Human Rights and the Grammar of Corporate Social Responsibility

Abstract

Corporate social responsibility reporting plays an important role in how business organisations articulate themselves both inside and out. Reports play a sense-making role, expressing organisational agency through narratives and accounts and from there generating patterns of self-legitimation for corporate officers. They articulate a social place for firms, ‘re-embedding’ them socially without radically disrupting familiar processes and routines.

This paper focuses on how human rights is put to work in social reporting. Human rights act both as moral expressions and as amenable to measurement, benchmarking and governance. How they are to be defined is informed by neighbouring phrases and informs other phrases in turn. As such their meaning within corporate reports is not fixed or given: meaning is clarified and developed through the textual contexts within which rights are situated. Applying text analytic techniques, I focus on the place of rights in the CSR reports of large oil and mining firms. I highlight the ways that rights are developed and the implications of narratives for our understanding of both business and human rights and of the corporate form.

*Many thanks to Ciara Hackett and to Sally Wheeler for assistance in formulating the arguments in this paper.
Introduction

Words generate their meanings through context. Context allows meanings to be rendered precise and clear. Meaning is, in short, a matter of clarification. ‘Human rights’ have entered our lexicon not simply as a legal device but as a means for people and institutions to express specific kinds of attitude towards others: to make explicit their recognition of others’ status, interests and needs. How we are to understand these recognitions, however, is down to our understanding the contexts within which human rights are invoked.

This paper focuses on mentions of human rights in corporate social responsibility reports issued by a number of global oil, gas and mining companies since 1998. The paper aims to do two things: first to outline a framework for approaching corporate reporting as an aspect of corporate agency and second to describe a method for analysing how words are ‘put to work’ in corporate narratives. How does linguistic context clarify the articulation of key norms? How is (moral) agency expressed through patterns of repetition, account-giving rituals and linguistic routines?

In order to explore these questions I set out an approach to computer-driven content analysis that brings collocations to the fore through a ‘mutual information’ measure. Mutual information relies on the probability of words being more or less proximate to a keyword. More broadly, what human rights actually mean in any context relies on the words that surround it. No doubt corporate reports are heavily repetitive and narrow vehicles for meaning, but we ought to take this as an opportunity. Routines can be revealing and can deepen our understanding of how corporations seek to negotiate their place in the world.

Narrative and corporate agency

Global firms, far from being monolithic leviathans, are characterised by narratives of justification, self-legitimation and legibility. They negotiate their place in society specifically through narrative routines. Most obviously, they have a long history of employing financial and management accounting procedures to communicate with investors and others. They employ management routines and systems of appraisal in order to express esteem and disesteem to their workforce.¹ They employ internal propaganda and even architectural signals that aims to motivate their employees or customers towards the firm’s ‘cultural’ norms.²

Corporate and board accountability, as with many of the corporation’s narrative routines, simulate patterns of mutual recognition and account-giving between human persons. In recognising each other as moral subjects, and as legitimate holders of fundamental interest, people give and demand accounts regarding their conduct and their desires. Their sense of moral selfhood is developed, enhanced and made manifest through the ‘second-personal’ standpoints vis-à-vis their interlocutors. Their moral sentiments are learned, practiced and enhanced in the accounts that they give.³

While corporate account-giving routines may not be sentimental as such, they are motivated by the drive to give accounts of corporate conduct. Whatever strategic motivations are involved, narrative accounts by necessity recognise others’ demands for those accounts. This has a number of implications for corporate governance, not least the growing centrality of the drive to both invoke key social norms and to manage the implications of those invocations in turn. Second, it allows senior actors a reassuring outlet for their own moral lives. It turns the corporate narrative back on managerial authority and helps executives maintain a sense of legitimacy as they formulate and pursue the firm’s strategic goals.

How business enterprises relate themselves to society – or not – more broadly is a matter of unending and fluid negotiation. The corporate form’s conventional routines and formal structures are matters over which a range of actors have “legitimate, substantive claims that deserve recognition”.⁴ Law and other regulatory forms are in these circumstances not simply ‘given’ or imposed: they are products of negotiation. They are, as Edelman and Suchman have it regarding law:

...a welter of conflicting principles, imperfect analogies, and ambiguous generalities. Thus, lawyers, judges, enforcers, and target populations negotiate the meaning of law in each application, seeking workable consensus rather than logical certainty.⁵

Social responsibility and its account-giving routines can never in this context be wholly compartmentalised. Corporate actors identify interlocutors and respond to their concerns in situations where they must make demands of other actors – states, employees, suppliers etc – in turn. Law is negotiated – consensus is sought regarding what any aspect of law means and its meaning is nothing more than that consensus – in a context where all parties to the negotiation are describing, devising and redefining their relationships in myriad other spheres. The same is true not only with the plurality of institutions within which corporations formulate and pursue their ends, but also of the corporate form itself.

The idea that managerial duties involve little more than the delivery of returns to shareholding principals is untenable, given corporations’ fundamentally social

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roles. The ‘separation of ownership and control’ has likewise brought with it a sense of the corporate form being ‘hollowed out’, with non-capitalist interests being subordinated to shareholder value narratives. Policy, in turn, has largely abandoned discussion of the corporate economy to the extent that only narrow shareholder-oriented perspectives on corporate ‘internalities’ were entertained in the financial crisis’s wake. This double withdrawal from political economy saw the corporate form articulated as lying within an increasingly ‘disembedded’ global market, largely unavailable for social and moral critique.

While courts have at times seemed to adopt the finance-led view that the corporate form is a shadow puppet for the interests of shareholding principals and their corporate agents, these perspectives either understate or dismiss the fact that the corporate form’s market conduct is inseparable from its social role, even if we were to accept the purely strategic vision of the firm as it pursues investment returns.

That corporate social responsibility initiatives have emerged as key corporate tactics in the context of a ‘disembedded’ global corporate system is no surprise. Perhaps this is less a matter of a ‘neoliberal’ dissolution of social boundaries than it is driven by the corporate form’s inescapably social character. As the environmental and other social impacts of global production have become apparent, global corporations – themselves a ‘target population’ for legislative and other regulatory actors – have sought to articulate and make sense of themselves. Their account-giving activities have extended, in sometimes in collaboration with state and non-state regulatory actors, to their setting out their internal practices, their social impact and their connections to conduct along supply and value chains.

Their internal structures as they shift away from hierarchical modes – at least,

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7 A Berle and G Means, The Modern Corporation and Private Property (Macmillan 1932)

8 For a longer discussion see C O’Kelly, “Corporate Governance as a School of Social Reform” (2013) 36(2) Seattle University Law Review 973.


14 Boltanski and Chiapello (see n. 2).
at head office – but continue to wield enormous social power. How, in this context, are corporate officers both to argue for corporate autonomy and to reassure themselves regarding their own authority and social power. CSR sits precisely within the tensions between global corporate actors seeking to maintain their autonomy and authority and their officers’ quest for a distinctly ‘re-embedded’ social and moral context for their activities.

A narrative self

While corporate social responsibility narratives locate responsibility and account-giving on the (more) comfortable territory of private regulation, it does bring with it the idea that corporate actors ought to be active in alleviating harms that would once have been deemed the remit of the state. For Ronen Shamir, the corporation’s increasingly governmental role reflects the boundary between state and market being dissolved.\(^\text{15}\) For others it involves a rebalancing of the ongoing negotiation of corporate authority between corporations and other actors. When corporate actors seek to retreat into legal and technical rationalisations of their conduct, state and non-state activism draws them back towards negotiating on moral grounds.\(^\text{16}\)

If we are to understand CSR and its constituent parts we must attend to how, by virtue of its seeking to articulate a context for its activities, the corporate form articulates key components of moral selfhood, even if not in the same way as human actors do. The corporation demands recognition of its moral claims. It articulates a ‘consciousness’ of its place in the plurality of institutions through which it engages with the world. In defining its responsibilities it recognises others’ rights to demand accounts in turn.

The narrative form plays a crucial role in the delivery of such accounts. The fact of narrative is important in itself. While narrative and moral identities may or may not be central to human moral sentiments,\(^\text{17}\), narrative is a primary tool in the fabrication of corporate persons. Human lives may be “chancy and incomplete”,\(^\text{18}\) and we recognise human subjectivity even when narrative is absent. The corporate form has no other avenue to articulating its moral agency\(^\text{19}\) and its standpoints excepting through the narrative forms. This narrativity ought to be our entry into corporate reporting. It articulates a sense of agency, whether

\(^{15}\)Shamir (see n. 13) 373ff.
\(^{16}\)For instance B Holzer, Moralizing the Corporation: Transnational Activism and Corporate Accountability (Edward Elgar 2010) esp 114ff.
\(^{17}\)See C Taylor, Sources of the Self: The Making of the Modern Identity (Cambridge University Press 1989); for a more recent discussion see K Atkins, Narrative Identity and Moral Identity (Taylor & Francis 2010).
\(^{19}\)For a ‘realist’ perspective on corporate agency, see C List and P Pettit, Group Agency: The Possibility, Design, and Status of Corporate Agents (Oxford University Press 2011); also P Pettit, “Group Agents Are Not Expressive, Pragmatic or Theoretical Fictions” (2014) 79(9) Erkenntnis 1641
by design or not and whether or not the language of ‘market moralities’ - social licenses to operate, legitimacy as ‘reputational risk management’ and such like – obscure narrative’s inherently moral character.

Beyond the reassurance that accountability mechanisms give to investors, states and other stakeholders, they also reassure senior officers regarding their place and their conduct. Rituals and repetitions in corporate speech that are linked to offices and roles are also oriented towards internal reassurance. They have self-legitimating force. Harms that arise in pursuit of corporate goals can be justified through references to the (perceived) corporate purpose and so understood as matters of ‘moral luck’ as opposed to their having any implications for senior officers’ moral identities. Legitimation is, in this view, “important to rulers for the cultivation of their own identification, quite apart from any conventionally instrumental function it may have”.

Social action is as such underpinned by tiers of moral sense-making and enables office-holders to develop, maintain and share as sense of their own authority as legitimate. It also gives them a grounding for their expectations that others should accede to their authority. Corporate conduct, in terms of it is negotiated and understood, needs to make sense to insiders. The corporate narrative and the human actors it supports feed off each other’s moral standpoints and claims as a result.

A role for rights

Human rights play an important role in this dynamic, primarily because they can function in two directions at once. First, they fit within the justificatory and self-legitimating narratives that are crucial to conduct within corporate entities. Second, they have been made available for articulation within existing corporate entities.


account-giving registers. There is a long history of ideas of respect, dignity recognition and moral imagination being articulated through the prism of rights. Recognition of the kinds of claims that people might have and their “distinctive authority to hold others answerable for violations of their rights” introduces the possibility of ‘reactive attitudes’ being introduced in organisations in ways that they might not otherwise be.

The corporate turn to rights has been facilitated in part by the rights regimes being negotiated in ways that have made rights available to the standard accounting discourses of the corporate form. Law role as ‘dignity’s habitat’ is key, but so is its reassuring availability as a (notionally) external presence. Opportunities emerge for conventions about laws meaning and form to be translated into measurable and transferable managerial imperatives. The ‘organisational internalisation’ of law is as much about how law’s authority might be invoked as it is about its content. Corporate accountability and organisational legibility go hand-in-hand.

The emergence of global regulatory standards, whether through the Guiding Principles or through such sector-oriented regulations as the Voluntary Principles on Security and Human Rights, the Extractive Industries Transparency Initiative or the Equator Principles, emerge from on the availability of human rights to narratives of legibility. These narratives are locked up in accounting measures and ‘benchmarking’. Norms can, from there be subsumed into ideas of corporate performance. The key to business & human rights, at least from the corporate side, is therefore that they are both normatively-laden and measure-friendly.


26See Darwall, The Second-Person Standpoint (see n. 3); PF Strawson, “Freedom and Resentment” in PF Strawson (ed.), Freedom and Resentment and Other Essays (Methuen & Co, Ltd 1974).

27Waldron et al. (see n. 24) 134.


29On legibility, albeit in the context of statehood, see JC Scott, Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed (Yale University Press 1998).


32On which, see for instance Measuring Business & Human Rights Project, List of Tools and Ini-
The United Nations Global Compact and – even more so – the Guiding Principles have been criticised on grounds of their timidity with respect to business’s role in preventing human rights abuses. Timidity alone would not produce corporate engagement however: it is likely that both the normative appeal of human rights – the expectation that corporate actors should have regard for them – and their codifiable character were salient. The journey through Global Compact and onwards to the Guiding Principles involved a negotiation between the regime’s authors and its ‘target populations’. From there corporate actors have turned to the task of generating conventions of legibility around human rights, through standard narratives of benchmarks, performance measures and targets. The Corporate Human Rights Benchmark, for instance, is justified by the corporate leaders reportedly suggesting that ‘performance benchmarks’ would assist them in integrating human rights concerns in their businesses. This reflects not only the precepts of corporate accounting technologies, but the utility of human rights narratives in neatly fitting those technologies.

Invoking rights claims are as a result very effective as a means of recognising and justifying a corporation’s social impact. This in turn helps reassure corporate insiders about their offices, authority and roles. Moral claims speak inwards as much as they speak out and legitimation’s audience is just as likely to be those claiming legitimacy as it is those to whom they speak. CSR rituals, in this case through the invoking of human rights, work to help corporate officers devise a meaning for their authority and, from there, to project it on the subjects of their power.

The next section examines the ways in which the dual nature of human rights, sitting between normativity and legibility, have been brought to the fore in corporate reporting. I build on the discussion above to point to some routes that corporate actors take to articulating their standpoints with regard to human rights. Variation in approaches reflects the useful ambiguity of human rights when it

33 Suchman and Edelman (see n. 5); Edelman and Suchman, “The Legal Environments of Organizations” (see n. 28).


36 Barker (see n. 22).
comes to corporate agency.

Method

Approaches and tools from corpus linguistics allow us to deepen our understanding of corporate approaches to human rights. Premised on the idea that “you shall know a word [or phrase] by the company it keeps”\(^\text{37}\), collocation as a phenomenon highlights the manner in which meanings emerge from the ways in which words and phrases ‘attract and repel’ each other.\(^\text{38}\) Meaning is in other words understood through neighbourhood.

The phrase ‘human rights’ in itself is a classical product of collocation. People understand the phrase in its context, and neighbouring words and phrases are in turn allowed to absorb the substantial normative and social content that rights project. Collocated words clarify a phrase’s utilisation in speech. Our understandings of trigrams like ‘human rights law’ or ‘human rights activism’ differ, say, from our understanding of ‘human rights industry’ or ‘human rights brigade’.\(^\text{39}\) Even non-contiguous collocates can clarify the political and social uses to which human rights are to be put.\(^\text{40}\)

Mutual information approaches to collocates focus on the accumulation of information as words build in a sequence.\(^\text{41}\) Church and Hanks’s psycholinguistic approach, for instance, emphasises the roles that word association routines play in ‘lexical retrieval’ – that is in people’s capacity to predict following words from those that come before.\(^\text{42}\) Mutual information does not vary according to word-frequencies alone. Common words like ‘the’ provide less information for lexical retrieval than less common words do.

All in all corporate responsibility reports involve the acquisition of turns of phrase that assist first in the self-legitimating and justificatory narratives within which office-holders can embed their endeavours. They express the corporate standpoints that account for (readings of) expectations on key audiences’ parts. By necessity the reports lead corporate actors into the territory of norms, demanding of them commitments and expressions that recognise the corporation’s


\(^{38}\)For a discussion see G Barnbrook, O Mason, and R Krishnamurth, Collocation: Applications and Implications (Palgrave Macmillan 2013) 164ff.


\(^{41}\)Barnbrook, Mason, and Krishnamurth (see n. 38) 67f.

social impact and others’ entitlements to demand accounts.43

The reports also reveal corporate codification dynamics, second, in ways that seek to articulate those normative commitments in the context of conventional account-giving styles. How meanings emerge in these reports is a product of both the normative expectations (as insiders understand them) and the draw of these account-giving styles. Human rights narratives do not as such have clear or stable referents: they are negotiated and assembled in the reports themselves. Mutual information measures assist us in clarifying what these negotiation and assembly processes produce.

This paper aims as such to clarify the range of meanings that are attached to human rights in corporate reports. A mutual information score was calculated for words occurring within a six word ‘window’ on either side of the phrase ‘human rights’ in 300 corporate social responsibility reports published by global oil, gas and mining firms from 1998 until 2015 (see Table 1). Firms were chosen either as constituent members of the FTSE100 or because of their position in either PWC’s 2015 Mine report44 or IHS’s ‘Energy 50’ report 2014.45 Reports included were core group CSR report documents. Other reports and webpages were excluded.

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43Darwall, The Second-Person Standpoint (see n. 3).
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Table 1: Corpus by region, firm & dates

Technical note

Text was extracted using pdfbox, an open source Java tool for working with pdf files. The documents were then loaded into the R statistical programming language for the purpose of text mining, using the Quanteda package in particular. Mutual information functions are contained in the CollocateR package. Punctuation and numbers were removed. Although they are unlikely to attract high mutual information scores, ‘stopwords’ were also removed. This decision aimed to enhance the efficiency with which the text might be processed. The

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50The Quanteda package supplies the following stopwords: a; about; above; after; again; against; all; am; an; and; any; are; aren’t; as; at; be; because; been; before; being; below; between; both; but; by; can’t; cannot; could; couldn’t; did; didn’t; do; does; doesn’t; doing; don’t; down; during; each; few; for; from; further; had; hadn’t; has; hasn’t; have; haven’t; having; he; he’d; he’ll; he’s; her; here; here’s; hers; herself; him; himself; his; how; how’s; i; i’d; i’ll; i’m; i’ve; if; in; into; is; isn’t; it; it’s; its; itself; let’s; me; more; most; mustn’t; my; myself; no; nor; not; of; off; on;
processed corpus consisted of 7,948,180 words after numerals, punctuation and stopwords were removed.

Mutual information measures assign high scores to uncommon words by virtue of their scarcity alone. Where specified, the collocation ranking process involved the exclusion of words and phrases that occurred three or fewer times therefore, in order to avoid skewed results. In a sense the aim is to decide how key words behave through analysis of neighbouring words.\textsuperscript{51}

Rankings were assigned according to a pointwise mutual information score,\textsuperscript{52} calculated as $pmi(x; y) \equiv log\frac{p(x; y)}{p(y)}$, where $p(x; y)$ is the probability of $x$ and $y$ co-occurring and $p(y)$ is the probability of $y$ – ‘human rights’ – occurring on its own. For the purposes of some exercises, words were categorised manually according to set criteria. The resulting collocates provide inform regarding meanings assigned to human rights and deepen our sense of the role that human rights play in the relevant reports. With the scores normalised, we would expect a word that co-occurs with each mention of human rights and that is nowhere else in the text to receive a score of 1. A word that did not co-occur would receive a score of -1, with 0 meaning no relationship.

**Findings**

In order to clarify this approach’s value let us examine BP’s 2015 sustainability report. The report contains 57 mentions of the words ‘human rights.’ Table 2 highlights the difference between frequency and a normalised pointwise mutual information score. This table contains a rank ordering of the top 20 words collocated with ‘human rights’ in BP’s 2015 words, ranked first by concordance frequency and second by mutual information score (only concordances occurring three times or more were included).

The mutual information ranking provides words that are more likely to give a sense of the lexical uses towards which ‘human rights’ are being put. That is, neighbouring words clarify rights and are clarified in turncontext. So, while the top-ranking words recur according to both measures, words like ‘community’ and ‘information’, alongside the BP name itself, are less informative in the context of human rights mentions in the 2015 report than are such words as ‘forums’ and

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‘grievance’. Human rights are amenable to forums and forums provide spaces within which rights might be operationalised. Communities framed and indeed created as rights-holders are significant and so rights inform how communities appear in the corporate imagination. Community is somewhat less effective in lending new information to the concept of rights however. ‘Forums’ are more likely to co-occur with human rights than it is to occur elsewhere in the report.

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Table 2: Human rights concordance: frequencies & mutual information ranked, BP 2015

More generally, while words like risk seem to be key to our understanding of how human rights are treated in the corporate context, at times they do not score highly in a mutual information measure as collocates with rights. Certainly the extension of operational risk management as a marker of governance means that corporate approaches to human rights issues would draw on narratives of risk and so rights clarify the idea of what might be amenable to risk management (alongside environmental, social, financial risk etc). Risk management lends a

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sense of proactive engagement and procedural attention to the firm’s invocation of human rights. So for instance, BP’s 2015 Sustainability Review refers to the firm’s “identifying and addressing human rights risks and impacts.” The report also sets out BP’s endeavour to “more efficiently identify, address and report on human rights risks in the supply chain.”\textsuperscript{54} In this context, human rights are parsed as governable through risk management, becoming simultaneous signals of corporate self-legitimation and one more subject for familiar corporate auditing routines.

Risk management has certainly driven profound changes in how the ‘governance of corporate governance’ ought to be imagined.\textsuperscript{55} As a consequence the term recurs with enormous frequency through more recent social responsibility and sustainability reports. While for instance ‘risk’ is ranked at 12th for human rights ‘trigrams’\textsuperscript{56} in aggregated BP’s reports from 2005-2015 (consisting of 283 mentions of rights), it ranks only 30th for Royal Dutch Shell over the same period and 32nd for ExxonMobile: rights and risk are mutually informative although rights work more to inform risk than risk does the other way around.

Figure 1 plots mentions of human rights and of risk in BP’s CSR reports from 1998 until 2013, with each vertical stripe marking a mention of the words and the horizontal strips visualising each report.\textsuperscript{57} While mentions of human rights have increased over time on the whole (although in the context of increasing report lengths) what is most notable is the emergence of a dedicated section for human rights in recent years. When it comes to risk, however, recent years have seen it become ubiquitous. Human rights is a matter of risk, but only because everything has come to be about risk. So while risk itself and its contexts might be informative, and are certainly linked to the kinds of self-legitimation rituals discussed above, the concept does not help us clarify any unique role that human rights might play in the corporate narrative.

Trigrams associated with the term human rights play a useful role in clarifying the term. A manual coding exercise was conducted in order to examine trigrams across ten years of reports for 12 firms. The results are summarised in figure 2.

The dominant category relates to firms treating human rights as normative artefacts. Beyond that, with some variation, human right s trigrams are dominated by action and governance words. So human rights are ‘corporate’ or are supported by training. Where there is some variation is in the kinds of words that are employed by different firms to clarify their stances. Take negative terms for instance. Table 3 sets out terms associated with eight oil and mining firms.


\textsuperscript{55}See Power, “The invention of operational risk” (see n. 20); Power, Organized Uncertainty (see n. 20); Power et al. (see n. 20).

\textsuperscript{56}That is, where, stopwords aside, risk directly neighbours human rights.

\textsuperscript{57}On lexical dispersion plots, see S Bird, E Klein, and E Loper, Natural Language Processing with Python (O’Reilly 2009).

\textsuperscript{58}Barker (see n. 22).
We ought perhaps to take note of the fact that complicit/complicity scores highly as a trigram with human rights, reflecting Principle 2 of the United Nations Global Compact, that businesses should “make sure that they are not complicit in human rights abuses.”

This in itself reflects the two-way narrative between corporate entities and regulatory regimes over rights, and the important role that rights play as moral and codifiable artefacts.

Table 3: Negative trigrams with human rights

<table>
<thead>
<tr>
<th>BP (283)</th>
<th>RDS (200)</th>
<th>Chevron (179)</th>
<th>ExxonMobile (474)</th>
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<td>violations</td>
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<td>violations</td>
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<tr>
<td>corruption</td>
<td>accusations</td>
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<td>adverse</td>
</tr>
</tbody>
</table>

Figure 1: Presence of “human rights” and “risk” in BP reports 1998-2015

We ought perhaps to take note of the fact that complicit/complicity scores highly as a trigram with human rights, reflecting Principle 2 of the United Nations Global Compact, that businesses should “make sure that they are not complicit in human rights abuses.” This in itself reflects the two-way narrative between corporate entities and regulatory regimes over rights, and the important role that rights play as moral and codifiable artefacts.

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Note however that Royal Dutch Shell uses the language of complicity only once across its ten years of reports. That is, when it mentioned its settlement with Families of Ken Sara-Wiwa and others in its 2009 report. At this point it said that it had been “falsely alleged to have been complicit in the men’s deaths.”

Note also that across 179 mentions of human rights across ten years of reports, Chevron did not use language coded as negative once, while PetroChina only employed the term ‘complicit’ as a trigram with human rights.

This has a bearing on how the concept of human rights behaves and thus the interpretations it makes available of both itself and of other words. The firm’s relationship to human rights is evaluated and clarified through it neighbouring such words. We see a turn to two broad modes of negativity: words like ‘abuse’, ‘violate’, ‘breach’ and indeed ‘complicit’. In general, these are linked to reassurance that governance structures are in place to avoid an association between the firm and the concepts they represent. Similarly words like ‘corruption’, in BP’s and Total’s cases point to fields of operation while words like ‘emissions’ and ‘spill’ encourage us to evaluate energy firms’ approaches to human rights in the contexts of their operations. All in all, directly neighbouring words (at times mediated by stopwords) give us a sense of how corporate actors themselves seek to make sense of human rights. These phrases illustrate them putting human rights to work.

Extending beyond relatively narrow single words, it is also useful to examine the kinds of phrases that recur in collocation with human rights. Relevant phrases for different oil companies are contained in the Appendix below. The important overall insight from such phraseology is the manner in which firms come to an understanding of their position and articulate themselves through repetition. It is here that we can see the dual role of human rights most starkly.

The phrases are ranked by time and company. Each phrase was repeated at least three times. Given this blank fields reflect a lack of repetition rather than a complete lack of engagement on the firm’s part. Repetition rituals are significant in pointing towards the firm’s priorities in presenting the conceptual work they are engaged in in articulating a meaning for rights.

It is perhaps no surprise that the tables are dominated by references to United Nations Guiding Principles, the Voluntary Principles on Security and Human Rights and other benchmarks and codes. As discussed above externally articulated standards play an important function in corporations’ evaluations of their conduct. They reassure corporate actors in acting towards the standards and liberate them from decision-making about how, in speech and action, they ought to formulate their processes and priorities. This does not mean that they simply ‘receive’ the standards as a given: as the process around the Guiding Principles suggest, corporations have been very much active in how rights are to be conceptualised through the various standards that they adopt.

So how rights ought to be understood is outsourced to a degree. That said, we ought to have regard for the fact of the outsourcing itself. Rights are articulated in this context as embedded in relationships with non-state actors, with processes of codification and with availability to audit. Repeated references to external codes articulate rights as measurable and thus amenable to audit, governance and comparisons on performance. Corporate human rights responsibilities are in this context configured as amenable to familiar modes of knowledge-creation, comparative analysis. They also reassure senior officers in their authority, not least over corporate engagement with corporate responsibility itself, by permitting the generation of links between corporate metrics and patterns of esteem.
Rather than being total, such links are shaped in the context of other social, political and other expectations, relating to profit, share value and, in the context of mineral and hyrdocarbon-based commerce, on home state geopolitical concerns.

What rights are to mean in this context is a matter of how their place is negotiated against the ‘multiple, diverse and often conflicting’ expectations through which the corporate form is to enacted. Recognition itself is to be recognised through existing corporate conventions of measurement and design. Normativity does not cease to be normativity but its visions are narrowed and managed as account-giving technologies permit.\(^{61}\)

### BP, Royal Dutch Shell, Statoil, Total

It is also worth noting some regional variation in how business phraseology clarifies human rights. The Table 3 reveals that BP and Royal Dutch Shell – both FTSE100-listed companies – employ broadly similar phrases. They focus almost exclusively on external codes and standard and on references to governance protocols. Early BP and Shell reports did engage with norms through their reference to human rights as subject to ‘protection’, ‘commitment’ and ‘understanding.’ On understanding human rights, Board Chair Mark Moody-Stuart wrote:

> I am pleased with our progress in understanding human rights issues and their relevance to our business. We have received considerable help and support from respected experts and human rights organisations. This has led to the production of a practical guide to human rights that is being distributed to Shell companies world-wide. You can get the guide directly from our website (www.shell.com) together with supporting material. A guide on combating bribery and corruption is being prepared.\(^{62}\)

Further on, the report states that refers to the firm’s human rights guide, stating that:

> ...the booklet, written with the help of independent experts, helps in the understanding of human rights issues, its history, vocabulary and the dilemmas that a belief in such rights can pose.

> It is designed to help Group companies discuss their roles and responsibilities in understanding and supporting human rights.\(^{63}\)

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\(^{61}\)Scott (see n. 29).


\(^{63}\)Royal Dutch Shell plc (see n. 62) 17 (emphasis is mine).
Finally, the report states that “We have acted to ensure that we improve our understanding of human rights and behave in accordance with our commitments. Over the past year we have made good progress (summarised on these pages), but we continue to face challenges and dilemmas.” The report goes on to discuss child labour in the sugar cane industry, but confesses that “Shell Brasil would like to see an end to the use of children in the sugar cane industry. In this instance, it is difficult for us to take action because we have no direct control of the farmers.”

The proposed remedy turns to familiar CSR activities: investment in jobs and education.

The report then turns to what rights might mean:

The term Human Rights has many meanings to different people. A big challenge for companies is to understand how it relates to them in practice and to have that view shared broadly. This will enable managers to understand the issues, set priorities and targets, measure their performance and report on progress.

The subject, as a business issue, is relatively new and there are no established management models. To overcome this we are developing a human rights and business responsibilities ‘map’. Based on our Business Principles it starts with the most fundamental human right – the right to life. This is at the heart of our responsibilities as an employer – the health and safety of our staff. The first orbit covers other clear employer responsibilities such as those covered by the ILO declaration, fair remuneration, equal opportunity, personal development. The map moves out through security policy into community rights, then national rights, to the broad area of speaking out on human rights. The process of engagement underpins the framework and is essential to its success.

This last point blends a series of moral statements regarding ‘fundamental’ rights obligations, employer responsibilities – the workforce being far more governable than institutionally distant farmers – and processes of engagement. Mixed in with this is reference to policy and to targets and measurement. It is in short a call to an interpretation of human rights ‘in practice’ which itself demands that rights as social phenomena be reframed in the context of management and governance.

The role that ‘understanding’ plays vis-à-vis human rights is perhaps best illustrated through its use in Shell’s 2015 sustainability report, some 16 years later. Of 15 mentions of understanding in 2015, 7 referred to the development

64Royal Dutch Shell plc (see n. 62) 28.
65ibid., 29.
of understandings of the natural environment – 4 mentions referred to the Arctic environment specifically. Understanding in this sense signals a requirement for knowledge-generation, for invocations of external expertise. Understanding is to be ‘improved.’

Statoil, Total and PetroChina all parallel the standards-oriented lines that BP and Shell adopt, PetroChina to a far less extensive degree (Tables 5 & 6). Statoil emphasises its human rights training programme as part of this. Human rights are integrated as one of a range of ‘sustainability topics’ and issues, including relating to corporate governance, towards which staff – and security personnel - must be trained:

Training on environmental, social, human rights, and governance issues in Statoil is provided to all employees – including new employees, project managers, business developers, procurement and technical staff, as well as line managers and advisory staff. This training takes many forms, ranging from e-learning courses and formal training to on-the job learning and competence sharing through functional networks. Moreover, CSR and ethics modules are to a large extent integrated into existing training and courses. It is difficult, therefore, to provide a full overview of the total number of hours spent on training on particular sustainability topics.

Statoil is also more likely to articulate rights in the context of risk, collocated in with the word assessment. The company “conducted a thorough assessment of how we manage human rights risks in the supply chain,” for example, “with the purpose of identifying improvement areas and actions.” Risk is put to work here as a mediating concept linking rights to measurement in other words. Rights in turn are put to work as amenable to measurement and control.

**Chevron, ExxonMobile, Petrobras**

Chevron and ExxonMobile arguably take a somewhat different tack (Tables 4 & 6). They are concerned with procedure and with codes and standards no doubt, but are also more likely to make reference to specific problems and subject populations and to ‘community’. This is not a consequence of either firm linking human rights and community very much – although we do see Chevron for instance referring to its commitment to work “with governments, business partners, the communities in which we operate and nongovernmental organizations to continue to help contribute to an environment in which human rights are respected.” It is

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69Power et al. (see n. 20); Power, “The invention of operational risk” (see n. 20).
a consequence of community and human rights sitting together in headings, tables of contents and other structural devices. In fact, the concordances for human rights in Chevron and Exxon Mobile especially are more likely to evaluate the firms’ relationships to rights in defensive terms. They emphasise states’ primary roles in enforcing rights, their obligations under ‘local’ law and variations in legal environments across their spheres of operation:

Our Global Security group continues to include the Voluntary Principles in its periodic formal Security Management Reviews. Individual Chevron business units are responsible for implementing the Voluntary Principles in accordance with local laws and conditions. We also encourage the U.S. government to engage with other countries in the importance of upholding human rights and the rule of law. In 2004, we adopted a new internal guideline that supports the Voluntary Principles. The guideline limits any support we provide host country security or law enforcement organizations to nonlethal defense and logistics.  

The firms are also more likely to express rights in the context of how specific subject populations are to be approached in the context of company operations. For instance:

The Standard outlines different expectations that are intended to be implemented based on the identification of relevant socioeconomic risks, including indigenous peoples, impact assessment and mitigation, human rights, transparency and corruption, cultural heritage and diversity, community relations, land use and resettlement, and economic development.  

This conceptualises rights in the context both of risk, assessment and mitigation – as available for governance – and in the context of a link between transparency, corruption, heritage and land. Rights being placed in this context both underplays any specific role but also sets it to work in a general context of risk-based engagement.

Petrobras, finally, is perhaps the most forthcoming in conceptualising rights in the context of specific social and economic problems. Taking its lead from the Global Compact, for instance, it addresses human rights in the business chain in some detail and at length, drawing on ILO statistics and reference to Brazilian government initiatives regarding child labour and sexual exploitation:

Our Social Responsibility policy emphatically repudiates any violation of human rights and underlines our commitment to combat child labor particularly in agriculture, and sexual exploitation of children and

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71 Chevron (see n. 70) 26.
adolescents; and forced or slave-like labor and degrading or hazardous work conditions.\textsuperscript{73}

Invoking human rights in the context of terms like ‘violation’ and ‘repudiates’ suggests human rights being put to work in service of strong links between production – of biofuels in this case – and the need to answer expectations and negotiate relationships with the Brazilian state. Compare to Shell’s (earlier) response to the same issue above. In fact Shell’s 2013 report mentions child labour once, and only then to reassure us that “we review the extent to which our operations, as well as our contractors and suppliers, have processes in place to prevent violations of human rights, such as the use of child or forced labour.”\textsuperscript{74} Rights violations here are subject to reassurance: that “in 2013, we trained 441 more employees in our social performance requirements.”\textsuperscript{75}

**Conclusion**

The meanings attached to human rights are themselves a function of the work the concept performs in corporate social reports. Words are operationalised and clarified in the context the linguistic neighbourhood in which they occur. Human rights play a key role in narrating corporate agency. They assist corporate actors and their officers in negotiating relationships with interlocutors and in managing the multiple expectations under which corporations work. They are accompanied by words that help us evaluate the work that they are doing for firms.

More than that, the corporate performance of rights narratives gives us key insights into the possibilities, opportunities and challenges we face when engaging with corporate actors on how their responsibilities might be managed. Corporate officers and actors accept the possibility and legitimacy of engagement through the very fact of their speaking to norms. They already recognise the validity of CSR demands. We should note moreover the role that human rights play in internal patterns of corporate authority and in reassuring corporate officers about how they exercise their roles. As with all talk of social responsibility, human rights as a result necessarily reembed the ‘disembedded’ corporate form and its officers in the society of norms.

Rights are key to this dynamic in large part because of their being both normatively laden and amenable to narratives of legalisation and codification and from there to benchmarking, measurement and governance. Their dual character allows corporate actors to affiliate themselves with core social norms without disrupting the corporation’s standard accountability procedures.

By in effect studying repetition within corporate narratives we can gain insights into how corporate officers are putting rights to work within corporate

\textsuperscript{73}Petrobras, *Sustainability Report* (CSR report, Petrobras 2013) 35.
\textsuperscript{74}Royal Dutch Shell, *Sustainability Report* (CSR report, Royal Dutch Shell plc 2013) 34.
\textsuperscript{75}ibid., 34.
governance. These narratives, even when they come across as either parasitic on social mores or as little more than boilerplate, are nonetheless moral expressions, self-justifications and efforts at self-legitimation. They involve corporate recognition of both external and internal social claims and reflect corporate officers negotiating a path through broader social expectations. The corporation’s status as a moral agent is wrapped up in its expressions but those expressions also articulate standard corporate functional routines. Rights are in this context not simply to be accounted for: their meanings are generated through the act of giving accounts. Business approaches to human rights have a compositional effects on both human rights and business. How firms put the concept of rights to work in their narratives clarifies not only the content of rights, but also the meaning of business as well.
## Appendix: Oil Giant Multigram Tables

Phrases employed three or more times. Longer phrases were consolidated into the highest phrase fragment in each part of the table.

### Table 4: BP & RDS Human Rights Multigrams 1998-2015

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2011

| human rights issues                     | guiding principles                                     |
| guiding principles                      | respect human rights                                   |
| business human rights                   | human rights labour                                    |
| human rights bp                         |                                                        |

2012

| human rights issues                     | respect human rights                                   |
| human rights policy                     | human rights labour                                    |
| security human rights                   | un global compact                                      |
| supply chain                            |                                                        |

2013

<p>| voluntary principles security human rights | danish institute human rights                         |
| human rights training events              | respect human rights                                   |
| human rights issues                       | global compact                                         |
| bps human rights policy                   | human rights labour                                    |
| managing human rights                     |                                                        |
| potential human rights                    |                                                        |
| programmes develop                       |                                                        |
| impact assessments                        |                                                        |
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