HUMR 5133 Fall 2021 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 are 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 and discuss two examples on domestic legislation for making companies respecting human rights.

Question 2: On a legally binding treaty

Analyse 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 should address the justification of a treaty as well as counterarguments by critics of the draft. Also include a discussion of the main ideas of what Surya Deva refers to as the integrated theory of regulation.

Question 3: On HRDD

According to the UN Guiding Principles on Business and Human Rights companies should undertake human rights due diligence. Yet, in 2018 the Corporate Human Rights Benchmark (cf. https://www.corporatebenchmark.org/) reported that 40% of the biggest companies in the world that had been evaluated, failed to identify or mitigate human rights issues in their supply chains.

Discuss the concept of Human Rights Due Diligence (HRDD) in view of the UN Guiding Principles on Business and Human Rights. Give 2-3 examples on Transnational Companies' use of HRDD.

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

Max number of words: 5000

All the best with the write up of the essay!