

Exam Questions

Choose one question from below:

Normative

1. **Positive obligations.** Should businesses possess positive obligations concerning human rights? In other words, should they be tasked with duties to protect and/or fulfill certain rights?
2. **Corporate obligations.** In political and global justice theory, is it possible to contend that multinational corporations possess human rights obligations? If so, under what conditions?

Law

3. **UNGP and International Law.** Do the UN Guiding Principles on Business and Human Rights reflect the current state of international law?
4. **Criminal Liability.** Are multinational corporations criminally responsible in international and domestic law for extraterritorial violations of human rights? Do you think a turn towards criminal liability will be effective?
5. **Due Diligence.** Do corporations possess a duty of due diligence to avoid human rights violations? What does the duty of due diligence entail?
6. **Trade.** Does the Technical Barriers to Trade agreement under the WTO provide significant barriers in developing business and human rights and also CSR standards?
7. **Investment.** On 4 July 2013, an ICSID Arbitration Panel found that it had jurisdiction to hear Philip Morris' complaint against Uruguay concerning regulation of tobacco products. The case is now proceeding to the merits stage. How and to what extent can Uruguay rely on the right to health to justify its policies in the context of this investment treaty dispute?
8. **BHR Treaty.** The UN Human Rights Council has established a working group to discuss a business and human rights treaty. Your task is to draft a business and human rights treaty. In your essay you should: (1) justify the design choices such as theme (e.g. all or selected rights), framework (e.g. sectoral or global), and the duty-bearers; (2) discuss the issues arising in drafting the treaty; and (3) provide a draft of key provisions of the treaty. You could combine 2 and 3 in a commentary form where you provide substantive comments after each article in your draft treaty.

Social Science

9. **Certification.** Are certification mechanisms a form of human rights accountability? When are certification schemes effective in promoting protection of human rights? How could and when should these schemes be reformed to improve their impact? In your answer consider certification schemes in at least three sectors.
10. **Risk.** Does human rights and the notion of due diligence in the UN Guiding Principles affect notions of risk in corporate planning and decision-making? Under what conditions, would

human rights standards be internalized in corporate risk considerations? Give some examples, choose a sector or address supply chains in responding to this question.

11. **Penalties.** In the context of debates over the global regulation of multinational corporations, examine the conditions under which financial and/or criminal penalties for corporate misconduct would affect corporate behavior? In your answer, you should draw on analysis in economics and political science as well as examples from existing international regimes where financial penalties are imposed (e.g. European Union, UN CAC). You can also examine specific sectors.
12. **Norm production.** How can the global proliferation of norms on CSR and business and human rights be explained?
13. **Corporate culture.** Some scholars claim that international human rights law has discursive effects or leads to norm acculturation. Others say that these effects are merely isomorphic. Do you think the thickening of global human rights and business standards will lead to a change in corporate attitudes? Include evidence from sociology, psychology, anthropology or other relevant fields in your answer. Examples should also be included.
14. **Indicators.** Are indicators an effective way of measuring corporate compliance with human rights? Are existing indicators used by corporations and/or other stakeholders both robust and relevant?

Mixed

15. The World Bank recently suspended certain loans to Uganda after it passed stronger laws criminalizing same-sex relations. Is this action consistent with the Bank's Articles of Association? Will it be effective in practice in protecting LGBT rights in Uganda?