Human Rights, Business and Environment

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Context Setting

• The Universal Declaration of Human Rights (UDHR) was proclaimed by the United Nations General Assembly in Paris on 10 December 1948. Later, Stockholm Convention paved way for the deliberations on environment and human rights.

• Subsequent to UDHR, there were two other key initiatives:
  • International Covenant on Civil and Political Rights (ICCPR) -1966.

• These were followed by regional initiatives such as
Human Rights, Business and Environment

• There is an intricate relationship between all the three issues which constitute the core values of responsible business.

• The very first initiative for a more objective approach on human rights and environment evolved from the Stockholm Declaration on the Human Environment (1972).

• The 2005 report of the UN Secretary General noted that the connections between environmental protection and human rights became more regularly visited after the 2002 World Summit on Sustainable Development.
The United Nations Guiding Principles on Business and Human Rights (2011)

- This is the **first global standard in the realm of business and human rights**. It still remains as the internationally accepted instrument for addressing the human rights issues arising from businesses.

- The Guidelines (UNGP) has identified **3 theoretical approaches** to the relationship between human rights and the environment. They are (ASEF, 2013:47):
  - Environment as a ‘precondition to the enjoyment of human rights.
  - Human rights as tools to address environmental issues, both procedurally and substantively.
  - Integrates human rights and protection of the environment under the concept of sustainable development.
Guiding Principles

• The 31 principles focus on implementing United Nation’s ‘Protect, Respect and Remedy’ framework.

• It’s three pillars which outline the role of states and businesses are:

  • The state duty to protect human rights.

  • The corporate responsibility to respect human rights.

  • Access to remedy.

Source: UNGP, 2011
State’s Duty on Business and Human Rights

• States must protect against human rights abuse within their territory and/or jurisdiction by third parties, including business enterprises.

• States should set out clearly the expectation that all business enterprises domiciled in their territory and/or jurisdiction respect human rights throughout their operations.

Source: UNGP, 2011:3
Corporate’s Responsibility to Human Rights

- Business enterprises should respect human rights.

- Avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur.

- Seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships.

- In order to meet their responsibility to respect human rights, business enterprises should have in place policies and processes appropriate to their size and circumstances.

Source: UNGP, 2011:13-16
UN Global Compact

• The Global Compact was announced by Kofi Annan, UN Secretary General on 31 January 1999.

• It is a voluntary initiative for businesses for adopting sustainable and socially responsible policies and periodically report on their implementation.

• It has 10 principles which are related to human rights, labour, environment and anti-corruption.

• It is present in 170 countries with a subscription of about 13,000 organisations including businesses and other stakeholders.
UN Global Compact Principles

Human Rights

- **Principle 1**: Businesses should support and respect the protection of internationally proclaimed human rights; and
- **Principle 2**: make sure that they are not complicit in human rights abuses.

Labour

- **Principle 3**: Businesses should uphold the freedom of association and the effective recognition of the right to collective bargaining;
- **Principle 4**: the elimination of all forms of forced and compulsory labour;
- **Principle 5**: the effective abolition of child labour; and
- **Principle 6**: the elimination of discrimination in respect of employment and occupation.
Compact Principles

Environment

- Principle 7: Businesses should support a precautionary approach to environmental challenges;
- Principle 8: undertake initiatives to promote greater environmental responsibility; and
- Principle 9: encourage the development and diffusion of environmentally friendly technologies.

Anti-Corruption

- Principle 10: Businesses should work against corruption in all its forms, including extortion and bribery.
Millennium Development Goals (MDGs)

- Subsequent to the adoption of Global Compact Principles, MDGs were formulated.

- The sustained engagement of nations and key stakeholders on MDGs for 15 years led to SDGs.

- MDGs were a set of 8 Goals established in the year 2000 after the UN Millennium Summit.

- **Human rights, human capital and infrastructure** were the three areas identified for action under MDGs.
SDG Goals

1. No Poverty
2. No Hunger
3. Good Health
4. Quality Education
5. Gender Equality
6. Clean Water and Sanitation
7. Renewable Energy
8. Good Jobs and Economic Growth
9. Innovation and Infrastructure
10. Reduced Inequalities
11. Sustainable Cities and Communities
12. Responsible Consumption
13. Climate Action
14. Life Below Water
15. Life on Land
16. Peace and Justice
17. Partnerships for the Goals

Source: UNDP
SDG Goal 17

- Goal 17 is about revitalising the global partnership for sustainable development. In order to achieve this, the following targets have been identified.
  - Finance
  - Technology
  - Capacity Building
  - Trade
  - Systemic Issues
- These are collectively aimed at improving the purposeful engagement between various agencies/actors towards achieving the Global Goals.
Partnerships & Initiatives

International

• **UNGCN CEO Water Mandate (2007):** This was aimed at promoting business case for water stewardship.

• **Global Partnership for Business and Biodiversity:** It was shaped after the business engagement decisions taken during COP 10 (2010, Japan) and COP 11 (2012, India).

• **SDG Business Hub** by World Business Council for Sustainable Development (WBCSD).

• **SDG Compass (2015)** jointly supported by GRI, UNGCN and WBCSD.

• **Business 2030** by US Council for International Business.
Partnerships & Initiatives

National- India

• India CEO Forum on Business and Human Rights (2012-15): This was an initiative of UNGCN India. Its was aimed to establish India as a global leader in this critical and valuable area of responsible business.

• UNGCN India and BMW Sustainability Dialogue: Since 2013, UNGCN India organised 3 such national forums with various focal themes. They were:
  • The Ecological Challenge (2013)
  • Making Social Dimension Work (2015)
  • SDGs as Growth Drivers (2017)
Goal 17 and Human Rights

- Right of all peoples to self-determination [ICCPR, ICESCR art. 1(1)]
- Right of all peoples to development, & international cooperation [UDHR art. 28; ICESCR art. 2(1); CRC art. 4; CRPD art. 32(1)]
- Right of everyone to enjoy the benefits of scientific progress and its application, including international cooperation in the scientific field [UDHR art. 27(1); ICESCR art. 15(1)]
- Right to privacy [UDHR art. 12; ICCPR art. 17], including respect for human rights and ethical principles in the collection and use of statistics [CRPD art. 31(1)].

Source: IPPF, 2016: 8
Making Human Rights Work

• Governments should promote greater engagement among key stakeholders so that good practices and initiatives are disseminated and replicated.

• Businesses impact customers, employees and society. They should proactively facilitate innovative thinking and adaptation of good models related to human rights especially related to global challenges and SDGs.

• Academia, Think Tanks and Civil Society Organisations should work in partnership to promote new thinking and scholarship. Education and critical thinking should be used to promote the causes of human rights in the interconnected world.

• As envisaged in Goal 17, collective action is required to institutionalise universal principles as well as a growth that creates equality.
References


• UN (2011), “Guiding Principles on Business and Human Rights”

Abbreviations

UDHR - The Universal Declaration of Human Rights

ICCPR - International Covenant on Civil and Political Rights

ICESCR - International Covenant on Economic Social and Cultural Rights

UNGP - UN Guiding Principles on Business and Human Rights

CRC - Convention on the Rights of the Child

CRPD - Convention on the Rights of Persons with Disabilities
Thank You