



JUSTRAC

JUSTICE SECTOR TRAINING, RESEARCH
& COORDINATION PROGRAM

Private Enterprise Engagement in the Rule of Law

A Justice Sector Training, Research and Coordination Symposium
Convened by the Rule of Law Collaborative at the University of South Carolina
in coordination with The Woodrow Wilson International Center for Scholars

May 17, 2017

Wilson Center, Main Auditorium
Ronald Reagan Building and International Trade Center
One Woodrow Wilson Plaza
Washington, D.C.

Private enterprise has demonstrated increasing interest in supporting rule of law development in recent years, and this engagement has become more sophisticated with experience. Adherence to the rule of law—including the protection of investments and property rights—forms an essential foundation of economic and social development, strengthens respect for fundamental rights and freedoms, and enhances the peaceful resolution of disputes. Many companies also support rule of law as a necessary condition for the kind of predictable, stable, and inclusive economic growth that allows their investments to flourish.

The development of the rule of law creates a framework in which responsible businesses can facilitate sustainable and inclusive development. Vibrant private enterprises contribute to the prosperity of local and national economies, and they can help government institutions and actors operate more efficiently and transparently. Public-private partnership, in which private enterprises partner with local and national governments or civil society, can provide a range of social benefits as well.

This public symposium will bring together corporate and private foundation leaders, policymakers, and civil society to discuss challenges and opportunities related to private enterprise and the rule of law. Particular attention will be paid to how private enterprises increasingly use self-regulation and voluntary co-regulation, in addition to corporate social responsibility efforts, to benefit the societies they serve while maximizing investment. The symposium will address ways in which private enterprise can spur better governance and the development of substantive laws within the countries in which they operate. Finally, the symposium will offer various case studies in rule of law engagements from private foundations and public-private partnerships aimed at advancing the rule of law.

08:30 **Registration**

09:00 **Welcoming Remarks**

Will Pomeranz, *Deputy Director, Kennan Institute*

Hamid Khan, *Deputy Director, Rule of Law Collaborative, University of South Carolina*

09:15 **Session I: Surveying the Global Legal Landscape: Understanding the Principles that Guide Private Enterprise Engagement Worldwide**

Moderator: Jason Pielemeier, *Bureau of Democracy, Human Rights, and Labor; U.S. Department of State*

Christina Koulias, *Senior Manager, Governance and Legal, United Nations Global Compact*

Melike Ann Yetken, *Senior Advisor for Corporate Responsibility, U.S. Department of State*

Frank Brown, *Value Chain/Anti-Corruption Program Team Leader, The Center for International Private Enterprise (CIPE)*

The opening session will identify and examine the standards that guide multinational corporate engagements. These include, but are not limited to, international and national instruments which help frame how multinational corporations can effectively engage in responsible business activities, mindful of the human rights, labor, environment, and anti-corruption concerns voiced by the international community. Furthermore, these standards have created a model for how private sector actors can more effectively advance their commitments to corporate citizenship while supporting sustainability and the rule of law.

10:30 **Session II: Private Enterprise, Self-Regulation, and the Rule of Law**

Moderator: Stephen Gardner, *Chief Counsel, Commercial Law Development Program, U.S. Department of Commerce*

Jonathan Drimmer, *Vice President and Assistant General Counsel, Barrick Gold Corporation*

John Wear, *Global Compliance Counsel, The Coca-Cola Company*

Kumar Vijayaraghavan, *Director, Office of Legal Compliance, Microsoft Corporation*

Shawna Bader-Blau, *Executive Director, The Solidarity Center*

As short-term, transaction-based corporate decision-making has given way to long-term, strategy-based planning, private enterprises have increasingly sought to improve the conditions in places where they do business. These self-regulatory efforts have included internal anti-corruption efforts, as well as efforts at maintaining sustainable and corporate social responsibility. This session will investigate ways in which self-regulation efforts both benefit from and contribute to a robust rule of law, as well as challenges that private enterprises face in adhering to the rule of law.

12:00 **Featured Lunch Speaker: Combatting Corruption & Private Enterprise**

Introduction: Kiel Downey, *Research Coordinator, Rule of Law Collaborative, University of South Carolina*

Thomas Firestone, *Baker McKenzie LLP*

Mr. Firestone will offer an international perspective on approaches to combatting corruption and the role of the private sector in such efforts. Drawing from his experience working with multinational corporations and foreign governments, Mr. Firestone will discuss lessons learned and emerging trends on this issue.

13:30 **Session III: Private Sector Actors as Agents of Change**

Moderator: Dr. Andrew Spicer, *Darla Moore School of Business, University of South Carolina*

Teresa Jennings, *Head of Rule of Law Development, LexisNexis*

Yaël Eisenstat, *Founder, Kilele Global*

Arvind Ganesan, *Director of Business and Human Rights, Human Rights Watch*

Built around the notion that meaningful, deep-rooted economic development can only occur in societies where the rule of law exists, this session will examine how corporate actors can support rule of law by constructively shaping the legal landscapes in which they operate. Speakers will consider the role private enterprise can play to: (1) ensure the existence of clear laws that govern commercial transactions; (2) foster a strong, independent judiciary to impartially enforce laws and property rights; and (3) safeguard an investment climate free of arbitrary forces.

15:00 **Session IV: Private Enterprise as Rule of Law Partners**

Moderator: John Simpkins, *Senior Lecturing Fellow, Duke Law School and Former General Counsel, U.S. Agency for International Development*

Chris Jochnick, *CEO and President, Landesa*

Marissa Wesely, *CEO, Win-Win Strategies*

Amol Mehra, *Executive Director, International Corporate Accountability Roundtable*

Public-private partnerships have emerged as forces shaping the discourse on good governance and accountability. This session will examine the emergence of how private actors and foundations are working to address rule of law deficits in nimble yet effective ways. This session will also consider the growth of public-private partnerships and foundations and their ability to support or even perform rule of law functions, as well as their role as intermediaries between states and community forces.

16:30 **Adjourn**