

# **The International Human Rights Regime since 9/11: Transatlantic Perspectives**

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## **New Actors in the Human Rights Regime**

*(Draft; please do not quote)*

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## **Introduction**

The concept of human rights has emerged with the development of the modern state. This concept originally defines the relationship between the state and the individual in the public sphere. It now embraces the state's obligations to respect, protect, and fulfill social, economic, and cultural, as well as political, human rights. Since 1945 an international human rights regime has emerged that reflects this general view of the primary responsibility of the state for human rights.

Today, the human rights regime is confronted with manifold challenges. One stems from the consequences of 9/11. Other challenges arise from the neo-liberal course of economic globalization, which has become dominant since the 1970s. As part of this process the obligations to respect, protect, and fulfill human rights have become an element of the discussion, partly because state functions are changing. Often mentioned signs are a tendency of privatizing public services (including public security as a major realm of state power) and the reduction of the allocation of public goods as part of the decline of the welfare state. Such a cutback in state responsibilities and the blurring of the public and private domains raise questions about the overall state responsibility for human rights. In addition to changes in state functions, business actors, especially transnational corporations (TNCs), are more and more seen not only as powerful actors in the economic sphere, but increasingly as holding political authority (Cutler *et al.* 1999). Often, the view that the state has withdrawn from its functions in the national and international arenas supports the perception of the soaring power of business (*e. g.* Held *et al.* 1999).

The increased power of business is linked to the demand and expectation of especially civil society organizations that TNCs especially assume a strong role in global governance to shape globalization based on internationally accepted standards. Catchwords such as corporate citizenship and corporate social responsibility (CSR) express the responsibility of business and refer to diverse concerns, such as adherence to human rights as well as social and ecological standards, corporate governance, social investment, philanthropy, and sponsoring.

A heated debate over an explicit responsibility of business for human rights arose in the context of the 2003 *Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with regard to Human Rights* (UN Norms), which were elaborated by

the former *UN Sub-Commission on the Promotion and Protection of Human Rights*.<sup>1</sup> Most governments and the bulk of the private sector opposed these norms, lest they lead to binding rules for business on the global level (Kinley / Nolan / Zerial 2007). In contrast to such a negative attitude, initially seven TNCs partnered to build the *Business Leaders Initiative on Human Rights* (BLIHR). The initiative welcomed the UN Norms and took a vanguard role in developing human rights testing tools in the context of various business activities.

The aim of this paper is to better understand both the relevance of human rights for the private sector and the kind of human rights responsibility the sector is willing to assume—also in contrast to state obligations. For this purpose I take two steps. First, on a meta-level, I reconstruct the discourse on the human rights responsibility of business to uncover the major positions and main content of this discourse. Second, on a micro-level, I analyze the content of documents of two member companies of BLIHR, *Novartis* and *StatoilHydro*, to reveal how the discourse of the human rights responsibility of business is reflected in these companies' self-portrayal and to what degree an internalization of human rights norms among these BLIHR members has taken place.

## **I. The Discourse on the Human Rights Responsibility of Business**

In a general manner discourse can be understood as a process in which ideas and views are brought forward and exchanged. These ideas and views may change, reinforce each other, or be given up. Following a more analytical definition, discourse can be perceived as a distinctive institutionalized, societal mode of discussion that has the capacity to construct and structure reality; it takes place in institutions and creates them (Foucault 1991). In this sense, discourse is understood as the overarching concept of how ideas are exchanged and become institutionalized; by contrast, the notion of discussion and debate refers to the more concrete exchange of ideas in terms of content. Nevertheless, these can be part of discourse. One underlying assumption of this paper is that the discourse on the human rights responsibility of business should be understood less as a way of deliberative dialogue in order to reach consensus through communication on a rational basis (Habermas 1981), but more as the influence and power of language for the production of meaning and the creation of order (Foucault 1991).

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<sup>1</sup>E/CN.4/Sub.2/2003/12/Rev.2: here referred to as the UN Norms  
<http://daccessdds.un.org/doc/UNDOC/GEN/G03/160/08/PDF/G0316008.pdf?OpenElement> (03/18/2008).

For reasons of time, I cannot conduct a detailed linguistic or content analysis of the discourse on the human rights responsibility of business. Rather, the aim is to reconstruct the discourse, thereby observing major commonalities and differences in the notions of the responsibilities of business for human rights and the agents driving these notions. Let me consider the following questions:

1. Process: Where does the discourse on the responsibility of business for human rights begin and what are important events that create dynamics in this discourse?
2. Ideas and Institutional Frames: What are the prevailing ideas and norms in the discourse? Which arguments are brought forward in this debate?
3. Actors: Who are the drivers of the discourse? Are there major discourse communities? What kind of coalitions emerge? To whom is the discourse addressed?
4. Institutionalization: What are dominant institutional settings? Do specific norms become dominant and collectively shared?

### **I.1 Process: Starting Point, Stages, and Events**

The analysis of discourse as a process allows to map major and side threads, to identify discursive events, and to distinguish between heated peaks, currents of differing speed (Schwab-Trapp 2001a: 176), and the possible perspective of the discourse. The discussion may start on different occasions simultaneously and the various threads of discussion may reinforce each other.

I understand the discourse on the human rights responsibility of business in the context of two broader debates that have to do with the topics of regulation and self-regulation combined with the private sector's commitment to internationally recognized standards on a voluntary basis. The debates historically follow and reinforce each other. One took place within the UN concerning the regulation of the global economy and binding rules for TNCs. It was part of the dispute over a New Economic World Order in the early 1970s. In 1974 the *UN Commission on Transnational Corporations* was established “[...] with the mandate to negotiate an international code of conduct for transnational corporations” (Haufler 2003: 236). Affiliated to the commission was the *UN Centre on Transnational Corporations* (UNCTC), which was dissolved in 1992 by the former Secretary-General, Boutros Boutros-

Ghali (Paul 2001: 111) under pressure from the US government and the *International Chamber of Commerce* (ICC) in cooperation with the *Heritage Foundation*. All these bodies opposed to binding regulation for TNCs.

After this line of the debate was more or less abandoned, the focus of the overarching discourse on CSR turned to voluntary commitments. An important catalyst for this trend was the 1992 *UN Conference on Environment and Development* (UNCED) in Rio de Janeiro, Brazil (Haufler 2003: 242). UNCED was the first UN world conference where business had a strong representation and one of the first significant efforts of TNCs to shape international negotiations by directly participating in the meetings, this instead of predominantly acting behind the scenes. One important outcome of Rio, namely the *Agenda 21* is a comprehensive program for global action for sustainable development. The program carries the handwriting of corporations, above all with its emphasis on voluntary commitments and self-regulation. During the 1990s, core topics in the discourse on CSR were the environment and ecology. Their importance was partly due to threats of binding regulation in this policy field. While the concern for environmental and sustainability standards is perceived as being largely clarified, from 2000 onward one can spot a shift in the discussion of CSR to social and human rights standards. The discourse on the human rights responsibility of business can be understood as part of this overarching discourse on CSR. For various reasons it gained a dynamic of its own. This is due in some measure both to specific scandals and to pressure from human rights activists acting as norm entrepreneurs (Florini 1996: 375). In addition, the private sector sees the specific topic of human rights as universal norms as an important source to build up reputation and a license to operate. In addition to being norm addressees, businesses and business leaders act as norm entrepreneurs to influence the behavior of other actors.

Considering scandals as an opportunity for norm entrepreneurs to exert political pressure to encourage discussion and to enforce specific norms (Adut 2004) and following Virginia Haufler (2003), who, among other things, takes corporate scandals as events for tracing the process of corporate self-regulation, I see scandals as important events in the discourse on the human rights responsibility of business. Here, I take the execution of Ken Saro-Wiwa in 1995 in Nigeria and the entanglement of *Shell* as a starting point for the intensification of the discourse. The broad public reception of this scandal not only led Shell to install a human rights branch at its management level but sensitized world public opinion to the possible

complicity of big corporations in human rights violations.<sup>2</sup> This scandal helped prepare the ground for demands of civil society organizations that TNCs especially should accept some responsibility for human rights within their sphere of influence and may be taken among other things as an impetus for intensifying the discourse on the human rights responsibility of business. Human rights NGOs have succeeded in creating a public debate and exerting political pressure to enforce norms and change the behavior of business.

Parallel to this debate, which took place mainly in the media, a discussion on the relationship between the enjoyment of human rights and the activities of TNCs got under way within the *United Nations*, including three background papers on this topic presented by the Secretary-General between 1995 and 1998 (Nowrot 2003: 7). In 1998, the UN Sub-Commission had installed the *Sessional Working Group on the Working Methods and Activities of Transnational Corporations* made up of five experts that elaborated on the issue, with the UN Norms as result. The process of drafting took place over four years (2000 – 2003) and included a broad process of consultation. All the drafts were posted on the Internet for comments. There were four public hearings in Geneva (in 2000, 2001, 2003 and 2003) and meetings in March 2001 and 2003, at which representatives of business, unions, NGOs, and academia were involved in reshaping the document (Cooper / Warhurst 2004: 19).

The presentation of the UN Norms in 2003 imparted great momentum to the discourse on the human rights responsibility of business and initiated a boom time in the debate during 2004 and 2005. It is not quite clear whether this event led to or coincided with a differentiation of the business position on the responsibility for human rights by the foundation of BLIHR.

The strong reaction to the UN Norms and the pressure of civil society organizations resulted in some form of institutionalization at the UN level, above all the appointment of a *Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises*.<sup>3</sup> On July 28 2005, John Ruggie was appointed in this position. Up to now, he has submitted two statements, the interim report of 2006<sup>4</sup> and the

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<sup>2</sup> Presumably one outcome of this scandal was the revision of the ‘Statement on General Business Principles’ by Shell in 1997 including for “[...] the first time [...] explicit statements expressing ‘respect for the human rights of their employees’ and, in relation to [...] society generally, a commitment to ‘express support for human rights in line with the legitimate role of business’” (SIPC 1999: 7).

<sup>3</sup> E/CN.4/2005/L.87: here referred to as: Commission on Human Rights, Resolution 2005/69, see: <http://www.reports-and-materials.org/UN-Commission-resolution-business-human-rights-Apr-2005.doc>

<sup>4</sup> E/CN.4/2006/97: here referred to as UN 2006.

2<sup>nd</sup> report of 2007.<sup>5</sup> His final report is expected to be submitted to the *UN Human Rights Council* in June 2008. Stakeholders refer to these reports and have tried to influence the views of Ruggie by explicit statements. In order to base his reports on facts, Ruggie has also commissioned specific evaluations from consultancies.

I anticipate another highlight and maybe even turn in the discourse on the human rights responsibility of business—the 60<sup>th</sup> anniversary of the *Universal Declaration of Human Rights* in December 2008. This event of high symbolic value is hardening the positions of business actors and human rights activists, both sides claiming to be the legitimate defenders of and advocates for human rights. Already in the run-up to the December 2008 celebrations, human rights activities of business have intensified, for example in the context of the *United Nations Global Compact*. Civil society organizations see this event as a window of opportunity for both promoting their view and asking Ruggie in an open letter to take a strong position on business and human rights to celebrate the Universal Declaration of Human Rights and for raising demands for an intergovernmental declaration within the UN.<sup>6</sup> This claim advocates an institutional upgrading of the discourse.

## **I.2 Ideas and Institutional Frames for the Responsibility of Business for Human Rights**

The normative and legal fundament of the discourse on business responsibility for human rights is the UN human rights system as it is laid down predominantly in the Universal Declaration of Human Rights of 1948 and in several international human rights treaties, above all the two covenants, the *International Covenant on Civil and Political Rights* and the *International Covenant on Economic, Social and Cultural Rights*. However, these two documents do not address human rights duties of the private sector in an explicit manner. Rather, the discourse refers to the preamble of the Declaration, where it is laid down that “[...] every individual and every organ of society [...] shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance.”<sup>7</sup>

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<sup>5</sup> A/HRC/4/035: here referred to as UN 2007.

<sup>6</sup> Joint Open Letter 2007, see: [http://www.escr-net.org/usr\\_doc/OpenLetter\\_Ruggie\\_FinalEndorsements.pdf](http://www.escr-net.org/usr_doc/OpenLetter_Ruggie_FinalEndorsements.pdf)

<sup>7</sup> See: <http://www.un.org/Overview/rights.html> (03/19/2008).

Within this normative and legal framework the quest for more responsibility of the private sector is discussed in manifold ways, depending on the type of responsibility, emphasizing either the state or the company. One focus is on extraterritorial state obligations, meaning that the responsibility for the respect for human rights of the private sector abroad lies with the state where a company has its headquarters. Other views address the private sector in a direct manner. Here, one thread of the debate concerns individual liability for committed crimes under international and national law. The 2002 *Rome Statute of the International Criminal Court* assesses individual responsibility, among other things, for genocide and crimes against humanity. This international adjudication also refers to the private sector. In addition, corporate liability for international crimes is more and more brought to national courts; one important example is the *Alien Torts Claims Act* (ATCA) in the USA, with more than 40 cases raised since 1993 (Baue 2006: 12). Another thread concerns the single company's responsibility in the form of voluntary codes of conduct and of initiatives such as the Global Compact. In a rather general manner, the first two (out of ten) principles of this pact ask that

- Businesses support and respect the protection of internationally proclaimed human rights.
- Businesses make sure they are not complicit in human rights abuses.

Based on international human rights law and on already existing voluntary governance instruments for the private sector such as the aforementioned Global Compact and the *OECD Guidelines for Multinational Enterprises*, the UN Norms set out a comprehensive list of human rights responsibilities of companies. The norms have fueled the debate on this responsibility. They not only highlight best practice and various modes of monitoring and enforcement but also emphasize state obligations for human rights and relate these to business responsibilities, as Norm 1 indicates:

#### Chapter "A. General Obligations; Norm 1"

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| States have the primary responsibility to promote, secure the fulfilment of, respect, ensure respect of and protect human rights recognized in international as well as national law, including ensuring that transnational corporations and other business enterprises respect human rights. Within their respective spheres of activity and influence, transnational corporations [...] have the obligation to promote, secure the fulfilment of, respect, ensure respect of and protect human rights recognized in international as well as national law, including the rights and interests of indigenous peoples and other vulnerable groups. |
|--|

The UN Norms are subdivided into chapters, with 18 Norms addressing specific responsibilities of businesses. Each norm refers to international (human rights) law, as well as national law. The UN Norms cover the following human rights and obligations:

- Rights to equal opportunity and non-discriminatory treatment
- Rights to security of persons
- Rights of workers
- Respect for national sovereignty and human rights
- Obligations with regard to consumer protection
- Obligations with regard to environmental protection.

The UN Norms have been criticized for the unclear definition of ‘sphere of influence’ and ‘complicity’ with human rights abuses; they have been criticized because general obligations for consumer and environment protection are included in a human rights document. Several topics addressed in the UN Norms led to further criticism by the private sector and many governments. One criticism refers to provisions of implementation stating that “[t]ransnational corporations and other business enterprises shall be subject to periodic monitoring and verification by United Nations [...]”.<sup>8</sup> Critics point out that such requests for monitoring and verification would render companies subjects under international law and weaken national governments in their control of the private sector; commentators also contend that the UN Norms would lead to binding regulations for the global economy.<sup>9</sup>

### **I.3. Actors**

The participants of discourse dispose of different resources. Among these are expertise, legitimacy, capital, and position, as well as access to media and to institutions. Power potentials may thus differ. Partly depending on these resources and on institutional settings, (collective) actors may take over different discursive practices and roles in the discourse. Following Cox and Jacobsen (1974: 3f), who propose an actor’s typology of how influence is exercised in international organizations, namely as initiators, vetoers, controllers and/or

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<sup>8</sup> See chapter H of the UN Norms

<sup>9</sup> Here one can see how the discourse on the human rights responsibility of business is part of the overarching discourse on CSR with the focus on voluntary commitments and self-regulation as an expression of the dominance of neo-liberal thinking.

brokers, similar roles as leaders, hardliners, compromisers, and facilitators may be assumed in discourse.

### **I.3.1 Hardliners**

In the discourse on the human rights responsibility of business, I identify roughly two discourse communities with conflicting positions, above all in respect to the quest for binding regulations for the private sector, including the implementation clause in the UN Norms described above. From an ideal type point of view, these two communities—the private sector and human rights activists—assume the roles of hardliners. They more or less adhere to their traditional views and roles in respect to regulation: business as principled disclaimer using stonewalling strategies (Haufler 2003) and NGOs following the command and control path (Utting 2004) using blaming and shaming strategies (Liese 2006). Thus, on the one side there is the bulk of business and respective associations, above all the ICC, and furthermore *the United States Council for International Business* (USCIB) in the USA as well as the *Bundesverband Deutscher Industrie* (BDI) in Germany, and on the other side the civil society actors such as the British NGO *Coalition on Corporate Responsibility* (CORE) and *Friends of the Earth*.

With respect to content, these two competing patterns of interpretation (*e. g.* Mark-Ungericht 2005) can be described as: *first* a more conservative and reluctant position of large parts of the private sector based on a neo-liberal background, and characterized by predominantly the following views:

- Focus on state responsibility
- Human rights by liberalization
- Voluntariness
- No obligation to transparency and external monitoring

The statement of Maria Cattai, Secretary General of the ICC, commenting on the UN Norms is exemplary: “ICC considers that national laws are the most important instruments in protecting human rights, as they are legally-binding, and apply to all actors in a given country, including all business regardless of size or home country. [...] Priority should [...] be given to improving the capacity of national governments to effectively protect and promote human rights in national law and by respecting their international obligations. [...] [It] is simply not

feasible to transfer the responsibilities of the State with regards to human rights onto business because of governments' unwillingness and/or lack of capacity to meet their responsibilities effectively" (BLIHR 2004: 9f). ICC recognizes only a limited responsibility for the private sector when it comments that "[c]ompanies should be encouraged to continue to address human rights in a pragmatic and value-adding way within their core business operations" (BLIHR 2004: 10).

*Second* on the side of the civil society, the ideal type hardliner position is asking for:

- Enforceable regulation
- Obligatory minimal standards
- Costs and sanctions for non-compliance
- Transparency, external monitoring
- Participation of persons concerned

A statement of *Amnesty International* exemplifies this view: "[W]e should be working towards the creation of a world of internationally collaborating, representative national governments holding corporations to account through strong internal regulations backed by effective international law and enforcement institutions. [...] Ultimately, companies in general can only be persuaded to operate in the public interest through effective and enforceable regulation" (BLIHR 2004: 7f).

### **I.3.2 Compromisers and Facilitators**

Restricting the debate to just these two ideal type positions would mean a deadlock. However, within both positions, important differences open up the debate, and actors may stick to a hardliner position in respect to regulation at the same time as they opt for dialogue.

On the business side, one actor that adopts such a proactive role is BLIHR, although it denies binding regulations. The initiative was founded in 2003 by seven companies—*ABB Ltd*, *Barclays PLC*, *MTV Networks Europe*, *National Grid plc*, *Novartis Foundation for Sustainable Development (NFSD)*, *Novo Nordisk*, and *The Body Shop International*—in cooperation with two NGOs, *Respect Sweden* and *Realizing Rights: The Ethical Globalization Initiative (EGI)*. In later years other companies joined the initiative: in 2004 the *Hewlett-Packard Company*, *StatoilHydro*, and *Gap Inc.*; in 2006 *Alcan Inc.*, *AREVA*, *Ericsson* and

*General Electric*, in 2007 *The Coca-Cola Company*. According to Klaus Leisinger, the president of the NFSD, BLIHR intends to fulfill its mission by the end of 2009 and dissolve in its existing form (NFSD 2007: 4). Following an official statement, the inspiration for BLIHR “[...] came from the *Business Leaders Initiative on Climate Change* and the fact that no similar objective and universal framework existed for the social responsibility of business, [...].”<sup>10</sup>

BLIHR claims leadership and adopts the role of a compromiser when stating that the “polarization of views on the respective merits of voluntary and regulatory approaches has been regrettable. For us it is a false dilemma, human rights have always required a combination of both voluntary and mandatory efforts in order to achieve sustainable change and to raise the minimum standard of acceptable behaviour. As businesses, we believe there is a ‘minimum’ or ‘essential’ level of behaviour below which no business should be allowed to fall. In many countries this is already regulated by national laws.” (BLIHR 2004: 5) BLIHR expresses a strong commitment to human rights, demonstrates knowledge of the existing human rights regime, and combines its role as a compromiser with the economic rationale of its members’ long-term economic interests. The initiative claims a leadership role, among other things, by proposing a definition of both sphere of influence and complicity that has become more or less mainstream in the discussion. I also attribute BLIHR’s important role in this discourse to the fact that above all it addresses the UN, where this discourse predominantly is institutionalized. With its presentation of a human rights matrix and its commitment to road-test the UN Norms in practice, BLIHR presents itself as a role model, building up trust among all discourse parties.

Human rights activist organizations such as *Amnesty International*, *Christian Aid*, *Greenpeace*, *Human Rights Watch*, *Oxfam*, and *WWF*—beyond demanding binding rules—stand for compromise and dialogue. For example, in the United Kingdom already in 1991 Amnesty established a specific Business Group to work on the human rights responsibility of the private sector which, among other things, has supported companies in designing internal human rights guidelines.<sup>11</sup> Ultimately the compromisers will belong to their discourse communities, as described above. But their preparedness for dialogue enables mutual learning and the reduction of ideological biases. One may describe these compromisers as a third and

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<sup>10</sup> See <http://www.blihr.org/> (03/19/2008).

<sup>11</sup> The group dissolved itself in October 2007, the reason is unclear.

kind of transient or temporary discourse community of its own. They cooperate in various multi-stakeholder initiatives, such as the Global Compact.

I add intergovernmental actors that play an important role in discourse to this third discourse community. They not only contribute through statements to the debate but also in a general way provide expertise, legitimacy to the discourse, and the forum for the debate. Most important is the United Nations, with various branches involved. Above all these are the *Office of the High Commissioner on Human Rights*, and the *Global Compact Office*.<sup>12</sup>

Ruggie as the special representative of the Secretary-General is in a position to impart direction to the debate, at the same time as demands from the various sides are addressed to him. With his reports he widely summarizes the content of the debate. In the beginning, human rights activists vehemently disputed the nomination of Ruggie, because they saw him as the intellectual father of the Global Compact standing for only soft agreements, and because he criticized the UN Norms to put state obligations for human rights on par with business responsibilities. Despite criticism, his leadership role in the process of discourse formation has become broadly accepted. He sees a need for strengthening state responsibilities especially in countries of the South and for strengthening their positions vis-à-vis corporations. In the face of TNC ‘newcomers’ from emerging markets, he points out that these enterprises need also follow standards (UN 2007: 23).

Prominent individuals often act as the drivers of the discourse. With their symbolic power (Bourdieu 1996) and legitimacy, they can further enhance the preparedness for dialogue, and thus strongly affect on the discourse. One prominent person is Mary Robinson, former president of Ireland and the second *UN High Commissioner for Human Rights* (between 1997 and 2002). In 2002, she founded the NGO EGI which is based in New York and which has prominent supporters. At present, Robinson is the Honorary Chair of BLIHR. Another prominent person is Sir Geoffrey Chandler, a former director of Shell and founding Chairman of the *Amnesty International UK Business Group*. He criticizes the—from his point of view—confrontational approach of NGOs in the face of the 60<sup>th</sup> anniversary of the Universal Declaration of Human Rights by stating that “[...] if we wish to see human rights prevail in the world, we will not do so without the positive involvement of companies.”<sup>13</sup>

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<sup>12</sup> The latter abstained from a clear position in favor of the UN Norms in the beginning. Among civil society actors this was perceived as an underlying sense of competition within the UN.

<sup>13</sup> *The Economist* (2007): *Doing the Wrong Thing*, Vol.385 (2007): 74.

Governments are participating in the discourse above all through the UN. Beyond this, they have been involved during the peak of the dispute on the UN Norms. There, most governments took the hardliner business side, denying benefits from the norms. Governments from developing countries often go further and take an outspokenly hostile position to any binding standards, as, from their point of view, these might affect their countries' chances for development. Today, mainly Western governments are the facilitators and addressees of the discourse, rather than its active participants.

#### **I.4 Institutionalization: Dominant Institutional Settings and Norms**

The commitment to human rights is for business a source of legitimacy and of high symbolic value. This is further reinforced by the leadership of the UN in this discourse. With Ruggie as the special representative of the Secretary-General, there exists an institutionalized authority to coordinate and direct the discussion. This position defines an important site of the discourse.<sup>14</sup> It remains to be seen what kind of institutionalization at the UN level will be provided after the mandate of the special representative runs out. Will it be subsumed under the Global Compact, thus aligning human rights with other CSR standards? Or will there be a more distinctive form of institutionalization that puts a special emphasis on human rights, thus following NGO demands?

Another type of institutionalization which demonstrates the power and influence of what I termed compromiser and facilitator discourse community is the website *Business and Human Rights*.<sup>15</sup> This UK- and USA-based non-profit organization was founded by Mary Robinson at the *World Economic Forum* (WEF) in Davos in 2005 and is partnered by Amnesty International and various academic institutions. It is the leading internet resource on business and human rights. The website contains a comprehensive online library covering information about the corporate abuses and contributions to human rights of over 4000 companies. Business and Human Rights emphasizes its balanced reporting approach which is apparent, for example, through the invitation of counterstatements by companies in the website's Weekly Updates. At his request, a portal for Ruggie has been launched to present relevant

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<sup>14</sup> Other sites are above all multi-stakeholder initiatives at various levels and for different topics.

<sup>15</sup> <http://www.business-humanrights.org/Home> (04/01/2008).

documents on the debate of his mandate “[...] to facilitate communication and sharing of materials [...]”.<sup>16</sup>

Institutionalization refers not only to forms of institution building but also to order through dominant views. The rather heated debates since 2003 on a voluntary or obligatory instrument for business and human rights have toned down after it became clear to human rights activists that binding rules are neither on the agenda of the UN bodies nor of governments. In this respect one may state that the discursive power of business has prevailed. The dominance of this view is also reflected in the 2<sup>nd</sup> report of Ruggie. Here—despite elaborations on the prospective persecution of human rights violations of private actors by means of existing international (International Criminal Court) and national law—he is nonetheless in favor of soft law measures (UN 2007).

Nevertheless, the mainstreaming of the business responsibility for human rights has come quite far: at a general normative level, business actors accept such responsibility in their statements. BLIHR as an initiative of only a few TNCs has taken the lead and acts as norm entrepreneur, perhaps even partly in competition with NGOs. Some companies wish to move on in practice by developing, among other things, human rights assessment instruments (for example, *BASF* in Germany). The success of the Global Compact and other instruments, such as rankings, for example, *FTSE4Good*, express this positive attitude. Various participants of the discourse contend that further practical improvement is needed. BLIHR has expressed its willingness to road-test the UN Norms. Ruggie (UN 2007) emphasizes the promotion of what he terms human rights impact assessments for investments and improvements in supply chain standards.

## **II. The Human Rights Profiles of two BLIHR Members**

This section examines how the discourse on the human rights responsibility of business is reflected at the company level. For this, I analyze the content of the profiles of two BLIHR members—the Swiss-based Novartis Company, which is the responsible body of the NFSD, and StatoilHydro from Norway.<sup>17</sup> I have selected the companies for two reasons: First, as

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<sup>16</sup> <http://www.business-humanrights.org/Aboutus/Briefdescription> (03/31/2008).

<sup>17</sup> Only the NFSD and StatoilHydro are members of BLIHR. However, for the purpose of this comparison documents of the two companies (Novartis and StatoilHydro) have been consulted.

BLIHR members both claim leadership in the discourse and a role as norm entrepreneurs. Second, both represent sectors—pharmaceutical and extractive—that are of high relevance for developing countries; the responsibility for human rights can thus be especially meaningful in the business activities of these companies. However, considering only two cases will lead only to very preliminary insights on how companies consider human rights in their profiling.<sup>18</sup>

To grasp how the discourse on the human rights responsibility of business is reflected in the two companies' self-portrayal, the categorical scheme for the content analysis should cover the overall human rights understanding and the integration of human rights in the companies' life and culture. I originally thought to take the *BLIHR Matrix* as a frame for the categorical schema (BLIHR 2003: 11). However, only StatoilHydro refers to this tool in its reporting. For this reason I designed a more pragmatic categorical schema, with the following main categories:

- Human Rights
- Sphere of Influence
- Accountability and Transparency
- Awareness Raising and Norm Internalization
- Rationales
- Notion of State and Private Responsibility

The content analysis is based on three types of documents: 1) company reports documented in the BLIHR Report # 2; 2) the Communications on Progress to the Global Compact since 2004; and 3) the Annual Business Reports or Sustainability Reports since 2004.

## **II.1 The Reception of Human Rights in the Novartis and StatoilHydro Documents**

Novartis and StatoilHydro explicitly make reference to the Universal Declaration of Human Rights of the United Nations and thus express their acceptance of the normative foundation of the discourse. Both communicate their will to promote and protect human rights within their sphere of influence and emphasize the importance of accountability and transparency; they

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<sup>18</sup> This chapter cannot cover the human rights performance of the companies, as this would ask for practical knowledge on the ground.

document manifold institutional precautions in order to make sure that the companies realize their commitments.

Novartis emphasizes a right to health approach carried out by its Access to Medicine Programmes through the following:

- Drug proliferation and price policy
- Patient assistance and insurance programs
- Training of health care professionals and capacity building of national health care systems
- Research on neglected diseases

In contrast to Novartis' community- and society-oriented human rights approach, StatoilHydro accentuates the human rights of employees, referring to the ILO Norms:

“We support core labour standards based on international conventions:

- freedom of association and collective bargaining
- freedom from forced labour
- elimination of child labour
- freedom from discrimination in employment” (Statoil 2004: 14).

## **II.2 On the Sphere of Influence for the Human Rights Responsibility of Business**

As one has seen in the section on the discourse, corporate actors are concerned how far the sphere of influence for their human rights responsibility should reach. BLIHR has presented an understanding of sphere of influence differentiating between the company, the community, and the society reach.<sup>19</sup> This tri-partition is reflected by a proposed business responsibility at three levels—essential, expected and desirable.

Novartis explicitly refers to this BLIHR concept and demonstrates with its focus on the right to health a broad understanding of sphere of influence. In its annual reports Novartis states that “[t]he hierarchy of corporate responsibilities at Novartis begins with essential, nonnegotiable corporate duties. [Second] enlightened companies have long recognized that

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<sup>19</sup> See <http://www.blihr.org/> (03/19/2008).

acting in a responsible way means taking into account legitimacy as well as legality—and sometimes doing more than the law requires. Legitimate corporate conduct is doing the right thing: for example, maintaining consistent global standards, regardless of legislation or regulation at the local level. Finally, our hierarchy of corporate responsibilities includes philanthropy: pro-bono research, community and neighborhood programs, volunteerism and donations” (Novartis 2007: 65).

StatoilHydro’s view of the sphere of influence can be tapped only indirectly: “We share a responsibility for our common future, which cannot stop at the company door” (Statoil 2004: 49). Apart from transparency, human rights and labor rights, StatoilHydro manifests its economic interest that “social investments” should concentrate on economically sustainable relationships to communities in which the company operates (see Statoil 2006).

### **II.3 Awareness-Raising and Norm Internalization**

Awareness-raising and norm internalization cover measures that anchor and spread dominant views on the human rights responsibility of business. As I cannot here monitor norm internalization by looking at actual behavior, norm internalization is operationalized in a more nominal manner, as training and control of employees at the enterprise level and the inclusion of human rights norms in contracts along the supply chain.

Both companies dispose of codes of ethics to which all employees are subject; both have installed training systems, so that employees understand and adhere to these values. Employees are supposed to participate in such programs in a recurring manner, so that among other things the implementation of human rights is treated as a continuous learning cycle and understood as an element of existing management systems in other issue areas. In addition, both companies have established a whistleblower system, so that offenses of the respective corporate code can be reported anonymously.

Both companies claim to have raised awareness among partners, although this concern does not refer specifically to human rights but more generally to ethical concerns, such as transparency and anti-corruption. Novartis demonstrates its leadership role by pointing to its manifold and joint sector efforts along the supply chain. Thus during 2007, “[...] Novartis

joined with other major pharmaceutical companies to develop a common framework for Third-Party Management called the *Pharmaceutical Supply Chain Initiative* (PSCI)” (Novartis 2007: 98). Novartis’ claim of leadership can also be seen in the many activities of the NFSD—cooperating with think tanks, publishing books on the topic of CSR, and so on.

Similarly to Novartis, StatoilHydro cooperates with other business actors such as the *World Business Council for Sustainable Development* and the *Partnering Against Corruption Initiative* (PACI), the latter embracing companies in the construction, energy and mining sectors. Nevertheless, StatoilHydro demonstrates a more limited field of action, because the company lacks the explicit leadership claim of Novartis.

Both companies address the need for knowledge of cultural and local characteristics when ethical standards are applied and see this as a challenge.

#### **II.4 Rationales for Integrating Human Rights into the Companies’ Policies**

The expressed rationales for integrating human rights into the companies’ policies point to the linkage between normative and economic motives. Above all, the rationale of a good reputation is a factor in the calculation of costs (see also Haufler 2003). A good reputation is seen as important for reducing transaction costs and doing risk assessments. Both, Novartis and StatoilHydro emphasize that reputation as an important resource for a successful human resources policy, because a good name helps find and secure the loyalty of highly qualified personnel.

Novartis’ leadership claim is not only related to its self-portrayal of ‘we are the best’ and ‘we can be trusted’, but also demonstrates company’s claim to be a norm entrepreneur: “Since the creation of Novartis in 1996, our company has been a leader of change and progress, not a passive observer” (Novartis 2006: 8). At the same time the linkage of leadership claim and economic interests comes forward: “When we operate in a way that is respectful of human rights, socially equitable and environmentally sustainable, we can better meet our economic responsibilities. Business success and social responsibility are mutually inclusive – indeed, they depend on each other” (Novartis 2007: 65). Thus one aim of the right to health strategy of drug proliferation and capacity building is to provide “[...] a competitive advantage by

enhancing access to markets and customers for Novartis products and associates” (Novartis 2006: 58).

StatoilHydro does not refer explicitly to human rights, but more generally to social responsibility which to the company is less philanthropy than good business practice. Thus StatoilHydro sees “[s]ocial responsibility [as] a Norwegian competitive advantage” (Statoil 2005: 58) and “[a] strong reputation is important if we are to realise our business goals. The way we run our business is just as important as the results we achieve” (Statoil 2004: 7). Representing extractive industries, StatoilHydro also refers to “[a]ccess to new resources [...]” which in their view “[...] depends in turn on being trusted by governments, decision-makers and various stakeholders in the countries in which we want to operate. By reporting on the results we have achieved and the challenges we face, we want to make an active contribution to building such trust” (Statoil 2007: 3).

## **II.5 State and Business Responsibility for Human Rights**

The distinction between state obligations and business responsibility for human rights has been an important topic in the discourse on the human rights responsibility of business, partly to argue against a strong commitment and partly to demarcate two types of responsibility. Both companies emphasize the priority of states’ responsibility. However, both put forth different arguments concerning the responsibility of business complementing state obligations because of the differing focus of their business activity.

StatoilHydro is reluctant in this respect: “The primary responsibility for protecting human rights rests with [the] government. We cannot act on our own initiative to look after these rights outside our core business. We lack the necessary legitimacy. So we will not raise individual cases unless they concern our own employees. We believe that our contribution to long-term projects in cooperation with other players has greater significance for human rights in a country” (Statoil 2004: 51).

In contrast to StatoilHydro, Novartis sees a strong a role for itself in endorsing the right to health: “Novartis believes the State bears the primary responsibility to address the main causes of premature mortality and preventable morbidity among its citizens. [...] no single

player can resolve the complex problems of poor countries. Far-reaching success can only be achieved through the constructive collaboration of many well-intentioned parties” (Novartis 2004: 52). At the same time Novartis raises demands upon the states: “International trade agreements offer both rights and responsibilities to member countries. Ensuring effective protection for intellectual property is among these responsibilities” (Novartis 2007: 65f.).

## **II.6 Summary of the Profiling of Novartis and StatoilHydro**

By expressing a strong commitment to human rights, both BLIHR members—Novartis with its Foundation and StatoilHydro—reflect the mainstreaming of the human rights responsibility of business at the micro-level. Nevertheless, the two vary. Novartis stands for an outspoken human rights approach complementing the human rights obligations of states, especially in respect to the human right to health. In contrast, StatoilHydro supports human rights as integral part of its company ethics, but directs the responsibility it perceives mainly to its employees. For both, the human rights understanding is instrumental as a competitive advantage. Thus, for these two BLIHR members, norm internalization consists of the interaction of normative and rational decisions, with the overall aim to move well in the global economy.

## **Résumé and Further Discussion**

The aim of this analysis was to understand better both the relevance of human rights for the private sector and the kind of human rights responsibility the sector is willing to take over—this, in contrast to state obligations. At the macro-level the reconstruction of discourse on the human rights responsibility of business reveals a peak in the rather heated debate with the presentation of the UN Norms. Hardliner positions revolved around the need for binding regulations for the human rights responsibility of business. Civil society actors put forth and business challenged this need. Here, the view of the private sector, with the denial of such regulation, has prevailed and demonstrates the discursive power of business. Despite this difference, views are drawing closer, thanks to a mainstreaming of the idea of a responsibility for human rights among businesses. BLIHR has taken a lead in this attempt for compromise. Discussions occur in multiple sites. Among them are multi-stakeholder initiatives, with the

Global Compact as a most prominent example. The most important site for the discourse is the UN, with its special representative.

This mainstreaming of the human rights responsibility of business is well reflected at the micro-level. Both BLIHR members, Novartis with its Foundation and StatoilHydro, express a strong commitment to human rights, despite variations in their understanding of the reach of this responsibility; both integrate human rights in business rationales; both emphasize the predominance of the states' responsibility for human rights.

Assessing the discourse on the human rights responsibility of business, I take two perspectives. First, I look at its potential for shaping globalization following internationally recognized standards with TNCs as responsible actors. Second, I consider possible implications of this discourse for the human rights regime.

The discourse on the human rights responsibility of business enhances the overall discussion of human rights. The reconstruction of the discourse revealed that a mainstreaming of human rights has taken and is taking place and that business hardliner positions are breaking up. Still, the business position prevails in respect to binding regulations. The private sector takes up the human rights language, and its commitments to human rights create an important ground for making business accountable and more vulnerable to public criticism. This opens up debate and dialogue, enabling learning and contributing to further norm internalization within business. Typical of this softening of attitudes are multi-stakeholder initiatives on this topic and discourse communities that act as compromisers. Some business actors even act as norm entrepreneurs. At the same time, this common ground may weaken blaming and shaming as a traditional role of human rights NGOs, which has been an important impetus for change and willingness for dialogue within parts of the private sector. Thus, the overall 'balance of power' within the discourse may change.

With the 60<sup>th</sup> anniversary of the Universal Declaration of Human Rights— an event of high symbolic value for all actors—a hardening of positions (at least for the moment) has been noted. Contrary to this, another trend, originating in the debate on globalization, creeps into this discourse and may rearrange the prevailing discourse communities. The change stems from the increasing competition in the global economy between Western TNCs and those of emerging economies such as China, India, and Malaysia. Western corporations criticize as a

competitive disadvantage the ignoring of internationally recognized standards by these ‘newcomers’ and the lack of public pressure on them. A concurrence between the interests of Western TNCs and human rights activists might emerge and even direct the discourse toward universally binding rules, at the same time as towards the strengthening of state obligations.

Considering the possible impact of the discourse on the human rights regime, some very preliminary thoughts are brought forward. Three topics come out of the analysis: 1) state responsibility prevails, 2) the discourse changes the human rights language from a legal to a predominantly normative one, and 3) the discourse renders little progress for human rights as enforceable rights concerning violations committed by business.

First, state obligations for human rights abuses of business are not a major part of discourse on the human rights responsibility of business. Thus in principle state obligations remain uncontested; their need for further specification is part of another debate, namely on extraterritorial state obligations. In the discourse on the human rights responsibility of business, states are acting very much in the background, and it seems that only governments of weak states are addressed by Ruggie’s proposals. One may question whether the discourse on the human rights responsibility of business in fact leads to ‘shared responsibilities’ as Ruggie claims.

Second, the discourse on the human rights responsibility of business focuses on voluntary commitments to human rights as international norms. The concern for human rights as enforceable rights of individuals is scarcely addressed. There may be a danger that the legal character of human rights will be drowned by the emphasis on the normative level. Such a reinterpretation might be implied, for example, when Leisinger from the NFSD talks about the historic relativity of the human rights concept as an agreement of only the states in 1948. He sees the need to adjust the human rights “[...] concept [...] into the language of the world of business” (NFSD 2007: 5).

Third, even though pro-active initiatives such as BLIHR contribute to mainstreaming human rights in the private sector, the overall discourse on the human rights responsibility of business does not deal with human rights as enforceable rights. Concrete human rights violations by TNCs or complicity with such, for example, land evictions or intellectual property rights as opposed to indigenous rights, are scarcely touched on in the discussions. It

seems as if the legal language of human rights lags in the discourse of the human rights responsibilities of business and that the responsibility of business for human rights abuses is blended out.

With powerful private-sector actors involved in human rights abuses, the types of perpetrators broaden and thus also the reality of human rights violations. There seems to be a need to define more precisely than at present the character of violations of human rights by business, at the same time as penalties and obligatory forms of compensation. A model for such an attempt considering victims' concerns might be the 1997 *Maastricht Guidelines on Violations of Economic, Social and Cultural Rights*, which try to define violations of specific rights.<sup>20</sup>

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<sup>20</sup> [http://www1.umn.edu/humanrts/instree/Maastrichtguidelines\\_.html](http://www1.umn.edu/humanrts/instree/Maastrichtguidelines_.html) (03/19/2008).

## Sources

## Literature

Adut, Ari (2004): Scandal norm entrepreneurship strategy: Corruption and the French investigating magistrates, in: *Theory and Society* 33/5 (2004), 529-578.

Baue Bill (2006): Win or Lose on Court. Alien Torts Claims Act Pushes Corporate Respect for Human Rights, in: *Business Ethics Magazine* Summer 2006, 12-13.  
<http://www.globalpolicy.org/intljustice/atca/2006/06winlose.pdf> (03/18/2008).

Bourdieu, Pierre (1996): *Die feinen Unterschiede. Kritik der gesellschaftlichen Urteilskraft*, Frankfurt am Main.

Cooper, Katy / Warhurst, Alyson (2004): *The 'UN Human Rights Norms for Business'*.  
[http://www.amnesty.org.uk/uploads/documents/doc\\_15550.pdf](http://www.amnesty.org.uk/uploads/documents/doc_15550.pdf) (03/18/2008).

Cox, Robert W. / Jacobsen, Harold K. (1974): The Framework for Inquiry, in: Cox, Robert W. / Jacobsen, Harold K. (eds.): *The Anatomy of Influence. Decision Making in International Organizations*, London, 1-36.

Cutler, Claire A. / Haufler, Virginia / Porter, Tony (1999): *Private Authority and International Affairs*, New York.

Fairclough, Norman (1992): *Discourse and Social Change*, Cambridge.

Florini, Ann (1996): The Evolution of International Norms, in: *International Studies Quarterly* 40/3 (1996), 363-389.

Foucault, Michel (1991): *Die Ordnung des Diskurses*, Frankfurt am Main.

Habermas, Jürgen (1981): *Theorie des kommunikativen Handelns Vol. 1*, Frankfurt am Main.

Held, David / McGrew, Anthony / Goldblatt, David / Perraton, Jonathan (1999): *Global Transformations. Politics, Economic and Culture*, Stanford.

Haufler, Virginia (2003): Globalization and Industry Self-Regulation, in: Kahler, Miles / Lake, David A. (eds.): *Governance in a Global Economy. Political Authority in Transition*, Princeton, 226-252.

Kinley, David / Nolan, Justine / Zerial Natalie (2007): The Politics of Corporate Social Responsibility: Reflections on the United Nations Human Rights Norms for Corporations, in: *Company and Securities Law Journal* 25/1 (2007), 30-42.  
<http://www.business-humanrights.org/Documents/The-Politics-of-CSR-by-Kinley-Nolan-Zerial-vol-25-1-2007.pdf> (03/18/2008).

Liese, Andrea (2006): *Staaten am Pranger. Zur Wirkung internationaler Regime auf die innerstaatliche Menschenrechtspolitik*, Wiesbaden.

Mark-Ungericht, Bernhard (2005): Menschenrechte und internationale Geschäftstätigkeit, in: *Zeitschrift für Wirtschafts- und Unternehmensethik (ZfWU)* 6/3 (2005), 324-342.

Nowrot, Karsten (2003): Die UN-Norms on the Responsibility of Transnational Corporations and Other Business Enterprises with Regard to Human Rights - Gelungener Beitrag zur transnationalen Rechtsverwirklichung oder das Ende des Global Compact?, in: *Beiträge zum Transnationalen Wirtschaftsrecht Heft 21*, 2003.  
<http://www.telc.uni-halle.de/Heft21.pdf> (03/18/2008).

Paul, James A. (2001): Der Weg zum Global Compact. Zur Annäherung von UNO und multinationalen Unternehmen, in: Brühl, Tanja / Debiel, Tobias / Hamm, Brigitte / Hummel, Hartwig / Martens, Jens (eds.): *Die Privatisierung der Weltpolitik. Entstaatlichung und Kommerzialisierung im Globalisierungsprozess*, Bonn, 104-129.

Rosemann, Nils (2005): The UN Norms on Corporate Human Rights Responsibilities, in: Friedrich-Ebert-Stiftung (ed.): *Dialogue on Globalization. Occasional Papers No.20* (2005), Geneva.  
<http://library.fes.de/pdf-files/iez/global/04669.pdf> (03/18/2008).

Schwab-Trapp, Michael (2001a): Methodische Aspekte der Diskursanalyse. Probleme der Analyse diskursiver Auseinandersetzungen am Beispiel der deutschen Diskussion über den Kosovokrieg, in: Keller, Reiner / Hirsland, Andreas / Schneider, Werner / Viehöver, Willy (eds.) 2003: *Handbuch Sozialwissenschaftliche Diskursanalyse Vol. 2: Forschungspraxis*, Opladen, 169-195.

Schwab-Trapp, Michael (2001b): Diskurs als soziologisches Konzept. Bausteine für eine soziologisch orientierte Diskursanalyse, in: Keller, Reiner / Hirsland, Andreas / Schneider, Werner / Viehöver, Willy (eds.) 2001: *Handbuch Sozialwissenschaftliche Diskursanalyse Vol. 1: Theorien und Methoden*, Opladen, 261-283.

Utting, Peter (2004): Neue Ansätze zur Regulierung Transnationaler Konzerne. Potential und Grenzen von Multistakeholder-Initiativen, in: Brühl, Tanja / Feldt, Heidi / Hamm, Brigitte / Hummel, Hartwig / Martens, Jens (eds.) (2004): *Unternehmen in der Weltpolitik. Politiknetzwerke, Unternehmensregeln und die Zukunft des Multilateralismus*, Bonn, 96-121.

## **Business Documents**

(BLIHR) Business Leaders Initiative on Human Rights (2006): Report 3: Towards a 'Common Framework' on Business and Human Rights. Identifying Components. London.  
<http://www.blihr.org/Reports/BLIHR3Report.pdf> (03/18/2008).

(BLIHR) Business Leaders Initiative on Human Rights (2004): Report 2: Work in Progress. London.  
<http://www.blihr.org/Reports/BLIHR%20Report%202004.pdf> (03/18/2008).

(BLIHR) Business Leaders Initiative on Human Rights (2003): Report 1: Building Understanding. London, Amsterdam.  
<http://www.blihr.org/Reports/BLIHR%20Report%202003.pdf> (03/18/2008).

(NFSD) Novartis Foundation for Sustainable Development (2007): Business and Human Rights – advancing the debate, in: Newsletter express, 11 (2007).  
<http://www.novartisstiftung.org/platform/apps/Publication/getfmfile.asp?id=214&el=2056&se=883554036&doc=150&dse=5> (03/18/2008).

Novartis (2008): Annual Report 2007.  
<http://www.novartis.com/downloads/investors/reports/NovAR07-web-E.pdf> (03/18/2008).

Novartis (2007): Annual Report 2006.  
[http://www.novartis.com/downloads/investors/reports/AR06\\_E\\_web.pdf](http://www.novartis.com/downloads/investors/reports/AR06_E_web.pdf) (03/18/2008).

Novartis (2007a): Communication on Progress. Novartis commitment to the UN Global Compact.  
[http://www.unglobalcompact.org/data/ungc\\_cops\\_resources/C31D7BD8-7916-4122-8F7C-A27CA1959792/COP.pdf](http://www.unglobalcompact.org/data/ungc_cops_resources/C31D7BD8-7916-4122-8F7C-A27CA1959792/COP.pdf) (03/18/2008).

Novartis (2006): Annual Report 2005.  
[http://www.novartis.com/downloads/investors/reports/AR05\\_E\\_web.pdf](http://www.novartis.com/downloads/investors/reports/AR05_E_web.pdf) (03/18/2008).

Novartis (2006a): Communication on Progress. Novartis commitment to the UN Global Compact.  
[http://www.unglobalcompact.org/data/ungc\\_cops\\_resources/7F456DB8-C0CE-4283-A1D6-2A0307AE8FFE/COP.pdf](http://www.unglobalcompact.org/data/ungc_cops_resources/7F456DB8-C0CE-4283-A1D6-2A0307AE8FFE/COP.pdf) (03/18/2008).

Novartis (2005): Annual Report 2004.  
[http://www.novartis.com/downloads/investors/reports/AR04\\_E\\_web.pdf](http://www.novartis.com/downloads/investors/reports/AR04_E_web.pdf) (03/18/2008).

(SIPC) Shell International Petroleum Company (1999): Business and Human Rights. A Management Primer, without location.

Statoil (2007): Mastering Challenges. Statoil and Sustainable Development 2006.  
<http://www.statoilhydro.com/en/EnvironmentSociety/dataandreports/SustainabilityReports/Downloads/Sustainable%20report%202006%20.pdf> (03/18/2008).

Statoil (2006): Global Challenges Local Solutions Statoil and Sustainable Development 2005.  
<http://www.statoilhydro.com/en/EnvironmentSociety/dataandreports/SustainabilityReports/Downloads/Sustainable%20report%202005%20.pdf> (03/18/2008).

Statoil (2005): Solutions through cooperation. Statoil and Sustainable Development 2004.  
<http://www.statoilhydro.com/en/EnvironmentSociety/dataandreports/SustainabilityReports/Downloads/Sustainable%20report%202004%20.pdf> (03/18/2008).

### **United Nations Documents**

A/HRC/4/035: Business and Human Rights: Mapping International Standards of Responsibility and Accountability for Corporate Acts: Report of the Special Representative of the Secretary-General (SRSG) on the issue of human rights and transnational corporations and other business enterprises  
<http://documents-dds-ny.un.org/doc/UNDOC/GEN/G07/108/85/pdf/G0710885.pdf?OpenElement> (03/18/2008).

E/CN.4/2006/97: Interim report of the Special Representative of the Secretary-General (SRSG) on the issue of human rights and transnational corporations and other business enterprises  
<http://daccessdds.un.org/doc/UNDOC/GEN/G06/110/27/PDF/G0611027.pdf?OpenElement>  
(03/18/2008).

E/CN.4/Sub.2/2003/12/Rev.2.: Norms on the responsibilities of transnational corporations and other business enterprises with regard to human rights: Commission on Human Rights.  
<http://daccessdds.un.org/doc/UNDOC/GEN/G03/160/08/PDF/G0316008.pdf?OpenElement>  
(03/18/2008).