

Legitimate human rights advocacy: A blueprint for business

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On June 26, the US Supreme Court legalized same-sex marriage for all of the United States, following a wave of public support for the issue that had swept across the country in the months before. At the forefront of this transformation was a seemingly new breed of human rights advocates: companies. Some of the country's most recognised consumer brands such as Starbucks, Google, and Microsoft and some smaller, but well-known progressive companies like Ben & Jerry's threw their support behind the cause in an unusually outspoken manner and may have played an important role in swaying public opinion on the issue.

Many of these companies have emphasized – more or less convincingly – the business case for their supporting pro-human rights campaigns: thriving companies depend on welcoming environments for their pluralistic workforce, lest they lose talent and thus money in the long run. For many companies, the story indeed ends there. But for some companies it may not be the economic argument, but their foundational values that provide the main impetus and motivation for their engagement. For such companies, advocacy can turn into a matter of their very integrity. After all, a company that vows to stand for certain foundational values on the inside cannot express utter indifference to those same values outwardly – especially when such values are under immediate threat. Thus, I would argue that there are circumstances under which their sense of integrity should indeed prompt companies to advocate for certain values when they are acutely endangered.

Speaking out against abuses

An admittedly different matter than broad pro-human rights advocacy is speaking out against human rights abuses potentially in direct confrontation with governments. Back in the mid-1990s, for example, Shell was criticised for not putting pressure on the Nigerian government to release Ken Saro-Wiwa and eight other activists, who were awaiting the death penalty for their opposition against oil companies in the Niger Delta. A decade earlier, numerous companies followed the call of Reverend Leon Sullivan and actively opposed South African apartheid laws. In 2010, Google went head to head with the Chinese government to press for a relaxation of their censorship laws – a move that was applauded by human rights groups and ridiculed by critics. With increasing frequency, finally, the sponsors of large sporting events such as the Olympics or the football World Cup are called upon to publicly denounce and distance themselves from authoritarian governments keen to host such events.

Nevertheless, confronting and putting pressure on governments due to their human rights record is a thorny issue for companies, particularly so if it concerns host governments rather than home governments. The accusation of moral imperialism and undue interference with domestic politics looms large when such issues are at stake - interestingly, such accusations are raised far less frequently when companies

pressure governments for economic policies which are directly harmful to human rights.

Legitimate Advocacy

Not all of us are comfortable with this new role of companies and question whether such advocacy should indeed be part of the business of business. Do we risk legitimizing companies' already powerful voice with governments by asking them to advocate for human rights issues? How do we ensure genuine advocacy efforts as opposed to mere window dressing? What should companies be advocating for?

Here is some unsolicited advice for companies undertaking human rights advocacy.

- **Be responsive:** we do not want companies to turn into self-righteous moral arbiters, but simply to respond effectively to the concerns of the global public and its institutions, and especially to those whose rights are spurned. Thus, the yardstick for corporate advocacy is a forming global consensus that action, rather than inaction is needed by the company.
- **Collaborate:** corporations are well-advised to consult and collaborate with other institutions, with a view to requesting and receiving assistance and advice in navigating sensitive moral issues in ways designed to ensure their interventions are legitimate and effective. Such institutions can be NGOs, activist groups to whose pressure corporations are responding, government agencies, international and supranational organizations, as well as other companies which find themselves in similar situations. What is more, where corporations may have little influence acting alone, they may nevertheless find themselves in positions of substantial leverage once they collaborate with other players.
- **Be transparent:** corporate political action must be paired with accountability. While quiet diplomacy can go a long way, some degree of transparency seems inevitable for legitimate advocacy by companies.
- **Practice what you preach:** we do not want companies' actions to be at odds with their public commitments on human rights. Companies' engagement for a specific cause must be part of a long-term strategy to support the issue, rather than an isolated one-time promotional activity – companies must earn their "right to advocate". Similarly, corporate advocacy is authentic only if the company supports the cause on a broader basis, through targeted action and in its own operations rather than only through words. For example, a company, which takes a public stand on marriage equality, but fails to proactively address and support LGBT issues in its own operations, cannot be viewed as authentic in its advocacy efforts.
- **Be judicious:** when responding to specific incidents, businesses will need to consider the scale of abuse and their connection to them. Companies are not watchdogs over the general human rights situation in host countries, but they ought to stand up against human rights abuse to which they are connected through their mission, their operations, or their business relations. Furthermore, in cases of severe, systematic, and ongoing human rights violations - that is,

those human rights abuses whose condemnation is widely shared - companies, in collaboration with others, should be speaking out.

Most international soft-law initiatives with a focus on human rights embrace the view that companies which choose to remain silent in the immediate proximity of human rights violations risk becoming complicit in the abuse. Thus, human rights advocacy in such cases may well turn from mere choice into a matter of responsibility.

There is a fine line between genuine concern and mere window-dressing, between true advocacy and merely jumping on the bandwagon for the sake of polishing one's image. We need and want to see consistent, plausible and authentic action on human rights issues from companies. Whether this be responding to the growing expectation that they speak out against human rights abuses, or throwing their support behind public campaigns.

With a few exceptions, corporations have – perhaps understandably – been reluctant to embrace a role as human rights defenders as of yet. Although it is to be expected that the growing importance of values in business will come with more frequent displays of corporate advocacy. Nothing less than a re-definition of the role and purpose of companies in society is at stake here and we are well-advised to start the conversation about its merits and boundaries sooner rather than later.

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[Corporate Political Advocacy: Support Non-business-related Causes](#), Florian Wettstein, Ideas for Leaders

["Why Should We Care about Marriage Equality?": Political Advocacy as a Part of Corporate Responsibility](#). Florian Wettstein & Dorothea Baur. *Journal of Business Ethics* (March 2015).

[Silence as Complicity: Elements of a Corporate Duty to Speak Out Against the Violation of Human Rights](#), Florian Wettstein, 2012 in *Business Ethics Quarterly*, 22, pp 37-61.