

## International Conference

on

### *The “Protect, Respect and Remedy” Framework: Charting a Future or Taking the Wrong Turn for Business and Human Rights?*

**Venue:** Constitutional Court Auditorium, Constitution Hill, Johannesburg

### **Final Programme**

**DAY 1: 23 JANUARY 2012**

08h30 – 09h00 Registration

09h00 – 09h10 Welcome: David Bilchitz, Associate Professor, Faculty of Law, University of Johannesburg & Director, SAIFAC

09h10 – 09h20 Opening Address: Justice Dikgang Moseneke, Deputy Chief Justice, Constitutional Court of South Africa

#### **09h20 – 10h40 Session I: From Process to the Final Product**

Chair: David Bilchitz, Associate Professor, Faculty of Law, University of Johannesburg & Director, SAIFAC

- 1) Karin Buhmann, Associate Professor, Center for Social Science Development Research, University of Copenhagen  
*Development of the ‘UN Framework’: Negotiation Strategies and Argumentative Patterns*
- 2) Carlos Lopez, Senior Legal Advisor, International Commission of Jurists, Geneva  
*The “Ruggie Process”: From Legal Obligations to Corporate Social Responsibility?*

Questions/comments

**10h40 – 11h10 Tea**

#### **11h10 – 12h30 Session II: Revisiting the Normative Underpinnings of the Framework**

Chair: David Kinley, Chair in Human Rights Law, Sydney Law School

- 1) David Bilchitz, Associate Professor, Faculty of Law, University of Johannesburg & Director, SAIFAC  
*Exploring the Normative Underpinning of Ruggie’s Guiding Principles*

- 2) Surya Deva, Associate Professor, School of Law, City University of Hong Kong  
*Treating Human Rights Lightly: A Critique of the Guiding Principles' Complicity in Undermining the Human Rights Obligations of Companies*

Questions/comments

### **12h30 – 13h30 Lunch**

### **13h30 – 15h15 Session III: Duty to Protect and Responsibility to Respect Human Rights**

Chair: Bonita Meyersfeld, Associate Professor, University of Witwatersrand School of Law, Johannesburg

- 1) Nicola Jägers, Associate Professor, Tilburg University, The Netherlands  
*Will Transnational Private Regulation Close the Governance Gap? The Required Interlinkage between Pillar 1 and 2*
- 2) Justine Nolan, Senior Lecturer & Deputy Director of the Australian Human Rights Centre, Faculty of Law, The University of New South Wales  
*The Corporate Responsibility to Respect Human Rights: Soft Law or Not Law?*
- 3) Jan Wouters, Professor of International Law and International Organizations, University of Leuven and Stephanie Bijlmakers, Doctoral Researcher, Leuven Centre for Global Governance Studies  
*Towards the Legalisation of CSR in the European Union? Critical Reflections on the European Commission's New Strategy on Corporate Social Responsibility*

Questions/comments

### **15h15 – 15h35 Tea**

### **15h35 – 16h55 Session IV: Extraterritorial Obligations: Home v. Host States**

Chair: Nicola Jägers, Associate Professor, Tilburg University, The Netherlands

- 1) David Kinley, Chair in Human Rights Law, Sydney Law School and Daniel Augenstein, Assistant Professor, Tilburg University, The Netherlands  
*Beyond the 100 Acre Wood: Navigating the Jurisdictional Jungle of Extraterritoriality*
- 2) Tebello Thabane, Lecturer, Faculty of Law, University of KwaZulu-Natal, Durban  
*The Guiding Principles: Emphasising the Host State at the Expense of the Home State Judicial Mechanisms?*

Questions/comments

### **17h00 – 18h15: Tour of Constitutional Hill and the Old Fort (Optional @ 45 Rand/person)**

**18h30 – 20h30 Dinner for Speakers hosted by the Law School of City University of Hong Kong** [Gramadoelas Restaurant, At the Market Theatre, Bree Street, Newtown, Johannesburg. Tel: +27 (11) 838 6960; Mobile: +27 828 805 555; <http://www.gramadoelas.co.za/>]

## DAY 2: 24 JANUARY 2012

09h00 – 09h10 Review of Day 1

09h10 – 09h30 Opening Address: Director General/Deputy Director General, Department of International Relations and Co-operation

*Future Directions in Business and Human Rights: The South African Government's Position*

### 09h30 – 10h50 **Session V: Business, Gender and Socio-Economic Rights**

Chair: Sabine Michalowski, Professor, School of Law, University of Essex

- 1) Bonita Meyersfeld, Associate Professor, University of Witwatersrand School of Law, Johannesburg  
*Business, Human Rights and Gender: A Legal Approach to External and Internal Considerations*
- 2) Nkosikhulule Nyembezi, Advocacy Programme Manager, Black Sash Trust  
*Price-fixing and Violations of the Right to Food: Exploring the Impact of Competition Law on Human Rights (TBC)*

Questions/comments

**10h50 – 11h15 Tea**

### 11h15 – 13h00 **Session VI: Testing the Efficacy of Proposed Remedies**

Chair: Florian Wettstein, Chair and Director Institute for Business Ethics, University of St. Gallen, Switzerland

- 1) Gabriela Quijano, Adviser Access to Justice, Business and Human Rights Team, Amnesty International  
*Is the Right to Remedy under International Law Sufficiently Protected under the Guiding Principles on Business and Human Rights?*
- 2) Tineke Lambooy, Assistant Professor, Utrecht University, The Netherlands  
*Remedies (third pillar): Analysis and Practical Application for Companies with Special Reference to Case Studies Related to Oil Companies*
- 3) Richard Meeran, Partner, Leigh Day & Co., London  
*Tort Litigation against MNC Parent Companies*

Questions/comments

**13h00 – 14h00 Lunch**

## **14h00 – 15h45 Session VII: Navigating Complicity through Due Diligence**

Chair: Anita Ramasastry, Professor, University of Washington School of Law

- 1) Sabine Michalowski, Professor, School of Law, University of Essex  
*Due Diligence and Complicity: A Relationship in Need of Clarification*
- 2) Florian Wettstein, Chair and Director Institute for Business Ethics, University of St. Gallen, Switzerland  
*Making Noise about Silent Complicity: The Moral Inconsistency of the “Protect, Respect, and Remedy” Framework*
- 3) Juana Kweitel, Program Director, Connectas, Brazil  
*Sphere of Influence and Complicity: Lost in Translation?*

Questions/comments

## **15h45 – 16h10 Tea**

## **16h10 – 17h30 Session VIII: Business, Stakeholder Responsibility and Corruption**

Chair: Surya Deva, Associate Professor, School of Law, City University of Hong Kong

- 1) Anita Ramasastry, Professor, University of Washington School of Law  
*Putting the Business and Human Rights Agenda in Context: Lessons from the Anti-Corruption Sphere*
- 2) Stuart Woolman, Professor and Elizabeth Bradley Chair of Ethics, Governance & Sustainable Development, University of the Witwatersrand Graduate School of Business  
*The Ruggie Principles, the UN Global Compact and Corporate Social Responsibility: The Risks of Overreach and Blowback*

Questions/comments

**17h30 – 17h40 Concluding Remarks: Surya Deva, Associate Professor, School of Law, City University of Hong Kong**