



**KHARKIV INTERNATIONAL
LEGAL FORUM**

Panel:

**SUSTAINABILITY
IN TRANSITION:**

corporate respect for solidarity

**5th of October
2022**

ONLINE

English and Ukrainian;
simultaneous translation will be provided

Hosted by:

Law Group | Wageningen University and Research,
the Netherlands

International Lab on Business and Human Rights |
Yaroslav Mudryi National Law University, Ukraine

Law for the living environment



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The mission of the fund is to advance ideas for sustainable regional cooperation in Central Europe



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СУЧАСНА
ЖІНКА 

SUSTAINABILITY IN TRANSITION: corporate respect for solidarity

TIME



9.30 – 17.00 Kyiv time

8.30 – 16.00 CET

CONCEPT

How can we transform our economy and society to maintain quality of life in a sustainable way? How will people living in relatively poorer socio-economic conditions be able to catch up with and/or be included in the transitions that we deem necessary to sustain our economy and our environment? How, if at all, should we incorporate our legal and ethical responsibility for past, present and future resource use vis-à-vis future generations and the rest of the world?¹

These most important questions of our time need ambitious and well-balanced answers. This historical moment provides unprecedented opportunities, in this respect, given a series of recent developments:

- **Regulatory developments:** the emergence of mandatory human rights and environmental due diligence legislations in several EU MSs and at the EU level (e.g. the EU proposed Corporate Sustainability Reporting Directive + Corporate Sustainability Due Diligence);
- **Judicial developments:** a series of ground breaking judicial decisions² and petitions³, that have contributed to clarifying the legal duties of businesses in relation to human rights and climate change;
- **Policy developments:** the Paris Agreement, the 2030 Agenda for Sustainable Development and the EU Green Deal bring to the forefront the role of private actors in contributing to the sustainability transitions;

¹ See Josephine van Zeben, *The European Green Deal: The future of apolycentric Europe?*, *Eur Law J.*2020;26:300–318.

² E.g. the Vedanta and the Shell case.

³ E.g. the ‘Carbon Majors’ petition in the Philippines; Sacchi et al.

- **Societal developments:** the COVID-19 pandemic and the war of aggression on Ukraine, which have re-ignited the debate on the role and duties of businesses as societal actors in times of crisis.

These developments pose special challenges for new democracies. A hard reality for them is that the current model of (economic) development is not rights-based and business models are still not human rights oriented. It leaves the profit-maximization mantra of modern shareholder value-oriented corporations untouched and, in fact, extends it as a guiding ideal to tackle a variety of social and environmental issues, providing an opportunity for governments to privatize public problem-solving and to retreat from essential public domains. There is a need to reorient the role and purpose of corporations in society. Merging business and human rights requires moving from the state-centric outlook on human rights and the corporate-centric view on corporate social responsibility, to a rightsholder-centered understanding of BHR⁴ based on the intrinsic normative force of human rights. This challenge requires a level of interdisciplinary dialogue.

On 23 of June 2022, the European Council has decided to grant the status of candidate country to Ukraine, a country in which there is a full-scale war. This unprecedented decision shows a new dimension of the concept of solidarity and opens a new page for the implementation of the Sustainability Agenda which, in particular, forces us to rethink the role of business conduct.

In this context, for the Panel Discussion, we propose to focus on **the concept of solidarity** and what it means for the European legal order and what **is its impact on the legal systems of a candidate countries**. We are looking to elucidate **the role of solidarity for achieving the Sustainable Development Goals with special attention to situation of instability**, in particular the impact of the Russian full scale invasion of Ukraine. We don't pretend to uncover all the dimensions of solidarity's impact on the sustainability agenda. Instead, we focus on **the role of responsible business conduct and discuss the concept of corporate respect for solidarity**

4 Wettstein, Florian. 2022. Business and Human Rights: Ethical, Legal, and Managerial Perspectives. Cambridge: Cambridge University Press.

from a legal perspective. Special attention will be paid to the role of corporate solidarity in times of war and post-war rebuilding, and in the light of challenges caused by forced migration. We are going also to discuss instruments to build corporate solidarity based on business and human rights approach.

Non-exhaustive list of questions for the Panel discussion is following:

- Solidarity as a fundamental value and principle of the European legal order. Solidarity and Human Rights;
- Essentiality of solidarity for the Sustainability Agenda in turbulent times;
- Solidarity beyond the EU and its application to candidate countries;
- The role of non-state actors in implementing the Sustainability Agenda through the prism of solidarity;
- Corporate respect for solidarity in times of war and in the post-war period;
- Human rights obligations of private providers of essential goods and services;
- Forced migration in times of war and the role of private actors to minimize the risks of forced labour;
- Building of corporate solidarity based on business and human rights approach.

THE PANEL WILL INCLUDE:

- **GENERAL DISCUSSION on Solidarity, Human Rights and Corporate Actors**
9.30 – 13.00 Kyiv time,
8.30 – 12.00 CET;
- **WEBINAR on «Forced migration in times of the war and the role of private actors to minimize the risks of forced labour»**
14.00 – 15.30 Kyiv time,
13.00 – 14.30 CET;
- **WEBINAR on «Corporate solidarity based on business and human rights approach instruments»**
16.00 – 17.00 Kyiv time,
15.00 – 16.00 CET.



The detailed agenda will be shared by
20th of September 2022.

Coordinator:

Dr. Olena Uvarova,
PhD in Law (2010), Associate Professor, since 2018, she leads the International Lab on Business and Human Rights at Yaroslav Mudryi National Law University (Kharkiv, Ukraine). In June 2022, Olena joined Wageningen University, Law Group, as a Visiting Researcher.



Panel discussion

on Solidarity, Human Rights and Corporate Actors

OPENING REMARKS:

- **Amb. Petr Mareš**, the Executive Director of the International Visegrad Fund
- **Prof. Iurii Barabash**, Vice-Rector for Research and Academic Affairs and Strategic Development, Yaroslav Mudryi National Law University
- **Prof.dr.mr. Josephine van Zeben**, Chair of the LAW group at Wageningen University and Research
- **Mrs. Olena Kolobrodova**, Representative of the Commissioner for Human Rights of the Verkhovna Rada of Ukraine on social and economic rights issues

Keynote speaker:

Judge Robert Spano was elected to the European Court of Human Rights in 2013 with respect to Iceland and is currently the President of the Court. Before taking up his judicial office he served as Parliamentary Ombudsman of Iceland from 2009-2010 and again in 2013.



He served as Dean of the Faculty of Law, University of Iceland, from 2010-2013, and was appointed professor of law in 2006. He was chairman of the Standing Committee of Experts in Criminal Law in the Icelandic Ministry of Justice from 2003-2009 and from 2011-2013. He was also the Icelandic delegate to the European Committee on Crime Problems and an Independent Expert to the Lanzarote Committee of the Council of Europe. Judge Spano is a graduate of the University of Iceland and of the University of Oxford.

See also the Speech of President Spano “What role for human duties, obligations and responsibilities in our European human rights discourse?” which inspired us for this Panel discussion.

Session I

Solidarity and Human Rights in the European Legal Order

Prof.dr.mr. **Josephine van Zeben**,

Professor and Chair of the LAW group at Wageningen University and Research (the Netherlands). She has also been a lecturer at the ETH Zürich – teaching Environmental Regulation: Law and Policy – since 2012. Before joining WUR, van Zeben was Fellow in Public and EU Law at Worcester College, University of Oxford (2014-2019).



Prof. van Zeben's research focusses on the regulation of environmental issues by public and private actors across jurisdictions, with particular attention for polycentric governance theory and developments related to the European Union. She is research lead of the LAW Group's program "Law for the Living Environment".

Prof. Dr. Markus Krajewski,

University Professor at the University of Erlangen-Nürnberg, the Chair in Public Law and Public International Law. Prof. Krajewski is one of the programme directors of the MA in Human Rights and chairperson of the Interdisciplinary Research Centre for Human Rights Erlangen-Nürnberg (CHREN).



He also chairs the Board of Trustees of the German Institute for Human Rights and is Secretary-General of the German Branch of the International Law Association. Prof. Krajewski focusses on international economic law, human rights, European external relations and the law of public services. He wrote four books and authored numerous contributions in scholarly journals and edited volumes.

John Morrison,

Chief Executive Officer of the Institute for Human Rights and Business (IHRB) since its formation in 2009 under the leadership of Mary Robinson. John leads IHRB's global strategy, fundraising, and outreach.



John advises a number of governments, intergovernmental organisations, and businesses on human rights and wider issues of sustainability, development, and international affairs. His most recent book is “The Social License”, published by Palgrave MacMillan, and he has published widely on issues relating to global governance, corporate responsibility, human rights, climate action, refugee protection, and human trafficking. John also sits on the UK Foreign Secretary's Human Rights Advisory Group and has been a Harkness Fellow to the USA. He has been named one of the 100 most influential people worldwide on the issue of eliminating modern day slavery.

Prof. Tetyana Komarova,

Dr. hab., professor of the Department of EU Law in Yaroslav Mudryi National Law University.



Prof. Komarova for a long time explores judicial law of the European Union. She has more than 150 scientific publications in the field of the EU Law including monographs and books dedicated to the Court of Justice of the European Union and its influence on the EU legal system, legal systems of the third States (particularly Ukrainian legal system). She is also a member of Scientific Council “Law” of the Ministry of Education and Science of Ukraine, a certified coach of the Ukrainian National Bar Association for carrying out measures of qualification improvement for advocates in the field of the EU judicial protection.

Olga Boyko,

Coordinator of the Industrial Ecology and Sustainable Development Committee of the European Business Association (EBA).



She has 9 years of experience in the field of Sustainability in the business environment: in 2013-2019, she managed projects on inclusion and diversity, as well as reducing CO2 emissions in Auchan Ukraine. Since 2020, she continues to promote the implementation of the UN Sustainable Development Goals in Ukraine by working on regulatory changes and establishing a dialogue between the government and business in the European Business Association. As an expert, Olga participated in the development of the National Recovery Plan of Ukraine in the direction of “Environmental Safety”, and is a member of the Barrier-free Council. She is the founder and author of the ESG Ukraine Telegram channel.

Solidarity and Corporate Respect for Human Rights

Prof. Florian Wettstein,

professor of business ethics and Director of the Institute for Business Ethics at the University of St. Gallen in Switzerland. Florian has published widely on topics at the intersection of corporate responsibility, business ethics, and business and human rights, and has been involved in numerous practical and policy initiatives and projects on those topics.



He is the author of *Multinational Corporations and Global Justice: Human Rights Obligations of a Quasi-Governmental Institution* (2009), *Business and Human Rights: Ethical, Legal, and Managerial Perspectives* (2022) and Editor-in-Chief of the *Business and Human Rights Journal* (BHRJ).

Dr. Nadia Bernaz,

Associate Professor in the LAW group at Wageningen University. She was previously a Senior Lecturer at Middlesex University (London, UK), and before that a lecturer at the Irish Centre for Human Rights, National University of Ireland (Galway, Ireland).



At the LAW group, Dr Bernaz leads the Business, Human rights and the Environment research area. Her personal research agenda focuses on business accountability.

Her book, *Business and Human Rights – History Law and Policy, Bridging the Accountability Gap* (Routledge, 2017) was rated as one of the best human rights books of all times.

Prof. Jernej Letnar Cernic,

Full Professor of Human Rights and Constitutional Law at the European Faculty of Law and the Faculty of Government and European Studies of the New University (Ljubljana/Kranj, Slovenia).



He is also Visiting Professor of Law at the European University Viadrina in Frankfurt (Oder) in Germany and at the Riga Graduate School of Law in Latvia. He has published extensively on business and human rights, the rule of law and human rights law. Jernej has published two scientific monographs, namely: “Corporate accountability under socio-economic rights”, Oxon; New York: Routledge, 2020, and “The Impact of European Institutions on the Rule of Law and Democracy: Slovenia and Beyond” Oxford, Hart (Bloomsbury), 2020 (with Matej Avbelj).

Beata Faracik,

Internationally recognized Human Rights & Business expert/lawyer with almost 20 years of professional experience. She is currently leading the Polish Institute for Human Rights and Business (PIHRB) an independent centre of expertise on Human Rights and Business, labour law and relations, social unrest and stakeholder engagement, of which is both co-founder and President of the Board.



She also coordinates the work of the CSR Watch Coalition Poland and is involved on pro-bono basis in the work of the inter-ministerial Council on Sustainable Development and CSR (an auxiliary body to the Minister of Funds and Regional Development), where she coordinates the work of its Working Group on Workers, tasked with developed of the draft definition of forced labour to be included in the Polish Criminal Code and extensive guidance/toolkit for business concerning preventing forced labour /labour trafficking in the supply chain.

Session III

Human Rights Due Diligence Approach and Solidarity Challenges

Dr. Siniša Milatović,

Expert on business and human rights, and he is currently serving as a Business and Human Rights Specialist with UNDP. He is responsible for developing global programming and providing expertise on business and human rights to colleagues and partners in Africa, the Middle East, Asia, Latin America, and Eastern Europe and Central Asia



Siniša has 20 years' experience as a human rights lawyer, advocate, researcher and manager of donor-funded projects in over 30 countries and territories in Asia, Africa and Europe. He has a DPhil (PhD) from the Faculty of Law at the University of Oxford, with a focus on corporate accountability, as well as an MA from the Fletcher School of Law and Diplomacy and an LLB from the London School of Economics and Political Science.

Dr. Kateryna Buriakovska,

PhD in Law (2015), Yaroslav Mudryi National Law University, Assistant Professor and expert in International Lab on Business and Human Rights. Since July 2022 is a visiting lecturer and researcher in Friedrich-Alexander University in Erlangen, Germany.



She is focused on researching human rights in armed conflicts, transitional justice and international criminal law.

Dr. Chiara Macchi,

Lecturer in Law at Wageningen University & Research. She joined the Law Group in 2019 as Marie Skłodowska-Curie Researcher with a project on Business and Human Rights in the policies of the European Union.



She is an assistant editor of Transnational Environmental Law and co-chair of the Business and Human Rights working group of the Netherlands Network for Human Rights Research. She has authored publications on climate due diligence, extraterritorial human rights obligations, human rights due diligence legislation, the right to water, the trade-human rights link and the human rights responsibilities of investors.

Dr. Olga Martin-Ortega,

Professor of International Law at the School of Law and Criminology. She leads the Business, Human Rights and Environment Research Group and undertakes research on multinational enterprises and human rights, public procurement and human rights, post-conflict reconstruction and transitional justice.



Before joining Greenwich, she was Senior Research Fellow at the Centre on Human Rights in Conflict (CHRC), School of Law, University of East London.

Prof. Martin-Ortega is a member of the Board of Trustees of Electronics Watch and The Corporate Justice Coalition. She is also a member of the Board of Directors of the London Universities Purchasing Consortium and the Steering Committee of the International Learning Lab on Procurement and Human Rights.

Webinar on

«Forced migration in times of the war and the role of private actors to minimize the risks of forced labour»

TIME



14.00 – 15.30 Kyiv time

13.00 – 14.30 CET

KEY DISCUSSANTS

- Representative of the Secretariat of the Parliamentary Commissioner for Human Rights in Ukraine
- **Beata Faracik**, Chair of the Board of the Polish Institute for Human Rights and Business
- **Pancho Valchanov**, President of the Institute for Business and Human Rights, Moldova
- **Alla Tymofeyeva, Ph.D.**, Associate Professor, International Law Department, Center for Human Rights, Charles University, Faculty of Law, Czech Republic

Webinar on

«Corporate solidarity based on business and human rights approach instruments»

TIME



16.00 – 17.030 Kyiv time

15.00 – 16.00 CET

KEY DISCUSSANTS

- **Ella Skybenko**, Eastern Europe and Central Asia Senior Researcher and Representative, Business and Human Rights Resource Center
- **Iryna Fedorovych**, Director of the NGO Center «Social Action»
- **Ekaterina Deikalo**, PhD, business and human rights researcher and expert

