THE ROLE OF BUSINESS LAWYERS IN HUMAN RIGHTS COMPLIANCE

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Overview on the situation
Nowadays, the promotion and effective protection of Human Rights are both still a priority for international community. This is clearly one of the consequences of globalization. First, it is because people are increasingly conscience of belonging to a global political community, and desire this community to be governed according to the principles of human rights, as their natural framework for coexistence. Secondly, it is because the emergence of new factual powers, working on exploiting the gray areas of national or international law, makes it necessary to rethink the rules and the roles played by each of the protagonists in this new international order. We want to be consciences of where there are being produced deficits of human rights essential guarantees and, if necessary, to introduce other non-state protection mechanisms to encourage and promote the effective compliance of these rights, in a fair and balanced manner, in all areas of human development.

We all agree considering that one of these new players in the game of globalization are multinationals companies. In the past 30 years they have emerged as key players in the international trade, becoming major players of the international and national economic development. This fundamental position has increased its importance in shaping contemporary and increasingly international society. The multinational business expansion affects, directly and indirectly, the societies, and becomes a key factor in the enjoyment and development of human rights for all this people who are related to them throughout their value chain: as producers, distributors, suppliers or final consumers of products.

We are more than a decade living this new reality. There is no problem for people in that. Even more, considering this reality as our usual context, we have developed an equally global communication that has addressed the attention of global public opinion to the compliance of social responsibility principles of these multinational when making bussines abroad.

Although, the United Nations had already tried to arrange this new international reality with the Code of Conduct for Transnational Corporations (1990) or with the rules on liability of transnational corporations (2003), the fact is that until 2010 the international community has not reached the necessary agreement to work in this direction. The question of Human Rights in bussines was not placed on the international public agenda. The consequence is a gradual creation of a new international legal framework, which emerged from the appearance of a gradual international awareness that want to ensure minimum conditions of equal dignity for all everywhere. New standards, paradigms and subjects of international law need to be treated with new instruments, from a new perspective.

The movement was born from the recognition by the UN of the conceptual framework “UN Protect, Respect and Remedy: A Framework for Business and Human Rights” and known as "Ruggie Principles". It is based on an international consensus on actions that companies should adopt with respect internationally recognized human rights. It reflects a clear objective: to face courageously the impact of business development in human rights. It comes up from a different legal premise than those adopted by earlier approaches: Classic international treaties created obligations between different States or between States and citizens, but they not impacted -with specific obligations- on enterprises behavior. Companies, in connection with the obligations arising from classical international Law on human rights, assumed a different role from ‘citizens’. They act always under the application of local legislation, according with the standards of human Rights respect they have in the places where they act.

Therefore, existing Human Rights protection Treaties -from the Universal Declaration of Human Rights, to specific regional treaties as the European or the American conventions- are no longer the appropriated tool to manage with these new international relations starring by multinational companies and international corporations, when assuming such essential role. We are witnessing the birth of a new international order, closely linked with the ideas
of corporate social responsibility and good corporate governance. It basically means that international companies should not violate essential content of human rights, whatever the local regulation applicable, and should channel their risks to avoid or at least to minimize and to remedy the negative impacts caused by their business activities, including business relationships with third parties, by assuming the internal application of this principles in its internal company organizational policies.

The Guiding Principles becomes an important and useful policy tool for international organizations. However it is needed to translate these Human Right standards into concrete action and solutions on the ground. This requires passing through national government processes. They are basically "National Action Plans", which help ensure that States turn the Guiding Principles into practice, with local and global implications. Today’s debate on business and human rights includes calls from stakeholders for clearer commitments and results, in order to success the National Plans regulation.
Theoretical approach and juridical problems
The debate is in this issue rich and it is in full swing. It’s a complex discussion because the statement according to which the international human rights treaties create obligations just for States is not satisfactory for an aware and engaged society. What happens when a signatory State of UN Declaration, for example, don’t implement the important obligations assumed by the Treaty? Has a company freedom to decide when should comply with the Human Rights principles, in cases where the domestic legislation is insecure? Should a company be concern for human rights by choice? It is responsible that a company may choose the human rights level of commitment they must have by selecting the places on the world where producing, for example?. For these entire questions, there are two levels of knowledge we have to consider: First, the juridical level. There is or not a legal obligation for Multinational to comply with Human Rights standards, whatever it is implemented by domestic Law. Second, the social responsibility level. There is or not a social responsibility obligation for Multinational to comply with Human Rights standards, that is over the legal obligation of domestic Law.

Ruggie Principles do not introduce new concepts or new regulations on Human Rights. Rather, they are accommodated on Human Rights international Standards and constitutional principles already undertaken by occidental legal systems. Ruggie Principles are referring to the same rights that Human Rights Treaties have been recognizing by decades, and they insist on remembering the fundamental obligation for States of protecting Human Rights. However, Multinational companies may act on the so-called Law-free zones, where they probably are not acting illegally, but neither are complaining with the criteria and standards of corporate responsibility, according with Human Rights principles. We know that corporate responsibility does not exist or is not controlled with the same level of demand, depending on the areas they make bussines, in accordance with international standards of Rule of Law.

From a legal and technical point of view, we face some very interesting questions. We have to study if companies are obliged to respect for human rights beyond the National law; in other words, it is possible to demand transnational companies an extra compliance of HR beyond the local Law of the states where acting?. We don’t know what occurs when the applicable national law for intra-business relations is diverse from the Law of the seat of the company, and we have to find a legal solution to avoid differential treatment for workers in the same company depending on the activity place. We have to think whether is ethically acceptable that “social responsible” multinational companies exploit different economic partners according with the expected benefit of the application of more limited standards of protection of human rights. And we have to consider all this issues in terms of global sustainability of bussines, dialing with different standards of protection of human rights to save production costs. It is evident that there are important limits of the application of the principle of Rule of Law for multinationals in jurisdictions where Human Rights are not always respected. In some cases, local legal order (by introducing exceptions through governmental decisions or actions) allows company discriminatory actions in order to obtain the essential investment or the economical inputs generated by the multinational firm activity in the territory.

The question, then, should be solved with a previous technical juridical approach. Are there direct international obligations for companies?, Is the international law directly applicable to multinational companies?. All these questions are depending on the direct or indirect applicable nature of Human Rights.

From a theoretical point of view, as the Vienna Conference expressly recognizes (1993), "Neither national or regional peculiarities, the diversity of historical traditions, the different cultures or religions, nor the differences in political or economic systems, regulatory gaps or trade or business relationships produced by the internationalization, may exempt individual
or States from the fulfillment of the generic obligations to promote and protect human rights and fundamental freedoms”. Considering that multinational companies are also individuals submitted to Law¹, they must be considered subject to this principle as well, of course to the international standard of Human Rights respect, whatever was the domestic legal implementation. Theoretically speaking, we may defend that multinational companies should be committed to take all necessary measures to ensure the respect of human rights.

Accepting this general statement, the second question we must consider is which Human Rights are they obliged to respect?. The answer is not easy, because it is depending on the applicable Law and the different territories on where the company acts (territorial principle)². For all the multinational companies headquartered in a western country (north American or European mainly), the answer could probably be all the Human Rights applicable in their mother countries. It means the highest level of Human Rights development, internationally speaking. This high standard of protection may be applicable regardless of legal certainty of domestic law development in the territories in which these companies operate. However we have to take into account the internal legal organization of the multinational company and the applicable and different legal regimen for the matrix and its connected companies.

Anyway, the legal condition of company’s international obligation respecting Human Rights is, for business, other than the original one created for signatory States of the Convention. It is obvious they must be different, especially for dualist systems of international law integration. There is a primary obligation, that States have under these classical international instruments to protect human rights. It is to fight against any kind of attack violating Human Rights, produced by others including companies.

The supremacy of international law is a rule in dualist systems, as it is in monist systems, moreover for Human Rights treaties. However is commonly accepted that dualist countries consider international law as not directly applicable, and translate it into national law for its enforceability. The consequence is when existing National Law contradicts International Law, it must be modified or eliminated in order to conform to international law. From a human rights point of view, if states do not intend to fully translate it into national law the treaty prescriptions, the implementation of the treaty becomes very uncertain, and is not easy for law operators to know whether or not it is effective and whether it is above the applicable domestic legislation. When domestic legislation fully translate it into national law the treaty prescriptions, then it doesn’t matter, but for academy, what is being first applied: the treaty or the local legislation³.

However, beyond the application of current Law, companies have what we can define as “a self- obligation” according with the international principle of due diligence, to apply Human Rights standards to business and corporate actions. It is result to be implemented by the company domestic policies, by designing and implementing internal procedures and internal control systems in all its actions according and respecting Human Right Standards. The results is the development of an internal framework of regulation in Human Rights compliance, that becomes part of the ordinary business management, policies, procedures and systems of the company and “auto applicable”. In order to know and to show abroad the degree of compliance with HR principles, these internal regulations may be, even, measured.

¹ Atención justificar

² Many international instruments determine the applicable law for commercial private relationships, as Interamerican Convention on the Law applicable to international contracts, Signed at Mexico, D.F., Mexico, on March 17, (1994); Convention on the Law applicable to contracts for the international sale of goods, Concluded 22 December 1986.

The juridical content of this “self-obligations” is obviously different from those created by international Law for signatory States of the UN Convention, for example.

Meanwhile, some national regulators, probably the most advanced in SRC regulations, are timidly reacting to integrate, from traditional legal schemes, the principles and philosophy of Ruggie Principles for commercial regulations applicable to multinational companies that are sited in their territories. In some cases, it imposes them just the obligation to be submitted under public audit controls. In other cases, it makes good governance recommendations. Sherman points out some examples, we highlight two: Section 1502 of the Dodd -Frank Act U.S. requiring U.S. companies to apply the principle of due diligence on their supply chains, whether they use certain minerals from the Democratic Republic of Congo. Second, the Law of Transparency in Supply Chain 2010 of California, requires Californian companies and companies that develop business in California (wholesalers and retailers) to disclose the steps they have taken to eliminate slavery and trafficking in persons for labor exploitation, throughout its supply chain. Both regulations aim the accountability for enterprises to respect human rights standards in all stages of their business: from the main business to the suppliers or distributors that relate to them.

In some other cases we find jurisprudence as the motor for Human Rights implementation for companies. In February 2012, for example, the Supreme Court of the United States raised in what circumstances foreign employees of American companies can sue to their companies before U.S. courts, applying the old Alien Tort Statute, when serious abuses of human rights has been committed outside the territory of the United States. The case has become an icon for the international movement of human rights. Finally the Supreme Court although did not recognized the extraterritoriality of U.S. jurisdiction to prosecute human rights violations committed by USA companies, outside the country territory, the authors consider it opened the door for future interpretations in this regard, once the rules of international law firms incorporate these obligations.

The logic about human rights protection and guarantee has definitely changed. Today it is no longer considered that rights define the relationship between the State and its citizens (vertical relationship). Today is also expected that they define the relationship between individuals, especially when this relationship is not equilibrated. We are referring to what the German constitutional doctrine called “the horizontal effect of human rights”.

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The new role of business Lawyers
3. The new role of business Lawyers

The task for legal profession is, in this sense, crucial in this issue. For the International Bar Association (IBA), the American Bar Association (ABA), the Council of Bars and Law Societies of Europe or the Law Society of England and Wales, for example, lawyers are those professional who are first called to implement the United Nations framework in the defense of human rights, in both cases: for the development of their own business, and for the development of the service providing legal advice to the client.

Legal knowledge is an essential and basic tool to enforce the obligations generated by Ruggie Principles. So lawyers play a very important role in its compliance. Clearly, the law must intervene in repairing the violations caused by abusive business activities of its clients. They must defend the firm in court, but also they should help the company by implementing preventive measures, acting accordingly with ethics and ethical responsibility, as educated in the intrinsic values of the Rule of Law. According to deontological and professional codes lawyers increasingly must provide their services according to Law and Justice, whatever the client in question is and the time in which the counseling service occurs. They become, moreover, the key piece in this schedule, because as expressly recognizes principle Number 23.c: “In all contexts, business enterprises should (…): Treat the risk of causing or contributing to gross human rights abuses as a legal compliance issue wherever they operate.”

The compliance of companies on the human rights and Ruggie Principles is a legal issue, and effectively must operates as such, even if the application of security standards is not clear or is under construction.

The problem lies, however, in the profound traditional separation between “Human rights lawyers” and “corporate lawyers”. Ius Publicum versus Ius Privatum. Globalization and international commitments made by the States in the framework of the United Nations principles, as well as the new rules implementing the principles contained in the future National Plans, will force us to connect this two points of view, traditionally so distant, to give an adequate service to the company, acceptable in terms of sustainability. In this context, it has born the idea of implementing educational tools that enable “company lawyers” (internal or external) or bussines lawyers to mainstream the protection of Human Rights in their professional activity. The project of Fernando Pombo Foundation consists, precisely, of training in-house lawyers in order to make them possible to incorporate in their legal thinking the effective defense and / or prevention of violation of human rights, for any of their professional activities, and to enable them to actively promote effective corporate disclosure of these principles in a way that positively impact in the business or in its customers.

The project also aims to help biggest Law firms, considering them as multinationals itself, to lead the example and to incorporate these new HR policies as part of their corporate social responsibility. As far as we know only Allen & Overy own published policy HRB.

We don’t mean that the corporate responsibility to respect human rights may be reduced to mere legal liability or a question of risk assessment, and therefore the specific role of business lawyers will be condense to it. From a strictly legal point of view, lawyers must advice companies on human rights issues that affect them “in relation to” or “because of” the business, including any other advice required for a healthy development of the business, as preparation of impact reports for corporate actions under the human rights Treaties standards, or the development of Human Right studies applied on strategic plans of expansion of the company. Lawyers may advice their clients about the implications caused by bussines decisions in relation with potential negative impacts caused in Human Rights by bussines development. From an extensive point of view, they may even act checking and testing the adequate application of all internal rules and protocols created in order to guarantee the respect of HR in bussines.
This is particularly relevant in relation to those business activities directly connected with scientific progress and its applications in fields as health, biomedical development, or environmental sciences, directed linked with life welfare. The same can be said in areas as computing, telecommunications and new communication networks. All these business activities have direct and effectively impacts in the realization of the basic right to development, which is the necessary condition for the full realization of all other human rights.

The lawyers responsibility and their professional duties are irreplaceable for legal representation in Court, when the damages have been already done (complete or having contributed to caused them partially) because of commercial or bussines activity. For legal representation of the company and the defense of its interest, by judicial or extrajudicial processes against the company, the role of the attorney is essential. In these cases companies must assess the judicial impacts on their interest (either from the perspective of their stakeholders or from the perspective of the costumers of company). So they are used to consider risk and to evaluate risk for bussines dangerous actions. These assessments, when talking about HR, must be done with extremely carefulness, because of the importance of the damaged that may be caused. It is not a question of external reputation. It is a question of Justice and respect to Human dignity: both key deontological principles, essential to the legal profession worldwide.

Thus, from all point of view, the answer to the acquired business commitments regarding the second pillar of Ruggie Principles of effective intervention, requires good bussines lawyers, with an appropriated training in human rights to help the company to develop its commercial interest. The development of good new management policies engaged with human rights compliance, the design of compromised operational policies, even structural or organizational policies, must be consider strictly legal decisions on Human Rights compromises that are necessary at all levels of corporations. In other words, it should be incorporated a legal perspective of respect for Human Rights to ensure business sustainability in all bussines management decision making process.
4.

How this new role may contribute to the sustainability of the Company
The assumption of this new role of corporate lawyers does not come from the hand of a new professional bonhomie, or the introduction of new ethical or professional obligations in order to modify the fundamental rule of serving the customer interest. The new role is established by a new international idea of “due diligence” in the context of corporate sustainability. The Lawyers, leaders of legal department of companies, and professionals responsible for the development of social responsibility actions mission is to consider the relationship between the company and its dependents (whatever is the kind of legal relationship that linked them) from a global and supranational vision, to ensure business success in the medium and long term; to ensure the creation of value-added business; and to guarantee, ultimately, sustainable growth of the company. And this is exactly the Boards charge.

Today we know that sustainability is provided by Corporate Social Responsibility policies, respectable with environment and good corporate government practices. Sustainability can only be guaranteed if the management of human rights compliance is integrated into the actions of Corporate Social Responsibility. Each business decisions to be taken, (whether organizational, strategic, labor, structural or expansive), must join a vision that exceeds the limits described by national legislation.

The decisions must be taken without considering the benefits of different levels of national implementation of HR Treaties, applied to commercial shares. Companies may compliance international standards of fairness and dignity based on respect Human Rights, because this is also the most sustainable option, at the end.

The violation of human rights of the workers, for example, even if companies are acting legally, even if a breach of local labor regulations where production factories are located does not contemplate it, threat the sustainability of the business and therefore the viability of the company in the medium term6. The obligations assumed by companies in this area have a supra legal nature, connected with sustainability canons. However companies must act under the premise of legality. So, if they directly cause or contribute to the violation or abuse of Human Rights, whatever be the applicable law, there must be a commercial liability that affects its reputation. This is a responsibility of a legal nature with strictly legal consequences.

For the development of commercial activities, lawyers must respond to the requirement of transparency, also when they advise on the risks that might arise (Ruggie principle nº 21). And they must do so without compromising the duties of commercial confidentiality, the legal obligations of data protection and, of course, always under the privileged lawyer-client relationship, especially when the information about these potential risks and attacks on human rights come from a third-party companies who have a business relationship with the client. Lawyers should be able to correctly diagnose the problems and the causes, and they should be able to propose appropriate solutions. They should advise their multinational clients to eliminate all forms of racism and racial discrimination indoor, or xenophobia or any other form of intolerance within the personal connected with the company, particularly in relation with persons belonging to ethnic minorities, people with disabilities or people who belonging to vulnerable groups, including migrant workers.

They should advise their clients to ensure participation and equal treatment of women in business life. They have to take actions for the eradication of all forms of discrimination based on sex, including all those resulting from cultural prejudice, incompatible with the dignity of humans. They should advise their clients to guarantee minimum conditions of maternity care and ensure that rigorously - whatever might be the applicable national law- company strictly complies with the obligations under the Convention on the Rights of the Child, to

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4. How this new role may contribute to the sustainability of the Company

ensure the company thinks on children’s rights and protect children and youth when making business. These and many other questions are examples of real cases that have produced major corporate crises over the lack of commitment to multinational companies with the implementation of Human or rights, because they were not aware until now of the need for its implementation.

Incorporating the Ruggie Principles on internal company policies and being accommodated with respect of National Plans will allow companies to achieve the highest standards of social responsibility in their transnational relationships. The lack of economic, political and social development cannot be invoked in a globalized world to justify the abridgement or not respecting internationally recognized human rights, in order to achieve an immediate economic benefit. This idea of business has been internationally relegated. It is urgent, therefore, to coach in this area to all that have the responsibility of legal advice in business, from an international and multidisciplinary approach, about what Ruggie Principles may do in multinationals profit.

Nevertheless, lawyers, businessman or private activist persons cannot act alone. It would be a daunting task. Cooperation of States is required to remove obstacles to progress and the development of effective policies to protect human rights, both by establishing equitable economic relations and by generating international economic environments that preserve human dignity. Countries need to turn on the cooperation of non-governmental organizations and civil society to contribute to the creation of favorable conditions for the full and effective enjoyment of human rights and the establishment of effective systems for judicial and extrajudicial claims and compensation, in case of violations. Thus, they are being recognized these new roles, these new actors and agents of this emerging international law and the need for greater involvement of all of them in the effective achievement of equal human rights for all.
5.

Fernando Pombo Foundation Project for Lawyers
The Fernando Pombo Foundation (FFP) aims with this project to act as a cooperative agent in
the three areas mentioned above (Advocacy, Civil Society, and State Enterprises), contributing
to the awareness of all social, political and economic actors, as well as stakeholders on the
need and desirability of including in their public and private agendas, policies to strengthen
human rights in relation to each individual.

In general, FFP try to help to create the conditions under which companies can maintain
respect for the obligations arising from this new “culture” of Human Rights principles,
applicable to all civil, labor and business relationships that they carry with their own workers
or third parties (suppliers, dealers, consumers, etc.). FFI aims to promote social progress
in all countries where Multinational companies operates, raising the standard of living of the
people related to their business activities.

The objective is to contribute, from legal advice to commercial and corporate activities, to
spread the culture of human rights in all areas, also in business, within a larger freedom
conception, and practicing tolerance and coexistence. All of them are objectives related to
achieving the highest standards of corporate social responsibility and the ethical obligations
of the legal profession. Incorporating human rights compliance by in-house lawyer’s advice
on behalf of his client, guarantees better and sustainable development of its business, but
also it compliances with professional codes of conduct, and the ethical standards of the
social responsibility of lawyers. The project considers necessary that in-house lawyers were
trained to develop internal plans and programs for the protection of human rights directly
enforceable in the offices where they work.

It is precisely this point (the Lawyer which is acting ethically responsible) where the project
takes more attention and care, because the role of corporate lawyers with these obligations,
regarding compliance, may not end by being who know all the legal tricks to avoid reporting
obligations or repair duties with third parties, or saving a potential problem for the company.
If we do so, the lawyer himself would be the cause of problems that Ruggie Principles
want to avoid. Lawyers (acting either outside counsel or indoor) may answer honestly and
transparently to the problems caused by endangerment of human rights and must act
responsibly when things go wrong.

Only lawyers that act under professional ethic may be considered appropriate to ensure
the commitment to sustainability and social responsibility of the company, as we have
explained. And in that sense, there is no difference between internal and external counsels,
even when the latter are considered “trusted” or “house” lawyers, or even when the external
lawyers enjoy greater autonomy and independence from the customer to provide him more
objectively the risks and threats that is subjected to7.

Advocacy can and should look for developing their business fully incorporating
human rights into their daily activities. And this is in accordance with our own ethical and
professional codes that recognize that lawyers must balance the various roles they assume
as guardians and defenders of the interests of their customers rules, but also as custodians
of the public interest of society and as pieces essential in the realization of Justice.

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7 According with article 2.4 of the Spanish deontological code for Lawyers “La independencia del abogado le permite
rechazar las instrucciones que, en contra de sus propios criterios profesionales, pretendan imponerle su cliente, sus
compañeros de despacho, los otros profesionales con los que colabore o cualquier otra persona, entidad o corriente
de opinión, cesando en el asesoramiento o defensa del asunto de que se trate cuando considere que no pueda actuar
con total independencia.”
For this reason the project aims to provide in-house lawyers, legal departments of multinational companies and lawyers in law firms, Human Rights education and training in this field. However, the project goes further and it seeks also be applied in the internal relations of the law firms themselves, consider them as companies and their customers as part of their value chain. In this sense, some authors reflect that the same requirement of compliance for companies, to which they advise, should be asked to the lawyers firm itself. If a law firm finally concludes that a client is contributing to the violation of human rights, or the client has not ceased abusive practices, it may be considered a renewal of the relationship with the customer, otherwise both client and law firm will be considered accomplices. The law firm is called to be socially responsible as well, and being indulgent with this kind of behaviors contraveses professional codes of ethics. Lawyers may help the company to take correct steps to avoid or mitigate the violation.

For this reason, this project fits completely with the goals and mission of the Fernando Pombo foundation. As it appears expressly in its founding Charter, the purpose and ultimate meaning of this organization is precisely to act in defense of the rule of law and in the promotion of human rights and democratic values. The Fernando Pombo Foundation was founded with the aim of promoting social responsibility for advocacy sector and professional practice according to Human Rights values and the defense of professional ethics as a reference. This project is a key milestone for the completion of the foundational

These objectives are developed through different activities, ranging from the analysis and research, in order to know how different multinational companies have internally compliance procedures of human rights principles and specifically how lawyers have worked on this engagement process. The project is supported by establishing institutional relationships with key NGOs working in this field (SHIFT, Legal4aid, IBA, Pilnet ... etc). They allow to be updated with all the advances occurring in this issue.

The project is studying the role of unfair clauses of investment contracts that are signed with “weak governments” that are threatening business investment to ensure rights by non-adequate means, with high level of legal insecurity, which is very significant in the energy industry. We are working on standardizing clauses ensuring compliance with the obligations to respect human rights in contracts with suppliers, or vendors, or other third companies in joint venture contracts. We are studying how the implementation of human rights may affect the design of business litigation strategies, and how to measure the effectiveness of avoiding litigation through prevention or preventive actions. We are interested in international conflicts of human rights remedies and current arbitration development to give greater effectiveness to compensation for violations. Finally, we will to know how the abuse of the tax policies of multinationals may impact on poverty of the countries in which they operate, and therefore in breach of Human Rights.

We are studying the antecedent with which we have to normalize the integration of the principles in legal documents of businesses, contract clauses, or internal procedural codes. These are the standards of corporate governance for risk management. They were initially only interpretive principles that helped the judges to determine the level of due diligence in the performance of certain contractual obligations inter partes. They were gradually becoming widespread contractual standards for interpretation and hence, they became mandatory legal rules. The environmental standards have this same common origin.

We also contemplate conducting training activities for corporate lawyers and related to corporate social responsibility promotion of human rights in business, including issues as diagnostic techniques to the development of internal business plans, or training for conflict prevention, judicial intervention in arbitration etc. The project also provides awareness activities that contribute to raising consciousness for Spanish and Latin American companies
in the *Ruggie Principles* and their impact on the sustainability of companies and the various international development tools emerging, or in national HR and Business Plans that will soon approve by the Spanish Government. We support activities that promote the public consciousness of the idea that there is a direct obligation for individuals, including companies, to respect human rights in their private dealings and relationships (be they business, labor, commercial, etc.), increasing public interest in issues applicable to undertake human rights. We contribute through relationships with lawyers and their clients from their area of influence to facilitate the global governance of human rights, in order that human rights acquire a true maturity in CSR strategies and configure the core of corporate policies and business strategies.
Conclusion
Boards of large multinational companies are already taking the challenge of implementing the *Ruggie Principles* in this new concept of business, and we believe that legal departments and law firms must react quickly to fulfill the mission to which they are called. But they have to know what to do, what to say. We need to incorporate proactive lawyers, to lead the process of implementing *Ruggie Principles*. Lawyers that are familiar with the principles and can help clients to achieve their business and commercial objectives, without violating human rights, according to criteria of sustainability. The risk we assume not doing so is not only moral and ethical, which is the main impairment of value, but also the affectation of the sustainability of the expansion of companies. The implementation of human rights in the company is an operational and strategic issue and should be incorporated in all business policies, even those that take place in the value chain to suppliers and vendors.

Corporate reputation, their identity, and external image are today directly related to the respect they profess to Human Rights. And this reputation is not just a matter of marketing or transparency. It is born form guaranteed processes applied in the internal relations of the companies. The reputation today is not just to "make a good product," but "to make right" that product or service.

The whole value chain of the company (production, supply, distribution) is committed to respecting human rights, because all the business is controlled by a conciseness global public opinion, very sensitive that believe these rights are the inalienable dignity heritage of humanity that should also be required to enterprises. Companies may be able to detect the risks of violation of rights. Lawyers can advise how they should be solved and how they should be prevented, as they do it with all other business risks. However, Lawyers role is wider. Employers need lawyers to say not only what is legal, but beyond what is acceptable from the point of view of social responsibility and corporate sustainability. This, undoubtedly, need executive leadership by lawyers, but also a deep knowledge of Human Rights as a system.

As in the case of environment respect measures, we are witnessing the birth of a "international social approval" to operate, to do business, which goes beyond strict compliance with legal obligations, and which is more related to emotional intelligence societies; with the sensitivity of the social implications of corporate events, beyond pure profit. It’s not a matter of public relationships, is a matter of core business. This is the role that should develop by lawyers helping clients to respect human rights and fundamental legal rules on corporate governance. And it is also the essential role to be developed in compliance with their professional and ethical responsibility.

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