



# “Business and Human Rights” and the United Nations Sustainable Development Goals: Complementary or Conflicting Agendas

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## Abstract

The publication of the United Nations Guiding Principles on Business and Human Rights (UNGPs) was a watershed moment in the business and human rights (BHR) debate, a scholarly and policy discussion that has boomed over the last two decades. In parallel, the United Nations General Assembly issued its Agenda 2030, featuring 17 Sustainable Development Goals (SDGs) to be achieved by the end of 2030. Both, the UNGPs and the Agenda 2030, are instruments designed to advance corporate sustainability at an international level. Yet, despite their apparent complementarities and potential synergies, the connection between the two remains loose and therefore ambiguous. The disconnect is exacerbated by how the Agenda 2030 frames the role and contributions of the business sector, which holds strong parallelisms with the traditional notion of “Corporate Social Responsibility” (CSR). However, adopting a “CSR” approach to SDG implementation obstructs the integration of the UNGPs and hinders Agenda 2030 from taking advantage of the progress made in BHR over the last two decades and thus to realize their full potential in charting a holistic path of sustainability of business actors.

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## **1 Introduction**

Human rights are a fundamental element to the notion of “sustainable development,” one of the main areas of focus in the broader sustainability discussion (see chapter ► [“Defining Sustainability”](#)). Discussing matters such as sustainable economic growth, energy-efficient infrastructures, or the protection and preservation of vulnerable ecosystems, without paying attention to, for example, gender discrimination, freedom of speech and association, or exploitative working conditions, misses the larger context that enables sustainable development to begin with. As put forward by the United Nations’ (UN) Office of the High Commissioner for Human Rights (OHCHR), “a development path in which human rights are not respected and protected cannot be sustainable and would render the notion of sustainable development meaningless” (OHCHR [2017](#)).

The UN has repeatedly recognized business actors as major players in the advancement of both human rights and sustainable development. In this vein, over the last decade, it has developed two global, ambitious, and overlapping instruments to clarify and channel their role and contribution to these objectives, namely: the United Nations Guiding Principles on Business and Human Rights (UNGPs) (United Nations [2011](#)), and the Agenda 2030 and its accompanying Sustainable Development Goals (SDGs) (United Nations [2015a](#)). The UNGPs seek to address the governance gaps that facilitate the commission of and contribution to human rights violations by business actors, which commonly remain unaccounted for, due to the lack of adequate sanctioning and remediation mechanisms (United Nations [2008](#)). The UNGPs define and delineate the human rights responsibilities and duties both of States and corporations in the context of business activities and provide the much needed guidance and direction on how to respect and protect all human rights in this context. On the other hand, the Agenda 2030 has a broader and at the same time more specific approach to human rights than the UNGPs. It is broader because Agenda 2030, operating under the banner of “sustainable development,” expressly encompasses human rights matters along with environmental issues. It is also broader in the sense that, while it is first and foremost a commitment made by States, it aims at appealing to all stakeholders that may contribute to the achievement of the SDGs, including, but not limited to business actors. In contrast, Agenda 2030 is narrower than the UNGPs as it targets a list of 17 specific issues, many of them related to human rights, and assigns them 231 unique indicators to track their degree of accomplishment (United Nations [2020](#)).

The Agenda 2030 and the SDGs have attracted remarkable attention from various stakeholder groups and have become the most successful UN developmental

campaign ever. The UNGPs have also been a successful initiative within their domain, the business and human rights (BHR) debate. In 2003, the failure of another UN initiative, the so-called "UN Draft Norms" on corporate human rights responsibility, led to a standstill of the discussion on the extent and limits of potential human rights responsibilities of business. The newly created mandate of the UN Special Representative on Business and Human Rights (SRSG) in 2005 was able to revive this discussion and the resulting UNGPs, which were published in 2011, provided an authoritative focal point for and raised the profile of the BHR discussion. Subsequently, BHR turned into one of the most dynamic, relevant, and perhaps even most influential debates concerning corporate responsibility (Wettstein 2015). Today the UNGPs have become a widely endorsed global standard for states and companies to ensure that business activities do not come at the cost of human rights violations (OHCHR 2017).

The Agenda 2030 makes explicit reference to the UNGPs, committing States to foster a dynamic and well-functioning business sector aligned with the UNGPs (Para. 67 United Nations 2015a). More generally, businesses are invited to contribute to the realization of the SDGs by applying their creativity and innovation to solve sustainable development challenges. In this vein, the SDGs make implicit references to the responsible role of businesses in various places, such as SDG 8, 9, and 12. The SDGs offer businesses the possibility to contribute to specific goals and be part of a larger global effort to address crucial challenges that humanity and the planet are faced with. In doing so, Agenda 2030 recognizes corporations as key actors in the sustainability debate. Yet, despite addressing the corporate role in achieving sustainable development and the direct reference to the UNGPs in the Agenda 2030, there seems to be a disconnect between the two initiatives. The UNGPs with its strong focus on accountability mechanisms have not gained the level of traction in the SDGs movement that one would perhaps expect. Scholars have highlighted the limited success of the UNGPs to permeate the narrative and implementation of the Agenda 2030 and the SDGs (Jägers 2020, 2021). This lack of alignment of the SDGs with the UNGPs and BHR more generally (Agarwal et al. 2017), is a missed opportunity to realize the full potential of the SDGs and of the contribution of businesses to both sustainability and the realization of human rights.

This contribution explores the disconnect between the two UN initiatives and discusses steps that may facilitate a more consistent integration of corporate human rights responsibilities as defined by the UNGPs within the SDGs framework (Wettstein 2022). To this end, and following this introduction, section 2 introduces the UNGPs as part of the broader BHR debate. Section 3 introduces Agenda 2030 and its 17 SDGs with a focus specifically on the role attributed to the business sector. The Agenda 2030 narrative emphasizes the role of business in voluntaristic, discretionary, and positive terms devoid of accountability. This framing of the business contribution to the SDGs, as we will argue, mimics some of the traditional parameters on which the notion of Corporate Social Responsibility (CSR) is built. Section 4 discusses the implications of such an approach in regard to the possibility to effectively and coherently integrate the UNGPs in the Agenda 2030 narrative.

Finally, section. 5 concludes by outlining some avenues through which this trend could be reverted.

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## 2 BHR and the Implementation of the UNGPs: Moving from Soft to Hard Accountability

The year 2021 marks the tenth anniversary of the UNGPs. Since their adoption by the UN Human Rights Council (HRC) in 2011, they have become a central pillar of the BHR debate. Unanimously approved by the HRC, the UNGPs were welcomed by large parts of the business sector, states, civil society, international organizations, and trade unions across the globe. Yet, BHR did not start nor did it end with the publication of the UNGPs. Understanding the origins and evolution of BHR more holistically can provide context to the specific content of the UNGPs, and thus help bring light to the existing disconnect between the UNGPs and the SDGs.

BHR has been described as both, a scholarly discussion and a social movement (Santoro 2015). From a scholarly perspective, it is a multidisciplinary field at the crossroads of different social science disciplines such as law, business ethics, economics, and political science. As a social movement, it has engaged a rich and diverse body of civil society organizations including NGOs, trade unions, industry associations, and grass roots activists. The common denominator connecting all these actors under the shared umbrella of BHR is their quest toward strengthening accountability for corporate-related human rights wrongs. The development and implementation of BHR has oscillated between softer and harder forms of accountability. Briefly reviewing this evolution will help situate and understand the premises on which the UNGPs are built.

A precursor of BHR can be traced back to 1945 with the “Industrialist Trials” in the Nuremberg processes following World War II (Wettstein 2022; Bernaz 2017), where the Allies prosecuted several German businessmen for their complicity with the atrocities of the Third Reich. Nevertheless, it was not until the decades of the 1970s, 1980s, and, particularly, the 1990s, where a discussion on the human rights responsibilities of business actors started to take shape (Santoro 2015). While the progress made during these three decades was rather slow and fragmented, several high-profile corporate human rights crises spurred the discussion on how to hold corporations accountable. The South African apartheid and the support it received from US corporations (Kline 2010; Santoro 2012), the 1984 Union Carbide Corporation gas tragedy in Bhopal (Baxi 2015), the execution in 1995 of the human rights defender Ken Saro-Wiwa who denounced the environmental destruction caused by Western oil companies in the Niger Delta (Wettstein 2020), these are just a few of the most conspicuous examples. During this period, human rights activists started shifting their focus from States as exclusive bearers of human rights responsibility to the role of corporate actors in human rights violations (Spar 1998; Avery 2000). This was followed by early corporate accountability initiatives such as the 1974 creation of the UN’s Center for Transnational Corporations, which aimed at drafting a binding code of conduct for corporations (Ramasastry 2013), the introduction of

the Sullivan Principles in 1977 addressing the role of US companies in South Africa during the apartheid regime, or the creation of the OECD Guidelines for Multinational Enterprises, which included one paragraph on the human rights responsibilities of corporations. Most of these initiatives remained essentially voluntary. Victims and BHR activists and lawyers, not satisfied with them, looked for tougher accountability in traditional hard law mechanisms of their home states such as the Alien Tort Claims Act to seek redress for the misconduct of corporations abroad (Ramasastry 2002).

In the late 1990s and early 2000s, the heyday of neoliberal globalization, the need for new and effective formulas to curb corporate human rights abuse became evident. Corporate scandals regarding child labor, labor exploitation, and complicity with armed groups in conflict regions, provided the backdrop for the emergence of new global accountability initiatives. In 2000, the UN launched the Global Compact, the largest corporate sustainability initiative to date (United Nations 2021). The initiative outlines ten principles – two of them aiming at not causing or contributing to human rights abuse – to which adhering companies commit and periodically report on the progress made. However, the Global Compact, set up as a soft law instrument, was soon criticized for lacking “teeth,” falling short to provide accountability, while offering an avenue for corporations for “blue-washing” (Berliner and Prakash 2015).

In 2003, contrasting with the voluntary nature of the Global Compact, the UN Sub-Commission on the Promotion and Protection of Human Rights presented the Draft Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights (Draft Norms) (United Nations 2003; Weissbrodt and Kruger 2003; Weissbrodt 2005). The Draft Norms were the first original attempt to create an international legal platform upon which to assign direct human rights responsibilities to corporations. The Draft Norms were designed to become a binding instrument, as opposed to voluntary guidelines like the UN Global Compact or the OECD Guidelines for Multinational Enterprises (Weissbrodt and Kruger 2003, 913). The opposition particularly from Western states and the private sector was fierce. Eventually, the UN Human Rights Commission shelved the Draft Norms amid doubts and uncertainties about their viability (United Nations 2005). In order to lead the discussion out of the resulting impasse, the UN Secretary-General Kofi Annan appointed Harvard Professor John Ruggie as Special Representative on the issue of human rights and transnational corporations and other business enterprises (SRSG).

As SRSG, Ruggie published a first major report, the UN Protect, Respect and Remedy Framework (United Nations 2008), in 2008. It served as the conceptual foundation for the UNGPs, which were published in 2011 and which operationalized and specified the Framework (United Nations 2011). The UNGPs are based on the premise that business activities can impact any type of human rights. As such, they apply to all states and all types of business enterprises, regardless of their size, sector, location, or ownership. The BHR architecture developed by the SRSG aims at closing the governance gaps created by globalization, which led to an environment in which wrongful acts by corporate actors remained largely unchecked (United

Nations 2008). It consists of three pillars: the state duty to protect (Pillar I), the corporate responsibility to respect (Pillar II), and the right of victims to access remedies (Pillar III). Pillar I outlines the duty of states to protect their citizens from human rights violations committed by third-parties, including businesses. The duty to protect requires states to set clear expectations for business actors in regard to the respect of human rights and to develop laws and policies that are coherent with and supportive of this business responsibility. Pillar II directly asks companies not to infringe on the human rights of others. Pillar II is perhaps the most innovative pillar. Its operationalization requires businesses to act on three fronts: to develop a policy commitment to meet their responsibility to respect that cascades down from the top to the bottom of the company's hierarchy and operations; to periodically assess the company's potential human rights impacts through a due diligence procedure; and to establish mechanisms enabling the remediation of any adverse human rights impact. Finally, Pillar III, access to remedies, describes the obligation of states to grant access to effective remedy and the business responsibility to establish grievance mechanisms to improve victims' possibility to access remedy through nonjudicial channels.

The UNGPs do not create any new international legal norms. Pillar I is grounded in existing international human rights obligations that bind States, while Pillar II is based on the social expectation, rather than on any legal mandate, that businesses respect human rights (United Nations 2008). Based on these premises, in 2011, the UN Human Rights Council unanimously endorsed the UNGPs. Few other UN initiatives have generated such a broad consensus, also among major NGOs, trade unions, business organizations, and international organizations. By publishing the UNGPs, the SRSG succeeded in moving forward and raising the profile of the then acrimonious and polarized debate. Yet, critics continued to point out the weaknesses, inconsistencies, and lack of real accountability of this emerging BHR architecture (Deva 2013; Cragg 2012; Blitt 2012).

The publication of the UNGPs led to further key developments in BHR in subsequent years. As soon as 2015, the UN Human Rights Council, following the petition of Ecuador and South Africa, established an Open-Ended Intergovernmental Working Group "to elaborate an international legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises" (Para. 9 United Nations 2014). So far the working group has produced and deliberated three revised drafts (OEIGWG 2021). Yet, the discussions on the development of a legally binding treaty may continue for years and its outcome remains uncertain. In contrast, more tangible and promising policy and legislative developments are taking place at national and regional levels. A growing number of countries are adopting so-called National Action Plans, which establish BHR as a policy priority and outline strategies and instruments with which states plan to implement the UNGPs. Furthermore, some states have enacted laws that mandate businesses to conduct human rights due diligence – e.g., France, The Netherlands, the UK, and the USA have been pioneers in enacting this kind of regulation (Quijano and Lopez 2021; Wettstein 2021). At the regional level, the European Union issued a nonfinancial reporting directive for its member state, which

mandates companies with over 500 employees to report on the way they operate and manage social and environmental challenges (European Union 2014). Furthermore, it has committed to propose comprehensive human rights due diligence legislation in 2022.

All in all, BHR can be framed as a progressive movement toward establishing and strengthening accountability regimes for corporate human rights responsibility (Ramasastry 2015). The UNGPs have been a significant step in this movement. This raises the question to what degree the BHR agenda is reflected and integrated in the Agenda 2030 and the SDGs. Before addressing this question in more detail, we will proceed to outline the basics of the Agenda 2030 and the SDGs as they relate to the business sector.

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### **3 The Agenda 2030 and the SDGs: The Role of the Business Sector**

In 2015, four years after the publication of the UNGPs, the UN General Assembly adopted resolution 70/1 entitled "Transforming our world: the 2030 Agenda for Sustainable Development" (United Nations 2015a). The Agenda 2030 is the most ambitious and comprehensive UN initiative ever attempting to address global sustainability challenges. It is meant to serve as a roadmap toward "eradicating poverty in all its forms and dimensions," which is described as "the greatest global challenge and an indispensable requirement for sustainable development" (Preamble United Nations 2015a). To this end, the Agenda outlines 17 interrelated goals that consist of a total of 231 associated indicators divided into three dimensions: economic, social, and environmental.

- Goal 1: End poverty in all its forms everywhere
- Goal 2: End hunger, achieve food security and improved nutrition and promote sustainable agriculture
- Goal 3: Ensure healthy lives and promote well-being for all at all ages
- Goal 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all
- Goal 5: Achieve gender equality and empower all women and girls
- Goal 6: Ensure availability and sustainable management of water and sanitation for all
- Goal 7: Ensure access to affordable, reliable, sustainable, and modern energy for all
- Goal 8: Promote sustained, inclusive, and sustainable economic growth, full and productive employment and decent work for all
- Goal 9: Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation
- Goal 10: Reduce inequality within and among countries
- Goal 11: Make cities and human settlements inclusive, safe, resilient, and sustainable



- Goal 12: Ensure sustainable consumption and production patterns
- Goal 13: Take urgent action to combat climate change and its impacts
- Goal 14: Conserve and sustainably use the oceans, seas, and marine resources for sustainable development
- Goal 15: Protect, restore, and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss
- Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all, and build effective, accountable, and inclusive institutions at all levels
- Goal 17: Strengthen the means of implementation and revitalize the global partnership for sustainable development

The Agenda 2030 and the SDGs call on individuals, states, and other stakeholders alike to act collaboratively to implement the plan set by the Agenda. Business actors are not an exception. The private sector, in its diverse forms, from microenterprises, to cooperatives to large multinational corporations, is presented as a key partner in the achievement of the SDGs. The business contribution to the SDGs is framed along three vectors.

First, businesses are actors capable of making substantial contributions to the achievement of the SDGs. Some SDGs are particularly relevant to the private sector – e.g., SDG 8 on sustainable growth and decent work, and SDG 12 on sustainable consumption and production. Yet, with their capabilities, technology, and resources, as well as within their organizations, businesses can virtually contribute to any SDG, from using the oceans more sustainably (SDG 14), to making cities safer and more inclusive (11), to achieving gender equality (SDG 5). The Agenda 2030 acknowledges businesses as a main driver of productivity, inclusive economic growth, and job creation, and calls on them to “apply their creativity and innovation to solving sustainable development challenges” (Para. 67 United Nations 2015a).

Second, the Agenda 2030 highlights business actors as financial enablers and supporters of the partnership collaborations required to achieve the SDGs. Critical to the Agenda 2030 is the Addis Ababa Action Agenda on Financing for Development (AAAA), which provides guidelines and measures to finance sustainable development, the transformation of the global economy, and the achievement of the Sustainable Development Goals. The AAAA, which is an integral part of the Agenda 2030, acknowledges the role of businesses in supporting sustainable development. Thus, it is not surprising that Agenda 2030 counts on businesses to help provide and raise the massive funding needed to implement the global partnerships designed to achieve the SDGs (SDG17).

Finally, the private sector, among other stakeholders, is also invited, but not bound, to take part in the follow-up and review processes established by the Agenda 2030. These processes are voluntary and periodically assess the progress made by states. They are meant to promote accountability and support effective international cooperation in achieving the SDGs. The private sector is encouraged to have its say



in both, national-level reviews as well as the High-level Political Forum under the auspices of the UN's Economic and Social Council.

The Agenda 2030 explicitly seeks to promote, protect, and realize the human rights of all, with special emphasis on gender equality and the empowerment of women and girls (Preamble & para. 3 United Nations 2015a). The Agenda grounds the SDGs in the Universal Declaration of Human Rights (UDHR), as well as on international human rights treaties (Para. 10 United Nations 2015a). As such, the Agenda specifically outlines what is expected of the business sector in terms of conduct when its signatory states pledge to "foster a dynamic and well-functioning business sector while protecting labor rights and environmental and health standards in accordance with relevant international standards and agreements" (Para. 67 United Nations 2015a). Importantly, the Agenda features the UNGPs, along with the labor standards of the International Labor Organization (ILO) and the Convention of the Rights of the Child, as standards of reference for guiding business conduct.

By making explicit reference to the UNGPs, the Agenda 2030 opens the door for states and businesses alike to integrate the UNGPs in their efforts toward contributing to the SDGs. The overlap between the two instruments is substantial. As outlined above, many of the goals and targets set by the Agenda directly refer to human rights and labor issues commonly encountered by businesses. Furthermore, their approaches are remarkably complementary. As a universally agreed global standard, the UNGPs provide mechanisms and guidance to states and businesses in making sure that business activities do not come at the expense of human rights (OHCHR 2017). Thus, while the SDGs lay out a series of aspirational sustainability objectives for businesses and states, the UNGPs offer a normative floor based on which those objectives ought to be pursued. Put differently, the SDGs provide businesses and states with a prioritized set of specific and measurable goals. The UNGPs, on the other hand, outline the duties and responsibilities of states and businesses to operate in ways that are consistent with human rights. Arguably, while the SDGs are outcome-oriented, the UNGPs are process-oriented, which forms an important element of the complementarity between the two.

To increase their reach and influence, the UNGPs relied on a process of "norms cascading" (Ruggie 2020) – i.e., the ability to impact other powerful narratives, such as the Agenda 2030 and the SDGs, that ultimately have the capacity to shape policies (Jägers 2021). Yet, despite the cross-referencing of the UNGPs in the text of the Agenda 2030 and the potential synergies and complementarities between the two, the UNGPs remain at best peripheral to the implementation of the SDGs by both businesses and states. Scholars have pointed out the lack of attention the Agenda 2030 placed on the BHR narrative as it has developed over the last decade (Jägers 2020, 2021). Similarly, the analysis of the Voluntary National Reviews submitted by states reveals that they hardly incorporate the UNGPs in their national plans to achieve the SDGs (Ibid). In the next section, we will explore this apparent disconnect between the two frameworks and find one apparent reason for it in the normative underpinnings upon which the Agenda 2030 conceives the role of business actors.

#### **4 The Agenda 2030 and the SDGs: Promoting “CSR Mentality” Over Accountability?**

The Agenda 2030 is a commitment made by 193 States in the form of a UN General Assembly resolution to work toward the achievement of the SDGs in a balanced and integrated manner (Para. 2 United Nations 2015a). It is also the most extensive and exhaustive development initiative ever created, which is unmatched in terms of its capacity to address crucial sustainability issues. Yet, its potential to lead to the necessary transformations in the business sector remains limited by its lack of accountability measures.

While non-state actors, such as businesses, are not officially part of the Agenda 2030 commitment, they are encouraged to join the partnerships that can enable the accomplishment of the SDGs. Their adherence to the Agenda 2030 and commitment to the SDGs is voluntary and, in contrast to states, not subject to any kind of official monitoring or oversight. States, for their part, commit to engaging in a systematic follow-up and review process known as the Voluntary National Review (VNR) process to make sure progress is made and targets eventually achieved by the end of 2030. As the name of the mechanism indicates, engagement in the VNRs is voluntary and not attached to any penalties or other disadvantages for states lagging behind in their implementation efforts or not reporting altogether.

Business actors are not considered part of the VNR accountability system. Despite acknowledging the capacity of business to contribute to the achievement of the SDGs, the Agenda 2030 does not provide them with any guidance, nor assigns them indicators, on how and what they should contribute to. Businesses are free to (cherry-)pick the issues in the realm of the SDGs that they want to contribute to and to what extent they want to do so. Furthermore, the notion of responsibility is conspicuously absent in the Agenda 2030; it does not assign any kind of responsibility – neither to states nor any other stakeholders involved – on how to achieve the SDGs. Hence, while the SDGs’ accountability system for states has been described as a toothless and cursory process distilling diffuse and political rather than legal accountability (Wilton Park 2018; Mcinerney-Lankford 2017), accountability mechanisms for businesses committing to the SDGs seem entirely absent (Zagelmeyer and Sinkovics 2019, 44).

To convince businesses to join the collaborative partnerships that may enable the realization of the SDGs, the Agenda 2030 appeals to their creativity and innovation capacities to solve sustainability issues (Para. 67 United Nations 2015a). In this vein, the Agenda makes sure to present the role of the business sector in positive terms throughout – for example, when SDG 8 promotes “productive employment and decent work for all,” or when SDG 12 encourages to “ensure sustainable consumption and production patterns.” There is no mention of the potential negative effects of business activities on human rights and the importance to prevent and redress them for the achievement of the SDGs. Thus, what the Agenda seems to overlook is that holding corporations accountable for their negative human rights impacts needs to be understood as a crucial presupposition for and indeed a part of their contribution toward the achievement of the SDGs. This pattern is underpinned by a “win-win”

rationale in which the Agenda grounds its understanding of cooperation among different actors (Para. 18 United Nations 2015a). Not surprisingly, business think tanks, industry associations, and consultancy firms quickly picked up on such a "business case" narrative to point to the advantages and business opportunities the SDGs offer to companies (e.g., WBCSD 2015; PWC 2016). The Business and Sustainable Development Commission estimates that the business models aligned with the SDGs could generate economic opportunities worth up to 12 trillion USD and increase employment by up to 380 million jobs (BSDC 2017). UN Secretary-General Ban Ki-moon reassured businesses that "The case is clear. Realizing the SDGs will improve the environment for doing business and building markets" and will create "huge opportunities for responsible companies to deliver solutions" (United Nations 2015b).

In short, the Agenda 2030 promises to provide a unique opportunity for businesses to be part of the solution to the most pressing challenges threatening the present and future of humanity. Yet, the trade-off for this view is to leave this role of business rooted in voluntarism and discretion, rather than in responsibility and accountability. This conceptualization of the role of business holds clear parallelisms with the way companies have traditionally framed their role in addressing societal issues through CSR.

BHR scholars in particular have repeatedly pointed to these accountability shortfalls of conventional conceptions of CSR (McCorquodale 2009; Wettstein 2012, 2021; Ramasastry 2015). CSR is a dynamic and contested concept emanating from management studies. It is often referred to as an "umbrella term" (Scherer and Palazzo 2007) encompassing all those "clearly articulated and communicated policies and practices of corporations that reflect business responsibility for some of the wider societal good" (Matten and Moon 2008). As such, it is often understood as those responsibilities that companies adopt voluntarily beyond their compliance with legal mandates. However, what those responsibilities ought to be and how companies ought to make sure they are implemented throughout the organization often remains ambiguous and obscure. Accordingly, CSR advocates have been keen to emphasize self-regulation and soft law schemes in contrast to the imposition of legally binding requirements (Buhmann 2006), and they tend to incentivize corporate responsibility by pointing to and promoting the so-called "business case" for CSR – i.e., the idea that through CSR actions and policies businesses can gain strategic advantages, reduce risks, or tap new business opportunities (Porter and Kramer 2011).

BHR scholarship, on the other hand, emerged and evolved separately and in parallel to the broader CSR debate (Wettstein 2020). In fact, it has even been argued that the BHR debate emerged as an actual critique of CSR and its perceived failures (Ramasastry 2015; Wettstein 2021). Crucially, BHR scholars have warned about the inconsistencies of framing the human rights responsibilities of corporations in the voluntary, discretionary, and contingent terms of a positive business case for CSR (See Ramasastry 2015; Wettstein 2012), since this may undermine the obligatory and overriding nature of human rights (Dworkin 1977; Nickel 2007) and draw attention away from the necessity of accountability and remedy mechanisms.

From a human rights perspective, a CSR-based approach to the SDGs may lead to important inconsistencies between the Agenda 2030 and the broader BHR movement. For example, a company may contribute to SDG 3 by offering up vital resources for the promotion of healthy lives and well-being in the communities neighboring its operations, while potential abuses in its supply chain remain entirely unchecked. The root of the problem lies in the weak, if not missing, human rights accountability advanced by the SDGs. Their silence on this dimension risks jeopardizing a key element of their very own mission, namely “to realize the human rights of all.” Instead, the SDGs rather uncritically embrace the traditional CSR paradigm to frame the potential contribution of business actors.

It is important to point out that the support and engagement of the business sector are crucial for making progress and achieving the SDGs and that framing the corporate role in positive and welcoming terms can go a long way in fostering support and commitment among companies. Yet, exclusively relying on these parameters is, from a human rights stance, unbalanced and counterproductive. The Agenda 2030, by framing the role of business actors along parameters closely resembling those grounding a traditional understanding of CSR, is missing the bigger picture, i.e., that the SDGs are unattainable, if adequate accountability mechanisms for corporate human rights violations are missing.

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## 5 Summary

The Agenda 2030 with its 17 SDGs is an exceptional initiative calling on business actors to adhere to the cause of solving pressing sustainability issues. The SDGs have the capacity to channel the force of the private sector and redirect it to addressing pressing global challenges in partnership with states and other key stakeholders. However, this potential cannot be realized only by tapping into the positive contributions in the form of market solutions. It must make sure that such contributions are built unconditionally on respect of human rights and respective accountability mechanisms. The UNGPs, as recognized by the text of the Agenda 2030, provide a globally agreed baseline on corporate human rights responsibility, yet they have been largely sidelined as an instrument to further the achievement of the SDGs (Zagelmeyer and Sinkovics 2019). Accordingly, in order to make progress on the SDGs holistically, they ought to be integrated more explicitly into the SDGs framework and be made a requirement for the involvement of the private sector.

There may be multiple reasons explaining the current disconnect between the two UN initiatives. Their diverging perspective on the nature of business responsibility, though, seems to be a key factor. While the UNGPs have stressed the avoidance, accountability, and redress of negative impacts of business actors, the Agenda 2030 emphasizes the force and unique capacities of the private sector to drive the change needed to achieve the SDGs. From a normative standpoint, the deviating directions along which the two initiatives frame the potential positive and negative impacts of business actors in human rights terms may be perceived as incoherent and thus a weakness; yet, it also entails an opportunity. The two UN frameworks are largely

complementary. Together, they provide a holistic understanding of the contributions and responsibilities of the business sector in addressing human rights challenges.

However, in order to benefit from such complementarity, a closer integration of the two initiatives seems of critical importance. The text of the UN resolution elaborating the Agenda 2030 and the 17 SDGs does contain the necessary elements of such an integration, most importantly, by mentioning the UNGPs as an international standard of reference. Yet, the UN and governments in particular need to do more to communicate clearly the expectation that UNGPs implementation is a necessary precondition for the private sector's contribution to the SDGs and they must reinforce such expectations by adequate policy and regulation. Civil society and some of the major international NGOs have started to draw attention to the apparent schism between the two initiatives (Agarwal et al. 2017). Their pressure will be indispensable to keep this issue on the political agenda. Finally, and perhaps more importantly, business actors have to realize that their most impactful contribution to the SDGs does not emanate from their deep pockets, but from identifying, preventing, and mitigating adverse human rights impacts linked to their operations (OHCHR 2017).

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## 6 Cross-References

### ► Defining Sustainability

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