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Editorial
Introduction to the Special Issue

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INTERDISCIPLINARY APPROACHES TO BUSINESS &
HUMAN RIGHTS: AN ASSESSMENT OF THE FIELD 10+
YEARS FROM THE UNGPs

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Introduction to the Special Issue

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In March 2024, the Brazilian Journal of International Law launched a special issue Call entitled “*Interdisciplinary Approaches to Business & Human Rights (BHR): An Assessment of the Field 10+ Years from the UNGPs.*” The Editors received submissions of various manuscripts on interdisciplinary challenges, conceptual developments, and methodological efforts involved in addressing and approaching the BHR agenda from different standpoints. The geographical distribution of responses indicates that the Call had circulated throughout Brazil and worldwide. The responses demonstrate a genuine spirit of combining and (re)articulating diverse fields of study – Political Science, International Relations, Business Ethics, International Law, Environmental Policy, and others. Their overall aim is to provide a comprehensive understanding of the complex interplay between Business and Human Rights and offer a critical appraisal of the knowledge gathered, of the meaningful academic research, and of the practical progress achieved throughout this agenda after the first ten years of the U.N. Guiding Principles on Business and Human Rights (UNGPs). The UNGPs, adopted in 2011, constitute a key normative framework developed under the norm entrepreneurship of John Gerard Ruggie. They aim to prevent and address human rights abuses in business activities while fostering regulatory developments, the transformation of global value chains, meaningful stakeholder engagement, and rightsholder-driven access to remedy.

Such a response is situated within a broader landscape of academic research and helps to circumscribe a political economy portrait of publications under the umbrella of BHR. In an international mapping exercise, 2025 marks the first time in history that the Business field has more publications than the Law field, according to the Web of Science prompt “Business AND Human Rights”. Adding the Business area to Management, the difference is even greater, with 1,601 articles compared to 849 in the Law field. It should be noted that the combined fields of International Relations and Political Science result in a total of 496 articles: the fourth largest field of study for business and human rights, as the image below demonstrates:

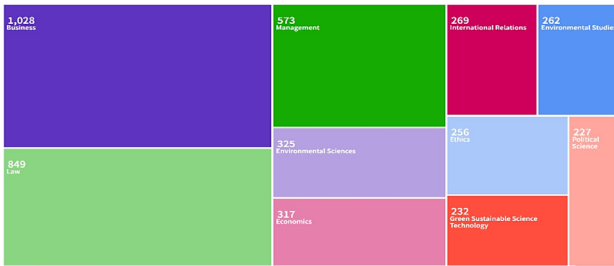
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IMAGE 1 – DISTRIBUTED AREAS ON BUSINESS AND HUMAN RIGHTS



Source: Web of Science, accessed on July 14th, 2025.

In percentage terms, Business and Management together account for more than 36% of total publications, compared to 19.1% for Law. International Relations and Political Science account for just over 11% of the total articles indexed by Web of Science.

TABLE 1 – NUMBER OF ARTICLES OF EACH AREA (%)

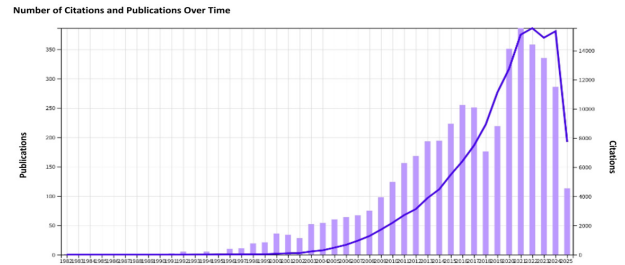
Field: Web of Science Categories	Record Count	% of 4,434
Business	1,028	23.184%
Law	849	19.147%
Management	573	12.923%
Environmental Sciences	325	7.330%
Economics	317	7.149%
International Relations	269	6.067%
Environmental Studies	262	5.909%
Ethics	256	5.774%
Green Sustainable Science Technology	232	5.232%
Political Science	227	5.120%

Source: Web of Science, accessed on July 14th, 2025.

In terms of BHR publications' life cycle, it is interesting to note that the field emerged in the mid-1990s, at the time of major United Nations Conferences that characterized the first part of the decade and the call for companies to assume greater social and environmental responsibility through various non-binding documents from international agencies and organizations, such as the Agenda 21, International Labor Organization standards, and OECD Guidelines for Multinational Enterprises. The citations' peak corresponds to a moment of maturity – a turning point - when the topic has been cascading within the academic and scientific community, which occurs in the first half of the second deca-

de of the 21st century, more specifically from 2020 to 2025.

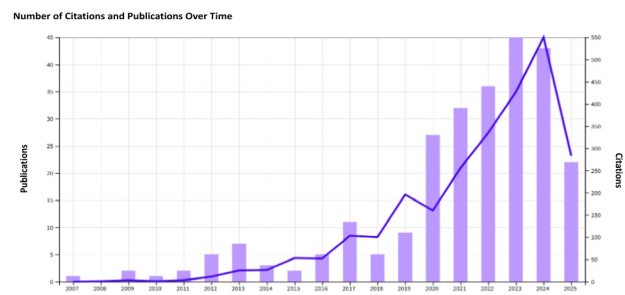
GRAPHIC 1 – NUMBER OF CITATIONS OF THE 4.434 ARTICLES



Source: Web of Science, accessed on July 14th, 2025.

Using the prompt “Business” AND “Human Rights” AND “Due Diligence,” the number of articles drops to 258, with Law predominating over other fields. Human Rights Due Diligence (HRDD) is a subject related to Law, although it has its roots in the soft law standards of the UNGPs. There are 82 articles in the fields of Business and Management, and the field of Political Science and International Relations remains in third place, with 64 articles. Even in terms of an uneven ontology and varying formats (recognized as both means and an end in itself) in the UNGPs, HRDD is a relatively recent topic addressed in publications, with articles first appearing in 2007 and experiencing notable exponential growth from 2020 onwards:

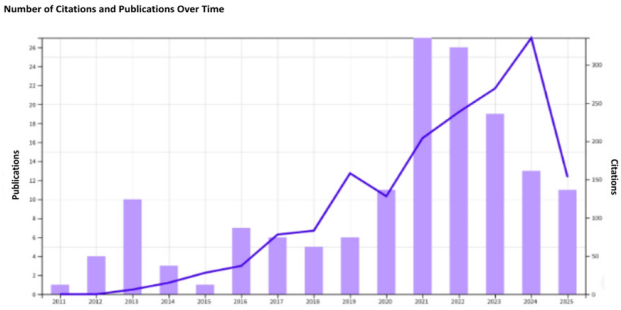
GRAPHIC 2 – CITATIONS: BHRs AND DUE DILIGENCE



Source: Web of Science, accessed on July 14th, 2025.

Considering the prompt “Business” AND “Human Rights” AND “UNGPs,” the number of articles drops to 150. Reference to UNGPs began to appear in BHR literature starting in 2011, when the United Nations Human Rights Council unanimously approved the guidelines. At its 10-year follow-up ceremony, we reached the peak of publications, which have been decreasing since then.

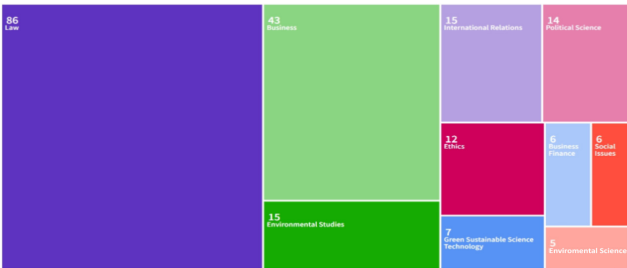
GRAPHIC 2 – CITATIONS: BHRs AND UNGPs



Source: Web of Science, accessed on July 14th, 2025.

Interestingly, in the context of UNGPs, Law also corresponds with the area with the highest number of articles, 86 in total, followed by Business with 43 articles. Political Science and International Relations entail 29 articles, which places the area in third place in terms of the number of articles.

IMAGE 1 – DISTRIBUTED AREAS ON BHRs AND UNGPs



Source: Web of Science, accessed on July 14th, 2025.

When the focus is on the UNGPs, the field of Management does not stand out. On the other hand, numerous articles relate human rights to the environment, sustainability, and to the field of environmental studies. Adding them all together, there are 27 articles which would place these areas in third place.

TABLE 2 – NUMBER OF ARTICLES OF EACH AREA (%)

Field: Web of Science Categories	Record Count	% of 150
Law	86	57.333%
Business	43	28.667%
Environmental Studies	15	10.000%
International Relations	15	10.000%
Political Science	14	9.333%
Ethics	12	8.000%
Green Sustainable Science Technology	7	4.667%
Business Finance	6	4.000%
Social Issues	6	4.000%
Environmental Sciences	5	3.333%

Source: Web of Science, accessed on July 14th, 2025.

Focusing on the seven articles included in this Special Issue, they reflect a wide range of geographical and institutional perspectives, while also highlighting the contributions of scholars engaged both in advancing business and human rights within their own contexts and through broader collaborative networks.

It is possible to identify some cross-cutting issues in all of them, such as the robustness of corporate responsibility in respecting human rights and its evolving patterns and interpretations, and its interplay with states' duty to protect against human rights abuses by third parties, including businesses; as well as the HRDD as a cornerstone of BHR governance. Besides, all of them demonstrate either the importance of strategically expanding the debate on BHR, conceptually, thematically, or by repositioning its moral and political foundations, or highlighting the necessity of filling the gap in the current state of the debate.

Olena Uvarova and Iurii Barabash co-author an article entitled “**Resolution of dilemmas of human rights sanctions against corporations through the application of the business and human rights concept,**” in which they discuss how sanctions targeting companies have become common but face contested legality due to potential conflicts with state human rights obligations, the rule of law, and international norms.

Despite advancements in the BHR framework, sanctions receive limited attention, often being seen merely as amplifying corporate risk or justifying withdrawal. These sanctions raise critical questions, such as whether a corporation's responsibility to respect human rights

includes using leverage to mitigate risks even when the company is not directly involved. The article uses Ukraine as a case study, and the many sanctions applied to companies following Russia's full-scale invasion. The article advocates for a reevaluation of sanctions through the key framework of the UNGPs, with a focus on the "involvement framework," which distinguishes between "causation," "contribution," and "direct linkage." The authors also introduce the notion of "public power linkage," expanding the understanding of corporate responsibility to situations where a company holds significant influence over the human rights environment even without direct involvement. They call for the integration of the BHR approach into sanctions regimes to ensure that these tools align with the rule of law and genuinely contribute to the protection of human rights in complex political contexts.

In their written collaboration entitled **"Rethinking corporate human rights responsibility: a functional model"**, Chiara Macchi, David Birchall and Nadia Bernaz propose a functional model for the corporate responsibility to respect. Their starting point is that in the current economic system, businesses control crucial resources and services that are necessary for realizing human rights. They argue that the normative foundations of the UNGPs, particularly their grounding of corporate responsibility in societal expectations, are inconsistent with this reality. To the authors, human rights norms for companies entail merely a negative responsibility of not causing harm, and they question what positive human rights responsibilities companies should have. The article interestingly tests the concreteness of the functional model it advances by examining business supplier capacity towards key resources, such as water and food. Building on the academic debate on states' human rights jurisdiction, the article proposes a "functional model of corporate responsibility." This model centers on the functions companies perform and the resulting power relations as the basis for assigning human rights responsibility. The article suggests this model could clarify the "responsibility to respect" under the UNGPs and provide a unifying theory grounded in international human rights law. Michelle Lucas Cardoso Balbino, Gilda Nogueira Paes Cambraia and Nayara Lima Rocha da Cruz, in their article **"The social participation and the social license to operate (LSO): cross-analysis of legal concepts"** discuss the rise of transnational law in the context of global-

ization, where duties and powers are shared among states, transnational corporations, formal international organizations, and non-governmental organizations, including foundations and universities. In this context, the authors draw on the theoretical approach of 'stakeholders,' a concept in business administration, to define the rights of communities in the transnational context, which is one of the most vulnerable and fragile stakeholder groups due to human rights violations committed by large multinational companies. The authors innovate by specifying the conditions under which the social participation of the communities involved occurs and how the social license to operate is granted, that is, how and under what conditions communities authorize the operation of companies. Daniel Iglesias Márquez, in his article **"Shaping corporate responsibility in Latin America to address the challenges of climate change and the energy transition"** sheds light on the climate emergency and emphasizes Latin American challenges within the BHR agenda in this respect. Márquez argues that the climate emergency necessitates urgent action from states and companies in the Americas to address the negative human rights consequences of climate change. The article focuses on the corporate responsibility to respect human rights and the environment within the context of the climate emergency and energy transition in Latin America. It provides a critical analysis of the implementation of standards within the Inter-American Human Rights System (IAHRS). These standards aim to ensure, through state action, an environment where companies consider their climate impacts, preventing and remedying adverse consequences on human rights and the environment from their energy transition commitments. Scientific evidence suggests that "Carbon Majors" companies are responsible for a substantial portion of the world's cumulative emissions. Several prominent Carbon Majors operate in Latin America. The responsibility of business to respect human rights will significantly signal a definitive inclusion of a climate dimension through a governance model rooted in human rights and climate justice, guiding corporate conduct in the context of the energy transition. He argues that business responses to climate change must not only aim at decarbonization but also ensure fair, inclusive, and environmentally respectful outcomes. Axel Marx and Elene Dzneldze, in their co-authored article, **"Human rights due diligence and access to remedy: a comparative analysis of twenty-six due diligence laws and proposals"**, pro-

vide a comparative analysis of human rights due diligence laws and proposals, focusing on access to remedy for victims of corporate human rights violations. The rise of global value chains and outsourcing has underscored the need to address human rights violations and provide victims with access to remedy. Human rights due diligence legislation represents an approach to confronting corporate human rights violations. While studies have focused on the emergence and scope of these laws, less research has analyzed what they provide for access to remedy. The paper examines how due diligence norms are transforming into legally binding mechanisms and their links to access to remedy. It analyzes remedial provisions in 26 legislative documents, categorizing remedies as “restitution,” “compensation,” or “satisfaction,” based on international law concepts. Restitution aims to re-establish the situation before the wrongful act. Compensation covers financially assessable damage. Satisfaction includes actions like verifying facts, apologies, or promises not to repeat the act. The analysis shows significant variation in access to remedy provisions across due diligence laws. The legal guarantee of effective remedy for victims is still developing, evidenced by the spectrum of remedial and sanctioning measures. Restitution is seen as the primary mechanism to “make good” on violations. However, restitution is not envisioned as a singular remedy in any of the analyzed legislative documents. Most laws combine different remedy categories or mandate only compensation or satisfaction. Only six legislative initiatives include duties or obligations that could fall under the restitution category. Marx’s and Dzieladze’s article fills a gap in the literature by comparing and evaluating (considering institutional design effectiveness) remedy provisions in due diligence legislation from around the world. Their comparative findings invite further inquiry, such as subgroup analyses of legislation in the Global South or Latin America regarding access to remedies, or more detailed case studies examining how specific laws operate in practice.

Juan Camilo García Vargas and Dilia Paola Gómez Patiño’s article “**The normative dimension of human rights due diligence,**” takes as its starting point the assumption that due diligence is an evolving concept. It poses as its guiding question how human rights due diligence has been developing in terms of its normativity and which sorts of challenges can be identified in its implementation trajectory. A section entirely focused on the Latin American context emphasizes that,

even if HRDD legislation is not yet fully completed, it is worthwhile to examine aspects of National Action Plans or other legislative efforts from a country-based perspective. The text selects the Colombian context as one that deserves more attention in developing and advancing an HRDD approach from a Latin American perspective. **Sandro Gorski Silva and Danielle Anne Pamplona** co-author an article entitled “**Human rights due diligence: between external efforts and interna corporis measures to combat human rights violations caused by companies**”, and assume that due diligence can play different roles in the legal sphere. There are rules of due diligence in international law, which are applied and recognized by sovereign states through international treaties. Under national law, due diligence in human rights must verify company violations through the domestic justice system. There are also soft law instruments, i.e., voluntary corporate accountability initiatives such as the United Nations Guiding Principles (UNGP). The authors add value to the discussion by breaking the dichotomy between binding and voluntary instruments, demonstrating that it is possible to advance corporate accountability through soft law, as was the case with the UNGPs. On this basis, some European countries have created human rights due diligence legislation under national law (France, the Netherlands, and Germany), and the European Commission has approved corporate due diligence in sustainability, integrating the human rights and social and environmental sustainability agendas. In summary, the articles collectively highlight the evolving landscape of BHR through various disciplines and backgrounds, centering on the complexities of defining and implementing corporate responsibility to respect, the increasing focus on mandatory human rights due diligence, the persistent challenge of ensuring effective access to remedy for victims, and the indispensable role of states in regulating corporate conduct to protect human rights in different regional scenarios. Having a Special Issue published on the topic in a well-known Brazilian-based journal can also contribute to democratizing the agenda and make its interdisciplinary mark a broader invitation to collaboration between scholars, networks, and centers of research.

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