



British International
Studies Association
Postgraduate Network



Research workshop on Business and Human Rights

500 DAYS AFTER RUGGIE

ACHIEVEMENTS, CHALLENGES AND OPPORTUNITIES IN BUSINESS AND HUMAN RIGHTS

Friday 23 November 2012

London School of Economics and Political Science
(LSE BOX, 5th Floor, Tower 3, Clements Inn, London)

WELCOME PACK

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PROGRAMME OF THE DAY

8:45-9:00 Registration

9:00-9:15 Welcome

Nicolas Carrillo, Charline Daelman, Damiano de Felice and Irene Pietropaoli

9:15-9:40 Introduction: Achievements, challenges and opportunities in business and human rights

Prof. John Ruggie (Harvard University) [video screening]

9:40-11:15 Normative questions on business and human rights

Ruggie's Guiding Principles and responsibility for human rights

Dr David Jason Karp (University of Glasgow)

Discussant: Prof. Florian Wettstein (University of St. Gallen)

Business and human rights governance and democratic legitimacy: the UN 'Protect, Respect and Remedy' Framework and Guiding Principles

Stephanie Bijlmakers (K.U. Leuven)

Discussant: Prof. Florian Wettstein (University of St. Gallen)

The UN Guiding Principles and the US Kiobel case: The limits of the human rights discourse on corporate human rights violation

Ann Sofie Cloots (K.U. Leuven)

Discussant: Prof. Robert McCorquodale (University of Nottingham)

11:15-11:30 Coffee break

11:30-13:00 Clarifying human rights due diligence

Is the concept of 'due diligence' in the Guiding Principles coherent?

Dr Jonathan Bonnitcha (LSE) and Prof. Robert McCorquodale (University of Nottingham)

Discussant: Prof. Sheldon Leader (University of Essex)

A critical analysis of human rights due diligence processes in mineral supply chains: A case of conflict minerals in the Democratic Republic of Congo

Dr Miho Taka (Coventry University)

Discussant: Prof. Robert McCorquodale (University of Nottingham)

13:00-14:00 Lunch

14:00-15:45 Implementing the corporate responsibility to respect human rights

Access to European courts as a remedy for victims of business-related human rights abuses

Dr Angelica Bonfanti (Università di Milano)

Discussant: Prof. Peter Muchlinski (SOAS)

Business and Human Rights: Is the Alien Tort Statute the answer?

Dr Matteo Winkler (Università Bocconi)

Discussant: Prof. Sheldon Leader (University of Essex)

Fleshing out the framework: OECD National Contact Points, extraterritoriality and the UN Framework for Business and Human Rights

Joseph Bardwell (European Centre for Constitutional and Human Rights)

Discussant: Prof. Peter Muchlinski (SOAS)

The role of National Human Rights Institutions in the implementation of the Guiding Principles

Veronika Haász (University of Pécs)

Discussant: Prof. Peter Muchlinski (SOAS)

15:45-16:00 Coffee break

16:00-17:30 Political issues in business and human rights

Business and Human Rights: Masking political power play?

Sofia Massoud (Goethe University Frankfurt am Main / Friedrich-Alexander-University Erlangen-Nürnberg)

Discussant: Prof. Todd Landman (University of Essex)

Complementing the ‘Protect, Respect and Remedy’ Framework through the Institutional Account

Flor Gonzalez (University of Birmingham)

Discussant: Dr Margot Salomon (LSE)

Responsible lobbying: The role of human rights

Theresa Bauer (Humboldt Universität zu Berlin)

Discussant: Prof. Todd Landman (University of Essex)

17:30-18:00 Final remarks

18:00 Reception

LIST OF PARTICIPANTS

Addo, Michael	Lecturer, Exeter University & Member, UN Working Group on the issue of human rights and transnational corporations and other business enterprises
Aguirre, Daniel	Lecturer, Regent's College
Bardwell, Joseph	Intern, European Centre for Constitutional and Human Rights
Bauer, Theresa	PhD researcher, Humboldt University in Berlin
Bijlmakers, Stephanie	PhD researcher, University of Leuven
Bonfanti, Angelica	Lecturer, University of Milan
Bonnitcha, Jonathan	ESCR Postdoctoral Fellow, London School of Economics
Buxton, Abbi	Researcher, International Institute for Environment and Development
Bunny, Isabella	Lawyer, Regent's Park College, Oxford & Rule of Law Officer, ABA Section of International Law
Camargo, Andrea	PhD Researcher, Paris Dauphine University
Crockett, Anthony	Lawyer, Clifford Chance
Carrillo, Nicolas	PhD Researcher, Universidad Autonoma de Madrid
Clouts, Ann Sofie	PhD Researcher, University of Leuven
Daelman, Charline	PhD Researcher, University of Leuven
de Felice, Damiano	PhD Researcher, London School of Economics
Delhomme, Félix	Researcher, Oxfam & Member, Sciences-Po Paris Law Clinic
Dillane, Paul	Refugee Researcher, Amnesty International UK
Dillon, Theresa	Master Candidate, London School of Economics
Farrell, Eimear	Associate Director, World Economic Forum Global Agenda Council on Human Rights
Footer, Mary	Professor, University of Nottingham
Frankental, Peter	Economics Relations Programme Director, Amnesty International UK
Goethals, Samentha	PhD Researcher, Oxford Brookes University
Gonzalez, Flor	PhD Researcher, University of Birmingham

Graf, Andreas	PhD Researcher, University of Basel
Grieb, Christiane	PhD Researcher, University College London
Haasz, Veronika	PhD Researcher, University of Pécs
Heffron, Raphael	PhD Researcher, University of Cambridge
Karp, David Jason	Lecturer, University of Glasgow
Keetharuth, Sheila	PhD Researcher, University of Pretoria
Kip, Chris	Human Rights Advisor, Maplecroft
Khalil, Tasneem	Journalist
Landman, Todd	Professor, University of Essex
Langlois, Anthony	Associate Professor, Flinders University
Lawrence, Penelope	PhD Researcher, Birkbeck, University of London
Leader, Sheldon	Professor, University of Essex
Macchi, Chiara	PhD Researcher, Sant'Anna School of Advanced Studies
Margolis, Adrienne	Director, Lawyers for Better Business
Massoud, Sofia	PhD Researcher, Goethe University Frankfurt am Main / Friedrich-Alexander-University Erlangen-Nürnberg
McCorquodale, Robert	Professor, University of Nottingham
Muchlinski, Peter	Professor, School of Oriental and African Studies
O'Neill, Kelly	Master Candidate, London School of Economics
Pietropaoli, Irene	PhD Researcher, Middlesex University
Quinn, Ingrid	LLM Student, University of Liverpool
Rae, Lindsay	Lawyer, Clifford Chance
Ralph, Natalie	Doctor in Business and Politics, Deaking University
Rouas, Virginie	PhD Researcher, School of Oriental and African Studies
Salomon, Margot	Lecturer, London School of Economics
Silva, Nicolas	master Candidate, London School of Economics
St. Dennis, Haley	Programme Researcher, Institute for Human Rights and Business
Taka, Miho	Researcher, Coventry University

Tripathi , Salil	Director of Policy, Institute for Human Rights and Business
Vives , Jordi	PhD Researcher, University of St. Gallen
Van Ho , Tara	PhD Researcher, Essex University
Wettstein , Florian	Professor, University of St. Gallen
Winkler , Matteo	Contract Professor, Bocconi Law School

GUEST-DISCUSSANTS

Michael Addo researches and teaches international human rights law with a particular interest in the broad area of evidence-based human rights law. His recent work on *The Legal Nature of International Human Rights Law* (Nijhoff, 2010) is in this tradition and so also is his work on human rights and transnational corporations. Dr Addo is currently a member of the UN Working Group on the issue of human rights and transnational corporations and other business enterprises. He has acted as consultant or resource person for a variety of institutions including the UN Office of the High Commissioner for Human Rights and the International Commission of Jurist. He has also lectured at leading institutions including the International Institute of Human Rights (Strasbourg), Universities of Milan, Padova, Connecticut and Paris XI.

Peter Frankental joined Amnesty International UK in 1998, and is currently the Economic Relations Programme Director. Peter has been an adviser to the International Commission of Jurists panel on corporate complicity, and was on the Steering Group of a three year research project (2004-2007), to develop a methodology for human rights impact assessments and apply it to five case studies of affected communities. He is currently Chair of the Corporate Responsibility Coalition of NGOs (CORE), a trustee of the Business and Human Rights Resource Centre, and of Music in Detention, an organisation that runs music workshops in Immigration Detention Centres.

Todd Landman is Director of the Institute for Democracy and Conflict Resolution at here University of Essex. He is author of numerous books and articles on human rights, with a particular focus on measurement and comparative methods. He has also conducted a wide range of international consultancies on issues of measurement and assessment of democracy and human rights.

Sheldon Leader, a graduate of Yale and Oxford Universities, is the director of the Essex Business and Human Rights Project (EBHR) and a longstanding member of the Human Rights Centre at University of Essex. He is a member of the Advisory to the Human Rights Committee of the Law Society of England and Wales. He teaches and lectures at the University of Essex, the University of Paris-Ouest and at a number of universities in the US. His work with the EBHR involves advice and training on issues involving business and human rights in various parts of the world.

Robert McCorquodale is the Director of the British Institute of International and Comparative Law in London. He is also Professor of International Law and Human Rights, and former Head of the School of Law, at the University of Nottingham. He has published widely on public international law, including on international human rights law and the role of non-state actors, and has provided advice to governments, corporations, international

organisations, non-governmental organisations and peoples concerning international law and human rights issues, including advising on the drafting of new constitutions and conducting human rights training courses.

Peter Muchlinski is Professor in International Commercial Law at the School of Oriental and African Studies (SOAS), University of London. Prior to joining SOAS he was Professor of Law and International Business at Kent Law School, University of Kent (2001-5). He has taught at the London School of Economics (1983-1998), and was the Drapers' Professor of Law in the Law Department of Queen Mary and Westfield College, University of London, from 1998 to 2001. He is the author of *Multinational Enterprises and the Law* (Second edition, Oxford University Press, 2007) and (with Julia Black and Paul Walker) editor of *Commercial Regulation and Judicial Review* (Hart Publishing, 1998). He is co-editor (with Dr Federico Ortino and Professor Christoph Schreuer) of the *Oxford Handbook of International Investment Law* (Oxford University Press, 2008). In 1990 he qualified as a barrister in the field of commercial and European law and is a door tenant at Brick Court Chambers, London. He acts as a principal adviser to the United Nations Conference on Trade and Development (UNCTAD) on investment issues. During the period of June-October 2003 he was on leave of absence from Kent Law School and worked at UNCTAD in Geneva as a Senior Legal Expert in the Division on Investment Technology and Enterprise Development. He was, until its dissolution in August 2008, Co-Rapporteur to the International Law Association Committee on the International Law on Foreign Investment.

Margot Salomon is Senior Lecturer at the Centre for the Study of Human Rights and Law Department, London School of Economics. Her research focuses on international human rights law and its application to world poverty, development, and issues of global economic justice and she has consulted and published widely on the topics. Recent publications include: 'Deprivation, Causation and the Law of International Cooperation' in M. Langford, et al. (eds), *Global Justice, State Duties: The Extra-Territorial Scope of Economic, Social and Cultural Rights in International Law* (CUP); 'Why Should it Matter that Others Have More: Poverty, Inequality and the Potential of International Human Rights Law', *Review of International Studies* (2011). Dr Salomon is the Guest Editor of the *Global Policy Journal* Special Section on International Law, Human Rights and the Global Economy: Innovations and Expectations for the 21st Century (November, 2012).

Salil Tripathi has long standing experience in advancing the business and human rights agenda. As a researcher at Amnesty International (1999-2005) he participated in negotiations that created the Kimberley Process Certification Scheme and represented Amnesty in the Voluntary Principles for Security and Human Rights process from its inception until 2008. As senior policy adviser at International Alert (2006-2008) he played a key role in the process that developed the Red Flags initiative. He sits on the external advisory corporate citizenship

panels of GE and Exxon. Salil is also a writer, and serves on the board of English PEN and co-chairs its Writers-at-Risk Committee.

Florian Wettstein is a Professor of business ethics and Director of the Institute for Business Ethics at University of St. Gallen in Switzerland. He has published widely on business and human rights and is the author of *Multinational Corporations and Global Justice: Human Rights Obligations of a Quasi-Governmental Institution* (Stanford University Press, 2009).

PRESENTERS (BIO AND ABSTRACT)

DR DAVID JASON KARP

David joined the University of Glasgow as a Lecturer in Politics in Sept 2010, after being awarded his PhD from the Department of Political Science at University College London (UCL). His PhD research addressed the question of whether there are sound principled reasons for international legal and political institutions to assign human rights responsibilities to transnational corporations. More broadly, his current research interests include: authority; the ethics of international law; humanitarianism; human rights; international political theory; non-state actors; private security; Rawls; sovereignty.

Ruggie's Guiding Principles and responsibility for human rights

This paper analyses key strengths and weaknesses of Ruggie's Guiding Principles. Firstly, the way that the document conceptualizes the duty to protect human rights is both a strength and a weakness. This counts as a strength (a) because of the priority placed on the duty to protect human rights; (b) because it removed any ambiguity about whether states could legitimately evade human rights responsibility and accountability by placing it on companies in some contexts. In ideal normative theory, it is entirely sensible to say that states retain duties to protect human rights, even if they lack the capacity and/or the willingness to do so in practice. However, it is a significant weakness that the Guiding Principles place the duty to protect human rights solely on states, and do not consider the circumstances in which companies might appropriately bear the potentially burdensome duties associated with human rights protection. Companies can be responsible for duties to protect human rights in some contexts, particularly in non-ideal theory. Secondly, it is a weakness of the Guiding Principles that two very distinct kinds of obligation are conflated inside of the ostensibly single category of the 'corporate responsibility to respect'. Duties that we all have not to harm others in egregious ways ('duties not to violate') are very different from the duties of moral agents to have appropriate frameworks of moral judgement and to refer to these in a valid way when acting (these are properly called 'duties to respect'). The reason why this matters is that it is not obvious that non-natural persons can have the same robust moral frameworks of judgement as actual human people. The final strength of the Guiding Principles rests not in their law or philosophy, but in their politics. The paper rejects two extreme views: on the one hand, the view Ruggie's initiative is just white-washing, and on the other hand, the view that the Principles will smoothly and straightforward lead most companies to internalise new norms and to adopt best practice. The paper suggests a middle way: that the 'responsibility to respect' human rights forces ethical issues into the consciousness of corporate agents. This in itself is significant, regardless of any presence or absence of immediate-term human rights consequences.

STEPHANIE BIJLMAKERS

Stephanie is Research Fellow and PhD candidate at the Leuven Centre for Global Governance Studies, KU Leuven. She has an interdisciplinary background in social sciences and humanities and an LL.M. in Law and Language Studies (2009) from Maastricht University. Throughout her studies, she specialized in international law and human rights. She completed parts of her degree at Pontificia Universidad Católica de Chile and Université Paul Cézanne, Aix-Marseille III. As a member of the research programme entitled 'Global Governance and Democratic Government', she conducts research on the theme 'Global Human Rights Governance', with a special focus on corporate social responsibility and the role, responsibilities and regulatory initiatives of business enterprises.

Business and human rights governance and democratic legitimacy: The UN 'Protect, Respect and Remedy' Framework and Guiding Principles

Global Corporate Social Responsibility schemes have assumed an authoritative role in today's diversifying global business and human rights governance regime, yet scholarship has paid scant attention to their democratic credentials. This article analyses the democratic legitimacy of the UN 'Protect, Respect and Remedy' Framework and the corresponding UN Guiding Principles, as developed by the UN Special Representative for Business and Human Rights, Prof. Ruggie. Applying De Búrca's democracy striving approach, the article provides insights into how the design and actual performance of the six year mandate of Prof. Ruggie meet the democratic ideal of equality, participation and accountability. The findings hold that the democracy quality of the process and, hence, of the Framework and the Guiding Principles, is laudable for its continuant striving for the fullest and equal participation of all stakeholders. Yet, further steps are warranted to ensure that individuals from the Global South can equally and meaningfully partake in the implementation process of the Guiding Principles and contest their authority if deeming to fail to meet the normative expectations of the people.

ANN SOFIE CLOOTS

Ann Sofie obtained a Master in law from KULeuven (Belgium) in 2007, during which she was an exchange student at NYU. She pursued an LLM at Columbia University and interned at the Belgian Permanent Representation to the UN in Geneva. From 2009 to 2012, she was an associate at the Brussels office of the law firm Cleary Gottlieb, practicing corporate and competition law, and spent two months working at the bar of Lubumbashi, DRC. In February 2012, she joined the Leuven Centre for Global Governance Studies and became a PhD candidate at the University of Cambridge in October 2012.

The UN Guiding Principles and the US Kiobel case:

The limits of the human rights discourse on corporate human rights violation

The call for greater corporate accountability is increasing. The human rights discourse is one of the avenues through which business is called to account. The current legal framework applicable on corporate human rights violations is very limited, though. The article assesses the contribution and limits of the human rights calls for corporate accountability, from two angles. First, it describes the genealogy of the UN Framework and Guiding Principles. Second, it analyses the Kiobel case pending before the US Supreme Court. It argues that the human rights discourse plays an important role in these two developments, though many other factors play a role, hence downplaying the absolute claims of human rights. More importantly, it argues that the human rights claim on corporate behaviour has only limited transformative power. In order to prevent corporate human rights violations, a change in the current interpretation of corporate law is needed.

DR JONATHAN BONNITCHA AND PROF. ROBERT MCCORQUODALE

Jonathan is ESRC Postdoctoral Fellow in International Investment Law at the London School of Economics.

Robert is Director of the British Institute of International and Comparative Law and Professor of International Law and Human Rights at the University of Nottingham. Professor McCorquodale has published widely on international human rights law, including several articles on business and human rights. Dr Bonnitcha has published on investment treaties and human rights. Both Professor McCorquodale and Dr Bonnitcha are currently working on a study of the implementation of the UN Guiding Principles on Business and Human Rights in the oil and gas sector.

Is the concept of “due diligence” in the Guiding Principles coherent?

The concept of due diligence is central to the corporate responsibility to respect human rights, as defined and elaborated in the Guiding Principles. The term ‘due diligence’ is familiar to both lawyers and business people. In adopting a term with broad rhetorical appeal, Professor Ruggie may have been attempting to use language that was accessible to those from different backgrounds. In our paper, we argue that the Guiding Principles confuse two very different meanings of the term ‘due diligence’. The paper comprises three sections. We begin by considering the history of the term due diligence, and the way that the term is used in other legal systems. We then advance our central argument – that the Guiding Principles confuse two different meanings of the term due diligence. Finally, we examine the implications of this conceptual confusion for the Guiding Principles and propose a way of reading the Guiding Principles that substantially resolves this confusion.

DR MIHO TAKA

Miho is a research assistant at Centre for Peace and Reconciliation Studies (CPRS), Coventry University. She holds a Ph.D degree in international relations and sociology, a Master of Public Administration, an MA in Third World Studies and a BA in Education. Her work experience includes the private, NGO and higher education sectors gained from Japan, Sweden and Rwanda, England.

A critical analysis of human rights due diligence processes in mineral supply chains:

A case of conflict minerals in the Democratic Republic of Congo

This paper considers the recent development of human rights due diligence concept. It seeks to examine the progress of human rights due diligence processes for conflict minerals from the Democratic Republic of Congo (DRC) and discuss the challenges of applying these processes in the mineral supply chains. Eastern DRC is endowed with valuable industrial minerals that are essential for electronics industries. This part of the DRC has been plagued with violent conflict and insecurity since 1996. The conflict is often explained with resource curse theories and is largely attributed to the profits derived from the trade in these minerals. These minerals were, therefore, labelled ‘conflict minerals’ and have drawn attention widely. In eastern DRC, minerals are largely produced with artisanal methods and traded in the informal economy as a result of weak governance and the prolonged conflict in the DRC state. In this context, applying human rights due diligence through the establishment of traceability has been put forward in order to ensure responsible sourcing of raw materials and to curb the trade in conflict minerals. The analysis is based on the review of the background, objectives and scope, stakeholder participation and implementation processes of six human rights due diligence frameworks. It is concluded that human rights due diligence is a necessary concept that could be extended to other sustainability issues; however, its current limited focus on traceability is not likely to be effective in curbing finance for belligerents to reduce conflict in eastern DRC. The paper argues that this limitation largely stems from the reductionist approach of the resource curse theories, and could therefore impact negatively on the local communities. It suggests, however, that inclusion of key local stakeholders in developing and implementing human rights due diligence processes could lead to sustainable management of mineral resources in the long run.

DR ANGELICA BONFANTI

Angelica is a Research Fellow in International Law and a Lecturer in International Investment Law & Dispute Settlement and International Trade Law at the University of Milan. She has conducted research in several academic institutions, including Columbia University, and is a member of the editorial staff of the legal journal *Diritti umani e diritto internazionale*. She holds a Phd in International Law from the University of Milan. She is the author of the book *Imprese multinazionali, diritti umani e ambiente. Profili di diritto internazionale pubblico e privato* [Multinational Corporations, Human Rights and Environmental Protection: a Public and Private International Law Perspective, Milan: Giuffrè, 2012, pp. 434], as well as of several articles published in journals and collected volumes, dealing with public and private international law issues, biotech law, intellectual property law, international contracts, business and human rights and corporate social responsibility.

Access to European courts as a remedy for victims of business-related human rights abuses

Pursuant to the Guiding Principles on Business and Human Rights, as part of access to remedy “States should take appropriate steps to ensure the effectiveness of domestic judicial mechanisms when addressing business-related human rights abuses, including considering ways to reduce legal, practical and other relevant barriers that could lead to a denial of access to remedy” . In this light, the rules founding the domestic courts’ jurisdiction in disputes on overseas corporate violations of human rights should be monitored. As far as the European Union is concerned, Regulation No. 44/2001 establishes the titles upon which the Member States’ domestic courts base their jurisdiction in civil and commercial disputes. The Regulation is currently subject to a recasting process. Opposite approaches are emerging: the European Commission appears to favour strengthening the role of Member States’ courts in the international legal order, while the European Parliament and the Council are reluctant to widen the Regulation’s scope of application. The outcomes might significantly affect the domestic courts’ jurisdiction in disputes on overseas corporate violations of human rights. The topic is deeply connected with the policy issues related to extraterritorial jurisdiction, which are also at the centre of strong debates in the U.S., where the Alien Tort Statute is currently under the scrutiny of the Supreme Court in *Kiobel v. Royal Dutch Petroleum Co.* This paper contributes to such debates from a European perspective, looking at extraterritoriality through the lens of human rights protection. More specifically, it aims at examining the solutions emerging from the recasting and their contribution to access to remedy for victims of overseas corporate human rights violations. Finally, it verifies whether these outcomes comply with the standards set forth in the Guiding Principles, or if different solutions should be preferred.

DR MATTEO WINKLER

Matteo is Contract Professor of International Law at Bocconi Law School, Milan (Italy). He holds a law degree from Catholic University of Milan. He also graduated at Yale Law School (Master of Laws) and at Bocconi University (PhD) with a dissertation on multinational enterprises in the international context that was published in Italian in 2008. He is the author of several articles and comments concerning public and private international law, international trade, human rights, gender and sexual orientation-related issues.

Business and Human Rights: Is the Alien Tort Statute the answer?

Under the Alien Tort Statute, a two-centuries-old U.S. provision, aliens can sue before U.S. courts for violations of international law. This norm triggered interesting transnational litigation, causing victims of human rights to sue multinational enterprises before U.S. courts. Recently, however, the standing of companies has been profoundly challenged in courts. This paper aims at analyzing two aspects of this litigation, in particular its legal implications and its policy construction, arguing that permitting actions against corporations would increase the protection of human rights at the global level.

JOSEPH BARDWELL

Joseph has a BA (hons) in Criminology and has recently completed an LLM in International Human Rights Law at the Irish Centre for Human Rights, Galway. His recent research has considered the UN Framework for Business and Human Rights and water privatisation in Ireland, the IMF's impact on the right to food, and the effectiveness of OECD National Contact Points in safeguarding human rights extraterritorially. From November 2012 Joseph will be an Intern at the European Centre for Constitutional and Human Rights working in their Business and Human Rights section.

Fleshing out the framework: OECD National Contact Points, extraterritoriality and the UN Framework for Business and Human Rights

Recent developments in the area of business and human rights have led to the suggestion that there exists an emerging obligation to protect human rights that extends beyond national borders for states that are home to multinational enterprises active in many countries. However, the intricacies of such an obligation remain unclear. This paper considers the OECD Guidelines for Multinational Enterprises and its associated National Contact Points (NCP). It assesses the effectiveness of the NCP mechanism in safeguarding human rights extraterritorially, both its ability to provide effective remedy and its contribution to a broader understanding of business, human rights and extraterritoriality. This paper conducts a study of some of the extraterritorial specific instances so far considered by NCPs with an aim to inform understanding on domestic measures with extraterritorial implications. The potential and actual extent to which the Guidelines are protecting human rights extraterritorially will be considered. The conclusion is bittersweet; a gap exists between the Guideline's potential and its implementation. Effective remedy in situations where human rights are violated by businesses extraterritorially is not a panacea that the Guidelines can consistently provide. Nevertheless, the OECD Guidelines for Multinational Enterprise and the quasi- jurisprudence emanating from the NCPs make an important contribution to understanding on how domestic measures with extraterritorial implications should operate.

VERONIKA HAASZ

Veronika is a lawyer and researcher. She is holding an LL.M. in International Human Rights and Humanitarian Law from the European University Viadrina (Germany) and is doctoral candidate at the Faculty of Law at the University of Pécs (Hungary). Her research focuses on National Institutions for the promotion and protection of human rights, with special regard to the institutions' role in the UN human rights framework and to the transformation of ombudsman institutions to National Human Rights Institutions.

The role of National Human Rights Institutions in the implementation of the Guiding Principles

National Human Rights Institutions (NHRIs) are key domestic mechanisms for the promotion and protection of human rights. According to the Paris Principles, developed by the UN in 1993 as standards for the establishment, mandate and functions of institutions, NHRIs are usually mandated to advise the Government on various human rights issues, monitor the implementation of human rights instruments, promote the harmonisation of national law and practice with the international human rights standards, disseminate human rights information, cooperate with regional and international human rights bodies, and remedy human rights violations. The institutions' broad mandate, competences and special status between state and non-state actors, the national and international levels enable them to engage in the field of business and human rights and offer dialogue among key stakeholders, including business, Government, civil society, and international human rights bodies. Since 2009, NHRIs have been engaging with the international human rights system in order to increase understanding and raise awareness of their role and mandate in addressing business and human rights issues. As a result, they have contributed significantly to the development of the UN 'Protect, Respect and Remedy' Framework and obtained an evolving role within all pillars of the Framework, and in its implementation. By describing the progress achieved to date and presenting best practices of NHRIs worldwide, this paper presents how these domestic institutions bridging the national and international level, fit into the UN legal regime for corporate responsibility for human rights and what contribution they make to the implementation of the Guiding Principles.

SOFIA MASSOUD

Sofia holds a law degree from the Goethe University Frankfurt where she graduated in 2006. She conducted her practical legal training in Frankfurt, Berlin and Dar es Salaam from 2007-2009. Sofia Massoud is a PhD Candidate at Goethe University Frankfurt. Her PhD focuses on corporate human rights violations and the liability of transnational corporations. Since November 2012 Sofia Massoud is Research Assistant at the Chair of Public Law and International Law at the Friedrich-Alexander-University Erlangen-Nuremberg.

Business and Human Rights: Masking political power play?

The mandate of the Special Representative of the UN Secretary-General on Human Rights and Transnational Corporations and Other Business Enterprises John Ruggie has raised considerable attention. Flourishing research is conducted in the area of Business and Human Rights in academia, and civil society organisations are very engaged in putting forward convincing proposals. Despite this hype around Business and Human Rights, the paper argues that progress has been little so far. Following a brief analysis of the shortcomings of the UN “Protect, Respect, and Remedy” Framework and the UN Guiding Principles on Business and Human Rights, the paper discusses selected progressive approaches on corporate accountability such as transnational human rights litigation and the extraterritorial state duty to protect. It points out that these approaches represent effective mechanisms to address corporate human rights abuses, concluding that *de iure* there is no need for the existing lack of corporate accountability. It then stresses that challenges posed by the global economy, and resulting hindrances, are currently not considered enough, therefore limiting the implementation of progressive approaches. Taking into account the framework of the current global economic order and its legal counterparts, the paper will demonstrate that human rights are one policy among other competing policies, and that eventually legally binding instruments support the interests of investors whereas the enforcement of human rights is subject to the states’ and corporate goodwill.

FLOR GONZALEZ

Flor is a final-year PhD student at the University of Birmingham, UK. She holds a Bachelor's degree in International Relations and a Master's degree in International Studies. Her areas of specialisation are Political Economy and Political Theory. Her current research interests include the moral aspects and responsibilities of transnational corporations.

Complementing the 'Protect, Respect and Remedy' Framework through the Institutional Account

The 'Protect, Respect and Remedy' Framework endorsed by the United Nations attributes responsibilities to corporations in function of their impact over human rights, which in turn is closely tied to the exercise of unmediated corporate agency. This conception of influence and responsibility is consistent with the interactional moral approach that considers events as effects of actions performed by individual or collective agents. Although this approach is appropriate for the analysis of many corporate wrongdoings, it has an important deficiency, namely that it does not take sufficiently into account the institutional channels that mediate between the exercise of corporate agency and resulting human rights outcomes. If agency is a key element to determine impact and if agency can be constrained by the institutional framework in place, therefore it is necessary to consider the role of institutions in the assessment of impact, and therefore in the allocation of corresponding responsibilities. This paper proposes an alternative conceptualization of impact consistent with the global institutional approach that includes both unmediated and institutionally mediated agency. The inclusion of an institutional dimension is crucial to reflect the participation of transnational corporations in the configuration of the global institutional arrangement. If we accept that 1) the global institutional order can avoidably and foreseeably violate human rights and that 2) transnational corporations play a significant role on how it is shaped, therefore it can be said that corporations exert some impact on human rights via the global institutional order. This realization will necessarily require from the 'Respect, Protect and Remedy' Framework to re-define its understanding of the responsibility to respect to include direct human rights violations but also those inflicted via the global institutional arrangement.

THERESA BAUER

Theresa is a doctoral student in International Management at Humboldt University Berlin, Germany. She holds degrees in History and Multimedia from Karlsruhe University and degrees in Economics and Business Administration from Hagen University. She has work experience in public relations and political communication consultancy. Her current research focuses on business ethics and CSR, notably Responsible Lobbying, Business and Human Rights and CSR Communication.

Responsible lobbying: The role of human rights

Lobbying is a legitimate corporate tool, yet ethically based principles and self-restraints are necessary to guide corporate lobbying in order to overcome public mistrust, to protect the interests of wider society and to safeguard the firm's reputation and legitimacy. I propose human rights as widely accepted, trans-cultural points of reference that are suited to guide lobbying across regions and cultures. A close alignment of CSR, human rights and lobbying allows for achieving responsible lobbying, that is lobbying in congruence with the corporate responsibilities towards society, thus providing firms with the ethical license to lobby. I argue that firms need to consider the impact of advocated policy positions on human rights and to ensure that human rights are not harmed ("Do no harm"-lobbying). Moreover, firms should consider whether they can use their political influence to actively promote human rights policies on the part of governments in the form of "Do good"-lobbying. I exemplify responsible lobbying by taking into account instances from various human rights categories, analyze how human rights relate to lobbying in different institutional environments and introduce measures that firms should implement to align human rights, CSR and lobbying.

ORGANISERS

Nicolás Carrillo is a Colombian and Italian PhD candidate and researcher in Public International Law of the University Autónoma of Madrid, Spain. He obtained his degree in law in 2005 and worked as assistant in the Colombian Constitutional Court in 2006. He won the international human rights moot Court competition held in American University in 2003. Received his LLM on international human rights law from Alcalá University, and his LLM on Public International Law from the Autónoma University of Madrid in 2008. His thesis deals with the protection of human dignity from non-state actors, and his latest publications include "The Protection of Humanitarian Legal Goods by National Judges" (EJIL 2012), Enhanced Multi-Level Protection of Human Dignity in a Globalized Context through Humanitarian Global Legal Goods (German Law Journal 2012) or Judicial Powers, Harmonization and Influence among International Judges in the Context of a (Substantive) International Judicial Framework: Beyond Comity and Fragmentation (LASIL-SLADI Perspectivas 2011). He is the author of a book on Jus Cogens written in Spanish, entitled "*Los retos del derecho de gentes -Ius cogens-: La transformación de los derechos internacional y colombiano gracias al Ius cogens internacional*" (2007).

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Charline Daelman has been a researcher and teaching assistant at the Institute for Human Rights, KULeuven, since September 2010. She graduated from Ghent University in 2009 and studied at the University of Cadiz, Spain, in the framework of an Erasmus exchange (2007-2008). She holds an additional LL.M. degree in International Human Rights Law from Essex University (2009-2010), where she was also a researcher at the 'Peacekeeping Law Reform Project' at the Human Rights Centre. Charline participated in the international Phillip C. Jessup Competition (2009) and the Jean-Pictet Competition (2010). In 2008 and 2009, she was a summer intern at Astrea law firm (Antwerp) where she worked at the Corporate Law department. Charline is currently a member of the editorial board of the Flemish Journal for Human Rights and of the review board of the Essex Human Rights Law Review. She is writing a PhD that deals with the integration of human rights in foreign direct investment, under the supervision of Prof. Paul Lemmens.

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Damiano de Felice is a PhD Student in International Relations at the London School of Economics and Political Science (LSE). His thesis explains why the member states of the European Union (EU) differ in the adoption of human rights conditionality in foreign aid. Damiano is Research Assistant at the LSE Sustainable Finance Project and co-leads a research project titled "Imprese e Diritti Umani in Italia" ("Business and Human Rights in Italy") and supported by the Italian Ministry of Foreign Affairs and the Scuola Superiore

Sant'Anna. The purpose of the project is to help the Italian government adopt a comprehensive National Action Plan to implement the UN Guiding Principles on Business and Human Rights. Damiano will convene two panels on business and human rights at the 2013 International Studies Association's Annual Convention and an entire Section on business and human rights at the 2013 Annual Conference of the European Consortium of Political Research. Damiano is also a World Economic Forum Global Shaper, using this platform to create a network on young academics and professionals working on business and human rights around the world. In the recent past, Damiano was co-editor of *Millennium: Journal of International Studies* and acted as a consultant on human rights issues for one of Italian largest banks.

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Irene Pietropaoli works as a Researcher at the Business & Human Rights Resource Centre, London. Currently PhD Candidate in Law (business & human rights), Middlesex University where she is Lecturer in European Law. She is also Lecturer in International Human Rights Law at Regent's College London. Previous work at ECPAT International, Bangkok; VSO International, Laos; Informal Sector Service Centre (INSEC), Nepal; Inter-American Court of Human Rights, Costa Rica; legal consultant for private sector, Spain. Educated at Irish Centre for Human Rights (LLM Honours – International Human Rights Law); Univ. La Sapienza (Rome) (JD); Univ. of Barcelona (law degree).

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TRAVELLING TO LSE

Located in central London, LSE is easily accessible by a range of public transport including tube, rail and bus.

Tube/Underground stations

- **Holborn** (Piccadilly and Central lines) - on the corner of Kingsway and High Holborn. Approximately a five minute walk
- **Temple** (District and Circle lines) - on the Embankment at the bottom of Arundel Street. Approximately a five minute walk
- **Charing Cross** (Jubilee, Northern and Bakerloo lines) - on the Strand at the Trafalgar Square end. Approximately a ten minute walk

British Rail stations

- **Waterloo** - other side of the River from the Strand over Waterloo Bridge. Approximately a 10-15 minutes walk. Trains to and from the south coast and south west of England.
- **Charing Cross** - on the Strand at the Trafalgar Square end. Approximately a ten minute walk. Trains mainly to south east London and into Kent.
- **Blackfriars** - on the Embankment near Blackfriars Bridge. Approximately 10-15 minutes walk. Trains mainly to south London and south east England but also the First Capital Connect line through north London.
- **St Pancras International** - on Euston Road, close to King's Cross mainline station. Take the Piccadilly Line from King's Cross to Holborn, from where it is a five minute walk (see 'Holborn' above). Serves the Eurostar and trains to the Midlands.

Buses

Buses that stop on or near the Aldwych are: 1, 4, 6, 9, 11, 13, 15, 23, 26, 59, 68, X68, 76, 77a, 91, 139, 168, 171, 172, 176, 188, 243, 341 and 521.

Each bus stop should show which buses stop there and their frequency. On the front of the bus the final destination will be given. It may also show the names of the main stops on its route.



