

CALL FOR ABSTRACTS

Corporate Responsibility to Respect Human Rights: The Emerging European Union Regime

Human Rights & International Legal Discourse focuses on the interplay between human rights law and other specific domains of international law (see www.hrild.org). The 2015 Fall issue will focus on recent and ongoing developments concerning the regulation of corporate human rights responsibility at the EU level. Regulation is understood in a broad sense, covering hard and soft law as well as ‘smart regulation’, such as incentives, reflexive and responsive law, and the interface between law and politics. The EU level too is understood broadly, covering not only business activities within the EU, but also transnational activities and business relations of EU based companies, and the interaction or comparison between EU measures and others, such as international (such as the UN Guiding Principles, the UN Global Compact, or OECD’s Guidelines for Multinational Enterprises), statutory regulation requiring transparency on business impact on human rights or related issues (such as the sections 1502 and 1504 of the US Dodd-Frank Act or plant products under the US Lacey Act) and/or private CSR schemes.

The business and human rights agenda has witnessed an exponential growth in international debates in recent years, fostered in great measure by the political and institutional process of drafting and adoption of the UN Guiding Principles on Business and Human Rights (“Guiding Principles”). This debate has resonated particularly within the European Union and the United States, home to some of the world’s most influential trans-national corporations, leading to an unprecedented wave of legal and institutional developments.

The rejoinder to the Guiding Principles in Europe has been marked by the leadership exercised by the European Commission, against a backdrop of intricate private economic interests and national sovereignties. In October 2011, the European Commission launched a renewed [EU strategy on corporate social responsibility](#), formally valid until the end of 2014. Changing the EU’s previous definition of CSR as ‘voluntary’ to now simply but potentially comprehensively being business responsibility for their impact on society, the strategy seeks alignment with the evolving international business and human rights agenda, and included an unprecedented call for member States to develop national action plans to implement the Guiding Principles. Such national plans have gradually been developed under the strategy, defining EU Member States’ expectations regarding corporate human rights due diligence at home and abroad. Under the UE Strategy, the Commission has also sought corporate self-regulation, and has published [human rights guidelines](#) for specific business sectors. EU legislation currently already incorporates innovative requirements of non-financial reporting for large European companies. Meantime, EU rules continue to interact with municipal law in order to define jurisdiction rules which are key for ensuring access to remedy in cases of human rights violations by European trans-national companies.

The above developments are part of an emerging regulatory framework on business and human rights which builds upon global development but is at the same time unique for the European Union. This new body of regulations, which will prove to

be crucial for the future of the business and human rights agenda at large, requires further exploration.

The following is a list of proposed topics for the special issue, which tackle different implications of the “Protect, Respect, and Remedy” Framework. The list does not aspire to be exhaustive:

National actions plans. Authors may want to provide critical analysis on specific EU national action plans on the implementation of the Guiding Principles and related domestic arrangements. Particular attention may be given to regulations relating to the “State-business nexus” (e.g. mainstreaming human rights in export credits, official investment insurance, etc), to the role of the State’s external relations machinery with relation to trans-national corporations, and other instances of extraterritorial implications of the State obligation to protect.

European business self-regulation. Authors may also want to look at the EU as a specific institutional locus for testing business self-regulation within a broader political and institutional context defined by a complex amalgam of interests and actors. Authors may want to focus on specific sectors or in individual case studies in order to identify emerging trends, as well as existing barriers to promote the business responsibility to respect in Europe.

Regulatory strategy: What approaches may be observed towards enhancing business responsibility and knowledge of human rights? What differences may be observed between EU Member States, and between the EU and other regions? To what extent may we observe ‘smart mix’ regulation, and what can we observe about the effectiveness of public regulatory strategies to actually induce change in the way in which businesses understand and work with human rights?

EU trade regulation. Articles could focus on existing and development EU environmental and social sustainability import policies in specific sectors (eg forestry, sugar cane, bio-fuels, etc.) in their interaction with the international business and human rights agenda.

Access to remedy. Contributors may also want to focus on EU and/or domestic developments regarding access to remedy for victims of human rights abuses related to the overseas activities of European trans-national corporations. This may include both judicial and non-judicial state based remedies as well as corporate based remedies and procedural aspects of all of these.

Comparison between European and non-European developments: Many states around the world respond to the recommendations of the UNGP and the UN Framework. Comparison between these responses may deal with statutory forms regulatory strategies, participation, effectiveness, and any other issues suggested above.

Articles’ length will be between 5.000 to 8.000 words. The deadline for submission of abstracts is 1 November 2014. By 1 December 2014, a limited number of abstracts will be selected for the submission of full papers. A further round of double blind peer

review will follow after submission of the final paper, which is due on 1 May 2015. Publication of the special issue is planned for October 2015.

Authors are kindly invited to send their paper proposals by 1 November 2014 to the editors of this special issue: Ass. Prof. Dr. Karin Buhman (Roskilde University and Copenhagen Business School; buhmann@ruc.dk), Prof. Dr. Carmen Márquez Carrasco (Universidad de Sevilla; cmarque@us.es) and Dr. Luis Rodríguez-Piñero (Universidad de Sevilla; lrp@us.es).