

# Business and human rights as Swedish foreign policy: The soft implementation of international regulatory norms

Ian Higham 

Grantham Research Institute on Climate Change and the Environment, London School of Economics and Political Science, London, UK

**Correspondence:** Ian Higham, Grantham Research Institute on Climate Change and the Environment, London School of Economics and Political Science, Houghton Street, London WC2A 2AE, UK.

Email: [i.g.higham@lse.ac.uk](mailto:i.g.higham@lse.ac.uk)

## Funding information

Grantham Foundation for the Protection of the Environment

---

## Abstract

This article aims to explain why national governments choose soft policies in the domestication of international norms even when those norms may explicitly call for harder measures. The article achieves this aim by exploring domestic adoption of National Action Plans (NAPs) for implementing the United Nations Guiding Principles on Business and Human Rights (UNGPs). The UNGPs are an international soft law instrument that calls for a mix of voluntary and mandatory policies to promote human rights due diligence, and NAPs are soft domestic policy instruments that lack the bindingness of mandatory due diligence legislation now found in several states. Most governments with NAPs have adopted them specifically as foreign policies, treating them not as regulatory initiatives but as tools for enhancing national reputations. Using a range of primary and secondary sources, the article constructs a case study of Sweden to explain why governments might opt for softer implementation of the UNGPs in the form of NAPs. It draws several conclusions: (1) governments may emulate the approach to domesticating international regulatory norms that is promoted by international organisations; (2) support from domestic actors motivates norm implementation, and the policy style selected is likely to reflect power constellations in the state and, under consensus-based governance systems, the lowest common denominator of actor preferences; and (3) path dependency following institutional venue selection influences the type of policy developed and adopted. These findings shed new light on the reasons why international policy norms are implemented in ‘softer’ ways than perhaps intended by their architects.

---

This is an open access article under the terms of the [Creative Commons Attribution](https://creativecommons.org/licenses/by/4.0/) License, which permits use, distribution and reproduction in any medium, provided the original work is properly cited.

© 2024 The Author(s). *Scandinavian Political Studies* published by John Wiley & Sons Ltd on behalf of Nordic Political Science Association.

**KEYWORDS**

business and human rights, international norms, public policy, soft law, Swedish politics

---

**INTRODUCTION**

In June 2011, the United Nations (UN) Human Rights Council (UNHRC) endorsed the UN Guiding Principles on Business and Human Rights (UNGPs), a set of global policy standards developed by John Ruggie, then the UN Special Representative of the Secretary-General on human rights and transnational corporations and other business enterprises. The UNGPs are structured around three pillars: the state duty to protect human rights from corporate abuse; the corporate responsibility to respect human rights; and the need for access to effective remedies for affected stakeholders (UNHRC, 2011). The UNGPs establish that states should fulfil their duty through a ‘smart mix’ of measures, including ‘national and international, mandatory and voluntary’ policies (UNHRC, 2011, p. 8). Companies are to conduct ‘human rights due diligence’ (HRDD), which involves adopting a human rights policy, integrating it throughout operations, carrying out impact assessments, and monitoring and reporting on implementation (UNHRC, 2011, 17–20).

The UNGPs can be conceptualised as ‘a soft standard for implementing hard standards’, provided they are not legally binding (‘soft’) and call for a policy mix including both soft and mandatory (‘hard’) measures (Higham, 2020, p. 221). This interface between international soft law and hard domestic law is a complex and evolving area of business and human rights (BHR) research and practice (Deva, 2021). Many actors now advocate mandatory human rights due diligence (MDD) legislation, which is widely understood as the appropriate binding element of domestic BHR policy (Gustafsson et al., 2023). MDD legislation transposes the second pillar of the UNGPs into law by requiring companies to conduct HRDD. The UNGPs do not expressly institutionalise a state duty to legislate MDD, which is not the only possible mandatory aspect of a smart policy mix, although it is the most prominent emerging BHR legal norm (Deva, 2021). It is also not hard law through which most governments have chosen to implement the UNGPs: very few states have MDD legislation.<sup>1</sup> Governments have instead opted primarily for soft public policy strategies in the form of National Action Plans (NAPs), which they often frame as foreign policies. This article aims to explain why governments choose soft policies in the domestication of international norms, even when those norms may explicitly call for harder measures. It specifically aims to explain why governments choose soft, foreign policy approaches to national implementation of the UNGPs by focusing empirically on the adoption of NAPs on BHR and conducting a case study on Sweden.

International relations theory has surprisingly little to say on the relationship between international norms and hard/soft domestication. Scholars have advanced understanding of why and how international norms—‘standard[s] of appropriate behavior for actors with a given identity’ (Finnemore & Sikkink, 1998, p. 887)—diffuse. Previous research also explains why governments make reciprocally binding international human rights commitments (Simmons, 2009). Scholarship on why governments prefer soft over hard international law is also well established. They may regard issues as too sensitive for treaty negotiations or find that softer approaches accommodate heterogeneous preferences (Abbott & Snidal, 2000). These factors explain state reluctance to a binding treaty on BHR (Ruggie, 2013). Previous research addresses national compliance with binding international law (e.g., Jongen, 2021; Simmons, 2009; Tallberg, 2002) and explains why governments implement international soft law generally (Maggetti & Gilardi, 2014), but it does not expressly consider stringency in domestication. Separately, scholars have identified a surprising dearth of research on the design and stringency of regulatory instruments in certain sectors, including in Sweden (Söderholm et al., 2022). Recent research shows that coalitions of actors seek to influence the stringency of BHR legislation (Gustafsson et al., 2023), but it does not fully unpack the decision-making mechanisms that explain the selection of specific policy types—for example, choosing legislation over incentives for voluntary governance. Advancing our knowledge of this phenomenon matters because soft domestic implementation of international norms appears to be less effective than hard implementation (Koutalakis et al., 2010).

Despite their proliferation, NAPs are not a central focus of BHR research. Chalabi (2018) argues that international law may make it incumbent upon states to conduct national human rights action planning, with BHR-specific NAPs being potentially more effective than general plans. Governments, however, may not understand their international legal obligations this way. Legal scholars argue that NAPs are weak political tools with limited effectiveness (Cantú Rivera, 2019). Yet, such analyses lack systematic empirical assessment, which is arguably premature (O’Brien et al., 2022). Empirical research has also not established why those that adopt NAPs initially forewent mandatory measures, and political science perspectives enjoy limited representation in BHR scholarship (Deva et al., 2019). The limited extant political science literature on BHR primarily focuses on regional and national legislation (e.g., Evans, 2020; Gustafsson et al., 2023; Schilling-Vacaflor & Lenschow, 2023; Weihrauch et al., 2023). Earlier research devoted considerable attention to the role of governments, especially in the Nordic states, in promoting corporate social responsibility (CSR), a voluntary form of self-governance, through nonbinding public policy and public-private partnerships, which are often seen as weaker alternatives to traditional regulatory regimes (Bull & Miklian, 2020; Midttun et al., 2012; Schäferhoff et al., 2009). CSR does not invariably include

human rights, and the two fields have increasingly diverged, although BHR is sometimes conflated with CSR in discourse and practice (Ramasastry, 2015; Wettstein, 2021). We thus still know little about why governments chose NAPs instead of MDD legislation—including governments that are ostensibly committed to regulating transnational business conduct and ensuring human rights protection.

In this article, I show that governments have primarily chosen to implement the UNGPs by adopting NAPs. NAPs are soft and were mostly designed as foreign policy instruments, although some are more robust than others. Externally-oriented NAPs may be especially soft, concerned as foreign policy is with managing diplomatic relations and international reputation. Among states with extant NAPs, I select the case of Sweden using the ‘typical’ case selection strategy (Beach & Pedersen, 2018; Seawright & Gerring, 2008), seeking to determine what motivated Sweden's soft, foreign policy approach to implementing the UNGPs. This case selection strategy, which involves choosing a representative case from the population of states with NAPs, and the within-case method of process-tracing enable a degree of generalisation, although as with any single case study, further research is required to test and refine conjectures. From this analysis, I draw several conclusions. First, governments may emulate the approach to domesticating international regulatory norms promoted by international organisations (IOs) as the optimal means of implementation, adopting not only the norm itself, but also the specific policy style that IOs encourage. Second, domestic actors' support for a policy is important for motivating adoption of a norm in some form, and soft approaches may represent the least common denominator among domestic actors with heterogenous preferences on regulatory stringency, precluding harder measures under consensus-oriented decision-making. The policy style selected may also be more likely to reflect the preferences of actors with greater bargaining power. Third, path dependency and the selection of the institutional venue for the policy partially explain what policy style gets adopted in domesticating international norms. This study thus contributes to the literature by offering explanations for why governments opt for soft implementation of international policies that allow for binding or hybrid approaches. This article also brings underrepresented social science perspectives to BHR, addressing an important empirical gap on NAPs and expanding the focus on BHR in Scandinavian public policy studies.

The article proceeds first with an overview of existing NAPs. Next, I discuss methods, explaining the case selection strategy and within-case method of process-tracing. I then discuss the collection of empirical materials, after which I discuss theoretically-informed potential explanatory factors and review the evidence, constructing a narrative of Sweden's NAP process. Finally, I conclude and suggest avenues for future research.

## NATIONAL ACTION PLANS

The UNGPs were the culmination of a decades-long struggle to develop international human rights standards for transnational corporations. These efforts started in the 1970s with a UN initiative to draft a global code of corporate conduct that resulted in gridlock between developing states, which favoured binding rules for corporations, and developed states, which preferred voluntary governance. Negotiations eventually collapsed in the 1980s when the United States and United Kingdom adopted starkly neoliberal policies and came to oppose any kind of international rules, hard or soft (Strange, 2015; Hamdani & Ruffing, 2015). In 2003, a group of UN-appointed experts drafted a binding international instrument that assigned human rights responsibilities directly to corporations. Governments and business universally opposed the text, which was never taken up by the UN Commission on Human Rights (predecessor to UNHRC). Business fiercely opposed having direct human rights obligations under international law, and governments rejected the inclusion of rights they had not recognised and the obfuscation of distinct state and nonstate responsibilities. Ruggie (2013, p. 60) noted that 'even some of the most progressive countries on the subject of human rights, such as Sweden, expressed concern about imposing the broad range of international human rights obligations on companies directly under international law, fearing that this would diminish states' essential roles and duties'. Subsequently, lacking political momentum for binding international law, UNHRC appointed Ruggie to clarify existing standards, and he proceeded to develop the UNGPs.

To promote uptake of the UNGPs after their endorsement, UNHRC appointed a Working Group on BHR. The Working Group advocates NAPs for all governments, and several other IOs have called on or required members and candidates to adopt NAPs (Higham, 2024). The Working Group defines a NAP as an 'evolving policy strategy developed by a State to protect against adverse human rights impacts by business enterprises in conformity with' the UNGPs (UN Working Group on Business and Human Rights, 2016, p. 1). The Working Group states that a NAP should serve to implement the UNGPs, be developed in an inclusive and transparent process, and be regularly reviewed and updated (UN Working Group on Business and Human Rights, 2016). These policies have become the clear preferred instrument for implementing the UNGPs domestically: at the time of writing, 31 states had adopted NAPs (see Table 1), while only three (France, Germany, and Norway) had passed MDD legislation. While they remain primarily endemic to Europe, governments with NAPs include Colombia, Japan, Kenya, Mongolia, Pakistan, South Korea, Thailand, Uganda, and Vietnam.

NAPs could in principle cover a range of incentive- or command-based approaches, but as policy planning instruments, they are essentially soft and do not themselves create obligations. The first wave of NAPs also failed to explore

TABLE 1 States with national action plans as of February 2024.<sup>2</sup>

State	Date NAP adopted	Body/ies that developed the NAP	Body/ies responsible for implementation
<i>United Kingdom</i>	2013-09-04	Foreign & Commonwealth Office	Foreign & Commonwealth Office
<i>Netherlands</i>	2013-12-10	MFA	(Not specified)
<i>Denmark</i>	2014-09-13	MFA <i>and</i> Ministry of Industry, Business and Financial Affairs	Danish Business Authority <i>and</i> Danish International Development Agency <i>and</i> The Trade Council (under the MFA)
<i>Finland</i>	2014-09-17	Ministry of Employment and the Economy	Ministry of Employment and the Economy
<i>Lithuania</i>	2015-02-09	Inter-ministerial committee	Government
<i>Sweden</i>	2015-08-24	MFA	MFA <i>and</i> Ministry of Enterprise and Innovation
<i>Norway</i>	2015-10-12	MFA	MFA
<i>Colombia</i>	2015-12-10	Presidential Advisory Office for Human Rights	Presidential Advisory Office for Human Rights
<i>Switzerland</i>	2016-12-09	Federal Department of Foreign Affairs <i>and</i> Federal Department of Economic Affairs, Education and Research	Federal Council
<i>Italy</i>	2016-12-15	MFA	MFA
<i>United States</i>	2016-12-16	Department of State	Department of State
<i>Germany</i>	2016-12-21	Federal Foreign Office	Federal Foreign Office
<i>France</i>	2017-04-26	Inter-ministerial committee	CNCDH (national human rights institution)
<i>Poland</i>	2017-05-29	MFA	MFA
<i>Belgium</i>	2017-06-23	MFA <i>and</i> Ministry of Environment and Sustainable Development	MFA <i>and</i> Ministry of Environment and Sustainable Development
<i>Spain</i>	2017-06-29	MFA, European Union, and Cooperation	Monitoring commission
<i>Chile</i>	2017-08-21	MFA	MFA
<i>Czech Republic</i>	2017-10-23	MFA <i>and</i> Ministry of Human Rights	Ministry of Human Rights

TABLE 1 (Continued)

State	Date NAP adopted	Body/ies that developed the NAP	Body/ies responsible for implementation
<i>Ireland</i>	2017-11-15	Department of Foreign Affairs and Trade	Department of Foreign Affairs and Trade
<i>Georgia</i>	2018-03-30	Human Rights Secretariat	Human Rights Secretariat
<i>Luxembourg</i>	2018-06-22	MFA	Inter-ministerial Committee on Human Rights
<i>South Korea</i>	2018-08-09	National Human Rights Commission of Korea	State Council
<i>Slovenia</i>	2018-11-08	MFA	MFA
<i>Kenya</i>	2019-06-24	Department of Justice	Department of Justice
<i>Thailand</i>	2019-10-29	Ministry of Justice	Sub-Committee on Driving Forward Human Rights Work in Thailand
<i>Japan</i>	2020-10-16	Inter-ministerial committee	Inter-ministerial committee
<i>Peru</i>	2021-06-10	Ministry of Justice and Human Rights	Ministry of Justice and Human Rights
<i>Uganda</i>	2021-07-31	Ministry of Gender, Labour and Social Development	Ministry of Gender, Labour and Social Development
<i>Pakistan</i>	2021-09-28	Ministry of Human Rights	Ministry of Human Rights
<i>Mongolia</i>	2023-06-14	MFA, supported by working group	(Not specified)
<i>Vietnam</i>	2023-07-14	Ministry of Justice	Ministry of Justice

available regulatory options and ignored mandatory approaches altogether (International Corporate Accountability Roundtable & Danish Institute for Human Rights, 2017), a trend that continued in most subsequent NAPs, which the author reviewed using tools from the Danish Institute for Human Rights (DIHR).<sup>3</sup> Instead, NAPs mostly serve to outline expectations that remain voluntary.

In reviewing their contents, it is also clear that most NAPs are predominantly instruments of foreign policy and concern mostly extraterritorial business impacts. Government entities responsible for foreign affairs are most often tasked with developing—and implementing—NAPs. Table 1 lists states with

NAPs, showing which entities led the process and which were given primary responsibility for overseeing implementation. NAP development was led or co-led by the Ministry of Foreign Affairs (MFA) (or equivalent entity) in 19 of 31 states—a significant majority of 61%. Inter-ministerial committees appointed to guide NAP processes also invariably included MFAs. There is, however, a distinct difference between high-income states and the Global South, where NAPs are almost entirely domestically oriented. Among high-income states, only Finland, Japan, Lithuania, and South Korea had NAPs that were not developed primarily by an MFA—and even Finland focused solely on home companies' overseas impacts (International Corporate Accountability Roundtable & Danish Institute for Human Rights, 2017). MFAs were less likely to be responsible for implementation than development, but 12 of 31 adopters (39%) placed primary responsibility for overseeing implementation of NAPs with MFAs—more than any other type of entity—and three additional states include MFAs in responsible inter-ministerial committees.

That most NAPs are constituted as foreign policies could explain why some scholars view them as largely 'cosmetic' (O'Brien et al., 2022). Foreign policy is rooted in public policy but concerns international representation of the state in pursuit of national interests (Carlsnaes, 2012). It is therefore specifically intended to promote national business interests and enhance the state's reputation. While Western states have approached human rights primarily as a matter of foreign policy since the 1980s (Schmitz & Sikkink, 2012), they have not done so with business regulation.

## METHODS

To explain why governments adopt NAPs instead of harder measures, this article uses process-tracing, a method for identifying causal pathways to build theory using single case studies. Process-tracing helps to determine potential causes and what links those causes to an outcome (Beach & Pedersen, 2013). Given limited previous research on the soft implementation of international regulatory norms, especially on BHR, process-tracing is appropriate as it may yield generalisable findings (Beach & Pedersen, 2013; George & Bennett, 2005).

Process-tracing can be performed such that causal mechanisms are laid out in ordered sequence (Beach & Pedersen, 2018), but it often amounts to an historical narrative in which selecting representative cases renders the narrative analytically appropriate for theory-building (George & Bennett, 2005). Theory-building process-tracing 'is usually an iterative and creative process', and one may forego strict linearity, as causality tends to be complex (Beach & Pedersen, 2013, p. 18). Nonetheless, path dependency is an important force to consider, and researchers should look for branching points that exclude particular outcomes. Following methodological guidance (Beach & Pedersen, 2013; George & Bennett, 2005), I draw on existing literature for



clues as to which pathways were followed, connecting theoretical insights to the empirical record to build an analytical narrative.

Scholars regard the ‘typical case’ selection strategy as the most appropriate approach for process-tracing. One selects typical cases based on representativeness because similar causal forces are likely at play in a bounded population of similar cases (Beach & Pedersen, 2018). Perfect representativeness is elusive, and case selection may weigh legitimate pragmatic considerations of ‘time, money, expertise and access’ (Seawright & Gerring, 2008, p. 295). As with most small-N research, my conclusions should be tested and refined with further research.

I select Sweden as a typical case among the population of extant NAP adopters listed in Table 1. Sweden’s representativeness of this population may be more precisely limited to high-income states, especially the Nordics, but I argue that it meets a reasonable application of the case selection criteria. Sweden’s NAP was designed primarily by its MFA and has a clear international orientation, consistent with most other NAPs.<sup>4</sup> NGOs have described Sweden’s NAP as ‘vague’ and ‘nonregulatory in nature’, also similar to most other NAPs (International Corporate Accountability Roundtable & Danish Institute for Human Rights, 2017). Most NAPs were adopted by EU and OECD member states, which includes Sweden. Like most adopters, Sweden has a relatively small population and market size, and it is a democratic state with a parliamentary system. While often regarded as exceptional for its famously advanced welfare state and high GDP per capita, scholars consider much of this mythologising to be outdated and inaccurate: successive governments have embraced neoliberalism, and Sweden’s contemporary economic policies are close to the European average (Andersson, 2015; Lewin & Lindvall, 2015). No case perfectly represents others, but for reasons presented here, Sweden sufficiently meets the typical case selection criteria and pragmatic considerations, given the author’s access, knowledge, and language skills.

## MATERIALS

The quality and reliability of evidence is critical for effective process-tracing, necessitating multiple independent observations, or triangulation. This can be achieved by conducting interviews with multiple sources representing diverse perspectives and collecting a wide range of other evidence (Beach & Pedersen, 2013). I collected evidence from numerous primary and secondary sources. I conducted semi-structured elite interviews, which provide knowledge for theory development and identification of causal processes (Mosley, 2013). To conduct interviews, I contacted 10 stakeholders involved in developing Sweden’s NAP or generally engaged in developing BHR policy in Sweden, including Sweden’s two largest industry associations (the Confederation of Swedish Enterprise and the Swedish Trade Federation), representatives of five NGOs, a business strategy consultant who participated in NAP consultations

(Interview 1), a sustainability executive who participated in NAP consultations (Interview 2), and Diana Madunic, the former Swedish Ambassador for Sustainable Business, who was responsible for overseeing the NAP process. Response rates were low, however, and only the latter three agreed to be interviewed. I took notes during all interviews, which were conducted in English for ease of transcription. For this publication, I anonymised interviewees, except Madunic who spoke in her capacity as an Ambassador.

I also requested copies of all stakeholder submissions to the NAP consultation process from the Swedish MFA. The Ministry of Foreign Affairs of Sweden, (2015) provided a dossier containing 78 pages of documents in response to my request, including a summary of stakeholder consultations, a copy of the final draft NAP, and written submissions from representatives of nine NGOs, UNICEF Sverige, one think tank, the Swedish Trade Federation, two state-owned enterprises, an advisory firm, four private companies, and two government agencies, including the National Board of Trade. I also observed proceedings at the 2018 and 2019 UN Forum on Business and Human Rights in Geneva and took notes on Swedish representatives' presentations. Additionally, I analysed a wide array of secondary sources, including government documents, NGO reports, newspaper articles, and academic publications. I translated all Swedish-language texts into English and coded materials according to common themes that emerged, compiling them in a preliminary document to construct the narrative.

## CASE STUDY: SWEDEN

The Swedish NAP is largely aspirational, striving towards relatively nebulous goals without prescribing many specific actions to be taken or strategies required for goal attainment (International Corporate Accountability Roundtable & Danish Institute for Human Rights, 2017). The NAP affirms support for the UNGPs and states that it is the government's 'clear expectation that companies operating in Sweden or abroad respect human rights in all their activities' (Government Offices of Sweden, 2015, p. 13). The document, however, has a clear international orientation. The NAP's largest contribution is to summarise existing legislation, most of which does not directly regulate business—and none of which requires HRDD, except for the EU Non-Financial Reporting Directive and a vague requirement for state-owned enterprises to demonstrate attempted compliance with the UNGPs. Measures introduced by the NAP mostly relate to foreign policy and diplomacy, including: enhancing human rights training at embassies; urging foreign governments to adopt NAPs; adapting the MFA's human rights reports for corporate use; ensuring that the EU includes references to the UNGPs in trade agreements; strengthening BHR policies at EU level and encouraging EU-wide adoption of NAPs; and promoting the OECD Guidelines for Multinational Enterprises

(which incorporate the UNGPs) in non-member states (Government Offices of Sweden, 2015).

In 2014, a centre-right government decided to develop a NAP and tasked the MFA with overseeing and coordinating the process shortly before a September general election, after which a centre-left government took power. That government also supported the NAP, which was largely completed between April and August 2015. The government established an inter-ministerial working group for the process in which the MFA had overall responsibility. Ambassador Madunic led the process. She convened four stakeholder consultations across Sweden and received written submissions from various stakeholders that informed the plan's substantive content (Madunic, 2019). The government adopted the NAP in August 2015. Although signed by the Minister for Enterprise and Innovation, the MFA remained responsible for implementation and follow-up.

### Domestic explanations

The Swedish government decided both to implement the UNGPs and to do so in a soft manner. The former could be explained simply by the fact that the government valued the contents of the UNGPs. Simmons (2009) showed that one of the most powerful explanations for human rights treaty ratification is a genuine belief in the treaty's contents. Governments are quick to make international human rights commitments if they have compatible laws and policies already in place—for example, those with histories of democratic governance. Although the UNGPs are not a treaty, and NAP adoption is not identical to ratification, scholars suggest this logic of 'sincere' commitment could explain adoption of NAPs (De Felice & Graf, 2015). Genuine concern with protecting human rights in business contexts could therefore explain Sweden's decision to implement the UNGPs at least in some way.

Governments also adopt new international human rights norms because of domestic preferences and the efforts of pressure groups that shape those preferences (Kollman, 2007). Such norm promoters and entrepreneurs are especially important in earlier stages of diffusion (Finnemore & Sikkink, 1998). These actors can be at the domestic or international/transnational level. Coalitions of domestic civil society and IOs should be especially likely to empower international norms domestically (Checkel, 1997), and preferences derived from influential domestic actors, including civil society and business, influence the government's international commitments (Moravcsik, 1997). One should therefore expect to find evidence of actors' promotion of the UNGPs and BHR norms generally, and potentially softer approaches specifically, including evidence of NGO and industry support for having a NAP. One could inversely expect to find evidence of opposition to binding legislation.

Sweden has indeed supported human rights, including in a business context, through policies that were in place prior to its NAP. Sweden has ratified both

covenants in the International Bill of Human Rights and all International Labour Organization core conventions, to which the UNGPs point as the minimum list of relevant human rights for businesses to consider. Sweden also demonstrates a commitment to human rights in practice, with authoritative sources reporting comparatively strong performance.<sup>5</sup> Sweden has had public policies on CSR since at least 2002, including incentives to strengthen corporate respect for human rights (Midttun et al., 2012). One might thus infer sincerity in Swedish support for the UNGPs.

It is less obvious why governments opt specifically for soft domestication of the UNGPs, especially if they are sincerely committed to protecting human rights and would face lower adjustment costs from harder regulation. Sweden adopted a NAP earlier than most other states, when diffusion of a particular policy style may not have been under way, suggesting that its soft approach was likely an active decision, not merely mimicry of peers. Soft implementation could facilitate speedier adoption of a policy solution to a problem. The Swedish government, however, generally engages in a comparatively lengthy and inclusive stakeholder consultation process, even for developing softer policies and strategy documents (Lundberg & Hysing, 2016). The NAP may have been adopted with some haste, but it did not necessarily take longer than legislation might have done. Softer policies, including NAPs, can also facilitate experimentation as part of an iterative process that precedes binding rules (O'Brien et al., 2022). If Sweden feared negative externalities from unilateral adoption of MDD legislation, a NAP could have been a means of signalling its preference for BHR regulation without exposing Swedish firms to significant competitive disadvantages. I find, however, no evidence that the government was even considering MDD legislation in 2014–2015.

A broad coalition of domestic actors supported adopting a NAP in Sweden, but preferences diverged on additional binding measures. One participant in NAP consultations recounted that the Confederation of Swedish Enterprise 'said a firm no' to binding regulation at consultations in 2015 and was otherwise disengaged from, but supportive of, the NAP process (Interview 1). The Confederation did not submit written comments to the NAP consultation (Ministry of Foreign Affairs of Sweden, 2015). Searches of the Confederation's web archives and Swedish media yield no evidence of its position on HRDD regulation when the NAP was being developed.<sup>6</sup> There is, however, evidence that the Confederation strongly opposed the expansive approach Sweden took to implementing the EU Non-Financial Reporting Directive, which required companies to report on human rights, around the same time (Alestig, 2015). Specifically, the Confederation opposed the stringency and scope of regulation, not the human rights content itself (Svenskt Näringsliv, 2015). The Confederation's opposition to expanding and mandating human rights reporting rules strengthens the credence of claims that it strongly opposed expanding mandated HRDD practices. The Confederation vocally opposed EU-level MDD

legislation more recently, further affirming its resistance to binding legislation (Berggren, 2022; Guthrie, 2023). The Swedish Trade Federation did issue a written submission on the NAP process, indicating support for the NAP while taking no position on legislation, only asking the government to clarify expectations. Similarly to the Confederation, there is no direct evidence of the Trade Federation's stance on this question at the time.<sup>7</sup>

Overall, large Swedish companies individually supported the NAP process, and the empirical record suggests they were reluctant, but not necessarily hostile, to binding legislation. In written submissions, LKAB supported the NAP and called for clarity on HRDD expectations. Vattenfall's submission supported adopting a NAP without referring to binding legislation. Electrolux and Atlas Copco expressed support for the NAP in their submissions and cautioned that any binding regulations should be 'reasonable' (Ministry of Foreign Affairs of Sweden, 2015). Such statements suggest that many Swedish companies were open to some form of hard law. One executive confirmed that their company had been open to the idea of MDD legislation but had not specifically advocated for it, feeling that such legislation would probably have to come from the EU. In consultations, they 'generally stated that having frameworks pushing companies to fulfil human rights obligations is helpful, as long as they are not too detailed and complicated for small and medium enterprises' (Interview 2). Thus, at least some larger companies did not completely oppose hard implementation of the UNGPs, while also not explicitly endorsing it as they did the NAP. There is, however, evidence that some of these same companies opposed more targeted efforts at rendering aspects of HRDD mandatory in Swedish law. For example, mining executives argue, paradoxically, that mandating respect for the rights of Indigenous Peoples is superfluous in a Swedish context but nonetheless threatens the industry's existence (Lawrence & Moritz, 2019). Other research suggests that larger land users, including forestry companies, could oppose legislation that requires business respect for Indigenous Peoples' rights (Tarras-Wahlberg & Southalan, 2022). Many large Swedish companies, however, eventually came to explicitly and publicly support MDD legislation, both domestically and at EU level (Business and Human Rights Resource Centre, 2020; Business and Human Rights Resource Centre, 2023). This evidence suggests that companies do not necessarily or invariably object to mandatory measures; yet, few Swedish companies explicitly supported MDD when the NAP was developed. It is also difficult to weigh the influence of individual companies against that of organisations like the Confederation of Swedish Enterprise, which was apparently more firmly opposed to legislation. The softer NAP, however, had broad business support in 2015.

Civil society organisations also supported Swedish implementation of the UNGPs. They supported the NAP but tended to favour additional, more stringent approaches. NGOs described the NAP as vague for failing to outline

more specific regulatory measures and focusing on incentive-based policies (International Corporate Accountability Roundtable & Danish Institute for Human Rights, 2017). Critiques of the absence of an overall logic to the NAP appear frequently in stakeholder submissions, and five NGOs expressly called for a government commitment to binding extraterritorial regulation (Ministry of Foreign Affairs of Sweden, 2015). Madunic (2019) confirmed that NGOs were disappointed that MDD was not included in the NAP, which she called the ‘most controversial’ issue because NGOs felt the NAP did not go far enough, while business thought it went too far. There is less evidence on the position of trade unions, which are highly influential in Swedish politics, but the President of the Swedish Trade Union Confederation (LO) wrote a joint opinion article with the Minister for Enterprise and Innovation in February 2015, endorsing the NAP process and linking it squarely with promoting Swedish exports (Damberg & Thorwaldsson, 2015). This evidence suggests that LO also favoured a soft, business-friendly instrument and did not prioritise binding regulation.

Swedish policymaking is generally characterised by consensus, and policies tend to reflect support from broad stakeholder coalitions. The government has traditionally provided a framework for stakeholder decision-making and consensus-based governance, with policies designed in consultation with business, civil society, and organised labour (Pettersson, 2015). One could therefore expect Swedish public policy to reflect a maximum degree of societal consensus, and in this case, a softer, externally-oriented NAP appears to have been the ‘lowest common denominator’ option. At the same time, policy outcomes may still be more likely to reflect the preferences of actors with greater bargaining power. Swedish corporatism has gradually given way to lobbyism, giving certain actors more influence over policy outcomes. The Confederation of Swedish Enterprise especially rejects corporatist decision-making, regarding it as unhelpful to securing business interests (Lindvall & Sebring, 2005). Moreover, Swedish regulation is often developed through cooperative arrangements between companies and regulators (Bergquist et al., 2013; Söderholm et al., 2022). In some sectors, the state almost systematically privileges business interests above socio-economic factors, including human rights (Raitio et al., 2020). Such a close relationship between business and government can motivate and enable companies to seek influence in subtler ways, including by expressing reservations about regulation without announcing outright opposition (Nissen, 2021a). Swedish policy outcomes may therefore reflect domestic power constellations and be limited by the structural power of business.

In this case, business opposition to legislation appears to have been a constraining factor under consensus conditions, but not necessarily an overriding explanation for soft norm implementation. Although lobbyism and other strategies are important influences on Swedish policymaking,

consultations are still widely used, and strong norms around consensus-based decision-making remain (Lundberg & Hysing, 2016). While private actors opposed to hard domestication of the UNGPs possibly exerted subtler influence that escapes the available empirical record, it is also the case that the Confederation of Swedish Enterprise does not invariably prevail—for example, in its opposition to expansive implementation of the Non-Financial Reporting Directive.<sup>8</sup> Some scholars suggest that corporate power and treatment of BHR as a CSR issue hinders passage of MDD legislation (Wettstein, 2021), but there is only limited evidence for this explanation in the Swedish case. A soft approach to implementing the UNGPs could partially be explained by corporate power and influence, especially through the Confederation, but the NAP was also a lowest common denominator among stakeholders and had broad support.

### International explanations

New or candidate norms such as the UNGPs may also be adopted because proponents use supranational platforms, such as IOs, to encourage uptake. Norm entrepreneurs rely on networks of IOs and NGOs to persuade governments to adopt new norms and policies (Finnemore & Sikkink, 1998). Governments adopt policies to address issues that IOs raise as morally urgent and politically salient; even in early stages of norm diffusion, governments ‘emulate’ novel policies that IOs promote (Thisted & Thisted, 2020). One could therefore expect to find IO promotion of BHR norms influencing Swedish decision-making, especially promotion of NAPs as the optimal policy type.

Sweden is a strong supporter of multilateralism, indicating it should take IO guidance seriously. Sweden's approach to international cooperation for most of the past century was based on ‘social democratic internationalism’ that tends towards a positive view of international institutions (Bergman Rosamund, 2015). Sweden is a member of numerous IOs that promote BHR policy. The UN Working Group on Business and Human Rights, (2016) has primarily emphasised NAPs as the instrument for states to implement the UNGPs. In 2011, the European Commission issued a communication on CSR that ‘Invites EU Member States to develop... national plans for the implementation of the [UNGPs]’ (European Commission, 2011, p. 14). The Council of Europe also called on member states to ‘develop national action plans on the implementation of the UN Guiding Principles’ in a 2014 Declaration (Committee of Ministers, 2014).

These communications came at a time when the incumbent Swedish government was strongly committed to European integration. Sweden was also campaigning for a seat on the UN Security Council during the time of the NAP process and was keen to show its alignment with UN initiatives and values (Ekengren & Möller, 2021). Indeed, the Swedish NAP states that it was

developed in response to the European Commission's recommendations (Government Offices of Sweden, 2015). Madunic (2019) further confirmed that the Commission's promotion of the UNGPs and its call for members to adopt NAPs was an 'essential element' that 'created pressure' on the government to develop a NAP. Madunic (2019) stated that the government also wanted to produce a NAP to be 'consistent with its public enthusiasm' for the UNGPs within the UN system. Notably, Sweden was one of only two states that responded to a UN Working Group call for input with a request for advice and recommendations on developing national BHR policies (Aaronson & Higham, 2015). Thus, Sweden actively sought advice from IOs on how to address BHR challenges and ultimately came to emulate the specific policy style that IOs advocated for implementation.

Sweden's desire for alignment with IO expectations and direct adoption of IO recommendations suggests the influence of international reputation concerns. International socialisation, driven by the core mechanism of social influence, hinges on 'the desire to maximize status, honor, prestige – diffuse reputation or image' (Johnston, 2001, p. 500). Governments may adopt novel human rights norms specifically to burnish their international reputations and encourage adoptions of similar policies elsewhere (Kollman, 2017). Governments may also make human rights commitments because they value the immediate accompanying reputational gains regardless of their actual preferences (Simmons, 2009). It is conceivable, then, that Sweden adopted a softer NAP to improve or sustain its international reputation as a human rights leader without significant consideration of the policy's content or to reap diplomatic rewards without imposing significant new costs on business. It follows logically that the NAP was developed as foreign policy, which concerns maintaining the national brand and protecting national interests.

The NAP indicates such considerations. It states: 'A clear Swedish profile in this area [BHR] can contribute to strengthening Sweden as a brand. ... The action plan is also an important part of the Government's heightened ambitions for foreign trade, through the export strategy, CSR, and other areas' (Government Offices of Sweden, 2015). As noted, both the government and certain key stakeholders viewed the NAP process as primarily concerning export promotion (Damberg & Thorwaldsson, 2015). In developing the NAP, Sweden was apparently concerned largely with reputation enhancement to improve international economic cooperation. Furthermore, the sustainable business ambassadorship and policy portfolio are housed in the MFA's Department for Trade Promotion, Nation Branding, and CSR – *not* the Department for International Law, Human Rights, and Treaty Law, nor any other entity responsible for either business regulation or human rights protection (Government Offices of Sweden, 2020). The NAP was thus expressly an exercise in nation branding, which concerns managing the image and reputation that a state enjoys internationally and is strongly associated with enhancing the competitiveness of national corporations and attracting international capital (Aronczyk, 2013). Nordic governments regularly link nation branding and corporate sustainability



policy (Frig & Sorsa, 2020). Sweden's Department for Trade Promotion, Nation Branding, and CSR oversees a brand management strategy that strives to portray Sweden as a champion of human rights and environmental sustainability (Ministry of Foreign Affairs of Sweden, 2017). Sweden has long self-identified as an international human rights champion and strategically adopts foreign policies that bolster this image (Bergman Rosamond, 2015). Importantly, companies may adopt human rights policies in symbiosis with such national identities, arguably forestalling more stringent regulation (Nissen, 2021b). As such, business influence on the policy process and national brand management may have interacted to motivate soft implementation of the UNGPs.

IO promotion and nation branding were not the only international concerns driving NAP adoption in Sweden. When governments commit to novel human rights norms based on reputation concerns, they may link this commitment to diplomatic promotion of the policy (Kollman, 2017). Madunic (2019) stated that triggering NAP adoptions abroad was a core motivation, which is in part why Sweden adopted a NAP in relative haste. The government did not wait to complete a baseline study of existing legislation, as civil society wanted: 'We were more eager to do a NAP. We thought it was important as a signal... [for] both encouraging other countries to do a NAP, giving advice and support, consulting, and explaining how we did it. We think it is important that other countries have NAPs. ...So, one part [of why we adopted the NAP] is encouraging other countries' (Madunic, 2019). Madunic indicated that the content and stringency of Swedish BHR policy was considered insignificant:

I felt strongly that there was so much focus on... the text of the NAP. My opinion was that that was the wrong focus. I was trying to say it doesn't actually matter if we write a NAP that is 10 pages or 82 pages long. This NAP as such is not going to change anything in reality. Some NGOs were saying we should do it this way or that way. But I was saying this NAP won't make a difference. ...NGOs should talk to companies, not talk to government... It's an expectation from the government, not legally binding (Madunic, 2019).

Madunic indicates here that the NAP was intended not to be regulatory, but to convey expectations more apposite to the realm of foreign policy. It was designed as a signalling device to other governments, which should presumably consider regulation.

## **Path dependency**

Finally, these insights point to path dependency, which as noted is an essential consideration in process-tracing (Beach & Pedersen, 2013; George & Bennett, 2005). The NAP was positioned as CSR policy, and the government

delegated responsibility to entities focused on CSR and nation branding. The NAP states that BHR ‘must be part of an active corporate social responsibility policy’, thereby framing itself as a policy for voluntary governance (Government Offices of Sweden, 2015). IOs that Sweden emulated also framed NAPs as CSR policies, as evidenced by the European Commission's communication on CSR calling for NAPs and by an EU Regulation that emphasised CSR ‘in particular through the implementation of’ the UNGPs (Regulation [EU] No 235/2014, Art. 2b, 2014). This framing necessarily rendered the NAP a soft foreign policy instrument: the Swedish government made clear with the 2002 inception of its CSR policy that CSR is voluntary, under the exclusive purview of foreign affairs, and solely concerns business operations in developing countries (Gjølberg, 2010; Midttun et al., 2012). By delegating leadership of the NAP process to the MFA Department dealing with CSR and nation branding instead of an entity responsible for law or regulation, the government linked implementation of the UNGPs squarely to internationalist voluntarism, ensuring it would not result in legally binding measures. Policies tend to reflect the consequences of earlier institutional choices (Beach & Pedersen, 2013), and venue selection for the NAP process essentially precluded ‘harder’ options.

Path-dependency also makes it more challenging for external stakeholders to alter preconceived consensus on foreign policymaking (Beach & Pedersen, 2013). Civil society organisations pressed the government for a more regulatory approach that included clarity on domestic BHR issues and criticised the heavily external focus of the NAP. Amnesty International, Church of Sweden, Swedwatch, LKAB, and Vattenfall all also stated the NAP should clarify expectations on domestic issues, especially concerning Indigenous Peoples and migrant workers (Ministry of Foreign Affairs of Sweden, 2015). These demands may have been futile, as the Department for Trade Promotion, Nation Branding, and CSR is not a regulatory body and is necessarily unconcerned with addressing such domestic challenges. Business may have reinforced the government's treatment of BHR as voluntary. In submissions to NAP consultations, Electrolux and Atlas Copco framed BHR as a foreign affairs issue concerning exports and ‘complex markets’ (Ministry of Foreign Affairs of Sweden, 2015). This sentiment is implicit in mining companies' claims that BHR policy is superfluous in Sweden (Lawrence & Moritz, 2019). One executive, however, stated that while their company supported the NAP without taking a position on legislation, they had expressed concern to the government that the NAP ignored domestic issues and specifically failed to address Sámi communities affected by extractive industries (Interview 2). Regardless, early institutional choices may have anyway foreclosed such alternatives.

Subsequent events affirm the influence of path dependency. In 2018, the Swedish Agency for Public Management conducted a gap analysis of compliance with the UNGPs, concluding that the government should

investigate possibilities to impose legal requirements for Swedish companies to conduct HRDD (Statskontoret, 2018). These recommendations were never followed. Madunic's successor, Jakob Kiefer, stated at the 2018 UN Forum on Business and Human Rights: 'For us, it seems we have put a lot of requests on companies, and we want to see how sustainability reporting plays out. We want to give it a little more time' (Kiefer, 2018). The statement indicates that the government scarcely considered legislation, instead prioritising experimentalist voluntarism developed largely by the MFA. It also suggests that business opposition influenced early decisions on how to implement the UNGPs. In a speech at the 2019 Forum, Sweden's then Minister for Foreign Trade neglected to include MDD in a list of Swedish policy priorities on BHR (Hallberg, 2019), although she subsequently endorsed EU-level MDD legislation in 2021 (Halkjaer, 2021). In 2022, however, a centre-right government, comprised of most of the parties in the coalition that initially launched the NAP process, returned to power and opposed EU MDD legislation, becoming one of the only holdouts until support from many companies led the government to withdraw its opposition (Vervynckt, 2024).

## CONCLUSION

Several factors explain why Sweden opted for soft instead of hard implementation of the UNGPs. Multiple IOs promoted national implementation of the UNGPs specifically in the form of policy plans. Sweden values multilateralism and is socialised into accepting norms that IOs promote, especially during a particularly pronounced period of pursuing alignment with UN and EU initiatives. Sweden thus domesticated the norm by emulating the specific policy style that IOs promoted. Domestic actors also influenced this decision-making. Both civil society groups and industry pushed the Swedish government to implement the UNGPs. A soft, overseas-focused NAP, however, was the lowest common denominator of these actors' policy preferences. Business overwhelmingly appears to have supported the NAP. The particularly influential Confederation of Swedish Enterprise opposed binding legislation, while most other business actors were agnostic or reluctant, but at any rate did not actively champion legislation. Civil society supported the NAP and advocated additional binding instruments. Actors who opposed hard law possibly held more bargaining power or subverted regulation in subtler ways or closed-door contexts, leading to a policy that reflects their preferences. But under persistent consensus norms in Swedish policymaking, their opposition may have been a constraining factor leading the government to pursue only an instrument with sufficiently broad support. Path dependency is also an important explanation for Sweden's soft implementation of the UNGPs. Once the government decided to develop a NAP, inertia in the policy process superseded concerns over content. Responsibility for the process was delegated

to a body focused on nation branding and voluntarism. Institutional venue selection largely foreclosed realistic pathways to other policy designs. Thus, the NAP was designed as a tool to promote voluntary self-regulation and Brand Sweden, and to encourage other states to take responsibility for BHR.

From these findings, I suggest several general conclusions. Support from domestic actors is an important element in explaining adoption of not only new international norms, but also the particular policy style adopted. Consensus-based governance may blunt calls for stringency, even when governments are committed to an issue. Policy outcomes may also reflect the most powerful actors' preferences. Institutional choices early in the policy process also affect the style of regulation that the government chooses, and it can be difficult for actors to overcome the inertia of institutional venue selection, particularly absent broad societal consensus for alternative courses of action. Finally, governments may emulate not only IOs' calls for public policy in a particular area—they may pursue the specific style of policy that IOs promote.

This case study cannot perfectly represent every state, nor policies in every domain, and further research is needed. That said, a cursory review of other Scandinavian NAP processes strengthens the plausibility of these conjectures. The Danish NAP, for example, is a soft policy instrument with a hybrid domestic and international orientation. The Danish Ministry of Business and Growth shared responsibility for developing the NAP with the MFA. It focused heavily on recommendations from the Danish Council for CSR, which includes representation from NGOs, trade unions, businesses, and financial institutions (Danish Institute for Human Rights, 2024a). Danish CSR policy has long included both a national and international focus, which differs from the other Scandinavian countries (Gjølberg, 2010; Midttun et al., 2012). The NAP thus reflects its institutional architecture, suggesting policy continuity and path dependency. The NAP could also reflect the lowest-common-denominator of softness resulting from a need for consensus among stakeholder groups represented on the Council. Norwegian CSR policies have long had a strong international orientation (Gjølberg, 2010; Midttun et al., 2012), and Norway's NAP was developed fully under MFA leadership. It is unsurprisingly a soft instrument, primarily linked to foreign policy (Danish Institute for Human Rights, 2024b), suggesting potentially similar path dependencies. While Norway later passed MDD legislation in 2022, this was the result of an entirely distinct process in which parliament pressured the government to launch a committee to investigate binding legislation (Business and Human Rights Resource Centre, 2022).

Further testing conjectures from this study in a least-likely case would help to affirm broader generalisability, and more research is needed to refine expectations and examine the unique factors that lead to varying degrees of stringency in norm implementation. Future empirical BHR research should also consider more complex questions of NAP effectiveness. If, for example, NAPs

are largely designed to enhance national brands, we should not expect them to have strong effects on human rights protection. It is also worth studying whether and under what conditions NAPs may precipitate binding legislation. If they ‘harden’ over time or trigger subsequent developments, NAPs could potentially have more significant consequences for corporate value chains than conventionally expected.

## ACKNOWLEDGEMENTS

The author thanks Mark Rhinard, Thomas Sommerer, and Jonas Tallberg for extensive feedback on the research project to which this article relates, as well as participants at an ECPR General Conference panel in 2021 and the editors and anonymous reviewers of this journal for helpful comments and suggestions. The author also thanks interview participants for generously lending their time to the project and Joachim Bergström for helping to secure interviews. The author acknowledges support from the Grantham Foundation for the Protection of the Environment. Part of this research was funded by a NordForsk grant for the Nordic Centre of Excellence for Security Technologies and Societal Values (2014–19) when the author was based at Stockholm University.

## CONFLICT OF INTEREST STATEMENT

The author declares none.

## ORCID

Ian Higham  <https://orcid.org/0000-0003-1427-6940>

## ENDNOTES

- <sup>1</sup> At the time of writing, only France, Germany, and Norway had passed comprehensive human rights and environmental MDD legislation; other states have MDD laws with a narrow issue or sectoral scope. See ‘National & Regional Developments on mHRDD’, Business and Human Rights Resource Centre, available at <https://www.business-humanrights.org/en/big-issues/mandatory-due-diligence/national-regional-developments-on-mhrdd/>, accessed 24 February 2024. The EU passed the Corporate Sustainability Due Diligence Directive on 24 May 2024, after this research was completed, which will eventually require Member States to implement a form of MDD legislation.
- <sup>2</sup> The Danish Institute for Human Rights maintains a website on NAPs at <https://www.globalnaps.org>, accessed 2 February 2020 and 24 February 2024.
- <sup>3</sup> The website cited in the previous endnote has functions to search all NAPs by common themes.
- <sup>4</sup> Unlike most NAPs from the Global North, Sweden's NAP states that it covers domestic operations; however, substantially all included measures concern overseas issues.
- <sup>5</sup> The author reviewed annual human rights reports from 2010 to 2015 from the United States Department of State (<https://2009-2017.state.gov/j/drl/rls/hrrpt/index.htm>, accessed July 30, 2021), Human Rights Watch (<https://www.hrw.org/previous-world-reports>, accessed July 30, 2021), and Amnesty International (<https://www.amnesty.org/en/annual-report-archive/>, accessed July 30, 2021).

- <sup>6</sup> The author conducted a search of the Confederation's website, <http://www.svensktnaringsliv.se>, on 20 January 2020 and a Google news search covering the period 2014–2015 on 20 March 2024.
- <sup>7</sup> The author conducted a search of the Federation's website, <http://www.svenskhandel.se>, on 20 January 2020 and a Google news search covering the period 2014–2015 on 20 March 2024.
- <sup>8</sup> The scope of the Directive was tightened when transposed into Swedish law, for example, by setting a threshold of 250 employees instead of 500. See 'Sustainability reporting', Finansinspektionen, <https://www.fi.se/en/sustainability/sustainability-regulations/sustainability-reporting/>, accessed 2 June 2024.

## REFERENCES

- Aaronson, S. A., & Higham, I. (2015). Putting the blame on governments: Why firms and governments have failed to advance the guiding principles on business and human rights. In K. Mills, & D. J. Karp (Eds.), *Human rights protection in global politics: Responsibilities of states and non-state actors* (pp. 113–136). Palgrave Macmillan.
- Abbott, K. W., & Snidal, D. (2000). Hard and soft law in international governance. *International Organization*, 54(3), 421–456.
- Alestig, P. (2015). *Svenskt Näringsliv rasar mot regeringens hållbarhetslag*. *Svenska Dagbladet* (28 April), <https://www.svd.se/a/a7491ea0-937d-37c2-873b-3011e4d137bd/svenskt-naringsliv-rasar-mot-regeringens-hallbarhetslag>.
- Andersson, J. (2015). A model of welfare capitalism? Perspectives on the Swedish model, then and now. In J. Pierre (Ed.), *The Oxford handbook of Swedish politics*. Oxford University Press.
- Aronczyk, M. (2013). *Branding the nation: The global business of national identity*. Oxford University Press.
- Beach, D., & Pedersen, R. B. (2013). *Process tracing methods: Foundations and guidelines*. University of Michigan Press.
- Beach, D., & Pedersen, R. B. (2018). Selecting appropriate cases when tracing causal mechanisms. *Sociological Methods & Research*, 47(4), 837–871.
- Berggren, J. (2022). *Regelförslag för hållbarhetsarbete oroar*. *Svenskt Näringsliv* (24 February). <https://www.svensktnaringsliv.se/sakomraden/eu/regelforslag-for-hallbarhetsarbete-oroar-1181900.html>.
- Bergman Rosamond, A. (2015). Swedish internationalism and development aid. In J. Pierre (Ed.), *The Oxford handbook of Swedish politics*. Oxford University Press.
- Bergquist, A. K., Söderholm, K., Kinneryd, H., Lindmark, M., & Söderholm, P. (2013). Command-and-control revisited: Environmental compliance and technological change in Swedish industry 1970–1990. *Ecological Economics*, 85, 6–19.
- Bull, B., & Miklian, J. (2020). Towards global business engagement with development goals? Multilateral institutions and the SDGs in a changing global capitalism. *Business and Politics*, 21(SI4), 445–463.
- Business and Human Rights Resource Centre. (2020). *Swedish mandatory due diligence campaign launched, with support from 42 companies* (29 September). <https://www.business-humanrights.org/en/latest-news/swedish-mandatory-due-diligence-campaign-launched-with-support-from-42-companies/>.
- Business and Human Rights Resource Centre. (2022). *The Transparency Act* (15 June). <https://www.business-humanrights.org/en/latest-news/norwegian-govt-appoints-ethics-information-committee/>.
- Business and Human Rights Resource Centre. (2023). *EU: Swedish companies incl. Ericsson, IKEA & Volvo call on Swedish Govt. to support CSDDD in line with international frameworks* (16 October). <https://www.business-humanrights.org/en/latest-news/eu-swedish-companies-incl-ericsson-ikea-volvo-call-on-swedish-govt-to-support-csddd-in-line-with-international-frameworks/>.

- Cantú Rivera, H. (2019). National action plans on business and human rights: Progress or Mirage? *Business and Human Rights Journal*, 4(2), 213–237.
- Carlsnaes, W. (2012). Foreign policy. In W. Carlsnaes, T. Risse, & B. A. Simmons (Eds.), *Handbook of international relations* (pp. 298–325). SAGE Publications.
- Chalabi, A. (2018). *National human rights action planning*. Oxford University Press.
- Checkel, J. T. (1997). International norms and domestic politics: Bridging the realist-constructivist divide. *European Journal of International Relations*, 3(4), 473–495.
- Committee of Ministers (2014). *Declaration of the Committee of Ministers on the UN Guiding Principles on business and human rights. Council of Europe (16 April), 1197<sup>th</sup> meeting of the Ministers' Deputies*.
- Damberg, M., & Thorwaldsson, K. P. (2015) *Svensk handel ska vara fri och rättvis. Aftonbladet (20 February)*. <https://www.aftonbladet.se/debatt/a/A2xoy3/svensk-handel-ska-vara-fri-och-rattvis>.
- Danish Institute for Human Rights (2024a). *Denmark*. <https://globalnaps.org/country/denmark>.
- Danish Institute for Human Rights (2024b). *Norway*. <https://globalnaps.org/country/norway>.
- Deva, S. (2021). The UN guiding principles' orbit and other regulatory regimes in the business and human rights universe: Managing the interface. *Business and Human Rights Journal*, 6(2), 336–351.
- Deva, S., Ramasastry, A., Wettstein, F., & Santoro, M. (2019). Editorial: Business and human rights scholarship: past trends and future directions. *Business and Human Rights Journal*, 4(2), 201–212.
- Ekengren, A. M., & Möller, U. (2021). Campaigning for the prize: The quests by Sweden and the Kingdom of the Netherlands for Security Council Membership, 2017–2018. *The Hague Journal of Diplomacy*, 16, 27–52.
- European Commission (2011). *A renewed EU strategy 2011–14 for Corporate Social Responsibility. COM(2011)681*.
- Evans, A. (2020). Overcoming the global despondency trap: Strengthening corporate accountability in supply chains. *Review of International Political Economy*, 27(3), 658–685.
- De Felice, D., & Graf, A. (2015). The potential of national action plans to implement human rights norms: An early assessment with respect to the UN guiding principles on business and human rights. *Journal of Human Rights Practice*, 7(1), 40–71.
- Finnemore, M., & Sikkink, K. (1998). International norm dynamics and political change. *International Organization*, 52(4), 887–917.
- Frig, M., & Sorsa, V. (2020). Nation branding as sustainability governance: A comparative case analysis. *Business & Society*, 59(6), 1151–1180.
- George, A. L., & Bennett, A. (2005). *Case studies and theory development in the social sciences*. MIT Press.
- Gjølberg, M. (2010). Varieties of corporate social responsibility (CSR): CSR meetings the ‘Nordic Model’. *Regulation & Governance*, 4(2), 203–229.
- Government Offices of Sweden (2015). *Action plan for business and human rights*. <https://globalnaps.org/wp-content/uploads/2017/10/NAP-Sweeden.pdf>.
- Government Offices of Sweden (2020). Organisation of the foreign service. <https://www.government.se/government-of-sweden/ministry-for-foreign-affairs/organisation>.
- Gustafsson, M., Schilling-Vacaflor, A., & Lenschow, A. (2023). Foreign corporate accountability: The contested institutionalization of mandatory due diligence in France and Germany. *Regulation & Governance*, 17(4), 891–908.
- Guthrie, A. R. (2023). *Nya rättsliga krav på ansvar i företags värdekedjor. Svenskt Näringsliv (8 May)*. [https://www.svensktnaringsliv.se/sakomraden/eu/nya-rattsliga-krav-pa-ansvar-i-foretags-vardekedjor\\_1199213.html](https://www.svensktnaringsliv.se/sakomraden/eu/nya-rattsliga-krav-pa-ansvar-i-foretags-vardekedjor_1199213.html).
- Halkjaer, E. (2021). *Sanktioner möjligt verktyg mot företag som bryter mot mänskliga rättigheter. OmVärlden (23 February)*. <https://www.omvarlden.se/nyheter/sanktioner-mojligt-verktyg-mot-foretag-som-bryter-mot-manskliga-rattigheter>.

- Hallberg, A. (2019). *Stepping up government leadership: from commitments to action. Opening plenary. UN Forum on Business and Human Rights (25 November)*.
- Hamdani, K., & Ruffing, L. (2015). *United nations centre on transnational corporations: Corporate conduct and the public interest*. Routledge.
- Higham, I. (2024). 'Conditionality in international organization accession processes: Spreading business and human rights norms in Central and Eastern Europe?'. *Business and Human Rights Journal*, 9, 54–76.
- Higham, I. (2020). UN guiding principles on business and human rights. In O. E. Olsen, K. Juhl, P. H. Lindøe, & O. E. Engen (Eds.), *Standardization and Risk Governance* (pp. 217–234). Routledge.
- International Corporate Accountability Roundtable, & Danish Institute for Human Rights. (2017). *Assessments of Existing National Action Plans (NAPS) on Business and Human Rights*, <https://icar.ngo/wp-content/uploads/2021/04/NAP-Assessment-Aug-2017-FINAL.pdf>.
- Johnston, A. I. (2001). Treating international institutions as social environments. *International Studies Quarterly*, 45(4), 487–515.
- Jongen, H. (2021). Peer review and compliance with international anti-corruption norms: Insights from the OECD Working Group on Bribery. *Review of International Studies*, 47(3), 331–352.
- Keifer, J. (2018). *Are states making progress on the UN Guiding Principles on Business and Human Rights? Challenges, innovations, and lessons learned from implementation. Panel. UN Forum on Business and Human Rights (26 November)*.
- Kollman, K. (2007). Same-sex unions: The globalization of an idea. *International Studies Quarterly*, 51, 329–357.
- Kollman, K. (2017). Pioneering marriage for same-sex couples in the Netherlands. *Journal of European Public Policy*, 24(1), 100–118.
- Koutalakis, C., Buzogany, A., & Börzel, T. A. (2010). When soft regulation is not enough: The integrated pollution prevention and control directive of the European Union. *Regulation & Governance*, 4, 329–344.
- Lawrence, R., & Moritz, S. (2019). Mining industry perspectives on indigenous rights: Corporate complacency and political uncertainty. *The Extractive Industries and Society*, 6, 41–49.
- Lewin, L., & Lindvall, L. (2015). One hundred years of Swedish Economic Policy. In J. Pierre (Ed.), *The Oxford handbook of Swedish politics*. Oxford University Press.
- Lindvall, J., & Sebring, J. (2005). Policy reform and the decline of corporatism in Sweden. *West European Politics*, 28(5), 1057–1074.
- Lundberg, E., & Hysing, E. (2016). The value of participation: Exploring the role of public consultations from the vantage point of interest groups. *Scandinavian Political Studies*, 39(1), 1–21.
- Madunic, D. (2019). *Interviewed by the author via telephone on Feb. 22*.
- Maggetti, M., & Gilardi, F. (2014). Network governance and the domestic adoption of soft rules. *Journal of European Public Policy*, 21(9), 1293–1310.
- Midttun, A., Gjøberg, M., Kourula, A., & Sweet, S. (2012). Public policies for corporate social responsibility in four Nordic countries: Harmony of goals and conflict of means. *Business & Society*, 54(4), 464–500.
- Ministry of Foreign Affairs of Sweden. (2015). *Handlingsplan för hållbart företagande och mänskliga rättigheter (konsultationer)*. UD2015/23017/UDI/HlaalDMadunic/150831. Provided to the author by the Registrar.
- Ministry of Foreign Affairs of Sweden. (2017). *Strategy for the Promotion of Sweden of Abroad*. <https://sharingsweden.se/app/uploads/2017/09/strategy-for-the-promotion-of-sweden-abroad2.0.pdf>.
- Moravcsik, A. (1997). Taking preferences seriously: A liberal theory of international politics. *International Organization*, 51(4), 513–553.



- Mosley, L. (2013). Just talk to people? Interviews in contemporary political science. In L. Mosley (Ed.), *Interview Research in Political Science*. Cornell University Press.
- Nissen, A. (2021a). A greener shade of black? Statoil, the Norwegian government and climate change, 1990-2005. *Scandinavian Journal of History*, 46(3), 408–429.
- Nissen, A. (2021b). An oil company as a force for good? How Statoil put Norway's identity as a 'Champion of Ideals' to the test. *Culture Unbound*, 13(1), 16–40.
- O'Brien, C. M., Ferguson, J., & McVey, M. (2022). National Action Plans on Business and Human Rights: An Experimentalist Governance Analysis. *Human Rights Review*, 23, 71–99.
- Petersson, O. (2015). Rational Politics: Commissions of Inquiry and the Referral System in Sweden. In J. Pierre (Ed.), *The Oxford Handbook of Swedish Politics*. Oxford University Press.
- Raitio, K., Allard, C., & Lawrence, R. (2020). Mineral extraction in Swedish Sápmi: The regulatory gap between Sami rights and Sweden's mining permitting practices. *Land Use Policy*, 99, 105001.
- Ramasastry, A. (2015). Corporate social responsibility versus business and human rights: Bridging the gap between responsibility and accountability. *Journal of Human Rights*, 14(20), 237–259.
- Regulation (EU). (2014). *No 235/2014 of the European Parliament and of the Council, establishing a financing instrument for democracy and human rights*. *Official Journal of the European Union*.
- Ruggie, J. G. (2013). *Just business: Multinational corporations and human rights*. W.W. Norton & Company.
- Schäferhoff, M., Campe, S., & Kaan, C. (2009). Transnational public-private partnerships in international relations: Making sense of concepts, research frameworks, and results. *International Studies Review*, 11(3), 451–474.
- Schilling-Vaccaro, A., & Lenschow, A. (2023). Hardening foreign corporate accountability through mandatory due diligence in the European Union? New trends and persisting challenges. *Regulation & Governance*, 17(3), 677–693.
- Schmitz, H. P., & Sikkink, K. (2012). International human rights. In W. Carlsnaes, T. Risse, & B. A. Simmons (Eds.), *Handbook of international relations* (pp. 827–852). SAGE Publications.
- Seawright, J., & Gerring, J. (2008). Case selection techniques in case study research: A menu of qualitative and quantitative options. *Political Research Quarterly*, 61(2), 294–308.
- Simmons, B. A. (2009). *Mobilizing for human rights: International law in domestic politics*. Cambridge University Press.
- Söderholm, P., Bergquist, A. K., Pettersson, M., & Söderholm, K. (2022). The political economy of industrial pollution control: Environmental regulation in Swedish industry for five decades. *Journal of Environmental Planning and Management*, 65(6), 1056–1087.
- Statskontoret. (2018). *FN:s vägledande principer för företag och mänskliga rättigheter – utmaningar i statens arbete*. <https://www.statskontoret.se/globalassets/publikationer/2018/201808/pdf>.
- Strange, S. (2015). *States and markets*. Bloomsbury.
- Svenskt Näringsliv. (2015). *Företagens rapportering om hållbarhet och mångfaldspolicy*. Ds 2014:45. [https://www.svensktnaringsliv.se/material/remissvar/v12pdk\\_remisvar-214-2014pdf\\_1093971.html/binary/](https://www.svensktnaringsliv.se/material/remissvar/v12pdk_remisvar-214-2014pdf_1093971.html/binary/).
- Tallberg, J. (2002). Paths to compliance: Enforcement, management, and the European Union. *International Organization*, 56(3), 609–643.
- Tarras-Wahlberg, H., & Southalan, J. (2022). Mining and indigenous rights in Sweden: What is at stake and the role for legislation. *Mineral Economics*, 35, 239–252.
- Thisted, E. V., & Thisted, R. V. (2020). The diffusion of carbon taxes and emission trading schemes: The emerging norm of carbon pricing. *Environmental Politics*, 29(5), 804–824.
- United Nations Human Rights Council. (2011). *Guiding principles on business and human rights: Implementing the united nations 'protect, respect and remedy' framework* (A/HRC/17/31).
- United Nations (UN) Working Group on Business and Human Rights. (2016). *Guidance on national action plans on business and human rights*. [https://www.ohchr.org/Documents/Issues/Business/UNWG\\_NAPGuidance.pdf](https://www.ohchr.org/Documents/Issues/Business/UNWG_NAPGuidance.pdf).

- Vervynckt, M. (2024). *Sweden's CSDDD U-turn crucial step forward*. *Swedwatch* (13 May). <https://swedwatch.org/publication/article/swedens-csddd-u-turn-crucial-step-forward/>.
- Weihrauch, D., Carodenuto, S., & Leipold, S. (2023). From voluntary to mandatory corporate accountability: The politics of the German Supply Chain Due Diligence Act. *Regulation & Governance*, 17(4), 909–926.
- Wettstein, F. (2021). Betting on the wrong (Trojan) horse: CSR and the Implementation of the UN guiding principles on business and human rights. *Business and Human Rights Journal*, 6, 312–325.

**How to cite this article:** Higham, I. (2024). Business and human rights as Swedish foreign policy: The soft implementation of international regulatory norms. *Scandinavian Political Studies*, 1–26.  
<https://doi.org/10.1111/1467-9477.12290>