

Response by John Ruggie to Misereor / Global Policy Forum

The following statement by John Ruggie, Special Representative of the UN Secretary-General on business & human rights, is in response to the June 2008 paper by Misereor / Global Policy Forum: [“Problematic Pragmatism – The Ruggie Report 2008: Background, Analysis and Perspectives” \[PDF\]](#),

2 June 2008

I very much regret that Misereor/GPF so badly misunderstood my recent report to the Human Rights Council, entitled “Protect, Respect, and Remedy: A Framework for Business and Human Rights.” Their critique repeats the claim, over and over again, that I only made recommendations that were “feasible and politically expedient.”

One obvious question to ask is what purpose would be served by making recommendations that aren't feasible. But the more fundamental point that Misereor/GPF somehow overlooked is that my report in fact makes only one single solitary recommendation: that the Human Rights Council welcome the “protect, respect, and remedy” framework and invite its further operationalization. The rest is illustrative material, intended to throw greater light on what the three foundational principles of the framework mean and imply. If the Council agrees, the next step will be to move the discussion from the level of general principle to more operational detail. That's where specific recommendations will come in. This is in keeping with the step-by-step process I have been following since the very beginning of my mandate.

One begins to understand why Misereor/GPF were so wide of the mark when one sees the inappropriate ad hominem criticisms of me that are strewn throughout the paper. They insinuate that I take my marching orders from the US government, which will come as an enormous surprise to Washington. They stress that I was one of the “spiritual fathers” of the Global Compact and therefore must be suspect by definition, but they don't mention that I also introduced the Millennium Development Goals and contributed in numerous other ways to the UN agenda when I was Kofi Annan's Assistant Secretary-General for Strategic Planning. They underscore that the Harvard research Center I direct hosts a corporate social responsibility program, which is led by Jane Nelson and is funded, in part, by companies, but no mention is made that the Center also hosts programs on HIV/AIDS, training third-world trade negotiators, and examining formulas for a post-Kyoto international climate treaty, among more than a dozen others.

Additionally, the voluntary vs. mandatory line in the critique is a red herring. What I have said repeatedly, including in sources cited by the authors, is that there are bodies of law and regulation applicable to business that have greater leverage over business practices, and in a shorter span of time, than traditional international human rights law, and that the human rights community needs to take advantage of those opportunities. Analogies drawn from the history of state-based human rights challenges are an imperfect guide for dealing with business and human rights.

But what I find most distressing is that the authors dismiss my arguments with the cheap shot that they reflect political preferences. I did not reject the Norms on political grounds. They were a deeply flawed instrument, as leaders of international human rights organizations have confessed to me in private for several years now. I even went so far as to publish an article on

the subject in the AMERICAN JOURNAL OF INTERNATIONAL LAW, a prestigious peer-reviewed source that would have rejected out of hand a mere statement of political preferences.

In conclusion, I would have hoped that the level of maturity in the business and human rights debate would have been sufficiently elevated by now for these tactics to have been confined to the dust bin. That was certainly one of my objectives in the exhaustive research and consultative processes I have conducted. I seem to have failed with Misereor/GPF. Before seeing their critique, I had already agreed to attend a meeting on victim's perspectives co-organized by Misereor in Geneva later this week; I'll try to give it another shot there.