

Voluntary Principles on Security & Human Rights
Remarks at Annual Plenary
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I am delighted to be at this Plenary – indeed, that there *is* this Plenary. It has been a difficult journey for some of you. But congratulations for staying on track and completing it successfully. Your arrival here today is important, not only for the Voluntary Principles, but also for the very concept of innovative multi-stakeholder responses to critical business and human rights challenges.

You have a crowded agenda of concrete issues on which you need to move ahead. But having been asked to make some opening remarks, I wanted to reflect briefly on the bigger picture as well – what this is all about, and why it matters.

The idea of human rights has legs – and those legs will keep on marching. Its modern origins in 17th century England were relatively inauspicious: natural rights were invoked by the philosophers of the Scottish Enlightenment on behalf of white, male, bourgeois property owners in their struggle against aristocratic privilege.

A mere century later, the American and French revolutions issued the powerful claim that “*all* men are created equal and endowed...with certain unalienable Rights,” in the words of the American Declaration of Independence, while the French Declaration of the Rights of Man and Citizen spoke of “natural, inalienable and sacred rights of man.”

By 1948 the idea of universality had taken its greatest leap yet, in the Universal Declaration of Human Rights – by truly meaning every *person*, in every *place*.

Today, you meet as trustees of an initiative that could not have been imagined even a decade ago, addressing practical steps for engaging businesses, governments, and civil society to ensure that fundamental human rights, especially those related to the security of the person, are observed within and around corporate operations.

What is it that gives these ideas their force – the capacity to have moved from their limited origins to become a common standard of achievement for every nation, individual, and organ of society, as the UDHR declares? Where do rights come from and how do they travel? And what are the implications for business?

Denis Diderot, the 18th century French encyclopaedist, wrote that the recognition of human rights reflects a certain widely shared “interior feeling.” The contemporary cultural historian Lynn Hunt, in her recent book *Inventing Human Rights*, calls them “the soft power of humanity.” Despite all the things that divide us on this small planet, an empathy based on a shared sense of our common humanity recognizes the intrinsic dignity of every person.

Kofi Annan delivered his first human rights speech as UN Secretary General in Africa, deliberately addressing those African rulers who used cultural relativism as a shield behind which to resist the soft power of human rights. Illustrating the core insight of what ultimately constitutes the foundation of human rights, Annan asked:

Do not African mothers weep when their sons or daughters are killed or maimed by agents of repressive rule? Are not African fathers saddened when their children are unjustly jailed or tortured? Is not Africa as a whole impoverished when even one of its brilliant voices is silenced?

We cannot afford to lose one life, spare one idea, relinquish one hope, if we are to succeed on our chosen course. So I say this to you, my brothers and sisters, that human rights are African rights, and I call upon you to ensure that all Africans are able fully to enjoy them.

At their foundation, then, human rights are embedded in a shared “interior feeling” of human dignity. This generates standards of appropriateness in social relations, which recognize certain rights to be intrinsic. Hunt points out that rights cannot be fixed once and for all because they continue to evolve as social conditions and understanding change. In that sense, she concludes, “The human rights revolution is by definition ongoing.”

Standards of appropriateness affect business as they do any other social actor, by signaling the social values and norms against which ethical judgments are made and broad social expectations are set. And business has long taken measures to demonstrate its desire to act in accordance with such standards, typically through its philanthropic activities.

There are two other paths along which human rights travel that affect business more directly. One is the calculus of consequentialism; the other is the requirement for legal compliance.

The calculus of consequentialism starts to kick in when business is seen to have the potential for interfering with the realization of rights, or to benefit from practices that do not meet prevailing social expectations. At a certain point, social pressure obliges businesses to adopt certain policies and practices in order to maintain what is sometimes called their social license to operate – or suffer the consequences. Here, human rights at minimum become an element in corporate risk management, while for many leading companies rights are evolving into a core component of corporate strategy and sustainable business practices.

This is a rapidly changing field of play, as indicated by the proliferation of voluntary initiatives over the past decade. One of the most interesting findings that turned up in my surveys of companies is that while most leading firms report having elements of human rights policies in place, merely half say their company has directly experienced a serious human rights event – suggesting that the rest either are learning from the mistakes of others or act on their own accord, demonstrating the effects of norm diffusion.

Legal compliance is the third path for the social articulation of human rights, including by setting legal standards of corporate responsibility for human rights. Legal compliance may be seen as the apex of a pyramid that has standards of appropriateness as its broad social base, and the calculus of consequentialism as the middle layer. Causal arrows can move in both directions, from the bottom up and from the top down. Moreover, the balance between the three spheres can shift over time, depending on circumstances.

Some stakeholders argue that the legal apex today has shrunk in relative terms and needs to be expanded. They may be right in some respects, and legal codification is sure to continue. But caution is also warranted in how best to do that.

First, legal compliance is inherently problematic at the global level due to the absence of centralized enforcement mechanisms. Therefore, this domain by definition relies more heavily on voluntarism. Even the treaty making process, after all, is voluntary for states. Accordingly, the questions of what to codify, where, and how require careful attention.

Second, no less of an authority than Amartya Sen warns against viewing human rights primarily as what he calls “proto legal commands” or “laws in waiting.” Doing so, he argues, could unduly constrict – he actually uses the term “incarcerate” – the broader logics and processes that drive the evolving social recognition of rights.

Third, individual legal liability regimes alone in any case cannot solve the structural problem of inadequate protection and fulfillment of human rights, though they may be a necessary part of the solution.

Iris Marion Young, a political philosopher, has expressed this well in the context of serious labor rights violations in global supply chains: “because the injustices that call for redress are the product of the mediated actions of many...they can only be rectified through collective action.” Collective action, in turn, needs to be based on a concept of shared responsibility, not only individual liability.

This brings me to the Voluntary Principles: a flagship initiative that embodies a commitment to shared responsibility for jointly closing governance gaps that otherwise create permissive contexts within which human rights abuses may take place. As you develop your strategic vision and plans for the VPs future, a number of priority challenges stand out, at least to this observer.

To begin with, the Achilles heel of voluntary initiatives tends to be their underdeveloped accountability mechanisms. This may affect their own performance – companies can't correct what they don't know about. And it certainly impacts their credibility, which is essential to their social effectiveness. You have taken the first step by adopting explicit participation criteria. The next step needs to be quick agreement on internal and external reporting criteria, including specific performance measures, drawing on best practices already established by a number of participating companies.

Next, and at the risk of stating the obvious, the VPs need to establish a coherent and effective in-country presence – especially in countries where the risks are highest. This requires intensive on-the-ground interaction among the participating stakeholders, and with host country governments and security forces.

I visited Colombia this past January and was encouraged by what I saw. Even though Colombia is not yet a VPs participant, the government has established a National Committee for the VPs. The government and companies have incorporated VPs language into their legal agreements regulating public security forces that protect company operations. And company-supported human rights training programs for the armed forces are up and running. Both parties have established complaints procedures for alleged abuses, and the army has established human rights offices all the way down to the brigade level. In addition, one company I visited uses VPs-related criteria in its annual performance reviews of managers; others may do so as well. I'm sure there is more work to be done in Colombia, but there is also already much to be learned and shared.

My third point follows directly. It is my impression that relatively little regular sharing of information and best practices yet takes place among participating companies, civil society actors, and governments – in fact, I sense that even individual companies don't effectively disseminate within their own global operations their experiences in any one place. The VPs potentially constitute a powerful learning network, but that potential can be realized only if the initiative is structured and run accordingly.

Fourth, as you expand the VPs to include additional companies and countries, it is essential that your plans provide support for building capacity in the host countries. This includes governments and the security sector. Engaging local stakeholders and communities is especially important to ensure sustainable progress on the ground.

Finally, I think this past year has shown that the way in which the business of the VPs is conducted also requires attention. Bismarck is reputed to have said that if you like sausages don't watch how they're made. As the VPs continue to expand and deepen, you will need to establish a more efficient sausage-making machine – more routine procedures to keep decisions flowing and the networks connected, which in turn also requires an adequately staffed Secretariat.

In other words – welcome to the revolution: the human rights revolution, humanity's ongoing quest to enable every person to realize the dignity that resides within us all. Thank you for assuming your roles in that quest. Forgive me if I've been a pain in the neck to some of you in all three "pillars" these past few months. But your initiative is critically important in its own right, and also for what it symbolizes. Again, my congratulations, and Godspeed as you turn potential into reality.

Thank you.