

Realizing Our Full Potential: In Conversation with Mary Robinson

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Mary Robinson, founder and president of Realizing Rights: The Ethical Globalization Initiative, served as United Nations high commissioner for human rights from 1997 to 2002 and as president of Ireland from 1990 to 1997. She currently serves on the board of the UN Global Compact and chairs its Human Rights Working Group.

She spoke with us about the role of multinationals in protecting human rights, how to make voluntary initiatives even stronger, and why every company should adopt a human rights policy.

Taking Stock

The mission of your organization, [Realizing Rights](#), is to put human rights standards “at the heart of global governance and policy-making.” How are we doing in “realizing human rights” globally, 60 years after the Universal Declaration of Human Rights (UDHR)?

I see a mixed picture. On the one hand, there is a positive story to tell. We shouldn't underestimate the impact of the human rights movement globally. The Universal Declaration has been a rallying point for people around the world in the struggle for social justice and democracy. The declaration and the body of international human rights law developed over the past six decades have helped bring about real changes in national legislation, regulations, and policies in every region—which, in turn, has contributed enormously to the protection of fundamental rights.

But as we all know, having a law on the books isn't enough. We continue to see massive rights violations around the world in conflict zones; in the widespread discrimination against women

and minorities, which remains all too common; in the lack of respect for basic labor standards in the workplace; and in the grinding poverty that traps billions in unspeakable conditions.

We've also seen how the actions of many governments as part of the so-called “war on terrorism” have undermined respect for human rights and the rule of law over this decade. So there is much to be done to address the gaps between the commitments made by governments to protect human rights and the realities on the ground in all countries. We all have to do a better job of bridging those gaps.

Would you say that business, especially multinational corporations, has done its share in this effort?

Coming to terms with what a major corporation's appropriate responsibilities for human rights should be in today's world has certainly generated a great deal of debate. What is clear is that society's expectations of major corporations are changing. We've seen this through campaigns targeting specific companies, through the rapid growth of socially responsible investment funds, and through the expansion of more equitable

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trade, which seeks to ensure that workers are treated fairly.

These trends suggest that people feel major corporations haven't done enough to be part of the solution and have contributed to human rights abuses through their actions or inactions. There is a growing global movement that is demanding greater accountability—not just for corporations, but also for governments, international organizations, and other influential actors.

But these trends also highlight the complexities involved in implementing the full range of human rights covering civil and political liberties as well as economic and social protections. There is a growing sense among people around the world that governments just aren't willing, or in many cases aren't able, to live up to the obligations they've made. That means governments need to be pressured more than they have been to date to take effective action and fulfill their human rights commitments. But it is also true that in a significant number of countries and on a range of complex issues, governments need help from others—business included. It should go without saying that we don't want business to replace the legitimate role of government. But there are questions to be addressed about what the appropriate responsibilities should be for different societal actors in an increasingly interconnected world. That's a subject which deserves much greater attention today.

What are companies currently doing well, and how could they further contribute to the realization of human rights?

Leading companies today are doing a better job of consulting



with and responding to a broader range of relevant stakeholders. They're looking more deeply at their potential social and environmental impacts—good and bad—on their employees, customers, and wider society. A growing number have done what civil society has demanded—they've developed codes of conduct and systems to monitor performance on these issues over time. Some have taken the step

of joining with others in their sectors and with civil society and governments to address specific challenges facing an industry or to address a specific human rights issue. These are significant steps in the right direction.

But many such corporate-led efforts still don't meet internationally recognized standards, even when they are explicitly invoked. Equally important, many of the systems corporations have put in place to track and improve their social performance aren't transparent and don't allow for public scrutiny of their outcomes. Many initiatives haven't anticipated problems before they occur. Instead, they've come about in response to accusations by activists or local communities or only after damaging media reports have surfaced. The perception grows that their motivation is to protect reputation, manage risks, mitigate losses, and prevent legal consequences. It would be far better if the motivation was to improve human rights performance and impact. This is not to suggest that current efforts are wrong. But we need more proactive commitment.

There are other challenges as well. Because of their wide reach, brand recognition, and familiarity, large multination-

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als—which are often most receptive to these concerns—are the targets of activism. This leaves out companies that do not operate visibly in the public sphere, such as those that provide the electronic and technological infrastructure for surveillance, to cite one example, because such companies are simply not known widely. Then there are multinational firms from emerging economies, and what are called “junior” companies from OECD nations that also operate without the level of public scrutiny we see for others. Finally, there are small and medium enterprises around the world, which provide jobs to the bulk of the global workforce. There are no effective ways of knowing if these companies operate according to the standards we expect large multinational firms to implement. We are still scratching the surface in some contexts.

So while I’m convinced that the many ongoing efforts are generally a positive development for human rights promotion and protection and should be built on and improved, it is clear that significantly more is required to achieve systemic change and involve the vast majority of companies that still haven’t thought seriously about human rights issues. That is a central challenge ahead.

In many countries, human rights protections remain weak. Are there any real negative consequences for a company that does not respect human rights?

Without a doubt, there are negative consequences for companies that don’t respect rights, and all signs suggest this will become even more the case in the years ahead. One example is the ever more complex legal environment that business leaders need to operate in today. As a recent report titled “[Red Flags](#)” by the UK-based International Alert and the Norway-based Fafo notes, business is facing an increasingly complex legal and operational environment globally. The legal liabilities of companies operating overseas are no longer restricted to the

respective domestic laws. Home government laws and laws of third countries may also apply.

At the same time, new international standards are being incorporated into national legislation, and courts are taking a more expansive view of legal responsibility. Essentially, the web of corporate liability is expanding. Not surprisingly, companies face particularly high risk when operating in war zones, or where there is widespread violence—contexts in which human rights abuses are rampant, or where repressive regimes rule. It is true that many companies don’t do business under such conditions, but the legal trends are important and point to the need for corporate leaders to be aware of the growing risks of involvement in rights abuses when operating globally.

What Is Corporate Responsibility for Human Rights?

Companies are increasingly aware that while human rights are primarily the responsibility of states, business is now expected to address human rights, too. In your view, what exactly should be expected from companies today?

John Ruggie, the UN special representative on business and human rights, has made the case—and governments, business representatives, and civil society have agreed—that the baseline responsibility for all companies is to respect all human rights. As John has stressed, that responsibility exists even where laws are absent or not enforced.

Now we’re entering an important phase where all stakeholders need to find common ground on what the corporate responsibility to respect human rights should look like in practice. This needs to apply to firms large and small, wherever they operate. John has proposed that what is needed is a due diligence process, whereby corporations become aware of, prevent, and address adverse human rights impacts on an ongoing

basis. The only reliable way for companies to achieve that is to engage their workers and affected communities in the process.

In your view, what should “due diligence” look like in practice? When would you say a company has met this responsibility?

Companies do understand the concept of due diligence: Lenders, law firms, and investment banks routinely undertake due diligence exercises before major corporate transactions. I would agree with the broad areas John Ruggie has set out in suggesting some of the steps companies should be taking. These include adopting a human rights policy, taking proactive steps to understand how existing and proposed activities may affect human rights, ensuring regular updates on human-rights-relevant performance, and providing for effective grievance mechanisms to address alleged breaches of human rights standards.

Let me briefly explain how my colleagues and I at Realizing Rights have been trying to contribute on some of these.

On the issue of human rights policy statements, over the past year, we’ve been working with the [Business & Human Rights Resource Centre](#) to encourage more companies to adopt such policies. The center tracks those policies that are publicly available. The number is growing, but there still are only about 240 companies on the list. The process of developing and adopting such a policy is the starting point for any due diligence process. So I hope we’ll see a sharp increase in the number of companies that include human rights policies as part of their broader sustainability strategies.

Another project we’re supporting, together with the UN Global Compact and the Global Reporting Initiative (GRI), involves the issue of tracking performance through public reporting—another key aspect of due diligence. Annual sustainability reports are fast becoming a key form of public transparency and accountability for social and environmental performance. Information on human rights is increasingly demanded by investors, consumers, employees, and other stakeholders, but companies aren’t yet providing this systematically. We want to obtain as many commitments from companies to include human rights in their next sustainability reports as we

can over the coming months. This will lead to the development of practical resources to help businesses improve their human rights performance measurement and reporting, including how the GRI’s “G3 Guidelines” can support improved reporting on human rights performance. More information about that project is available at www.globalreporting.org/humanrights.

You have been personally involved in helping protect human rights in conflict zones, such as the Darfur region in the Sudan. With many NGOs and investors calling for divestment from these regions, what do you see as responsible business practice in these situations? Stay in or get out?

I think civil society organizations and investors have rightly stressed that in the worst situations of human suffering—like the ongoing situation in Darfur—there is a need to work toward an agreed set of benchmarks that would inform decisions about possible divestment. I’m aware that a number of efforts are underway to try to find that common ground. Clearly, issues such as the severity of a given conflict and the degree to which company operations are connected to those involved must form part of any decision-making process.

On the other side of this debate, I think there is much more that could be done to harness the collective voice of business. To return to the Darfur example, my view has been that corporate leaders should feel a sense of responsibility to take a public stand and call on the government of Sudan and all governments to fulfill their obligations to address the conflict consistent with UN resolutions. I continue to stand ready to support companies that would be prepared to demonstrate leadership on this critical human rights situation. I know there are many sensitivities involved for companies and a lack of willingness to “go it alone,” but I believe government leaders should be called out by business when their behavior is violating human rights on such a massive scale.

We have seen a number of industries address human rights through voluntary initiatives. What does it take for these initiatives to be credible and effective?

It seems clear that voluntary multi-stakeholder initiatives to address specific challenges are becoming part of the fabric of

21st century governance. I believe improving the governance structures of such initiatives is a key priority. The evidence suggests that most existing initiatives have relatively weak governance structures, which unfortunately may undermine their potential effectiveness and legitimacy. I'm aware that this issue is being increasingly addressed by existing and new initiatives.

For example, in May 2007, the Voluntary Principles on Security and Human Rights took significant steps in improving its governance structure. Membership criteria were adopted that require all involved to publicly promote the principles, proactively communicate publicly on efforts to implement or assist in the implementation of the principles at least annually, and provide timely responses to reasonable requests for information from other participants.

Such straightforward criteria may seem just "common sense." But it hasn't always been agreed that the credibility of such initiatives depends directly on transparency and ongoing reporting, among other governance criteria. There is also still work to be done on issues such as how secretariats for voluntary initiatives should be established and funded, what the implications are for participating companies in terms of their relationships with suppliers, distributors, and subsidiaries, and whether complaints mechanisms should be established. I believe intergovernmental endorsement of governance guidelines for multi-stakeholder initiatives could send an important signal and lead to more legitimate and effective initiatives in the future.

What's Next?

Are human rights, and the business and human rights debate, a Western phenomenon or one of the global North? How are companies in the global South doing on these issues?

It's critical that we remember that the Universal Declaration, and the international human rights system that flowed from it, was never meant to impose a single model of right conduct on governments and societies. Rather, it provides a "common standard of achievement" that must be brought to life in a variety of ways in different countries. No government today ques-

tions the vision or legitimacy of human rights set out in the Universal Declaration. All governments have ratified at least one international human rights treaty. They may challenge specific interpretations or specific issues, but we have in this architecture of human rights a shared set of values that we should be reminding people of every opportunity we can.

My experience engaging with the diverse local networks of the Global Compact in countries around the world tells me there is a real desire to engage on human rights. I see that important actions are being taken by companies from all regions that we all would benefit from knowing more about.

But there is no denying that the human rights and business discussion needs to continue, in particular, between countries and regions. I'm pleased to be serving as the chair of a new organization—the [Institute for Human Rights and Business](#)—which is aiming to play a role in fostering such dialogue over the coming years. We've already convened discussions on some of the most difficult dilemmas facing companies—such as the role of business in ensuring access to water for all and on the issue of a living wage. We're currently preparing a session on the issue of land rights and human rights and the role companies play for good or ill. Such issues, of course, may be different depending on national contexts, but it is vital that good practices and bad are debated and widely shared.

In December 2008, we marked the 60th anniversary of the UDHR. What would you like to have seen from the private sector when we all celebrate the 70th?

Ten years from now, I hope we will have moved beyond the point where human rights are viewed as just philanthropy, or as an afterthought, an extra, or something to be "managed." What I hope for is the emergence of another kind of business leader—one who is able to incorporate human rights and other ethical issues into her or his everyday decision-making. That will not only be good for business, but it also will be a powerful force in realizing all human rights for all. ■

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