



Centre for Law,  
Sustainability & Justice

**Workshop (18-19 May 2022)**

**Hosted by the Centre for Law, Sustainability & Justice**

**Department of Law**

**University of Southern Denmark**

## **Obligations and Responsibility of Corporations for Human Rights Protection**

### **Background and objectives:**

The objective of the workshop is to explore novel issues and research potential related to the workshop topic. The topic of obligations and responsibilities of corporations for human rights impacts and for protecting human rights is decades old. However, new development in terms of global soft law and European and national hard law mean potential or actual new directions, as well as research needs and opportunities.

Taking point of departure in the United Nations' Agenda 2030 that advances the 17 Sustainable Development Goals (SDGs), the workshop aims to explore whether the adoption and implementation of the SDGs have created a new dimension to human rights protection in international law. In particular, workshop participants are asked to reflect on whether this has provided or should provide a new understanding of the role and responsibility of non-state actors in the human rights field, and what knowledge gaps could be addressed in future research

By adopting the Agenda 2030 Resolution (A/RES/70/1), the UN General Assembly established the 17 SDGs as policy objectives that may also be perceived as normative guidance. Human dignity is the focal point of both the SDGs (implicitly) and international human rights law (explicitly, in the Universal Declaration on Human Rights). There is a clear correlation between various SDGs and specific internationally recognized human rights (i.e. SDG 2 for the elimination of hunger relates to the right to life and the right to food). An analysis by the Danish Institute for Human Rights has found that more than 90 per cent of the SDG targets are related to international human rights law. Yet the legal implications for companies remain unclear, whether considered from an international, national or regional (e.g. EU) law perspective.

Corporations, specifically, are a type of non-state actors whose activities impact the implementation of SDGs. There is a strong connection between various SDGs and business activities worldwide,



while SDG 17 specifically encourages partnerships of business enterprises and governments to maximise SDGs impact for positive development and minimize harmful impacts and developments related to business operations.

Against this background, the workshop aims to explore the scope, content, and consequences of international human rights obligations for corporations, as well as knowledge gaps, with a strong focus on impact research. Potential questions to be addressed include -

- the meaning of having direct human rights obligations of corporations in international law; how these obligations are established (e.g., by interpretation of current law? by creation of new law? by a new understanding of how soft law affects the creation of international legal obligations? )–
- what the SDGs can offer on this quest;
- how they relate and differ from state obligations for the protection of human rights; how to approach the concept of corporate due diligence and how it relates to sustainable development and legal obligations in international human rights law; what are the consequences of these obligations – non-state actors’ responsibility for unlawful acts in international law? Corporate criminal liability? –
- Responsibility of parent corporation for the human rights violations of subsidiaries and supply chain corporations?
- What guidance can we glean from the SDGs in regard to the responsibilities and obligations of corporations?
- And, as long as such obligations are not clearly established, can we argue corporate obligations based on the SDGs as a source of law?

In this context, the workshop will also provide an opportunity to reflect on implications of the EU’s Sustainable Corporate Governance reform proposal and how the construction of obligations for companies in regard to their human rights impacts can be traced to the SDGs, and what the implications could be for upward influence from regional (and national) law can influence international law on corporate obligations.

Based on the academic discussions the workshop will also discuss options to move ahead on the subject in terms of future research collaboration, focusing on ‘impact oriented’ research.



**Format:**

The participants will mainly be junior scholars. When invited, participants will be asked to suggest a title for their presentations within the topic and related to the objectives set out above.

The main contents of the workshop will take the form of presentations and discussions of work in progress addressing the ideas set out above and/or research ideas, in both cases authored by junior scholars. In addition to comments from the workshop participants, members of the Advisory Board of the Centre for Law, Sustainability & Justice will be invited to provide academic and practice-based comments from a multi-disciplinary perspective. Senior scholars will deliver key notes and also participate in the general discussions.

Participants are expected to share written work (publication in progress, or paper setting out research idea) for the discussions at least one week ahead of the workshop, and to have read and comment on other participants' work.

As a point of departure, participation will be on-site in order to stimulate discussions and onward collaboration. However, limited online participants can be accommodated.



**Programme:**

18 May 2022	
14.00-14.20	Registration
14.20-14.30	Welcome words by Professor Karin Buhmann, Director of the Centre for Law, Sustainability & Justice (CLS&J), and workshop organizer Dr Panagiota Kotzamani, postdoc at CLS&J
14.30-14.45	Round of introductions
14.45-15.15	Keynote: Dr Sørcha MacLeod, Associate Professor, University of Copenhagen: <i>New Spaces, Old Challenges: The Human Rights Impacts of Private Security Companies on Persons in Vulnerable Situations</i> 20-minute presentation followed by 10 minutes Q&A
<b>1st session</b>	<b>Overall topic: Positive obligations and corporate due diligence for human rights: International and regional law, legal developments and sources of law</b> Moderator: Professor emeritus Frederik Harhoff, Dpt of Law, University of Southern Denmark
15.15-15.45	Dr Panagiota Kotzamani, postdoc at CLS&J <i>The duty of due diligence as a prerequisite for fulfilling human rights obligations: an expansion of corporate obligations in regard to human rights</i> 20-minute presentation 5-minute comments by Leonard Feld Basic Q&A by the audience
15.45-16.15	Elsabe Boshoff, Doctoral Research Fellow - Norwegian Centre for Human Rights <i>The role of soft law in shaping positive human rights obligations for corporations in the extractive industries in Africa</i> 20-minute presentation 5-minute comments by Panagiota Kotzamani Basic Q&A by the audience
16.15-16.30	BREAK
16.30-17.00	Dr Leonard Feld, postdoc at CLS&J <i>Corporate Human Rights Due Diligence in the EU legal context</i> 20-minute presentation 5-minute comments by Lee McConnell Basic Q&A by the audience
17.00-17.30	Comments to the presentations of the day from members of the transdisciplinary Advisory Board to CLS&J (academic and practitioners)
17.30-17.50	Keynote: Professor Karin Buhmann, lead, CLS&J <i>What does Agenda 2030 say about corporations, human rights and obligations for corporations?</i> 15-minute presentation followed by 5 minutes Q&A
17.50-18.15	Final discussion of the presentations (all participants)
19.00	Dinner in Odense City
19 May 2022	
9.15-9.30	Arrival
<b>2nd session</b>	<b>Overall topic: Corporate liability in international Law: protecting human rights in times of peace and in times of war</b>



	Moderator: Professor Sten Schaumburg Müller, Dpt of Law, University of Southern Denmark
9.30-10.00	Katerina Akestoridi, Research Fellow at Università degli Studi di Cagliari <i>Corporate power in development governance: Implications for business' obligations and accountability for human rights</i> 20-minute presentation 5-minute comments by Elsabe Boshoff Brief Q&A by the audience
10.00-10.30	Dr Lee McConnell, Lecturer in Law, University of Bristol <i>Extractive Industries and Foreign State Security: Prospects and Challenges for the Draft Treaty on Business and Human Rights</i> 20-minute presentation 5-minute comments by Mihaela Barnes Basic Q&A by the audience
10.30-10.45	BREAK
<b>3rd Session</b>	<b><i>Corporate liability in international Law: protecting human rights in times of peace and in times of war (cont'd)</i></b> Moderator: Dr Martin Mennecke , Dpt of Law, University of Southern Denmark
10.45-11.15	Dr Mihaela Barnes <i>Social License to Operate and corporate responsibility for human rights violations: national and international law perspectives</i> 20-minute presentation 5-minute comments by Katerina Akestoridi Basic Q&A by the audience
11.15-11.45	Dr Jelena Aparac, member of the OHCHR Working Group on the use of mercenaries/ University Paris Nanterre <i>Business and Human rights in armed conflicts: transitional justice and peacebuilding?</i> 20-minute presentation 5-minute comments by Panagiota Kotzamani Basic Q&A by the audience
11.45-12.00	BREAK
12.00-12.30	Keynote: Claire Bright, Associate Professor in Private Law as well as the Founder and Director of the NOVA Centre on Business, Human Rights and the Environment, Nova School of Law, Lisbon <i>Key Issues for the Future of Business and Human Rights</i> 20-minute presentation followed by 10 minutes Q&A
12.30-13.00	Final discussion of the presentations (all participants)
13.00-14.00	LUNCH
<b>4th session</b>	<b><i>General topic: Where to go from here?</i></b> Moderator: Panagiota Kotzamani
14.00-15.30	Discussion on the presented topics among the participants in the workshop; brainstorming and where to go from here? <ol style="list-style-type: none"> <li>1) <i>Summing up on whether or how sustainable development and the SDGs provide the 'glue', a sort of directive for shaping and connecting all these topics on corporate human rights due diligence/obligations</i></li> <li>2) <i>Maximizing outcomes of this workshop? Special issue in a journal? Other future collaboration?</i></li> </ol>



Centre for Law,  
Sustainability & Justice

15.30	Departure
-------	-----------