

HUMR 5133 Fall 2022 Exam questions

Please select and answer **one** of the three questions below.

Question 1: On legal and policy regulation

In the article “Linkages Between Business and Human Rights and Their Underlying Causes” in *Human Rights Quarterly*, Vol 43, Number 1 (Feb 2021) Ilias Bantekas argues that

“It is the global financial/investment architecture that effectively pushes corporations to take advantage of poor governance, which in turn necessitates stronger domestic (human rights and developmental based) regulation in parallel with adequate standards of investments and trade protection.”

Discuss critically this perspective on why human rights-based regulation of corporations is needed. In your discussion you should address both legal (national and international) and policy strategies for such regulation as responses to the demand for effective domestic regulation.

Present two examples on domestic legislation for making companies respecting human rights and compare critically their strengths and weaknesses in providing effective regulation.

Question 2: On a legally binding treaty

Present and discuss the draft UN *Legally Binding Instrument to Regulate, in International Human Rights Law, The Activities of Transnational Corporations and Other Business Enterprises*. The Third Revised Draft can be accessed here: <https://www.ohchr.org/Documents/HRBodies/HRCouncil/WGTransCorp/Session6/LBI3rdDRAFT.pdf>

Your discussion/analysis should address the justification of a new treaty as well as counterarguments made by critics of the draft. Then, describe briefly the proposal of a *framework convention* on business and human rights and compare the two convention models, their strengths and weaknesses, and conclude with an overall assessment.

Question 3: On HRDD

According to the UN Guiding Principles on Business and Human Rights, a key measure for companies to avoid doing human rights harm is to carry out and take action upon the findings of *human rights due diligence assessment*.

Consider that you are human relations officer in a transnational company with good knowledge of the recent discourse of human rights and business, and are given “free

hands” to suggest measures to ensure that the company is not involved in human rights abuses.

- How would you justify a proposal to the CEO and Company Board that the company should undertake human rights due diligence analysis?
- How would you design a human rights due diligence analysis for the company, taking due regard of its production sector (type of products it produces), and the issue of human rights saliency? What kind of data/information would you need for the analysis and how would collect reliable data/information?
- What actions would you take to develop a “human rights culture” in the company (organisational commitment)?
- Finally, reflect briefly on various obstacles that may challenge the effectiveness of your proposal.

In your analysis, please refer to the UN Guiding Principles on Business and Human Rights; you may also draw on and refer to the OECD Guidelines for Responsible Business Conduct.

Comment. Be sure that you answer *all parts* of the question you choose. Please be accurate with *referencing*, and *refer to readings in the course syllabus*. Make a cover page for your essay, where you refer to your *candidate number* and *the number of the chosen question*.

Max number of words: 5000. This number includes footnotes (or endnotes if you prefer), but **NOT** the cover page, table of contents and bibliography.

All the best with the write up of the essay!