

Panel discussion on the tenth anniversary of the
Guiding Principles on Business and Human Rights
47th Session of the Human Rights Council

Dante Pesce, Chairperson, UN Working Group
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President,

High Commissioner,

Excellencies,

Ladies and Gentlemen,

I am honoured to join this panel together with the High Commissioner, Professor John Ruggie, and key stakeholder voices.

Let me take the opportunity to congratulate Professor Ruggie as we mark the 10th anniversary of the Guiding Principles this week. Their impact over the past decade bears witness to your vision.

For the past year, the Working Group on Business and Human Rights has undertaken a project called UNGPs 10+ to take stock of the first ten years of implementation of the Guiding Principles, to assess how far we have come and to consider what lies ahead.

Yesterday, I had the honour of presenting to the Council the report resulting from this process and its addendum focused on institutional investors.

The Guiding Principles have without a doubt contributed to significant progress towards promoting respect for human rights in a business context.

They have provided a common platform for action that did not exist before 2011. In particular, they have established prevention of adverse impacts on people and access to remedy as the key pillars of a responsible business framework.

The concept of corporate human rights due diligence has seen broad institutional uptake: by businesses themselves, in other international frameworks for responsible business, and by financial institutions.

Notably, corporate human rights due diligence is transforming into a legally binding standard of conduct in many jurisdictions as due diligence laws are being developed.

At the same time, the “governance gaps” that created the need to develop the Guiding Principles still allow too many instances of business-related human rights abuses across all sectors and regions.

Lack of access to remedy for rights-holders remains the most glaring gap and a threat to meaningful progress over the next decade.

Above all, Governments and businesses need to increase the pace of implementation and address coherence gaps.

I would like to emphasize three key points for Government action for the road ahead:

First, Governments need to design smart and effective policy and regulatory measures that not only create level playing fields, but most importantly lead to better outcomes for people affected by business. The onus is on States to develop laws and regulations that are effective in the form of better prevention of adverse impacts and access to remedy when harms happen. But to make more effective progress, States will also need to use the wider range of policy tools – a “smart mix” – to incentivize responsible business and due diligence. To support exchange of lessons learned to date on mandatory due diligence, the Working Group is planning to convene a peer learning dialogue in the fall.

Second, to drive impact, governments also need to increase efforts to address policy coherence gaps across government functions and roles. While good practices have emerged, policy coherence gaps exist across the “State-business nexus”: from the investment policy domain to public procurement, and to the policies and practices of entities owned or controlled by governments, like for example State-owned enterprises.

Governments should drive progress by leading by example and using the leverage they have as economic actors to incentivize human rights due diligence by businesses.

Third, policy coherence at multi-lateral level remains a key challenge. Notably, while preventing and addressing adverse impacts on people is the core of the Guiding Principles, their human rights due diligence standard and the access to remedy pillar have been largely absent from the 2030 Agenda, or in the debates on a “just transition” to a green economy. Governments should strengthen the connection in practice. To address the inconsistent integration of the Guiding Principles across the UN system, States should call more forcefully on the UN to apply the Guiding Principles across development, peacebuilding and environment strategies. A strengthened role for the UN system should involve enhancing regional capacities, leveraging the role of the Universal Periodic Review and the UN annual Forum to track State implementation, and exploring options for an awareness-raising and capacity building mechanism.

A cross-cutting priority should be to enable unions, human rights defenders, indigenous peoples and affected communities, and civil society organizations to engage meaningfully in processes to develop effective laws and regulations – and protect their rights when they are at risk of adverse impacts.

The Guiding Principles, and their focus first on those most at risk, provide a strategic framework and blueprint for States and business to respond to our collective challenges, from a responsible recovery from the COVID-19 crisis to the climate crisis – and beyond.

To contribute to this effort, we will release later this year a roadmap for the next decade, resting on the common platform provided by the Guiding Principles and the broad, growing movement converging around them.

Thank you.