

Cooperation through Education, Research & Dialogue - The Role of Academic Institutions as Multipliers of the Global BHR Agenda

Summary of the Panel of the
4th Annual UN Forum on Business and Human Rights

16 November 2015, 10h00-11h30

The panel, moderated by *Björn Fasterling*, professor of law at EDHEC Business School, dealt with the role that academic institutions could play in defining the business and human rights (BHR) agenda.

Three speakers of the panel put forward examples of activities undertaken by academic centres dedicated to BHR.

Manoela Roland, who coordinates HOMA, the Human Rights and Business Centre of the Federal University of Juiz de Fora, highlighted how HOMA becomes involved in political disputes related to the human rights agenda in Brazil and abroad by establishing relationships with the State, companies and civil society organizations. One important aspect of this work is the monitoring of the treaty negotiation process.

Sheldon Leader, who is director of the Essex Business and Human Rights Project (EBHR), outlined central features of the EBHR's work: As regards teaching, the EBHR would build up a cumulative picture of the elements that came under the umbrella term 'business and human rights'. The aim for each session was to build on the foundations laid by the previous ones, aiming to move away from treating the subject as an assemblage of disparate norms and towards building up its principles systematically. Then, students – primarily those at masters and doctorate levels, would become actively involved in the EBHR through research on a particular issue that has been brought by e.g. an NGO on which it wishes to campaign or help bring a legal case, and through working on themes that need development as they apply across a range of EBHR work. The latter products could then be published on line.

Bonita Meyersfeld, leading the Centre for Applied Legal Studies of University of Witwatersrand (CALS), spoke about how the CALS engages in teaching, research, advocacy and litigation. She pointed out that there was an important role in straddling the functions of theory, practice and pedagogy. In the context of Business and Human Rights, the intersectionality of theory and practice would be essential. Understanding the complexities of corporate realities and the specificity of the experiences of affected communities and persons would be at the heart of developing reasoned and effective

responses to the question of global corporate accountability. It would be this combination that would be additionally useful when teaching the subject of Business and Human Rights. Because of the contested nature of the sub components of this area of work, understanding the different worlds and realities would be vital to developing and teaching theory around this area.

The presentations of the work of academic centres was followed by an argument of *Surya Deva*, associate professor at the School of Law, City University of Hong Kong that a legally-binding international treaty could complement the Guiding Principles on Business and Human Rights. The argument was presented against the backdrop of the complexity of issues raised by the intersection of business with human rights and that were related to the nature and extent of human rights obligations of companies and the search for effective mechanisms for the enforcement of such obligations. The intersection of business and human rights would also challenge traditional paradigms such as the “vertical” understanding of human rights, the predominantly “state-centric” nature of international law, and the “territorial” mode of regulation. Resolving these challenges would require imaginative and interdisciplinary responses from researchers.

Finally, three speakers put forward the importance of and challenges with regard to sensibilizing existing and future business managers to BHR issues.

Joanne Bauer, Adjunct Professor of International and Public Affairs, Columbia University drew attention to teaching at interdisciplinary programs of public and international affairs) in training students to be business and human rights practitioners. Bauer surveyed her former students who now hold BHR positions in the IT, electronics, energy, apparel, consumer goods (cosmetics), and hotel sectors, about why they chose the degree they did and how it made them competitive in the market place for these jobs. Student respondents noted that the program trained them to look at problems from multiple perspectives, to work collaboratively to solve complex problems, and to “navigate ambiguity.” This year she launched a multi-disciplinary year-long Business and Human Rights Clinic. The project for this inaugural year was investment chain mapping and human rights advocacy, which builds skills in financial analysis, pressure point analysis, legal understanding, stakeholder engagement, and advocacy strategies.

Karin Buhmann, Danish NCP member and Associate Professor at Copenhagen Business School, provided insights into the necessary ‘translation exercise’ of what human rights mean to business so that managers could understand the human rights implications of their practices in order to ideally avoid negative impacts or mitigate and remedy those that do occur. She focused on the UNGPs second pillar with a particular emphasis on the Human Rights Due Diligence process and put forward that remedy activities would be less needed to the extent that business managers became more routinely engaged in understanding, anticipating, and preventing adverse human rights impacts. One translation exercise would lie in addressing the language of risk. She noted that in her experience the particular Due Diligence approach of the UNGPs functions well to help

management students understand how preventing risk to society is the right thing for the business. A better understanding of social- and economic risk resulting from reputational damage, risk of divestment or loss of customers etc, or other reactions that challenge their economic interests provides one way of convincing business managers to become more sensitive to dealing with human rights risk. She put forward, however, that in this context it is often the results matter and less the labels. The point would be to reduce or ideally avoid HR abuse, and to avoid individuals and communities becoming victims, no matter if this is achieved under the label "social risk Due Diligence" or other.

Françoise Guichard, Head of Ethics and Compliance at Engie (formerly GdF) and president of Entreprises pour Les Droits de l'Homme (EDH), presented the latter organization, which is a business-led initiative of 12 international companies and whose objective is to foster the integration of human rights into policies and practices of companies. Facing challenges of lack of understanding of human rights issues by managers and employees, one of the main activities of EDH since 2010 has been the development of training and raising-awareness tools, based on the UNGP. She emphasized the need to have a collaborative approach between business, civil society and academics for training and for more generally the promotion of the BHR debate, mentioning the example of the French multi-stakeholder platform.

The ensuing discussion with the audience followed up on two themes:

- *Communication across disciplines and between different actors (business, state, civil society and academic institutions)*: Different language and codes used by business managers and scholars respectively, as well as technical language that varies across academic disciplines still provide challenges for engaging in a meaningful dialogue. One responsibility of academic institutions would be to provide the conditions for overcoming such communication barriers. The systemization of business and human rights language would also be vital for responding to a potential job market of business and human rights managers in companies, and, more generally to raise and maintain awareness of human rights issues among managers in strategic and operative functions within companies. In this context, *David Scheffer* and *Caroline Keeb* highlighted the efforts of the Working Group on Business and Human Rights of the Principles of Responsible Management Education (PRME). They introduced to the discussion a progress update of their mission to ingrain BHR issues in management education.

- *Guaranteeing independence of research and funding*: The second theme dealt with the notion that the legitimacy of the role of academic institutions would rely upon its mission to produce and disseminate knowledge independently of outside pressures. In this respect, the funding of academic work would pose significant challenges, be it state- or business enterprise funded work. Bauer noted that one solution to the problem is to embed the research into instruction, though a Clinic program, so that the funding is

supported by the committee on instruction at the university without the need to rely on external funding.