

Equipping Professionals for the Next Challenges: The Design and Results of a Multidisciplinary Business and Human Rights Clinic

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Since the 1990s, the subject of business and human rights has evolved from an academic critique of ‘corporate social responsibility’ as an approach to understanding business’s social impacts,¹ to a movement² and a field of study, marked by the launch of this journal in 2015. As the field grows, so too does the demand for professionals with a sophisticated understanding of the factors that lead corporations to ‘exploit workers and communities for profit’³ and the steps that corporations, governments and civil society need to take to halt and reverse that trend, and to remedy abuses when they occur.

The need to equip professionals with the skills to analyse and address complex business and human rights challenges is steadily gaining recognition at universities across the globe. This is evident from the proliferation of business and human rights courses in professional schools of business, law and public policy. As one measure, the membership of the Teaching Business and Human Rights Forum, an international collaboration of professors teaching the subject, has grown to over 275 professors teaching at 170 institutions in 33 countries on five continents.⁴

Preparing future business and human rights professionals entails exposing students to the issues, standards and practices of the field, and then teaching how to apply them. At the Teaching Forum’s workshops held annually since 2011, professors share and debate

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¹ Joanne Bauer, ‘The Problem with Corporate Social Responsibility’, *Open Democracy*, December 17, 2014: <https://www.opendemocracy.net/joanne-bauer/problem-with-corporate-social-responsibility> (accessed 26 April 2017).

² Mark Taylor, ‘The Movement and the IGWiG’, *Institute for Human Rights and Business*, 3 July 2015: <http://www.ihrb.org/commentary/the-movement-and-the-igwig.html> (accessed 26 April 2017).

³ In a 2008 report, Oxfam researchers Kate Raworth, Sumi Dhanarajan and Liam Wren-Lewis make the distinction between business practices that amount to ‘exploiting for profit’ and those that amount to ‘investing for profit’; Kate Raworth, Sumi Dhanarajan and Liam Wren-Lewis, ‘The Private Sector and Poverty Reduction’, *Oxfam International*, June 2008: <http://policy-practice.oxfam.org.uk/publications/the-private-sector-and-poverty-reduction-112467> (accessed 26 April 2017).

⁴ In 2011, I co-founded with Anthony Ewing the Teaching Business and Human Rights Forum, based at Columbia University. The Forum’s mission is to collectively define this evolving field and consider how best to train the next generation. For more on the Teaching Forum, see teachbhr.org (accessed 26 April 2017).

teaching techniques – across topics related to global labour supply chains, extractives and social licence, and privacy and censorship – including case studies, role plays, simulations, debates and direct engagement with practitioners. Some programmes have taken applied approaches further. At the School of International and Public Affairs (SIPA) at Columbia University where I teach, the graduation requirement of a Capstone workshop ‘where small student consulting teams under faculty supervision are assigned a substantive project with an external client’,⁵ has provided a vehicle to construct opportunities for students to apply newly acquired skills to global problems, including business and human rights problems.

This piece examines the experience of another format, a year-long multi-disciplinary business and human rights clinic housed at a school of public policy. Combining seminars, guest lectures, skills training, group work and discussion, field visits and self-reflective exercises, the SIPA Business and Human Rights Clinic (the Clinic) is designed to provide students cutting-edge skills with strong career potential while deepening students’ knowledge and experience of business and human rights. It was launched in 2015 as an interdisciplinary laboratory for testing innovative methodologies to strengthen corporate human rights accountability, carried out in partnership with non-governmental organizations (NGOs) and other business and human rights practitioners. The Clinic strives to position students to become leaders in the field by developing technical skills that meet the future needs of the profession.

The Clinic has six main features: (1) multidisciplinary; (2) collaborative work; (3) building cutting-edge skills; (4) project management; (5) field work; and (6) a continuous learning laboratory. These features align with core principles of the SIPA’s Masters in International Affairs (MIA) and Masters of Public Affairs (MPA) core curricula, namely: (1) integrating social sciences, policy studies and critical thinking with professional applications and skills; (2) framing issues and solutions from a distinctively global approach; and (3) preparing students for the range of professional and organizational fields they will enter and lead.⁶ Students in a separate business and human rights seminar I teach at SIPA have validated this approach by landing human rights positions in the IT, electronics, energy, apparel, cosmetics and hotel sectors. In response to a short survey, these students said that they attributed the job offer and their successes on the job in part to their training to look at problems from multiple perspectives, to work collaboratively to solve complex problems, and to ‘navigate ambiguity’.⁷

For the first two years the Clinic undertook a single project in partnership with a single client: investment chain mapping (ICM) as our project, and Inclusive Development International (IDI) as our client. IDI is an international NGO, specializing in land and

⁵ https://sipa.columbia.edu/academics/capstone-workshops/mia_mpa (accessed 26 April 2017).

⁶ A fourth principle is related directly to the justification of the core curriculum, ‘Recognizing the core as a whole as a central element of the distinctively SIPA education’; ‘MIA and MPA Core Curriculum: Initial Report and Recommendations from Subcommittee on the MIA and MPA Core’, SIPA internal report, Spring 2016.

⁷ Nine students were surveyed. The survey results were presented at the Fourth Annual UN Forum on Business and Human Rights for a panel on ‘Academics as Multipliers’; see: <http://www.ohchr.org/Documents/Issues/Business/ForumSession4/Summaries/CooperationEducationResearchDialogue.pdf> (accessed 26 April 2017). Complete survey responses are on file with the author.

natural resource rights by ‘supporting and building the capacity of local organizations and affected communities to defend their land and human rights in the face of harmful investment, trade and development through research, casework and policy advocacy’.⁸ IDI sought the Clinic’s help with the pilot phase of its Follow the Money (FtM) initiative, which assists local communities to obtain critical investment chain information about the money behind agricultural, mining and infrastructure projects that threaten their land and resource rights. By mapping the investors and buyers behind the projects, IDI is able to identify pressure points – defined as actors positioned to ‘influence the design, outcomes and impacts of a project, or to obtain remedies for harms’⁹ – and support affected communities to develop sophisticated, multi-pronged advocacy strategies to hold accountable businesses and investors involved in or benefiting from land grabbing, forced displacement, and harm to the environment and to livelihoods.¹⁰ Through direct contact with IDI, and its network of local partners, Clinic students helped IDI pioneer ICM and then put it into practice.

Like clinics in law schools, medical schools and other settings, the SIPA BHR Clinic seeks to simulate a workplace, where there are typically people from many different fields and disciplines who are expected to work effectively together. The tasks the Clinic undertakes require knowledge and skills that do not belong to the scope of any single discipline. That is why the Clinic selects a partner and a project that will attract a strong mix of students with backgrounds in development finance, economics, law, advocacy, public policy and human rights.

Entry to the Clinic is by application, and up to twelve students are selected. At an information session held during the first week of classes, students learn what to expect from the Clinic year and decide if they are going to make the commitment. In addition to second-year students from all SIPA concentrations – e.g. Human Rights and Humanitarian Affairs, Energy and Environment, and International Finance and Economic Policy – the class is open to students from Columbia’s Human Rights Masters Program and Columbia Law School’s Masters of Law Degree Program (LLM). The resulting diversity is a strength of the Clinic, enabling students to learn throughout the year how to best leverage diverse forms of expertise.

The Clinic year began with six weeks of readings, lectures and small group discussions to build the foundation for the work. Topics included: an introduction to business and human rights, the UN Guiding Principles and OECD Guidelines for Multinational Enterprises; multi-lateral development banks and human rights obligations; human rights due diligence in the financial sector; and an introduction to financial actors and how they typically figure into large-footprint projects, including infrastructure, agricultural, mining, and oil and gas. Where students had expertise, they were called upon to prepare a short module which they taught to their peers. At least one session was devoted to peer learning on ‘pressure points’ – e.g. the OECD National Contact Points, National Human Rights Institutions, stock exchanges,

⁸ www.inclusivedevelopment.net (accessed 26 April 2017).

⁹ International Institute for Environment and Development (UK) and Inclusive Development International, *Following the Money: An Advocate’s Guide to Securing Accountability in Agricultural Investments* (2015), p. 42.

¹⁰ For a five-minute video on investment chain mapping and pressure point identification in the agricultural sector, see: <https://www.youtube.com/watch?v=FK15DHzfDmc> (accessed 26 April 2017).

Equator Principles Financial Institutions, pension funds, and legal jurisdiction and causes of action – where students selected a pressure point to research, developed an argument for its strengths and weaknesses, and presented it to the group for discussion.

At the end of the first month the students met with IDI to learn about its work, priorities, theory of change, its work plan for the year ahead, and its expectations of the Clinic. Thereafter, students collaborated in two-to-three person teams on mapping and use of financial and other subscription and non-subscription databases, supported by the Clinic professor, IDI and Columbia's librarians. The case work was assigned by IDI based upon the community requests that come to them. The weekly readings, discussion and guest lectures continued, from this point guided by the needs of the Clinic work. For example, if Chinese financial actors and institutions appeared in the investment chain maps, part of a session would be devoted to a discussion of assigned readings or a guest lecture of the environmental and social policy and legal framework in China, to help Clinic members build a collective understanding of Chinese institutions as pressure points.

Students become aware early on about the sensitivity of the material they are working with. Before receiving their first mapping assignment, they signed a non-disclosure agreement, which states that all the Clinic materials and work product is confidential such that the cases and even the countries they are located in is information not to be shared outside of the Clinic. The first-year Clinic also put into place a security system to avoid leaving traceable digital footprints, including laptop encryption and creating anonymous social media profiles for researching individuals – for example, a tycoon behind the harmful projects. They initiated a process of conducting a preliminary threat analysis for each case that identifies the potential risks to communities, NGOs and IDI when starting a case, and periodically throughout.

The high point of the year was a site visit to present investment chain research findings to the communities affected by the projects the Clinic mapped, and to participate in a dialogue with the community around strategies for leveraging the pressure points they identified. The site visit enabled students to see how advocacy strategies considered during the Clinic's weekly seminars actually fit into the communities' own plans and priorities. Students reported that they experienced the value of these community workshops in giving the affected communities a complete overview and timeline of the various business and financial actors' involvement in their community, which they did not previously have. In this way, the model gets exactly right the relationship between Global North and the Global South by building the capacity of affected communities to address their own problems as the communities see fit. The direct interaction with community members brought into sharp relief for students what is at stake, and raises awareness of sensitive issues for vulnerable communities, such as the security risks of alternative advocacy options. Moreover, students confront a trade-off between pursuing a weak pressure point, which has the potential to strengthen that institution's responsiveness in the long run, and the immediate need to deter or remedy harm under conditions of great vulnerability.

Another key feature of the Clinic is its ethic of self-reflection. Through weekly discussions, peer review and professor feedback, students take a step back and critically assess the foundations and reasoning behind the work. Beyond considering whether the

Clinic's methods are achieving their intended outcomes, students are encouraged to question the underlying theory of change, assumptions and goals, and ethical issues the work raises. Twice a year – before the end of the first semester and before the end of the year – students are required to write memos reflecting on such meta-issues. These memos, along with group insights on improvements to the methodologies, are incorporated by a designated student editor into two separate reports – an interim and a final report. Together they constitute 'legacy' reports, recording and institutionalizing lessons learned for future Clinic students.

The SIPA BHR Clinic is one example of how universities can create opportunities to equip future business and human rights professionals with the skills the field demands. The year-long duration provides the time needed to move from foundations to skills development and experimentation, to application and reflection, and sharing of lessons learned. In possession of new competencies – investment chain mapping and analysis; development finance and chains of accountability; the perspectives, motivation and potential influence of a range of financial actors; greater awareness of the community perspective on all of this – and sharpening professional skills, graduating Clinic students have found doors opening within the business and human rights job market. As one Clinic student remarked:

The Clinic has completely shaped my experience for my degree. Producing real work and real results for people in need brought what I was studying into the realm of the real world. In addition to skills such as coordination, teamwork, and professionalism, I learned from interacting with peers from different areas of expertise, and in conducting the investment chain mapping itself. This was my first introduction to the world of business, and I believe that I have gained a much better understanding of not only business and human rights violations and the chain of actions that lead to them, but also about how different initiatives are working to hold corporations and investors more accountable.¹¹

¹¹ SIPA Business and Human Rights Clinic Final Report, June 2016 (on file with the Clinic).