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Private Authority and Companies as Hybrid Actors:
Developments of Business Responsibilities for Human Rights
MPIL Agora
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Globalization and global governance are changing the international human rights regime. Especially the increasing relevance and agency of private business actors challenge the state-centered character of human rights. The talk suggests two conceptual models in order to capture the associated relations and transformations of the human rights regime.

1) Companies are hybrid actors: Business actors, their roles and their tasks increasingly challenge and transcend the dichotomy between public and private (between states and non-state actors). Instead, they develop both public and private attributes. Additionally, they have attributes which are hybrid *sui generis*, such as the form of their legitimacy. This leads to the second hypothesis:

2) The power, the legitimacy and the human rights responsibility of business actors build a triadic model that is marked by mutual relations. The demand for business responsibility for human rights contributes to the legitimacy of companies, while at the same time pressuring companies to legitimize their agency and action. Furthermore, the demand springs from companies' power to affect human rights, while in turn enhancing their power in terms of (self-) regulation, norm interpretation and monitoring. Finally, agency and legitimacy interact in that the legitimation of business power results in private authority, ultimately transcending the traditional boundary between public and private, and thus the traditional foundation for human rights responsibility.

The two models allow for an examination of both the opportunities and the risks of business responsibility for human rights. Possible risks include a dilution of the human rights regime, and a privatization of human rights responsibilities. With regard to potential opportunities, they provide orientation for the question of which companies can and should assume responsibility for human rights in which forms and to what extent.

PD Dr. Janne Mende is a senior researcher at the University of Giessen where she leads a DFG project on business responsibility for human rights at the United Nations. Prior to that, she was a visiting fellow at the WZB Berlin, the Danish Institute for Human Rights in Copenhagen, among others. Her research topics include human rights and global governance. In her dissertation, she discussed the chances and challenges of indigenous human rights to culture and identity.