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978-1-107-09552-6 - The Business and Human Rights Landscape: Moving Forward, Looking Back

Edited by Jena Martin and Karen E. Bravo

Excerpt

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Introduction

More of the Same? Or Introduction of a New Paradigm?

BACKGROUND

From Apple¹ to Nike,² from conflict minerals³ to flowers,⁴ from trafficked workers⁵ to collapsing factories,⁶ global businesses and their impact on human rights give rise to new hot-button discussions. As a result, business and human rights has emerged as a fast-growing discipline, within which academics, practitioners, and civil society are now beginning to discuss the best course of action to minimize the negative impacts that a business may have on human rights.

¹ See, e.g., Green America, China Labor Watch “Two Years of Broken Promises: Investigative Report of Catcher Technology Co. Ltd. (Suqian), an Apple Parts Manufacturer,” Sept. 4, 2014, <http://www.greenamerica.org/PDF/2014-Two-Years-Apple-Broken-Promises-ChinaLaborWatch-GreenAmerica.pdf>.

² See, e.g., Jake Blumgart, ‘Sweatshops Still Make Your Clothes,’ Salon, March 23, 2013, http://www.salon.com/2013/03/21/sweatshops_still_make_your_clothes/. Describes ongoing labor abuse allegations in Nike’s supply chain.

³ See Securities and Exchange Commission, ‘SEC Adopts Rule for Disclosing Use of Conflict Minerals,’ press release, Aug. 22, 2012, http://www.sec.gov/News/PressRelease/Detail/PressRelease/1365171484002#.VE6qg_nF99U; Securities and Exchange Commission, ‘Conflict Minerals,’ SEC Release No. 34-67716, Aug. 22, 2012, <http://www.sec.gov/rules/final/2012/34-67716.pdf>. Securities and Exchange Commission requires issuers to report on conflict minerals in their supply chains.

⁴ See Max Fisher, ‘There’s a 1 in 12 Chance Your V-Day Flowers Were Cut by Child Laborers,’ Atlantic, Feb. 14, 2012, <http://www.theatlantic.com/international/archive/2012/02/theres-a-1-in-12-chance-your-v-day-flowers-were-cut-by-child-laborers/253084/>. Describes labor rights violations, including the extensive use of child labor in Colombia and Ecuador, two major producers of flowers to the North American market.

⁵ See Global Freedom Center, ‘Labor Trafficking in Supply Chains,’ <http://globalfreedomcenter.org/LaborTraffickinginSupplyChains.pdf>.

⁶ See Ashton S. Phillips, Chapter 16 in this volume. Discusses the Rana Plaza Collapse in Bangladesh and offers domestic law tort-based routes as a potential path to remedies.

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As discussed in mainstream media, debates about international human rights have focused on the most explicit and egregious types of violations, such as genocide,⁷ torture,⁸ and mutilations.⁹ This narrow focus has helped corporations distance themselves from their role as facilitators or conspirators in human rights abuses.¹⁰ Further, an ongoing lack of consensus regarding the subject areas, actors, and activities that fall within the scope of *business and human rights* continues to be a significant impediment to the accountability of actors responsible for human rights abuses.

The contributions from this edited volume are a product of the September 2013 conference *Business and Human Rights: Moving Forward, Looking Back* held at West Virginia University College of Law and co-organized by the editors of this volume. The conference examined the United Nations' recent work on business and human rights issues, an area that has grown substantially in the last ten years. The organizers and participants used the United Nations' establishment of a Working Group on Business and Human Rights and its adoption of the Guiding Principles for Business and Human Rights as a focal point for discussing the roles that corporations, civil society, and states have played, are currently playing, and can play in the future in advancing the cause of human rights.

SOME HISTORY

In 2003, in the context of growing awareness of the impact of corporate activities on human rights in their fields of operations, the United Nations Human Rights subcommittee circulated an instrument that attempted to impose liability on corporate actors for the human rights breaches for which they were responsible.¹¹

⁷ See, e.g., Rebecca Berg, 'Foreign Policy Experts Discuss Ways to Avert Future Genocides,' New York Times, July 24, 2012, http://www.nytimes.com/2012/07/25/world/clinton-and-other-experts-discuss-ways-to-avert-genocide.html?_r=0.

⁸ See, e.g., Jack Linshi, 'Chinese Companies Profiting From Exporting "Tools of Torture"', Report Says,' Time, Sept. 23, 2014, <http://time.com/3423817/china-torture/>. Describes the 2014 report issued by Omega Research Foundation and Amnesty International, 'China's Trade in Tools of Torture and Repression,' <http://www.amnesty.org/en/library/asset/ASA17/042/2014/en/7dcccc64-15c2-423a-93dd-2841687f6655/asa170422014en.pdf>.

⁹ Ari Shapiro, 'Movement Against Female Genital Mutilation Gains Spotlight in U.K.,' National Public Radio, Oct. 1, 2014, <http://www.npr.org/blogs/parallels/2014/10/01/351756117/movement-against-female-genital-mutilation-gains-spotlight-in-u-k>.

¹⁰ See Jena Martin Amerson, 'What's in a Name? Transnational Corporations as Bystanders Under International Law' (2011) 85 *St. John's Law Review* 1–7. Describes methods and theoretical framework used by corporations to distance themselves from potential liability for human rights abuses.

¹¹ See United Nations Sub-Commission on the Promotion and Protection of Human Rights, 'Draft Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights,' E/CN.4/Sub.2/2003/12, 2003, <http://www1.umn.edu/humanrts/business/NormsApril2003.html>.

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The Draft Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights was not well received.¹² Instead, both state and corporate actors viewed the Draft Norms and its attempt to hold corporate entities internationally liable for human rights abuses as a step too far from long-standing norms and doctrines of international law.¹³ The Draft Norms met with a combination of full-throated objection and silent rejection.¹⁴

In 2005, UN Secretary-General Kofi Annan appointed a Harvard professor, John Ruggie, as UN Special Representative to the Secretary-General (SRSG) for Business and Human Rights.¹⁵ Ruggie served for six years in that capacity. (His initial two-year term was renewed twice.) During his time as Special Representative, Ruggie led an exhaustive process of research and consultation into the subject of business and human rights.¹⁶

In 2008, he produced a three-pillar Protect-Respect-Remedy Framework (the “Framework”), which was adopted by the UN Human Rights Council.¹⁷ The goal of the Framework was to assist all stakeholders in understanding and addressing their roles in the context of business and human rights. The three pillars – a State’s duty to protect, a Corporation’s duty to respect, and the role of both in remedying human rights violations should they occur – provide conceptual guidance with respect to the intersection between business and human rights.¹⁸

The Guiding Principles produced by SRSG Ruggie, following an extensive multiyear global research and consultation process, further developed the field of business and human rights. On June 16, 2011, the United Nations Human Rights Council endorsed the Guiding Principles to serve to operationalize the three-pillar Framework.¹⁹ The UN resolution marks the first time that the idea of corporate responsibility for human rights impacts has been explicitly endorsed by the United Nations.

¹² See Jena Martin Amerson, “‘The End of the Beginning?’: A Comprehensive Look at the U.N.’s Business and Human Rights Agenda from a Bystander Perspective” (2012) 17 *Fordham Journal of Corporate and Financial Law* 902–06.

¹³ *Ibid.*, 902–06.

¹⁴ *Ibid.*

¹⁵ United Nations Secretary-General, ‘Secretary-General Appoints John Ruggie of United States Special Representative on Issue of Human Rights, Transnational Corporations, Other Business Enterprises,’ press release, July 28, 2005, <http://www.un.org/press/en/2005/sga934.doc.htm>.

¹⁶ Amerson, ‘The End of the Beginning,’ 914–17.

¹⁷ United Nations Human Rights Council (UNHRC), ‘Protect, Respect and Remedy: A Framework for Business and Human Rights: Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, John Ruggie,’ A/HRC/8/5, 7 April 2008, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/128/61/PDF/G0812861.pdf?OpenElement>.

¹⁸ *Ibid.*

¹⁹ United Nations Office of the High Commissioner for Human Rights (OHCHR), ‘Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’

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Together, these two documents – the Guiding Principles and the Framework – effectively created the first UN-approved global standards that can be used to “prevent and address the risk of adverse impacts on human rights that are linked to business activity.”²⁰ Simultaneously with the endorsement of the Guiding Principles, the UN Human Rights Council approved the formation of a Working Group on Business and Human Rights. The ultimate goal of this “working group” (composed of five independent experts) is, in pertinent part:

- (a) To promote the effective and comprehensive dissemination and implementation of the Guiding Principles ...;
- (b) To identify, exchange and promote good practices and lessons learned on the implementation of the Guiding Principles and to assess and make recommendations thereon and, in that context, to seek and receive information from all relevant sources, including Governments, transnational corporations and other business enterprises, national human rights institutions, civil society and rights-holders;
- (c) To provide support for efforts to promote capacity-building and the use of the Guiding Principles, as well as, upon request, to provide advice and recommendations regarding the development of domestic legislation and policies relating to business and human rights.²¹

As a result of these and other changes that have occurred in the international arena, “business and human rights” has emerged as a potential paradigm shift for how we understand businesses’ role in negative (and positive) human rights impacts.

One may wonder why the United Nations is now taking such a systemic look at businesses’ role in international human rights when, traditionally, human rights treaties were focused almost exclusively on state behavior, public international law has focused on state behavior, and the concept of corporations bearing legal responsibility for human rights abuses has emerged only relatively recently in the international arena.²² The answer, in a word, is globalization. With the deepening and broadening of global interdependence, many communities have experienced human rights impacts, both intended and unintended, negative and positive.

Framework,’ UN Doc. HR/PUB/11/04, 2011, paras. 25–31, http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf.

²⁰ United Nations Office of the High Commissioner for Human Rights (OHCHR), ‘Call for Input: Report on Business and Human Rights and the UN System,’ 2012, <http://www.ohchr.org/EN/Issues/Business/Pages/CallforinputreportonbusinessandHRandtheUNsystem.aspx>.

²¹ See United Nations Office of the High Commissioner for Human Rights (OHCHR), ‘Working Group on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises,’ <http://www.ohchr.org/EN/Issues/Business/Pages/WGHRandtransnationalcorporationsandotherbusiness.aspx>.

²² See Amerson, ‘The End of the Beginning,’ 887–921.

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Moreover, within the past several years, those consequences have come to the forefront of the international spotlight.

Globalization has drastically transformed the world in which we live. Globalization presents complex and unique challenges for defending and protecting human rights around the world. In the last three or four decades, the number of businesses that operate in several different states has grown dramatically.²³ This, in turn, increases access that many previously impoverished countries now have to economic opportunities for development, for enhanced resources, and for an improved standard of living.²⁴ Nonetheless, this opportunity comes at a cost. Every new operation in which a company engages, particularly in a country where there is little infrastructure (both physical and regulatory) to handle it, also provides a potential opportunity to ignore – or worse, exploit – financial and regulatory gaps in the legal system to expand a business’s profit margin. It is undoubtedly true that XYZ Corporation can save hundreds of millions of dollars each year if it pays its workers only twenty cents an hour and ignores safety concerns in its facility. It is also undoubtedly true that doing so almost certainly will have a direct and negative impact on an individual’s and a community’s human rights.

Under the contemporary international law framework, it is, theoretically, States who hold the primary responsibility for developing accountability mechanisms under national law to establish liability for corporations that choose not to abide by its laws. However, as a result of the current power disparity between many developing States and transnational corporations, States are not always the preeminent actors in the international arena, particularly in “weak governance zones” (i.e., those States where the regulatory and legal structure is weak).²⁵ The legal power that a State could theoretically exert under those circumstances (but either cannot or will not) provides small comfort for affected communities.

At the present time, there are very few effective remedies for providing redress to citizens who, directly and indirectly, bear the impact of human rights violations that arise from a corporation’s operations and relationships. Even the Guiding Principles, for example, do not establish a legal responsibility or accountability mechanism for corporations under international law. In fact, it is explicit on this point. (While the

²³ See Monika Wyrzykowska, ‘Role of Transnational Corporations in International Trade,’ p. 2, <http://www.etsg.org/ETSG2010/papers/Wyrzykowska.pdf>.

²⁴ See Joseph E. Stiglitz, *Making Globalization Work* (New York: W.W. Norton and Company, 2006), pp. 25–44.

²⁵ See, e.g., International Organisation of Employers (IOE), ‘Business and Human Rights: The Role of Business in Weak Governance Zones,’ Dec. 2006, <http://www.reports-and-materials.org/sites/default/files/reports-and-materials/Role-of-Business-in-Weak-Governance-Zones-Dec-2006.pdf>. The paper was submitted to Special Representative Ruggie by International Organisation of Employers in collaboration with the International Chamber of Commerce and Business and Industry Advisory Committee (BIAC).

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corporate entities have a responsibility to respect human rights, it is the state actor that has the legal duty to protect its citizens from negative human rights impacts.)

Moreover, the Guiding Principles provide no specific incentive for companies to comply. While many corporations do in fact support the Guiding Principles, and many see the reputational enhancement as an incentive for offering their support, there is no external penalty or added profit under international law for those that do. In addition, the Guiding Principles' source document, the Framework, was also very clear that its purpose was not to develop an accountability mechanism for corporations under international law.²⁶ One significant reason is that both the Framework and the Guiding Principles make clear that the legal duty to prevent and protect citizens from human rights abuses rest firmly with the States.²⁷

Many companies choose to abide by voluntary codes and initiatives for the protection of human rights.²⁸ There are many standards from which to choose: the UN's Global Compact Office has provided ten principles that companies may choose to follow and, in return, be listed as a partner with the Global Compact Office; the Organisation for Economic Co-operation and Development has established guidelines for multinational corporations that provide "recommendations for responsible business conduct consistent with applicable laws and internationally recognized standards."²⁹ In its 2011 update, the Guidelines for the first time included a section that specifically addressed businesses' role within the context of human rights.³⁰ These standards and others have helped to some degree in abating concerns over businesses' response to human rights issues and impacts.³¹

²⁶ United Nations Human Rights Council 'Protect, Respect and Remedy,' paras. 1–26. Focused on delineating the varying responsibilities of states and corporations rather than an accountability mechanism.

²⁷ Ibid., paras. 27–50.

²⁸ For instance, the UN's Global Compact Office, the point of contact for a strategic policy initiative for businesses committed to aligning their operations with ten specified principles aimed at protecting human rights, currently lists more than 12,000 participants. See United Nations Global Compact, 'UN Global Compact Participants,' last updated June 24, 2014, <https://www.unglobalcompact.org/ParticipantsAndStakeholders/index.html>.

²⁹ See Organisation for Economic Co-operation and Development (OECD), 'OECD Guidelines for Multinational Enterprises,' 2011 edition, p. 13, <http://www.oecd.org/corporate/mne/48004323.pdf>.

³⁰ Ibid., pp. 31–34, <http://mneguidelines.oecd.org/2011HumanRights.pdf>.

³¹ See Stephanie Lomax, 'Why IOCs Are Paying Attention to Soft Law on Human Rights,' Lexology, June 6, 2013, <http://www.lexology.com/library/detail.aspx?g=od6bc8d2-b5dc-4724-af30-e2bac8dae17c>. Addressed to businesses and their legal counsel, the article evaluates the real-world effects of soft law on business and human rights and advises the adoption of approaches for the implementation of mechanisms to fulfill the soft law obligations. In similar vein, see Sarah A. Altschuller, "Hardening" Soft Law and Human Rights Expectations for Financial Institutions,' *Corporate Social Responsibility and the Law* (blog), Oct. 31, 2013, <http://www.csrandthelaw.com/2013/10/31/hardening-soft-law-and-human-rights-expectations-for-financial-institutions/>. The law firm blog post discusses the increasing impact of business and human rights soft law obligations on financial clients.

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States also have an important role to play. If states are not active, the standards will not translate into meaningful national law and policies. Because the state has a vested interest in its citizens, it should strive to secure and guarantee employment opportunities for all its nationals, as well as strive to recruit new and better industries to improve the quality of life in the nation. It is also ultimately the state's duty to protect all of its citizens from harm, including human rights violations by corporations within its borders. However, many states around the world fail to do this,³² while many others succeed only minimally.³³ Instead, some states offer incentives for corporations that encourage a race to the bottom, whereby states that are competing with each other for a business's operations will provide perverse incentives that may help corporate profitability but at the risk of its citizens' health or safety.³⁴

Although the efforts of corporations and states to remedy these situations have been improving over the past several years,³⁵ the issues still appear to be intractable. By adopting policies, participating in voluntary initiatives, and recognizing the responsibility to respect and protect human rights, corporations and states are making progress. However, more work remains. The need for more transparency, better remedies for the victims of human rights abuses, and more accountability within the system continues to be evident.³⁶ Implementation of the Guiding Principles can only be successful as a collective approach by the state, the United Nations, academics, civil society, and the companies for which the policies exist. In light of the rise of globalization, it is crucial to focus on businesses' role and to solicit participation from industry, academics, and practitioners in developing a human rights framework that encompasses industry standards for industry practices. By examining the principles that have guided human rights advocates with respect to business in the past, business, civil society, international organizations, and academics can provide crucial context and perspective for developing an effective

³² For example, regulatory failures by the Bangladeshi government contribute to the labor rights abuses suffered by its citizens employed in the garment industry. See Alyssa Ayres, 'Has Bangladesh Learned Lessons from Rana Plaza Tragedy,' CNN World, April 24, 2014, <http://globalpublicsquare.blogs.cnn.com/2014/04/24/has-bangladesh-learned-lessons-from-rana-plaza-tragedy/>.

³³ See International Organisation of Employers, 'Business and Human Rights,' pp. 3–4. The report designates "weak governance zones" as "states, as well as regions or sub-regions within states, in which governments cannot or will not assume their roles in protecting rights – including human rights." *Ibid.*, p. 3.

³⁴ The "race to the bottom" hypothesis describes regulatory competition among states or among units in a federal system, pursuant to which the governments will adopt lower standards in order to attract foreign investment. The term is frequently used in the context of labor standards and environmental standards. See, e.g., Joseph E. Stiglitz and Andrew Charlton, *Fair Trade for All: How Trade Can Promote Development* (Oxford: Oxford University Press, 2005), p. 150.

³⁵ See Marcia L. Narine, Chapter 8 in this volume. Discusses soft-law efforts of corporations and states.

³⁶ See Larry Catá Backer, Nabih Haddad, Tomonori Teraoka, and Keren Wang, Chapter 9 in this volume; Meredith R. Miller, Chapter 15 in this volume.

framework – looking at what has and has not worked. It is with this goal in mind that we assembled the conference.

THE WEST VIRGINIA CONFERENCE

The conference is among the first of its kind in the United States.³⁷ Conference organizers sought to bring together stakeholders from all aspects of the business and human rights debates. Sessions included special discussion groups where experts from a disparate number of fields, such as labor, trade, investment, and corporate social responsibility, met with the purpose of spotlighting the impacts of the business and human rights agenda on a variety of disciplines.

The conference was broadly organized according to the following principles: The History of Business and Human Rights – examining the history of business and human rights as a precursor to the work in its present form; The Framework – examining what principles or philosophies should be used to guide the business and human rights agenda; and Implementation – a discussion of best practices for implementing the Guiding Principles.

THEMES DISCUSSED AT CONFERENCE

The themes and issues discussed covered the gamut of topics raised in the area of business and human rights. They included:

1. What philosophies, themes, and norms are afoot in the business and human rights framework; the potential evolution from soft-law instruments to customary law as a way of moving this framework forward; and the challenges of implementation and enforcement in implementing and enforcing it.
2. Whether the interpretation of such norms as exist in the field follow a “command and control” structure or whether the interpretation and drive to implementation is participatory and open to all stakeholders. That is, many conference participants challenged the extant state-centered versus empowerment approach, advocating for a greater role for civil society in

³⁷ Note, however, that a multidisciplinary conversation on the subject was held at Harvard University in 1997. ‘Business and Human Rights: An Interdisciplinary Discussion Held at Harvard Law School in December 1997,’ Harvard Law School Human Rights Program, Harvard Law School (1997), <http://hrp.law.harvard.edu/wp-content/uploads/2013/08/BusinessandHumanRights.pdf>; and a 2012 symposium was held at the University of South Carolina School of Law. ‘International Human Rights and the Rule of Law: The Impact on Global Business,’ South Carolina Journal of International Law and Business 2012 Symposium, University of South Carolina School of Law (2012), <http://scjilb.org/symposium/2012/>. In addition, beginning in 2011, an annual workshop on teaching business and human rights has convened at Columbia Law School.

exploring and forming the standards/norms. Participants acknowledged the difficult question of whether international law can be made enforceable without participation and express consent of state actors, while at the same time acknowledging the participation by the non-state actors.

3. The legal personality of corporate entities: that is, their status as persons under the domestic laws of individual states, combined with the entities' lack of international legal personhood. Participants conducted a rich discussion on the effect of these lacunae on the possibilities of holding such actors internationally liable for the human rights impacts of their activities outside their home states. Among the questions addressed was whether international law should embrace pragmatism and recognition of the real-world power disparities among powerful transnational corporations and weak states as opposed to the positivist law position, which, thus far, does not recognize the international legal personhood of corporate entities. This inquiry is echoed in the work of Erika R. George in Chapter 2, where she traces the evolution of the corporate actor from charter company under the direct control and for the benefit of imperial states to the current profit-seeking private multinational corporate actor.

Both the discussion at the conference and George's contribution in this volume raise the question, explored by Professor Anthony Anghie,³⁸ of the ways in which international law concepts and doctrines were developed so as to facilitate European states' exploration and domination, through colonization, of the rest of the world. The triumph of positivism over natural law concepts and the contemporary difficulties in holding corporate actors internationally liable exemplify the legacies of the colonial encounter.

4. The conference also addressed the question of the credibility of the United Nations' business and human rights project. In particular, the participants debated the status of the Framework and Guidelines, and their evolving significance and (legal) impact, that is, the debate regarding the status and effectiveness of hard and soft law in international law. What are the legitimacy, sources, uses, and effectiveness of soft law? What can/does soft law provide that "conventional international law" does not? Participants also debated whether the Guiding Principles are a different type of soft law. In that regard, in Chapter 5, George G. Brenkert challenged the Guidelines for, in his view, a lack of specificity and insufficient moral basis that hobbles businesses' ability to operationalize such obligations as they espouse.
5. Participants debated the inadequacy of the international human rights construct. That is, challenges were posed to the preeminence of the

³⁸ See Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* (Cambridge: Cambridge University Press, 2005).

state-centered structure of conventional international law. Among the questions posited was: Are the human rights systems that we have created merely a recreation of the subordination structure previously created by international law (e.g., corporations as objects, not subjects, having no international law obligation, thus escaping liability), so that actors will perennially be able to escape such liability? This earlier discussion is expanded in Chapter 9 by Backer and colleagues, which argues that knowledge empowerment at all levels is needed in a way that goes beyond the current state-centered model.

6. Participants also discussed the scope of the relationship between businesses and human rights, as well as the act/non-act dichotomy. That is, what liability should accrue from a failure to act, as opposed to active participation in activities that result in human rights violations? Participants posited that it is essential to identify and provide guidance pursuant to this distinction, as the dichotomy provides essential pathways to ethical reasoning on the responsibility of business actors. A few of our contributors, notably Ashton S. Phillips (Chapter 16) and Blair E. Kanis (Chapter 14), have examined this dichotomy in different legal settings, offering new ways (in U.S. tort and contract law, respectively) to look at this issue.
7. A key theme of the conference was the resort to private ordering (domestic law – torts and contracts; codes of conduct; individual and group action by companies) as an alternative to the uncertainty created by the foundational doctrines and structures of international law. That private ordering encompasses the preventative, such as codes of conduct, whether adopted by individual businesses or created by industry groups, and the remedial such as the use of domestic tort law litigation to provide remedies to those whose human rights have been damaged by business activities.
8. One aspect of the resort to private ordering is the role of the consumer in providing a business case for businesses’ adherence to human rights obligations. Participants discussed the scope of consumer power and whether it can play a long-term effective role in incentivizing businesses to adhere to their obligations. Marcia L. Narine in Chapter 8 and Meredith R. Miller in Chapter 15 challenge the assumption that consumers will play a key role in that private ordering. Narine points to studies that indicate that, despite expressions of outrage, consumer spending does not react strongly to allegations of rights violations by businesses.
9. Participants noted that they, in the conference discussions, had tended to focus on civil and political rights, almost to the exclusion of economic, social, and cultural rights. They queried whether it is easier for conference participants meeting in the United States to distinguish and to enforce those rights as opposed to seemingly non-U.S.-prioritized rights such as the rights to food or housing.