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## Business & Human Rights Research Methods

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### Introduction

The Human Rights responsibilities of businesses have long attracted the attention of human rights scholars as well as scholars of business ethics and management. The *Nordic Journal of Human Rights* published one of the first special issues in the Business and Human Rights (BHR) field in 2008.<sup>1</sup> Since then, BHR has undergone further evolution, bringing the interdisciplinary character of the field to the forefront. With the adoption and endorsement of the United Nations (UN) ‘Protect, Respect and Remedy’ Framework in 2008,<sup>2</sup> followed by the ‘Guiding Principles on Business and Human Rights’ (UNGP) in 2011,<sup>3</sup> a business enterprise has been defined to have responsibilities for human rights that not only include the (obvious) need to comply with national laws, but also to self-regulate to cover gaps between the letter and de facto application of national law, and the standards of international human rights law.<sup>4</sup> As part of this, a business enterprise is expected to adopt adequate management processes. From this perspective, BHR’s research methodologies would be too confined if they did not take into account managerial disciplines such as strategy, operations, risk management, corporate communication or, more generally, sustainability and business ethics. However, methodological approaches for addressing BHR are still largely embedded in their respective established academic disciplines. To better understand the practical developments and theoretical evolution of BHR, there is a need for a cross-disciplinary conversation that enables exchange and production of knowledge among scholars of law, business ethics, management, anthropology and sociology as well as other fields. Such a conversation also presents an opportunity for scholars to enrich established methods in their own discipline by breaking out of disciplinary silos and pragmatically adopting methods from neighbouring fields.<sup>5</sup>

The current Special Issue was launched in an effort to promote the interdisciplinary research potential of BHR by inviting contributions that develop new methods for

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<sup>1</sup>Nordic Journal of Human Rights (2007) 25(4).

<sup>2</sup>Human Rights Council, ‘Protect, Respect and Remedy: a Framework for Business and Human Rights’, UN Doc A/HRC/8/5 (7 April 2008) (hereafter ‘UN Framework’).

<sup>3</sup>Human Rights Council, ‘Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework’, A/HRC/17/31 (21 March 2011) (‘Guiding Principles on Business and Human Rights’).

<sup>4</sup>See in particular, UN Framework para 54.

<sup>5</sup>Compare David M Trubek, ‘Human Rights, Transnational Private Law Litigation and Corporate Accountability’ in Christian Joerges, Inger-Johanne Sand and Günther Teubner (eds), *Transnational Governance and Constitutionalism*, (Hart 2004) 321, 322 on the benefits of research ‘crossing a number of boundaries which are often carefully policed’.

research and analysis, or that pragmatically apply methods across academic disciplines, bridging the gap between them. The call for papers invited submissions of original research engaging with methods of BHR research, methodological models, or theoretical explanations of the challenges and opportunities of BHR research methods. In our capacity as guest editors, we use this introduction to set out some of the underlying issues we feel could benefit from an enhanced development of BHR research methods, as well as insights yielded by the submitted articles. We also briefly introduce the articles included in this special issue, highlighting their main contributions to the BHR methods debate. We conclude by setting forth some comments and outlooks for BHR research.

## The Need for BHR Research Methods

Human rights is an interdisciplinary academic field. This has been recognised by several authors who acknowledge the legal as well as philosophical, political, sociological, anthropological, economic and other aspects of human rights research.<sup>6</sup> We may even argue that the legal and, in particular, the international law approach to human rights is among the newcomers.<sup>7</sup> Of course, international law has meanwhile become a very significant field in human rights research and practice, particularly since the International Labour Organisation's establishment in 1919, that places core labour rights at the centre of international labour law, and since the Universal Declaration of Human Rights defined the priorities for the work of the UN. As the UN 'Protect, Respect and Remedy' Framework and UNGP define the International Bill of Rights and ILO's core labour standards as the minimum baseline for corporate responsibility to refer to, the role of international law as a source of BHR is obvious. Aside from benefiting more generally from interdisciplinary approaches, BHR should also be seen as a fundamentally socio-legal field of inquiry, thereby calling for a necessary engagement with legal concepts and practice on an interdisciplinary platform.<sup>8</sup>

Since the late twentieth century, global awareness of the impacts of business operations on human rights has grown.<sup>9</sup> This awareness challenges the state-centrist approach to human rights in both national and international law. In the last decade we have seen the development of new approaches to soft law, extra-legal norms and human rights legislation that address the topic of business enterprises in various ways. The adoption of international guidance through the UN Framework and its implementation through the UNGP have been followed by initiatives in national politics, law and even at corporate levels, dealing with the issue of business-related human

<sup>6</sup>E.g. Amartya Sen, 'Elements of a Theory of Human Rights' (2004) 32(4) *Philosophy and Public Affairs* 315; Dinah Shelton, *Advanced Introduction to International Human Rights Law* (Edward Elgar 2014); Jack Donnelly, 'The Relative Universality of Human Rights' (2007) 29(2) *Human Rights Quarterly* 281; Steven LB Jensen, *The Making of International Human Rights* (Cambridge University Press 2016).

<sup>7</sup>For a more detailed argument, see Karin Buhmann and Florian Wettstein, 'Business and Human Rights: Not Just Another CSR Issue?' in Andreas Rasche, Mette Morsing and Jeremy Moon (eds), *Corporate Social Responsibility: Strategy, Communication, Governance* (Cambridge University Press 2017) 379.

<sup>8</sup>Doreen McBarnet, 'Corporate Social Responsibility Beyond Law, Through Law, for Law' in Doreen McBarnet, Aurora Voiculescu and Tom Campbell (eds), *The New Corporate Accountability: Corporate Social Responsibility and the Law* (Cambridge University Press 2009) 9; Aurora Voiculescu, 'Business Responsibility for Human Rights Violations from a Theoretical Perspective: Towards a Moral Division of Labour' (2017) 51 *Ethical Economy: Studies in Economic Ethics and Philosophy* 227.

<sup>9</sup>E.g. John Gerard Ruggie, *Just Business: Multinational Corporations and Human Rights* (WW Norton 2013).

rights impacts. National Action Plans adopted by many countries around the world, the 2011 revision of the OECD Guidelines for Multinational Enterprises,<sup>10</sup> including the OECD's sector-specific due diligence guidances,<sup>11</sup> the French Due Diligence Law<sup>12</sup> and the UK Modern Slavery Act,<sup>13</sup> the Swiss Responsible Business initiative and its counterproposal, the parliamentary initiative for mandatory human rights due diligence,<sup>14</sup> are only a few examples. Equally significant, an increasing number of companies and their representative organisations have started adopting explicit human rights policies adapted to the specific context of their operations.<sup>15</sup>

Academic research that seeks to assess and analyse the focus of these recent developments on corporate human rights policies, operational due diligence and public disclosure must deal with potentially interdisciplinary aspects at least in regard to connections between law, management and organisation studies, but also communication studies, ethnography and political science. Studies have demonstrated how the translation of human rights ideas into managerial practices challenges conventional ways of mono-disciplinary thinking.<sup>16</sup> Emergent research in management and organisation journals has begun to recognise BHR as a potential enrichment of organisational studies,<sup>17</sup> at the same time as it is recognised that the legal underpinnings and specific standards of conduct call for particular research approaches.<sup>18</sup> The recently launched *Business and Human Rights Journal* offers a platform for such academic publications of interdisciplinary scope,<sup>19</sup> yet among its articles some are also testimony to the persistence of mono-disciplinary takes even in debates among scholars on specific interdisciplinary issues.<sup>20</sup>

The idea for this special issue was based, first of all, on a perception that steps to transform business responsibilities for human rights into managerial contexts underscore the need for an interdisciplinary approach to business and human rights. Moreover, such

<sup>10</sup>OECD, 'OECD Guidelines for Multinational Enterprises 2011' <<http://dx.doi.org/10.1787/9789264115415-en>> accessed 29 October 2018.

<sup>11</sup>The guidance texts developed by the OECD so far address due diligence in general as well as in a number of sectors or supply chains: extractives, mineral supply chains, agricultural supply chains, garment supply chains and the financial sector. They are available at <http://mneguidelines.oecd.org/duediligence/> (accessed 22 October 2018).

<sup>12</sup>Loi relative au devoir de vigilance des sociétés mères et des entreprises donneuses d'ordre, Act no 2017-399 of 27 March 2017 and French Constitutional Council, Decision 2017-750 DC [Devoir de vigilance des sociétés mères].

<sup>13</sup>Modern Slavery Act 2015.

<sup>14</sup>Responsible Business Initiative <<https://konzern-initiative.ch/>> accessed 19 October 2018, Freyja Rauscher, PARL INT, Commission des affaires juridiques du Conseil national of 23 May 2018.

<sup>15</sup>See e.g. for the global oil and gas industry IPIECA, *Human Rights Due Diligence Process A Practical Guide to Implementation for Oil and Gas Companies* (2012) <[www.ipieca.org/resources/good-practice/human-rights-due-diligence-process-a-practical-guide-to-implementation-for-oil-and-gas-companies/](http://www.ipieca.org/resources/good-practice/human-rights-due-diligence-process-a-practical-guide-to-implementation-for-oil-and-gas-companies/)> accessed 29 October 2018; Bert Fokkema, Julie Vallat and Roper Cleland, 'Management Systems Approach to Managing Human Rights Issues' (2012) Society of Petroleum Engineers doi:10.2118/158123-MS.

<sup>16</sup>E.g. Denis Arnold, 'Transnational Corporations and the Duty to Respect Basic Human Rights', (2010) 20(3) *Business Ethics Quarterly* 371; Denis Arnold, 'Corporations and Human Rights Obligations' (2016) 1(2) *Business and Human Rights Journal* 255; Nien-he Hsieh, 'Business Responsibilities for Human Rights: A Commentary on Arnold' (2017) 2(2) *Business and Human Rights Journal* 297; Florian Wettstein, 'CSR and the Debate on Business and Human Rights: Bridging the Great Divide' (2012) 22(4) *Business Ethics Quarterly* 739; Björn Fasterling and Geert Demuijnck, 'Human Rights in the Void? Due Diligence in the UN Guiding Principles on Business and Human Rights' (2013) 116(4) *Journal of Business Ethics* 799; Björn Fasterling, 'Human Rights Due Diligence as Risk Management: Social Risk Versus Human Rights Risk' (2016) 2(2) *Business and Human Rights Journal* 225.

<sup>17</sup>Elisa Guilianni, Grazia D Santangelo and Florian Wettstein, 'Human Rights and International Business Research: Reflections On Emerging Market Multinationals' (2016) 12(3) *Management and Organisation Review* 631.

<sup>18</sup>Arno Kourula and Jukka Mäkinen, 'Bringing Political Context Back Into International Business Studies of Human Rights' (2017) 13(1) *Management and Organization Review* 193.

<sup>19</sup>See Surya Deva, Anita Ramasatry, Michael Santoro and Florian Wettstein, 'Editorial' (2016) 1(1) *Business and Human Rights Journal* 1.

<sup>20</sup>E.g. Arnold, 'Corporations and Human Rights Obligations' (n 16); Nien-he Hsieh (n 16).

an approach needs to be supported by research methods that address the normative directives to respecting rights and providing remedy when rights are wronged in line with the UN Framework and UNGP, as well as the organisational and operational measures that are necessary to make such directives effective. These issues are pertinent to assisting managers in understanding what human rights are and how they can work with them; they are also relevant for regulators and policymakers, who seek to understand how to address human rights in ways that support their uptake in a corporate context; and they are relevant to cases of business-related human rights abuse, enabling victims to react and claim remedy. Therefore, we believe that developing and refining BHR research methodologies is urgently needed in order to critically inform and assist those processes.

The indicative list of possible areas of inquiry mentioned in our call for papers for this special issue referred to topics that involve a combination of normative, conceptual and empirical research methodologies. We wanted to know what data are relevant for analysing how businesses deal with human rights in their operations, and how such data can be identified. We asked potential contributors to explain how the effectiveness of corporate processes such as human rights impact assessments or human rights due diligence can be evaluated. We also encouraged inquiry into the ways human rights issues could effectively be communicated to business managers in operative terms so that such issues could become embedded in managerial routines, measuring a business's changes of 'mindset' or so-called corporate culture with respect to human rights. Other relevant questions included how to take account of an alleged cultural embeddedness of human rights in the analysis of BHR, for example in relation to supply chains and home states of multinational enterprises, where the limits of risk-management-based approaches to human rights due diligence might lie; how the implementation of human rights due diligence influences the management of stakeholder relations; how ethical or socially responsible investment policies might impact business operations and due diligence processes; to what extent human rights are embedded in investment decisions; and how the appropriateness of decisions that balance human rights impacts against economic returns could be assessed. All of these issues appeared to us as questions lacking satisfying answers to date because of the scarcity of reliable and available research methodologies. This is not to say that studies addressing these issues do not exist, but that they may lack important linkages between empirical findings and the normative inquiry. For example, from Davis and Franks' insightful study that exemplifies 'social costs' for extractive industries in terms of lost productivity due to temporary shutdowns or delay, presenting an overall list of 33 different types of cost, we could infer potential costs of negative human rights impacts, but only indirectly.<sup>21</sup> The authors do not actually measure the costs a human rights violation would generate for a business corporation, but rather the financial consequences of a business's conflict with local communities. Follow-up research equipped with a solid methodology may be able to provide the missing link that could ascertain relations or correlations between such 'costs of conflict' and those costs for the business that can be normatively attributed to human rights violations. Similarly, we find proposals on how to assess and address 'adverse human rights impact' in the form of operational indicators.<sup>22</sup> For such tools to be integrated into a

<sup>21</sup>See Rachel Davis and Daniel Franks, 'Costs of Company-Community Conflict in the Extractive Sector' (2014) Corporate Social Responsibility Initiative Report No 66. Cambridge MA: Harvard Kennedy School.

<sup>22</sup>For example Nora Götzmann, Tulika Bansal, Elin Wrzoncki, Cathrine Poulsen-Hansen, Jacqueline Tedaldi and Roya Høvsgaard, Human Rights Impact Assessment, Guidance and Toolbox, Danish Institute for Human Rights (2016)

comprehensive corporate risk management system, one would have to deal with the ensuing issue of what a certain level of human rights impact would mean for the business corporation and consequently, for managerial decision-making. For example, a relevant issue might be how a business deals with a project for which human rights risks have been identified, but that bears much promise with regard to other corporate objectives such as profitability or market share. Management research could provide answers to such questions, but it may be lacking insights into the normative dimension of human rights.

Another area of study that would contribute to the refining of research methods relevant to BHR concerns the mutual influence between corporate activity and policies, social expectations, the development of law, soft law, and other normative frameworks. In this context, possible issues to be analysed include in what way emergent jurisprudence on BHR takes into account non-judicial remedies and operational level remedies; whether there are any cultural specificities with regard to appropriate remedy; how to identify and assess such specificities; and how to take them into account when assessing the appropriate remedy from a human rights perspective. We also found that the focus on research methods may be useful in assessing the capacity of emergent soft and hard regulatory schemes to influence each other in the context of BHR, as well as in assessing other transnational business governance instruments that relate to human rights. Other directions of potential inquiry concern the ways in which business ethics can complement the emergent soft and hard regulatory schemes on BHR in order to support the influence of such schemes on corporate practices; the relationship between operational risk management standards, human rights due diligence under the UNGP or the OECD Guidelines for Multinational Enterprises, and legal standards on duties of care. Moreover, we encouraged inquiries into the relevance of the interdisciplinary character of BHR to the development of methods for international law research and the extent to which law research can benefit methodologically from emergent interdisciplinary BHR research. Those issues are related to an already increasing focus on the implications of the state-centrist perspective in international law, both from mono- and interdisciplinary angles.<sup>23</sup>

## Reflections on Persistent Challenges in Positioning BHR as a Research Field

We wish to thank all those who submitted their work to us. Even submissions that we were not able to include were valuable in informing our understanding of and placing the development of research methods for BHR into perspective.

Not surprisingly for a journal that is an established international law journal, the majority of submissions were from scholars with a background in international law. More surprisingly, the submissions that we did receive from scholars of all fields showed a persistent mono-disciplinary approach to BHR. We recognise that this is a condition of academic life in the early twenty-first century. Yet one may ask whether a mono-disciplinary research orientation is the most suitable for addressing complex fields that, in practice, cut across disciplines. Of course, BHR is only one example. The rising climate change agenda and the emergence of transformative technologies (artificial intelligence,

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<[www.humanrights.dk/business/tools/human-rights-impact-assessment-guidance-and-toolbox](http://www.humanrights.dk/business/tools/human-rights-impact-assessment-guidance-and-toolbox)> accessed 19 October 2018.

<sup>23</sup>See in general, Bård A Andreassen, Hans Otto Sano and Siobhan McInerney-Lankford (eds), *Research Methods in Human Rights: A Handbook* (Edward Elgar 2017).

robotics, genetic engineering) are some of the contemporary fields that call for integrated research across disciplines to help translate and transform policy and norms into practice, as well as translate practice and scientific data into meaningful knowledge that informs the steps that policymakers and regulators need to take.

In the case of BHR, we made some observations that we wish to highlight, given that they underscore the persistent need for developing interdisciplinary research on BHR. First, outside of the field of legal research, an understanding of the normative baseline for business responsibilities for human rights appears to remain limited. Second, we found that there may be a need for more clarity on the differences and complementarities of BHR and other academic work related to corporate impacts on society, whether under labels such as corporate social responsibility (CSR) and corporate sustainability, or others. Work on this is emergent,<sup>24</sup> but more appears to be needed in order to clearly demarcate that BHR is not only related to law and law-based standards of conduct as a field, but also to governance, management, communication organisation and politics (at least), while at the same time, human rights remains an integrated aspect of CSR, along with other topics that inform corporate policies, practice, communication etc. The socio-legal nature of the BHR research has still, therefore, to be fully understood and spelt out.

In order for fields such as organisation and communication studies to deliver on their potential for managers, media and civil society to understand and work with BHR, scholars and professionals from these fields may need enhanced explanations of the expectations of business enterprises with regard to the International Bill of Human Rights and core labour standards. This can be provided as part of their training at universities, business schools, schools of journalism and communication, and on-the-job training for practitioners. Here, too, an enhanced integration of methods will help explain the core of BHR to diverse audiences. As teaching at business schools and in certain other social science fields draws heavily on academic articles as course material, it underscores the case for interdisciplinary research feeding into publications.

Businesses can expect to be held to account for their impact on the baseline of rights formed by the International Bill of Rights and core labour standards in their external communications, such as CSR reports, as well as in the practices that lead to the actual impacts. Scholarly assessments of their efforts and impacts will therefore likely benefit from increased human rights knowledge. We have no doubt that scholarly contributions from other disciplines to the analysis of methods for human rights impacts and managerial work – within and outside a company – will enhance the scope of the legal, including international-law-informed work on BHR. We therefore take this opportunity to encourage a continued conversation between scholars across disciplines to collaborate in order to develop research, including research methods, on BHR analysis.

## The Contributions in this Special Issue

In her article, Aurora Voiculescu draws the contours of an exemplary socio-legal approach to the understanding of the normative intersection of BHR and international investment,

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<sup>24</sup>E.g. Florian Wettstein, 'Human Rights as a Critique of Instrumental CSR: Corporate Responsibility Beyond the Business Case' (2012) 116 *Notizie de POLITEIA* 18; Anita Ramasatry, 'Corporate Social Responsibility versus Business and Human Rights: Bridging the Gap between Responsibility and Accountability' (2015) 14 *Journal of Human Rights* 137; Buhmann and Wettstein (n 7).



against the backdrop of UNGP No 9. Voiculescu argues for challenging persistent disciplinary silos, in order to achieve a more comprehensive analysis and understanding, and for challenging the normative limitations of key legal and governance instruments, in order to achieve an enhanced support to BHR-related policies. Focusing on the specific encounter between business, international investment treaty law and human rights as relevant key normative spheres, the article demonstrates how a relatively narrow governance approach to human rights conflicts in the international investment treaty arena can be enhanced methodologically in order to better inform research and policy design. The article highlights key perspectives for enhancing the methodological platform supporting UNGP No 9. First of all, it urges the development of appropriate methodologies that address the fragmentation of international law and the precarious place held by BHR and human rights generally at the points of intersection with international investment treaty law. Second, it encourages the development of methodologies that address the powers acquired by corporate investors in enforcing the investment treaty norms, exercising direct agency in international law in ways that go beyond the realm of the private international sphere. Such powers, the article argues, severely affect the capacity of governments to preserve policy space and act promptly when investment appears inimical to human rights and human development. All the same, they have largely been ignored in BHR research and remained unacknowledged by the UNGP No 9. Last but not least, the article emphasises the need to engage with socio-legal methodologies that tackle the networked governance perspectives which are generally proposed in the doctrinal literature, through outlining the relevance of both theoretical and empirical approaches to international governance spheres. In the context of this special issue focusing on BHR methodologies, Voiculescu maps out a complex socio-legal geography of BHR research that challenges the ‘doctrine’ of both law and governance in order to better support research and policy design.

Liliana Lizarazo Rodriguez’s article highlights yet another methodological platform where the doctrinal and the socio-legal aspects respectively can lend each other strength. The article addresses the methodological challenges emerging as a result of the encounter between legal analysis and the sociological dimension of the notion of ‘effective remedy’ in relation to the third pillar of the UN ‘Protect, Respect and Remedy’ Framework, and particularly in relation to UNGP Nos 26, 27 and 31 regarding the state-based non-judicial and judicial mechanisms that provide ‘effective’ access to an ‘effective’ remedy. Stemming from a research project that aimed to map out and evaluate the existing state-based mechanisms available in Belgium for business-related human rights abuses perpetrated in Belgium or by Belgian businesses in third countries, the article focuses on the challenges facing states when granting access to remedy as proposed by UNGP Principles Nos 26, 27 and 31. In her article, Lizarazo Rodriguez engages critically with what she identifies as a common practice in the legal scholarship on BHR, which consists of analysing access to remedy mostly by performing an *ex ante* disciplinary legal analysis, while lacking solid empirical research and evidence related to specific remedies and their effectiveness. The identification and mapping of existing state-based mechanisms that victims of business-related human rights abuses and other stakeholders can use, Lizarazo Rodriguez argues, should rely on binding legal sources and, therefore, on an accurate disciplinary *ex ante* legal analysis. At the same time, the assessment and evaluation of the impact, scope and effectiveness of such mechanisms should be rooted, the author contends, in an *ex post* empirical



methodology. It is only the combination of an *ex ante* disciplinary legal approach and complementary socio-legal methods that will allow one to accurately evaluate the impact and effectiveness of a proposed remedial framework.

In her article, Basak Baglayan Ceyhan offers a ‘bottom-up’ methodology for identifying human rights norms for corporate conduct. Ceyhan’s ‘bottom-up’ approach considers the jurisprudence of national courts and National Contact Points (NCPs). NCPs are state-based non-judicial remedy institutions, established in countries that adhere to the OECD Guidelines for Multinational Enterprises. NCPs are charged with promoting the Guidelines through information and other activities to explain the implications of the Guidelines for corporate conduct, and to handle complaints on non-observations of the Guidelines. They do not have the power to pronounce judgments, but do enjoy powers to issue statements that can be quite detailed. Ceyhan proposes a method of analysing domestic jurisprudence from judicial and non-judicial remedy institutions in order to concretise standards of conduct such as ‘due diligence’, which is not elaborated in great detail in the UN Framework, UNGP or the OECD Guidelines. Ceyhan offers examples of such jurisprudence and of the relevant arguments, showing the implications for what is expected of companies in regard to their human rights impacts. She forcefully argues the merits of domestic mechanisms as sources of norms for corporate human rights conduct assessed on the basis of international standards, and sets out a detailed methodology for such analysis, including a method for the selection of cases for analysis relating both to domestic courts and to NCPs. She offers preliminary findings as well as additional research perspectives with regard to the substantive norms that domestic institutions apply to corporate conduct, the sources of such norms, and how these institutions perceive corporate responsibility.

Building on a similar line of reasoning, Karin Buhmann in her article focuses specifically on NCP jurisprudence as a source of norms for corporate conduct. She takes as her point of departure an assumption that because they assess actual corporate conduct, NCPs have a unique potential to explicate what is expected of companies beyond the general guidance texts issued by international organisations like the UN and the OECD. Because they are empowered to issue recommendations, NCPs can provide detailed guidance to help transform the normative standards of the UN Framework and UNGP into corporate practice. This can also feed into scholarly work and the development of a coherent NCP jurisprudence to help NCPs attain the ideal of ‘functional equivalence’ in practice. Since the OECD’s Guidelines apply the UNGP’s due diligence approach (under the name of risk-based due diligence), NCPs are well placed to assess how corporate conduct related to the normative standard of due diligence materialises in practice. Using the example of human rights due diligence, the article engages in an identification of relevant NCP statements and an exemplary analysis to draw out detailed guidance. The analysis (also contents based) draws out guidance for a series of sub-aspects of risk-based due diligence, such as leverage, directly linked business relationships, and the role of home states to issue due diligence guidance to corporations operating in conflict areas. The article concludes that the assumption that NCP statements are a relevant source for normative guidance on BHR holds true, but also that the potential of NCPs to provide such guidance could be better fulfilled if NCPs generally used their powers to issue detailed recommendations more assiduously.

Kendyl Salcito and Mark Wielga propose a methodology of conducting what the authors call 'human rights risk assessment' (HRRRA). With HRRRA, the authors seek to offer business enterprises a preliminary stage towards human rights impact assessments. The latter, if carried out with rigour, are fieldwork intense and limited in scale and scope. Contrarily, using less specialised benchmark tools such as SHIFT/MAZARS, the Corporate Human Rights Benchmark, or the Vigeo-EIRIS Rankings would not be sufficient for many third-party actors that are 'linked' to human rights impacts through their current or future business relationships. For these, the authors propose their HRRRA methodology. HRRRA would be in particular helpful for third parties whose due diligence capacities are lower than actual operators but whose risks remain substantial. It is a 'middle ground' methodology for assessing human rights risk in the sense that HRRRA would not replace proper human rights due diligence of the operator, but would go further than solely relying on benchmarks that are analysed on the basis of corporate disclosures. In this perspective, HRRRA could be chiefly interesting for financial institutions that finance business operations through loans, equity acquisitions or other investment forms. The authors' methodology has been 'road tested' in three cases. For each of these cases the authors describe how the availability of their HRRRA impacted the operators' own assessments, sometimes leading business operators to reconsider their human rights risks and due diligence processes.

## Concluding Comments

The papers included in this special issue illustrate only a small part of the methodological challenges encountered in BHR research. The normative complexity that BHR brings, with law, ethics, governance, management, international relations and politics, to mention just a few, demands an equally complex set of methodological tools, capable of addressing multidisciplinary intersections. As none of the relevant normative and inquiry fields define fully, or even predominantly BHR, the research and policy-oriented community has to engage more systematically across the established disciplinary boundaries, negotiating or even defying those boundaries. Interdisciplinary research indicates, generally, an ambition and an openness to understand and integrate aspects of several disciplines into one organic single approach. In the case of BHR, this aspiration is not only desirable, stimulating originality and innovation in research, but it is also imperative for addressing comprehensively and credibly the complex normative nature of BHR with a strong basis in international law, and for informing BHR's inherent policy-oriented platform. BHR needs to learn to transcend confidently the boundaries of the various disciplines that contribute to its discourse, in order to develop a coherent scientific language for research and policy and help transform normative directives into managerial practice. From this perspective, one could say that unless BHR research is interdisciplinary, it may fail to deliver in those respects.

At the same time, while BHR does not stand for a distinct field of law, it does systematically engage with law, more specifically, though not exclusively, human rights law. This inherent nature of the BHR field defines the necessarily interdisciplinary BHR research as a fundamentally socio-legal research encounter. In such encounters, the various relevant disciplines considered have not only to engage with human rights as a formalised normative discourse, but also to connect with legal reasoning and engage with legal theory and legal method in order to achieve the desired level of understanding.

It is our hope that this special issue contributes to a much-needed debate on shaping a coherent interdisciplinary socio-legal methodological platform for BHR research and policy.

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