

Business and human rights: general support for Guiding Principles meets calls for binding standards

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On [30 and 31 May 2011](#), Mr John Ruggie, the Special Representative of the Secretary-General for Business and Human Rights, presented his final report to the Council during a clustered interactive dialogue with the Special Rapporteurs on the independence of judges and lawyers and on [extrajudicial, summary or arbitrary executions](#). It contains the '[Guiding Principles on Business and Human Rights](#)' intended to 'operationalise' Mr Ruggie's 'Protect, Respect and Remedy' framework, which he had developed in the first three years of his tenure.

The Guiding Principles received overwhelming support by States from all regions (Australia, Algeria, China, Norway, USA, EU, UK, Egypt, Canada, Djibouti, Jordan), but were met with more criticism by NGOs. Several States were also critical, including Nigeria (on behalf of the African Group), Iran and South Africa who in particular pointed out that the transnational character of many businesses was insufficiently captured in the Guiding Principles. South Africa, while welcoming the multi stakeholder approach taken by Mr Ruggie, regretted that the Guiding Principles did not create binding obligations for businesses. It pointed out that transnational corporations are often not fully transparent on the human rights impact of their work. On that basis, it called for a roadmap towards such a legally binding instrument.

On behalf of a coalition of NGOs, the International Commission of Jurists, pointed out that while Mr Ruggie had achieved significant progress, large gaps remained. In particular, it called for better protection for individuals for abusive practices, hold those responsible to account and provide effective remedies to victims. Instead of merely focusing on the Guiding Principles, NGOs called on the Council to use the '[Protect, Respect and Remedy](#)' framework as the starting point for further discussions on business and human rights.

In his answers, Mr Ruggie guarded against the establishment of an intergovernmental process to develop binding international standard for business and human rights. He also cautioned that any monitoring of the implementation of the Guiding Principles would pose significant resource challenges that would go well beyond the current model of special procedures for the monitoring of human rights implementation. He called on States to use the approach that he had developed, rather than question his work and start over. This tension was further exposed during informal negotiations over a draft resolution presented by Norway.

As announced during the interactive dialogue, Norway on behalf of a cross regional group of cosponsors including Argentina, India, Nigeria, and the Russian Federation, has is leading consultations on a resolution replacing the Special Representative of the Secretary-General with a Working Group on the same issue. Despite the general support for the Guiding Principles during the interactive dialogue, the negotiations exposed diverging points of view in relation to the level of recognition the Council should give to the principles. Several States suggested focusing more on the recognition given to the 'Protect, Respect and Remedy' framework, and see the Guiding Principles as a contribution towards better protection against business-related human rights abuses. While States agree that the Guiding Principles are not the end-point of developments in this area, there is significant disagreement about the completeness of the Guiding Principles, or whether a future mandate on business and human rights would also identify gaps in the normative content of the Guiding Principles. Negotiations on this draft resolution will continue, and are likely to remain one of the key debates during the 17th session.