

Course form to fill in (2021-2022)

Course title:

Business and Human Rights: Historical, Legal and Contemporary Perspectives

Staff responsible for the course:

Professor Timothy Webster

Lecturers:

First Name + Name
Professor Timothy Webster

1) COURSE PRESENTATION

Aims:

Draw up a list of competencies and/or skills that the student should have acquired or improved at the end of the course.

You must fill in the field under the format “the student should be able to...” using action verbs such as define, realise, control... *(This description should not take more than ten lines)*

At the end of the course, the student should be able to:

Students will learn about one of the most important legal developments of the 21st century, grasp the historical roots of these developments from cross-cultural perspectives, and evaluate the prospects for future accountability efforts.

Prerequisites:

You must not write courses' codes or names, but identify the preliminary skills as the knowledge or the know-how needed to efficiently follow this course.

Write it out in terms of knowledge and methodologies required to follow this course (this would help students from direct entry to position themselves). *(This description should not take more than five lines)*

N/A

Course contents:

Here, an abstract of the course can be given or the different chapters of the course can be simply written down.

(The description should not take more than ten lines)

Over the past two decades, multinational enterprises have grown in power, scope and influence. Many MNEs generate annual revenues larger than the GDPs of developing countries. To be sure, many corporations assist economic development through foreign direct investment, technology transfer and creation of infrastructure. But a growing chorus of scholars, lawyers, and international organizations have called for increased regulation of MNEs. Specifically, the issue of legal liability for international human rights abuses has emerged as after a series of recent events: from the collapse of the Rana Garment Factory in Bangladesh to the displacement of indigenous people in Burma (Myanmar), Congo, Nigeria and Peru. Are corporations liable when they commit human rights violations? Or can they hide behind legal doctrines, tied to territory and jurisdiction, to avoid legal liability?

This short course examines the history of corporate legal liability for violations of international law. It begins with the all-important Nuremberg and Tokyo Tribunals, which forever reconfigured the subjects of international law—from states to individuals. It then picks up with recent efforts from the UN and OECD to introduce norms of corporate liability and corporate social responsibility. Next, it examines the Alien Tort

Statute in the United States, and the role of U.S. courts in holding corporations to account. Finally, it investigates contemporary movements, in the East and the West, to hold corporations liable for the events of World War II.

Class 1. Historical Perspectives: Nuremberg and Tokyo

- Readings: Jonathan Bush, *The Prehistory of Corporations and Conspiracy in International Criminal Law: What Nuremberg Really Said*, 109 *Columbia Law Review* 1096-1102, 1236-1240 (2010) (10 pages)
- SEYMOUR MORRIS, JR., *SUPREME COMMANDER: MACARTHUR'S TRIUMPH IN JAPAN*, 230-241 (2014) (11 pages)

Class 2. Contemporary Perspectives: United Nations and OECD

- UN Guiding Principles on Business and Human Rights: Implementing the Respect, Protect and Remedy Framework, 1, 3-4, 13-16, 17-18 (9 pages)
- OECD Guidelines on Multinational Enterprises (2015), 17-18, 30-34, 71-74 (10 pages)

Class 3. Contemporary Perspectives: Alien Tort Statute

- Harold Koh, *Separating Myth from Reality about Corporate Responsibility Litigation*, 7 *Journal of International Economic Law* 263-274 (2004) (11 pages)
- Julian Ku, *The Curious Case of Corporate Liability under the Alien Tort Act*, 51 *Virginia Journal of International Law* 364-377 (2010) (13 pages)

Class 4. Contemporary Perspectives: World War II Litigation East and West

- Michael Bazylar, *The Holocaust Restitution Movement*, 20 *Berkeley Journal of International Law* 14-25 (2002) (11 pages)
- Timothy Webster, *Discursive Justice: Interpreting World War II Litigation in Japan*, 58 *Virginia Journal of International Law* 184-200 (2018) (16 pages)

2) WORKING LOAD

Here, you should allocate the effective working load of the course, including an estimation of the personal work required from the student.

TABLE 1

Course's types	Number of hours	Notes
<u>Effective presence</u>		
- <i>Magistral Course</i>		
- <i>Interactive Course</i>	16	
- <i>Tutorials</i>		
- <i>Coaching</i>		
- <i>PBL Course</i>		
<u>Training from a distance</u>		
- <i>Video-conferences</i>		
- <i>Webinars</i>		
<u>Self-learning</u>		
- <i>Books 'readings</i>	5	
- <i>E-learning</i>		
- <i>Research</i>		
<u>Outdoors-training</u>		
- <i>In firms</i>		
- <i>Internship</i>		
<u>Personal work</u>		

- Group Projects		
- Individual Projects		
- Personal work	10	
Total working time for the student	31	

3) EDUCATIONAL METHODS

Tick here the different educational methods used:

- Coaching
- Case Study
- E-Learning and/or Self-learning
- Interactive courses
- Presentations
- Projects
- Research
- Seminars
- Tutorials
- Visits

4) ASSESSMENT

Sum up briefly the course assessment's mechanism (two or three lines) in order to introduce the assessment's table that you have to complete below (table n°2).

You must also define clearly how feedback will be given to students (in accordance with the feedback policy).

There will be a one-hour final examination, as well as a short (5-page) paper. Details on the paper will be circulated during the class.
Readings will be distributed one week before classes begins. Students will be expected to complete the readings before the start of each class.

List the assessment for each modality.

TABLE 2

Modality	Type of control	Length (h)	Number	Weighting (%)
<u>Continuous assessment</u>	Continuous assessment			
	Mid-term exam			
	Participation			
	Oral presentation			
	MCQ			
<u>Final exam</u>	Oral final exam			
	Written final exam			50
<u>Others</u>	Case study			
	Group Project			
	Individual Project			
	Written assignment		1	50
	Exercises			
Total				100%

5) RECOMMENDED READING

Name of books (*indicate only three or four must-read references*) / Name of reviews:

Reference book (appellation reserved for books selected by the School and necessarily bought by all the students):

Class books :

Reviews :

Internet Resources:

Please indicate here if you use the school intranet site to put on-line documents and/or if you advise the visit of web sites to students.

Name of the Website	URL