

Drawing a path forward.

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Where Am I?

- Started September 2011
- oikos PhD Fellowship
- Researcher at IWE St Gallen.
- A paper on HR & organizational Justice

Why relevant?

- Emerged in the CSR agenda
- Special Representative of the UN Secretary General on Biz & HR
- Increasing public pressure (not only NGOs)

Once upon a time in 1948...

- The UDHR preamble:

“[...] that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms [...]”

Once upon a time in 1948...

- WWII aftermath.
- States as main threats & duty bearers on HR
- Intl HR Law focuses on States & individuals.
- Biz hold indirect responsibilities. (via national law).

Is this allocation today still efficient/valid?

Mind the gap: CSR & HR

- 80's-90's Biz & employment issues
- HR long time absent from the CSR debate
- CSR focus on what is desirable not imperative
- The UN Biz & HR framework as state of the art.
- The SRSG report sidelines the moral dimension

Slowly bridging the gap

- 1998 UN subcommision for the Promotion & Protection of HR
 - Sessional Working group on Biz & HR
- 2000 UN Global Compact launched
- 2003 UN Norms failed endorsement
- 2005 UN SRSG appointed: John Ruggie
 - Protect, Respect & Remedy Framework
- 2011 UN Human Rights Council
 - Wide support & endorsement

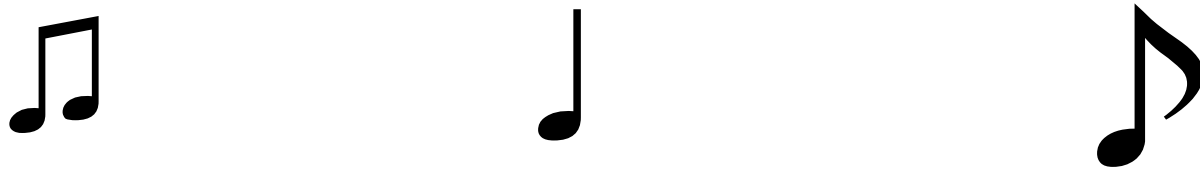
Debate rapidly expanding into...

- Law & ethics: US Alien Tort Claims Act, Complicity
- Politics
 - Ken Saro-Wiwa & Shell
 - Multi-stakeholder initiatives: OECD Guidelines
 - Voluntary principles booming.(industry or company specific)

Fill in the gap



We are living in a
POST-WESTPHALIAN World.



“The root cause of business and Human Rights predictment today lies in governance gaps created by Globalization.”

SRSR John Ruggie, 2008

The Westphalian era is over

- Distinction between public/private sphere
- States were to distribute wealth
- Businesses were to create wealth
- Nation state had monopoly power
- But...
 - States can't fix global issues alone (i.e. global warming)

Post-Westphalians

- Neo conservative policies
- TNC gained power & influence
- TNC already playing in global governance
- Supranational authorities limit nation states
- Biz not subjected to nation states

Questions I have in mind

- How desirable are TNCs promoting HR? Thus as governments? What risks entail?
- What role can HR play in global governance gaps between states & businesses?
- If states are dysfunctional, do businesses have HR duties?
- What are the limits of TNCs responsibilities? A threat to democracy? Complicity vs Pro-activity.
- How does the post-westphalian context affect HR-CSR debate? Impact on democratic systems?

Questions/suggestions!

- Which line/question should I follow?
- What do you find interesting?
- What's an end road?
- How would you refine my questions to make them more acute and thrilling?

THANK YOU ALL!