

University of California, Berkeley, School of Law

**Business, Social Responsibility, and Human Rights
LAW 263.2**

Provisional Syllabus – Fall 2013

[Prospective students: As I revise the course over the summer, I expect to trim some topics, expand others, and maybe add one. Furthermore, visiting speakers' availability remains to be determined. However, the changes will not be dramatic, so this provisional version of the syllabus is an accurate guide to the approach, kinds of readings, general topical coverage, and the number and backgrounds of the visiting speakers that you will experience in Fall 2013. I am looking forward to teaching the course again, in large part because it always attracts exceptionally engaged and thoughtful students.]

Mondays and Wednesdays, 2:10-3:25 p.m.
115 Boalt Hall
3 units

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COURSE OVERVIEW

This course addresses the emerging field of corporate social responsibility and human rights. Traditionally, international human rights norms have constrained the behavior only of states, not of private actors. Furthermore, the leaders of most corporations have viewed profit generation as their most important objective by far. However, over the last several decades, and especially in the last ten years, activists, consumers, and governments have increasingly pressed businesses – especially large, multinational corporations based in Western countries – to address human rights, the health of the environment, corruption, and other "social" concerns. Opinion on the extent and nature of these responsibilities varies widely, but no business operates completely unconstrained – national laws and regulations, societal expectations, and individuals' own internalized values shape what company personnel consider to be acceptable acts and activities. Many companies now expect their in-house and outside counsel to advise them on new legal rules and social expectations in the areas of human rights and social responsibility, as well as traditional business law.

We will explore both overarching questions and issues particular to certain industries or contexts. The overarching questions include the scope of businesses' responsibility for the actions of third parties; the comparative influence on businesses' behavior of commercial, legal, and ethical considerations; their capacity to improve human rights and alleviate other social problems; and how other actors – such as non-governmental organizations and governments – can affect businesses' behavior. We will examine controversies over specific areas in which businesses are connected to human rights violations and other social problems, including:

- collaboration between companies and government security forces;
- problems of operating in war zones (e.g., “conflict diamonds”);
- international internet companies’ efforts to balance their customers’ free speech, repressive national laws in particular countries, and commercial imperatives;
- initiatives to mitigate the negative impact of natural resource wealth on developing countries (the “resource curse”); and
- efforts to police subcontractors' compliance with labor rights.

The class’s format will combine seminar-style discussion and lecturing with occasional unconventional formats, such as role-plays and small group exercises.

EVALUATION AND GRADING

Grades will be based on the following factors:

20%	Class participation
10%	Response paper
70%	Final examination or paper

The intellectual value of a seminar depends on the quality of **discussion**. My goal is to create an energetic, but comfortable, forum for intellectually creative exchange from which we all learn. Attendance and participation in our deliberations therefore are essential. Participation entails active, thoughtful listening as well as speaking. I will sometimes call on people in order to promote the broadest participation.

If you must miss or be late to any class, please notify me by email as soon as possible, and in advance if the absence is anticipatable. The class participation component of your grade takes into account both that absences are sometimes necessary and that they inevitably reduce the intellectual quality of the seminar as a whole. An absence is excusable if it is for a reason you cannot reasonably control, such as sickness, a family emergency, or a job interview that cannot be scheduled at a different time. One excusable absence does not affect your class participation grade. Additional excusable absences will count as if you were present, but silent. Unexcused absences will diminish your class participation grade significantly.

It is essential that you do all assigned **reading** carefully before class. If an emergency prevents you from preparing, please inform me of it at the beginning of class. Because the course is highly cumulative, you will need to catch up by the next class, as you will if you are absent.

Once during the semester, you will write a short **response paper** that responds critically to several or all of the week’s readings. To spread the papers over the semester, you will sign up for a particular week. Response papers are **due to me via email by noon on the day before class**. (Tardiness will be penalized.) They should run between 500 and 800 words. The purpose of the response paper is to give you an opportunity to ponder the issues from one session in particular depth. Response papers should consider the readings for the class session in the context of our earlier readings and discussions, which is simply to say that you should not consider the readings purely on their own terms. While papers should be organized – not train of thought – they need not address every one of the session’s readings or rigorously argue a single thesis. Drawing connections to recurring issues in our discussions or to particular readings, facts, or issues from previous case studies will often be helpful. They will be graded according to the quality of engagement with both the specific session’s readings and with the course as a whole.

The bulk of your grade will be determined by a 12-hour, take-home **final examination**. It will be limited open-book, meaning that you will be allowed to consult class readings and notes.

A limited number of students may substitute a 20-30 page analytic paper for the final examination, with my permission. The paper would be due at the end of exam period. If you are interested in writing one, please email me two or three paragraphs on your possible topic by Friday, September 6. (If you are considering several topics, write two or three paragraphs on each.) This will help both of us assess the topic's feasibility.

READINGS

There is no textbook for this course. Readings draw from academic monographs and articles, by social scientists as well as legal scholars; reports by public policy institutes, international institutions, and non-governmental organizations (NGOs); newspaper and magazine articles; business school case studies; and legal documents such as court decisions and statutes.

The majority of the readings are free to you, either as a member of the public (e.g., NGO reports) or as a student with access to the UC Berkeley libraries' electronic resources. You can access those easily through the course website. You can purchase the one required book, Adam Hochschild's *King Leopold's Ghost*, at the Boalt bookstore or many used bookstores (such as Moe's on Telegraph). You need to purchase the required business school case study, for class 4, through a link from our course website to the Harvard Business School Publishing website. There is a reader of excerpts from books, which are not available to us free in electronic form, available at Copy Central on Bancroft Way.

All of our sessions suggest far more questions than we can possibly discuss. You are welcome to raise any of these in class, but I will focus our discussions on a few to allow us to consider them in some depth. By each Friday night, I will post reading questions for the following week on the course website. These direct you to the issues in the readings that are most important for the course. You will be well prepared for class if you arrive ready to discuss them.

I may sometimes modify a session's reading assignment, for example to address new developments or incorporate more targeted readings that have come to my attention. I will flag any changes at the beginning of the discussion questions and post any new readings on the course website by Friday night.

Class**Reading Assignment**

1. Wed., Aug. 21:
“Business, Social
Responsibility, and
Human Rights”:
What and Why

Amnesty International, brochure on corporate accountability. [website]

Geoffrey Colvin, *Should Companies Care?*, FORTUNE, June 11, 2001. [website]

HUMAN RIGHTS WATCH, *ON THE MARGINS OF PROFIT: RIGHTS AT RISK IN THE GLOBAL ECONOMY* (2008). Read: 1-15, 32-36. [website]

Aneel Karnani, *The Case Against Corporate Social Responsibility*, WALL ST. J., Aug. 23, 2010. [website]

DAVID VOGEL, *THE MARKET FOR VIRTUE: THE POTENTIAL AND LIMITS OF CORPORATE SOCIAL RESPONSIBILITY* (2005). Read: 1-5, 12-13 (excerpts from Ch. 1: “The Revival of Corporate Social Responsibility”). [website]

Christopher Avery, *The difference between CSR and human rights*, CORP. CITIZENSHIP BRIEFING, Aug/Sept. 2006. [website]

Recommended:

The classic statement of the case against taking social impact into account: Milton Friedman, *The Social Responsibility of business is to Increase its Profits*, N.Y. TIMES MAG., Sept. 13, 1970. [website]

Browse: Gap Inc., “Social Responsibility Data Dashboard: Goals and Progress.” [website]

I. FOUNDATIONS**A. History**

2. Mon., Aug. 26:
Exploiting the Congo

ADAM HOCHSCHILD, *KING LEOPOLD’S GHOST* (1999). Read: 1-18, 33-40¶1, 42¶1-46, 61-74, 87¶1-87¶3, 101-102¶3, 108¶1-135¶2, 158¶2-166, 225-234. [book]

Maps of the Belgian Congo in 1884 (first map on page) and 1909, from Yale Genocide Studies Program (scroll down). [website]

3. Wed., Aug. 28:
The Congo Human
Rights Campaign

ADAM HOCHSCHILD, *KING LEOPOLD’S GHOST* (1999). Read: 177¶2-217, 235-249, 250-252, 257¶2-259¶3, 265¶2-266part¶1, 270¶4-274, 277part¶1-283¶1, 292-299¶2, 304¶4-306, 309-313part¶1. [book]

**B. Extractive
Industries, Security,
and Complicity**

4. Wed., Sep. 4:
Shell’s Nigeria
Debacle

Joshua Hammer, “Nigeria Crude,” HARPERS, June 1996. [website]

HUMAN RIGHTS WATCH, *THE PRICE OF OIL: CORPORATE RESPONSIBILITY AND HUMAN RIGHTS VIOLATIONS IN NIGERIA’S OIL PRODUCING COMMUNITIES* (1999). Read: 1-17, 96-98 (can skip footnotes). [website]

Lynn Sharp Paine & Mihnea C. Moldoveanu, *Royal Dutch/Shell in Nigeria (A)*, Harvard Business School Field Case Study No. 9-399-126, rev. Feb. 5, 2009. [buy through website]

5. Fri., Sep. 6
(makeup for Labor Day) --

TENTATIVE
Shell's Reforms,
Freeport, and the
Voluntary Principles

HUMAN RIGHTS WATCH, *THE PRICE OF OIL: CORPORATE RESPONSIBILITY AND HUMAN RIGHTS VIOLATIONS IN NIGERIA'S OIL PRODUCING COMMUNITIES* (1999). Read: 166-69. [website]

SHELL GROUP, *PROFITS AND PRINCIPLES: DOES THERE HAVE TO BE A CHOICE?* (1998). Read: 2 (first page of "Introduction"), 5-7, 36-37 (excerpted copy on website). [website]

Kristian Tangen, "Shell: Struggling to Build a Better World?," Fridtjof Nansen Institute Report 1/2003 (2003). Read: 3-15. [website]

Simon Handelsman, *Mining in Conflict Zones*, in *BUSINESS AND HUMAN RIGHTS: DILEMMAS AND SOLUTIONS* 125 (Rory Sullivan ed. 2003). Read: 126-32. [reader]

Freeport McMoRan, "Human Rights Policy," Feb. 3, 2009. [website]

SEAN D. MURPHY, *PRINCIPLES OF INTERNATIONAL LAW* (2006). Read: 96, 103-107. [reader]

Bennett Freeman & Genoveva Hernández Uriz, *Managing Risk and Building Trust: The Challenge of Implementing the Voluntary Principles on Security and Human Rights*, in *BUSINESS AND HUMAN RIGHTS: DILEMMAS AND SOLUTIONS* 243 (Rory Sullivan ed. 2003). [reader]

Skim to get a sense of the nature of the document (not for details of specific provisions):
GOVERNMENT OF THE UNITED STATES & GOVERNMENT OF THE UNITED KINGDOM, *THE VOLUNTARY PRINCIPLES ON SECURITY AND HUMAN RIGHTS* (2000). [website]

Recommended:

Video statement at <http://shellapologises.com/>. [website]

6. Mon., Sep. 9:
Guest speaker:
David A. Baker,
Senior Vice President
and Chief
Sustainability
Officer, Newmont
Mining Corporation

David A. Baker, brief biography. [website]

Newmont Mining Corp., Social Responsibility Report 2010: About Newmont [website]

Newmont Mining Corp., Social Responsibility Report 2010: Mining for Sustainability [website]

Newmont Mining Corp., Social Responsibility Policy (n.d.). [website]

Newmont Mining Corp., Social Responsibility Report 2010: Community [website]

Newmont Mining Corp., Social Responsibility Report 2010: Community: Programs [website]

Newmont Mining Corp., Social Responsibility Report 2010: Community: Performance [website]

Newmont Mining Corp., Social Responsibility Report 2010: Environment [website]

7. Wed., Sep. 11:
Into the Modern Era

Steven R. Ratner, *Corporations and Human Rights: A Theory of Legal Responsibility*, 111 YALE L.J. 443 (2001). Read: 452-60. [website]

SEAN D. MURPHY, PRINCIPLES OF INTERNATIONAL LAW (2006). Read: 3-10, 60-63, 65-68, 78. [reader]

United Nations Office of the High Commissioner for Human Rights, Fact Sheet: “The International Bill of Rights” (n.d., rev. 1) (excerpt). [website]

Asian Development Bank & International Labor Organization, Core Labor Standards Handbook (2006). Read: Excerpts summarizing ILO Core Conventions C-29 (Forced Labor, 1930), C-87 (Freedom of Association and Protection of the Right to Organize, 1949), C-98 (Right to Organise and Collective Bargaining, 1949), C-100 (Equal Remuneration, 1951), C-105 (Abolition of Forced Labour, 1957), C-111 (Discrimination [Employment and Occupation], 1958), C-138 (Minimum Age, 1973), and C-182 (Worst Forms of Child Labour, 1999). [website]

Macartan Humphreys, Jeffrey D. Sachs & Joseph E. Stiglitz, *Introduction: What is the problem with natural resource wealth?*, in ESCAPING THE RESOURCE CURSE 1 (Macartan Humphreys, Jeffrey D. Sachs & Joseph E. Stiglitz eds., 2007). Read: 3-14. [reader]

RECOMMENDED to look at if you have not seen a human rights treaty before: International Covenant on Civil and Political Rights. [website]

ALTERNATIVELY RECOMMENDED to look at if you have not seen a human rights treaty before: International Covenant on Economic, Social, and Cultural Rights. [website]

8. Mon., Sep. 16:
Shareholder Activism
on Sudan
Guest speaker:
Adam Sterling,
founding director,
Conflict Risk
Network
- International Crisis Group, “Sudan Conflict History” (n.d.). [website]
HUMAN RIGHTS WATCH, DARFUR DESTROYED (2004). Read: 1-3, 8-12, 33-34. [website]
Luke A. Patey, *Against the Asian Tide: The Sudan Divestment Campaign*, 47 J. MOD. AFR. STUD. 551 (2009). [website]
CONFLICT RISK NETWORK, SUDAN COMPANY REPORT, FOURTH QUARTER, 2010 (2010). Read: 80-89, 357-63. [website]
GENOCIDE INTERVENTION NETWORK, CONFLICT RISK NETWORK (n.d.). [website]
9. Wed., Sep. 18:
Shareholder
Activism: Tactics
- Calvert Investments, “Sustainable & Responsible Investing: How Calvert Engages Companies” (n.d.). [website]
Michelle Westermann-Behaylo, *Institutionalizing Peace Through Commerce: Engagement or Divestment in South Africa and Sudan*, 89 J. Bus. Ethics 417 (2010). Read: 419-426 (top of second column). [website]
Jeanne M. Logsdon & Harry J. Van Buren III., *Beyond the Proxy Vote: Dialogues Between Shareholder Activists and Corporations*, 87 J. BUS. ETHICS 353 (2009). Read: 353-356 (top of second column). [website]
Steve Waygood & Walter Wehrmeyer, *A Critical Assessment of How Non-Governmental Organizations Use the Capital Markets to Achieve Their Aims: A UK Study*, 12 BUS. STRAT. & ENV’T 372 (2003). Read: 372-376. [website]
10. Mon., Sep. 23:
Conflict Diamonds
and the Kimberley
Process
- TOM PERRIELLO & MARIEKE WIERDA, THE SPECIAL COURT FOR SIERRA LEONE UNDER SCRUTINY (Mar. 2006) Read: 4-9 (Part I). [website]
PARTNERSHIP AFRICA CANADA, THE HEART OF THE MATTER: SIERRA LEONE, DIAMONDS, AND HUMAN SECURITY (SUMMARY) (2000). Read: 1-3 (can skip timeline). [website]
SIERRA LEONE TRUTH AND RECONCILIATION COMMISSION, 2 WITNESS TO TRUTH: REPORT OF THE SIERRA LEONE TRUTH AND RECONCILIATION COMMISSION (2004). Read: Executive Summary, paras. 37-45. [website]
Andrew J. Grant & Ian Taylor, *Global Governance and Conflict Diamonds: The Kimberley Process and the Quest for Clean Gems*, 93 ROUND TABLE 385 (2004). [website]
Clive Wright, *Tackling Conflict Diamonds: The Kimberley Process Certification Scheme*, 11 INT’L PEACEKEEPING 697 (2004). Read: 702-707. [website]
European Commission, “EC Chairmanship of the Kimberley Process: From conflict diamonds to prosperity diamonds” (n.d., est. Jan. 2007). [website]
PARTNERSHIP AFRICA CANADA & GLOBAL WITNESS, LOUPE HOLES: ILLICIT DIAMONDS IN THE KIMBERLEY PROCESS (2008). [website]
HUMAN RIGHTS WATCH, DELIBERATE CHAOS: HUMAN RIGHTS ABUSES IN THE MARANGE DIAMOND FIELDS OF ZIMBABWE (2010). Read: 1-3. [website]
Human Rights Watch, “Zimbabwe: Kimberley Process on the Brink,” June 28, 2011. [website]
World Federation of Diamond Bourses, “WFDB urges KP to resolve internal disagreement and strife, come together and allow rough diamond exports from Zimbabwe,” May 26, 2011. [website]
Recommended:
BLOOD DIAMOND (Warner Bros. 2006), starring Leonardo Di Caprio and Jennifer Connelly.

11. Wed., Sep. 25
Alien Tort Claims Act (ATCA): History and Status
Note: Class may be eliminated if Supreme Court eliminates corporate liability under ATCA in its *Kiobel v. Royal Dutch Shell* decision (expected June 2013)
- Alien Tort Claims Act, 28 U.S.C. § 1350. [website]
Doreen McBarnet & Patrick Schmidt, *Corporate accountability through creative enforcement: human rights, the Alien Tort Claims Act and the limits of legal impunity*, in THE NEW CORPORATE ACCOUNTABILITY: CORPORATE SOCIAL RESPONSIBILITY AND THE LAW 148 (McBarnet et al. eds., 2007). [reader]
Mark Hamblett, *2nd Circuit Rejects Corporate Liability in Alien Tort Act Cases*, LAW.COM, Sep. 20, 2010. [website]
Sarah A. Altschuller, *D.C. Circuit Upholds Corporate Liability under the Alien Tort Statute*, CORPORATE SOCIAL RESPONSIBILITY AND THE LAW (blog), July 11, 2011. [website]
Recommended:
 Flomo v. Firestone Natural Rubber Co., ___ F.3d ___ (7th Cir. 2011) (Posner, J.), slip op. at 6-15. [website]
12. Mon., Sep. 30:
Guest Speaker (via video): Tyler Giannini, Co-Founder EarthRights International; Clinical Professor of Law, Harvard Law School; Executive Director, Harvard Law School Human Rights Program
- Tyler Giannini, Brief Biography. [website]
Katie Redford & Beth Stephens, *The Story of Doe v. Unocal: Justice Delayed But Not Denied*, in HUMAN RIGHTS ADVOCACY STORIES 433 (Deena Hurwitz et al. eds., 2009). Read: 433-444, 448-461. [reader]
EARTHRIGHTS INTERNATIONAL, 2010 ANNUAL REPORT. Read: 1-9. [website]
EarthRights International, “What We Do” (n.d.), at <http://www.earthrights.org/about>. [website]
EarthRights International, “Introducing the Health and Earth Rights Training program,” May 3, 2011, at <http://www.earthrights.org/training/introducing-health-and-earth-rights-training-program>. [website]
EarthRights International, “Burma Project” (n.d.), at <http://www.earthrights.org/campaigns/burma-project>. [website]
13. Wed., Oct. 2: The Functions of Litigation
- Cheryl Holzmeyer, *Human Rights in an Era of Neoliberal Globalization: The Alien Tort Claims Act and Grassroots Mobilization in Doe v. Unocal*, 43 LAW & SOC. REV. 271 (2009). Read: 271-272, 285-300. [website]
Daniel Griswold, *Abuse of 18th Century Law Threatens U.S. Economic and Security Interests*, CATO.ORG, Jan. 25, 2003. [website]
Jonathan Drimmer, *Five Tips to Avoid the Human Rights Litigation Trap*, CORP. COUNS., Mar. 26, 2009. [website]
Michael D. Goldhaber, *A Win for Wiwa, A Win for Shell, A Win for Corporate Human Rights*, LAW.COM, June 11, 2009. [website]
Jonathan Kaufman, *Tightening the Net on Corporate Human Rights Abuses, from North and South*, EARTHRIGHTS INT’L (blog), Sept. 22, 2010. [website]

C. Labor Rights in the Garment Industry

14. Mon., Oct. 7: The Anti-Sweatshop Movement

Bob Herbert, *Children of the Dark Ages*, N.Y. TIMES, July 21, 1995. [website]
Bob Herbert, *Brutality in Vietnam*, N.Y. TIMES, Mar. 28, 1997. [website]
Bob Herbert, *Sweatshop U.*, N.Y. TIMES, Apr. 12, 1998. [website]
Paul Krugman, *In Praise of Cheap Labor: Bad jobs at bad wages are better than no jobs at all*, SLATE, Mar. 21, 1997. [website]
Nicholas D. Kristof and Sheryl WuDunn, *Two Cheers for Sweatshops*, N.Y. TIMES, SEPT. 24, 2000. [website]
Benjamin Powell, *In Defense of "Sweatshops"*, LIBRARY OF ECON. AND LIBERTY (online), June 2, 2008. [website]
Liza Featherstone & Doug Henwood, *Clothes Encounters: Activists and Economists Clash over Sweatshops*, LINGUA FRANCA, Mar. 2001. [website]

15. Wed., Oct. 9: FLA, WRC, and the Code-Monitoring Model

Dara O'Rourke, *Outsourcing Regulation: Analyzing Nongovernmental Systems of Labor Standards and Monitoring*, 31 POL'Y STUD. J. 1 (2003). Read: Entire article *except* sections of text and tables focusing on Social Accountability International (SAI/SA8000), Worldwide Responsible Apparel Production program (WRAC), and (on p. 18) "Related 'Global' Initiatives." [website]
Fair Labor Association, FAQs. [website]
Worker Rights Consortium, FAQs. [website]
Read for tone as well as content:

- United Students Against Sweatshops, "What's Wrong with the FLA?" [n.d.]. [website]
- Fair Labor Association, "Is It the FLA *versus* the WRC, or the FLA *and* the WRC?", Mar. 29, 2006. [website]

Recommended:

Fair Labor Association Workplace Code of Conduct. [website]
Worker Rights Consortium, Model Code of Conduct. [website]

16. Mon., Oct. 14: The Code-Monitoring Model in Practice

T.A. Frank, *Confessions of a Sweatshop Inspector*, WASH. MONTHLY, Apr. 2008. [website]
Richard Locke, Matthew Amengual & Akshay Mangla, *Virtue out of Necessity?: Compliance, Commitment, and the Improvement of Labor Conditions in Global Supply Chains*, 37 POL. & SOC'Y 319 (2009). Read: 319-339, 342-347 [website]
Scott Nova (executive director, WRC), Letter to university members on Designated Suppliers Program, Oct. 11, 2005. [website]
Auret van Heerden (executive director, FLA), Letter to Scott Nova on Designated Suppliers Program, Mar. 30, 2006. [website]
The Fair Labor Association, "What We Do: FLA 3.0." [website]
For reference:

United Students Against Sweatshops, The Designated Suppliers Program – Revised, Sept. 2006. [website]

II. STEPPING BACK: Drivers of Corporate Action

17. Wed., Oct. 16: Dorothy Thornton, Robert A. Kagan & Neil Gunningham, *When Social Norms and Pressures Are Not Enough: Environmental Performance in the Trucking Industry*, 43 LAW & SOC'Y REV. 405 (2009). Read: 405-408. [website]
Managers' Motivations
Robert A. Kagan, Neil Gunningham & Dorothy Thornton, *Explaining Corporate Environmental Performance: How Does Regulation Matter?*, 37 LAW & SOC'Y REV. 51 (2003). Read: 51-78 (skim Part II: Research Methods) [website]
Neil Gunningham, Robert A. Kagan & Dorothy Thornton, *Social License and Environmental Protection: Why Businesses Go Beyond Compliance*, 29 LAW & SOC. INQUIRY 307 (2004). Read: 307-309, 319-324. Recommended: 328-338. [website]
18. Mon., Oct. 21: INTERNATIONAL COUNCIL ON HUMAN RIGHTS POLICY, *BEYOND VOLUNTARISM: HUMAN RIGHTS AND THE DEVELOPING LEGAL OBLIGATIONS OF COMPANIES* (2002). Read: 7-9. [website]
Voluntary or Binding?
Joe W. (Chip) Pitts III, *Business, Human Rights, & the Environment: The Role of the Lawyer in CSR & Ethical Globalization*, 26 BERK. J. INT'L L 479 (2008). Read: Part IV (485-489). [website]
Harold Hongju Koh, *Bringing International Law Home*, 35 HOUS. L. REV. 623 (1998). Read: 627-632. [website]
19. Wed., Oct. 23: Bennett Freeman, Brief Biography. [website]
Guest Speaker: JOHN BROWNE, *BEYOND BUSINESS* (2010). Read: 90-109. [website] Note: Browne is the former CEO of BP (British Petroleum). In 1995, he was head of worldwide exploration and production for the company, and was about to become CEO.
Bennett Freeman, Senior Vice President, Sustainability Research and Policy, Calvert Investments
OPTIONAL: Michael Gillard, Ignacio Gomez and Melissa Jones, *BP hands "tarred in pipeline dirty war"*, GUARDIAN, Oct. 17, 1998. [website] Note: I don't think this adds much clarity to John Browne's own account of what BP did and didn't do in Colombia, but if you want a third-party account from a reputable (and left-wing) source, this article is the best I found.
Dean Foust, Geri Smith & Elizabeth Woyke, *"Killer Coke" or Innocent Abroad?*, BUS. WK., Jan. 23, 2006. [website]
Calvert Investments, *"The Coca-Cola Company (KO) Meets Calvert Signature Criteria and Added to Calvert Social Index,"* Jan. 28, 2011. [website]
Felicity Lawrence, *Sweatshop campaigners demand Gap boycott*, GUARDIAN, Nov. 21, 2002. [website] Note: Gap was a major target of anti-sweatshop campaigners throughout the
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late 1990s and early 2000s.

Gap, 2003 Social Responsibility Report (2004). [website] Note: This is Gap's first CSR report. It is assigned for what it shows about Gap's CSR reporting – not for what it might show about the realities on the ground. So don't read the whole thing, but rather look over and dip into it to get a sense of Gap's tone, what kinds of information it is disclosing and at what level of detail, and how it is framing things, etc.

20. Mon., Oct. 28:
Beyond Billiard
Balls: Organizational
Irrationality

Note: *Organizational Irrationality and Corporate Human Rights Violations*, 122 HARV. L. REV. 1931 (2009). Read: 1931-1941. [website]

Note: The baby will almost certainly arrive before this point or right after. So if we get through the Oct. 26 class, I will almost certainly cancel the Oct. 31 and Nov. 2 classes.

III. CUTTING EDGES

A. The Ruggie Process

21. Wed., Oct. 30: Scott Jerbi, *Business and Human Rights at the UN: What Might Happen Next?*, 31 HUM. RTS. Q. 299 (2009). Read: 304-306. [website]
- From the United Nations Sub-Commission on the Promotion and Protection of Human Rights, “Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises With Regard to Human Rights,” U.N. Doc. E/CN.4/Sub.2/2003/12/Rev.2 (2003). [website]
- Subcommission United States Mission to the United Nations at Geneva, “Note Verbale from the OHCHR of Norms to Ruggie August 3, 2004 (GVA 2537),” Sep. 30, 2004. [website]
- John Gerard Ruggie, *Business and Human Rights: The Evolving International Agenda*, 101 AM. J. INT’L L. 819 (2007). Read: 824-827. [website]
- David Kinley, Justine Nolan & Natalie Zerial, “*The Norms are dead! Long live the Norms*”: *The politics behind the UN Human Rights Norms for corporations*, in THE NEW CORPORATE ACCOUNTABILITY: CORPORATE SOCIAL RESPONSIBILITY AND THE LAW 459 (Doreen McBarnet et al. eds., 2009). [reader]
- John G. Ruggie, Opening Remarks to Geneva Consultation, Oct. 5, 2009. Read: 1-6. [website]
- John G. Ruggie, “Protect, Respect, and Remedy: A Framework for Business and Human Rights,” Report to the United Nations Human Rights Council, U.N. Doc. A/HRC/8/5 (2008). Read: paras. 1-9, 27-46, 51-64, 82-87. [website]
- Note: Ruggie has said that the ultimate goal of his efforts as Special Representative was to “achiev[e] the maximum reduction in corporate-related human rights harm in the shortest possible period of time.”** John G. Ruggie, Remarks to Sir Geoffrey Chandler Speaker Series, Royal Society for the Encouragement of Arts, Manufactures and Commerce, Jan. 11, 2011. [website]
22. Mon., Nov. 4: John Gerard Ruggie, *Business and Human Rights: The Evolving International Agenda*, 101 AM. J. INT’L L. 819 (2007). Read: 838-840. [website]
- Ruggie’s Approach and Impact 198 NGOs, Letter to John Ruggie, Oct. 10, 2007. Read: Excerpt. [website]
- Amnesty International, Human Rights Watch, and five other NGOs, “Joint Civil Society Statement on the draft Guiding Principles on Business and Human Rights,” Jan. 2011. [website]
- David Bilchitz, *The Ruggie Framework: An Adequate Rubric for Corporate Human rights violations?*, 7 SUR 199 (2010). Read: 216-217. [website]
- John G. Ruggie, Remarks to Sir Geoffrey Chandler Speaker Series, Royal Society for the Encouragement of Arts, Manufactures and Commerce, Jan. 11, 2011. Read: 5-14. [website]
- John G. Ruggie, Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework,” U.N. Doc. A/HRC/17/31 (Mar. 21, 2011). Read: paras. 9-15 plus – in Annex, Guiding Principles document – “General principles” and text of the principles themselves (bolded), plus commentary to Principle 2 (on p. 7). [website]
- Recommended:
- Hum. Rts. Council Res. 17/4, U.N. Doc. A/HRC/17/L.17/Rev.1 (June 15, 2011) (adopted June 16, 2011). [website]
-

B. The Internet

23. Weds., Nov. 6 Jeffrey Rosen, *Google's Gatekeepers*, N.Y. TIMES, Nov. 30, 2008. [website]
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An internet freedom advocate evaluates Google's new approach: Rebecca MacKinnon, *On Google's license renewal and principled engagement*, RCONVERSATION (blog), July 9, 2010. [website]
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Derek E. Bambauer, *Cybersieves*, 59 DUKE L.J. 377 (2009). Read: 379-386 (Introduction through I.A.).
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YouTube Community Guidelines, at http://www.youtube.com/t/community_guidelines (n.d., last visited Nov. 8, 2011). Expand and read all Community Guideline Tips (additional detail) at bottom of page.
24. Weds., Nov. 13 Nicole Wong, Brief Biography. [website]
Guest speaker: Derek E. Bambauer, *Cybersieves*, 59 DUKE L.J. 377 (2009). Read: 390-410 (Part II).
Nicole Wong J.D. Rebecca MacKinnon, *Google, China, and the future of freedom on the global Internet*, RCONVERSATION (blog), Jan. 17, 2010. [website]
'95, former Deputy General Counsel, Google GLOBAL NETWORK INITIATIVE, WHO WE ARE, WHAT WE DO, WHY IT MATTERS (n.d.). [website]
Recommended – not directly on topic, but exceptionally thought-provoking:
Evgeny Morozov, *Whither Internet Control?*, 22 J. DEMOCRACY 63 (2011). [website]

C. Financing and Revenues

25. Fri., Nov. 15
(makeup for Veterans' Day – TENTATIVE):
The Chad-Cameroon Pipeline Project
- Peter Rosenblum, *Pipeline Politics in Chad*, CURRENT HIST., May 2000, at 195. [website]
Scott Pegg, *Can Policy Intervention Beat the Resource Curse? Evidence from the Chad-Cameroon Pipeline Project*, 105 AFR. AFFS. 1 (2005). [website]
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“Chad-Cameroon Oil Pipeline Project: What Went Wrong and Where Do We Go From Here,” Summary of panel discussion at World Bank, Oct. 10, 2008. Note: Focus on views of World Bank participants (Oby and Somit). [website]
INTERNATIONAL CRISIS GROUP, CHAD: ESCAPING FROM THE OIL TRAP (2009). Read: Overview, page 1 (skip bulleted recommendations at end). [website]
26. Mon., Nov. 18:
The Best Disinfectant?: The Extractive Industries Transparency Initiative (EITI)
- Extractive Industries Transparency Initiative, “EITI Fact Sheet,” Nov. 2, 2010. Note especially the diagram on p. 2. [website]
Extractive Industries Transparency Initiative, “The EITI Criteria,” n.d. [website]
Matthew Genasci & Sarah Pray, *Extracting Accountability: The Implications of the Resource Curse for CSR Theory and Practice*, 11 YALE HUM. RTS. & DEV. L.J. 37 (2008). Read: 49-55. [website]
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Global Witness, “Five Challenges for the EITI to Deliver,” Mar. 3, 2009. [website]
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Nikki Reisch, *Taking Stock of Extractive Industry Transparency Trends*, EARTHRIGHTS INT’L (blog), Sept. 2, 2010. [website]
Negbalee Warner & Eddie Rich, “Addressing the roots of Liberia's conflicts through EITI,” EITI blog, Sep. 14, 2009. [website]
Publish What You Pay Liberia, “Position Statement to Dr. Peter Eigen [international chairman of EITI] by Liberian Civil Society,” Oct. 2009. Read: 1-2, 4 (“Comment”) - 6, Recommendations (9-11). [website]
Pushing for probity, AFR. CONFIDENTIAL, Mar. 18, 2011. [website]
27. Wed., Nov. 20:
Guest speaker:
Natalie Bridgeman-Fields,
Founder and Executive Director, Accountability Counsel
- Bio of Natalie Bridgeman Fields. [website]
Natalie L. Bridgeman & David B. Hunter, *Narrowing the Accountability Gap: Toward a New Foreign Investor Accountability Mechanism*, 20 GEO. INT’L ENVTL. L. REV. 187 (2008). Read: Parts I, II, III.A., and IV. [website]
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28. Mon., Nov. 25:
Conclusion
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