

Two New Papers on Business and Human Rights

A short piece on two recently released papers, both accessible in pdf format (first one in Spanish, second in English). Just click on the title.

I reproduce the abstracts by the authors.

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Sustainable Development and Multinational Enterprises: A Study of Land Grabblings from a Responsibility Viewpoint

The international community has adopted sustainable development as one of its priority issues. Multinational corporations can however interfere or render it impossible through land grabblings, a complex phenomenon because on many occasions they reach a prominent role that can be seen, among their different appearances, as a real pathology of the above mentioned development.

After having been previously scrutinized with relation to a comment on the case Mubende-Neuman I entertain no doubt at all that such grabblings more often than not turn out to be diametrically opposed to the various targets that outline sustainable development, as have already been revealed, for instance, by Secretary General of the United Nations Ban Ki- Moon, along his consolidated report over the agenda in this regard after 2015.

I propose in here, then, after an **Introductory Section**, a presentation of the problem following recent cases, showing different conflict situations in selected sectors, **Section 2**, and others under which collective efforts have achieved or are in the process of attaining remedies in terms of justice, **Section 3**. I will put an end to my survey with some final reflections, **Section 4**, within which I will raise the relevant activity carried out by the human rights defenders, in this particular case deeply rooted in the communities and the land where they live and the great credit that deserves to us their continued and brave fight all around the world.

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Can arbitration become the preferred grievance mechanism in conflicts related to business and human rights?

International law demands that States provide victims of human rights violations with a right to remedy, also in the case of violations of human rights by legal entities. International law also provides some indications as to how State and non-State based dispute resolution mechanisms should be like, in order to fulfil the human rights standards of the right to remedy. Dispute resolution mechanisms of an initially commercial nature, such as arbitration or mediation, could become very useful grievance mechanisms to provide redress for victims of human rights abuses committed by multinational corporations. Still, there are problems to be solved, such as obtaining consent from the parties involved in the arbitration process. Such consent may be obtained by imitating other dispute resolution mechanisms such as ICSID arbitration.