shows that the challenges are in the implementation in individual companies and in the day-to-day workings of companies and other organisations.

In his excellent guidance on Business and Human Rights, the UN Special Rapporteur John Ruggie rightly puts the responsibility for the Protect part of his Protect, Respect, Remedy trilogy firmly on the state, while focusing the need for Respect and Remedy on companies (see box).

But what of the frequent laggard cases where local legislation is inadequate, perhaps obstructed by vested interests, or where legislation exists but is not effectively enforced, or where corruption of either the enforcers or the judiciary allows the unscrupulous to avoid the legislative constraints?

To achieve an eventually satisfactory outcome the emphasis must be on working to improve national legislations and enforcement. This seems to many people to be an impossibly slow and quixotic task. The

The Ruggie Protect, Respect and Remedy Framework

The Protect, Respect and Remedy Framework rests on three pillars:

- **Protect.** The state duty to protect against human rights abuses by third parties, including business, through appropriate policies, regulation, and adjudication.
- **Respect.** The corporate responsibility to respect human rights, which means to act with due diligence to avoid infringing the rights of others and to address adverse impacts that occur.
- **Remedy.** Both state and business responsibility to provide greater access by victims to effective remedy, both judicial and non-judicial.

Source: Summarised from United Nations, Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework (New York/Geneva: United Nations, 2011; www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf).

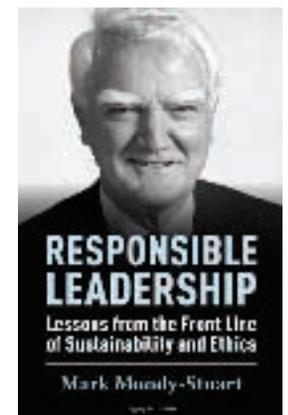
value of responsible international companies in such situations is that they can and do follow international standards, showing the way to other companies and encouraging the population by demonstrating that one can run a non-corrupt business with good working conditions and high environmental standards. This is where the UN Global Compact Local Networks come in – both as a forum for exchange of ideas and practices and also as a coalition representing different sectors that can work with a government to improve standards, or try to push it into doing so.

Objectors argue that it would still be useful to have international or extraterritorial legislation to ensure that at least those international companies working in such laggard countries are forced to apply international standards. I believe that many of the so-called voluntary initiatives and standards are becoming in fact quasi-mandatory for global companies.

Standards such as the Voluntary Principles on Security and Human Rights, or standards developed in order to prevent degradation of forests for agriculture, or practices developed by the International Council on Mining and Metals get picked up and incorporated into the Performance Standards of the World Bank Group. Through the Equator Principles, another multi-stakeholder initiative adopted by the banks that finance almost all private sector projects, companies seeking such project finance must adhere to these standards. Similar pressure will be exerted on a company by those of its shareholders who are signatories to the PRI. In this way international companies are pushed by a web of agreements into compliance. ■

1 Studies show that pay and working conditions in international companies are normally superior to those of purely national companies, and that applies to many working standards as well. See, eg R.E. Lipsey, 'Home- and Host-Country Effects of Foreign Direct Investment', in R.E. Baldwin and L.A. Winters (eds.), *Challenges to Globalization: Analyzing the Economics* (National Bureau of Economic Research Conference Report; Chicago: University of Chicago Press, 2004): 333–82; wage comparisons from page 345 onwards; individual chapter available at www.nber.org/chapters/c9543.

Attempts at international or extraterritorial legislation catches only the large international companies



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