

Sullivan Principles or Ruggie Principles? Applying the Fair Share Theory to Determine the Extent and Limits of Business Responsibility for Human Rights

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Abstract: This article reflects upon some of the general moral and philosophical issues pertaining to corporate human rights responsibilities and it also addresses a very specific issue in business and human rights, i.e. the moral obligation of a business entity to act when it can help prevent or remedy a human rights violation that it neither directly nor indirectly furthered. Two alternative approaches to this issue are compared and contrasted, to wit the “Sullivan Principles” for doing business in apartheid South Africa advocated by Reverend Leon Sullivan, and the United Nations Guiding Principles on Business and Human Rights (the “Ruggie Principles”) promulgated by Special Representative John Ruggie. The article presents a “fair share” theory of responsibility for human rights as a basis for deciding which of these two approaches comes closer to embodying the moral obligations of business. The article also examines the application of these two competing principles to the case of South Africa where the Sullivan Principles played a crucial role in helping to dismantle apartheid. It concludes by finding that the Sullivan Principles are consistent with the moral demands of human rights and the Fair Share Theory whereas the Ruggie Principles of complicity constitute a step backward to a significantly lower standard of business responsibility for human rights that is inconsistent with the moral requirements of human rights.

Keywords: Human Rights, Business and Human Rights, Sullivan, Ruggie, Complicity, Fair Share Theory of Human Rights.