

- Courseware (/courses/LouvainX/Louv2.01x/1T2014/courseware)
- Course Info (/courses/LouvainX/Louv2.01x/1T2014/info)
- Discussion (/courses/LouvainX/Louv2.01x/1T2014/discussion/forum)
- Wiki (/courses/LouvainX/Louv2.01x/1T2014/course_wiki)
- Progress (/courses/LouvainX/Louv2.01x/1T2014/progress)
- Reading Materials (/courses/LouvainX/Louv2.01x/1T2014/pdfbook/0/)
- Syllabus (/courses/LouvainX/Louv2.01x/1T2014/3517b9300b554b118f11224b8c05eb10/)

Help

The *Guiding Principles on Business and Human Rights* remain a soft law instrument, clarifying certain expectations both vis-à-vis States and vis-à-vis companies, but refraining from imposing new, binding obligations.

On 13 September 2013, calling the *Guiding Principles on Business and Human Rights* a 'first step' on which further initiatives should be build, the permanent representative of Ecuador to the UN, Luis Gallegos, on behalf of a group of States, presented a declaration calling for the adoption of a legally binding instrument within the UN for regulating TNCs and holding them accountable for human rights abuses.

The move received strong support from a wide consortium of civil society organisations, who released a statement (initially adopted by the Peoples' Forum on Human Rights and Business in Bangkok, 6-7 November 2013) calling for the elaboration of an international treaty that:

- a) Affirms the applicability of human rights obligations to the operations of transnational corporations and other business enterprises;
- b) Requires States Parties to monitor and regulate the operations of business enterprises under their jurisdiction, including when acting outside their national territory, with a view to prevent the occurrence of abuses of human rights in the course of those operations;
- c) Requires States Parties to provide for legal liability for business enterprises for acts or omissions that infringe human rights;
- d) Requires States Parties to provide for access to an effective remedy by any State concerned, including access to justice for foreign victims that suffered harm from acts or omissions of a business enterprise in situations where there are bases for the States involved to exercise their territorial or extraterritorial protect-obligations;
- e) Provides for an international monitoring and accountability mechanism;
- f) Provides for protection of victims, whistle-blowers and human rights defenders that seek to prevent, expose or ensure accountability in cases of corporate abuse and guarantees their right to access to information relevant in this context.

What are the advantages and disadvantages of these respective routes – the *classic route* of an intergovernmental, legally binding instrument, or the *route grounded in 'polycentric governance'*, as advocated by John Ruggie during his tenure as the Special Representative of the UN Secretary-General on the issue of human rights and transnational corporations and other business enterprises?

Are these routes mutually exclusive or could they be complementary? Would the adoption of new international instrument have a truly added value, in comparison to what international human rights law already imposes on States?


Future steps in the "Business and Human Ri... <https://courses.edx.org/courses/LouvainX/Lo...>
Before contributing to the debate, consider the position of John Ruggie himself as expressed in a brief (/c4x/LouvainX/Louv2.01x/asset/_Materials__Ruggie_2014_UN_business_and_human_rights_treaty.pdf) presented on 28th January 2014.

INSTRUCTIONS: In responding to the above questions, **DO NOT click on 'New Post'**. Click on '**Show discussion**', and then, in the first discussion thread, called '**[4.3.2] Regulating Transnational Corporations - Soft and Hard law approaches - Debate!**', click on '**View discussion**' and then on '**Add a response**' to propose your views to the community. If you want to comment on a peer's opinions in that thread then click on '**Add a comment**' in his response. You can also watch the tutorial (<http://youtu.be/SINSJKdez6g>) (see also, the updated (<http://youtu.be/TNoOB8q19kQ>) version) in order to make the best use of the interface.

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COMPLETION CHECKBOX (1/1 point)

☒ I have read the summary in the last unit, considered John Ruggie's brief, and have contributed to the discussion. 

Check

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