

**MIDDLESEX UNIVERSITY LAW DEPARTMENT'S SUBMISSION TO THE  
UN WORKING GROUP ON HUMAN RIGHTS AND TRANSNATIONAL CORPORATIONS AND OTHER BUSINESS  
ENTERPRISES**

**8 DECEMBER 2011**

Middlesex University Law Department has created a pioneering MA in Human Rights and Business in 2010. It is working in the area in various ways: by organising conferences, providing training for businesses and governments and writing specialised reports.

More information on our webpage: <http://www.mdx.ac.uk/humanrights>

We have noticed from our engagement with businesses that the best incentive for them to change their practices is through domestic legislation. It is therefore key to encourage governments to legislate and generally to act on business and human rights issues. We have identified 2 ways to help the Working Group in their task of encouraging states to act. They both are about mainstreaming the *Guiding Principles*. We believe the Working Group should:

**1. Ensure that the *Guiding Principles* form part of the standards against which States' records are assessed during the Universal Periodic Review exercise**

This would encourage systematic discussion of business and human rights issues, among other human rights issues, and would avoid the marginalisation of the area.

**2. Actively seek to dialogue with other inter-governmental institutions**

All UN member States are members of the Human Rights Council. Crucially, most of them are also members of the IMF, the World Bank and the World Trade Organisation, to name just the main financial and commercial organisations. While this is slowly changing, through the revised *IFC Performance Standards* for example, human rights are not usually part of these organisations' cultures.<sup>1</sup>

The result is that while human rights are discussed within the UN Human Rights Council, the same states tend to forget about them in other forums, precisely the ones that are directly relevant to businesses. Therefore the Working Group should actively try to engage with these organisations and their members, to encourage them to embrace the *Guiding Principles* (for example, by inviting them to send representatives at the annual UN Forum on Business and Human Rights). Otherwise, business and human rights runs the risk of remaining an isolated area with little practical significance.

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<sup>1</sup> The recently revised *OECD Guidelines on Multinational Enterprises* contain language similar to the *Guiding Principles* but only concern a minority of states.