



*Permanent Representative of the Republic of Korea
Geneva*

*Avenue de l'Ariana 1 P.O.Box 42, 1211 Geneva 20
Tél: +41(0)22 748 0000 / Fax: +41(0)22 748 0001
geneva.korea@mofa.go.kr*

KGV/63/2023

The Permanent Mission of the Republic of Korea to the United Nations and Other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights (OHCHR) and has the honour to transmit herewith the response of the Government of the Republic of Korea to the Joint Communication from Special Procedures, dated 13 January 2023 (AL KOR 5/2022).

The Permanent Mission of the Republic of Korea to the United Nations and Other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights (OHCHR) the assurances of its highest consideration.

20 March 2023

Enclosed: as stated

Office of the United Nations High Commissioner for Human Rights (OHCHR)



Response of the Government of the Republic of Korea
to the Joint Communication
from the Special Procedures of UN Human Rights Council

(March 10, 2023)

In response to the Joint Communication from Special Procedures (Ref: AL KOR 5/2022), the Government of the Republic of Korea (hereinafter referred to as “Korean Government”) provides the following observations on the Coastal GasLink pipeline project to clarify the alleged facts or concerns presented in the Joint Communication.

1. Additional Information and/or Comments on the Joint Communication-mentioned Allegations

The Korean Government has asked Korea Gas Corporation (KOGAS) to provide additional information or comments on the allegations mentioned in the Joint Communication regarding the Coastal GasLink pipeline project. Below are the comments provided by KOGAS at the request of the Government.

“LNG Canada is committed to respecting and upholding human rights and honoring its agreements with Indigenous Peoples. LNG Canada supports the Coastal GasLink (CGL) pipeline project and affirms that the CGL, as the owner and operator of the pipeline, has all the necessary permits to conduct its work legally in Canada. This work includes extensive consultation and ongoing engagement with affected stakeholders and indigenous peoples. LNG Canada also recognizes that the CGL has made numerous efforts to ease the concerns of Wet’suwet’en Hereditary Chiefs, who have objected to the CGL’s pipeline project. As the CGL has signed compensation agreements with the 20 elected First Nations along the pipeline, and the agreements with 16 Nations among the 20 elected First Nations that give the 16 Nations the right to take a 10% ownership stake in the pipeline once it is in operation, we believe it is important that CGL continue to honor its commitments to these Nations. The CGL pipeline project is now more than 80% complete, continuing to provide direct benefits via employment, workforce development, skills training, and financial assistance to the local communities and Indigenous Peoples impacted by its work.”

2. Steps taken by the Korean Government to uphold its obligations to protect against human rights abuses by KOGAS, ensuring that business enterprises domiciled in its territory and/or jurisdiction conduct human rights due diligence

In December 2021, the Korean Government published the *Guidelines on Business and Human Rights*, which introduced the concept and procedures of human rights due diligence to promote

the corporate responsibility to respect human rights.

In addition, in 2020, the Government commissioned the “Basic Research on Legislation regarding the Corporate Responsibility to Respect Human Rights” to review the possibility of introducing legislation on corporate responsibility to respect human rights, including making human rights due diligence mandatory.

3. Guidance that the Korean Government has provided to the KOGAS on how to respect human rights throughout its operation in line with the UN Guiding Principles on Business and Human Rights

The Government distributed approximately 2,400 printed copies of the above-mentioned *Guidelines* to various stakeholders, including listed companies and state-owned enterprises. In addition, a copy of the *Guidelines* was also sent to KOGAS via mail.

4. Measures to prevent adverse impact of business activities on human rights defenders

The above-mentioned *Guidelines on Business and Human Rights* emphasizes communication with stakeholders, such as human rights defenders, throughout the human rights due diligence process, including human rights impact assessments. Also, the *Guidelines* recommends that business enterprises seek advice from civil society experts or human rights defenders when implementing measures to fulfill the corporate responsibility to respect human rights.

5. Measures to ensure that those affected by the overseas activities of KOGAS have access to effective remedies

Pursuant to the international jurisdiction provisions in the *Act on Private International Law*, affected persons may file a suit in the courts of the Republic of Korea if international jurisdiction is recognized.

- ※ The *Act on Private International Law* was comprehensively amended to specify further the standards for determining international jurisdiction (Article 2) and establish 35 new general and detailed provisions.

6. Measures in response to the Report of the Working Group

In August 2018, when establishing the *Third National Action Plan for the Promotion and Protection of Human Rights* (National Action Plan, 2018-2022), the Government newly included a dedicated chapter for policy objectives related to business and human rights under the title “A Society where everyone works together for human rights-friendly business activities.”

The new chapter sets “securing the corporate responsibility to respect human rights” as a detailed objective under the main objective of “institutionalization of human rights management.” The chapter expresses the expectation that “all business enterprises within the territory or jurisdiction of the Republic of Korea fulfill the corporate responsibility to respect human rights defined under the *UN Guiding Principles on Business and Human Rights*, regardless of size or place of operation.” The Government plans to incorporate policy objectives to fulfill the Guiding Principles on Business and Human Rights in the upcoming fourth National Action Plan (2023-2027), as it did in the third National Action Plan.

In December 2021, the Government published and distributed the *Guidelines on Business and Human Rights*, based on relevant international standards, including the *UN Guiding Principles on Business and Human Rights* and the *OECD Guidelines for Multinational Enterprises*, to businesses. In December 2022, the Government uploaded the English version of the *Guidelines* to the Resources page of the Ministry of Justice website*.

* www.moj.go.kr/moj_eng/index

In 2020 and 2021, the Government co-hosted the “Business and Human Rights Forum” with the National Human Rights Commission to support the implementation of the corporate responsibility to respect human rights. Furthermore, the Government hosted the “Business and Human Rights Seminar” in 2022 to introduce international standards and best practices related to business and human rights.

/End/