



A United Nations Blueprint to Promote Human Rights

Posted by Martin Lipton and Kevin S. Schwartz, Wachtell, Lipton, Rosen & Katz, on Thursday December 2, 2010

Editor's Note: [Martin Lipton](#) is a founding partner of Wachtell, Lipton, Rosen & Katz, specializing in mergers and acquisitions and matters affecting corporate policy and strategy. [Kevin Schwartz](#) is an associate at Wachtell Lipton. This post discusses a draft of principles to implement the United Nation's "Protect, Respect and Remedy" Framework; that draft, which is now open to comment, is available [here](#).

Over the past decade, the United Nations has focused considerable attention on the protection of human rights in the conduct of global business. Leading this effort has been John Ruggie, a professor from Harvard's Kennedy School of Government who was appointed Special Representative to the U.N. Secretary-General. In 2008, the U.N. Human Rights Council embraced a framework that broadly conceived of distinct responsibilities for Nations and businesses in the prevention of human rights abuses. But the Council also called on the Special Representative to provide guidance on how Nations and businesses practically may implement the nascent proposal's broad-textured commitments. Based on extensive research and diverse stakeholder consultations, the Special Representative recently released for public review and comment a potentially significant blueprint — [Guiding Principles for the Implementation of the United Nations "Protect, Respect and Remedy" Framework](#) — that begins to define how Nations and businesses may operationalize the ideals of the U.N. framework. This draft report's sensible guidance will be widely applauded.

Guiding Principles insightfully marries aspirations with practicality. It identifies a host of tangible opportunities for Nations and businesses to contribute to the goal of preventing human rights abuses. It also mobilizes the U.N.'s unique position to assure a level playing field, calling on every corporation around the world — regardless of size, location, or line of business, and whether public or private — to declare its business interest in preventing violations of human rights by the corporation. The draft report does not raise issues of particular note regarding the liability of corporations beyond their responsibilities under national laws, or the role of existing governance structures such as corporate boards. In short, *Guiding Principles* encapsulates the Special Representative's stated commitment to "principled pragmatism," reflecting the world's fundamental human rights expectations in a balanced way that takes account of the varied, complex global business landscape. The draft report's eminently reasonable guiding principles can be endorsed, and practically implemented, by corporations.