



17th ESIL Annual Conference

IN/EX-CLUSIVENESS OF INTERNATIONAL LAW

31st August – 3rd September 2022

Utrecht University

HYBRID WORKSHOP

IN/EX-clusiveness Through the Lens of International Business and Human Rights

Thursday 1st September 2022

From 9:00 to 12:00 (CET)

To attend this workshop, please register to the conference via Utrecht University's registration site, accessible at the following link: <https://esilutrecht2022.sites.uu.nl/register/>

On the occasion of the 17th ESIL Annual Conference on “In-Ex-clusiveness of International Law, the Interest Group on International Business and Human Rights invites its members and other interested academic and experts to join a discussion about the question of in/ex-clusiveness in the field of international business and human rights.

Background

Over time, many techniques have developed in international law to in/ex-clude *who* and *what* belongs to its regulatory domain. The creation of various concepts such as legal personality, standing, rights-holders, soft law, hard law, are all pertinent examples. Aligned with the 17th ESIL Conference theme, the discussion in the International Business and Human Rights Interest Group will revolve around the question of in/ex-clusiveness in this field.

- To what extent corporations have an international legal personality?
- Do soft law instruments in international business and human rights (IBHR) impact on the in/exclusiveness of international law?
- Does the due diligence obligation reflect the inclusiveness and/or exclusiveness of international law?
- What are the emerging trends in terms of sustainability and IBHR?
- How do the in/ex-clusiveness approaches in the interpretation of IBHR's instruments impact on the protection of human rights?
- Are the available international dispute settlement mechanisms appropriate/suitable to deal with IBHR disputes? Are the proposed alternatives suitable to address the remaining challenges in this area?

PROGRAMME

Welcome and introduction
The Coordinating Committee
9:00-9:10

PANEL 1: HUMAN RIGHTS DUE DILIGENCE IN INTERNATIONAL AND EUROPEAN UNION LAW

9.10-10.00

*Do soft law instruments in international business and human rights (IBHR) impact on the in/exclusiveness of international law?: Form and Function in the UN Guiding Principles for Business and Human Rights and the Framework Principles on Human Rights and the Environment - **Larry Catá Backer**, Professor of Law and International Affairs, Penn State Law School.*

*Human rights due diligence and free prior and informed consent (FPIC): the need for convergence - **Andy Symington**, PhD candidate, University of New South Wales, Sydney.*

*Investor Human Rights Obligations and Liability: Hope for Inclusion of Human Rights-Holders after the EU Draft Proposal on Corporate Sustainability Due Diligence - **Dr Nicolas Bueno**, Professor of International and European Law, UniDistance Suisse & **Isidore Ngueuleu**, Postdoctoral Researcher, UniDistance Suisse and Human Rights Advisor, World Organisation against Torture (OMCT).*

Questions & Answers

PANEL 2: HUMAN RIGHTS IN INTERNATIONAL INVESTMENT LAW AND SPORTS' LAW

10.00 – 11.00

*The Exclusion of the Human Rights of Investment-Affected Rights Holders under the Due Diligence Obligation of Investors in International Investment Law - **Sek Lun Cheong**, PhD Candidate, University of Melbourne.*

Invisible hierarchies of victimhood: soft law rhetoric influencing corporate benchmarking - **Samantha Hopkins**, PhD Researcher on Business and Human Rights, Queen University, Belfast.

In/ex-clusiveness of Human Rights Claims in Investment Arbitration - **Miharu Hirano**, Assistant Professor, Ritsumeikan Asia Pacific University, Japan.

Resolution of International Business and Human Rights Disputes in Sports by International Arbitration Tribunal? - **Tsubasa Shinohara**, PhD Candidate in Law, University of Lausanne.

Questions & Answers

Coffee Break 11.00-11.10

PANEL 3: SOCIAL MEDIA IN INTERNATIONAL BUSINESS AND HUMAN RIGHTS

11.10 – 12.00

International human rights law in content moderation: a new avenue for inclusiveness? - **Stefania di Stefano**, PhD candidate, Graduate Institute, Geneva.

Two Visions of the Facebook Oversight Board's Human Rights Future - **Laurence R. Helfer**, Harry R Chadwick Professor of Law, Duke University School of Law & **Molly K. Land**, Professor of Human Rights, University of Connecticut.

Terms of Use Agreements and Social Platforms - **Tim R Samples**, Associate Professor of Legal Studies, Terry College of Business, **Katherine Ireland Kuiper**, PhD Candidate in Linguistic, University of Georgia and **Caroline Kraczon**, JD candidate, Georgetown University Law School.

Questions & Answers