

# Business AND Human Rights Journal



CAMBRIDGE  
UNIVERSITY PRESS

# Business and Human Rights Journal

The *Business and Human Rights Journal (BHRJ)* provides an authoritative platform for scholarly debate on all issues concerning the intersection of business and human rights in an open, critical and interdisciplinary manner. It seeks to advance the academic discussion on business and human rights as well as promote concern for human rights in business practice.

*BHRJ* strives for the broadest possible scope, authorship and readership. Its scope encompasses interface of any type of business enterprise with human rights, environmental rights, labour rights and the collective rights of vulnerable groups. The Editors welcome theoretical, empirical and policy / reform-oriented perspectives and encourage submissions from academics and practitioners in all global regions and all relevant disciplines.

A dialogue beyond academia is fostered as peer-reviewed articles are published alongside shorter 'Developments in the Field' items that include policy, legal and regulatory developments, as well as case studies and insight pieces.

*Business and Human Rights Journal* is included on the Cambridge Core online platform and can be found at [cambridge.org/core/journals/business-and-human-rights-journal](https://www.cambridge.org/core/journals/business-and-human-rights-journal)

ISSN: 2057-0198

E-ISSN: 2057-0201

© Cambridge University Press

# Business and Human Rights Journal

## Editorial Team

### Editors-in-Chief

Surya Deva, *School of Law, City University of Hong Kong, Hong Kong*

Anita Ramasastry, *University of Washington School of Law, USA*

Michael Santoro, *Santa Clara University, USA*

Florian Wettstein, *University of St Gallen, Switzerland*

### Book Review Editor

Judith Schrempf-Stirling, *University of Geneva, Switzerland*

### Editorial Board

Michael K Addo, *University of Notre Dame  
London Law Centre, UK*

Denis G Arnold, *University of North  
Carolina at Charlotte, USA*

Larry Catá Backer, *Penn State University,  
USA*

Dorothee Baumann-Pauly, *NYU's Stern  
School of Business, USA*

David Bilchitz, *University of Johannesburg,  
South Africa*

George G Brenkert, *Georgetown University,  
USA*

Tom Campbell, *Centre for Applied  
Philosophy and Public Ethics, Australia*

Jernej Letnar Cernič, *Graduate School of  
Government and European Studies,  
Slovenia*

Danwood M Chirwa, *University of Cape  
Town, South Africa*

Shane Darcy, *National University of Ireland  
Galway, Ireland*

Thomas Donaldson, *Wharton School of the  
University of Pennsylvania, USA*

Björn FASTERLING, *EDHEC Business School,  
France*

Erika George, *University of Utah, USA*

Elisa Giuliani, *University of Pisa, Italy*

David Hess, *Ross School of Business at the  
University of Michigan, USA*

Tara Van Ho, *University of Essex, UK*

Nien-hê Hsieh, *Harvard Business School,  
USA*

Sarah Joseph, *Monash University, Australia*

Markus Krajewski, *Friedrich-Alexander-  
Universität, Germany*

Ching Kwan Lee, *University of California,  
Los Angeles, USA*

Jena Martin, *West Virginia University,  
USA*

Robert McCorquodale, *University of  
Nottingham, UK*

Ken McPhail, *University of Manchester, UK*

Peter Muchlinski, *SOAS University of  
London, UK*

Justine Nolan, *University of New South  
Wales, Australia*

Ibironke Odumosu-Ayanu, *University of  
Saskatchewan, Canada*

Guido Palazzo, *University of Lausanne,  
Switzerland*

Kish Parella, *Washington and Lee  
University, USA*

Humberto Cantú Rivera, *Universidad de  
Monterrey, Mexico*

Marcelo Saguier, *Universidad Nacional de  
San Martín (UNSAM), Argentina*

Penelope Simons, *University of Ottawa,  
Canada*

Manoj Kumar Sinha, *Indian Law Institute,  
India*

Vasanthi Srinivasan, *Indian Institute of  
Management, Bangalore, India*

Patricia H Werhane, *University of Virginia,  
USA*

Wanhong Zhang, *Wuhan University School  
of Law, China*

## Advisory Board

- Upendra Baxi, *Emeritus Professor, University of Warwick, UK*  
Jagdish Bhagwati, *Professor, Columbia University, USA*  
Sara Hossain, *Lawyer, Supreme Court of Bangladesh, Bangladesh*  
Rae Lindsay, *Partner, Clifford Chance, UK*  
Richard Meeran, *Partner, Leigh Day, UK*  
Michael Posner, *Professor, NYU's Stern School of Business, USA*  
Olivier De Schutter, *Professor, University of Louvain, Belgium*  
Gillian Triggs, *Vice-Chancellor's Fellow, University of Melbourne, Australia*

## Developments in the Field Panel

- Charles Abrahams, *Abrahams Kiewitz, South Africa*  
Phil Bloomer, *Business & Human Rights Resource Centre, UK*  
Flaviana Charles, *Legal and Human Rights Centre, Tanzania*  
Han Dongfang, *China Labour Bulletin, Hong Kong*  
Anthony Ewing, *Teaching Business and Human Rights Forum, Columbia University, USA*  
Beata Faracik, *Polish Institute for Human Rights and Business, Poland*  
Arvind Ganesan, *Human Rights Watch, USA*  
Mariëtte van Huijstee, *SOMO (Centre for Research on Multinational Corporations), the Netherlands*  
PillKyu Hwang, *Gonggam Human Rights Law Foundation, Republic of Korea*  
Jonathan Kaufman, *Advocates for Community Alternatives, USA*  
Vivek Krishnamurthy, *Harvard University, USA*  
Juana Kweitel, *Conectas Human Rights, Brazil*  
Carlos Lopez, *International Commission of Jurists, Switzerland*  
Mahdev Mohan, *Singapore Management University, Singapore*  
Anirudha Nagar, *Accountability Counsel, India*  
Ron Popper, *Global Business Initiative on Human Rights, Switzerland*  
Maria Prandi, *Business and Human Rights, Spain*  
Gabriela Quijano, *Amnesty International, UK*  
Akiko Sato, *Kotohona Law, Japan*  
Salil Tripathi, *Institute for Human Rights and Business, UK*  
Emmanuel Umpula Nkumba, *Afreviewatch, DRC*  
Fernanda Venzon, *Environmental Defender Law Center, USA*  
Chima Williams, *Environmental Rights Action/Friends of the Earth, Nigeria*  
Liang Xiaohui, *China National Textile and Apparel Council, China*  
Miwa Yamada, *Institute of Developing Economies, Japan*  
Vanessa Zimmerman, *Pillar Two, Australia*

## Blog and Media Editors

- David Birchall, *School of Law, City University of Hong Kong, Hong Kong*  
Mulesa Lumina, *The Human Rights and Governance Consultancy (HURICON)*

## BHRJ Fellow

- Berit Knaak, *University of St. Gallen, Switzerland*

# Business and Human Rights Journal

## Table of Contents

- 201 Editorial: Business and Human Rights Scholarship: Past Trends and Future Directions  
**Surya Deva, Anita Ramasastry, Florian Wettstein and Michael Santoro**

### SCHOLARLY ARTICLES

- 213 National Action Plans on Business and Human Rights: Progress or Mirage?  
**Humberto Cantú Rivera**
- 239 Modern Slavery in Global Supply Chains: Can National Action Plans on Business and Human Rights Close the Governance Gap?  
**Diane Bulan Hampton**
- 265 The Duty of Care of the Parent Company: A Comparison between French Law, UK Precedents and the Swiss Proposals  
**Dalia Palombo**
- 287 Exploring Migrant Employees' 'Rights-Talk' in the British Hospitality Sector  
**Samentha Goethals**

### DEVELOPMENTS IN THE FIELD – SPECIAL ISSUE ON AGRIBUSINESS AND ACCOUNTABILITY

**Guest Editors: Christian Schliemann and Carolijn Terwindt**

- 317 Guest Editorial: Agribusiness and Accountability  
**Christian Schliemann and Carolijn Terwindt**
- 323 Ituzaingó Anexo: A Test Case in Argentina on Pesticide Spraying  
**Raul A. Montenegro**
- 329 Corporate Impunity in Taucamarca: 19 Years On, Still No Justice  
**Luis Gomero Osorio, Douglas Murray and Erika Rosenthal**
- 337 Bringing Pesticide Injury Cases to US Courts: The Challenges of Transnational Litigation  
**David C. Strouss**
- 343 From Precautionary Principle to Nationwide Ban on Endosulfan in India  
**Ambalathinkal D Dileep Kumar and Chelaton Jayakumar**
- 351 Glyphosate: The European Controversy – A Review of Civil Society Struggles and Regulatory Failures  
**Peter Clausing**

- 357 Monsanto's Legal Strategy in Argentina from a Human Rights Perspective  
**Mirka Fries, Andrés López Cabello and Santiago Sánchez**
- 365 Threats of, and Responses to, Agribusiness Land Acquisitions  
**Karol Boudreaux and Scott Schang**

## **BOOK REVIEW**

- 373 Tim Bartley, *Rules without Rights – Land, Labor and Private Authority in the Global Economy*  
**Samantha Goethals**