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**Centre for Excellence in Corporate Responsibility & Sustainability (CECRAS)**  
**International Institute for Higher Education Research and Capacity Building (IIHed),**

**Center For Constitutional Law Studies (CCLS)**

and

**Center for Human Rights Studies(CHRS)**

*cordially invite you to participate in*

**Public Lecture**

on

**What are the Fundamental Rights Obligations  
of Corporations?**

by



**David Bilchitz**

Professor, Faculty of Law  
University of Johannesburg

#### **Abstract**

A new treaty on business and human rights is being debated in Geneva. One of the most controversial issues arising in the discussions concerns whether corporations should have directly applicable fundamental rights obligations in international law and what such obligations would look like. This presentation will first provide a brief case for why corporations should have direct fundamental rights obligations. It will then turn in the second section to the major challenge of how to determine what those obligations are. I will argue that, in determining these obligations, we need to draw inspiration from some of the principles developed in this area in constitutional law. In the third section, I will argue for what I term the multi-factoral approach of determining obligations outlined by the South African constitutional court. The fourth section will consider some of the normative factors involved including the interests of beneficiaries, the impact on beneficiaries, the capacity of non-state actors, their role/function and autonomy. The last section will consider how a final determination is made of such an actor's obligations and the role of balancing and proportionality in this enquiry. Principles in relation to fundamental rights will thus be applied in the context of determining how to allocate obligations to a particularly powerful non-state actor, a corporation. The presentation will thus attempt to engage with one of the central questions facing the international human rights regime in C21.

#### **Short Bio of Speaker**

David Bilchitz is a Professor of Fundamental Rights and Constitutional Law in the Faculty of Law at the University of Johannesburg and Director of the South African Institute for Advanced Constitutional, Public, Human Rights and International Law (SAIFAC). He is also Secretary-General of the International Association of Constitutional Law (IACL). In 2012, he received a rating as an internationally acclaimed researcher by the National Research Foundation of South Africa. He was elected to the South African Young Academy of Science in 2015. In 2017, he was awarded a Von Humboldt Foundation Fellowship and is currently a Visiting Research Professor at the Humboldt University in Berlin until July 2018. He is also a Visiting Research Professor for the February and March at the Minerva Centre for Human Rights, Faculty of Law, Tel Aviv University. He has a BA (Hons) LLB cum laude from the University of the Witwatersrand and an MPhil and PhD from the University of Cambridge.

**Discussant: Professor Ajey Sangai, Assistant Professor, Jindal Global Law School**

Date: 30 October 2018 | Time: 11:00 am – 12:30 pm

Venue: Big Bang Conference Room, T1, 1st Floor, O. P. Jindal Global University, Sonapat-131001, Haryana

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