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Visiting Professor's Report – Research visit to the Centre of Excellence on BHR at FECAP

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In February 2025 I had the opportunity to engage with students, colleagues and practitioners within business and human rights (BHR) during a visit to FECAP under the visiting scholars' programme established through the Jean Monnet Centre of Excellence on Business and Human Rights. The visit was organized by Professor, Dr. Cláudia Marconi, who leads the Centre of Excellence in collaboration with Professor Rafael Miranda. As a visiting professor under the programme I join a number of good colleagues and BHR experts who have visited or will visit FECAP: Professor Danielle Anne Pamplona (Pontifical Catholic University of Paraná); Professor Dorothee Baumann (Geneva Centre for Business and Human Rights, and NYU Stern Centre for Business and Human Rights), Professor Florian Wettstein (St Gallen University); Professor Rachel Chalmers (University of Connecticut), and Dr Claire Methven O'Brien, University of Dundee.

The visit comprised, amongst others, lectures to diverse groups of students within the BHR programme, meetings with scholars and practitioners within BHR, a book launch, and a discussion on a book chapter in progress. Each of the events offered opportunities to learn about perceptions and debates in the Brazilian context on BHR and specific themes, challenges, opportunities and developments.

The visit took place at the same time as two major events related to BHR were unfolding, in Brazil and in EU: a consultation on the Brazilian policy on BHR took place; and the EU was moving towards the elaboration of the substantive elements of the Omnibus initiative that was announced a few months earlier with the aim of 'simplifying' EU legislative requirements on companies in the field of corporate sustainability. Many of those requirements are strongly informed by BHR, in particular those related to corporate sustainability due diligence, reporting, and requirements on transparency around sustainable finance. On the backdrop of the Omnibus initiative, it was interesting to consider how countries like Brazil may be taking on a role of advancing BHR, at least at the level of policy, at the same time as the EU may be scaling back at the level of mandating particular actions on the part of companies.

Discussions with students following a lecture on the EU's 'tsunami' of sustainability regulation, addressing the impacts of European legislative demands on corporate sustainability, brought forward interesting points on the effects of EU laws on other countries (such as Brazil). The potential of this so-called 'Brussels effect' had been raised early on in policy debates and scholarly writings within the European BHR community after the EU first launched its initiative to regulate mandatory due diligence for human rights and the environment through mandating certain actions from companies. Following the proposed 'simplification' announced by the Omnibus initiative, expectations of the 'Brussels effect' have been moderated. In light of this, it was interesting to see how students reflected on the impacts of EU sustainability laws, including the Corporate Sustainability Due Diligence Directive (CSDDD/CS3D) and other EU laws targeting human rights concerns in value chains for the European market.

Another lecture targeted the issue of 'meaningful engagement' with affected stakeholders and rightsholders, in the context of mining and a just and fair energy transition. The lecture and subsequent discussion focused on exploring strategies for meaningful stakeholder engagement in challenging contexts such as 'critical' or 'transition' minerals mining and the role of outward-oriented due diligence processes for a just and fair transition, with a particular emphasis on local communities that may be disadvantaged by natural resource exploitation for the energy transition.

Several debates touching on the ‘Brussels effect’ drew attention to some of the tensions that arise between, on the one hand, the intentions of policy-makers to advance responsible business conduct in line with the underpinnings of the corporate responsibility to respect human rights, and on the other, the situation and resources on the ground. For example, it was noted how the EU’s Deforestation Regulation creates challenges for coffee producers who do not have easy access to the type of geolocation data of the area of production that are required by the Regulation. As also highlighted by scholars in regard to production in Africa, such regional differences between Europe and other countries may lead to unintended consequences in which policy objectives of protecting the forest may push small-holders out of supply chains because they cannot deliver the required information to supply to Europe.

A discussion with scholars and practitioners drew attention to the significant role that was played by a December 2022 national meeting on BHR, organized by FECAP in collaboration with the EU Commission and Brazilian authorities, for the subsequent establishment of the Jean Monnet Center of Excellence on Business and Human Rights. The meeting, which I was also invited to attend, brought together a group of BHR experts from universities in Brazil as well as from public agencies in Brazil. I found it interesting to observe the academic disciplines represented. In Europe, the BHR field is dominated by scholars within law or management. In Brazil, political scientists play a big role, along with legal scholars. Indeed, the key aim of the 2022 meeting had been to connect many subfields around BHR, including international relations, business, law. It is noteworthy how that meeting feed into the application that led to the establishment of the first ever Jean Monnet Centre of Excellence on BHR with funding from the EU Commission; and that this Centre of Excellence on BHR was established not in Europe but in a country in the so-called Global South. It is hardly a coincidence that this Centre of Excellence was established in Brazil, which supplies a range of products to the European market and is therefore directly and indirectly subject to the various developments led by the EU, including European legal requirements in supply chain due diligence.

The visit also included a book launch event for the Routledge Handbook on Meaningful Stakeholder Engagement (eds. Karin Buhmann, Alberto Fonseca, Nathan Andrews and Giuseppe Amatulli), featuring a conversation with several authors who have contributed to the book. a conversation between, Prof Dr Claudia Marconi, Rafael Miranda and Prof Karin Buhmann. Available open-access and therefore to download for free, the book includes chapters by Prof Dr Joao Paulo Candia Veiga and Dr Fabio Abdala on Meaningful Community Engagement in the Mining Industry; and Professors Dr Alberto Fonseca, Dr Claudia Marconi, Dr Karin Buhmann and Rafael Miranda on Assessing Meaningful Stakeholder Engagement through Ethics Standards. The individual chapters, including the introductory framing and concluding chapters are also available to download.

A debate during the visit took point of departure in consultation on the new Brazilian policy on BHR, and brought to light the potential significance or difference of a BHR policy versus a law. An interesting tension or difference in perspectives and perception of the significance of legal demands could be observed between political scientists, who questioned the effectiveness of a policy because it does not have built-in legal enforcement, and legal scholars, who noted that a policy is better than nothing. It was also underscored that much of what will be embodied in the policy is already applicable law in Brazil, for example in the national labour law. This suggests that a BHR policy may therefore serve to underscore the

significance of such laws for various industries and value chains.

Another debate with scholars and practitioners highlighted another emergent issue, namely a growing gap between on-the-ground experience in BHR issues and expertise with companies that are sincere about BHR, and the theorization and available theoretical knowledge that is available to students as well as for continuous education of professionals. It was observed that the fast-paced evolution of BHR expectations and requirements (including as a result of the Brussels effect) is causing a tension or knowledge gap in which academic training of professionals is no longer certain to push the agenda and expertise on BHR in professional contexts, at least with certain companies and in certain contexts. For example, training for companies should go beyond the basics of the UNGPs and address the steps and complexities of turning the UNGPs and relevant processes, in particular due diligence and its various elements, into practice in sometimes challenging contexts. This suggests interesting future perspectives for how professionals and academics may collaborate to ensure that high-level expertise on professional BHR practices can be disseminated and turned into relevant theory and teaching for continuous education

I take this opportunity to express my gratitude to FECAP and to Professor, Dr. Cláudia Marconi and Rafael Miranda, who jointly lead the Centre of Excellence, for including me in the visiting professor programme and inviting me to interact with an engaged and committed group of students, colleagues and practitioners.

ABOUT THE AUTHOR

Karin Buhmann holds a LLM from the University of Copenhagen, a Master's degree in International Humanitarian and Human Rights Law from the Raoul Wallenberg Institute at the University of Lund, a PhD in law from the University of Aarhus, and an advanced doctorate (dr.scient.adm.) [Danish version of a habilitation] from Roskilde University, based on ten years of research of the emergence of the BHR regime.

Her research interests include BHR issues in regard to climate change and climate mitigation, in particular in regard to the role of financial institutions to ensure a 'just transition'; communicative and other regulatory strategies to advance RBC and BHR, including ideals and practice of 'smart-mix regulation'; risk-based due diligence and its elements, in particular meaningful stakeholder engagement and what this entails from the perspective of rights-holders; non-financial reporting as a potential driver of organizational change as well as the obstacles that impede such change. Buhmann currently leads two research projects on meaningful stakeholder engagement in the Arctic to ensure a green transition with respect for human rights. Moreover, in December 2023 she was awarded the prestigious Semper Ardens Accomplish grant from the Carlberg Foundation for a five year collaborative research project entitled 'Frontiers of natural resource and sustainability governance for a just energy transition', which will explore corporate due diligence practices in regard to responsible transition minerals exploitation and Rights of Nature, including in Brazil.

Buhmann is the founder or co-founder of several global or regional research networks, including of GREEN-SORT, the Global Research and Engagement Network for Socially Sustainable Transitions (Professor of Business & Human Rights, Copenhagen Business School.); 'The BHRights Initiative', a platform on Business & Human Rights for interdisciplinary research and teaching across law and management (Professor of Business & Human Rights, Copenhagen Business School.); and the University of the Arctic (UArctic)

Thematic Network on Arctic Sustainable Resources and Social Responsibility, Professor of Business & Human Rights, Copenhagen Business School.

Buhmann is also the lead editor of the forthcoming Routledge International Handbook on Meaningful Stakeholder Engagement.

