

Business AND Human Rights Journal

**Special Issue: Business and Human
Rights in Latin America**

**Guest Editors: Humberto Cantú Rivera,
Danielle Anne Pamplona and Ulf Thoene**



**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 & Assessment

Business and Human Rights Journal

Editorial Team

Editors-in-Chief

Surya Deva, *Macquarie Law School, Macquarie University, Australia*

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

Michael Santoro, *Santa Clara University, USA*

Florian Wettstein, *University of St Gallen, Switzerland*

Book Review Editors

Nadia Bernaz, *Wageningen University, the Netherlands*

Samantha Goethals, *SKEMA Business School, France*

Editorial Board

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

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

Dan Banik, *University of Oslo, Norway*

Tim Bartley, *Stockholm University, Sweden*

Dorothee Baumann-Pauly, *NYU Stern
School of Business, USA/University of
Geneva, Switzerland*

Upendra Baxi, *Warwick University, UK*

David Bilchitz, *University of Johannesburg,
South Africa*

Danny Bradlow, *University of Pretoria,
South Africa*

Humberto Cantú Rivera, *Universidad de
Monterrey, Mexico*

Barnali Choudhury, *Osgoode Hall Law
School, York University, Canada*

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

Olivier De Schutter, *University of Louvain,
Belgium*

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*

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

Sarah Joseph, *Griffith University, Australia*

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

Vivek Krishnamurthy, *University of Ottawa,
Canada*

Genevieve LeBaron, *Simon Fraser
University, Canada*

Jernej Letnar Cernič, *New University,
Slovenia*

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*

Claire Methven O'Brien, *University of
Dundee, UK*

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

Guido Palazzo, *University of Lausanne,
Switzerland*

Kish Parella, *Washington and Lee
University, USA*

Nicolás M Perrone, *Universidad Andrés
Bello, Chile*

César Rodríguez-Garavito, *New York
University School of Law, USA*

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

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

Sara Seck, *Dalhousie University, Canada*

Penelope Simons, *University of Ottawa,
Canada*

Vasanthi Srinivasan, *Indian Institute of Management, Bangalore, India*
Olena Uvarova, *Yaroslav Mudryi National Law University, Ukraine*
Tara Van Ho, *University of Essex, UK*

Sandra Waddock, *Carroll School of Management, Boston College, USA*
Patricia H Werhane, *University of Virginia, USA*
Wanhong Zhang, *Wuhan University School of Law, China*

Developments in the Field Panel

Charles Abrahams, *Abrahams Kiewitz, South Africa*
Jelena Arapac, *United Nations Working Group on the Use of Mercenaries*
Caio Borges, *Instituto Clima e Sociedade, Brazil*
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*
Sara Hossain, *Dr Kamal Hossain and Associates, Bangladesh*
Mariëtte van Huijstee, *Rathenau Instituut, the Netherlands*
PillKyu Hwang, *Gonggam Human Rights Law Foundation, Republic of Korea*
Jonathan Kaufman, *Advocates for Community Alternatives, USA*
Harpreet Kaur, *United Nations Development Programme*
Juana Kweitel, *Conectas Human Rights, Brazil*
Rae Lindsay, *Clifford Chance, UK*
Richard Meeran, *Leigh Day, UK*
Anirudha Nagar, *National Native Title Council, Australia*
Emmanuel Umpula Nkumba, *Afrewatch, DRC*

Ron Popper, *Global Business Initiative on Human Rights, Switzerland*
Michael Posner, *NYU Stern Center for Business and Human Rights, USA*
Paloma Muñoz Quick, *BSR, USA*
Gabriela Quijano, *Business and Human Rights Consultant, UK*
Miriam Saage-Maaß, *European Center of Constitutional and Human Rights (ECCHR), Germany*
Ruwan Subasinghe, *International Transport Workers' Federation, UK*
Salil Tripathi, *Institute for Human Rights and Business, UK*
Anneke Van Woudenberg, *Rights and Accountability in Development (RAID), UK*
Fernanda Venzon, *Environmental Defender Law Center, USA*
Paul Quayle Watchman, *Glasgow University, UK*
Joseph Wilde-Ramsing, *SOMO (Centre for Research on Multinational Corporations), the Netherlands*
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

Sandhya Drew, *City University of London, UK*
Felogene Anumo, *Thousand Currents, Kenya*

Social Media Editor

Shakoor Ahmed, *Queensland University of Technology, Australia*

BHRJ Fellow

Catherine McDonald, *University of St Gallen, Switzerland*

Business and Human Rights Journal

Table of Contents

Special Issue: Business and Human Rights in Latin America

**Guest Editors: Humberto Cantú Rivera, Danielle Anne Pamplona
and Ulf Thoene**

EDITORIAL

- 335 Business and Human Rights in Latin America: An Introduction to the Special Issue
Humberto Cantú Rivera, Danielle Anne Pamplona and Ulf Thoene

SCHOLARLY ARTICLES

- 342 Business and Human Rights in Latin America: A Systematic Review of Scholarship
Cristina Blanco Vizarrreta and Weronika Betta
- 375 Bridging the Gap between Foreign Investor Rights and Obligations: Towards
Reimagining the International Law on Foreign Investment
Nicolás M. Perrone
- 397 Inter-American Elements for a Systemic Approach to State-Owned Enterprises’
Human Rights Obligations
Judith Schönsteiner
- 418 Marketing Ultra-Processed Food and Beverages to Children in Latin America:
Business Responsibilities and State Duties
Diana Guarnizo-Peralta
- 439 The Politics of Localizing Human Rights: Chinese Policies and Corporate Practices
in Latin America
Roger Merino

DEVELOPMENTS IN THE FIELD

- 461 Is Latin America Missing the Links Between Procurement, Sustainability and
Human Rights?
Laura Treviño Lozano
- 468 Access to Remedy and the Construction of Collective Memory: New Perspectives
in the Realm of the Colombian Transitional Justice Project
Marco Alberto Velásquez-Ruiz and Carolina Olarte-Bácares
- 475 A New Route for Redress in the Samarco Case? An Overview of the Simplified
Indemnification System’s (Un)Lawfulness
**Danilo B. Garrido Alves, Daniela Arantes Prata and Camila Manfredini de
Abreu**
- 481 Corporate Liability for Human Rights Abuses in Latin American Courts: Some
Recent Developments
Humberto Cantú Rivera and Miguel Barboza López

- 487 Missing in Action? Investor Responses to the War in Ukraine
Rebecca DeWinter-Schmitt, Samuel Jones and Richard Stazinski
- 494 The Overlooked Advantages of the Independent Monitoring and Complaint Investigation System in the Worker-driven Social Responsibility Model in US Agriculture
Antonella Angelini and Shauna Curphey
- 500 Gender Component of Internal Displacement in Ukraine: A Case of Business (In)Capability to Localize Human Rights Impact Assessment
Ganna Khrystova and Olena Uvarova

BOOK REVIEW

- 508 *Transterritorialidade – Uma Teoria de Responsabilização de Empresas por Violações aos Direitos Humanos*, Ana Claudia Ruy Cardia Atchabahian (Lumen Juris, 2020)
Danielle Anne Pamplona