The United Nations Guiding Principles on Business and Human Rights (UNGPs)

What are UNGPs?

Background

The UN Secretary General Kofi Annan appointed a special representative (John Ruggie) in 2005 to advise and clarify the roles and responsibilities of states, companies and other social actors in the business and human rights sector. Having the experience of failure of the “Draft Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights” Ruggie engaged in an extensive consultation process in which all actors were consulted. These included states, businesses, NGOs with the aim of establishing a consensus between the actors.

In 2008 after three years of these consultations, the Special Representative of the Secretary General (SRSG) presented a framework that incorporated three pillars, popularly known as Protect, Respect and Remedy Framework. The framework outlined the responsibilities of the states and businesses: The State Duty to Protect against human rights violations, the businesses responsibility to respect human rights and the access to remedy where human rights have been violated.

The mandate of the SRSG was extended by another three years in order to operationalize and promote the framework. In June 2011, the Human Rights Council unanimously adopted the United Nations Guiding Principles on Business and Human Rights giving effect to the Protect, Respect and Remedy Framework. The quote below from Professor John Ruggie gives a summarise vision of the UNGPS:

“...The Guiding Principles are a transformational roadmap to a future where the billions of people whose lives are impacted by corporate activities are treated with respect for their dignity and fundamental welfare – a world where human beings and corporations alike can thrive and prosper.”

Prof John Ruggie

Do the UNGPs create any new international law?

No. They must not be construed to, but instead should be read together as whole with international instruments/laws. The state still retains its obligations under international law; UNGPs apply to all businesses irrespective of size; all businesses have human rights impacts however small or big.

The UNGPs have 31 Principles targeted at the State, Businesses and Remediation when violations have occurred:

- Protect
- Respect
- Remedy

Summarised Version of the United Nations Guiding Principles on Business and Human Rights

Protect, Respect and Remedy Framework

I. Protect: Governments have the inherent duty to take measures that prevent human rights violations by itself or non-state actors, this is in line with its core obligations of Protect, Respect and fulfil human rights.

II. Respect: Businesses must comply with the national and international law so as to keep off any activities that may lead to human rights violations; including avoiding being complicit in human rights violations. Businesses need a due diligence process, whereby they become aware of, prevent, and address their adverse human rights impacts.

III. Access to remedy: Where human rights violations have occurred. Both the state and businesses should offer remedy where either has violated human rights.

The United Nations Guiding Principles on Business and Human Rights (UNGPs)
PILLAR 1: THE STATE DUTY TO PROTECT HUMAN RIGHTS

PRINCIPLE 1

1. The state should proactively take steps to prevent occurrence of human rights violations, investigate, and prosecute when human rights violations occur.
2. The state should ensure that there is policy coherence in all its agencies and that it is well aware of the human rights obligations they are managing, and provide redress where human rights violations have occurred.
3. Due governance transparency that businesses respect human rights within and outside jurisdiction.
4. The state should take all possible steps to prevent human rights violations through enacting policies, and laws that are binding to all the businesses and to compelling businesses to respect human rights.
5. The state should ensure that human rights are respected globally where human rights are violated.
6. The state should ensure that human rights are promoted globally where human rights are violated.

PRINCIPLE 2

1. The state must ensure that the policy coherence is in all its agencies and that they are well aware of human rights obligations through their management, and that they provide adequate redress where human rights violations have occurred.
2. The state should ensure that due governance transparency that businesses respect human rights within and outside jurisdiction.
3. The state must ensure that there is policy coherence in all its agencies and that they are well aware of human rights obligations through their management, and that they provide adequate redress where human rights violations have occurred.
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PRINCIPLE 3

1. The state should ensure that there is policy coherence in all its agencies and that they are well aware of human rights obligations through their management, and that they provide adequate redress where human rights violations have occurred.
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PRINCIPLE 4

1. The state should not ignore or take no action when human rights are violated by businesses. Therefore, the state should ensure that enforcement of laws that require businesses to respect human rights is effective.
2. The state should ensure that laws are enforceable and that businesses respect human rights.
3. The state should ensure that businesses are aware of the human rights obligations they are managing, and that they provide adequate redress where human rights violations have occurred.
4. The state should ensure that there is policy coherence in all its agencies and that they are well aware of human rights obligations through their management, and that they provide adequate redress where human rights violations have occurred.

PRINCIPLE 5

1. The state should ensure that there is policy coherence in all its agencies and that they are well aware of human rights obligations through their management, and that they provide adequate redress where human rights violations have occurred.
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PRINCIPLE 7

1. The state should help businesses ensure that they are not involved in human rights abuses during the due diligence process. This means that even in situations where multinationals are present in areas conflict and the host country is unable to offer sufficient interventions, the respective state of that business should ensure that those businesses are not involved in human rights violations.
2. The state must ensure that there is policy coherence in all its agencies and that they are well aware of the human rights obligations they are managing through their management, and provide redress where human rights violations have occurred.
3. The state should ensure that due governance transparency that businesses respect human rights within and outside jurisdiction.
4. The state should align its human rights obligations to the international human rights obligations.

PRINCIPLE 8

1. The state should ensure that human rights are respected in the area of business impede by the state's actions, and that they provide adequate redress where human rights violations have occurred.
2. The state should ensure that there is policy coherence in all its agencies and that they are well aware of the human rights obligations they are managing, and that they provide adequate redress where human rights violations have occurred.
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PRINCIPLE 10

1. The state must ensure that in their policy coherence of the international level such that multilateral institutions (inclusion to businesses) do not act against the state to protect human rights. The state should ensure that their policy coherence in all its agencies and that they are well aware of the human rights obligations they are managing, and that they provide adequate redress where human rights violations have occurred.
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