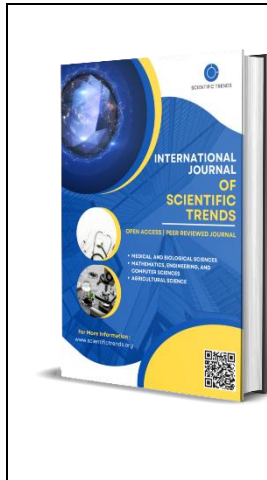


# Business and Human Rights: Implementing the UN Guiding Principles

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## Abstract

The relationship between business activities and human rights has become a central concern in global governance. The adoption of the United Nations Guiding Principles on Business and Human Rights (UNGPs) in 2011 marked a transformative moment by establishing a universally recognized framework built on the pillars of “Protect, Respect, and Remedy.” This article critically examines the implementation of the UNGPs, focusing on state obligations, corporate responsibilities, and access to remedies. It evaluates progress made over the past decade, identifies persistent challenges, and proposes recommendations to strengthen accountability and effectiveness in practice.

**Keywords:** human rights impacts, including labor exploitation, environmental degradation, displacement of communities

## I. Introduction

The relationship between business activity and human rights has undergone profound transformation in the context of globalization, technological advancement, and the growing influence of multinational enterprises. Corporations today operate across multiple jurisdictions, often exceeding the economic power of the states in which they are based or operate. While this expansion has contributed significantly to economic growth, job creation, and innovation, it has also been associated with adverse human rights impacts, including labor exploitation, environmental degradation, displacement of communities, and violations of fundamental freedoms<sup>1</sup>.

Historically, international human rights law developed as a state-centric system, placing primary obligations on governments to respect, protect, and fulfill human rights. However, this framework proved insufficient in addressing abuses linked to private actors, particularly transnational corporations whose operations frequently span weak regulatory environments. High-profile incidents—such as industrial disasters, environmental harm, and labor rights violations—highlighted the urgent need for a comprehensive framework capable of addressing corporate accountability beyond traditional legal boundaries.

<sup>1</sup> United Nations Human Rights Council, *Guiding Principles on Business and Human Rights: Implementing the UN “Protect, Respect and Remedy” Framework* (2011)

In response to these challenges, the United Nations initiated efforts to clarify the responsibilities of business enterprises in relation to human rights. Earlier attempts to establish binding international norms for corporations encountered political resistance, largely due to concerns about state sovereignty and economic competitiveness. A significant breakthrough came with the work of John Ruggie, who developed the “Protect, Respect and Remedy” framework. This framework was unanimously endorsed by the United Nations Human Rights Council in 2011 as the United Nations Guiding Principles on Business and Human Rights<sup>2</sup>.

The UNGPs represent a “soft law” instrument—non-binding yet highly authoritative—designed to bridge governance gaps in the global economy. They establish a normative foundation that clarifies the respective roles of states and businesses: states have the duty to protect against human rights abuses, while businesses have the responsibility to respect human rights, independently of state actions. Crucially, the framework also emphasizes the importance of ensuring access to effective remedies for victims of business-related harm. Since their adoption, the UNGPs have gained widespread acceptance and have been integrated into numerous international standards, corporate policies, and national regulatory initiatives. They have influenced frameworks such as environmental, social, and governance (ESG) criteria, corporate social responsibility (CSR) strategies, and emerging mandatory human rights due diligence legislation in various jurisdictions. Despite these advances, significant challenges remain in translating the principles into consistent and effective practice, particularly in regions with weak governance, limited enforcement capacity, or complex supply chains. The increasing demand for corporate accountability is also driven by a broader shift in societal expectations. Investors, consumers, and civil society organizations are exerting pressure on companies to operate responsibly and transparently. At the same time, businesses themselves are recognizing that respect for human rights is not only a legal or ethical obligation but also a critical component of long-term sustainability and risk management<sup>3</sup>.

This article examines the implementation of the UN Guiding Principles on Business and Human Rights within this evolving global context. It explores how states and corporations operationalize the principles, evaluates the effectiveness of existing mechanisms, and identifies key obstacles to meaningful implementation. By analyzing both achievements and ongoing challenges, the article aims to contribute to the broader discourse on strengthening accountability and ensuring that economic development aligns with the protection of fundamental human rights.

## II. Methodology

For instance, this article applies a qualitative doctrinal methodology of research together with certain aspects of comparative and systemic analysis to investigate the implementation and development of international standards in the field of business and human rights. The study focuses in particular on the evolution and practical application of the United Nations Guiding

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<sup>2</sup> United Nations Human Rights Council, *Guiding Principles on Business and Human Rights: Implementing the UN “Protect, Respect and Remedy” Framework* (2011)

<sup>3</sup> Office of the United Nations High Commissioner for Human Rights, *The Corporate Responsibility to Respect Human Rights: An Interpretive Guide* (2012)

Principles on Business and Human Rights as the central normative framework governing corporate responsibility for human rights<sup>4</sup>.

Firstly, the research performs a doctrinal analysis of the main sources of international law, namely international instruments, soft law frameworks, and authoritative interpretative documents. Of particular importance for the purposes of this study is the normative framework introduced by the UNGPs, endorsed by the United Nations Human Rights Council and developed under the mandate of John Ruggie. This analysis examines the legal and quasi-legal standards imposed on states and business enterprises, especially in relation to human rights due diligence, corporate accountability, and state obligations to protect individuals from business-related abuses. It further evaluates the extent to which these principles influence corporate behavior and state regulatory practices across different jurisdictions.

Secondly, the article examines the interaction between business and human rights standards and other branches of international law, including international investment law, trade law, and corporate governance frameworks. In this respect, particular attention is given to instruments and guidelines developed within the framework of the Organisation for Economic Co-operation and Development, as well as broader regulatory trends that integrate human rights considerations into economic activities. This aspect of the analysis explores how economic legal regimes may both support and constrain the implementation of human rights obligations, especially in the context of global supply chains and transnational corporate operations<sup>5</sup>.

In third place, the research adopts a case-based analytical method through the examination of selected examples and dispute settlement practices involving business-related human rights issues. Although the UNGPs themselves are not legally binding, relevant cases from domestic courts, international arbitration, and non-judicial grievance mechanisms are analyzed to illustrate how human rights standards are interpreted and applied in practice. Particular emphasis is placed on cases involving corporate human rights due diligence, environmental harm, and labor rights violations, with the aim of identifying emerging patterns in legal reasoning and institutional responses<sup>6</sup>.

Finally, the methodology incorporates a comparative dimension by analyzing differences in national implementation strategies, including National Action Plans and legislative developments in various jurisdictions. This comparative approach enables the identification of best practices as well as regulatory gaps, thereby contributing to a more comprehensive understanding of the effectiveness and limitations of the current international framework on business and human rights.

### III. Results

Analyzing this issue from a legal perspective, this study has identified four major findings regarding the development and implementation of international legal standards in the field of business and human rights, particularly within the framework of the United Nations Guiding Principles on Business and Human Rights.

#### 1. Increasing recognition of human rights responsibilities in business activities

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<sup>4</sup> United Nations Human Rights Council, *Guiding Principles on Business and Human Rights* (2011)

<sup>5</sup> Organisation for Economic Co-operation and Development, *OECD Due Diligence Guidance* (2018)

<sup>6</sup> Office of the United Nations High Commissioner for Human Rights, *Interpretive Guide* (2012).

The analysis demonstrates a significant normative shift in international law from viewing business enterprises solely as economic actors toward recognizing them as entities with direct human rights responsibilities. This transformation is most clearly reflected in the adoption and global acceptance of the UNGPs, endorsed by the United Nations Human Rights Council<sup>7</sup>.

The findings indicate that the UNGPs have contributed to the consolidation of a global standard whereby states are expected to regulate corporate conduct and businesses are required to respect human rights through due diligence processes. As a result, human rights considerations are increasingly embedded in corporate governance, risk management, and sustainability frameworks. This development reflects the emergence of human rights protection as an essential component of responsible business conduct rather than a purely voluntary or ethical consideration.

## **2. The continuing influence of economic and corporate governance frameworks**

Despite this normative progress, the findings reveal that the implementation of human rights standards remains significantly shaped by economic and corporate governance priorities. Instruments and practices developed within institutions such as the Organisation for Economic Co-operation and Development and global market mechanisms continue to influence how corporations operationalize their human rights responsibilities<sup>8</sup>.

The analysis shows that corporate compliance with human rights obligations is often integrated into broader frameworks such as Environmental, Social, and Governance (ESG) criteria, where economic performance and reputational considerations play a central role. Consequently, human rights protections are sometimes subordinated to business interests, with companies adopting selective or superficial measures rather than comprehensive due diligence processes. This indicates that, similar to other areas of international law, human rights norms coexist with, and are often constrained by, economic imperatives.

## **3. Persistent gaps between normative commitments and practical implementation**

A key finding of this study is the existence of a substantial gap between formal commitments to human rights and their practical realization. While many states and corporations publicly endorse the UNGPs, the actual implementation of these principles remains inconsistent and uneven across jurisdictions.

The research highlights that:

- National regulatory frameworks vary significantly in scope and effectiveness
- Corporate human rights due diligence is often incomplete or inadequately enforced
- Supply chain complexities create challenges in monitoring and accountability

These findings suggest that the current framework relies heavily on voluntary compliance, which limits its effectiveness. The absence of binding enforcement mechanisms in many jurisdictions further contributes to the persistence of human rights abuses linked to business activities.

## **4. The emergence of interpretative and regulatory evolution rather than full legal integration**

The results also indicate that international law is evolving through a process of interpretative adaptation rather than comprehensive legal integration. Courts, regulatory bodies, and non-judicial mechanisms increasingly recognize human rights considerations in business-related cases.

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<sup>7</sup> John Ruggie, *Report...* UN Doc A/HRC/17/31 (2011)

<sup>8</sup> United Nations Human Rights Council, *Guiding Principles on Business and Human Rights* (2011)

However, this recognition typically occurs within existing legal frameworks rather than through the creation of new binding international obligations.

This reflects a balancing approach, where human rights are acknowledged as legitimate concerns but are often weighed against competing interests such as economic development, investment protection, and trade. As a result, human rights considerations are incorporated into legal reasoning but do not always take precedence.

This trend demonstrates that the development of business and human rights law is incremental and pragmatic, relying on the reinterpretation of existing norms rather than radical legal transformation<sup>9</sup>.

## IV. Discussion

The findings of this study largely confirm the central assumption that, although international legal frameworks increasingly recognize the importance of human rights in the context of business activities, such recognition has not resulted in a coherent or hierarchical system capable of resolving conflicts between human rights obligations and economic interests. The development of the United Nations Guiding Principles on Business and Human Rights represents a significant normative advancement; however, its practical impact remains conditioned by the broader structure of international economic governance.

The adoption of the UNGPs marked a shift from fragmented and voluntary corporate social responsibility initiatives toward a more structured and universally accepted framework. As articulated by John Ruggie, the “Protect, Respect and Remedy” framework has contributed to embedding human rights discourse within corporate governance and state regulatory practices. Nevertheless, the results of this study indicate that this transformation has not fundamentally altered the balance between human rights and economic priorities.

In practice, human rights considerations are frequently assessed within pre-existing economic and legal paradigms. Corporate compliance with human rights standards is often filtered through risk management, reputational concerns, and market incentives rather than being treated as an independent legal obligation. This supports the argument that human rights norms, while increasingly visible, operate as interpretative or complementary standards rather than as dominant legal principles capable of restructuring the international legal order.

### Fragmentation and the Limits of Systemic Integration

The persistence of fragmentation within international law emerges as a central theme in this analysis. The coexistence of multiple legal regimes—human rights law, trade law, investment law, and corporate governance—creates a complex and sometimes inconsistent regulatory environment. Although there are mechanisms for systemic interpretation, these remain limited in their ability to produce fully integrated outcomes.

The findings suggest that efforts to harmonize business and human rights standards often result in partial and context-dependent solutions rather than comprehensive legal integration. As a consequence, human rights norms are incorporated into existing frameworks without displacing or fundamentally reshaping them.

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<sup>9</sup> Organisation for Economic Co-operation and Development. (2018)

## Corporate Accountability and Constrained Regulatory Capacity

The study further demonstrates that both states and corporations operate within constraints that limit the effective implementation of human rights standards. While states retain the primary duty to regulate corporate behavior, their capacity to do so is often influenced by economic considerations, including competition for investment and participation in global markets.

Similarly, corporations tend to adopt human rights policies within the boundaries of existing business models. Although there is a growing trend toward human rights due diligence, these processes are not always sufficiently robust or enforceable. The absence of binding international obligations allows companies considerable discretion in determining the scope and depth of their commitments.

As a result, the regulatory autonomy of states and the accountability of corporations are shaped by a balancing process in which economic considerations frequently retain a dominant position.

## Business and Human Rights as a Test Case for International Legal Coherence

Beyond its immediate subject matter, this study suggests that business and human rights serve as a broader test case for the capacity of international law to address cross-cutting global challenges. The interaction between economic globalization and human rights protection reveals structural tensions that extend beyond this specific field.

The absence of a clear hierarchy between competing norms highlights a systemic limitation in international law. Rather than establishing definitive priorities, the current framework relies on balancing and negotiation between different legal regimes. This results in a form of regulatory accommodation, where human rights are acknowledged but not consistently prioritized.

## Implications for the Development of Business and Human Rights Law

The discussion underscores the need for greater normative clarity and stronger enforcement mechanisms in the field of business and human rights. Without more precise legal obligations, the implementation of the UNGPs is likely to remain uneven and dependent on voluntary compliance. Strengthening domestic legislation, enhancing international cooperation, and clarifying the relationship between human rights and economic law are essential steps toward improving the effectiveness of the current framework. In particular, the development of mandatory human rights due diligence laws represents a significant step toward bridging the gap between normative commitment and practical implementation.

## V. Conclusion and Recommendations

This article has examined the emergence and development of the international legal framework governing business and human rights, with particular emphasis on the interaction between human rights obligations and economic systems. The analysis has highlighted the central role of the United Nations Guiding Principles on Business and Human Rights as a foundational instrument in shaping global standards of corporate conduct.

At the same time, the findings demonstrate that the current framework does not yet constitute a fully coherent or hierarchical system capable of effectively reconciling competing legal and economic interests. While human rights considerations are increasingly integrated into corporate and state practices, they remain influenced by broader structural dynamics, including globalization and market-based governance.

The persistence of these tensions reflects the broader challenges of fragmentation in international law. Business and human rights illustrate the difficulty of achieving meaningful integration across diverse legal regimes, resulting in a system that manages, rather than resolves, normative conflicts. Consequently, states and corporations operate within an environment characterized by legal uncertainty and uneven implementation.

## Recommendations

Based on the findings of this study, several recommendations can be proposed:

**Firstly**, greater legal weight should be given to international human rights standards in the regulation of business activities. Strengthening the authority of frameworks such as the UNGPs, particularly through the development of binding instruments, would enhance consistency and accountability.

**Secondly**, states should integrate human rights considerations more explicitly into economic policymaking, including trade, investment, and corporate regulation. This would promote coherence across different areas of law and reduce the risk of conflicting obligations.

**Thirdly**, the development and enforcement of mandatory human rights due diligence legislation should be prioritized. Such measures would move beyond voluntary compliance and establish clearer expectations for corporate behavior.

**Finally**, further academic research is needed to explore how the business and human rights framework can be applied to other global challenges, including environmental protection, digital governance, and supply chain regulation. Expanding the scope of analysis will contribute to a more comprehensive understanding of how international law can address complex, interconnected issues.

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