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Bringing the UN's "Protect, Respect, Remedy" Framework to Life: An Update on John Ruggie's Business and Human Rights Mandate

Breakout Session Summary
Wednesday, October 21, 2009 | 11 a.m.-noon

Speakers

- » **Christine Bader**, Advisor to the UN Special Representative for Business & Human Rights
- » **Faris Natour**, Director, Research & Innovation, BSR (moderator)

Highlights

- » Under the "State Duty to Protect," pillar one of his framework, John Ruggie is convening an informal group of governments on the state's responsibility in offering assistance to companies operating in conflict zones. Ruggie is also working with 20 law firms to survey 40 jurisdictions around the world about corporate law and human rights.
- » Ruggie hopes to launch an online discussion forum in November to encourage broad engagement around pillar two, the "Corporate Responsibility to Respect."
- » BASESwiki, a project under pillar three, "Access to Effective Remedies," provides an online forum for business and society to explore grievances and disputes that impact their relationships.

Memorable Quotes

"Instead of giving the Human Rights Council several different policy recommendations, [John Ruggie] gave them one, the 'Protect, Respect, Remedy' framework."—Christine Bader, Advisor to the UN Special Representative for Business & Human Rights

"There's a disconnect between the way that states operate and the way that businesses operate. States are confined to a geographical boundary, and businesses can operate across borders."—Christine Bader, Advisor to the UN Special Representative for Business & Human Rights

Overview

The debate at the UN over the human rights responsibilities of corporations began in 2003 with the proposed Draft Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights, which were put out for public review. In addition to highlighting specific human rights themes that are important to business, the draft norms went further, claiming that companies should take on responsibilities that governments are unable to cover.

While some in the NGO community welcomed the draft norms, businesses did not, in part because the statement, which was intended to be legally binding, did not clearly define the exact responsibilities of business when it came to human rights. Two years after the draft norms were issued, the UN Human Rights Council voted them down. Nonetheless, companies still faced



many allegations of human rights violations, and there remained a need for more definition about business' responsibility with regard to human rights.

To resolve these questions, in 2005, UN Secretary-General Kofi Annan appointed John Ruggie as the UN Special Representative on Business & Human Rights. Ruggie's first initiative was to research first principles in order to fully understand the problem and what had already been said. After engaging a wide variety of stakeholders, he listed five key findings:

1. Business impacts all human rights, not just a subset, which contributed to the failure of the draft norms.
2. Governments suffer from vertical and horizontal policy incoherence. A state's endorsement of a given treaty does not mean the treaty's principles will trickle down to domestic law. There are also horizontal policy issues, for instance when companies are handled by disparate government agencies that have very little alignment or interaction.
3. Companies lack proactive human rights due diligence systems to catch abuses.
4. Grievance mechanisms are lacking at all levels. There is a patchwork of resources that operate at varying degrees of effectiveness.
5. Situations are worst in conflict zones, where the state's human rights mechanisms do not function as intended, giving willing companies an opportunity to exploit the system.

Based on these findings, Ruggie created the "Protect, Respect, Remedy" framework, which consists of three pillars—the State Duty to Protect Human Rights, the Corporate Responsibility to Respect, and the Access to Effective Remedies—which are intended to be interactive and dynamic.

The UN Human Rights Council has unanimously endorsed Ruggie's framework and tasked him with another three years to "operationalize" the framework by developing practical recommendations for governments and companies to prevent human rights abuses related to corporate activity.

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