



**Teaching Business and Human Rights:  
A Professional Workshop**

**Discussion Summary**

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# Overview

As more and more individuals in the private sector, government and civil society grapple with the practical and theoretical issues at the intersection of global business practices and international human rights standards, demand for university and professional business and human rights education is growing. The number of university-level “business and human rights” courses has grown steadily in the past decade.

The first Columbia Workshop on Teaching Business and Human Rights brought together twenty individuals teaching “business and human rights” at twelve institutions in the United States and the United Kingdom. Workshop participants shared curricula and teaching strategies, discussed issues of common concern, and connected with others who are shaping how business and human rights is taught. Participants included both full-time and adjunct faculty; and professors teaching in law, business and public policy programs.

The Workshop agenda reflected common challenges faced by anyone teaching business and human rights at the university level, including:

- **Determining the scope and structure of the course.**
- **Identifying appropriate materials for the course syllabus.**
- **Engaging students in the classroom.**
- **Teaching an inherently multi-disciplinary subject.**

Participants shared insights, tools, and methodologies in response to four questions:

- 1) **What do you teach?**
- 2) **How do you teach?**
- 3) **Where and whom do you teach?**
- 4) **What issues shape your thinking about the field?**

Workshop discussion focused on these kinds of issues - the practical craft of teaching - rather than academic debates in the field. Key points are summarized below.

## Acknowledgments

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We are grateful to all Workshop participants, and to the Columbia University Institute for the Study of Human Rights and the Columbia Law School Human Rights Institute, for supporting the Workshop. Our hope is that by facilitating a discussion of teaching business and human rights, we can strengthen the discipline and contribute to the realization of human rights by all.

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# I. What Do You Teach?

Workshop participants discussed the scope and structure of their courses, and highlighted useful materials and resources.

## A. Scope

All participants noted that determining the scope of a business and human rights course - the process of selecting what to include or exclude from a course - is particularly challenging. In particular, participants struggle to balance: 1) the right mix of topics; 2) student perspectives; 3) time and space constraints; and 4) course structure.

### 1. *Topics*

Participants, including a number of professors who could not attend the Workshop, shared their business and human rights course syllabi. Common syllabi topics include:

- Defining business and human rights;
- Historical perspectives;
- Making the “business case” for human rights;
- International human rights standards, instruments and institutions;
- International labor standards, instruments and institutions;
- Voluntary and “soft law” standards;
- Tools for corporate accountability, including litigation, advocacy, grievance mechanisms and policy;
- Case studies;
- Corporate best practices, including policies, due diligence, transparency and multi-stakeholder initiatives;
- Trade and human rights;
- Development and human rights;
- Business in conflict zones;
- Corporate law and securities regulation;
- Criminal law; and
- Comparative legal approaches, including regional human rights mechanisms.

Other topics mentioned include: human rights and the environment, investment agreements, corporate lobbying, tax avoidance, corporate compliance, the social “license to operate,” the social compact, the legal personality of corporations, and international law and economics.

Several topics prompted additional discussion:

- **The positive role of business in realizing human rights.** Some participants suggested that an examination of the total impact of business on human rights necessarily requires consideration of the positive human rights impact that businesses can have by generating employment, developing innovative products and driving economic growth. One participant presents the positives as key disputed issues of investing in developing countries. She urges students to consider whether such investments do in fact establish linkages to the local economy, improve tax revenues, and the balance of payments; or if instead they exacerbate the urban-rural divide, widen the gap between rich and poor, displace indigenous production, hire the best local entrepreneurs, and involve inappropriate technology transfers. Another participant has included the issue of micro-credit in his syllabus, but noted that the unit is somewhat self-contained and does not connect to other units as broadly as he would have liked.
- **The UN Framework for Business and Human Rights.<sup>1</sup>** Many participants have incorporated in their courses the UN “Protect, Respect, and Remedy” Framework for Business and Human Rights, and supporting materials produced during John Ruggie’s mandate as UN Special Representative. Some participants teach the “Protect, Respect and Remedy” Framework as a stand-alone module; others integrate it throughout the course.
- **Advocacy.** Participants who teach legal tools for corporate accountability use a variety of approaches, including traditional case law methods. One participant examines enforcement through the lens of advocacy and campaigning, which offers a way to integrate foundational human rights legal principles and theory without losing student interest.
- **The Alien Tort Statute (ATS).** Participants questioned the degree to which courses should continue to cover the Alien Tort Statue and its jurisprudence in the United States. Some participants teaching in law schools feel it is important for law students to be aware of the jurisprudence under the ATS, even if the statute’s future as a tool for corporate accountability is unclear. Participants also noted that ATS cases can be helpful both as a source of factual recitations for case studies, and to illustrate the legal concept of complicity. Some participants introduce their students to cases litigated outside of the United States, given the growing body of jurisprudence in other countries, including developing countries.
- **Gender dimensions of business and human rights.** Participants agree that the role of women is a central issue for business and human rights generally. Integrating this theme into syllabi is a uniform challenge, largely due to time limitations. Participants have attempted to address gender dimensions as part of modules on the ILO, the Millennium Development

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<sup>1</sup> John Ruggie, “Protect, Respect and Remedy: A Framework for Business and Human Rights,” Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises,” UN doc. A/HRC/8/5 (7 April 2008) (*available at* <http://www.reports-and-materials.org/Ruggie-report-7-Apr-2008.pdf>).

Goals, and investment agreements. Participants also expressed difficulty identifying relevant materials. The UN Global Compact's Women's Empowerment Principles<sup>2</sup> were suggested as a useful resource.

- **Making the “business case.”** Participants noted a primary objective of business and human rights teaching is to introduce students to the language of business, so they can more effectively frame and communicate business counsel. Participants discussed how to best equip students with the skills to develop and present a ‘business case’ for corporate human rights efforts.
- **Defining “business.”** Participants discussed the definition of ‘business’ in their courses. There is general consensus that the term encompasses ‘for profit’ entities. Non-governmental organizations (NGOs) and intergovernmental organizations (IGOs) are actors but not targets of advocacy for corporate human rights accountability. There is less clarity regarding whether a business and human rights course should focus solely on multinational companies, or whether it should also address small and medium-sized enterprises (SMEs). Participants noted that SMEs play an increasingly important role in many industries and in the future of corporate responsibility.
- **The OECD Guidelines for Multinational Enterprises.**<sup>3</sup> Participants expressed mixed views on including the OECD Guidelines in their courses. A number of participants recommended the 2011 revised Guidelines, and cases brought under the OECD complaint mechanism, such as *Survival International v. Vedanta Resources*,<sup>4</sup> as helpful materials.
- **Soft-law mechanisms.** Participants discussed the prevalence of soft law instruments in the business and human rights field and to what extent students should be well versed in these. Familiarity with soft-law instruments is important to the extent that such instruments shape and inform hard law over time.
- **Emerging topics.** Participants noted several topics of increasing relevance to business and human rights courses, including trade liberalization, the role of international financial regulation, and the different ways that business and human rights is treated under public and private international law. A common challenge is how to incorporate emerging topics in already crowded syllabi.

## 2. Student perspectives

Workshop participants teach in a variety of programs, including law, business, public policy, and undergraduate schools. Courses include students from these schools, but also draw students from other programs, such as international affairs, journalism, advocacy, human rights and social work. Students taking business and human rights courses tend to be a very diverse group, with many international students, and individuals with a range of education and professional experience.

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<sup>2</sup> UN Global Compact and UNIFEM, *Women's Empowerment Principles* (available at [http://www.unglobalcompact.org/docs/issues\\_doc/human\\_rights/Resources/WEP\\_EMB\\_Booklet.pdf](http://www.unglobalcompact.org/docs/issues_doc/human_rights/Resources/WEP_EMB_Booklet.pdf))

<sup>3</sup> OECD Guidelines for Multinational Enterprises (revised, 25 May 2011) (available at [http://www.oecd.org/document/28/0,3746,en\\_2649\\_34889\\_2397532\\_1\\_1\\_1\\_1,00.html](http://www.oecd.org/document/28/0,3746,en_2649_34889_2397532_1_1_1_1,00.html)).

<sup>4</sup> See “OECD NCP UK, *Survival International vs Vedanta Resources plc, 2008*” (available at [http://baseswiki.org/en/OECD\\_NCP\\_UK,\\_Survival\\_International\\_vs\\_Vedanta\\_Resources\\_plc,\\_2008](http://baseswiki.org/en/OECD_NCP_UK,_Survival_International_vs_Vedanta_Resources_plc,_2008)).

Several participants noted that the scope of their course is, to some degree, driven by student demand and tailored to the unique requirements of a given group. One participant endeavors to create a survey course that helps students to develop a fluency in a wide range of topics from multiple perspectives.

### 3. *Time and space constraints*

Participants universally struggle to cover a large amount of content – historical perspectives, core principles, legal and voluntary standards and institutions, case studies and current issues – in a single course. Few participants teach a course longer than one semester, although at least one clinical offering is a full year course. As a result of differing levels of student business knowledge and experience, participants often must devote time to teaching key business concepts before engaging in detailed discussion.

Course prerequisites, or the development of a “core” business and human rights offering, coupled with more detailed electives, are being considered by some participants. One participant’s university has created two separate courses – Business and Human rights; and International Trade and Investment and Human Rights. Participants briefly discussed what a “core” business and human rights curriculum would contain. One participant suggested it might include: the role of business in society, the history of the firm as an artificial construct, key business concepts, principles of international law, and an exploration of the political order in which multinational corporations currently find themselves.

All participants believe that business and human rights is evolving into a more structured discipline.

### 4. *Structure*

Participants experiment with the optimal structure and sequencing of their courses, making changes according to time constraints and student perspectives. One participant, for example, opens his course with a discussion of Adam Hochschild’s *King Leopold’s Ghost* (1999), which allows him to explore core issues, including human rights violations and campaigning, and set the scene for the rest of the course. Courses can be structured based on specific rights at issue, case studies, geographies or thematic issues.

## B. Materials

The growth of “business and human rights” as a professional field and academic discipline is producing a steadily increasing pool of potential teaching materials, but there is still no comprehensive textbook or casebook. Many participants identify and compile course materials and readings *de novo* every time they teach.

Participants discussed the need for more academic articles in the field, particularly for scholarship that examines the human rights impact of business and human rights initiatives. One participant suggested promoting more scholarship by advising graduate students pursuing dissertations on related topics.

Participants highlighted the following materials as particularly helpful:

- The UN “**Protect, Respect and Remedy**” **Framework and Guiding Principles on Business and Human Rights**, and supporting materials.
- **UN Global Compact** tools, guides and reports.
  - UN Global Compact **Human Rights Working Group Best Practice Notes: How Business Can Encourage Governments to Fulfill their Human Rights Obligations** (29 March 2010) and *Corporate Responses to Conflicts between International Human Rights and Host Country Laws* (DRAFT of 11 November 2010).
- Business & Human Rights Resource Centre, **Corporate Legal Accountability Portal**<sup>5</sup>
- **Harvard Case Studies** – The Harvard Business School has produced many case studies dealing with issues of business and human rights. Designed primarily for use with business students, some of these cases also have a separate, detailed “Teaching Note.” One participant has used one of the cases on Shell in Nigeria (specifically *Royal Dutch/Shell in Nigeria (A)*, Harvard Business School Case Study No. 9-399-126) to provide an ‘inside the company’ perspective for students. The Harvard Business School Publishing website makes it easy for faculty to browse cases and teaching notes for free (“Educator Premium” role at <http://cb.hbsp.harvard.edu/cb/register>).
- **Textbooks**
  - Michael Kerr, Richard Janda, and Chip Pitts, Corporate Social Responsibility: A Legal Analysis (2009).
  - Rory Sullivan, ed., Business and Human Rights: Dilemmas and Solutions (2003).

Compiling a comprehensive annotated bibliography of teaching materials is a suggested next step for the Workshop.

## II. How Do You Teach?

Finding alternatives to traditional lectures and classroom discussion is a common challenge among Workshop participants.

### A. Classroom Teaching Strategies

Participants identified a variety of successful strategies for teaching the subject while keeping students, and the instructor, engaged. Strategies include:

- **Class Debate** – Divide the class into two groups and ask each to prepare a different side of a topical debate, such as the case for and against sweatshops, or whether regulatory standards are preferred over voluntary standards.

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<sup>5</sup> <http://www.business-humanrights.org/LegalPortal/Home>.

- **Group Review** – Divide the class into groups and assign each an instrument, such as the Voluntary Principles on Security and Human Rights, to review and present. One participant requires groups to post their analysis on a [Wikispace](#) set up as part of the course portal.
- **Role Playing Paper** – Ask students to write a paper or memo on a specific topic from the perspective of a designated actor, such as an advocacy or business organization. Examples:
  - Position Paper - Draft an evaluation of the UN Framework Guiding Principles from the perspective of Human Rights Watch.
  - CEO Memo - As Director of CSR or General Counsel of a specific company, draft a memo to the CEO explaining the company's human rights issues and providing recommendations to address them. One participant invites a corporate Director of CSR to critique and provide feedback on each of the memos. This exercise helps students to understand business incentives, strategic management, corporate risk assessments, and why business and human rights is important to a company.
  - Press Release – Prepare a press release from an advocacy organization highlighting a specific corporate human rights abuse.
- **Role Playing Exercise** – A number of participants have experimented with classroom role-playing or simulation exercises to engage students. Successful exercises require substantial planning, relevant materials, and scenario development. Examples:
  - Factory Audit Report – One participant divides his class into groups and asks each group to assume the role of “Human Rights VP” for a sporting good company. A redacted factory social compliance audit report, with alleged violations, is distributed and each group must formulate a company response to four questions: 1) Which findings concern you the most? 2) What are the company's responsibilities? 3) How should the company respond? 4) What is the likely impact? Students gain a practical appreciation of labor rights in the supply chain and competing perspectives in corporate decision-making.
  - EITI Revision – One participant conducts an in-class simulation focused on the Extractive Industries Transparency Initiative (EITI) and conflict minerals. Students are assigned to groups representing various actors, including NGOs, governments and corporations, and are told to prepare to negotiate revisions to the EITI program. Students are asked to determine their chief challenges and formulate a concrete plan of action on how to address them. Students consider different perceptions of the facts, the dynamics between various actors, differing incentives, and community relations.
  - Moot Case – Students must argue opposing sides of a real or hypothetical ATS case seeking to hold a company responsible for complicity in state human rights violations.
- **Interviews/fact-finding** – Participants have asked students to conduct interviews or fact-finding exercises, and to present or publish their findings. Examples:

- UN Global Compact Case Studies – Students have been assigned company case studies, conducted interviews with key representatives in that organization, and presented their findings to the UN Global Compact Office for publication.
- UN Global Compact Human Rights Working Group Best Practice Notes – Students have conducted interviews with UN Global Compact member companies and drafted notes describing industry best practices concerning specific human rights issues.
- **Student Teaching** – Assign individual students responsibility for teaching a particular concept or case. The students choose among relevant materials.
- **Slide Deck** – Ask students to develop a set of slides to explain a specific tool or initiative, such as how the UN Framework is relevant to a given organization.
- **Social Media** – Use social media, such as an individual blog, a third-party service (e.g. Twitter, Facebook, Linked-In) or a university-hosted online course site to interact and communicate with students during the course.
- **Facebook Group** – Set up a class Facebook group and assign a student(s) each week to find and post relevant business and human rights articles.
- **Guest Speaker** – Invite outside experts, such as business representatives and human rights advocates, to present a given topic and share their professional experience.
- **Video** – A number of participants use videos in their teaching, including documentaries, news footage, and training videos. One participant highlighted the International Bar Association’s Lawyers as Leaders Program [CITE] series of video modules with insights from legal experts on corporate responsibility issues.

## B. Stand-Alone Simulation

One participant described a large group simulation designed to emulate real-world decision-making that is conducted at a school of public policy as a stand-alone course with the assistance of business representatives. Students are divided into 18 groups and assigned their own roles and mandates as one of a series of actors in response to an unfolding factual scenario. Students are faced with real-world information asymmetries, power imbalances, time pressures and conflict. They learn the importance of communication, partnerships, collaboration and bridging the divide between different perspectives. They are also presented with difficult ethical, cultural, attitudinal and value-based questions, each of which aligned to the normative underpinnings of the discipline. At the conclusion of the simulation, students deconstruct their experiences and evaluate their performance.

## C. Clinical Education

Clinical education offers opportunities to teach business and human rights through practical projects and fieldwork. One participant has developed clinical opportunities for law students reviewing legal mechanisms and revenue sharing contracts in the extractive sector in partnership with NGOs and governments. With clinical students, he presents the subject matter through the

lens of the history of the human rights movement, rather than a formal analysis of human rights law. The focus is on the struggle of organizations, campaigning and advocacy and how each have influenced and shaped the human rights movement over time.

One participant discussed his experience soliciting business students to participate in law school clinical projects analyzing corporate initiatives. He noted that while there are cultural and ideological divides to overcome, the cross-disciplinary perspectives and differing expertise are extremely valuable. He also noted that he secured business student participation by posting a general notice aimed at students, not by a formal request through the business school.

### III. Whom and Where Do You Teach?

Participants highlighted three issues: 1) teaching international students; 2) where business and human rights fits in university curricula; and 3) whether business and human rights should be a core law school requirement.

#### A. Teaching International Students

Several participants remarked on the diversity among their students. Not only are the students taking business and human rights courses coming from a variety of different graduate schools and professional backgrounds, but also from diverse geographies and legal systems. Law school teachers note increasing numbers of international lawyers pursuing LL.M. degrees. Three key issues emerged during the discussion:

- **Student perspectives.** Participants sought insights on how to take advantage of different student nationalities present in the classroom and incorporate student perspectives and expertise into class discussions and material. Suggestions include introducing global case studies, asking students to present on the human rights instruments and sensitive issues in their home countries, and using country-specific role-plays to encourage students to ‘step outside of the box’. One law professor asks his LL.M. students to debate his U.S. law students to draw out distinct international perspectives. Some participants take a more *ad hoc* approach by probing further on a particular perspective should it arise during class discussions.
- **Assessment.** Participants sought innovative ways to assess a diverse student group in a fair and balanced way. For many international students, English is not their first language, and participants feel that written assessments are not always the best way to evaluate their performance. Suggestions include combining a series of different assessment methods to examine different skills. One participant, for example, combines a practical writing assignment in the form of a news article or advocacy report with a research paper.
- **Comparative perspectives.** Participants struggled with the question of whether and to what extent comparative legal perspectives should be formally incorporated into the syllabus. Several participants think it is particularly important to incorporate comparative perspectives from other domestic and regional jurisdictions where the student group included international students. Such students need to develop the requisite skills to return to their home countries at the conclusion of their course of study and contribute to the field.

This necessarily requires an understanding of what tools exist in their home countries and how to utilize them.

## B. Creating Space in University Curricula for Business and Human Rights

In discussing where business and human rights fits within the university curriculum, the primary focus was on how this topic is dealt with by different schools. Business schools tend to talk about business and human rights in terms of 'risk' rather than human rights language and deal with it from the perspective of ethical supply chains and sustainability. Law schools are more focused on business and human rights as a movement and the legal framework and institutions that underpin it. Some participants who teach at law schools noted that they have encountered faculty reluctance to support business and human rights courses. Among the traditional law school disciplines, one participant noted more receptivity from the international law faculty, than from corporate or commercial law colleagues.

Participants also remarked that while there are many intellectually and practically important issues arising at the intersection of law and business (the syllabi topics, *supra*, that constitute the core of business and human rights courses), the tendency for academic silos to form in the study of law and business functions to 'crowd out' many of these issues.<sup>6</sup> The dearth of academic articles in this space may be a manifestation of the near absence of cross-disciplinary collaboration.

Participants agreed that there are parallels and synergies between the approaches adopted by different schools teaching business and human rights, and numerous opportunities for teachers to share expertise, no matter where the course is taught. One example that leverages these synergies is the Masters of Human Rights and Business program offered by Middlesex University in the United Kingdom. The program targeting business professionals is offered by the law school, which resides within the business school. The result is a law course in business and human rights that uses business materials to address the requirements of professionals in the field. Professional business and human rights education models can inform university curricula, and vice-versa.

## C. Making Business and Human Rights a Core Law School Requirement

The majority of Workshop participants teach business and human rights at a law school. Participants discussed whether law schools have a responsibility to address business and human rights as part of the core law school curriculum. As the importance of business and human rights grows for companies, participants note an increasing need for law graduates to be exposed to business and human rights concepts as part of their legal training.

Effective legal counsel requires more than simple legal analysis, but also the ability to advise corporations on business and human rights issues. Participants noted that there is an increasing demand for lawyers who can identify issues on the horizon and develop strategies to manage them. "A good lawyer needs to know not only what the law is today, but what it could be five years from now," according to one participant. Another remarked that law graduates now are

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<sup>6</sup> See, e.g., Faith Stevelman, "The Academic, Legal and Policy Evolution of CSR," *The CSR Journal* (Corporate Social Responsibility Committee, ABA Section of International Law, August 2010).

encountering business and human rights issues much earlier in their professional careers than they had historically, even five years ago. A participant noted that one of her LL.M. students was recently hired by a law firm largely, she believes, as a result of exposure to CSR concepts in her business and human rights course at law school. Multinational law firms themselves often operate under the same business and human rights principles as the corporate clients that they advise.

One participant remarked that there is a growing tendency for legal departments within companies to inherit responsibility for business and human rights issues and strategies. Another commented that it is often lawyers who stand in the way of companies adopting sound business and human rights strategies and practices. In this respect, educating law students on the business benefits of business and human rights was seen as crucial not only for their own success, but for the development of the business and human rights movement more broadly.

Business and human rights education is an essential component of legal training for professional success in the marketplace. Law schools that fail to offer business and human rights coursework, and law students who never study the subject, may fall behind those that do.

## IV. What Issues are You Following?

Participants shared key issues in the field of business and human rights that they are tracking closely and that may form the basis for future course modules, class discussions, or materials:

- **The UN Framework and Guiding Principles on Business and Human Rights.** Many participants have incorporated the UN “Protect, Respect, and Remedy” Framework for Business and Human Rights<sup>7</sup> and supporting materials produced during John Ruggie’s mandate as UN Special Representative in their courses. Key issues going forward include:
  - The impact of the Framework on companies, governments and advocates;
  - Examples of the Framework’s application; and
  - The process that led to the Framework.

Participants highlighted the following materials as useful:

- Business & Human Rights Resource Centre, Portal on the UN Special Representative on Business and Human Rights (<http://www.business-humanrights.org/SpecialRepPortal/Home>)
- EarthRights International, The Burma-China Pipelines: Human Rights Violations, Applicable Law and Revenue Secrecy (available at <http://www.earthrights.org/sites/default/files/documents/the-burma-china-pipelines.pdf>);

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<sup>7</sup> John Ruggie, “Protect, Respect and Remedy: A Framework for Business and Human Rights,” Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises,” UN doc. A/HRC/8/5 (7 April 2008) (available at <http://www.reports-and-materials.org/Ruggie-report-7-Apr-2008.pdf>).

- Anthony Ewing, “UN Human Rights Framework: What Executives Need to Know about Human Rights (Parts I and II),” Ethical Corporation (2011) (available at <http://www.ethicalcorp.com/content.asp?ContentID=7285>)
  - Chris Jochnick, “Making Headway on Business and Human Rights” (2011) (available at <http://politicsofpoverty.oxfamamerica.org/index.php/2011/02/11/making-headway-on-business-and-human-rights/>)
  - On Common Ground Consultants Inc., Human Rights Assessment of Goldcorp’s Marlin Mine (May 2010) (available at <http://www.hria-guatemala.com/en/MarlinHumanRights.htm>)
- **Role of Lawyers.** What impact will the UN Framework have on the role of legal counsel? As more companies seek to understand the UN Framework and Guidelines and to incorporate them into their existing business models, how will corporate counsel respond? Will new skills, such as the ability to advise on human rights due diligence and conduct Human Rights Impact Assessments, be sought after by industry?
  - **Disclosure.** Will the UN Framework, which calls for tracking and monitoring corporate human rights impact, result in greater corporate transparency? What are the limits on what a corporation can keep confidential? What new disclosure requirements are on the horizon? Participants are following new corporate human rights disclosure requirements under UK and Danish corporate law, proposed Canadian regulation, Dodd-Frank conflict minerals provisions in the U.S., and California state human trafficking legislation.
  - **Parent Company Liability.** What are the current legal standards for parent company liability in relation to the activities of subsidiaries? What does human rights due diligence mean for parent companies and their subsidiaries?
  - **Host Country Policymaking.** What does a business and human rights framework contribute to the question of policy trade-offs within a host country between local and national policies? Can a business and human rights mind-set help to determine how these trade-offs can be managed?
  - **Socially Responsible Investors.** What is the role of the Social Responsible Investment (SRI) community in promoting human rights? Participants note that when advocates lose traction with corporations on a given issue, they have often relied on the SRI community to move the issue forward. Given that the SRI community represents several trillion dollars in assets under management, participants are interested to see how this group will shape the business and human rights movement going forward. Participants note recent developments in the dissemination of social risk metrics by mainstream financial data publishing companies.
  - **Campaign Funding.** Corporations and unions fund political campaigns through different channels, many of which require no disclosure. Campaign funding is a key policy issue moving into the next election and several participants are tracking the relationship between business and government.
  - **Information, Data and Internet Access.** Data is collected and synthesized at increasing levels of sophistication, and information is disseminated more widely and effectively than ever before. Several participants are interested in how developments in the information and communications technology (ICT) sector will enable and expand the business and human rights movement in the future; and to what extent privacy and access to the internet may be

considered fundamental human rights going forward. Cases such as Google in China raise interesting questions regarding the intersection between the state responsibility to protect and corporate responsibility to respect human rights. Programs like the Global Network Initiative illustrate the most recent voluntary multi-stakeholder human rights efforts.

- **China.** China's role in the global economy and its observance of human rights and environmental standards is a key business and human rights issue. Key issues include Chinese state-owned and private multinationals investing in Africa and elsewhere; the role of Chinese NGOs; corporate responsibility under Chinese law; and the human rights impact of foreign investors in China.
- **Land Use.** Land scarcity has increased the value of land around the world and triggered human rights concerns surrounding large-scale land acquisition. How does a business and human rights framework address land use and related issues such as food pricing, agribusiness and water use? How will states, investors and companies respond to land-related human rights concerns?
- **Litigation.** Will civil litigation continue to be used as a tool for corporate human rights accountability? Will other accountability mechanisms be developed? Several participants noted that the role of the Alien Tort Statute in the United States appears to be diminishing and raised questions as to whether regional organizations, such as the European or Inter-American human rights bodies, will develop competency in this area going forward.
- **Small and Medium Enterprises.** How can small and medium sized enterprises (SMEs) meet their human rights responsibilities and how will SMEs shape the business and human rights agenda in the future? What is the responsibility of a multinational company to help SMEs in its supply chain to meet their human rights responsibilities?
- **Extraterritoriality.** How can corporate human rights responsibilities be enforced through extraterritorial regulation, jurisdiction and other mechanisms?
- **Consumers and Human Rights.** With the rise of social networking and crowd sourcing, what is the influence of consumers on corporate respect for human rights? Given the conflicts that can exist between environmental concerns and labor rights, do consumers always push companies in the right direction? How will this tension be managed in the future?
- **Corporations, Human Rights, and the Environment.** Corporate, human rights and environmental issues can be interdependent, such as in the context of business and the rights of indigenous peoples. At the international level, the human rights framework is more established than the environmental framework. Conversely, at the corporate level, environmental responsibilities are better understood than human rights responsibilities. Can existing corporate environmental policies and processes be leveraged to further the business and human rights agenda?
- **Gender dimensions of business and human rights.** How is the field of business and human rights addressing the role of women? Women are the members of the communities most impacted by business activities, and make up some 90% of the global factory labor force.

- **Human Rights under National Law.** How are countries implementing international human rights responsibilities domestically? Do human rights exist in the United States and if so, how are they conceptualized?
- **Defending Human Rights Defenders.** How do company actions affect human rights defenders? With the appointment of a *UN Special Rapporteur on the Situation of Human Rights Defenders*, this issue is gaining greater attention, with ramifications for business and human rights.

## V. Next Steps

The Columbia Workshop brought together a small group among the growing community of business and human rights teachers worldwide. Participants identified ways to expand this network and sustain ongoing collaboration.

- **Expand the network.** Participants discussed ways to expand the network of business and human rights teachers and engage those who were not present at the Workshop. Several participants noted that business and human rights professionals at universities around the world often do not have an outlet to discuss their ideas and concerns in the field. International engagement could serve the dual purpose of: 1) encouraging collaboration and stimulating discussion among academics in the field; and 2) strengthening business and human rights education worldwide. Some participants suggested that a starting point to promote a teaching business and human rights network could be through established organizations, including:
  - the American Association of Law Schools (AALS),<sup>8</sup>
  - the ABA Section on International Law,
  - Aspen Institute program on Society and Business,
  - Inter-American Bar Association,
  - the International Bar Association (Section on International Law),
  - the Society of American Law Teachers,
  - the UN Global Compact Principles for Responsible Management and Education Initiative, and
  - the US-Mexico Bar Association.

Participants noted the potential benefits of the many adjunct professors teaching in this area connecting with full time faculty who are teaching and researching business and human issues.

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<sup>8</sup> One participant suggested sending letters of support for the creation of an AALS section on “Global Finance, Multinationals and Social Cost” (pending).

- **Establish an online forum.** Participants seek to facilitate ongoing collaboration and interactions among Workshop participants and the broader community of business and human rights teachers through an online forum. At a minimum, the online platform could:
  - Include a **directory of business and human rights courses and professors**;
  - Enable participants to **share documents**, such as teaching materials, syllabi and other resources (a participant suggested compiling the materials mentioned and cited in our collective syllabi as a single annotated bibliography); and
  - Allow participants to **engage in collaborative discussions** on topics of common concern, such as developing a core business and human rights curriculum.

Suggestions for a technology platform included a Listserv, LinkedIn, Google groups, and Facebook. Most participants prefer a technology platform unaffiliated with any third party company. *The Columbia Law School Human Rights Institute and the Columbia Institute for the Study of Human Rights agreed to explore establishing an online “Teaching Business and Human Rights” forum on a Columbia University platform.*

- **Convene an annual Workshop.** Participants supported repeating the Workshop annually, in a similar format, or as a larger symposium. Participants generally view New York as a convenient location. Rotating venues in the United States, in Europe, or elsewhere, could help to expand the network of participants.
- **Collaborate on research.** Participants suggested forming a research group to further explore some of the key issues arising from the Workshop. Such a group could inspire further teaching, develop new materials, and encourage graduate students to develop theses that can contribute to the field.
- **Support business and human rights students.** Participants discussed ways to support business and human rights students through career mentorship and job placement.
- **Promote business and human rights education.** Several participants highlighted the need to promote business and human rights courses generally, to ensure students and business professionals are aware of their existence and availability, and to promote the development of new courses worldwide, especially in regions where business and human rights courses are scarce.