

## **The Many Lives of Business and Human Rights Research**

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BHR Young Researchers Summit 2021

The 6th Business and Human Rights Young Researchers Summit

– Geneva, Switzerland & Virtually (A Hybrid Model)

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The Business and Human Rights Young Researchers Summit provides an international and interdisciplinary platform to encourage and support young scholars in the field of business and human rights (BHR). The summit is hosted by the Geneva Center for Business and Human Rights at the University of Geneva's Geneva School of Economics and Management, the Institute for Business Ethics at the University of St. Gallen, the Stern Center for Business and Human Rights at the New York University, and the Business and Human Rights Journal. The Young Researchers Summit (YRS) provides an engaging and supportive environment for young scholars to seek peer-support and expert-guidance. Since its inaugural year in 2016, the network encompasses approximately 80 participants from six continents who work in diverse positions and organizations related to the broader BHR field.

The 6th edition of the YRS took place on September 16-17, 2021 in Geneva, Switzerland. This edition was conducted through a hybrid model to provide an in-person conference gathering for participants in Geneva and a virtual conference gathering for the remainder of participants. This summit invited experts in the field of BHR to enhance the peer-support amongst young scholars. The summit also dedicated an interactive training session to familiarize young scholars with tools, and skills for developing BHR scholarship with impact.

As part of its invaluable tradition, the 6th edition of the YRS brought together a total of 12 doctoral students and early post-doctoral researchers from a diversity of disciplines and backgrounds. The summit was conducted through a “presentation-commentary-discussion” format. Each participant’s presentation was followed by a commentary by a designated participant and then a lively discussion by all attendees. This dynamic format provided participants with the opportunity to receive feedback on their work from both peers and experts in the BHR field. It also provided participants with a platform to exchange views and a network of support after the event. Through this dynamic format, all attendees contributed to a comprehensive exploration in the field of BHR by engaging with examples from various countries, industries, and companies.

Some preliminary conclusions can be drawn that will shape and drive the future of the field of BHR research:

### **The Important Role of Both States and Non-state Actors**

The important role of various actors, including both state and non-state actors, was discussed at the summit. The corporate responsibility to respect human rights is becoming a hard law obligation across international, regional, and national levels. Discussions have referred to recent legislative and policy initiatives on holding companies accountable for their human rights abuses, which were developed at various levels. Frequently visited examples include the Swiss “Responsible Business

Initiative” and the German “Act on Corporate Due Diligence in Supply Chains”. Initiatives developed by non-state actors, such as transnational corporations, also attracted heated discussions at the summit. Concerns were raised regarding the legitimacy, effectiveness, and sufficiency of such initiatives.

### **The Need to Improve Accountability and Access to Remedy for Victims of Business-Related Human Rights Abuses**

According to the Pillar III “Access to Remedy” of the United Nations Guiding Principles for Business and Human Rights (UNGPs), effective judicial mechanisms are “at the core of ensuring access to remedy.” However, those seeking to use judicial mechanisms to obtain a remedy face many challenges and these challenges are exacerbated in cross-border cases of business-related human rights abuses. Against this difficult context, discussions at the summit suggested directions to narrow down the gaps in cross-border contexts. The role of National Contact Points for Responsible Business Conduct under the OECD Guidelines for Multinational Enterprises attracted a lot of discussions regarding its potential for both accountability and remedy. It was proposed that a company should undertake a human rights impact assessment before it decides to bring a case against a state through the investor-state dispute settlement mechanism.

As the late Professor John Ruggie reiterated on many occasions, the creation of UNGPs was only “the end of the beginning”. He reaffirmed that “[t]he UNGPs [United Nations Guiding Principles] were conceived to generate an ongoing interactive dynamic of a smart mix of measures – voluntary and mandatory, national and international – that would strengthen the business and human rights regime over time.”

The UNGPs have increasingly expanded the influence through various channels, including in voluntary and mandatory instruments which are being developed at various levels, in academic research contributions, and in companies’ daily practices. All of the 12 papers and presentations referenced the UNGPs as a key guiding document for their research. These papers were innovative, enhancing the spatial and temporal connections between the governance of economics and the upholding of human rights. For instance, participants highlighted the need to strengthen connections between the accounting profession and modern slavery, as well as between the investor-state dispute settlement mechanism and the UNGPs.

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The summit underlined both pessimistic and optimistic perspectives for the future of BHR research. The summit showcased many examples of business-related human rights abuses on the one hand, and recent developments of laws and policies to address such abuses on the other. It also highlighted the lack of judicial grievance mechanisms on the one hand, and the recent development of such mechanisms on the other.

After decades of efforts, human rights are still vulnerable in the context of economic globalization. Emerging initiatives developed by various state and non-state actors can bring new hope, fostering companies to identify, prevent, mitigate, and account for their adverse human rights impacts. Such initiatives may include state-led legislative initiatives, corporate-led or industry-led voluntary initiatives, and multi-stakeholder initiatives which could bring both state and non-state actors to the same discussion platform. There is no “one-size-fit-all” solution for the diverse adverse human rights impacts occurring in different national and industrial contexts of the globalized economy. It was inspiring to learn about the actor, country, and industry-specific research projects which

provided directions for developing a smart mix of both voluntary and mandatory measures to address human rights issues in a globalized economy.

Young scholars can play an important role in shaping and driving the future of BHR research. The YRS has provided an annual, international, and interdisciplinary platform, which could probably serve as “the end of the beginning” and inspire many more insightful dialogues and innovative contributions in the field of BHR.