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Malaysian Bar**

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**Resolution Adopted at the 77th Annual General Meeting of the Malaysian Bar
(Held on 18 Mar 2023)**

Resolution to Adopt the 2011 United Nations Guiding Principles on Business and Human Rights and its Implementation in the Malaysian Legal Profession

Recognising that:

- (1) Globally, business operations have negatively impacted human rights and the environment. The practices of some Malaysian corporations and businesses are no better:
 - Although the Malaysian Federal Constitution prohibits slavery and forced labour, the practice still prevails in Malaysia. Numerous modern slavery cases have put Malaysia in a bad light resulting in bans on our exports.
 - Environmental harms by companies continue to exacerbate the triple planetary crisis of climate change, biodiversity loss and pollution. With climate change, irregular, unusual and extreme weather events are increasingly being experienced, disproportionately affecting our society's poorest and most vulnerable groups.
 - Further, poor governance, greed and corrupt practice in, for example, the infamous 1MDB misappropriation have seen multi-billion dollars being siphoned away to benefit certain individuals and companies at Malaysia's expense.
- (2) Increasingly, these matters of labour, the environment and governance are viewed by governments, regulators, trade associations, chambers of commerce, corporations, trade unions, statutory bodies and civil society organisations, as serious human rights violations that must be addressed. An evolving framework that is commonly known as "ESG" (Environmental, Social and Governance) and "sustainability" is used to have businesses account for and address the impact of their operations on human rights.
- (3) Human rights abuses and violations, including environmental harm and degradation caused by businesses, must be remedied, and the victims and survivors compensated. Perpetrators must also be punished and brought to justice.

Considering the following:

- (4) On 16 June 2011, the United Nations Human Rights Council endorsed the Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework (UNGPs) in its resolution 17/4. The UNGPs prescribe three core obligations and duties: for governments to protect human rights; for corporations to respect human rights; and for effective access to remedies for victims and survivors of business-related human rights abuses. The principles rest on international human rights standards and are widely adopted by governments and businesses in their efforts to promote, protect and uphold the rule of law and human rights. In particular, the UNGPs call on businesses to identify, prevent, mitigate and account for how they address adverse human rights impacts by conducting human rights due diligence on their operations and those of their suppliers.
- (5) On 9 June 2015, the Bar Council of Malaysia, among other Bar associations, signed the Law Association for Asia and the Pacific (LAWASIA) Joint Declaration of Commitment on the Development and Promotion of the Field of Business and Human Rights within the Legal Profession. Signatories committed themselves to promote the implementation of the UNGPs locally, regionally, nationally, and globally, and to educate lawyers on human rights in the business context while developing and implementing policy initiatives to promote the realisation of human rights in businesses across diverse sectors and industries.
- (6) On 8 October 2015, the International Bar Association (IBA) Council adopted the IBA Business and Human Rights Guidance for Bar Associations to equip and enable bar associations around the world to increase awareness and understanding of lawyers who advise business clients on the relevance of business and human rights, and particularly of the UNGPs, and the various laws, policies, and standards that promote business respect for human rights.
- (7) The IBA Council then, on 28 May 2016, adopted the IBA Practical Guide on Business and Human Rights for Business Lawyers to guide lawyers on how the UNGPs can be relevant to the advice provided to clients by lawyers subject to our professional standards and rules, and their potential implications for law firms as business enterprises with a responsibility to promote and respect human rights.
- (8) In 2019, LAWASIA published its Toolkit on Business and Human Rights: A Guide for Lawyers in the Asia Pacific. The document provides lawyers with guidance on complying with the UNGPs in legal practice. It also assists them in advising business clients to fulfil their human rights and environmental obligations and addressing any adverse impacts arising from their business operations.

Given the above, it is resolved as follows:

- (A) That the Malaysian Bar endorses the United Nations Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework (UNGPs) and encourages members of the Bar and law firms to endeavour to use the UNGPs in their practice following the IBA Practical Guide on Business and Human Rights for Business Lawyers and the LAWASIA Toolkit on Business and Human Rights: A Guide for Lawyers in the Asia Pacific.
- (B) That the Bar Council of Malaysia takes all the necessary steps to advocate and promote the United Nations Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework (UNGPs) with the Government of Malaysia, regulators, trade associations, chambers of commerce, corporations, trade unions, statutory bodies and civil society organisations.
- (C) That the Malaysian Bar calls on the Government of Malaysia to expedite the adoption of the National Action Plan on Business and Human Rights and immediately legislate for mandatory human rights due diligence and grievance mechanisms in all business operations that impact human rights, including but not limited to the areas of labour, governance and the environment.