

Expanding Horizons: Notes from the 4th Business and Human Rights Young Researchers Summit – Saint Gallen, Switzerland, April 11-12, 2019

Arpitha Upendra Kodiveri

European University Institute, Italy

arpitha.kodiveri@eui.eu

Florencia S. Wegher Osci

Universidad Nacional del Litoral, Argentina

fwegher@fcjs.unl.edu.ar

The quaint setting of the University of St.Gallen provided the ideal setting for the 4th Business and Human Rights Young Researchers Summit. The event brought together a talented group of 14 researchers from all over the world working on a diverse set of issues that form part of the spectrum of the business and human rights field of studies. The Summit prides itself on having multiple voices with different backgrounds presenting the most innovative research on BHR.

What starkly emerged from the discussions was the interdisciplinarity and range that encompasses research on this area. BHR is an emergent field and the presentations were a testament of the innovative subjects that it is trying to tackle. A quick exploration of the topics addressed in the summit shows just how fast the field is developing as it presents new and more complex connections between fundamental rights and corporate activities, stressing its performative character.

The different interventions covered some of the main concerns of today's BHR community: from a human rights-based approach to reproductive medicine and the design of corporate policies to address negative impacts of in vitro gametogenesis, to the dilemmas posed by new technologies, such as data disclosure or online content moderation, through due diligence in transitional justice, the design of national action plans, international arbitration for BHR claims and the ever conflicting relations between socially responsible investment, social inequity and human rights corporate accountability.

While the topics were diverse, they were held together by deeper inquiry into key questions for BHR researchers, such as the value of having binding rules or voluntary initiatives, how to adequately involve stakeholders in these discussions and the need for BHR research to move beyond the realm of law to other strategies that can be applied within the business community.

Although much could be said regarding all of the 14 presentations, some general conclusions can be drawn that can help us think in which ways can the BHR field expand as it gains relevance in the international debate:

a. There is a constant expansion of the BHR studies into new areas, especially internet governance, reproductive health, transitional justice, accountability and gender approaches to BHR. Because of the complexity of the topics addressed by the business and human rights community, an interdisciplinary discourse and exchange of ideas will need to be fostered as the law often falls short when offering practical solutions and public policy contributions. The Summit brings together more than just lawyers (thankfully!) and that aspect proves to be particularly enriching.

b. The question of ensuring access to justice, whether through collective or individual redress, continues to puzzle both academics and practitioners: arbitration, mediation and the specific instances offered by the national contact points of the OECD are slowly and steadily introducing themselves as effective alternatives. This scenario shows the importance of a business and human rights community of professionals that can address the needs of an expanding system of mechanisms acting outside the public sphere with little if any, judicial control. At the same time, Private international law appears at the scene justifying its usefulness to present solutions that can address the problem of access to justice for victims of human rights violations at the hands of corporations.

c. Socially responsible investment – whether in the extractive sector or in financial markets – poses questions regarding the positive and negative impacts of these activities: are there preferable investments? Can they contribute to social inequality? What constitutes free, prior and informed consent? Do business and human rights eventually exclude each other? How do we build an investment system that can contain both the necessities of corporations and the rights of present and future generations?

The BHR Young Researchers Summit provides an incredible opportunity for early academics in this field to come together and deliberate on the pressing issues. It enabled us to meet with researchers from across the world and to gain a more global understanding of the issues that were discussed. While much work was done, the Summit provided ample time to get to know the other participants in the beautiful town of St. Gallen.

Year after year, the gathering of young scholars fostered by the NYU Stern Center for Business and Human Rights and the Institute for Business Ethics of the University of St.Gallen, continues to mark the path for the enlarging army of scholars and practitioners dealing with business and human rights problems as it engages in important debates and discusses ways forward to regulating the activities of corporations around the world. It is, without any doubt, a fantastic most auspicious opportunity for scholars to present and discuss their projects in an environment eager to bring light and present ideas that can help reshape the future of business and human rights.