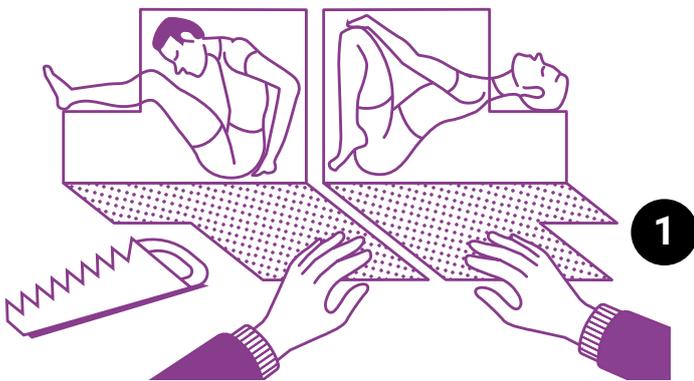


## Civil society counter-strategies to combat harmful corporate strategies

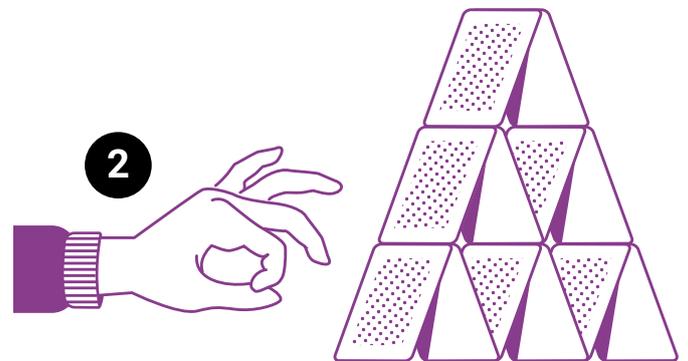
Across the world, communities, workers, activists, NGOs, and trade unions confront the negative impacts of business activities and corporate behaviour on a daily basis. But when they seek justice and accountability, they often encounter the five harmful strategies identified by Mind the Gap that companies use to deny or avoid responsibility for human rights abuses and environmental damage.

In working to overcome these harmful corporate strategies, civil society actors have learned much about how to counter them – what works and what does not. Building on the experiences of activists, communities, and academics, Mind the Gap offers a counter-strategy toolkit. A more detailed version of the toolkit, with practical guidance and links to case examples, is available on our website.

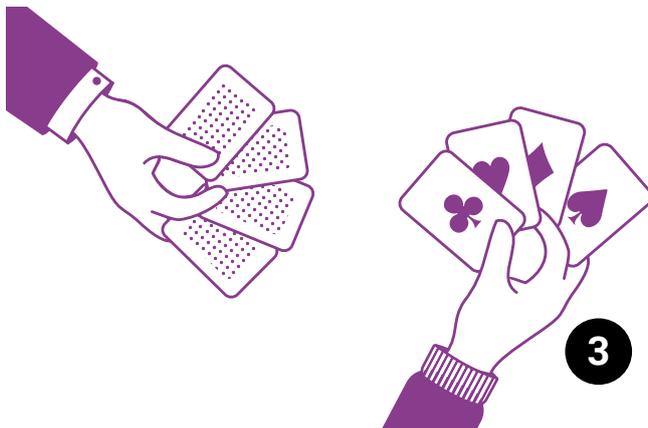
### Four civil society counter-strategies



**DISMANTLING CORPORATE NARRATIVES**



**SHIFTING THE POWER BALANCE**

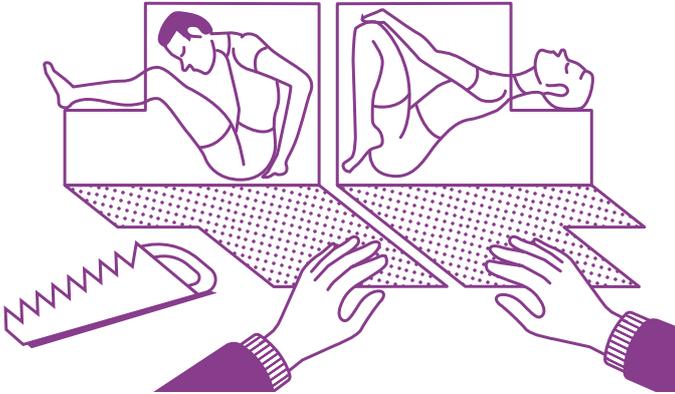


**DEPLOYING LEGAL  
COUNTER-STRATEGIES**



**ADVANCING CORPORATE  
ACCOUNTABILITY NORMS**

## Counter-strategy 1 Dismantling corporate narratives



Many harmful corporate strategies rely on a narrative that separates the company from the harmful impacts, and therefore from responsibility and accountability. Dismantling a corporate narrative can be useful for civil society to draw attention to the responsibility of a company for human rights and environmental abuses.

### Two ways to dismantle corporate narratives

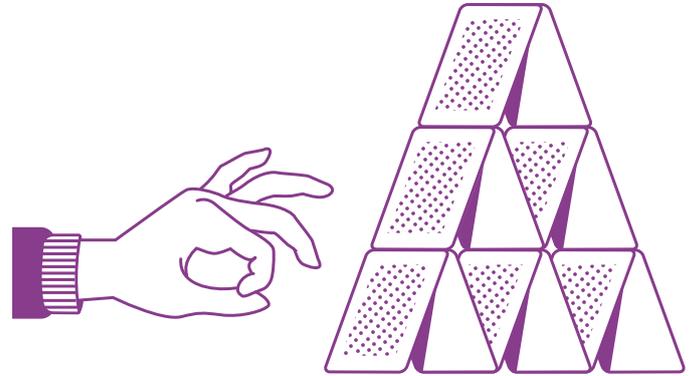
#### 1 Conducting rebuttal research

When a company makes a statement of apparent fact that denies the accounts of victims, rebuttal research can help to prevent others' acceptance of the corporate narrative. Rebuttal research is distinct from research into the harms that a corporation causes. It looks specifically into what the company claims are the reasons why it is not responsible for harms.

#### 2 Reframing the issue

When challenging a corporate narrative, civil society actors can help their case by showing that the way the company presents the issue is itself the problem and forcing the company into a defensive position. This involves highlighting what is problematic about the company's denial or claim of ignorance and drawing attention to what the company should have known or done.

## Counter-strategy 2 Shifting the power balance



At the heart of many cases of corporate bad practice and impunity is the stark reality of huge power imbalances between multinational companies and the people they affect. Companies often use their power and influence to deny responsibility, offer tokenistic remedies, or avoid legal accountability. Shifting the power in favour of affected communities is critical when pursuing remedy.

### Four ways to shift the power balance

#### 1 Putting a spotlight on the case

Spotlighting a case can provide a way for individuals and communities to seek corporate accountability and redress for human rights and environmental abuses. In particular, shifting the field of engagement from the local or national to the international can change the power dynamics, as a company may be more sensitive to its reputation internationally or in key countries.

#### 2 Using international complaints mechanisms

Bringing cases to international complaints mechanisms can help change the dynamics and shift the power balance, especially when part of a wider advocacy strategy. International complaints mechanisms include United Nations special procedures, regional human rights bodies, OECD National Contact Points, and development banks' accountability mechanisms.

[GO TO NEXT PAGE](#)

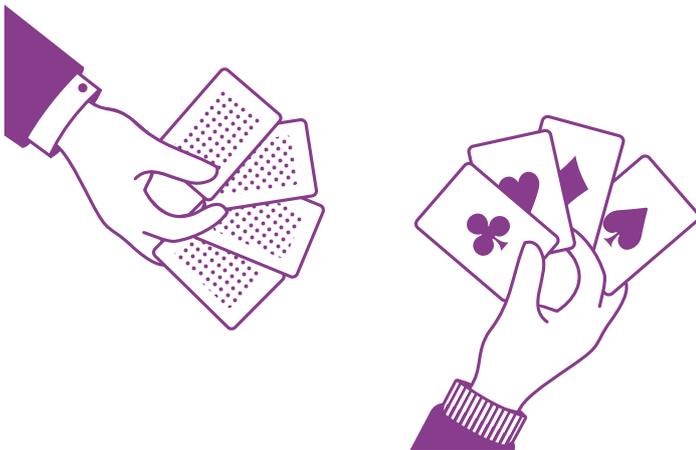
### 3 Targeting actors with leverage over the company

Targeting other actors with influence or leverage over the company can help change the power dynamics and pressure the company to change its behaviour or remedy a problem. These other actors may include business customers (such as retailers and brands that buy from the company), banks, individual shareholders, and institutional investors (such as pension fund managers).

### 4 Expanding and amplifying community activism

The counter-strategies that affected communities use often benefit from collaboration with local and national civil society organisations, national and international NGOs, trade unions, and activists. Collaboration is especially helpful when a company actively undermines human rights defenders and communities.

## Counter-strategy 3 Deploying legal counter-strategies



**When activists, workers, communities, and civil society organisations stand up against a powerful multinational corporation, inequality before the law is a common experience. Nevertheless, using the law can be an effective way to counter harmful corporate strategies.**

#### Three ways to deploy legal counter-strategies

##### 1 Bringing legal action in a company's home state

For people whose rights are harmed or who experience environmental damage caused by a company, mounting a legal case in the company's home state can be an effective way of holding the company to account.

##### 2 Using legal action to force disclosure

Forcing information disclosure by a company through initiating a legal case can be useful to counteract harmful corporate strategies of which control of information is a key feature.

##### 3 Countering SLAPPs

Companies facing criticism from civil society actors increasingly resort to filing abusive lawsuits called Strategic Lawsuits Against Public Participation (SLAPPs). Civil society actors can counter these lawsuits under national law and with the assistance of anti-SLAPP coalitions.

## Counter-strategy 4 Advancing corporate accountability norms



**Work on individual cases is important but not sufficient to counter harmful corporate strategies. Civil society activists and organisations, lawyers, and researchers around the world generally agree that the best counter-strategy is to change the law and norms regulating corporate behaviour – to close the governance gaps and legal loopholes that allow companies to cause harm and avoid responsibility for their actions and omissions.**

### Two ways to advance corporate accountability norms

#### 1 Making soft law into hard law

Civil society coalitions have long advocated for international corporate accountability standards. Having achieved recognition of important standards for business in areas such as human rights, the environment, workers' rights, and financial transparency, civil society activism is increasingly working to convert these standards (which are not legally enforceable) into strong laws.

#### 2 Mainstreaming corporate accountability into law

As well as emerging legal frameworks that directly address corporate impacts on human rights and the environment, most countries have a range of other laws (such as laws on employment and workers' rights, health and safety, anti-corruption and transparency, land rights, and indigenous rights) whose provisions can help civil society actors hold companies to account for their behaviour.

### About Mind the Gap

Companies worldwide are seen deliberately deploying harmful strategies identified by Mind the Gap. They do so to avoid responsibility for the effects of their operations on people and the environment. To offer civil society activists and organisations working with people affected by corporate harms with specific suggestions to respond to the use of these harmful corporate strategies, the Mind the Gap consortium developed a civil society counter-strategy toolkit. The toolkit captures the collective experience of the consortium and partners, which is diverse regionally, and with regard to industry focus and subject-matter expertise. The counter-strategies were developed by reviewing publicly available information and through in-depth interviews with activists, NGOs, and lawyers who have worked on cases against companies for many years.



The Mind the Gap consortium involves civil society organisations from across the globe with the aim of increasing respect for human rights and achieving justice and remedy for individuals and communities whose lives and livelihoods have been adversely affected by multinational corporations.

#### Acknowledgements

The Mind the Gap project has been made possible with financial assistance from Open Society Foundations, the Sigrid Rausing Trust, and the Dutch Ministry of Foreign Affairs. The content of this publication is the sole responsibility of the project consortium and can in no way be taken to reflect the views of the funders.

Images Zeppa – Layout Frans Schupp

