

Human Rights: A Global Perspective
UN Global Compact U.S. Network Meeting
“Business and Human Rights”
28 April 2008, Harvard Business School

Remarks by Mary Robinson

It is always a pleasure to return to Harvard and it is an honor to take part in this meeting of the UN Global Compact U.S. Network. Thanks to everyone involved for making today's event possible.

I am especially pleased that your network has chosen to focus its first meeting of 2008 on the subject of business and human rights. I believe we have an opportunity this year – as we mark the 60th anniversary of the Universal Declaration of Human Rights – to reassert the central importance of these standards in achieving a more just and sustainable future. That future can only come about through greater adherence to the rule of law within and between nations, through more effective and democratic states, and through wider participation by all sectors – including civil society and the private sector – in meeting shared responsibilities and holding governments to account for their obligations.

Tragically, as we all know, human rights have been marginalized and in some cases undermined in recent years due in significant part to national and global responses to the terrorist attacks on this country of 9/11 2001. But this can be the year in which the human rights message is reclaimed and reinvigorated. I can think of no better way of doing so than by reminding the world again of the Universal Declaration's vision of rights and responsibilities as a “common standard of achievement” for all peoples and all nations.

I've been asked to help set the scene for our discussions today. I'll try to do so first by providing a brief overview of the global human rights landscape as I see it. Then, by reflecting on how the private sector generally, and the growing number of companies which have made a commitment to promoting greater respect for human rights, like all of you through your commitment to the Global Compact principles, can make a real difference in the months and years ahead.

Let's take a moment to recall the world of 1948, the year the Universal Declaration came into being. Nations were emerging from a devastating world war, from the Holocaust, and the first use of nuclear weapons against civilians. The Cold War had begun. People were searching for common threads that would bind nations together and increase human security for all.

Into that space came a small group of men and women from different backgrounds, cultures and faiths, led by a remarkable American woman, Eleanor Roosevelt. Their mandate, as part of the new UN Commission on Human Rights, was to craft the first international articulation of the rights and freedoms of all of humanity. The result of their efforts - the Universal Declaration of Human Rights - offered a vision of a shared humanity and of shared responsibilities to each other no matter what part of the globe we inhabit, no matter our color, religion, sex, or livelihood. Sixty years later, the Declaration – and its careful balance of individual freedoms, social protection,

economic opportunity and duties to community – is the one international human rights instrument which all governments have repeatedly affirmed, most recently at the 2005 UN World Summit.

One of the most under-appreciated parts of the human rights story of the past six decades is the extent to which this single text has exerted a moral, political and legal influence around the world. The Universal Declaration has been a primary source of inspiration for all post-war international legislation in the field of human rights. Its provisions have served as a model for many domestic constitutions and laws, regulations and policies that protect human rights. Most importantly, the Declaration has been a beacon of hope for millions during long years of oppression.

But this positive assessment obviously needs to be tempered. As the International Council on Human Rights Policy, one of the partner organizations in the work I now lead at Realizing Rights, has stated in a recent publication:

As their standing and influence have increased, human rights have also been more actively contested, by more powerful actors. Where formerly they were tolerated because considered marginal...the frequent references made to human rights in the context of North-South relations, and most recently the force of human rights legal criticisms of the conduct of the ‘war on terror’ have caused many governments to want to restrict or reverse the application of human rights. Criticism of human rights has become more widespread and explicit, especially in wealthier countries. Opposition and influence have risen together, creating a degree of disorientation.

We know as well that despite the development of international human rights law over the past 60 years, massive rights violations continue today. Having law on the books hasn’t resulted in universal human rights protection. Genocide is happening again. Widespread discrimination against women and minorities takes place around the globe. Basic standards for work are ignored. Poverty is trapping many millions in lives of despair.

So what are the lessons to be learned for future efforts to protect human rights and what does it all mean for companies?

A first lesson – perhaps an obvious but often unstated truth, is that because in large areas of the world, great numbers of people remain poor and their governments lack resources as well, as a result they look primarily to their own local communities for support and assistance. In essence they cannot claim their rights as envisioned under human rights instruments. Think of this in the context of work. The vast majority of the world’s workers – including the poorest - those most in need of protection - are in the informal sector. This creates an acute practical challenge for governments.

To create conditions in which the human rights of very poor or marginalized communities can be protected, governments will need to find new ways of reaching into and serving such communities, and human rights organizations will need to find new ways of winning their trust. In my view, these things can probably only be done by building alliances with organizations that have a long-term presence in such communities – religious organizations, community groups, development NGOs and others.

Interestingly, women have given a lead here. Earlier this month in Washington, DC, the *Women, Faith and Development Summit to End Global Poverty* launched a multi-year advocacy and action campaign to increase investments in women's and girls' empowerment worldwide. You can learn more about how these communities are joining forces at www.wfd-alliance.org.

The struggle for human rights is inevitably a struggle for power, and one that is generally tied to resources. Policies and programs that address economic and social inequalities are a necessary underpinning for promotion of all human rights. Thus, finding ways of protecting the rights of, and empowering, the most marginalized is in my view one of the key challenges for the future.

Over the past year I have served on the Commission for the Legal Empowerment of the Poor, chaired by Hernando de Soto and Madeline Albright, and soon we will issue our final report. Our Commission has emphasized the important role of access to justice and the rule of law in guaranteeing all other rights. Empowering those living in poverty is a challenge we all must face if we hope to create more inclusive, prosperous and fairer societies.

This leads to **a second lesson and challenge** – more must be done to support developing countries in building their own national protection systems for human rights. By national protection systems, I mean the institutional arrangements that function under the national constitutional and legal order to ensure that human rights - based on the international commitments of the State - are protected. That includes the courts, the legislature, as well as national human rights institutions or human rights commissions. It also includes health and education systems and other public services. This must be complemented by space for civil society and human rights defenders, and support for their relationship with the formal system of promoting and protecting human rights.

Human rights cannot be realized in the absence of effective and accountable institutions. Where courts are corrupt, over-burdened and inefficient, basic civil rights will be violated. Where social ministries are under-resourced, disempowered or lack qualified staff, basic rights to adequate health care, education and housing will remain unfulfilled. Institution building and reform is neither easy nor particularly newsworthy – it is, however, essential.

Support for capacity building brings me to a **third challenge** – defining international obligations more concretely. There has been growing acceptance in recent decades of the need to create forms of legitimate supra-national authority because action taken only at national level will not solve many of the world's complex problems. We know many such problems - including climate change; trade imbalances; the spread of pandemics and new diseases; the illegal trade in weapons and indeed - people; regulation and monitoring of nuclear technology – among others.

In all these cases, international coordination and collective action are required if we hope to see positive change. Yet the reality is that today states are largely unable to achieve effective cooperation except in circumstances where short term national interests are evident. This weakness can also be seen in human rights law, which has not yet evolved to deal with the transnational responsibilities of states.

Consider the urgent human rights dilemmas posed by climate change. Few dispute that climate change is likely to undermine the realization of a broad range of internationally protected human rights: rights to health and even life; rights to food, water, shelter and property; the rights of indigenous and traditional peoples; rights associated with livelihood and culture; with migration and resettlement; and with personal security in the event of conflict.

The most dramatic impacts of climate change will likely occur – and are already being experienced - in the world's poorest countries, where rights protections are often weak. Populations whose rights are poorly protected are less equipped to know about or prepare for climate change effects or to be able to lobby effectively for government or international action. Responsibility for impacts in the most vulnerable countries often lies not with the government nearest to hand, but with diffuse actors, both public and private, many of whom are located far away. Human rights law does not easily reach across international borders to impose obligations in matters such as these.

Although human rights advocates and international legal bodies are increasingly interested in so-called 'extraterritorial' obligations, new norms and agreed practice in this area won't emerge rapidly. Over the short term, the 'delivery gap' between the felt need for effective international action on global issues, and the ability to deliver action, will in all likelihood widen with increasingly harmful effects on individuals and communities, and on the political credibility of governments.

The absence of effective international governance has led to an increasing focus on the human rights responsibilities of non-state actors – the corporate sector being front and center in this debate given its power and influence in today's world. Defining the nature and scope of corporate responsibilities more precisely is a **fourth challenge** I see for the years ahead.

We all know that numerous factors lie behind the greater business emphasis on human rights: strong ethical convictions of some leading executives; calculation of reputational risk; the impact of public opinion; the behavior of peers and competitors; staff loyalty and performance and new international policies. There is also recognition from corporate leaders that a stable, rule-based society is essential to the smooth running of a business. Companies need assurance that their contracts will be enforced in a court of law and that their property and investment will be protected.

Thanks to initiatives like the Global Compact, more companies have come to see that upholding human rights principles consistently throughout their operations helps contribute to the development of effective legal systems. In addition, by speaking out for and supporting the rule of law companies can help to create fertile ground in which human rights can flourish.

I was pleased to see that in just the past month new Global Compact networks have been established at the regional level for countries of the Gulf Cooperation Council and at national level in Russia. These developments are important indicators of business community commitment to human rights, labor and environmental standards and the fight against corruption.

But the more deeply we engage in these issues, the more we realize how much work remains. For example, voluntary initiatives on corporate responsibility like the Global

Compact, which have expanded enormously in recent years, have not yet engaged many state-owned enterprises from emerging market economies which are fast becoming important players on the global stage. At the same time, multi-stakeholder efforts which seek to clarify corporate responsibilities on a range of thematic issues – such as labor rights violations, threats to personal security and freedom of expression, among others – have generally not developed adequate reporting and accountability practices to ensure their legitimacy among stakeholders and the public. These are enormous challenges still to be addressed.

Equally important, the effort needed to integrate human rights values into corporate culture obviously requires substantial resources for training programs and continuous improvement. Sending the message to employees that the company believes in the broad human rights agenda and that this should be a key part of business decisions at every level is much easier said than done.

Prof. John Ruggie, in his role as UN Special Representative of the Secretary General on business and human rights, has made a vital contribution over the past three years in making the case that all corporations have a responsibility to respect human rights. In his most recent report, he has suggested that this responsibility should be realized through a number of actions including:

- 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 impact and performance
- providing for effective grievance mechanisms to address alleged breaches of human rights standards.

The policy framework John Ruggie has put forward is threefold: to Protect, Respect and Remedy. It involves the state obligation to protect against human rights abuses committed by corporate actors, the corporate responsibility to respect all human rights, and the need for effective remedies. I hope we will be able to reflect further on this framework during our discussions today.

John's analysis of the concept of "sphere of influence" is also important. He concludes that sphere of influence, originally introduced within the framework of the Global Compact, remains a useful metaphor for companies in thinking about their human rights impacts beyond the workplace and in identifying opportunities to support human rights. But he points out that the concept embraces two meanings of "influence". One concerns impact - how a company's activities or relationships may cause human rights harm. The other involves leverage – how a company may be able to work individually or with others to help achieve a positive result in support of human rights.

Let's consider the issue of leverage in the context of perhaps the most urgent human rights crisis today – the situation in Darfur. The Global Compact has made efforts to engage companies and other stakeholders in dialogue and action to contribute to peace, development and respect for human rights in Sudan and the Darfur region. But what more could companies do now?

Let me propose one area for further discussion. How might the collective voice of Global Compact participants be empowered to take a public stand and call on the

government of Sudan and all governments to fulfill their obligations to address the conflict as established in UN resolutions? In my role as a member of the Global Compact Board, and as Chair of the newly formed GC Human Rights Working Group, I stand ready to support Global Compact companies who would be prepared to demonstrate leadership on this critical human rights situation.

Finally, let me turn briefly to a **fifth challenge**. It concerns the role of employment and wealth creation in contributing to the realization of a range of human rights. Human rights advocates have said too little about this subject to date. Valuable work has been done to bring a human rights perspective to budget analysis and to aid allocations, for example. But new forms of human rights analysis on employment, economic activity and equity – and closer cooperation with organizations that specialize in these areas, such as trades unions and companies – will be required in the years ahead.

How do we increase power in markets for the poor? If their main asset is labor, how must we support them through legislation on decent work – which includes not only avoiding child labor and forced labor, but also creating ‘just and favorable conditions of work’, and ‘just and favorable remuneration’ that ensures an existence worthy of human dignity as the UDHR puts it? How do we reassert the importance of freedom of association and collective bargaining, which were so instrumental in the development of broad-based growth in the US and Europe, but which are under attack today?

We at Realizing Rights are supporting the efforts of the International Labor Organization and the growing number of civil society actors who are rallying around the concept of “decent work”. We believe the wider human rights activist community has an important role to play in thinking with private sector leaders about the challenges of generating decent employment opportunities for the future that also contribute to sustainable development. For example, some major companies have been prepared to examine their whole value chain in a developing country context to see in what ways they could change their local purchasing or distribution to create more local sustainable jobs. I hope we can develop such approaches further in the time ahead.

Conclusion

I conclude by returning to the opportunity presented by the 60th anniversary of the Universal Declaration this year. Over the coming months, civil society organizations, governments, universities, faith-based groups, companies and others around the world have an opportunity to reaffirm the importance of human rights as our common birthright and help set a positive agenda for human rights for the 21st century.

The Elders – the group of leaders brought together last year by Nelson Mandela - of which I am proud to be a member – have launched the Every Human Has Rights campaign. It calls on all of us to make a personal pledge to live by the principles of the Universal Declaration. I encourage you all to learn more about the campaign and get personally involved by visiting – www.everyhumanhasrights.org.

We are working with a range of partners to help reaffirm and reclaim the importance of the commitments and obligations in the Universal Declaration. Throughout 2008 we are marking particular themes, including the theme of decent work in September. The Global Compact Human Rights Working Group has encouraged all Global Compact

companies to use the occasion of the 60th anniversary to make human rights commitments as part of your wider corporate responsibility efforts. A letter from Global Compact director Georg Kell and High Commissioner for Human Rights Louise Arbour is being sent today to remind companies about this opportunity. I hope you will join us.

It seems clear that demands on companies to demonstrate responsible behavior will only increase in the years to come. I believe business managers who view human rights and other social issues as just philanthropy, or as an afterthought, an extra, will face a growing number of risks. But I am hopeful that we will increasingly see the emergence of another kind of manager – one who is able to incorporate human rights and other ethical issues into her decision-making. That will not only be good for business, but it will also be a powerful force in realizing all human rights for all.

Thank you.