
Submission to the Tokyo Organising Committee of the Olympic and Paralympic Games

IHRB - Caux Round Table-Japan Feedback on the High-Level Sustainability Plan and Fundamental Principles for the Sustainable Sourcing Code

12 February 2016

In this Submission

1. Comments on the High-Level Sustainability Plan
2. Comments on the Sustainable Sourcing Code
3. Conclusion

Dear Sir / Madam,

In response to the call for feedback on the Tokyo 2020 High-Level Sustainability Plan¹ (Sustainability Plan) and Fundamental Principles for the Sustainable Sourcing Code² (Sourcing Code), the Institute for Human Rights and Business (IHRB) and Caux Round Table – Japan (CRT-Japan) are pleased to jointly submit the following remarks.

We welcome the decision by the Tokyo Organising Committee for the Olympic and Paralympic Games (TOCOG) to set up an Urban Planning and Sustainability Commission and affiliated Sustainability Discussion Group, as well as the release of the Sustainability Plan and Sourcing Code for public comment. The organisation of any Olympic Games is a global process, requiring co-ordination across continents, and a willingness to engage with stakeholders from around the world. We therefore respectfully question whether a two-week consultation period is sufficient, and are concerned whether it demonstrates a serious intent to consult with and listen to external voices. Much time has already been lost since Tokyo was awarded the Games in 2013 in terms of

¹ <https://tokyo2020.jp/en/games/sustainability/data/sus-plan-EN.pdf>

² <https://tokyo2020.jp/en/games/sustainability/data/sus-principles-EN.pdf>

putting in place the necessary due diligence systems required to ensure a truly Sustainable and modern Games. By way of comparison, London established its Commission for Sustainable London 2012 within six months of having been awarded the London 2012 Olympics, and the Rio 2016 Organising Committee published the first, full-fledged version of its Sustainable Supply Chain Guide in July 2012, exactly four years prior the staging of the Rio 2016 Games.

1. Comments on the High-Level Sustainability Plan

Page one of the Sustainability Plan fails to mention the breadth of the Sustainability debate as today widely understood. A 2016 definition of Sustainability extends well beyond just environmental considerations, and includes social matters, human rights, workplace standards, diversity, inclusion etc. This fact is acknowledged later in the document but social issues, including human rights should not be an afterthought, and should be raised on an equal footing with matters of environmental impact from the outset.

We welcome the reference to the five thematic areas of the Sustainability Plan. While there are references to “games planning and operation” in the first three thematic areas, it is not clear whether this is meant to cover the entire life cycle of the Games and throughout the extended supply chains, or is only meant to extend to the activities of the Games organising committee. In contrast, the fourth thematic area entitled “Human Rights, Labour and Fair Trade” seems to make a distinction between staff and volunteers on the one hand, and on the other, those workers in the supply chain of the procurement process, though it is not clear whether they are meant to be treated differently under the Plan. In principle, the Sustainability Plan should apply to the entire life cycle of the Games and throughout the extended supply chains, and this should be made clear at the outset of the five thematic areas.

We note that the “Human Rights, Labour and Fair Trade” thematic area refers to the Olympic Charter’s commitment to “the enjoyment of the rights and freedoms set forth in this Olympic Charter [being] secured without discrimination of any kind. . . .” We believe this starting reference is overly narrow. Since 2011, when the UN Human Rights Council unanimously endorsed the UN Guiding Principles on Business and Human Rights, an international framework exists that is not only pertinent to the host city and national government, but also to the myriad of public and private actors involved in the commercial activities required to organise and stage an Olympic Games, including the host organising committee itself.

The Guiding Principles spell out that companies have a responsibility to respect all human rights, including the full spectrum of human rights enshrined in the International Bill of Rights of the UN, the UN Human Rights Treaties, and ILO Declaration on Fundamental Principles and Rights at Work. Observing non-discrimination clauses and respecting the rights of disabled persons is just a fraction of this bigger picture of rights now globally expected of governments and companies, in an Olympic delivery context and more generally in their day to day business activities. In short, TOCOG's Sustainability Plan should reference the UN Guiding Principles and other international human rights standards, in the same way that it references global UN standards for the environmental thematic areas.

At the bottom of page 6 and top of page 7 the Plan states that: "The Organising Committee will consider the following points for human rights, labour and fair trade practices" and then lists 4 points which boil down to: setting targets; developing a procurement policy; putting in place measures for minorities; and measures for proper consideration of the human rights and labour rights of staff and volunteers. This fails to take the due diligence approach outlined in the UN Guiding Principles, OECD Guidelines for Multinational Enterprises, or indeed ISO 26000 (which TOCOG refers to on page 6). Such a process among other things would require a continuous process of identifying and addressing the potential and actual human rights impacts associated with the Tokyo 2020 Games throughout its life cycle. It should also include means for systematic and ongoing external engagement with groups potentially affected by the Games' planning, organisation and delivery.

Ahead of, and during the Games - based on human rights lessons learnt from previous Olympic Games elsewhere in the world, including London³ - TOCOG and its Delivery Partners might reasonably anticipate and prepare for: adverse impacts upon the housing and other rights of local communities and in particular affected children; impacts on the livelihoods of small scale, often family-run businesses from venue construction, new infrastructure projects, and commercial exclusion zones during the Games; workplace rights issues associated with the construction of sporting venues and essential support infrastructure, as well as workplace rights concerns down the supply chain, including within the forestry, agribusiness, hospitality and manufacturing sectors to name just a few; exploitation of migrant or foreign workers needed for Olympic related construction and hospitality, and their potential exposure to human trafficking and forced labour practices; restrictions on the right to protest; as well as all forms of discrimination as already noted.

³ See IHRB's report *Striving for Excellence – Mega-Sporting Events and Human Rights* (first published in October 2013) http://www.ihrb.org/pdf/2013-10-21_IHRB_Mega-Sporting-Events-Paper_Web.pdf

Owing to Japan's demographic composition it is almost certain that Tokyo will need to attract a substantial number - running into many thousands - of migrant workers from abroad to perform essential functions if it is to deliver the Tokyo 2020 Games as planned. This will include workers within the construction and hospitality sectors. Japan's Technical Intern Training Programme was amended in 2015 ahead of the Olympics to allow workers to stay for five years, rather than the previous three years. What is less certain is whether TOCOG or the delivery partners have undertaken the necessary human rights due diligence to fully understand the potential risks to which these workers may be exposed, including to human trafficking and forced labour at the hands of unscrupulous recruitment agencies in the sending countries.

On page 8 of the Plan, TOCOG refers to the Olympic Games Impact Study. We urge that human rights impacts be properly factored into this work.

On page 11 of the Plan, TOCOG refers to Opinion Platforms. We welcome this development and urge TOCOG to include domestic and international human rights experts, including ones specialising in migrant worker rights, amongst those invited to participate.

In addition to the above remarks, we refer TOCOG to the *Proposed Human Rights Statement for the Tokyo Olympic and Paralympic Games in 2020* prepared for its consideration by IHRB and CRT-Japan.⁴

2. Comments on the Sustainable Sourcing Code

IHRB and CRT-Japan welcome the proposed Sourcing Code, in particular point 3.(1) which calls for respect for human rights, and consideration of labour management practices and working conditions, and section 3.(2), which pertains to avoiding the use of raw materials that have adverse impacts on "human rights, local residents' lives, and social stability".

We feel this proposed Code is a valuable starting point, but that it does not go into anything like the kind of detail that will be needed in practice. We refer you to the *Proposed Sustainable Sourcing code for the Tokyo Olympic and Paralympic Games in 2020* prepared by IHRB and CRT-Japan for TOCOG's consideration (see the attached document), which may offer additional insight.

⁴ http://crt-japan.jp/files2014/2-4-0-olympic2020/pdf/A%20Proposed%20Human%20Rights%20Statement%20for%20the%20Tokyo%202020%20Olympics_EN.PDF

In addition we refer you to the codes produced by earlier mega-sporting events organising committees, which illustrate the level of detail that global stakeholders will now demand of TOCOG.

London 2012 Sustainability Report – A Blueprint for Change.⁵

Glasgow 2014 Organising Committee Procurement Sustainability Policy.⁶

The Rio 2016 Organising Committee Sustainable Supply Chain Guide.⁷

3. Conclusion

The proposed High Level Sustainability Plan and the Sourcing Code are important vehicles to make Tokyo 2020's sustainability commitments explicit, but they will need the wholesale buy-in of the delivery partners to become a reality in the planning and execution of the Games. Since key contracts have already been awarded to sponsors, TOCOG is having to make up for the lost opportunity to reflect the Sustainability Plan and Sourcing Code in commercial contracts. For this reason, we urge TOCOG to engage with the relevant business enterprises early and often, raise their awareness of all the thematic areas of the Sustainability Plan, provide guidance on how to implement the Sourcing Code, vigilantly monitor their implementation, and develop grievance mechanisms to respond appropriately to concerns and complaints.

IHRB and CRT-Japan were delighted that TOCOG's Executive Director of Games Operations participated in the United Nations Annual Forum on Business and Human Rights <http://www.ohchr.org/Documents/Issues/Business/ForumSession4/MSEConceptNote.pdf> , and a high-level expert meeting convened by IHRB, Wilton Park and the Swiss Government on Human Rights and Mega-Sporting Events <https://www.wiltonpark.org.uk/conference/wp1428/>. We commend TOCOG for its efforts to date, and stand ready to engage on NGO Opinion Platforms and to support TOCOG and the delivery partners in their efforts to bring about a truly sustainable Olympic and Paralympic Games in 2020.

⁵ <http://learninglegacy.independent.gov.uk/documents/pdfs/sustainability/2-london-2012-sustainability-report-a-blueprint-for-change.pdf>

⁶ <http://www.glasgow2014.com/procurement-sustainability-policy>

⁷ http://www.rio2016.com/sites/default/files/annex_4_-_sustainable_supply_chain_guide_english.pdf

Respectfully submitted,



John Morrison
Executive Director
Institute for Human Rights and Business



Hiroshi Ishida
Executive Director
Caux Round Table Japan