

Do corporations need binding human rights obligations?

By Joanna Kyriakakis, Castan Centre Associate

In June 2011 the Special Representative to the UN Secretary General for Business and Human Rights (SRSG), Mr John Ruggie, will be presenting his Guiding Principles to the UN Human Rights Council. It is a pivotal moment as it marks the end of 6 years of work by the SRSG into how the UN should deal with the challenges around global business and human rights.

The Castan Centre was pleased to recently host a presentation by Vanessa Zimmerman, Legal Advisor to Mr Ruggie, on their work to date and what the future might hold. Reflecting the transnational nature of the subject matter, Ms Zimmerman spoke before an audience of staff and students at Monash University while simultaneously being broadcast live to an audience at the India Institute of Technology in Kharagpur.

Since 2005, the SRSG has undertaken comprehensive consultations with the many stakeholders interested in the role for international law in regulating the human rights dimensions of global business operations. This process has generated sustained reflections on a range of issues at the intersection of business and human rights. Discussions have been on subjects as varied as business in conflict zones, corporate and extraterritorial law, export credit agencies, supply chains, the extractive industries and more.

In recent years the SRSG has been promoting a 'Protect, Respect and Remedy Framework' as the overarching guide for future thinking and action on business and human rights. The three pillars of the Framework refer to the state duty to protect human rights abuses by third parties; the corporate responsibility to respect human rights

through due diligence; and the right of victims of corporate human rights abuses to have access to effective remedies. The Guiding Principles recommend how to operationalise these goals.

The questions generated by Ms Zimmerman's presentation illustrated that the concerns we have in Melbourne on the subject of business and human rights are also at the forefront for scholars in India. Questions from both audiences addressed whether the SRSG's conception of the responsibility of corporations to respect human rights was strong enough to ensure their compliance with human rights. The concern was that without binding legal status they are no stronger than existing voluntary initiatives and do not go far enough to counteract the business pressures that might see corporations cutting corners. Ms Zimmerman pointed out, however, that increasingly studies show that businesses pay for failures in due diligence with respect to human rights and that to ignore human rights hurts their bottom line. Many businesses have taken up the SRSG's Framework in their internal policies and procedures, showing support for the model.

In June 2011, Mr Ruggie will step down due to the term limit given to all UN special representatives. There is, however, much work still to be done. The goal is to ensure ongoing UN attention to this important topic, ideally by expanding beyond the single post of the SRSG, given the many challenges that lie ahead.

Materials about the SRSG, as well as submissions and reports, are available at www.business-humanrights.org/SpecialRepPortal/Home

News from our human rights community: Right Now

In the past ten years, Melbourne has seen a proliferation of organisations dedicated to promoting and protecting human rights. From the Castan Centre to the Human Rights Law Centre and the Human Rights Arts and Film Festival, these organisations have contributed to a vibrant and sustained national conversation on human rights and social justice in many different ways. To this list you can add Right Now, a volunteer, not-for-profit media organisation led by young people.

Right Now was initially established in 2007 by Melbourne University students and provides volunteer opportunities for young people from all backgrounds. The organisation provides forums for diverse voices to be heard through writing, art and radio that broadens the human rights conversation in Australia. In doing so, Right Now moves beyond academic and legal analysis to become more engaging and accessible.

As might be expected, you can find a fascinating range of writing on the Right Now website, addressing both national and international issues, and you can also view some of the wonderful art that has been submitted to the organisation. If listening is more your style, you should tune in to the country's only dedicated human rights radio program, Right Now Radio, which is broadcast every Thursday at 6pm on Melbourne community radio station 3CR (855AM). The show is also streamed through the 3CR website (www.3cr.org.au). Podcasts of the radio show are available for download from our website www.rightnow.org.au.

Right Now is currently accepting submissions for its writing and art programs. For details, contact submissions@rightnow.org.au. The organisation is also looking for volunteers. If you would like to volunteer for Right Now, contact info@rightnow.org.au. Both law and non-law students are welcome.