

Riccardo Facchini

Business & Human Rights: Why law is necessary to level the playing field

Over the past two decades we have seen the expansion of national and international law to protect global economic interests, through a range of international agreements on investment, trade and intellectual property rights - backed by robust enforcement mechanisms, such as international arbitration. However, while corporations have been able to make the law work for them, those harmed by their operations have often seen law recede in the face of corporate power. This is often a consequence of the significant influence that transnational corporations have over the poorest States and over their legal and regulatory frameworks. Furthermore, the protection of human rights is frequently undermined because both company structure and globalised company operations facilitate corporate evasion of State jurisdiction. To narrow and ultimately bridge the gaps in relation to human rights, Amnesty International asks for stronger legal instruments on a national, regional and global level, aimed at requiring companies to do human rights due diligence, making information available to people and closing the loopholes that allow rich companies to exploit weak regulations. For the same reason, even though Amnesty International appreciates SRSG John Ruggie's "Protect, Respect, Remedy Framework" and the "Guiding Principles" that should bring to its implementation, it also agrees with the recognition of the same SRSG on the fact that supplementary measures may be required to provide greater clarity and increase legal protections, such as a multilateral legal instrument on business and human rights.