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Help

DIRECT ALLEGATIONS ADDRESSED TO COMPANIES - EXERCISE (1/1 point)

2. Note how, in the allegation letter addressed to the company US Capital Energy Belize Ltd., reference is made to the Guiding Principles on Business and Human Rights, endorsed by the Human Rights Council in 2011 (we have considered this development in section 4.3 (<https://preview.edx.org/courses/LouvainX/Louv2.01x/1T2014/courseware/432d6f88f6ff4f4abd919ec8094bfbaf/91097cecb19c4e048dc9cb4fe59b367d/1>) of the course). The company is expected to take a number of steps to ensure that it does not contribute to human rights violations, including to act with due diligence to seek information about the impacts of its oil exploration activities. Yet, it is the Government of Belize that, first and foremost, may be said to have neglected its duties under the international human rights instruments it is a party to. May the company be excused for not acting in accordance with the Guiding Principles on Business and Human Rights, when the host State is not complying with its own obligations?

- ☐ Yes. It is the duty of the territorial State under the jurisdiction of which the company operates to protect the human rights of its population; the company has no duties independent of those imposed by that State;
- ☐ Yes, for the reasons indicated in the previous indent; although it would be different if the United States, the State where the parent company is domiciled, had been taking action to impose on the company in question that it act in accordance with the requirements of human rights;
- ☒ No. The duties of the company exist independently both of those of the State on the territory of which it operates (in this case, Belize) and of those of its State of origin (in this case, the United States). ✓

EXPLANATION

The letter addressed to US Capital Energy Belize Ltd. is explicit on this point, noting that the business responsibility to respect human rights applies independently of the activities of the Government of Belize. It refers to the commentary to principle 11 of the Guiding Principles on Business and Human Rights, according to which "The responsibility to respect human rights is a global standard of expected conduct for all business enterprises wherever they operate. It exists independently of States' abilities and/or willingness to fulfill their own human rights obligations, and does not diminish those obligations. And it exists over and above compliance with national laws and regulations protecting human rights."

Check

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