

CSR LRN Newsletter

January 2015

Inside this issue

- 2 New publications
- 4 Completed projects
- 5 Get involved ... and benefit from the result
- 5 Events and calls for papers
- 10 Upcoming events and deadlines

Contact us with your suggestions, comments and membership application at katpe@asb.dk



Dear members, dear colleagues,

We are happy to present a new issue of the CSR LRN newsletter. As usual, it contains information on the latest publications, completed projects, upcoming events and calls for papers.

Besides the usual content, please note the inquiry about court decisions referencing the UN Principles on Businesses and Human Rights or the OECD Guidelines for MNEs on page 5. Your contributions will be appreciated and the result will be shared with you.

Moreover, congratulations to Louise Vytopil for completing her PhD thesis and good luck for her defense in June. You can read the abstract of Louise's work on page 4.

Finally, as it was announced in the last newsletter, we are planning a conference / meeting for autumn 2015 where we could all meet and share our research ideas and results as well as plans for future cooperation. We would like to encourage you to send us any thoughts on such an event regarding topics of special tracks and scholars you would like to include who are not CSR LRN members.

Many thanks to everybody who contributed to this issue.

With best wishes for a productive and successful new year 2015,

Katerina

Please, circulate this newsletter among your colleagues.

Board members:

Chairman: Karin Buhmann (buhmann@life.ku.dk), secretary, newsletter editor: Katerina Peterkova (katpe@asb.dk), webmaster: Daniel Gergely Szabo (dangs@asb.dk), Lovisa Halje (lovisa.halje@jur.uu.se).

New publications

The Greening of European Business under EU Law: Taking Article 11 TFEU Seriously (Routledge Research in EU Law)

Beate Sjøfjell (Editor), Anja Wiesbrock (Editor)

Routledge, December 2014

Abstract

The relationship between environmentally sustainable development and company and business law has emerged in recent years as a matter of major concern for many scholars, policy-makers, businesses and nongovernmental organisations. This book offers a conceptual analysis of the principles of sustainable development and environmental integration in the EU legal system. It particularly focuses on Article 11 of the Treaty on the Functioning of the European Union (TFEU), which states that EU activities must integrate environmental protection requirements and emphasise the promotion of sustainable development.

The book gives an overview of the role played by the environmental integration principle in EU law, both at the level of European legislation and at the level of Member State practice. Contributors to the volume identify and analyse the main legal issues related to the importance of Article 11 TFEU in various policy areas of EU law affecting European businesses, such as company law, insurance and state aid. In drawing together these strands the book sets out the requirements of environmental integration and examines its impact on the regulation of business in the EU.

The book will be of great use and interest to students and researchers of business law, environment law, and EU law.

Sustainability Clauses in International Business Contracts

Katerina Peterkova Mitkidis

Eleven International Publishing, Dovenschmidt Monographs (volume 3), forthcoming in February 2015

Abstract

Despite the traditionally primary goal of business – to make profit within the applicable legal framework –, companies are under the imperative of corporate social responsibility (CSR) engaging in activities pursuing public goals in the social and environmental spheres. Public and private actors have developed various tools that help to implement CSR into daily business operations. Many of these tools (such as CSR reporting or labeling) and their legal regulation have been widely discussed by legal scholars. The research presented in this book studies one of the CSR tools that has received much less academic attention, although it is extensively used in practice: social and environmental clauses in international supply chain contracts (SCCs). The author: (i) examines the use of the legal instrument of private contract to pursue public policy goals relating to sustainable development; (ii) analyzes the legal framework SCCs operate in; (iii) discusses what legal effects SCCs may have both within contractual relations between the parties and outside; and (iv) evaluates the contribution of this activity and its legal effects in terms of achieving sustainable development objectives. The aim is to explore both the potential and the limitations of contractual governance in achieving global sustainability. The book thus contributes to the current discussion on the development of new regulatory and governance designs to facilitate sustainable development by informing legislators and regulators as well as the business community about the opportunities in relation to contractual governance and its effects.

Utrecht Journal of International and European Law
Issue on Legal Aspects of Corporate Social Responsibility

Volume 30 Issue 78 (February 2014)

All articles are available through the [journal's website](http://www.utrechtjournal.org/articles) (<http://www.utrechtjournal.org/articles>).

Content:

- 'Legal Aspects of Corporate Social Responsibility', Tineke Lambooy
- 'Refining the Rules of the Game: The Corporate Responsibility to Respect Human Rights', Justine Nolan
- 'Jurisdiction by Necessity and the Regulation of the Transnational Corporate Actor', Chilenye Nwapi
- 'Competing Transnational Regimes under WTO Law', Carola Glinski
- 'International Obligations, State Responsibility and Judicial Review Under the OECD Guidelines for Multinational Enterprises Regime', Scott Robinson
- 'Was Kiobel Detrimental to Corporate Social Responsibility? Applying Lessons Learnt From American Exceptionalism', Benjamin Thompson
- 'Sexual Orientation, Human Rights, and Corporate Sponsorship of the Sochi Olympic Games: Rethinking the Voluntary Approach to Corporate Social Responsibility', Jeffrey A Van Detta
- 'The Liability of European States for Climate Change', Roger H J Cox
- 'Review of Corporate Social Responsibility of Multinational Corporations in Developing Countries: Perspectives on Anti-Corruption', Rhuks Ako
- 'The Legal Aspects of Corporate Social Responsibility: Interview with Ursula Wynhoven', Benjamin Thompson, Erica Teeuwen, Ilina Georgieva
- '"Bridging the Gap between International Investment Law and the Environment", 4th and 5th November, The Hague, The Netherlands', Rosalien Diepeveen, Yulia Levashova, Tineke Lambooy

European Company Law Journal, Special Issue on CSR and SRI

Volume 11 (2014), Issue 2

Editors: Beate Sjøfjell, Tineke Lambooy and Jukka Mähönen

All articles are available through SSRN, see the [publication website](http://www.jus.uio.no/ifp/english/research/projects/sustainable-companies/publications/articles/index.html) of the Sustainable Companies Project (<http://www.jus.uio.no/ifp/english/research/projects/sustainable-companies/publications/articles/index.html>).

Content:

- 'Reforming Company Law for Sustainable Companies', Tineke Lambooy
- 'Upgrading the Nordic Corporate Governance Model for Sustainable Companies', Beate Sjøfjell, Jukka Mähönen
- 'Reforming English Company Law to Promote Sustainable Companies', Andrew Johnston
- 'Disruptive Innovation and the Global Emergence of Hybrid Corporate Legal Structures', Carol Liao
- 'Improving the Legal Environment for Social Entrepreneurship in Europe', Tineke Lambooy, Aikaterini Argyrou
- 'Stopping Jurisdictional Arbitrage by Multinational Companies: A National Solution?', Janet Dine
- 'Comprehensive Management and Financial and Extra-financial Risk Control to Overcome the Business Crisis', María Ángeles Fernández-Izquierdo, María Jesús Muñoz-Torres, Idoia Ferrero-Ferrero
- 'Due Diligence: A Compliance Standard for Responsible European Companies', Mark B. Taylor
- 'Sustainable Companies through Enlightened Boards: Combining Private and Public Interest in the Decision-Making of Large Public Firms', Vincenzo Bavoso
- 'Operationalizing Sustainability in Company Law Reform through a Labour-Centred Approach: A UK Perspective', Lorraine Talbot

- 'How Might Network Governance Found in Nature Protect Nature?', Shann Turnbull
- 'The EU's Shareholder Empowerment Model in the Context of the Sustainable Companies Agenda', Blanaid Clarke
- 'Investing in Sustainability: Reform Proposals for the Ethics Guidelines of the Norwegian Sovereign Wealth Fund', Anita M. Halvorsen, Cody D. Eldredge
- 'Sustainable Stock Indices as a Way of Promoting Sustainable Development Principles: Empirical Analysis of the Warsaw Stock Exchange RESPECT Index', Tomasz Regucki
- 'Integrated Reporting for Sustainable Companies: What to Encourage and What to Avoid', Charlotte Villiers
- 'Regulating Accounting for Sustainable Companies: Some Considerations on the Forthcoming EU Directive', David Monciardini
- 'Introducing Environmental Auditing at the Closure of Business in China', Jianbo Lou
- 'Better Accounting for Corporate Shareholding and Environmental Protection', Yuri Biondi
- 'Energy Subsidy Reporting: Its Creation and Enforcement through International Financial Reporting Standards (IFRS)', Raphael James Heffron
- 'Regulating Third Party Assurance Engagements on Sustainability Reports: Insights from the Swedish Case', Amanda Sonnerfeldt
- 'Climate Change and Business Law in the United States: Using Procurement, Pay, and Policy Changes to Influence Corporate Behaviour', Marcia Narine
- 'Report from The Netherlands: A Bonus Cap for Financial Undertakings', Tom Dijkhuizen
- 'Survey of Legislation and Case Law, November and December 2013', Paul Jager

Completed projects

Contractual Control in the Supply Chain: On Corporate Social Responsibility, Codes of Conduct, Contracts and (Avoiding) Liability

PhD thesis

Louise Vytopil

Abstract: I have investigated which legal measures Dutch, English and Californian MNCs take in order to govern their supply chains in terms of CSR: do they use contracts, general terms and conditions or codes of conduct ("COCs") to effectuate certain corporate social responsibility ("CSR") behavior with their suppliers? And what are the consequences of these measures in terms of both contract law and liability law?

In this research, it is argued that most companies now take measures to regulate their supply chains in terms of corporate social responsibility, and many of these measures can be qualified as contractually binding in the relationship between MNC and supplier. However, these measures offer little in terms of recourse for the victims of CSR violations in supply chains, as they tend to serve to negate the legal liability for MNCs in respect of CSR violations in supply chains rather than provide a legal basis for holding the MNC liable.

If this insight is combined with the knowledge that most Western governments currently do not believe that more legal measures (in the form of acts of legislation, legally binding covenants with businesses, et cetera) are not desirable and will not be initiated, the question of the role and value of the law for addressing CSR violations in supply chains arises.

Defense: 19 June 2015

Publication: forthcoming with Boom Academic Publishers in June 2015

Get involved ... and benefit from the result

Compiling a list of court decisions referring to the UN Principles on Businesses and Human Rights and the OECD's Guidelines for MNEs

Collecting case law on a specific topic across jurisdictions can be a very difficult exercise. Therefore, we should take the advantage of participating in an international research network to do that. Especially if we can share the result and use it for our respective projects. So, let's get involved.

Professor Yael Ronen from the Sha'arei Mishpat Academic Center is searching for **decisions by courts - domestic or otherwise - which reference the UN Principles on Businesses and Human Rights (the Ruggie Principles) or the OECD's Guidelines for MNEs (especially since their 2011 revision)**. This inquiry concerns only binding judicial decisions; the decisions of national contact points are not included.

If you are aware of any such decision, please, send your contributions directly to yael.ronen@MAIL.HUJI.AC.IL. Citations would be very welcome as would be links.

Professor Ronen is happy to **share the final list** of the court decisions for general use by the network's members.

Events and calls for papers

Business and Human Rights Journal Call for papers

<http://journals.cambridge.org/action/displaySpecialPage?pagelid=6480>

The Business and Human Rights Journal (BHRJ) is a new peer-reviewed academic journal published by Cambridge University Press. The journal will be launched at the 4th UN Business and Human Rights Forum in December 2015.

BHRJ will provide an authoritative platform for scholarly debate on all issues concerning the interface of business and human rights in an open, critical and interdisciplinary manner. It aims to publish original and diverse works of the highest scholarly quality examining any relevant issue from theoretical, empirical and policy/reform-oriented perspective.

In addition to publishing scholarly articles and book reviews, BHRJ will feature a 'Developments in the Field' (DiF) section, which will include short pieces highlighting key policy, legal and regulatory developments, as well as case studies and insight pieces by academics, practitioners, human rights advocates, and policy-makers.

The Editors welcome submissions on all business and human rights-related topics from scholars and practitioners working in diverse fields such as business and human rights, corporate social responsibility, business ethics, business management, economics, political science, sociology, international law, international relations, public policy, constitutional law, human rights, labour law, environmental law, trade and investment law, consumer protection law, corporate/business law, corporate governance, sustainability, and globalisation. We encourage submissions from scholars representing all parts of the world and particularly from scholars in the Global South.

BHRJ will consider submissions on a rolling basis. However, **in order to be considered for the inaugural issue, the submission deadline is 31 March 2015**.

The recommended length (including footnotes) is 9,000-12,000 words for articles, 1,500-2,500 words for DiF pieces, and 1,000-1,500 words for book reviews. The Editors may, however, consider longer or shorter papers. Please consult the BHRJ style sheet for further instructions for contributors.

Manuscripts should be sent as a Word attachment to BHRJ@cambridge.org

If you have any queries, please contact any of the Editors-in-Chief:

Surya Deva (suryad@cityu.edu.hk)

Anita Ramasastry (arama@uw.edu)

Michael Santoro (msantoro@business.rutgers.edu)

Florian Wettstein (florian.wettstein@unisg.ch).

Smarter Sustainability Reporting 2015
"Fostering Transparency, Creativity & Materiality"

24 February 2015, London, UK

<http://www.sb-reporting.net/home>

OVERVIEW:

Companies that manage and measure their corporate responsibility consistently outperform their peers; they also recovered more quickly from the financial crisis.

Sustainability and Corporate Social Responsibility (CSR) reporting has become an essential tool for organisations that are increasingly answerable to their stakeholders. However it is an imperfect art and issues of transparency, materiality and engagement still hinder this important measure of a company's success and attractiveness to customers, investors, employees and NGOs.

The 4th annual Smarter Sustainability Reporting Conference will address materiality, accessibility and best practice. Join your peers who will be sharing expertise on ensuring a sustainable supply chain and a transparent report. In addition, essential discussions will take place on how to engage with internal as well as external stakeholders in order to keep driving forward the sustainability agenda and reap the environmental, social and business benefits.

Law Beyond the State

1-2 May 2015, University of Toronto

Call for Submissions for the 8th Annual Toronto Group Conference

<http://torontogroup.wordpress.com>

Deadline: 9 February 2015 (abstracts of 350 words)

OVERVIEW:

The thematic focus of this year's conference is "Law Beyond the State".

Participants are invited to conceptualize, criticize and examine the status of law from various perspectives. While much of Western legal thought has conceptualized the existence and operation of law as arising from a state paradigm, this year's theme provides participants an opportunity to examine instances of law that is not dependent on the state. Please refer to the attached call for abstracts for complete details on the [Call for Proposals](#).

EDEN doctoral seminar:
CSR and Politics: Corporate Power, legitimacy and global governance
18-22 May 2015, Hanken School of Economics, Helsinki, Finland
http://www.eiasm.org/frontoffice/eden_announcement.asp?event_id=1098

Registration deadline: 27 February 2015

(Finnish doctoral students - free of charge; non-Finnish doctoral students - 400 Euros)

OVERVIEW:

The aim of the course is to deepen the critical understanding of how multinational corporations and business interest groups impact national, transnational and global governance. It interrogates the often uneasy relationship between business and politics and makes explicit connections to corporate social responsibility (CSR) discussions such as political CSR and extended corporate citizenship.

The course approaches the subject from a cross-disciplinary perspective, bringing together faculty from management and organization, business and society, world politics, political economy, and supply chain management.

LEARNING GOALS

Upon completion of the course you will be able to critically analyze the role of business in relation to national, transnational and/or global governance; combine insights from various disciplines to research the politics of CSR; identify various challenges this poses in terms of democracy.

Law and Society in the 21st Century
The functions of law in a global society
10-12 June 2015, University of Oslo, Norway

<http://www.jus.uio.no/ikrs/english/research/news-and-events/events/conferences/2015/socio-legal-studies-conference/index.html>

Deadlines: 1 February 2015 (abstracts between 200 and 400 words)

OVERVIEW:

Law increasingly transcends national boundaries, with closer interactions between national, inter- and transnational legal regimes, actors and practices. This applies to human rights, trade and competition law, internet law, environmental law, criminal law, refugee law as well as many other areas of law. On the inter- and transnational level, an increasing number of new legal actors have emerged side by side of the nation-states such as NGOs, transnational corporations and international organizations.

International migrants and refugees, climate and environmental change, the Internet, new biotechnologies and ethics, the financial crisis, transnational corporations and ethics, sovereign wealth funds (such as the Norwegian Pension Fund) are merely some of the urgent contemporary societal and political challenges where inter- and transnational law and cross-boundary legal practices play a vital role. The conference invites papers on the sociology of international law as well as on the interaction between the Nordic legal model and new international legal regimes and institutions.

Promoting the rule of law and human rights in combination with a comprehensive and tax financed welfare state and a market economy has become a major part of Nordic efforts to spread the practices of democracy and social equality globally. Still, empirical and theoretical knowledge about which factors ensure success, and why they do so, remains scarce. More cross-disciplinary and comparative research and discussion is needed on how to

combine a high degree of social and economic equality with liberal and economic rights, and on how to stabilize such a model. In this setting the role of law and the various forms of law should be in focus.

A positive view of citizen action was once a major justification for the use of lay people as judges and members of jury trials and is now also manifest in restorative justice movements. Restorative justice programs and participatory policy forums have become attractive to reformers. Questions remains though to what extent, if any, participatory institutional designs can increase civic responsibility and suggest alternative paths forward for increasingly professionalized legal systems in late modern societies.

Our natural environment and the future welfare of societies depend on sustainable and fair use of nature and natural resources. Legal regulations in many areas – locally, regionally, nationally and internationally - are crucial preconditions for sustainability and environmental justice.

These are but a few areas where law currently develops in complex and non-hierarchical ways among several actors rather than in state hierarchies. The new inter- and transnational dynamics of law need to be understood by socio-legal and political theories and empirical studies.

"Law and Society in the 21st Century: The functions of law in a global society" welcomes studies on the emergence of transnational law, the interaction between domestic and trans- and international law and its implications for late modern societies.

Fifth Organizational Governance Conference and Fourteenth International Conference on Social Responsibility

9-12 September 2015, Tekirdağ, Turkey

<http://ogc.klu.edu.tr/dil/en>

Deadlines:

1st Deadline: 8 April 2015 - for early birds and abstracts

2nd Deadline: 30 June 2015 - for all papers

3rd Deadline: 30 July 2015 - for last-minute papers (will be evaluated depending on space)

OVERVIEW:

The organizing committee is pleased to announce the 5th Organisational Governance Conference & 14th International Conference on Social Responsibility to be hosted by Lüleburgaz Vocational School, Kırklareli University, Turkey in conjunction with the Social Responsibility Research Network (SRRNet).

The official language of the conference is English. Papers, never been presented/published anywhere are welcome for the conference. Although preference will be given to full papers, abstracts of 200-500 words will also be considered. Traditionally the joint conference is intended to be interdisciplinary and welcomes contributions from anyone who has a perspective on these important issues.

The main themes which will be considered and discussed are (will be specified later on):

- Organizational Governance and Firm CSR/Sustainability Values
- CSR/Sustainability Regulation and Organizational Governance
- Organizational Governance and CSR/Sustainability Reporting Quality
- Organizational Governance Mechanisms and CSR/Sustainability
- Organizational Governance and Business Ethics
- Organizational Governance and in a Sustainable Market
- Organizational Governance and Sustainable Risk Management
- Organizational Governance and Sustainable Supply Chain

- Organizational Governance and Firms Sustainability
- Organizational Governance and Corporate Social Responsibility
- Organizational Governance and Stakeholders
- Theoretical perspectives on Organizational Governance
- Governance as a Macroeconomic issue
- Regulatory Failures and Organizational Governance
- Social Responsibility and Community issues
- Organizational Governance in the Public Sector/ NGO sector
- Audit and Organizational Governance
- Models of Organizational Governance.

For more information see the [Call for Papers](#).

Science for the Environment 2015
“Environmental Monitoring and Assessment:
Challenges and opportunities”
1-2 October 2015, Aarhus, Denmark
<http://dce-conference.au.dk>

Deadlines:

15 January 2015: Deadline for session and workshop topic proposals

1 May 2015: Deadline for abstract submission

OVERVIEW:

Environmental monitoring and assessment is fundamental to the understanding of our ecosystems, to prevent adverse effects on ecosystems and human health, as a basis for policies, and as a tool to follow the outcome of regulations. DCE, Aarhus University has a long tradition in combining monitoring and research to inform policy-making, both nationally and internationally. Together with Partnership for European Environmental Research (PEER), Aarhus University would like to invite researchers and practitioners to discuss the future challenges and opportunities for environmental monitoring and assessment, with the aim of:

- Discussing and sharing ideas on future methods and technologies
- Document and discuss the value of combining research and monitoring
- Strengthen the chain from monitoring and assessment to environmental policies, regulation and management.
- Strengthen an interdisciplinary, joint international and integrated approach.

Some of the main questions are:

How to best evolve environmental monitoring, in order to make use of new and smart technologies for improved and cost-effective monitoring?

How do we assess and document the value of data and knowledge of environmental ecosystems?

Upcoming Events

- February 24 **Smarter Sustainability Reporting 2015 "Fostering Transparency, Creativity & Materiality"**
London, UK (info above)

- May 1-2 **Law Beyond the State**
Toronto, Canada (info above)

- June 10-12 **Law and Society in the 21st Century: The functions of law in a global society**
Oslo, Norway (info above)

- September 9-12 **Fifth Organizational Governance Conference and Fourteenth International Conference on Social Responsibility**
Tekirdağ, Turkey (info above)

- October 1-2 **Science for the Environment 2015 "Environmental Monitoring and Assessment: Challenges and opportunities"**
Aarhus, Denmark (info above)

Upcoming Deadlines

- February 1 **Law and Society in the 21st Century: The functions of law in a global society**
Abstracts

- February 9 **Law Beyond the State**
Abstracts

- February 27 **EDEN doctoral seminar on CSR and Politics: Corporate Power, legitimacy and global governance**
Registration deadline (info above)

- March 31 **Business and Human Rights Journal - the inaugural issue**
Submission of papers

- April 8 **Fifth Organizational Governance Conference and Fourteenth International Conference on Social Responsibility**
Early birds and abstracts

- May 1 **Science for the Environment 2015 "Environmental Monitoring and Assessment: Challenges and opportunities"**
Abstracts

- June 30 **Fifth Organizational Governance Conference and Fourteenth International Conference on Social Responsibility**
All papers

- July 30 **Fifth Organizational Governance Conference and Fourteenth International Conference on Social Responsibility**
Last-minute papers

FEBRUARY 2015						
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