

# Human Rights and the Grammar of Corporate Social Responsibility

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**9987 Words**

## **Abstract**

This paper explores the language of corporate accounts of business and human rights. Using innovative methods drawn from computational corpus linguistics, the paper explores discussions of business and human rights in a dataset composed of 346 corporate social responsibility reports drawn from firms in extractive industries. The paper concludes that human rights are ‘put to work’ in corporate accounts by reconfiguring their meaning to draw them into the ‘familiar frames’ of business accounting narratives.

## **Keywords**

Business and human rights, corporate social responsibility, narrative accounts, corpus linguistics, boilerplate

## **Introduction**

This paper is about how human rights are put to work in business accounts. Business and human rights scholars focus for the most part on how rights might be governed

within business contexts, how breaches might be prevented and, where they occur, how business accountability ought to be achieved. Nadia Bernaz, for instance, describes the study of business and human rights as being “about how business may negatively impact human rights and the various ways in which such violations can be prevented and addressed, including how business can be held accountable” (Bernaz, 2016: 3). But businesses do not simply receive the rights to which they are subject. They actively construct the environment within which rights work and shape that environment towards more manageable and, where possible, towards friendlier ends (for parallel remarks see Suchman and Edelman, 1996: 932). In this paper I discuss how global extraction firms put rights ‘to work’ within their social responsibility discourses.

I am interested especially in the dual character of rights within these narratives. Rights are presented by corporations as playing a uniquely *legal* role in the context of social responsibility. At the same time they are presented within the familiar corporate governance narrative of risk. This dual approach to business and human rights within business narratives presents corporate respect for human rights as arising from conventional accounting routines – as an *auditable* subject of due diligence against legal standards, even if data-reporting practices vary. Business and human rights norms, as articulated in UN and other instruments (Organisation for Economic Co-operation and Development, 2011; United Nations, 2011), are spoken back to society as something akin to accounting rules, best responded to in the routine language of business accounts. One view of this would suggest that human rights are shorn of their transformative promise. A more optimistic perspective would be that this is business and human rights working as intended, delivering human rights in an active collaboration between business and policy-makers. Either way, the language used around business and human rights is a ripe focus for study, not least regarding the limitations that these collaborations produce.

I take an innovative approach to analysing and visualising corporate speech by applying computational corpus linguistics techniques to a dataset of 346 corporate social responsibility reports published by 36 global mining and energy firms between 1998 and 2017.<sup>1</sup> This corpus, composed of just over 13 million words, gives us ample space to examine the linguistic routines that have developed around business and human rights in corporate accounts. Business narratives are not simply a medium for communicating ideas. They are attempts to ‘control things with words’ (Czarniawska and Gagliardi, 2003; Czarniawska-Joerges and Joerges, 1988; White, 1987). In the discussion below I suggest some ways in which this data might be compiled and visualised so we better might understand how rights are put to work.

Corpus linguistics involves the study of language as represented in large bodies of texts. A corpus linguistics approach, involves empirical analysis of large collections of texts (the ‘corpus’), often utilising computers and applying both quantitative and qualitative techniques (Biber et al, 1998: 4; see also Kuebler and Zinsmeister, 2014). While its

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<sup>1</sup>They are Anglo-American, Antofagasta, Barrick, BG, BHP, BP, Chevron, China Coal Energy, CNOOC, ConocoPhillips, CSEC, Ecopetrol, EDF, ENI, Exxon, Freeport-McMoran, Gazprom, Glencore, Goldcorp, Mosaic, Newmont, Norilsk Nickel, Occidental, Petrobas, Petro China, Potash, Randgold, Royal Dutch Shell, Rio Tinto, Rosneft, Schlumberger, Sinopec, Statoil, Total, Vale, and Yitai.

interaction with linguistic theory varies, this ‘taming’ of textual data (Pollach, 2012) is a key feature of the practice.

In this paper I focus on collocations (Barnbrook et al, 2013; Sinclair, 1991), the manner in which words develop their meaning in the company of other words and phrases. The patterns of ‘cohesion’ (Mahlberg, 2006) and ‘keyness’ (Bondi and Scott, 2010) that develop in this context are crucial to the analysis below. While the examination of business texts using corpus linguistic techniques has some history in the study of communication (for example Rutherford, 2005; Lischinsky, 2011; Jaworska, 2018), the idea of a “corpus-based Computer-Assisted Legal Linguistics” is only now beginning to emerge (Hamann and Vogel, 2018: 1473).<sup>2</sup> Businesses articulate themselves through human rights, not in terms of instrumental questions of compliance, but by constructing ehuman rights within a business context. Corpus linguistics helps us engage with that. If we are to understand business and human rights, then such a constructivist approach is more than warranted: it is essential.

Social responsibility reports bring sensemaking and storytelling processes to bear on governance structures and routines (Meyer and Rowan, 1977; Suddaby et al., 2010). My focus here is primarily on *boilerplate*: on repetitive linguistic routines that recur endlessly in corporate social responsibility reports. Corporate responsibility boilerplate is not simply banal. It can be read as ‘lexical priming’, aimed at ‘harmonising thinking,’ in this case between those internal registers and social norms, through the act of repetition itself (Hoey, 2005: 182). The uses to which human rights are put in corporate accounts and the contexts in which they are set are essentially *creative*. They aim at finding forms of speaking that can situate business conduct without disrupting business operations.

The paper is organised into three parts. In the next section I discuss the interactions of narratives, legitimacy and agency with corporate reporting. Then I present a brief account of the method applied to the corporate reports. From there I discuss the way corporate human rights discourses focus both on regulatory instruments and on the familiar ‘risk frames’ of corporate accounting routines.

## **Narrative and legitimacy**

Business narratives around human rights show businesses telling us that their values are “congruent with the prevailing values of the total society” (Dowling and Pfeffer, 1975: 131). Scepticism about corporate claims to virtue are no doubt reasonable. Corporate speech is nonetheless worthy of study as a kind of action bringing itself to bear upon the world. Human rights are put to work to control both organisational conduct and social perceptions about that conduct (Czarniawska-Joerges and Joerges, 1988). Rights are especially pertinent in such speech for three reasons. The impact of corporate conduct on people’s lives and the ways in which that conduct is often pursued with state support, especially in extraction industries, has placed global corporate complicity with rights violations directly in the sights of NGOs and home state governments. From there,

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<sup>2</sup>Hamann and Vogel’s paper is part of a special issue on law and corpus linguistics in the *Brigham Young Law Review*. See also papers cited in Phillips and Egbert, 2018: 1591, fn 3.

second, the language of human rights resonates with publics that can influence those who might bring themselves to bear on corporate conduct and so is likely to attract the attention of various publics at large.

Just as important as conduct on the ground and normative congruence in home countries, third, the rhetoric of ‘respect for human rights’ can be presented as adherence to ‘standards’ and so can act as a bridge between normative claims and the traditional accounting rhetoric through which firms are managed. Human rights standards suggest not only adherence to norms, that is, but also can be allied in one direction to an idea of legal standards and in the other to the rhetorics and accounts through which managements govern their firms (Edelman et al., 1999, 2001; Edelman and Suchman, 1997).

Business and human rights, at least from the corporate side, involves rights being invoked as a bridging of norms and (an idea of) law. Rights are incorporated within the ‘familiar’ business frames of account-giving and metric-production (for some attempts to address this directly, see Measuring Business and Human Rights Project, 2014; Oxfam, 2018). This is not a neutral process. While much might be gained through this flavour of business engagement with human rights, it may be that much is also lost. Corporate narratives about human rights see these moves developed, managed and refined. Those narratives are not mere reflections of events ‘in the world’: they *are* events in the world.

The regulatory regime that is emerging around business and human rights is itself part of longstanding series of interventions focused on business interactions with social norms. These interventions arose as globalization brought new and existing ‘governance deficits’ into the light. They often worked against other standards-generating trends in the regulation of global markets (Moon and Vogel, 2008: 309ff). Mutually intersecting guidelines for business and certification standards for instance were developed in the hope that firms would align themselves with higher standards of conduct towards labour, the environment etc (see for instance International Labour Organization, 2017; International Organization for Standardization, 2018; for an overview see van Huijstee and Theuws, 2013). Specific industries established their own standard-setting frameworks, the Extractive Industries Transparency Initiative for example. And more generally the Global Reporting Initiative (GRIs) encourage collaboration and partnership between businesses, NGOs and states towards dialogue on social responsibility.

Alongside the UNGPs, the OECD Guidelines for Multinational Enterprises (2011) have sought to solidify relationships between states and business through National Contact Points and Communications on Progress (Organisation for Economic Co-operation and Development, 2011; see for instance Černič, 2008; Oshionebo, 2013). The Guidelines stand as the core instrument in mediating global business and its impacts, ranging across social impacts, human rights, investment, finance etc. The Guidelines, established in 1976, aimed to ensure that multinational enterprises did not exploit their global reach to host countries’ disadvantage (Baade, 1979; Waldmann, 1980: p. 37). They address key aspects of corporate power, establishing expectations for how that power might be used. They have also proved resilient, in part because of their incorporating regulatory innovations from elsewhere through a series of reviews, for instance the ILO principles in 1979. (see Kauzlarich, 1980). Each iteration of the Guidelines has reflected OECD member state government concerns at the time (for one interesting discussion see Tully, 2001).

The 2011 update saw the Guidelines incorporate the supply chain concerns expressed by and approach promoted by the UN Guiding Principles (for discussions see Kryczka et al, 2012; Bonnitcha and McCorquodale, 2017), a move that drew OECD ‘National Contact Point’ mechanisms into the UN Guiding Principles’ domain (McCorquodale 2017, 203).

While they sit within this broader and intertwined family of instruments, I focus on three global regulatory engagements especially, given their own focus on business and human rights. The United Nations Global Compact in 2000 (United Nations, 2000).<sup>3</sup> has sought to develop local business networks aimed at human rights as articulated in ten core principles (United Nations, 2000). The Compact was followed by the UN Guiding Principles on Business and Human Rights (UNGPs), developed under the lead of John Ruggie, published in 2011 and focused on a “protect, respect and remedy” framework (United Nations, 2011).<sup>4</sup> Ruggie’s concern to engage the business community in developing the UNGPs saw the GPs articulated in ‘familiar business frames’ (Ruggie, 2013: 101) that sat at the core of how business and human rights might be situated. Finally, the Voluntary Principles on Security and Human Rights saw the development of state-led and outcome-oriented principles for extractive firms, especially in their interactions with security contractors (Secretariat for the VPSHR, 2017).

Although the three documents have much in common they have also given businesses leeway in defining their approaches to human rights. Each one allows business to engage with rights as auditable standards, albeit in slightly different combinations and ways. In concert with their peer networks (see discussions in Rajak, 2011; Steurer, 2011; and Wilson, 2000), corporations develop an understanding of human rights as standards and devise a path towards respect against these and other instruments (including, for extraction and energy firms: Secretariat for the VPSHR, 2017; see Pitts, 2011; Kaeb, 2008).

While, as Ruggie and Sherman (2017, 923) note, the UNGPs address a complex interplay of parties and techniques, due diligence and risk play a significant role in how businesses interact with rights. In general risk is imagined and articulated through a family of management techniques that have business activities and their (possible) impacts as their focus (see Power, 2007). These techniques might target questions of financial and business risk but also in similar ways, health or environmental risks or human rights risks. Risk is in this context *operational*. Business impacts are drawn into the realm of the measurable and from there the manageable.

Business interactions with human rights are, as we see below, interesting in the way that they sit between standard business practices and general ‘reputation’ narratives associated with corporate social responsibility. Peter Muchlinski talks for instance about human rights risk being “as much a commercial risk as a social or ethical concern,” where “firms have become aware through painful direct experience that failure to identify such risk, and to minimise it through corporate decision-making, can lead to serious and unwanted commercial consequences, particularly in relation to reputation and goodwill

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<sup>3</sup>For critiques see Berliner and Prakash (2015); Deva (2006); on the Global Compact’s networking dynamics, see for instance Gilbert (2010); Kell (2013); Kuper (2004); Rasche and Kell (2010); Ruggie (2001); Soederberg (2007); Whelan (2010).

<sup>4</sup>See also Ruggie (2013); Jägers (2011); Lindsay et al (2013); Deva and Bilchitz (2013).

as well as creating significant clear up costs” (Muchlinski, 2012: 156). Due diligence, business costs and reputational imperatives are intertwined here with the recognition that human rights concerns have to be embedded in corporate cultures if ‘tick-box’ habits are to be avoided.

Ruggie’s view, echoing Muchlinski’s ambivalence about due diligence, is that that while “making human rights a standard part of enterprise risk management should reduce the incidence of corporate-related human rights harm”, “it could also give companies a false sense of security that they are respecting rights if they lose sight of what makes rights unique.” A “dialogical process” between stakeholders is necessary in human rights due diligence, involving “engagement and communication, not simply calculating probabilities (Ruggie, 2010: para 85). Still, as we see below, risk plays a special role in business and human rights as opposed to CSR more generally through its focus on operations and process.

While CSR discourses often invoke risk – reputational risk mainly – as part of an appeal for corporate attention (see Bebbington et al, 2008; Unerman, 2008), human rights risk is more explicitly an object of governance. Human rights breaches present reputational risks of course, but the standard business focus on due diligence for human rights is more procedural and specific than that.

All in all, while risk discourses present opportunities for thinking about the interplay of ‘chance and harm’ (on which see Hamilton et al, 2007: 166-7), human rights risk as presented in the reports below is ‘operational first’. Human rights are distinct from other CSR discourses in their procedural focus, something that, at the same times draws them into conventional business frames. I return to the interplay between due diligence and human rights risk towards the end of this paper.

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 (Bernaz, 2016: 176ff). 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 the codes’ rhetorical tones are salient (Ruggie, 2013). The journey through Global Compact and onwards to the Guiding Principles involved a negotiation between the regime’s authors and its ‘target populations’ (Edelman and Suchman, 1997; Suchman and Edelman, 1996). 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 is for instance justified by the corporate leaders reportedly suggesting that ‘performance benchmarks’ would assist them in integrating human rights concerns in their businesses (Business and Human Rights Resource Centre and Institute for Human Rights and Business, 2018; Economist Intelligence Unit, 2015). This reflects not only the precepts of corporate accounting technologies, but the utility of human rights narratives in neatly fitting those technologies.

Rights are uniquely useful for corporate actors in creating a congruence between corporate conduct, internal account-giving routines and broader normative sensibilities among internal readers and corporate audiences at large. Both their normative significance and their amenability to measurement make rights a convenient rhetorical device in the man-

ufacturing of social responsibility. And human rights are not simply received. They are moulded, tested and *used*.

## Method

In this section and the next I draw a broad overview of how rights are used in extraction firms. My discussion highlights the dual presence of rights as both normatively congruent and as auditable standards by seeking out patterns across corporate reports. As I explain below the method brings *repetition* to the fore. Repetition – boilerplate in essence – is a useful point of study because it reflects ‘priming’ processes in action (Hoey, 2005). At least if we approach the subject carefully, repetitive phrases are a good source of information about how human rights are used. Methodologically speaking the study of collocations assumes that is that a word’s or phrase’s meaning is wrapped up in how it interacts with the words and phrases that recur in its ‘neighbourhood’. “You shall,” as Firth puts it, “know a word by the company it keeps” (Firth, 1957: 11). The primary driver is therefore the manner in which meanings emerge from the ways in which words and phrases “attract and repel” each other (Barnbrook et al., 2013: 164ff).

Human rights are primed primarily through an association with regulatory standards and codes. Uniquely among the key themes of the corporate reports studied – environment; climate; safety; health – rights are reproduced as ‘legal’, with repeated reference to compliance to the UNGPs, the Global Compact and the Voluntary Principles on Security and Human Rights etc. At the same time, rights are viewed as relatively standard business ‘risks’ in the same way that environmental, safety and other themes are. All in all, the encounter of business and human rights sees rights come out as roughly akin to accounting rules, and so responded to with conventional business accounting activities: audit, measure, due diligence and the like.

## The dataset

The investigation has a set of 346 CSR reports at its heart. These reports are made up of pdf documents sourced on the websites of 37 extraction and energy companies from 10 countries, published across 17 years from 1998 until 2016 (and 2017 in BHP Billiton’s case). Altogether these documents come to a total of 13,073,963 words. Subject firms were chosen either as constituent members of the FTSE100 or because of their position in either PWC’s 2016 *Mine* report (PWC, 2016) or IHS’s *Energy 50* report 2014 (IHS, 2014). Reports included were core group CSR report documents. Other reports and webpages were excluded.<sup>5</sup>

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<sup>5</sup>The corpus consists of the following reports: UK (listed): Anglo-American 2003-2016; Antofagasta 2006-2016; BP 1998-2016; BG 2001-2014; BHP Billiton 2001-2017; Glencore 2010-2016; Randgold 2012-2016; Royal Dutch Shell 1998-2016; Rio Tinto 2006-2016.

North America: Barrick 2002-2015; Chevron 2002-2016; ConocoPhillips 2005-2006, 2008 and 2012-2016; ExxonMobile 2002-2016; Freeport-McMoran 2008-2016; Goldcorp 2005-2008; and 2012-2016; Mosaic 2013-2015; Newmont 2012-2016; Occidental 2013; 2016; Potash Corp 2010-2014 and 2016; Schlumberger 2014-2016.

This focus on CSR reports restricts the dataset to general texts. It does not cover bespoke human rights reports, ‘communications on progress’ associated with the Global Reporting Initiative and the Global Compact, as well as other frameworks.<sup>6</sup> It also excludes online content. Additionally, a focus on energy and extraction will not cover cross-sector variations in how rights are put to work – between banks and mining giants for instance. It is also possible that smaller firms within the extraction and energy sectors articulate human rights and operationalise their CSR policies in ways not covered here. While these limitations are an artefact of the dataset used, the paper seeks to establish a method that can then be applied in such contexts.

The extraction and energy sectors seem most appropriate for this study in large part because of their relationship with the physical environment and the monumental impact they have. Their displacing of populations, sculpting of landscapes and polluting of the atmosphere render extraction and energy firms “prone to be objects of social activism and critique” (Jaworska, 2018: 195). They interact with questions ranging from humanity’s cultural heritage (for instance van Doorn, 2016; Bainton et al, 2011), through the manufacturing of communities (Rajak, 2011) to social licenses to operate (Gunningham et al, 2004; Owen, 2013; Wheeler, 2015). There is thus, “a stronger need for them to justify their stance on sustainability” (Jaworska, 2018: 195) compared to other sectors.

Other sectors, finance for instance where funding of infrastructural projects has raised similar issues and discourses (see for instance Conley and Williams, 2011), present possibilities for parallel analyses. The strong focus on human rights in the extraction sectors allows us to explore the method in a relatively clear manner however. The relatively narrow choice of sector here, at the same time, allows us to focus on the method rather than, say, on differing constructions of audience between the firms sampled here and post-financial crisis banks.

The fundamental methodological step in analysing collocations is the development of ‘keyword in context’ (KWIC) tables for the reports.<sup>7</sup> Such tables present keywords within fixed ‘windows’ of words on each side, where a concordance is “a collection of the occurrences of a word-form, each in its own textual environment” (Sinclair, 1991, 96). In tabular form, KWICs are presented as follows:

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Europe (excepting UK & Russia): EDF 2009-2014; Eni 2006-2016; Statoil 2001-2016; Total 2004-2014.

South America: Ecopetrol 2009 and 2012-2013; Petrobras 2007-2016; Vale 2007-2014.

China: China Coal Energy 2013-2015; CSEC 2007-2012 and 2014-2015; CNOOC 2005-2016; PetroChina 2001-2014; Sinopec 2006-2015; Yitai Coal 2010-2011.

Russia: Gazprom 2007-2016; Norilsk Nickel 2004-2016; Rosneft 2006-2016.

<sup>6</sup>See <https://www.unglobalcompact.org/participation/report/cop>.

<sup>7</sup>The corpus was processed from PDF files within the ‘R’ statistical programming language (R Core Team, 2018), drawing primarily on the ‘teadtext’, ‘Tidytext’, ‘Quanteda’ and ‘collocateR’ packages (respectively, Benoit and Obeng, 2017; Benoit, 2018; Silge and Robinson, 2018; O’Kelly, 2018; also Arnold 2017; Honnibal and Johnson 2015). A notebook with guidance for computing tables and figures is available at (ANONYMISED URL).



Table 1: KWICs for Rights, BP Sustainability Report 2010

pre	keyword	post
we assessed bps approach to human	rights	we were gratified to see bps
has significant similarities with the human	rights	due diligence process set out in
show that it is respecting human	rights	under the guiding principles determining how
determining how it assesses its human	rights	risks how it takes the findings
oms by establishing respect for human	rights	as an explicit and essential goal

The significance of two words collocating cannot be derived purely from frequency. Words like ‘business’ for instance, are unlikely to provide us with much information about ‘human rights’ because they do not lend meaning to the term beyond the meaning they lend to every term they collocate with. Frequency does not equate to *significance*.

A *mutual information* significance measure tackles this by focusing on the accumulation of information as words build in sequence (Barnbrook et al., 2013: 67f). Within information theory, a mutual information algorithm gives us information on one linguistic ‘event’ based on its co-occurrence with another. 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 (Church and Hanks, 1990; for other methodological discussions see for instance Biber, 1993b, 1993a). In the context of translation, metaphors and turns of phrase are renewed towards new ends, with existing phraseologies reconfigured (in both directions) towards new insights and meanings. Mutual information is, then, not necessarily a neutral process: as turns of phrase are developed and repeated, they can colour the ways in which meanings are managed and constrained. In a sense the aim is to decide how key words *behave* through analysis of neighbouring words (Hunston, 2011).

Collocated words and phrases are ranked here through a normalised pointwise mutual information test for significance (Bouma, 2009).<sup>8</sup> See for example below where trigrams for ‘human rights’ are ranked by normalised pointwise mutual information score:

*Table 2: Top 10 Word frequencies for trigrams with human rights, BP sustainability reports 2010-2016, lemmatized and stopwords removed, sorted by npmi*

<sup>8</sup>Pointwise mutual information measures are calculated as  $pmi(x; y) \equiv \log \frac{p(x;y)}{p(x)p(y)}$  where  $p(x;y)$  is the probability of word  $x$  and keyword  $y$  (‘human rights’ in this case) co-occurring and  $p(x)$  and  $p(y)$  are the probability of  $x$  and  $y$  occurring on their own. A normalized measure, which places the score between +1 (always co-occurs) and -1 (never co-occurs) is measured as  $npmi \equiv \frac{pmi(x;y)}{-\log(p(x;y))}$ .

rank	trigram	trigram recurrence	word recurrence	npmi
1	clause	5	11	.515
2	complicity	2	3	.507
3	stance	2	3	.507
4	society	22	148	.474
5	policy	29	231	.469
6	security	29	233	.468
7	abuse	2	7	.430
8	bill	2	7	.430
9	respect	14	114	.429
10	embed	5	28	.422

Such measures are best understood as guides that point to patterns and so ultimately ought to return us to the texts. Mutual Information measures, as we see above, tend to privilege rare words. This limitation can be mitigated by excluding words that occur, say, three times or less (as is the case in this paper). Nonetheless, a corpus of reports from 37 firms can easily assign significance to words that are only repeated in one firm’s reports. Such a finding may be interesting, but further investigation is always required to avoid inappropriate generalisations. Beyond that, MI scoring helps us identify collocations that are *special*: words and phrases, that is, occurring to a significant extent in each other’s ‘neighbourhoods.’ Repetition, does not dilute meaning: it gives us key insights into how words interact.

## Findings

The human rights frame was introduced in early reports with discussions about how rights could be addressed and spoken inwards within firms. Early BP and Royal Dutch Shell reports sought for instance to frame their organisational role vis-à-vis human rights as an *internally educative* one. On understanding human rights, RDS 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. (Royal Dutch Shell plc, 1999: 3).

Further on, the report 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, 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 (Royal Dutch Shell plc, 1999: 17 (emphasis added)).

As it evolved human rights came to be *uniquely* articulated through standards and codes, compared to other CSR topics. See for instance the words ranked in table 3 below. Words associated with human rights predominantly refer to standards and codes, including the Voluntary Principles on Security and Human Rights and the UN Universal Declaration of Human Rights. Normative words like ‘proclaim’ and ‘respect’ are also uniquely directed towards these codes. Words associated with ‘environment/environmental’ are far less standardised. While words associated with the firm’s auditing routines (‘impact’, ‘performance’, ‘management’) recur, so do broader normative terms (‘protection’, ‘stewardship’).

Table 3: Words neighbouring “human rights” both words neighbouring “environmental” or “environment” unigrams and to words neighbouring “safety” or “safe”, full corpus.<sup>9</sup>

rank (npmi)	human rights	environment	safety
1	security	protection	health
2	universal	impact	occupational
3	respect	social	environment(al)
4	declaration	safe(ty)	intrinsic
5	salient	health	workplace
6	voluntary	stewardship	culture
7	principle	performance	healthy
8	proclaim	friendly	performance
9	complicit	beyond	hse
10	vpshr	management	road

Looking at ‘safety/safe’, we still see a focus on more general normative terms, albeit less so than about the environment. Recall that what we see here is a product of *repetition*: highest scoring words are those that are repeated most often in collocation with ‘environment’ or ‘safety’ or ‘human rights’, controlling for overall frequency. It is important to note that more obscure words – ‘intrinsic’ for instance – can be repeated in relatively few reports, in this case from the repeated phrase “intrinsic safety management

<sup>9</sup>These words occur in a window of six words on each side and are ranked by npmi. The corpus was lemmatised and stopwords were removed.

system” in six CSEC reports. Even words like ‘workplace’ reflect myriad idiosyncratic repetitions: “safety, health and the workplace” in eight ExxonMobile reports; “a safe and healthy workplace” across 25 reports with one exception (CNOOC’s 2005 report) from UK and Canadian reports (21 from mining companies).

Turning to human rights however, some repetitions are quite idiosyncratic: the word ‘salient’ recurs in the phrases “salient human rights issues” or “salient human rights risks” in Statoil’s 2016 report, Newmont’s 2015 and 2016 reports and Anglo American’s reports from 2014 to 2016. This reflects these firms’ faithful rhetorical turn towards how the UNGPs articulate their reporting frameworks (United Nations, 2011; see for instance the discussion at <https://www.ungpreporting.org/resources/salient-human-rights-issues/>). Other phrases are far more ubiquitous: “respect for human rights” recurs 255 times across 128 reports. “Fundamental principles and rights at work” (tracking the International Labour Organisation framework) is repeated 45 times across 43 reports.<sup>10</sup> 101 reports mention the Universal Declaration of Human Rights at total of 191 times.

All in all, words and phrases that neighbour the “human rights” are almost uniformly – and uniquely – focused on global human rights standards and codes. That said, as we can see from the phrases above, there is some variety regarding *which* standards and codes are invoked. The variability of approaches to global and other regulatory norms within the corpus is evident: we see 1,769 mentions of the Global Compact across the corpus, alongside 283 mentions of the UNGPs. While aggregated mentions do not give us a sense of *how* the UNGPs etc are being treated it is interesting to note that mentions are not distributed evenly between periods and between firms:<sup>11</sup>

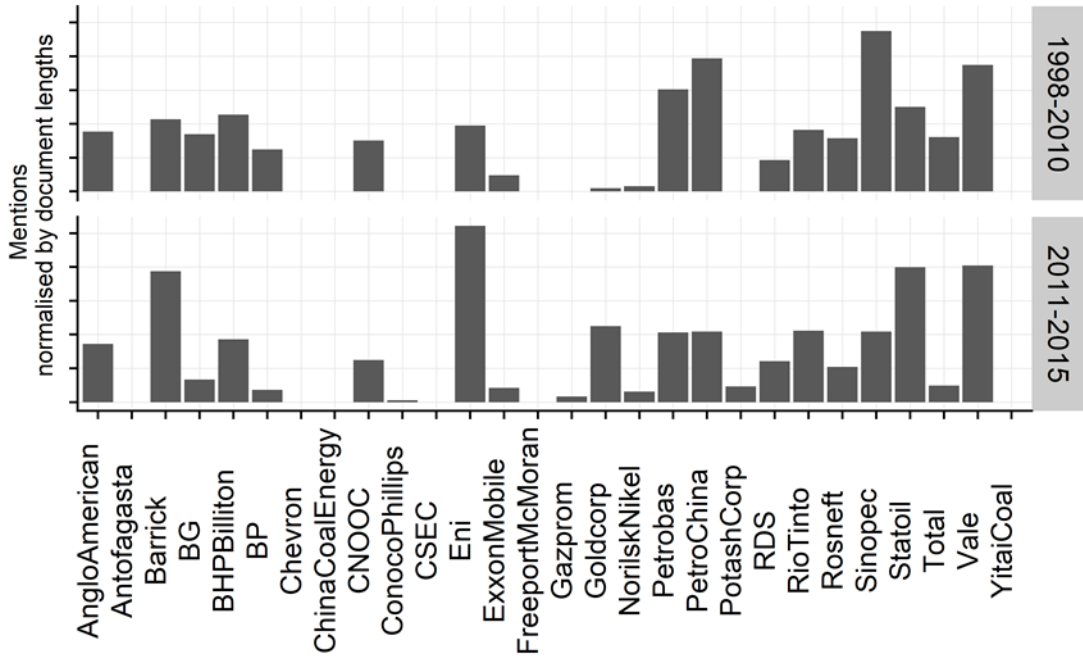
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<sup>10</sup>From ExxonMobile (9); Glencore (7); Vale (6); BP (5); Barrick (4) ; BG Group (3); ConocoPhillips (3); Royal Dutch Shell (2); ENI (1); Gazprom (1); Rosneft (1); and Newmont (1).

<sup>11</sup>Both plots only include firms that reported in 2007 or earlier.

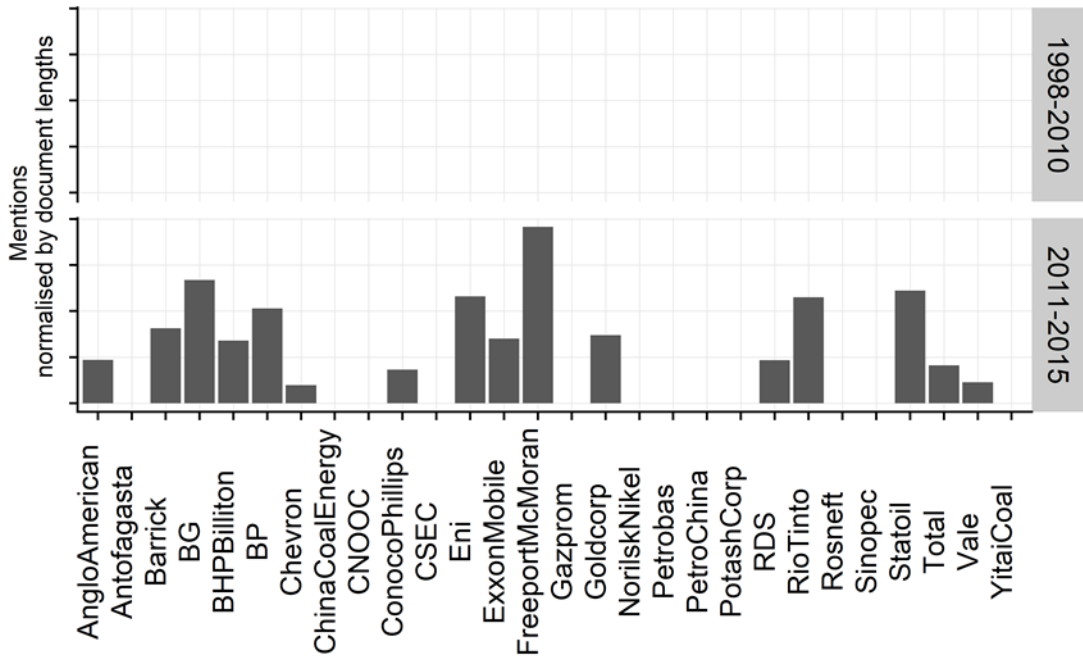
### Mentions of the UN Global Compact

by company and period



### Mentions of the UN Guiding Principles

by company and period



The UNGPs, naturally, are only referred to after their introduction in 2011. Nonetheless, it is interesting to see how uneven references to the different codes (at least as can be gleaned from mentions) are. More interesting perhaps is the strong overlap between firms that discuss the Global Compact and those that refer to the UNGPs. The UN Global Compact, associated as it is with the Global Reporting Initiative, the Sustainable Development Goals, and within the extractive sectors, the Sullivan Principles, continue to hold corporate attention.<sup>12</sup> They have not been displaced by the UNGPs. Attention is not uniform, however. North American and UK firms are more likely to mention the Compact, and Italy’s ENI makes frequent reference as well.

In drawing on the 10 principles and the GRI, BG group’s rhetoric around the Global Compact for instance focuses not on involvement and international profile but on the ‘bridging’ potential of human rights: that is, their allowing a normative language of responsibility to be integrated with business accounting rhetoric.<sup>13</sup> So, on a normalised mutual information measure, the global compact is associated within BG Group’s reports with:

Table 4: Top 20 collocates with ‘Global Compact’, BG Group, ranked by npmi.

1-10 (nmpi)	collocate	11-20 (nmpi)	collocate
1	un	11	declaration
2	ungc	12	gl
3	<b>reaffirm</b>	13	<b>fulfil</b>
4	ten	14	toxic
5	iogp <sup>14</sup>	15	<b>remain</b>
6	unite	16	dnv <sup>15</sup>
7	signatory	17	principle
8	sign	18	<b>commit</b>
9	nation	19	contain
10	gri	20	december

Words like ‘reaffirm’, ‘fulfil’, ‘remain’ and ‘commit’ point to the Global Compact as a source of commitment and value for the firm. The words are part of a phraseology that recurs across all BG’s reports. So, for instance “BG Group is also a signatory to the UN Global Compact and we remain committed to its 10 Principles. We detail how

<sup>12</sup>See the GRI at <https://www.globalreporting.org/pages/default.aspx>; the sdgs at <http://www.undp.org/content/undp/en/home/sustainable-development-goals.html>; on the Sullivan Principles see for instance Arnold and Hammond, 1994.

<sup>13</sup>In 2016 BG Group was taken over by Royal Dutch Shell

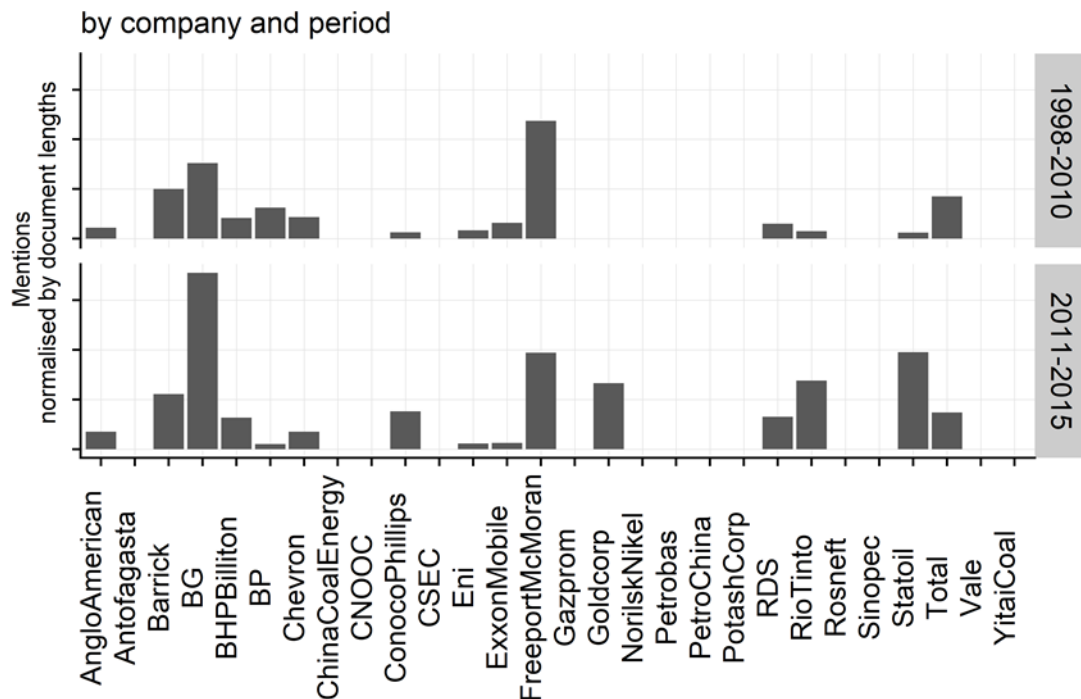
<sup>14</sup>The International Association of Oil and Gas Producers.

<sup>15</sup>DNV GL is as “global quality assurance and risk management company” aimed at sustainability etc. BG Group availed of its services (see “gl” ranked 12 also).

we fulfil this commitment throughout this report and on our website” (BG Group, 2012: 1). This and similar rhetorical forms (sign – demonstrate – commit – fulfil) are repeated throughout the corpus. They establish a style of prose around human rights within social responsibility where commitments are articulated in terms of commitment to recognised standards. From there various kinds of metric are produced in order to demonstrate and evidence fulfilment.

Such phraseology also applies to the extraction industry-focused Voluntary Principles on Security and Human Rights, which are mentioned 829 times throughout the corpus (Secretariat for the VPSHR, 2017). Again, the VPSHRs are not evenly distributed in terms of corporate attention. See figure 3 below. While the Principles are non-binding and “couched in permissive language” (Simons and Macklin, 2013: 123), they provide a framework through which human rights practices could be articulated within extraction and energy firms. Once we dig deep we find both regional and firm-by-firm variations in whether and how often the VPSHR are mentioned and within that, significant differences in how the Principles are articulated (on the VPSHR, see Pitts, 2011; Fox et al., 2002).

### Mentions of the Voluntary Principles on Security and Human Rights



It is not surprising, given the VPSHR’s origins with the national government initiatives of the UK and USA and later the Netherlands, that the 39 reports that mention the VPSHR, normalised for document length, are concentrated in reports sourced from North Atlantic States. Within that, the UK’s firms are most prominent in their repeated references to the Principles, although a plurality of mentions are sourced in the reports

of the BG Group and FreeportMcMoran (four each of the top 20 reports by numbers of mentions were from these two companies). It is important to note that 260 reports in the corpus did not mention the VPSHR at all.

When we examine verbs associated with both the UN Global Compact and the Voluntary Principles on Security and Human Rights, we see, across the corpus, that verbs associated with the VPSHR are likely to be oriented towards corporate action (‘implement; ‘promote; ‘join; ‘enter; ‘seek; ‘protect’). Those associated with the UN Global Compact (‘disclose; ‘assure; ‘participate; ‘reflect; ‘indicate’), on the other hand, are aimed more at disclosure.<sup>16</sup> The Global Compact’s association, through the GRI’s, with disclosure activities also perhaps drives the tone of global initiatives, where ‘soft law’ communication imperatives take the lead. The VPSHR’s stronger drive from within governments may produce a stronger focus on the normative power of *deliverables* over the UNGC’s network-based commitment to *disclosure*.

Table 5: Lemmatised verbs associated with the UNGC and the VPSHR, by npmi.

rank	UNGC	rank	VPSHR
1	disappear	1	<b>implement</b>
2	join	2	read
3	<b>disclose</b>	3	<b>promote</b>
4	found	4	<b>join</b>
5	<b>assure</b>	5	<b>enter</b>
6	<b>participate</b>	6	<b>seek</b>
7	submit	7	submit
8	rotate	8	agree
9	<b>reflect</b>	9	expect
10	<b>indicate</b>	10	<b>protect</b>

The public-private ‘partnership’ model underpinning the VPSHR is not just reflected in passages of the kind from BG Group above: it may also drive the linguistic frames within which the regulatory initiatives are used in setting out corporate responses to human rights standards. More generally, human rights themselves being put to work through regulation is not simply down to a ‘rule-following’ rhetoric (see Shklar, 1964). Something more nuanced is at play. As Lauren Edelman and others have noted, legal ideals may be ‘appropriated and transformed’ by managerial rhetorics and thus transformed into a tool for the pursuit of organisational insiders’ ends. To an extent this sense of organisational accountability parallels that set out in Suchman and Edelman (1996: 932) whereby “‘the Law’ is actually a welter of conflicting principles, imperfect analogies,

<sup>16</sup>Verbs were isolated computationally with some manual processing was carried out, as outlined in the supplementary documentation.



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” (also Edelman, 1990; Edelman et al., 2001; Edelman and Suchman, 1999; for another approach see Shaffer, 2009). Tangible outcomes from these exercises are often developed in other documents. From the perspective of this corpus however, the evidence suggests that different instruments and how they are combined *matter* to the ways that human rights are put to work by firms. The VPSHR drive rhetorics of action; the UNGC combines a commitment statements (“reaffirm”; “fulfil”) with those associated with acceptance of standards (“sign”, “commit”).

The UNGPs produce yet other rhetorics, linked very often to due diligence. Due diligence is linked, unsurprisingly, to questions of audit and from there to some firms invoking ethics integrity (see especially Statoil’s reports) and others – specifically those from North America and the UK – invoking risk. All in all, when we look across all these standards we see human rights being presented as standards that, especially with regards to the UNGPs, are configured as *subject to audit*.

In extraction firms much of these metrics are focused on auditing towards safety and security. Take for instance Rio Tinto’s 2016 report:

Recognising risks relating to security and human rights, our security standard and supporting guidance notes, toolkit and assurance process require security management consistent with the VPSHR and the UN Basic Principles on the Use of Force and Firearms. Our security incident reporting system is used to record human rights-related incidents.

We provide training for security personnel and conduct security and human rights analysis in support of our security arrangements. Our implementation effort focuses on sites most exposed to the risk of force abuse by private and public security forces. Our online VPSHR training is mandatory for all security personnel at high risk sites and is strongly recommended for all our other businesses (Rio Tinto, 2016: 56).

Rio Tinto’s later reports are interesting in part because they are emblematic of the metrics approach to social responsibility reporting with 22 out of 99 pages devoted to ‘sustainability fundamentals’ and other data reports. Rights are in this rhetoric subject to measurement as ‘incidents’ to be reported, as processes to be managed and training opportunities to be counted.

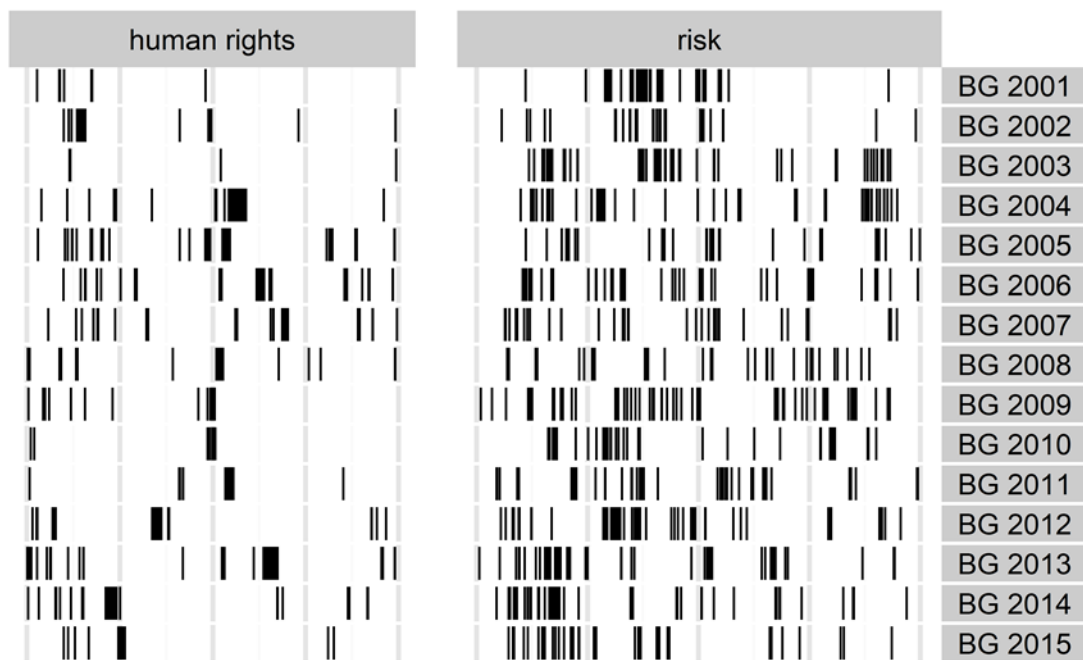
## **Human rights risk**

The invoking of standards above sees rights configured within broadly audit frames. Risk frames, building on this, draw rights further into familiar business processes and accounts. Organisational rhetoric in general has turned to risk as a bridge between familiar corporate account-giving processes and firms’ claims about their social place. Risk acts as a ‘familiar frame’ (in the terms Ruggie mentions above; 2013: 101) that can help articulate key problems in more measurable terms.

In the arena of financial account-giving, the development of operational risk has perhaps been the starkest example of such dynamics. While we can see risk occurs here in the context of human rights and while it is a recurrent theme, especially in business-focused literature (see the employment of human rights risk in Allen & Overy’s in-house business and human rights journal: Selvanathan, 2013; Kinley and Navidi, 2013), it occurs next to *a lot* of terms quite often. Environmental concerns, reputational concerns, financial sustainability etc are all articulated in terms of risk, and likewise, human rights are articulated as a risk in myriad organisational settings and are articulated as such within the UNGPs (Bebbington et al., 2008; Gouldson and Bebbington, 2007; on human rights risk in prisons, see Whitty, 2011). We cannot infer much about human rights by focusing on human rights *risk* therefore. Risk’s being a ‘familiar frame’ for business narratives suggests that human rights risk is simply a means of denoting that human rights are to be incorporated within familiar corporate accountability devices.

Human rights constitute one of a multiplicity of issues within the corpus, alongside internal governance issues (‘management risk’); market narratives (‘counterparty risk’; ‘fraud risk’) and safety (‘fatal risk’) and environmental (‘flooding risk’) matters. So, what can BG Group’s drawing a link between human rights protection and the language of risk tell us specifically about human rights? 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 sense of proactive engagement and procedural attention to the firm’s invocation of human rights. So for instance, BG group’s human rights priorities include that it would “assess and manage human rights risk” and they committed to “strengthen our processes and tools for managing security and human rights risks, for example through improving the monitoring of our VPSHR implementation” (BG Group, 2014: 11). 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.



**Human Rights and Risk compared  
BG reports 1998-2015**

Figure 4 plots mentions of human rights and of risk in BG Group’s sustainability reports across the 15 years from 2001 until 2015, with each vertical line denoting a mention of the keywords and the horizontal strips visualising each report (on lexical dispersion plots see Bird et al., 2009). We see human rights risk in this context as not providing significant information about human rights in and of themselves, beyond its being subject to familiar corporate rhetoric. We should see human rights risk in other words, in the context of 600 mentions of “environmental risk” across the corpus, alongside 306 mentions of “climate change risk” and 194 mentions of business risk etc. The significance of human rights risk lies in the risk frame’s *normality*.

Just as financial accounts cannot be simply understood as products of pure statistical method, so businesses’ human rights risk discourses cannot simply be understood in terms of normative framing. They are both underpinned by ideas that guide core readers – both inside and outside the organisation – in interpretation. Risk primes readers to think of uncertainty as a management problem to be solved through process, procedure and specific kinds of professionalism (from a critical perspective see Power, 2007, 2013). Promoting specific readings of statistical information, apart from ‘narrowing’ the reader’s vision, as James Scott put it (Scott, 1998: 11), and so obscuring other possible readings, also lends the organisation and its managers a rhetoric that can be redeployed across the organisation as a whole. So, we see a broad managerial dynamic at play. Raw numerical data is narrated through risk and comes within the ambit of managerial power and, from the other end so to speak, normative and social questions are narrated through risk and come within the ambit of managerial power.

## Conclusion

The practice of associating human rights with regulatory norms tells us a great deal about how businesses seek to bring themselves to bear on the world. We need to think of business and human rights in terms of businesses being put to work on behalf of rights *and of rights being put to work on business's behalf*. The degree to which business and human rights is about managing conduct and the degree to which it is about managing *perceptions* of conduct is open to question therefore. More than that, managing perceptions is not just about producing 'good news': it involves businesses promoting specific terms of evaluation and about aligning those terms with prevailing values (as Dowling and Pfeffer, 1975 have it above).

Human rights are articulated as a matter of risk, within 'familiar frames' of business discourse, drawing them into operational technologies of measurement and management. They are also primed by association with regulatory frameworks and so allow businesses not only to draw on rhetorics of compliance but to engage with what compliance and regulation might mean in the context of business and human rights. Linguistic form does not simply reflect conditions 'out in the world' in other words: it seeks to construct those conditions.

Corporate rights narratives give 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.

The process of incorporating human rights has an effect on what it is to respect human rights. The multiplicity of codes that have emerged around business and human rights have helped firms develop and firm up a presence for rights in their business. Corporations do not put rights to work neutrally however. As rights are put to work within corporate speech respect is configured as a matter of due diligence and audit across specific measures.

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 social norms without disrupting the corporation's standard accountability procedures. Rights as metrics are rendered safe in terms of internal processes and so can never fulfil any radical potential we may think they contain. Business and human rights is in other words not just a matter of rights: it is a matter of business.

By studying repetition within corporate narratives, specifically the phrases that lend meaning to human rights and *vice versa*, we can gain insights into how managers seek to prime social discourses around business and human rights. 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 cor-

porate 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.

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