

## **Business and Human Rights: opportunities and challenges to the legal profession**

**Madrid, 5<sup>th</sup> of June 2015.** On the 3<sup>rd</sup> of June, the Fernando Pombo Foundation held the symposium "Business and Human Rights: the role of the legal profession" supported by the Human Rights Office of the Ministry of Foreign Affairs and Cooperation.

The goals of the meeting were to acquaint all national actors with the draft of the National Plan on Business and Human Rights, to raise awareness on the relevance and effectivity of the Guiding Principles and to promote and strengthen the role of the legal profession in this process.

The meeting was opened by the President of the Fernando Pombo Foundation, Joaquín García-Romanillos, who explained its project on the new role that the lawyers must assume in order to implement those principles. In the next months, the Foundation will publish a Guide of good practices for corporate lawyers, containing explanations, examples and accepted uses to improve the understanding and the application of the IBA's recommendations in the legal counsel to multinationals.

Later, the President of the Spanish Bar Association, Carlos Carnicer, showed the commitment of this institution with the defense of human rights and highlighted the increasing need for training in this field. Adela Díaz, deputy director of the Human Rights Office of the Foreign Affairs Ministry, outlined the importance of the Spanish Plan to support those companies that had already committed to the Guiding Principles, by offering practical awareness and informative tools to promote the voluntary incorporation of other Spanish multinationals.

Several representatives of relevant Spanish companies that have assumed the Ruggie Principles and have incorporated them into their CSR strategies attended the round table: Juan Bravo Casado, corporate legal advisor of Mahou San Miguel; Carlos E. Jiménez Cuesta, REPSOL coordination manager of legal services for exploration and production, and Juan M. Sánchez Angoso, manager of Legal DHL Logistic Iberia. They provided a practical and realistic view of the work of Spanish multinationals linked to these principles, and of the work of the companies' legal departments in the implementation process of these recommendations.

The most innovative part of the symposium regarding the legal profession was carried out by Nicole Bigby, partner and director of risk at Berwin Leighton Paisner and collaborator of the IBA Business and Human rights Working Group, and by John Sherman, Shift Project and Chair of the IBA Business and Human Rights Working Group. Both speakers outlined the important role of lawyers in the implementation of the new UN framework and the different ways in which lawyers could provide added value to their corporate legal counsel services. Independently of the *soft law* condition of the Ruggie Principles, lawyers must not ignore those principles, as "*soft law* might have hard

consequences, and only a quality legal counsel can help companies to avoid such consequences caused by breaches or infringements of the principles”. Nicole Bigby emphasized on redefining the new role of corporate lawyers, based on a new balance on the criteria that lawyers must use when practicing their profession. She stated that we have come from a lawyer that considers Law and the traditional sources of law as the unique applicable criteria for counseling, to introducing other criteria or principles also defining the real value of a company, such as: business ethical criteria (internal codes of conduct, obligations with third parties, ethical commitments of business), proposals about international trends and advices or teachings of relevant people.

These other criteria enhance the role of lawyers and make them “wise counselors” and strategic managers of risk, indispensable to business. Lawyers have a major part in the corporate decision making process, by integrating corporate sustainability, the brand value and its commercial “acceptability” in the long run as criteria from their own function of counseling, which allows them to go beyond the strictly legal.

The final remarks highlighted the urgency on the assumption of this new role of lawyers and this new way of interpreting the due diligence in corporate counsel, in order to offer a professional, quality and trustworthy service, adapted to the needs of an internationalized client, socially responsible and committed with the business’ sustainability and with the professional ethical behavior. It deals with “practicing the profession as it must be in ethical, deontological and reputational terms, which is also what we must do in economical and sustainable terms”.

### **About the Fernando Pombo Foundation**

The Fernando Pombo Foundation was born with the aim to protect and promote human rights and to encourage the values contributing to the complete development of the individual, as well as equality and solidarity. Its goals are based on the defense and promotion of justice and the rule of law as well as the fundamental rights and democratic values.

The mission of the Fernando Pombo Foundation is the promotion and development of the social responsibility of the legal profession, focusing on the principles of accuracy, spirit of improvement and solidarity.

More information on: [www.fundacionpombo.org](http://www.fundacionpombo.org)

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