



17<sup>th</sup> ESIL Annual Conference

**IN/EX-CLUSIVENESS OF INTERNATIONAL LAW**

31<sup>st</sup> August – 3<sup>rd</sup> September 2022

Utrecht University

**HYBRID WORKSHOP**

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

Thursday 1<sup>st</sup> 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 17<sup>th</sup> 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