

Human Rights Responsibilities beyond the State Pushing the Boundaries of Public and Private

Online conference
10–11 June 2021

Convened by PD Dr. Janne Mende and Anneloes Hoff, Max Planck Institute for Comparative Public Law and International Law, Heidelberg

Registration:

The conference is open to guest participants. We ask guests to register with the organization team (publicprivate@mpil.de) by June 3rd at the latest. Registered participants will receive access to the short papers.

Topic:

A fundamental challenge to the state-centric international human rights regime is the growing agency of actors that do not neatly fall into the category of states, but have a significant influence on human rights. These include non-state actors, such as business enterprises or civil society organizations, as well as intergovernmental, regional and international organizations. In the context of global governance, privatization and the proliferation of international institutions, these actors gain the power and legitimacy to participate in the development and interpretation of norms and rules, in the provision of public goods and in the framing of public interests. These developments challenge the international human rights regime and its capability to deal with actors, powers and practices that fall outside of its traditional state-centric scope. This conference draws on these developments to discuss research which challenges the dichotomy of public and private – without necessarily leaving these concepts behind or simply blurring the boundaries. It aims to explore perspectives which take the plurality of non-state and intergovernmental actors into account, in order to contribute to new models of human rights responsibility which go beyond the ‘private’ responsibility to respect and the ‘public’ duty to respect, protect and fulfil human rights.

Venue:

Zoom. No prior Zoom registration or software installation necessary. Log-in details will be circulated to all presenters and registered participants. Please turn your cameras on (and your microphone off, when listening).

Thursday 10 June

12.45-13.00 (CET) **Log-in and coffee**

13:00-13:15 **Welcome**

Janne Mende and Anneloes Hoff, *Max Planck Institute for Comparative Public Law and International Law*

13:15-14:45 **Session 1: Corporate responsibility in international law**

Chair: Janne Mende

Rethinking corporate responsibility in international law: A functional model

Chiara Macchi, David Birchall and Nadia Bernaz, *Wageningen University & Research and University of Nottingham, Ningbo, China*

Artificial Intelligence and human rights: Mapping corporate responsibility

Lottie Lane, *University of Groningen*

Using legal waivers in operational-level grievance mechanisms and its impact on access to remedies

Justin Jos, *University of New South Wales*

14:45-15:00 **Break**

15:00-16:30 **Session 2: Human rights due diligence**

Chair: Anneloes Hoff

Blurring the lines or respecting the boundaries between corporate responsibility to respect and state duty to protect human rights through human rights due diligence laws?

Markus Krajewski, *University of Erlangen-Nuremberg*

Between privatizing human rights and publicizing the corporation: The Janus-faced nature of human rights due diligence

Antoine Duval, *Asser Institute*

Considering the role(s) and legitimization of the 'external expert' in human rights due diligence under the UN Guiding Principles for Business and Human Rights

Marisa McVey, *Aston Law School / University of St Andrews*

16:30-17:00 **Break**

17:00-18:30 **Session 3: Corporate interests and norm setting**

Chair: Marie Lohrum

Business interest in harder and softer regulation in human rights policy

Benedikt Lennartz, *University of Münster*

Ranking for human rights? The formative power of indicators for business responsibilities

Magdalena Bexell, *Lund University*

Human rights in human-made disasters: assessing the engagement of the private sector through a case study on the practice of the Nordic extractive industry regarding the UN Sendai Framework on Disaster Risk Reduction

Karen da Costa and Lisbeth Segerlund, *University of Gothenburg*

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Friday 11 June

13:00-15:00 **Session 4: The human rights responsibilities of actors on the fringes of public and private**

Chair: Franziska Plümmer

National human rights institutions in business and human rights regulation: Bridging the divide between public and private?

René Wolfsteller, *Martin Luther University Halle-Wittenberg*

How private philanthropic foundations develop relations of responsibility towards human rights activists and organizations

Álvaro Morcillo, *Free University Berlin*

Human rights or Do No Harm? Framing contests over IO's obligations towards individuals

Monika Heupel, *University of Bamberg*

Human rights obligations of international courts - A view towards the inside

Raphael Oidtmann, *Peace Research Institute Frankfurt*

15:00-15:30 **Break**

15:30-17:00 **Session 5: Alternative approaches to regulating corporate responsibility**

Chair: Fumie Nakamura

Layer of control, shades of responsibility: Human rights responsibilities of platforms regarding deplatforming of public officials

Matthias C. Kettemann, *Leibniz Institute for Media Research | Hans-Bredow-Institute and University of Jena*

A rightsholder-driven human rights regime: Case of the Fair Food Program

Alysha Shivji, *Alliance Manchester Business School*

Private Military Companies (PMCs) and their regulation through soft law

Sarah Katharina Stein, *Ludwig Maximilian University of Munich*

17:00-17.15 **Concluding remarks**

Janne Mende and Anneloes Hoff