Mandatory Human Rights Due Diligence

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Abstract
Over the last decade, significant legal developments seeking to implement the UN Guiding Principles on Business and Human Rights have taken place at the domestic, regional, and international level. In particular, various types of laws have been developed in that respect. Some only require companies to disclose information relating to human rights whilst others require companies to exercise substantive human rights due diligence. The study of mandatory HRDD legislation is particularly relevant in a BHR course because it underlines the progressive move from soft law to hard law that the BHR field has been undergoing as the responsibility for companies to exercise HRDD set out in the UNGPs is being crystallised into law, creating legally binding obligations for companies.

Keywords
Mandatory Human Rights Due Diligence, Corporate Liability, UN Guiding Principles on Business and Human Rights

Overview

Since the UN Guiding Principles on Business and Human Rights (UNGPs) were unanimously endorsed by the UN Human Rights Council in 2011, a growing number of laws seeking to implement them have been adopted at the domestic, regional, and international level. In particular, legislation requiring companies to exercise human rights due diligence (HRDD) have been proposed or adopted in multiple jurisdictions over the last decade.

The study of mandatory HRDD legislation is particularly relevant in a BHR course because it underlines the progressive move from soft law to hard law that the BHR field has undergone over the past decade. Originally framed as a moral or ethical responsibility arising out of social expectations, the corporate responsibility to respect human rights and the correlated responsibility for companies to exercise HRDD set out in the UNGPs is being crystallised into legislation, creating legally binding obligations for companies. Emerging legislation is also extending similar due diligence requirements to fields other than human rights, most notably through environmental due diligence. (See Human Rights and the Environment, Chapter [ ])

This chapter surveys categories of human rights due diligence (HRDD) legislation, highlights key HRDD laws and their features, and suggests approaches for teaching the topic.

Types of HRDD Legislation

As described in the UNGPs, HRDD refers to a continuous process that companies are expected to put in place in order to identify, prevent, mitigate and account for how they address their impacts on human rights (See Human Rights Due Diligence, Chapter [ ]). It is helpful for BHR students to compare and contrast the different types of HRDD legislation. This chapter distinguishes mandatory human rights disclosure legislation (i.e. laws only requiring the disclosure of information relating to human rights) from mHRDD legislation (i.e. laws requiring companies to exercise substantive human rights due diligence).

Mandatory human rights disclosure legislation

Several domestic laws require companies to disclose information concerning (or including) issues of human rights. Examples include the California Transparency in Supply Chains Act 2010, Section 1502 of the Dodd-Frank Act, the U.K. Modern Slavery Act, the European Union Directive 2014/95 on Disclosure of Non-Financial Information and the Australian Modern Slavery Act of 2018.[1] The obligations prescribed by these laws are limited to corporate disclosure. Although they may contribute to spurring companies to conduct HRDD, mandatory disclosure laws are generally criticized for 'lacking teeth'. In addition, they only address one of the steps of the HRDD process as defined in the UNGPs, namely the communication element, by requiring companies to communicate externally on how they address their human rights impacts but do not require companies.[2] When teaching mandatory HRDD, it is therefore important to distinguish human rights disclosure from HRDD.

Mandatory human rights due diligence legislation

Several laws require corporations to exercise substantive human rights due diligence that goes beyond mere disclosure requirements. As presented in Table 1, mHRDD laws vary in terms of scope of application (i.e., the companies covered and issues or sectors covered), of due diligence requirements (i.e. how is due diligence defined and the reach of the obligation down the supply/value chain), and enforcement mechanisms. There are two main categories of enforcement mechanisms: 1) public enforcement mechanisms; and 2) judicial enforcement through a civil liability provision.[3] The distinction is important because in the first category, administrative or criminal sanctions are in place to ensure that companies comply with their HRDD obligations. However, public enforcement mechanisms do not ensure that affected individuals have access to

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[1] [CITES].
[2] UNGPs, Principle 21.
[3] Nicolas Bueno, and Claire Bright, "Implementing Human Rights Due Diligence through Corporate Civil Liability," *International & Comparative Law Quarterly* 69, no 4 (2021):789-818, https://doi.org/10.1017/S0020589320000305

effective remedy, which, in turn, fails to align with the third pillar of the UNGPs calling, inter alia, for state-based judicial mechanisms.

This section presents mHRDD laws that have been adopted since the UNGPs in a chronological order. It also includes the recent European Union (EU) Commission Proposal for a Directive on Corporate Sustainability Due Diligence that aims to create a standard on mHRDD at the EU level.[4] If adopted, each EU Member State will have to adopt or revise its existing national legislation in order to implement it.

The French Duty of Vigilance Law adopted in 2017 was the first legislation in the world to impose mandatory human rights due diligence obligations crystallising the UNGPs' expectations into hard law.[5] Its purpose is twofold: 1) to enhance corporate accountability; and 2) to provide access to remedy for individuals and communities whose human rights have been adversely affected by the activities of French companies or suppliers in their global supply chains.[6] The law requires large French companies to put in place, effectively implement, and publish a “vigilance plan” in order to identify the risks and prevent severe violations of human rights and fundamental freedoms, health and safety, and the environment, including climate change.[7] Due diligence obligations apply with regard to the company’s operations, operations of the companies it controls and operations of subcontractors or suppliers with whom it maintains an established commercial relationship. The law provides for two judicial enforcement mechanisms. First, interested parties may seek an injunction with a French court (after having first addressed a formal notice to the company) to order the company to comply with the law, with periodic penalty payments in case of continued non-compliance). Second, the law expressly establishes civil liability mechanism whereby the company’s failure to comply with its obligations gives rise to a damage on the basis of the general tort of negligence.[8] Unlike the mandatory HRDD laws in the previous section that rely on a public enforcement mechanism, the French law offers a remediation mechanism for affected individuals seeking remedy. A number of cases have been brought on this basis and are currently pending before the French courts even though none have yet reached the merits stage.

In 2017, the EU adopted the Conflict Minerals Regulation that contains specific supply chain due diligence obligations for importers of certain conflict minerals.[9] The Regulation expressly refers to the UNGPs. It sets specific obligations regarding management system, risk management, third party audits, as well as disclosure requirements.[10] The Regulation provides that each Member State shall designate a competent authority responsible for the applicable of the Regulation and to carry out ex-post checks on Union importers.[11]

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[4] EU Commission Proposal for a Directive on Corporate Sustainability Due Diligence of 23 February 2022.
[5] French Duty of Vigilance Law 2017, https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000034290626/. See Sandra Cossart, Jérôme Chaplier, and Tiphaine Beau de Lomenie, “The French Law on Duty of Care: A Historic Step Towards Making Globalization Work for All,” *Business and Human Rights Journal* 2 (2017): 317-323.
[6] Bright, “Mapping human rights due diligence regulations,” 88.
[7] French Duty of Vigilance Law 2017, Art. 1 (French Commercial Code, Article L. 225-102-4).
[8] Ibid., Art. 2 (French Commercial Code, Article L. 225-102-5).
[9] EU Regulation 2017/821 of 17 May 2017 laying down supply chain due diligence obligations for Union importers of tin, tantalum, and tungsten; their ores; and gold originating from conflict-affected and high-risk areas).
[10] *Ibid*, Art. 4-7.
[11] *Ibid*, Art. 10 and 11.

The Dutch Child Labour Due Diligence Act was adopted in 2019.[12] The law is framed in terms of consumer protection, as its objective is to ensure consumers' 'peace of mind'.[13] To that end, the law requires companies selling goods or providing services to Dutch end users to exercise human rights due diligence in relation to child labour. More specifically, companies must investigate whether there is a 'reasonable suspicion' that the goods that they sell or services that they provide have been produced with child labour. If so, a company must draw up and implement an action plan.[14] The Dutch law provides for a public supervising authority to monitor compliance, that may issue administrative fines in cases of non-compliance. Criminal sanctions are also in place for repeat offenses.[15] Yet the law itself does not contain a specific corporate civil or criminal liability provision for the use of child labour itself. The Dutch Child Labour Due Diligence Act has not yet entered in force. After its adoption and following EU developments, the Dutch government has discussed a new Bill for Responsible and Sustainable International Business Conduct which would extend the due diligence obligations to cover all human rights, labour rights and the environment standards.[16] If adopted, the law would repeal the Child Labour Due Diligence Act.

In Switzerland, due diligence obligations for corporations relating to child labour and conflict minerals have been incorporated into the Swiss Code of Obligations[17] after the Swiss Responsible Business Initiative was rejected in November 2020.[18] The due diligence obligations apply to companies that import or process certain conflict minerals in Switzerland and to large companies that sell goods or services for which there exists a founded suspicion of child labor for their production. Companies must have in place a management system and adopt a supply chain policy as well as a tracing system in their supply chains. They must identify risks, elaborate a plan to manage risks, and take measures to reduce identified risks to the minimum. In terms of enforcement, the law requires companies to annually report on the implementation of their due diligence duties. Criminal sanctions are in place to ensure reporting on due diligence obligations.[19] In addition, an independent expert must verify that the company complies with its obligations in relation to conflict minerals. This obligation does not exist in relation to child labor. Enforcement mechanisms in this law have been criticized for being too weak by comparison of other existing laws.[20]

[12] Dutch Child Labour Due Diligence Act 2019.
[13] Claire Bright, "Mapping Human Rights Due Diligence Regulations and Evaluating their Contribution in Upholding Labour Standards in Global Supply Chains," in *Decent Work in Globalised Economy: Lessons from Public and Private Initiatives*, eds. G. Delautre, E. Echeverría Manrique and C. Fenwick, (Geneva: ILO, 2021), 85.
[14] Dutch Child Labour Due Diligence Act 2019, Article 3.1 and Article 5.1.
[15] *Ibid.*, Art. 7 and 9.
[16] Draft Bill for Responsible and Sustainable International Business, unofficial translation available at https://www.mvoplatform.nl/en/wp-content/uploads/sites/6/2021/03/Bill-for-Responsible-and-Sustainable-International-Business-Conduct-unofficial-translation-MVO-Platform.pdf
[17] Swiss Code of Obligations, Art. 964j to 964l, for the detail.
[18] Nicolas Bueno, "*The Swiss Popular Initiative on Responsible Business: From Responsibility to Liability,"* In *Accountability, International Business Operations, and the Law*, eds. Liesbeth Enneking et al. (Routledge 2019): 239-258, https://doi.org/10.4324/9781351127165-12 .
[19] Swiss Criminal Code, Art. 325.
[20] Nicolas Bueno and Christine Kaufmann, "The Swiss Human Rights Due Diligence Legislation: Between Law and Politics," *Business and Human Rights Journal* 6, no.3 (October 2021): 542 – 549. doi: https://doi.org/10.1017/bhj.2021.42

In March 2021, the European Parliament adopted a resolution with recommendations to the European Commission which includes a draft directive on corporate due diligence and corporate accountability.[21] It recommended the adoption of a directive requiring members states to ensure that large companies (both European and non-European selling goods or providing services in the EU) as well as publicly listed and high-risk SMEs carry out 'effective due diligence with respect to potential or actual adverse impacts on human rights, the environment and good governance in their operations and business relationships'. It also envisaged the adoption of both a public enforcement mechanism as well as a provision on access to remedy for affected individuals through a mechanism of civil liability. Based on these recommendations, the European Commission released a Draft Directive on Corporate Sustainability Due Diligence in February 2022. If adopted, this directive will need to be implemented in the national law of each EU member state.

In Germany, a baseline assessment revealed that only 13-17% of large companies exercised human rights due diligence in line with the German National Action Plan for Business and Human Rights.[22] As a result, the German government decided to put forward the Act on Corporate Due Diligence in Supply Chains, which was adopted in June 2021. The law requires large companies in Germany to exercise human rights and, to some extent, environmental due diligence. The due diligence obligation covers a list of human rights and environmental issues defined in the law.[23] The exercise of due diligence is limited to the company's own operations and to the activities of "direct" suppliers. With respect to "indirect" suppliers, a due diligence obligation exists only to the extent that the company obtains 'substantiated knowledge' of a possible violation or is otherwise prompted by other circumstances.[24] In terms of enforcement, the law provides that the German Federal Office for Economic Affairs and Export Control is responsible for enforcing the law. Public authorities can investigate cases of non-compliance and issue fines.

In June 2021, Norway adopted the Transparency Act..[25] The law places on large companies domiciled in Norway, as well as on companies selling goods and services into Norway, a duty to exercise due diligence in relation to human rights and decent work, and to document the steps that they are taking. The draft law provides that the national consumer authority shall be responsible for providing guidance and monitoring compliance with the law and may impose penalties in case of non-compliance.

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[21] European Parliament, Resolution of 10 March 2021 with recommendations to the Commission on corporate due diligence and corporate accountability.

[22] German Federal Foreign Office, "Monitoring the status of implementation of the human rights due diligence obligations of enterprises set out in the National Action Plan for Business and Human Rights 2016-2020", Final report, October 13, 2020, https://www.auswaertiges-amt.de/blob/2417212/9c8158fe4c737426fa4d7217436accc7/201013-nap-monitoring-abschlussbericht-data.pdf amt.de/en/aussenpolitik/themen/aussenwirtschaft/wirtschaft-und-menschenrechte/monitoring-nap/2131054.

[23] German Act on Supply Chain Due Diligence 2021, § 2. See Markus Krajewski, Kristel Tonstad and Franziska Wohltmann, "Mandatory Human Rights Due Diligence in Germany and Norway: Stepping, or Striding, in the Same Direction?," *Business and Human Rights Journal* 6, No.2, (2021): 550-558.

[24] *Ibid.*, § 9.

[25] Act on business transparency and work with fundamental human rights and decent work (also known as the 'Transparency Law'), Proposition 150 L (2020-2021), available (in Norwegian) at: https://www.regjeringen.no/contentassets/c33c3faf340441faa7388331a735f9d9/no/pdfs/prp202020210150000dddpdfs.pdf. For an unofficial English translation, see: https://lovdata.no/dokument/NLE/lov/2021-06-18-99

In February 2022, the European Commission released its much awaited Draft Directive on Sustainable Corporate Due Diligence.[26] According to the Draft Directive, Member States shall ensure that very large companies and large companies in 'high-impact sectors' (defined as textile, agriculture and minerals - that are established in the EU, or in third-country companies but operating in the EU,[27] conduct human rights and environmental due diligence.[28] The due diligence obligations cover the companies' own operations, the operations of their subsidiaries, and the operations of entities with whom they have an 'established business relationships' within their value chain.[29] In terms of enforcement, Member States are required to establish supervisory authorities that have notably the power to carry out investigations and impose pecuniary sanctions.[30] In addition, the Draft Directive contains a civil liability provision under which EU Member States must ensure that companies are liable for damages if they fail to comply with their due diligence obligations and, as a result of this failure, an adverse impact occurs and led to a damage.[31] The provision provides for a due diligence defense whereby it excludes liability for damages caused by indirect business partners when the company has sought contractual assurances and measures to verify compliance unless it was unreasonable to expect that the action actually taken would be adequate to prevent, mitigate, bring to an end or minimise the extent of the adverse impact

[26] EU Commission Proposal for a Directive of the European Parliament and of the Council on Corporate Sustainability Due Diligence and amending Directive (EU) 2019/1937, COM(2022) 71 final, available at: https://ec.europa.eu/info/sites/default/files/1_1_183885_prop_dir_susta_en.pdf
[27] EU Commission Proposal for a Directive on Corporate Sustainability Due Diligence of 23 February 2022, Art. 2.
[28] *Ibid*, Annex , for the specific list human rights and environmental obligations.
[29] *Ibid*, Art. 1 and 5-11, for the material elements of the due diligence obligation.
[30] *Ibid*, Art. 18 and 20.
[31] *Ibid*, Art. 22.

Table 1: Mandatory Human Rights Due Diligence Legislation (in chronological order)

Scope of application		Scope of due diligence		Enforcement	
Companies covered	Overarching issue / sector	Due Diligence requirements	Scope of Due Diligence along the Supply/Value Chain	Public Enforcement	Civil Liability
FRENCH DUTY OF VIGILANCE LAW, 2017					
Large companies [incorporated or registered in France] >5000 employees in France or >10000 worldwide (art. 1)	violations of human rights and fundamental freedoms, serious bodily injury or environmental damage or health risks (art. 1)	establish, effectively implement and publish a vigilance plan setting out the vigilance measures to identify risks and prevent serious violations. The vigilance plan must include: (1) a mapping of the risks involved; (2) procedures to regularly assess risks; (3) actions to mitigate risks and prevent serious harm; (4) a whistleblowing mechanism collecting reports of potential and actual risks and effects, drawn up in consultation with the company's representative trade unions; (5) a mechanism to monitor measures that have been implemented and evaluate their effectiveness.	Own operations and operations of controlled subsidiaries and of the subcontractors or suppliers with whom the company maintains an established commercial relationship (art. 1).		X (Art. 2)
EU CONFLICT MINERALS REGULATION, 2017					
EU importers of tin, tantalum and tungsten their ores, and gold originating from conflict-affected and high-risk areas	conflict minerals	adopt, and clearly communicate on supply chain policy; identify and assess the risks of adverse impacts in their mineral supply chain; implement a strategy to respond to the identified risks carry out audits via an independent third party (art. 4-9)	Entire supply chain covered	X (Art. 10-13)	

DUTCH CHILD LABOUR DUE DILIGENCE LAW, 2019					
companies selling goods or services to Dutch consumers (art. 4)	child labour (art. 2)	investigate whether there is a reasonable suspicion that the goods or services to be supplied have been produced using child labour; if so, put in place and implement an action plan; issue a statement declaring that they exercised due diligence (art. 4-5)	Entire supply chain covered	X (Art. 3 and 7-9)	
SWISS CODE OF OBLIGATIONS (ART 964j ff) and ORDINANCE ON DUE DILIGENCE AND TRANSPARENCY, 2020					
companies placing or processing minerals containing tin, tantalum, tungsten or gold or metals; large companies offering products with reasonable suspicion of child labour (art 6 Ordinance).	conflict minerals and metals; child labour;	maintain a management system stipulating a supply chain policy and a system by which the supply chain can be traced; identify and assess the risks of harmful impacts in their supply chain; draw up a risk management plan and take measures to minimise the risks identified (art. 964k CO; sc 5 Ordinance)	Entire supply chain covered	X (Art. 16 Ord; 964l CO)	
GERMAN ACT ON CORPORATE DUE DILIGENCE IN SUPPLY CHAINS, 2021					
large companies (sc 1 (1))	human rights risks (as defined in sc 2(2)); environment-related risks (as defined in sc 2(3))	establish a risk management system (c 4(1)); designate a responsible person or persons within the enterprise (sc 4(3)); perform regular risk analyses (sc 5); issue a policy statement (sc 6 (2)); lay down preventive measures (sc 6); take remedial action (sc 7 (1) to (3)); establish a complaints procedure (sc 8); implement due diligence obligations with regard to risks at indirect suppliers in certain circumstances (sc 9); document (sc 10 (1)) and report (sc 10 (2)).	Own activities and activities of "direct" suppliers. Extension to the activities of indirect suppliers only where the company obtains "substantiated knowledge" of a possible violation or is otherwise	sc 12-21	

			prompted by other circumstances. (sc 9)		
NORWEGIAN ACT RELATING TO ENTERPRISES' TRANSPARENCY AND WORK ON FUNDAMENTAL HUMAN RIGHTS AND DECENT WORKING CONDITIONS ('TRANSPARENCY ACT'), 2021					
Large companies (defined as exceeding 2 or three conditions: 50 employees / NOK 35 million balance sheet / NOK 7 million turnover) (Sc 2)	Human rights and decent working conditions (Sc 3(b-c))	(a) Embed responsible business conduct into the enterprise's_policies; b) identify and assess actual and potential adverse impacts on fundamental human rights and decent working conditions that the enterprise has either caused or contributed yo, or that are directly linked to the enterprise's own_operations, products or services via the supply chain or business partners c) implement suitable measures to cease, prevent or mitigate adverse impacts based on the enterprise's prioritisations and assessments pursuant to;_d) track the implementation and results of measures taken; e) communicate with affected stakeholders and rights-holders regarding how adverse impacts are addressed; f) provide for or co-operate in remediation and compensation where this is required (Sc 4). - Duty to account for due diligence (Sc 5) and to provide information to stakeholders (Sc 6).	Entire supply chain covered	X (Sc 9-10)	
DRAFT DIRECTIVE OF THE EUROPEAN COMMISSION ON CORPORATE SUSTAINABILITY DUE DILIGENCE					
Very large companies (art 2(1)(a)); large companies in high impact sectors (art 2(1)(b); very large	human rights adverse impacts (as defined in Annex I, Part I);	integrate due diligence into policies (art 5); identify actual or potential adverse impacts (art 6); prevent and mitigating potential adverse impacts (art 7); bring actual adverse impacts to an end	Own operations and operations in the value chain carried	X (art. 17-21)	X (art. 22)

third country companies (art 2(2)(a); large third country companies in high impact sector (art 2(2)(b).	environmental adverse impacts (as defined in Annex I, Part II); climate change (art 15)	and minimising their extent (Art 8); establishing and maintain a complaints procedure (Art 9); monitor the effectiveness of the due diligence policy and measures (Art 10); publicly communicate on due diligence (Art 11).	out by established business relationships (Art. 1 and Art. 3(f)).		

Teaching Approaches

Teaching mandatory HRDD allows BHR teachers to [ ].

Learning objectives for teaching mandatory HRDD may include:
Understanding the range of existing and proposed mandatory HRDD laws.
Examining the differences among mandatory HRDD provisions.
Considering how mandatory HRDD can shape corporate behavior.
Considering whether mandatory HRDD provisions align with the UNGPs and provide access to remedy for affected individuals.

Teachers can compare legislation in different countries with regard to their purpose, scope, and requirements. BHR legislation may be divided in categories, such as mandatory human rights disclosure and mandatory human rights due diligence, and amongst the latter, compare and contrast the various building blocks of each law (aim, scope, content of the due diligence requirements, reach down the supply/value chain, and enforcement mechanisms).

Using such categories offers a practical way to discuss sometimes complex domestic laws for policy and business students. **Policy students** may for example focus on the practical and political context for differences in scope of the legislation or why some countries are passing laws while other do not. **Business students** may analyse more carefully the practical and expected impacts as well as the cost of each kind of legislation on corporate behaviour

Instructors in **law** may wish to present legislation in more detail, for example by examining legal texts. Some mandatory disclosure laws require a report while in others the company must only provide a clear and reasoned explanation for not doing so. The scope of due diligence duties varies considerably from one law to another. Instructors in law as well as in business ethics can use practical examples to discuss the extent to which HRDD would apply in a practical case. Such an approach helps students to understand the conduct that is expected from a company with regard to its own operations within a corporate group and in its supply chain. BHR teachers can compare corporate liability mechanisms distinguishing different types of criminal and tort liability, such as strict liability or fault-based liability.

Exercise: National Case Study

A practical exercise is to assign a case study that involves a company domiciled in one of the countries which has enacted a mandatory due diligence law (e.g. France) and selling goods in a country that has adopted a law with a wide scope of application (e.g. the Netherlands with the Dutch Child Labour Due Diligence Act which apply to all companies who sell goods or provide services to Dutch end-users). The case study may provide that the company in question has received allegations of child labour or other types of human rights harms from NGOs in relation to some of its products supplied by a subsidiary and/or business partner domiciled in a third country. Students must identify the human rights issues involved, the responsibility of each company in relation to these issues, and decide whether relevant law (e.g. the French Duty of Vigilance Law and the Dutch Child Labour Due Diligence Act) are applicable. If so, what are the obligations of the parent company under that law, and what actions would they advise the company to take in relation to the alleged harms?

Key Questions

General
Which domestic laws, adopted or proposed, make BHR mandatory for companies?
What is the purpose of these laws?
What is the scope and type of obligations prescribed by each?
What are the differences between mandatory human rights disclosure laws and mandatory HRDD laws?
To what extent do these laws align with the UNGPs? Where are the gaps?
How is mandatory HRDD enforced?

For business students
What are the elements of HRDD, consistent with the UNGPs?
What do mandatory human rights disclosure laws require a company to do?
What do mandatory HRDD laws require a company to do?
Which category of laws may have the greatest impact on business conduct and why?
How is “due diligence” defined in mandatory HRDD laws?
What does mandatory HRDD mean in practice for covered companies?
What organizational measures must a company adopt with regard to subsidiaries and suppliers according to these different laws? Are they precise enough for corporations?
Do companies support or oppose mandatory HRDD? What are the arguments?

For law students
What are the differences among existing/proposed mandatory HRDD legislation in different jurisdictions?
What is the reach of various mandatory HRDD laws across the supply/value chain?
How is mandatory HRDD enforced?
How can companies be held liable under mandatory HRDD provisions?
If you were drafting mandatory human rights due diligence legislation, what provisions would you include? Which existing laws would you use as a model?
How should corporate counsel advise companies based on where the company operates?

For policy students

Why do some countries regulate the conduct of their multinational enterprises and others do not?
How do these laws reinforce or undermine the international non-binding standards set by the UNGPs?
How does the adoption of such laws in one country affect policy in other countries?
What are the advantages and disadvantages of adopting laws covering specific issues and commodities only, such as modern slavery or the use of conflict minerals?
How does the prospect of an EU corporate due diligence standard affect existing national laws in EU member states, and vice versa?

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Biography

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Prof. Dr. Nicolas Bueno is Professor in International and European Law at UniDistance Suisse in Switzerland. His research focuses on law and economic globalization, business and human rights and labour rights. He leads the research group on Business and Human Rights at UniDistance Suisse. Prof. Dr. Nicolas also litigated as legal adviser in business and human rights at the European Center for Constitutional and Human Rights in Berlin and he advises stakeholders on the drafting of mandatory human rights and environmental due diligence legislation.