

**Remarks at UK Government Launch
Action Plan for Implementing the UN Guiding Principles**

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I am honored to have been asked to participate in today's launch of the UK government's national action plan for implementing the UN Guiding Principles on Business and Human Rights. The UK is the first government to announce such a comprehensive plan – and it sets the bar for the many others to come.

The UK was involved in the development of the Guiding Principles right from the start – indeed, even before the start. The UK has long been an incubator for corporate responsibility initiatives, going back to the early 1990s. In 2005, the UK introduced into what was then the UN Commission on Human Rights a resolution establishing a mandate for an independent expert to look anew into how to meet escalating business and human rights challenges, following years of failed UN efforts. That led Kofi Annan to appoint me as the Secretary-General's Special Representative on Business and Human Rights.

Once my mandate got under way, the UK provided both resources and political support. Key government agencies engaged in constructive discussions throughout. At the end, the UK embraced with enthusiasm having the UN “endorse” the Guiding Principles, even though that verb had never been used in relation to a normative document that governments did not negotiate themselves. It was unanimous. So, bravo, and thank you!

The UK action plan embodies a fundamental premise of the Guiding Principles: that the era of declaratory corporate social responsibility is over. It is no longer enough for governments to act as though promoting CSR initiatives somehow absolved them of their obligations to govern in this domain, and to do so in the public interest. It is no longer enough for companies to claim they respect human rights; they must know and show that they do. And it is no longer enough for rights-holders merely to harbor the hope that governments and companies will fulfill their respective obligations; they are entitled to demand remedy for harm done.

The action plan follows closely the structure of the Guiding Principles and many of its key provisions: the state duty to protect against human rights abuses by third parties, including business; an independent corporate responsibility to respect human rights, meaning to not infringe on the rights of others, which requires an adequate human rights due diligence process; and access to remedy – judicial, which only the state can provide, and non-judicial, in which companies themselves can and should participate actively, thereby making it possible for grievances to be addressed early and remediated directly.

Among many other things, I am encouraged that the action plan includes a statement of clear expectations by the government that UK businesses must respect human rights wherever they operate; that the Companies Act 2006 will be clarified to have businesses include human rights issues in annual reports; that a review will be undertaken of the adequacy of human rights practices of UK state-owned or supported enterprises, and of public procurement policies; that negative findings against a company by the UK's National Contact Point under the OCED Guidelines will be taken into account when considering requests for export credit; that embassies will be better equipped to provide in-country human rights advice to firms; and that compliance with international standards by private security service providers will be more closely scrutinized.

The action plan states that the UK “sees its own provision of judicial remedy options as an important element in the remedy mix.” Indeed, it is foundational. The UN Guiding Principles also stress the importance of states taking appropriate steps to reduce legal, practical and other relevant barriers that could lead to denial of access to remedy. Exceptional legal measures may be needed where the human rights regime cannot possibly be expected to function as intended, as for example in conflict zones; and where it concerns business involvement in the worst human rights abuses. The international community no longer regards sovereignty as a legitimate shield behind which egregious human rights violations can take place with impunity; surely the same must be true of the corporate form. Greater clarity on this critical point would benefit all stakeholders.

The UN Human Rights Council resolution endorsing the Guiding Principles recognizes their role in “enhancing standards and practices with regard to business and human rights, and thereby contributing to a socially sustainable globalization.” Foreign Secretary Hague, Minister Cable: the UK action plan is an important step contributing to this outcome. I wish you well with the hard work of implementation. I look forward to learning from the annual progress reports, and then seeing the updated action plan in 2015. Please do let me know if I can be of assistance along the way.