# Business Human Rights Journal



# Business and Human Rights Journal

The *Business and Human Rights Journal (BHRJ)* provides an authoritative platform for scholarly debate on all issues concerning the intersection of business and human rights in an open, critical and interdisciplinary manner. It seeks to advance the academic discussion on business and human rights as well as promote concern for human rights in business practice.

*BHRJ* strives for the broadest possible scope, authorship and readership. Its scope encompasses interface of any type of business enterprise with human rights, environmental rights, labour rights and the collective rights of vulnerable groups. The Editors welcome theoretical, empirical and policy / reform-oriented perspectives and encourage submissions from academics and practitioners in all global regions and all relevant disciplines.

A dialogue beyond academia is fostered as peer-reviewed articles are published alongside shorter 'Developments in the Field' items that include policy, legal and regulatory developments, as well as case studies and insight pieces.

Business and Human Rights Journal is included on the Cambridge Core online platform and can be found at cambridge.org/core/journals/business-and-human-rights-journal

ISSN: 2057-0198 E-ISSN: 2057-0201

© Cambridge University Press

# Business and Human Rights Journal Editorial Team

### **Editors-in-Chief**

Surya Deva, School of Law, City University of Hong Kong, Hong Kong Anita Ramasastry, University of Washington School of Law, USA Michael Santoro, Santa Clara University, USA Florian Wettstein, University of St Gallen, Switzerland

### **Book Review Editor**

Judith Schrempf-Stirling, University of Geneva, Switzerland

### **Editorial Board**

Michael K Addo, University of Notre

Dame, UK

Denis G Arnold, University of North

Denis G Arnold, University of North Carolina at Charlotte, USA

Dorothee Baumann-Pauly, New York University, USA

David Bilchitz, *University of Johannesburg*, *South Africa* 

George G Brenkert, *Georgetown University*, USA

Wang Canfa, China University of Political Science and Law, China

Larry Catá Backer, Penn State University, USA

Humberto Cantú Rivera, *Universidad de Monterrey*, *Mexico* 

Andrew Clapham, Graduate Institute of International and Development Studies, Switzerland

Shane Darcy, National University of Ireland Galway, Ireland

Thomas Donaldson, *University of Pennsylvania*, *USA* 

Mary Gallagher, *University of Michigan*, *USA* 

Erika George, *University of Utah, USA* Elisa Giuliani, *University of Pisa*, *Italy* 

Nien-hê Hsieh, Harvard University, USA Sarah Joseph, Monash University, Australia

Manoj Kumar Sinha, *Indian Law Institute*, *India* 

Ching Kwan Lee, *University of California* at Los Angeles, USA

Sheldon Leader, University of Essex, UK Jernej Letnar Černič, Graduate School of Government and European Studies, Slovenia

Jeanne M Logsdon, *University of* New Mexico, USA

Robert McCorquodale, British Institute of International & Comparative Law, UK

Ken McPhail, University of Manchester, UK Mahdev Mohan, Singapore Management University, Singapore

Peter Muchlinski, SOAS, University of London, UK

Justine Nolan, *University of New South Wales, Australia* 

Ibironke Odumosu-Ayanu, *University of Saskatchewan*, *Canada* 

Guido Palazzo, *University of Lausanne*, *Switzerland* 

Kish Parella, Washington and Lee University, USA

César Rodríguez Garavito, *University of Los Andes, Colombia* 

Marcelo Saguier, FLACSO - Latin American School of Social Sciences, Argentina

Sara Seck, *Dalhousie University, Canada* Penelope Simons, *University of Ottawa*,

Patricia H Werhane, *University of Virginia*, *USA* 

Mimi Zou, University of Oxford, UK

### **Advisory Board**

Upendra Baxi, Emeritus Professor, University of Warwick, UK Jagdish Bhagwati, Professor, Columbia University, USA

Sara Hossain, Lawyer, Supreme Court of Bangladesh, Bangladesh

Rae Lindsay, Partner, Clifford Chance, UK

Richard Meeran, Partner, Leigh Day, UK Michael Posner, Professor NYU's Stern School of Business, USA

Olivier De Schutter, *Professor, University of Louvain, Belgium* 

Gillian Triggs, Vice-Chancellor's Fellow, University of Melbourne, Australia

### **Developments in the Field Panel**

Charles Abrahams, Abrahams Kiewitz, South Africa

Sanyu Awori, International Women's Rights Action Watch Asia Pacific, Malaysia

Phil Bloomer, Business & Human Rights Resource Centre, UK

Flaviana Charles, LHRC Legal and Human Rights Centre, Tanzania

Anthony Ewing, Columbia Network on Teaching Business and Human Rights, USA

Arvind Ganesan, Human Rights Watch, USA

Mariëtte van Huijstee, SOMO (Centre for Research on Multinational Corporations), the Netherlands

Hiroshi Ishida, Caux Round Table, Japan

Chris Jochnick, Landesa, USA

Seema Joshi, *Amnesty International, UK* Jonathan Kaufman, *Advocates for* 

Community Alternatives, USA

Juana Kweitel, Conectas Human Rights, Brazil Carlos Lopez, International Commission of Jurists, Switzerland

Anirudha Nagar, Accountability Counsel, India

Faris Natour, *Haas Business School*, *UC Berkeley*, *USA* 

Ron Popper, Independent Consultant, Switzerland

Maria Prandi, Business and Human Rights, Spain

Salil Tripathi, *Institute for Human Rights* and Business, UK

Emmanuel Umpula Nkumba, *Afrewatch*, *DRC* 

Fernanda Venzon, Environmental Defender Law Center, USA

Chima Williams, Environmental Rights
Action/Friends of the Earth, Nigeria

Liang Xiaohui, China National Textile and Apparel Council, China

Vanessa Zimmerman, Independent Consultant, Australia

### **BHRJ** Fellow

Berit Knaak, University of St. Gallen, Switzerland

# **Business and Human Rights Journal**

## Table of Contents

### **SCHOLARLY ARTICLES**

- 157 The Commitment Curve: Global Regulation of Business and Human Rights
  Tori Loven Kirkebø and Malcolm Langford
- 187 Business and Human Rights in Occupied Territory: The UN Database of Business Active in Israel's Settlements
  - Valentina Azarova
- 211 Virtue Ethics and Natural Law Responses to Human Rights Quandaries in Business Alejo José G Sison
- 233 Social Bonds for Sustainable Development: A Human Rights Perspective on Impact Investing
  - Stephen Kim Park

### DEVELOPMENTS IN THE FIELD

- 257 How the Business Debate Influenced (or not) the Conflict Between Catalonia and Spain
  - Daniel Iglesias Márquez and Maria Prandi
- 265 Business and Human Rights during the Trump Era

  Arvind Ganesan
- None of their Business? How the United Nations is Calling on Global Companies to Lead the Way on Human Rights of LGBTI people
   Dan Bross, Fabrice Houdart and Salil Tripathi
- The Third Session of the UN Intergovernmental Working Group on a Business and Human Rights Treaty
   Doug Cassel
- A Feminist Approach to the Binding Instrument on Transnational Corporations and other Business Enterprises

  Sanyu Awori, Felogene Anumo, Denisse Cordova Montes and Layla Hughes
- 291 Inside the Dirty Fuels Campaign: Lessons for Business and Human Rights Michel Yoboué and Jonathan Kaufman

### **BOOK REVIEWS**

- 299 Juan José Álvarez Rubio and Katerina Yiannibas (editors), Human Rights in Business: Removal of Barriers to Access to Justice in the European Union Peter Muchlinski
- 303 Karin Lukas, Barbara Linder, Astrid Kutrzeba and Claudia Sprenger, Corporate Accountability: The Role and Impact of Non-Judicial Grievance Mechanisms Manoj Kumar Sinha

307 César Rodriguez-Garavito (editor), Business and Human Rights: Beyond the End of the Beginning

Khalil Hamdani