

***Implementing the UN Guiding Principles for Business and Human Rights: A Strategy for Legal Education***

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The UN Guiding Principles on Business and Human Rights (2011) are a global standard for preventing and addressing the risk of adverse impacts on human rights linked to business activity. According to the corporate responsibility to respect human rights, businesses must act with due diligence to avoid infringing on the rights of others and must address negative impacts with which they are involved. Yet to what extent is the teaching of human rights due diligence being incorporated into business and legal education, whether at academic professional schools or as part of continuing education programs for professionals? Could educational institutions be doing more? Should educational institutions do more? If so, what/how? This paper will propose that one key element of an implementation strategy for business and human rights is through legal education.

From the perspective of legal education, it is accepted that lawyers have many obligations to clients involved in business activities, including both private law obligations of competence and ethical obligations of loyalty, confidentiality and candour. Other more specific ethical obligations include a duty not to counsel a client to engage in, or to assist a client in, illegal activities. These ethical rules are clearly triggered by various public (criminal law, tax law) and private (tort, breach of contract) laws. These rules might also be triggered by public international law, including rules of international human rights law.

For the purpose of lawyers' ethical obligations, the Guiding Principles are not laws in the same sense as federal or provincial statutes. But this is far from saying that they are purely aspirational. Since 2011 the business responsibility to respect human rights has been integrated into numerous international corporate social responsibility frameworks, and raised as a normative standard in transnational litigation. This contribution will explore the extent to which the Guiding Principles create legal compliance issues due to increasing normative expectations that human rights risk management is a part of good business practice, and implications of this conclusion for the development of a strategy for academic and CPD legal education.