

HUMR 5133 Business and Human Right, Exam Questions Fall Term 2013

Please answer one of the two exam questions below:

Question 1

The UN Guiding Principles on Business and Human Rights are an important instrument in the context of recent trends in globalisation. As part of your essay please discuss the strengths and weaknesses of the Principles in advancing corporate commitment to human rights respect. Include in your discussion how due diligence can be an important component in human rights based corporate social behaviour. Lastly, make a brief analysis of the Bhopal case and discuss whether the Guiding Principles would have been useful analytical tools for assessing and potentially preventing human rights violations experienced in the Bhopal case, and in similar cases you can refer to.

Please structure your essay in three sections corresponding to the sub-questions in the question above.

Question 2

It is increasingly recognized that the activity of corporate businesses can negatively affect the enjoyment of human rights. Responding to this recognition various international guidelines, principles and codes of conduct have been developed over the last years.

Discuss the criticism (pro/con) that these guidelines and principles tend to be voluntary and hence give weak human rights protection. Then, discuss how corporate businesses can be held legally accountable for human rights infringements stemming from their operations. Please give concrete examples from case law about strengths and weaknesses of legal strategies to seek redress and remedy for business-related human rights breaches. Finally, discuss how extra-territorial jurisdiction has become an important legal avenue in the advancement of human rights respect by businesses beyond state borders, and use cases to illustrate the legal challenges to extra-territorial adjudication of corporate interference with human rights.

Please structure your essay in three sections corresponding to the sub-questions asked.

Length of essay: max 4000 words.