

**Statement on the 10<sup>th</sup> Anniversary of the United Nations Guiding Principles on Business and Human Rights**  
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Today marks the 10th anniversary of the adoption of the United Nations Guiding Principles on Business and Human Rights, currently the most authoritative statement on the rights of victims, states' obligations, and businesses' responsibilities when businesses harm human rights.

As celebrants are inclined to do, we have heard repeated claims about the consensus and universal endorsement of the Guiding Principles. Unfortunately, this is not an accurate historical representation. It is true that states, via the Human Rights Council, universally endorsed the Guiding Principles—believed to be the first time the Human Rights Council has taken such a step. Some states did this reluctantly, looking almost immediately for a binding treaty that would solidify progress in this area. It is also true that business leaders warmly welcomed their adoption. Academics and civil society, however, were not as celebratory. There was a grave concern at the time that the Guiding Principles were not an accurate representation of legal norms, and that in some ways they took the movement backwards. Academics and civil society accepted the Guiding Principles, but the Guiding Principles were, and are, the compromise. They are a baseline, a common denominator representing the minimum standards deemed appropriate by all parties.

We appreciate that several actors have worked to advance implementation of the UNGPs. We wish to praise the Government of France, in particular, for adopting a world-leading and standard-setting duty of vigilance law that includes a right of victims to access remedies when they are harmed. Victims have a clear and well established customary international law right to adequate and appropriate remedies and reparations. That right is the core, Third Pillar, of the UNGPs. The failure to comply with the Third Pillar, and the failure to realise it within new legislation and regulation, represents a failure to realise the state's duty to protect under the First Pillar. While several other states have adopted various instruments aimed at some implementation of the UNGPs, France alone has taken a robust approach that meets the demands of the UNGPs and we are grateful for it.

That we can identify the world's sole leader in the implementation of the UNGPs is a problem. If the Guiding Principles are the compromise and the bare minimum expectation, it is disappointing that they have not, over the past ten years, been more widely implemented. Their full implementation relies on those in positions of power—states and business leaders—stepping up now.

The COVID-19 pandemic has revealed how precarious our global economy is, and how quickly those in positions of vulnerability are sacrificed in an emergency. This is untenable and not in alignment with the UNGPs. We do not have another 10 years to wait. Victims have long been asked to bear the burden of business's harmful conduct in the name of economic progress. We must not allow that to continue. It is time to transfer the burden to businesses, who should own their own failings and suffer the consequences of their own choices and their own harmful actions.

We hope this anniversary spurs not only celebrations but actions and look forward to working with other stakeholders to realise this.