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After the International Bill of Human Rights (IBHR): Introduction to special issue on human rights and professional communication

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Introduction

If published work is at all a reliable indicator, the issue of human rights has not yet emerged as a consistent thread in professional communication scholarship: but over the past decade the literature has addressed themes related to the larger issue of human rights. Such themes include, among others, social justice and globalization; critical responses to development and globalization; critical race theory and whiteness studies; and discourses of diverse publics and indigenous knowledges (Agboka, 2013a, 2013b; Bowdon, 2004; Broadfoot & Munshi, 2007; Haas, 2012; Johnson, Pimentel, & Pimentel, 2008; Lipus, 2006; Mattson, 2013; Nugent, 2013; Savage & Mattson, 2011; Savage & Matveeva, 2011; Smith, 2012; Surma, 2005; Voss & Flammia, 2007; Walton, 2013; Williams, 2010; Williams & Pimentel, 2012); (T. Herrington, 2011; T. K. Herrington, 2001). Williams and Pimentel noted a “reticence to discuss such topics in technical communication research and literature” (272). And yet, we cannot pretend that human rights has no significance for scholarship, teaching, and practice of professional communication, especially where it concerns developing nations and marginalized populations.

The range of issues involving human rights is staggering. *The Universal Declaration of Human Rights* is expressed in just 30 Articles filling just over 5 pages. Indeed, it fits on a large poster (see <http://www.ohchr.org/Documents/Publications/Poster.pdf>). However, it has been continually elaborated and refined over the half-century since its initial formulation in 1948. The series of covenants, protocols, conventions, and declarations that followed from the Universal Declaration is known today as the *International Bill of Human Rights* (IBHR), a document which

comprises 470 pages (United Nations General Assembly, 1948, 1976, 2008). Beyond the broader articulation of human rights as involving issues of equality, respect, political and civil self-determination, the IBHR has established positions on colonialism, the rights of indigenous people and minorities, women, children, older people, people with disabilities, prisoners, labor rights, duties of lawyers, development, and cultural diversity, among numerous other issues which over the years emerged as concerns for extended consideration and elaboration.

While professional communication is practiced in many workplace contexts, the dominant settings of business and industry, which are increasingly global in scope and influence, perpetuate a western colonial inheritance of knowledge and lore, which still weighs heavily upon our scholarship, teaching, and practice, discouraging other futures where human rights concerns factor prominently. Indeed, John Ruggie (2006a) was troubled by the social, economic, and even political power of this transglobal complex:

The most visible manifestation of globalization today are some 70,000 transnational firms, together with roughly 700,000 subsidiaries and millions of suppliers spanning every corner of the globe. There are no longer external arms-length transactions. For example, intra-firm trade, that is, trade among affiliates of the same corporate entity, accounts for a significant share of overall global trade. In this respect then, what once was external trade between national economies increasingly has become internalized within firms as global supply chain management, functioning in real time, and directly shaping the daily lives of people around the world. (p. 5)

Given the asymmetrical power relationships that necessarily result when this globally interventionist economy intersects various socio-political and socio-cultural contexts, professional communicators cannot pretend either that human rights concerns have no role in scholarship, teaching, and practice or that such areas of disciplinary knowledge-making have no bearing on human rights.

It is clear, then, that many multinational corporations today wield economic power—and sometimes political power—equal to or greater than the power of governments in the nation-states where they conduct business. According to *Corporate clout: The influence of the world's largest 100 economic entities*,

Of the world's 100 largest economic entities in 2009, 44 are corporations. If you look at the top 150 economic entities, the proportion of corporations rises to 59%.

The largest in 2009, Wal-Mart Stores, had revenues exceeding the respective GDPs of 174 countries including Sweden, Saudi Arabia and Venezuela and employed over 2 million people, more than the entire population of Qatar. If it was a country, it would be the 22nd largest in the world. Shell has bigger revenues than the combined GDPs of Pakistan and Bangladesh, the sixth and seventh most populous nations in the world, together home to 350 million people. Sinopec, China's leading energy and chemical company, is bigger than Singapore. The insurer AXA is bigger than Nigeria. Even with the troubles of the automotive industry, Ford is bigger than New Zealand.

Together, the 44 companies in our top 100 list generated revenues of US\$ 6.4 trillion in 2009, equivalent to over 11% of global GDP.... These combined revenues are larger than the combined economies of 155 countries, that is, all the countries in the world except the largest 40 in terms of GDP. (Keys and Malnight, 2012, p. 2)

Unfortunately, the economic and political power wielded by such businesses is often used in ways that abuse human rights. Shortly after World War II, the United Nations recognized the need for common, international understanding of human rights principles. Thus, in 1948 the UN drafted *The Universal Declaration of Human Rights* (United Nations General Assembly, 1948, 1976, 2008) and continued to elaborate its scope over the next 60 years. By 1973, UN concerns about the effects of multinational business activities on human rights led to the formation of the UN Commission on Transnational Corporations and the publication of the United Nations Code of Conduct on Transnational Corporations (Lusiani & Feeney, 2009, p. 4). This document calls for corporations to respect human rights, socio-cultural conventions, and the sovereignty of people and governments where they do business. However, as economic globalization accelerated, it became increasingly apparent that the Code of Conduct on Transnational Corporations lacked sufficient authority and perhaps could no longer address the scope and complexity of international business activities.

Throughout the 1980s and 1990s, suspicion grew that the interest of global business was being promoted in various inter-governmental bodies over and above the rights of everyday citizens.... The late 1990s witnessed widespread protests, epitomized in 1999 in Seattle by a march of 100,000 people demonstrating against the World Trade Organization (WTO) Conference—a key international body supporting the increased mobility and power of business globally. This was all against a backdrop of a surge in domestic litigation, especially in courts in the United States and Europe, against companies accused of directly committing human rights harms or being complicit in human rights violations committed by host States (Lusiani & Feeney, p. 5).

The United Nations took up the human rights challenges emerging in the late twentieth and early twenty-first centuries, first by forming, in 1999, the Global Compact, “a strategic policy initiative for businesses that are committed to aligning their operations and strategies with ten universally accepted principles in the areas of human rights, labour, environment and anti-corruption” (United Nations Global Compact, 2013). This was followed within a few years by the appointment of John Ruggie as the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises.

Ruggie was mandated

- (a) To identify and clarify standards of corporate responsibility and accountability for transnational corporations and other business enterprises with regard to human rights;
- (b) To elaborate on the role of States in effectively regulating and adjudicating the role of transnational corporations and other business enterprises with regard to human rights, including through international cooperation;

- (c) To research and clarify the implications for transnational corporations and other business enterprises of concepts such as “complicity” and “sphere of influence”;
- (d) To develop materials and methodologies for undertaking human rights impact assessments of the activities of transnational corporations and other business enterprises;
- (e) To compile a compendium of best practices of States and transnational corporations and other business enterprises. (Ruggie, 2006b, p. 3)

Ruggie continued to work in this role until 2011, producing numerous reports and leading several influential surveys and studies that resulted in a framework for state and corporate human rights policy and practice: “The framework of ‘protect, respect, and remedy’ can assist all social actors—governments, companies, and civil society—to reduce adverse human rights consequences of these misalignments.” (Ruggie, 2008, p. 7)

The nearly 70-year history of UN efforts to develop practical standards and guidelines for protecting and respecting human rights globally has provided a measure of hope to transnational companies that desire to operate ethically and legally in diverse political, environmental, economic, and cultural contexts. The need for globally implementable and locally applicable human rights guidelines has never been greater. As David Weissbrodt observed,

Not only are these companies economically powerful, but they have the mobility and capacity to evade national laws and enforcement, because they can relocate or use their political and economic clout to pressure governments to ignore corporate abuses. International human rights standards, such as those promulgated by the U.N., are increasingly important to achieving corporate social responsibility. The need for such international standards is especially visible as the global economy becomes more complex. (Weissbrodt, 2008, p. 375)

It is, however, an effort that can never be considered finished. Globalization is characterized by its incredible and largely unpredictable dynamism and complexity. Philosopher Martha Nussbaum portrayed the challenge this way:

[W]e must appreciate the complex interdependencies of citizens in different nations, the moral obligations of both individuals and nations to other nations, and the role of transnational entities (corporations, markets, nongovernmental organizations, international agreements) in securing to people the most basic opportunities for a fully human life. (Nussbaum, 2006, p. 93)

Today, *The Universal Declaration of Human Rights* is discussed, studied, referenced, applied—and also criticized—by corporate leaders, lawyers, philosophers, economists, social activists, scientists, engineers, and other individuals in many professions and disciplines. For example, the American Association for the Advancement of Science works with humanitarian and human rights NGOs to provide scientific and technical assistance for their projects. Current projects match specialists in such fields as mathematics, computer science, agroecology, medicine, and social sciences with human rights organizations around the world (see <http://srhrl.aas.org/oncallscientists/projects/current.shtml>).

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Professional communication in areas of intellectual property has probably received the most attention in studies of global business. Intellectual property is a vast and increasingly complex issue, especially as it relates to developing countries and indigenous populations (see, for example, Alcorn, 1995; Fernando, 2003; Noble, 2007; Ostergard, Tubin, & Altman, 2001; Robyn, 2002; Sillitoe, 1998; Sinjela & Ramcharan, 2005; Voeks, 2004). However, the work of professional communicators in global human rights extends well beyond intellectual property issues. Few studies have examined such work so far; however, professional communication is a critical component of human rights work, particularly in governmental, intergovernmental, nongovernmental, and civil society organizations (see, for example, *Tracing a Path Forward: A Study of the Challenges of the Supply Chain for Target Metals Used in Electronics*, 2010; McCormack, 2010; Dalberg Global Development Advisors, 2013; Bais, 2005; Theuws, Huijstee, Overeem, Seters, & Pauli, 2013; Schipper, 2009; Brown & Crawford, 2009; Shaw, 2008). These reports include issues of pharmaceutical testing, supply chains in the electronics and garment industries, the effects of climate change and natural disasters on human rights, and accessible technologies for indigenous populations in the Global South. Thus, the reports advocate for and provide documentation of direct action in cases of human rights abuses and in cases of natural disasters that have consequences affecting human well-being.

It is also true, however, that despite more than half a century of effort by the United Nations, other intergovernmental organizations, nation-states, and NGOs, there has been less progress than many might have expected in remedying human rights abuses. A vibrant community of scholars and activists, for instance, has cited the absence of force of law in UN human rights positions. Although these positions have been endorsed by many national governments, few governments that have used the UN doctrine to guide the drafting of their own laws have formally adopted the entire *International Bill of Human Rights*. Moreover, many governments are reluctant to impose legal restraints on the activities of resident corporations that are also active in business beyond national borders. The UN Global Compact is a voluntary organization of transnational corporations in which the principles set forth in the “respect, protect, remedy” doctrine also call for voluntary adherence by corporations. In essence, the Global Compact established a doctrine in which the human rights roles of states are clearly differentiated in principles that constitute a “duty” for nation-states but a “responsibility” for corporations. “Governments,” says Ruggie, “are uniquely placed to foster corporate cultures in which respecting rights is an integral part of doing business. This would reinforce steps companies themselves are asked to take to demonstrate their respect for rights” (Ruggie, 2008, p. 10).

This view means that governments have a primary duty to *protect* human rights by means of laws, monitoring, and remedial action in cases of violations by people or other entities under their jurisdiction. Corporations, on the other hand, have a *responsibility* to protect human rights. Corporations are assumed not to have the legislative, judicial, or executive powers of states; therefore, responsibility connotes only a moral obligation. During the years in which this doctrine emerged, considerable debate ensued as to the duty-responsibility distinction. In the controversy, corporations and business associations—for example the International Chamber of Commerce—opposed any position that would require businesses to assume the duty of protecting human rights. Instead, the primary function of corporations was thought to be

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conducting business and making a profit for their shareholders, a view perhaps most starkly expressed by economist Milton Friedman in 1970 (Friedman, 1970). Unsurprisingly, the duty-responsibility distinction is considered by many human rights advocates to account for the continued—in fact growing—number of human rights violations by corporations.

This acknowledgement of the government-corporate divide does not mean there has been no progress in critical thought on the issue. Many would now link problems of the complex, global economy to more and larger corporations active in contexts with few restraints on harmful corporate effects on human rights. As Lai pointed out,

With the exception of East Asia (China in particular), the situation of global poverty has not improved during the globalization decades of the 1980s and 1990s.... The number of the poor (subsisting on less than US\$1 per day) has fallen in Asia, but has risen elsewhere. It has roughly doubled in Africa, and the overall figure is currently about one in three. At the global level, income inequality has become the curse for many developing countries. (Lai, 2011, p. 6)

Although many multinational corporations' websites and annual reports include declarations of commitment to corporate social responsibility and codes of conduct, usually based on a set of guidelines (e.g., the Global Compact Ten Principles), a recent study of the FTSE 100 corporations' human rights policies indicated that "42.8% of firms do not seem to address human rights at all" (Preus & Brown, 2012, p. 297).

Nevertheless, there is evidence that any progress made in this area is thanks to the often united work across coalitions of NGOs and IGOs. Specifically, On-Kwok argued that

It is the activism of NGOs in the local, regional, and international arena, in partnership with the mass media, which has enlightened societies on human rights issues.... Usually, these campaigns lead to the establishment of stronger international norms on human rights, particularly those for the protection and promotion of the economic, social, and cultural rights of children, ethnic minorities, migrant-workers, refugees, women, and other vulnerable groups. (On-Kwok, p. 7)

It is in the context of these realities that we see a vital role for professional communication as a discipline and profession. Teachers and programs have, we believe, the responsibility, but also the exciting opportunity, to develop curricula and courses that offer much more to students than jobs in corporations in which their career paths may depend heavily on subservience to that singular culture that places competition and profit ahead of more basic core responsibilities: to protect and respect human rights and to help remedy human rights abuses. There are, certainly, many businesses that choose to embrace CSR, but there is also work to be done in NGOs and IGOs that are actively engaged in making the world more equitable for all people. A transformative human rights approach is not just a teaching challenge but a research challenge. Other fields are far ahead of professional communication in exploring the human rights implications of conventional and emergent theories and practices. We believe this special issue calls readers to address human rights challenges that will no doubt face professional communicators in multiple, including as yet unimagined, futures in the field.

The articles in this special issue

This special issue on human rights in professional communication comprises five articles. Each one addresses human rights concerns along intersections of legal and socio-cultural significance. Grounding their analyses in various theoretical and historical events, the authors see human rights concerns as integral to professional communication practice. First, we present Herrington's article examining intellectual property law as an overarching legal framework of relevance to human rights concerns in professional communication practice in the world. Relating to the special issue CFP, which sought "theoretical articulations of human rights awareness," this work contrasts traditional claims to property in IP law with emergent arguments that require new approaches to IP advocacy. Long established in their own right, such arguments—some steeped in indigenous concepts of shared knowledges—effect socio-cultural challenges to conventional IP wisdom. Thus, Herrington challenges professional communication thought informed solely by the ownership claims of corporations and proclivities of ownership claims common to Western powers.

Next in the sequence of articles, Durá, Singhal, and Elías offer a discourse analysis of Minga Peru, a human rights advocacy organization that broadcasts radio into the Peruvian rainforest. Drawing readers' attention to interactive, community-legitimizing programming, the article responds well to the special issue CFP seeking works that acknowledge when and where professional communication happens outside conventional interests of business and industry. Indeed, the article portrays marginalized communities playing a direct role in the programming, thus acknowledging the legitimacy both of widely disparaged dialects and long disregarded ways of knowing in the Amazon. Their work sees professional communication as working to revive—not harm—communal identity.

Notions of community inform the third article as well—Ding and E. Pitts' study of health alerts in Singapore during the 2003 Severe Acute Respiratory Syndrome (SARS) crisis in Asia. Importantly, the authors show how the Singapore government's decisive efforts to frame and approach SARS, and SARS patients, along national and communal lines of human rights argument effectively helped Singapore overcome the health risk. Thus, Ding and Pitts responded to the special issue CFP for articles that address "issues that resist easy answers to human rights advocacy," that compare "organizational discourse and human rights in contexts where communal and individualist tendencies compete," and—depending on how one reads human rights (whether communal, individualist, or some combination thereof)—examine "organizational practices that tend to limit human rights."

The special issue CFP also called for works that treat "wide-scale tragedy" and "communication practices and outcomes amidst momentous social change." Here, Walton, Price, and Zraly's article addresses the challenge of rhetorically positioning a research protocol, one that may help secure regulatory approval for in-country research with Rwandan youths, against the historical backdrop of the social ruptures and open wounds of that country's 1994 genocide. Specifically, they perceive their research protocol as informed by two cohesive themes observed in initial Google searches and subsequent review of published news sources about such youth—"the paradoxical youth" and "the dualistic outsider." This textual discourse analysis approach is one the writers predict would help professional communicators—including ones less familiar with the country—ethically prepare for and succeed in advocacy research in Rwanda.

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Similar efforts in professional communication advocacy for at-risk youths take place in many locations, even ones where genocide is not a recent memory. Identifying non-lawyer legal advocates that stand in for the human rights of children at risk of any variety of physical and emotional harm in their own homes, Bowdon, Pompos, and Turner theorize a society's treatment of its children as the ultimate measure of its commitment to human rights. Their work responds comprehensively to the special issue CFP call for works that involve "human rights challenges that require new and continued communication research" and that also further "human rights awareness." All told, the five articles in this special issue on human rights and professional communication do much to integrate human rights concerns in the core of what professional communication theory and practice should entail in the world.

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