

Book Review

Dorothee Baumann-Pauly and Justine Nolan, *Business and Human Rights: From Principles to Practice* (New York: Routledge, 2016) pp. xx + 350.

The field of business and human rights (BHR) has grown dramatically in the last 20 years as scholars from a variety of fields have sought to make contributions to the debate about whether and why businesses have human rights obligations, and how businesses might move toward fulfilling them. Since the endorsement by the United Nations Human Rights Council of the UN Guiding Principles on Business and Human Rights (Guiding Principles) in 2011, academic work in the BHR field has expanded dramatically. Universities are starting to create human rights centers, and human rights research is coming into mainstream journals devoted to business ethics and management in addition to dedicated outlets. Indeed, the journal in which this review appears is a testament to the growth of BHR as a distinct academic field.

The growth of the BHR field, however, has perhaps come at the expense of clarity about the key questions that need to be answered in order to extend human rights obligations to business and then for businesses to respond to those obligations affirmatively. There are differences in scholarly approach between legal and management scholars, for example, not to mention between those fields and political science. There are regional differences in how BHR issues are conceptualized, and a robust debate about how businesses should relate to governments with regard to addressing them. Scholars and managers take different perspectives on BHR, and those perspectives in turn are the subject of critique by activist groups and other NGOs. While these debates and disparate approaches are a strength as the BHR field develops, they are also a weakness in teaching about BHR and giving counsel to business managers about what their businesses can and should do. There is a need to assess where the field has been, where it is now, and where it should go. There also needs to be more conversation among the different academic and practitioner participants in the BHR field. In editing this book and bringing together a strong group of scholars, business practitioners, activists, and other experts, Dorothee Baumann-Pauly and Justine Nolan have done a remarkable service.

The book includes more than 30 authors from a variety of fields in tracing a history of the BHR debate and outlining the key topical areas in the field. The variety of disciplinary perspectives is a strength of the book in detailing the contours of BHR and highlighting the key issues in the field's development. One of the challenges in putting together this sort of book is identifying the audiences that would use it, and for what purposes. As will be noted in this review, the book is likely to be more useful to some audiences than to others.

After a preface, the seven chapters of the book logically lay out the key issues and concerns within the BHR field. Chapter 1 outlines the relationship of human rights to business, addressing the key question of why businesses have human rights obligations at all, how the 'business case' for human rights can be addressed in a way that doesn't elide

the key normative questions, and provides two case studies (Bhopal and Rana Plaza) that illustrate government and business failures to protect human rights. Particularly useful is Section 1.2, in which Baumann-Pauly and Michael Posner outline an affirmative argument for business involvement in human rights challenges that squarely addresses the topic of costs to business, and in so doing bridging the divide between the normative and the instrumental. Their conclusion—that shared responsibility for human rights risks and costs is needed, along with new business models—will be compelling to many readers, although readers who are more normatively oriented will find much to engage with in their arguments.

Chapter 2 addresses regulatory developments within BHR, particularly the Guiding Principles. Much like the first chapter, this chapter adopts a multiple-stakeholder perspective in its analysis, noting the role of international, national, and non-state participants throughout the history of the BHR debate. While the Guiding Principles have received an enormous amount of contemporary attention—for obvious reasons—this chapter also reminds readers that efforts at non-state-based regulatory initiatives such as the Fair Labor Association were also critical inputs. This chapter also provides an excellent overview of the Guiding Principles and a section by John Ruggie offering a commentary about them, along with a discussion of next steps. Two subsections addressing the possibility of a binding business and human rights treaty explore the tensions and accountability challenges associated with bringing together voluntary principles with mandatory standards.

Chapter 3 takes on one of the critical issues in the BHR field: how businesses can and should implement human rights standards and programs. The section by Florian Wettstein brings together BHR with corporate social responsibility research and practice, arguing that an integrated approach by corporations to address obligations in both categories would be useful. Contributions from business practitioners and NGO representatives highlight the opportunities and challenges associated with human rights issues for businesses, using concrete examples.

Chapter 4 moves to the industry context, addressing the role that multi-stakeholder initiatives (MSIs) play in addressing BHR-related challenges. MSIs have become ways of addressing state failures and governance gaps in the human rights arena. The role of MSIs is becoming more prominent as private and public actors collaborate to protect human rights. MSIs, as the opening section notes, address some of the concerns about voluntarism in human rights issues raised by a variety of academics, activists, and NGOs. MSIs are binding on their participants, although they vary widely in their ambit and impact. This chapter includes MSI case studies of the Fair Labor Association, Global Network Initiative, extractives-industry initiatives, and the private security industry. Given that no MSIs encompassing agriculture have yet emerged, two sections dealing with current issues in this sector and an initiative developed by the Coalition of Immokalee Workers round out the chapter.

Chapter 5 considers the role that various groups—such as civil society organizations, trade unions, consumers, and investors—play in the BHR debate. Given that the combination of weak states and strong businesses can lead to human rights violations, other participants are needed to address and ameliorate them. Some of these groups are more effective at holding corporations accountable than others, and some (like consumers) have greater aspirations for promoting human rights than their behaviors would indicate. One challenge facing any non-state actor is the availability of data that allows for cross-company and intra-industry comparisons, a point addressed in the

opening essay. This chapter addresses the panoply of participants in BHR, but might have done better in linking them vis-à-vis the specific abilities and limitations they bring to holding corporations accountable for human rights violations. These groups individually have contributed to the BHR debate, albeit in a piecemeal way. Here it might have been useful to include a concluding section fitting together the non-state groups that might affect the BHR debate, offering counsel to each of them.

Chapter 6 considers accountability and remedy: how corporations should be held accountable and how effective remedies become available to people whose rights are violated by companies. Accountability is a highly contested concept, requiring careful attention to measures that account for the ways in which globalization occurs. Legal and non-legal mechanisms for remedy, along with human rights reports, mirror the problems observed in contemporary accountability mechanisms. Human rights litigation in the United States is in decline since the *Kiobel* decision, and judicial remedies outside the United States are often unavailable or ineffective. Non-judicial remedies, while often the only plausible option for those affected by human rights obligations, are often ineffective. Reporting may push companies to improve their behavior, and in this regard show some promise. Throughout this chapter, it is clear to the reader that accountability and reporting is the key area that needs to be addressed for progress in BHR to be made. The book concludes with a chapter addressing the future of BHR, both in managing supply chain challenges and making progress on the problems identified throughout the various chapters. Also included at the end of the book are discussion questions for each chapter.

This book is a very important advance in the BHR field, and will be useful for academics seeking to understand the history of the BHR debate, the various participants in it, and the challenges and opportunities associated with placing more stringent responsibilities on business in the human rights domain. For anyone doing research in the field, this book should find a place on the bookshelf. The book would also be useful as a primer for students seeking to understand the BHR debate, although in this regard the discussion questions could have been better integrated into the chapters. For practitioners, it certainly provides important and useful information, but is less of a how-to book than it is a scholarly treatment of BHR theory and practice. The usefulness of the book for this audience would have been strengthened by better integration of the case studies and practitioner perspectives with the more scholarly contributions.

Further, the book accurately depicts the state of play in the BHR field. BHR has made a lot of progress, but there is still a long way to go. The field is messy, with a variety of perspectives, ideologies, and operational challenges. There will be future volumes written that seek to take a broad and integrative perspective as the BHR debate continues and the field becomes more mature. For understanding the field as of 2016, however, *Business and Human Rights: From Principles to Practice* is the best resource we have, and merits attention from anyone who wants to be a part of it.

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