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## Business, Human Rights, and Sustainability Sourcebook

Robert L. Brown

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## **Business, Human Rights, and Sustainability Sourcebook, by Lelia Mooney**

REVIEWED BY ROBERT L. BROWN\*

If John Ruggie deserves a Nobel Prize in Peace for his work in developing human rights standards for businesses and states, then Lelia Mooney deserves a Pulitzer Prize for her latest book. She has managed to bring to one handy location all of the major documents in the dynamic fields of business, human rights and sustainability. At a time when many students and practitioners must search the Internet for key documents, Ms. Mooney has brought together all of the materials in these dynamic and critical areas by framing this growing field of practice and helping academics and practitioners navigate the wide range of hard and soft law and international instruments.

Beyond having all the documents in one easily accessible desktop reference book, the compilation enables readers to avoid the greatest risk—overlooking an important document. To add perspective, one of my favorite mystery writers, Rex Stout, regularly has his legendary detective, Nero Wolfe, state that it is impossible to prove a negative. In his words, you can prove where you were but you cannot prove directly that you were not in a specific place. Similarly, in the practice of law, it is not possible to prove a negative—that there is not some document out there that is not only relevant but also critically impactful. Instead of thousands of attorneys and readers wondering what is out there and what are they missing in these connected and related areas, Ms. Mooney has lightened the load for all of us. Her compilation is not only that. It is a wise walk through and an eye opener for many of us that are beginning to explore this field of practice. Confirming this point, in reading her book I found a number of documents that I did not know existed. With her book, all we have to do is go to our bookshelves, pick up her book, and feel comfortable that all the relevant documents are there in one sourcebook.

Another critical advantage of this book and a reason why anyone advising companies on international human rights and sustainability issues should own this book is that this area of law and business is fast changing, and it is easy to lose track of the changes as they occur. Ms. Mooney has been actively involved in this area for many years and has applied her talents and expertise to identifying the latest and most influential works. To keep the book current, Ms. Mooney is already preparing updates as new documents and agreements are negotiated, drafted and adopted.

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The book is organized into three parts. The first part includes the core international conventions and declarations on human rights. These include the Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights; and the International Covenant on Economic, Social and Cultural Rights. It also includes international agreements on the right to organize, collective bargaining, forced labor, minimum age, child labor, equal pay and discrimination.

The second part turns to international conventions and declarations on sustainability. Documents in this section include some of the most important and most cited documents mentioned by those on both sides of the sustainability issue. They include agreements on the environment and climate, air, sea, plants, humans and biodiversity:

- Environment and Climate: United Nations (UN) Framework Convention on Climate Change; Rio Declaration on Environment and Development; Kyoto Protocol to the UN Framework Convention on Climate Change; UN General Assembly on the future we want; and UN General Assembly on Sustainable Development Goals
- Air: Montreal Protocol on Substances that Deplete the Ozone Layer; and Vienna Convention for the Protection of the Ozone Layer
- Sea: UN Convention on the Law of the Sea; International Convention on Civil Liability for Oil Pollution Damage; and International Convention for the Prevention of Pollution from Ships
- Plants: Convention on International Trade in Endangered Species of Wild Fauna and Flora; and UN Conference for the Negotiation of a Successor Agreement to the International Tropical Timber Agreement
- Humans: Protocol on Access to Genetic Resources
- Biodiversity: Convention on Biological Diversity; Cartagena Protocol on Biosafety; and Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization

The third section concerns multilateral and international guidelines for business on human rights and sustainability. It includes pivotal documents that are regularly cited and relied upon by writers, leaders and the public. Examples of documents in this group include seminal works such as:

- United Nations: Guiding Principles on Business and Human Rights; Implementing the UN Protect, Respect and Remedy Framework; Global Company: A Guide for Business: How to Develop a Human Rights Policy; Convention against Corruption; Principles for Responsible Investment; and Global Company Guide to Corporate Sustainability.
- Organisation for Economic Co-operation and Development: Guidelines for Multinational Enterprises; and Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas;
- International Finance Corporation: Performance Standards on Environment and Social Sustainability

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- International Labour Organization: Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy; and Indigenous and Tribal Peoples Convention

As Ms. Mooney has argued elsewhere:

Today's complex world scenario is coupled with complex questions and reactions that have a direct impact on a company's liability. We are experiencing strategic advocacy seeking jurisdictional redress and monetary compensation at different international forums for environmental damages and loss of livelihood, violations to human rights of the individuals and communities where companies operate are re-shaping the relationship between business and society and demanding a new type of corporate responsibility. Outside and/or parallel to the seeking of jurisdictional redress, communities and even some governments are taking a stand against the negative social and environmental externalities of corporate activity across jurisdictions.<sup>1</sup>

She is certainly right when she affirms that the complexity of the legal questions emerging from this new field of practice—the business, human rights and sustainability field—demands lawyers from all backgrounds and practices (whether in the human rights or corporate field) are well versed in these international soft and hard law standards so they can integrate them as part of their advisory services to the clients they represent.

I picked up my copy of the book at the Spring Meeting of the Section of International Law in New York City this past April. To measure the importance of the book, I kept track of the number of times that speakers referred to an agreement in the book. Before the meeting ended, I exceeded 100 times. In retrospect, maybe my reference to Ms. Mooney should have compared her to Sue Grafton's detective her detective Kinsey Millhone. Appropriately, Ms. Mooney has covered international agreements in the interface of business, human rights and sustainability from A to Z. If so, A is for All-Encompassing, while Z is for Zero Left Out.

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1. Lelia Mooney, *Promoting the Rule of Law in the Intersection of Business, Human Rights and Sustainability*, 46 GEO. J. INT'L L. 1135, 1139 (2015).

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