European Union Governance Response to Corporate Social Responsibility and the French Case Study

Giulia dos Prazeres Costa

Submitted in partial fulfillment of the requirements for the degree of MA
Erasmus Mundus Human Rights Practice and Policy Masters Programme

School of Global Studies, University of Gothenburg
Pedro Arrupe Human Rights Institute, Deusto University
School of Humanities and Social Sciences, University of Roehampton
Department of Social Sciences, University of Tromsø – Arctic University of Norway

01 November 2023

Dissertation Module (30 ECT)

Supervisor: Dr. Lisbeth Segerlund

Autumn semester 2023

ACKNOWLEDGMENT

Gratitude to the EMHRPP, professors, coordinators, and a special thanks to my supervisor for the support, feedback and all work during this process.

Thanks to my beloved family that has always been with me despite the intercontinental distance, and to my friends who supported me and made my walk more pleasurable.

ABSTRACT

This dissertation explores the European Union (EU) strategy on corporate responsibility in relation to sustainability reports and due diligence processes in human rights. The focus is on the French position in the area, as it was the first member state to legislate on the duty of vigilance. The aim is to examine the interaction with the EU and the member states in this issue-area using France as a case study. Considering this tension, the European Union Governance was chosen as the theoretical approach. This is a case study analysis within the qualitative analyses of content, given that the data comes mainly from legislation and policy documents. The theoretical framework is relevant for the case study data analysis that uses the Explanation-Building strategy, with a focus on the examination of legal and policy documents enabling them to answer the research questions, and provide recommendations. This dissertation scrutinises a phenomenon that culminated in legislation, necessitating the reliance on theoretical propositions to construct an explanatory framework based on the collected data. The findings reveal the EU Governance responds to corporate responsibility through France's pioneering initiative in implementing more mechanisms to hold corporations accountable. This holistic view allows us to see that there is tension between the bloc and the member states, but French pioneering has not diminished the EU's efforts and long work in the area. Furthermore, a look at the European scenario shows that the majority of member countries still lack legislation that holds corporations accountable. The advancement of European legislation in the area, with i.e. the Corporate Sustainability Reporting Directive, generates the legal obligation for states to implement legislation more strictly about business. The study provides insights into the French initiative and the EU's Governance Response to Corporate Responsibility, suggesting the potential for harmonising corporate practices with human rights standards.

KEYWORDS: Corporate sustainability reporting directive, duty of vigilance, due diligence, human rights, content analysis.

WORD COUNT: 16,933.

ABBREVIATIONS

CSR – Corporate Social Responsibility

CSRD – Corporate Sustainability Reporting Directive

CSDDD – Corporate Sustainability Due Diligence Directive

EU – European Union

EC – European Commission

ECCJ – European Coalition for Corporate Justice

ESG – Environmental, social, and governance

EUTR – EU Timber Regulation

ILO – International Labour Organization

ISO – International Organization for Standardization

MSA – Modern Slavery Act

NFD – Non-financial disclosure

NFRD – Non-Financial Reporting Directive

NGO – Non-governmental organization

OECD – Organisation for Economic Cooperation and Development

UDHR – Universal Declaration of Human Rights

OHCHR – Office of the United Nations High Commissioner for Human Rights

UN – United Nations

UNCTAD – United Nations Conference on Trade and Development

UNGPs – UN Guiding Principles on Business and Human Rights

LIST OF FIGURES AND TABLES

TABLE OF CONTENTS

CHAPTER 1: INTRODUCTION

1.1. BACKGROUND

Corporate social responsibility became an important idea in the global business landscape, as companies began to recognise the need to think beyond pure profit-making and take into account their impact on society and the environment. The approach of one of the most globally open economies and the largest single market area in the world, the European Union (EU) has a great impact on how businesses operate globally.

The EU is committed to creating a common approach to business and human rights, taking into consideration that free trade among its members and that a focus on opening world markets were some of its founding principles (European Union, n.d.). In the last ten years, the block and its member states have been the main norm-setters in the area (Černič, 2022, p. 4). In this direction, National Action Plans in accordance with the United Nations Guiding Principles on Business and Human Rights have been adopted by a significant proportion of EU countries (OHCHR, n.d.).

In this direction, the "Updated EU Strategy on Corporate Social Responsibility 2011-2014"[1] was published by the European Commission (EC) in October 2011. It left the EU's previous dichotomy of mandatory and voluntary approaches to corporate responsibility, and added the “risk-based due diligence” for companies, including the supply chain, in accordance with the latest OECD guidelines, UN Guiding Principles, and ISO 26000 (Ruggie, 2013, p. 118-119). The EU has established some initiatives that set specific duties for conducting human rights and environmental due diligence (European Commission, 2020, p. 26), including in sustainability reporting. The EU Timber Regulation (EUTR, 2010), which came into force in 2013, legislates the duties of operators and traders who offer wood and timber products to the domestic market for the first time. This is considered to be the first legal framework at the European Union level to incorporate obligatory due diligence, a fundamental tenet of corporate sustainable responsibility in accordance with the UN Guiding Principles on Business and Human Rights (UNGPs) (EUTR, 2010).

[1] COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS A renewed EU strategy 2011-14 for Corporate Social Responsibility

In the same line, in 2014, the Non-Financial Reporting Directive (NFRD) entered into force following the trend of establishing legal frameworks for corporate environmental and human rights responsibility, in a growing interest in due diligence and transparency in supply chains (Martin-Ortega and Hoekstra, 2019, p. 624). It established a consolidated non-financial statement for public-interest companies of over 500 employees containing information related to "environmental, social and employee matters, respect for human rights, anti-corruption and bribery matters" (NFRD, 2014, p. 6). Later in 2019, the European Commission committed to review the NFRD focusing on "The European Green Deal" (the 'Green Deal'), which created a new growth plan for the Union (CSRD, 2022).

"The European Green Deal" aspires to remodel the EU into a modern, resource-efficient, and competitive economy with net zero greenhouse gas emissions by 2050. It also intends to protect, conserve, enhance the Union's natural capital and assure its health and well-being. It also aims to protect EU citizens from environmental risks and impacts. The Green Deal's ambition is to decouple economic growth from resource use and enable all places and their EU citizens to engage in a socially just transition to a sustainable economy (CSRD, 2022). It contributes to the goal of building an economy that works for its people, strengthens and future-proofs the EU's social market economy, and creates stability, jobs, growth, and sustainable investment (CSRD, 2022).

As part of the strategy of the 'Green Deal', the European Commission submitted two of the most ambitious legislative proposals in the area, placing the EU at the centre of the debate surrounding a new sustainable business agenda (Černič, 2022, p. 21). The Corporate Sustainability Reporting Directive (CSRD) [2] demands that all large companies and all listed companies (except listed micro-enterprises) have to provide data about their risks and opportunities related to social and environmental matters, as well as information about the effects of their operations on people and the environment (European Commission, n.d.). The proposal for a Corporate Sustainability Due Diligence Directive (CSDDD, 2019)[3] aspires to encourage ethical and sustainable business practices across the global supply chains, complementing the CSRD in regarding "the corporate duty for some companies to perform due diligence to identify, prevent, mitigate, and account for external harm resulting from

[2] Directive (EU) 2022/2464 of the European Parliament and of the Council of 14 December 2022 amending Regulation (EU) No 537/2014, Directive 2004/109/EC, Directive 2006/43/EC and Directive 2013/34/EU.
[3] Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on Corporate Sustainability Due Diligence and amending Directive (EU) 2019/1937.

adverse human rights and environmental impacts in the company's own operations, its subsidiaries, and in the value chain" (CSDDD's proposal, 2019).

Considering the complexity of studying a proposal of legislation until in debate, the present work will focus on the Corporate Sustainability Reporting Directive. Therefore, it is possible to assume from above that a variety of measures are part of the EU's governance response to Corporate Social Responsibility, which aims to ensure that businesses act ethically, uphold human rights, and support sustainable development. Legislative actions, voluntary recommendations, and assistance with multi-stakeholder collaborations can be seen as some of these actions.

At the European Union level, few member states have legislation to improve corporate responsibility and due diligence frameworks. France was the first one in 2017 to legislate about the "Duty of Vigilance" (*Loi de Vigilance*). The Netherlands followed in 2019 to adopt the "Child Labor Due Diligence Act" (*Wet Zorgplicht Kinderarbeid*), and the country is currently working on a Dutch Due Diligence Act. The most recent is from 2021: the new Act on Corporate Due Diligence Obligations in Supply Chains (*Lieferkettengesetz*) in Germany (Černič, 2022, 16-17). Even though only three countries have adopted mandatory national regulation in the area, all the initiatives came before the EU regulation ambitions. In the European territory, outside of the block, there are other initiatives such as the Modern Slavery Act (the 'MSA') from 2015 in the United Kingdom[4], and the Norwegian Transparency Act from 2022 (*Vedtak til lov om virksomheters åpenhet og arbeid med grunnleggende menneskerettigheter og anstendige arbeidsforhold – åpenhetsloven*).

On one hand, the cases of the United Kingdom and Norway are not relevant considering the focus on the European Union level. On the other hand, the scenarios in France, the Netherlands, and Germany made me interested in this study. However, a comparative analysis of three countries within the EU would need more time and a large amount of work for a fruitful discussion.

As such, considering the leading scenario in France, it becomes necessary to consider this context and the Duty of Vigilance as starting points for the analysis of a European Union

[4] It is important to make a disclaimer that the UK was part of the European Union when legislated on the Modern Slavery Act, although due to Brexit the country does not belong anymore to the block. Considering this context, the UK won't be considered as a parameter at the EU level.

governance in the Business and Human Rights agenda. In other words, the country took the lead to having the first national law that compels their corporations to create and implement a vigilance plan to identify and prevent corruption, environmental harm, and human rights abuses in their operations and supply chains. Along these lines, companies are required by law to exercise due diligence and implement the necessary safeguards to address and reduce risks. In view of that, a more in-depth study of the French approach will bring a significant perspective of the corporate responsibility agenda at the EU level, using the country as a case study.

1.2. PROBLEM FORMULATION

The "European Union is the world's second-largest home base of multinationals", and its central authority is empowered to set common policies in an ample scope of areas (Ruggie, 2013, p. 144). In these terms, a joint action has a huge impact on the development of standards to hold corporations accountable. As argued above, it is possible to infer that some member states have been working ahead of the Union to provide legal instruments to hold corporations accountable with national legislation in the area. Hence, It is very interesting to compare the scope of the French national document with the Directive, to see the possible impact of France in the European Union's agenda. To work into these analyses, it is necessary to delimit a parameter to have a more focused eye on the research that will be discussed in the section "Aim and Research Questions".

1.3. AIM AND RESEARCH QUESTIONS

The aim of this dissertation is to analyse the EU's strategy on corporate responsibility, in relation to sustainability reports and due diligence processes in human rights, focusing on the French initiative position in the area as it was the first member state to legislate in the area. The objective is to examine this tension between the block and the member states using France as a case study.

Therefore, the research questions of this paper come as follows:

1. How does the French initiative on corporate responsibility resonate at the European Union level?

2. What perspectives does the EU governance agenda report on sustainability and due diligence processes in human rights bring to the member states?

1.4. MOTIVATION AND RELEVANCE

The aim is motivated by the rise of a new agenda and a new legal diploma that placed the European Union at the centre of the Business and Human Rights agenda and shows the tensions with the member states and other actors involved in the process. In an area that is essentially transnational, the presence of a joint outcome becomes an ambitious plan. In addition, globalisation and the emergence of increasingly connected markets show that corporations can no longer avoid ensuring sustainable processes that include mechanisms aimed at preventing human rights abuses.

Considering that the European Union is one of the most globally open economies and the largest single market area in the world (European Union, n.d.), and the exponential growth of the Business and Human Rights agenda, carrying out research about the European Union Governance Response to Sustainability Corporate Responsibility is relevant for the master's programme and for the field, as it deals with a topic relevant to human rights and that is currently under debate due to the recent legal diplomas that come to regulate a scenario that still lacks legislation. It also displays input to the studies on governance, using a human rights perspective and reflections, considers the national scenarios in the member states, using the case of France pondering their relevance in the agenda, and provides recommendations to this interdisciplinary area.

1.5. THE STRUCTURE

The dissertation is divided into **eight chapters**, starting with **Chapter 1,** the introduction, which presents the background for the development of an agenda in Business and Human Rights at the European Union level considering the new legal diploma: the Corporate Sustainability Reporting Directive. It also includes the problem formulation, aim and research questions, motivation and relevance of the theme, and delimitations of the research.

As for **Chapter 2**, it presents the literature overview of business and human rights, starting from the global framework on Business and Human Rights to achieve the EU level

having France as a parameter when searching the literature with a focus on sustainability reporting. As follows, **Chapter 3** introduces the theoretical basis beginning with the analysis of global governance to the central theory of this research: the European Union governance. Then, **Chapter 4** highlights the methodology and the data sources, links with the previous debate, and introduces the qualitative analyses.

The findings will be divided into two parts. **Chapter 5** is the analysis of the legislation and political debate in France, aligned with the relation at the EU level, aiming to answer the first research question, while **Chapter 6** focuses on the Corporate Sustainability Reporting Directive, which answers the second research question.

The study proceeds with **Chapter 7** that concludes the research, then ends with the final **Chapter (8)**, bringing possible recommendations.

1.6. DELIMITATIONS

To enable a more fruitful discussion, it is important to delimit key points while making a qualitative analysis over the case study. Taking into account criteria such as time and size available to produce this research, the present work proposes to narrow down the analyses for a meaningful study in the area. The focus will be on the background that resulted in the French law on the duty of vigilance and in the legal document, involving the country's position in the EU. These delimitations are important to make clear that the intention is not to analyse the whole legislative process in France.

Furthermore, the debate around the topic currently selected has been mainly surrounding two legal diplomas: the Corporate Sustainability Reporting Directive and the proposal for a Corporate Sustainability Due Diligence Directive. The analysis will focus on the CSRD (2022), considering the complexity to study a proposal until under debate in the European Union[5]. Additionally, the Directive into force addresses two key ideas of this research: sustainability reports and due diligence process to prevent corporations from committing human rights abuses.

[5] The Corporate Sustainability Due Diligence Directive is still under debate, its text is not yet into force, in this way it would be extremely complex to expand the debate.

CHAPTER 2: LITERATURE OVERVIEW

The literature overview is divided into the business and human rights framework on the global level and the EU level. From a worldwide context, it is possible to understand the emergence of the debate to narrow down the research to the European level. Considering the plurality of diplomas that involve the theme, the literature overview focuses precisely on the sustainability reporting, especially in the interactions between the block and France, as this is the focal point of this investigation. As the Corporate Sustainability Reporting Directive is very recent, the analysis of the literature over sustainability reporting is made possible due to its predecessor: the Non-Financial Reporting Directive. This earlier directive represented a significant milestone in the evolution toward mandatory sustainability reporting.

2.1. BUSINESS AND HUMAN RIGHTS FRAMEWORK

The globalisation process allied with the growing power of actors other than the states and the development of new global governance frameworks, enable a complex dynamic in the Business and Human Rights agenda. This has increased the demand for human rights accountability from non-state actors, including the Transnational Corporations (Segerlund, 2010, p. 62-63). Under the emergence of a New International Economic Order, there is also the development of "soft law" approaches to deal with the new challenges that arise. On such a wise, the contemporary discussion surrounding the business and human rights agenda can be traced back to the 1990s. Throughout this time, the confluence of technical breakthroughs, corporate innovation, and liberalisation dissolved earlier restrictions on the worldwide reach and operational strategies of businesses (Ruggie, 2008, p. 209).

International diplomas came to emerge in the area, such as the Guidelines for Multinational Enterprises by the Organisation for Economic Cooperation and Development (OECD) in 1976, the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy by the International Labour Organization (ILO) in 1977. Later in 2000, both were revised, and it is possible to notice the presence of international human rights standards and references to the Universal Declaration of Human Rights (Ruggie, 2007, p. 819).

It was intended that the OECD Recommendations on International Investment and Multinational Companies be extended to non-member states, in other words, it would be beyond the 36 (thirty-six) countries that are part of the organisation. However, recommendations as a soft law instrument do not have the obligations of a treaty, and these would form the closest equivalent instrument to a general code of conduct for these companies (Ribeiro and Junior, 2017, p. 23-24).

In the same year, the United Nations Global Compact started operating and it became the world's largest corporate sustainability initiative, inviting corporations to join strategies and operations in the areas of human rights, environment, and anti-corruption (UN Global Compact, n.d.). In the UN system, there are many initiatives in the area, such as working groups and reports. This was fundamental to have a fertile ground for the development of the "Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework", by the Special Representative of the Secretary-General on the issue of "human rights and transnational corporations and other business enterprises" in the year of 2011. The three pillars established: (i) the duty of states to protect human rights, (ii) the corporate responsibility to respect, and (iii) the access to remedy by those who were harmed (UN, 2011).

Although there are initiatives at a global level, it is important to emphasise that there is a large number of bilateral treaties and regional agreements, according to the mapping of the United Nations Conference on Trade and Development (UNCTAD). In this way, the regulation of these private agents is also dispersed in different regulatory areas (Ribeiro and Junior, 2017, p. 6-18), making it more difficult to find a common response.

Ruggie is a relevant voice in the business and human rights agenda especially at the UN level, and his contribution is essential to understand the business and human rights framework. He was one of those responsible to point out the gap in the global governance level as "business and human rights debate currently lacks an authoritative focal point", as even with the development of the work in the area, "States as well as companies continue to fly below the radar" (Ruggie, 2008, p. 190). Ruggie (2008, p. 190) did not believe in simple solutions, he argued for a coherent action from the different domains of the social actors' approaches – States, corporations, and civil society. In this way, in his view a unified "protect,

respect, and remedy" framework is needed to guide governments, companies, and civil society in mitigating human rights issues arising from governance gaps (Ruggie, 2008, p. 192).

From a legal perspective, the UN Guidelines on Business and Human Rights is not a binding instrument. In this view, the gap remains open, some scholars will argue that only a treaty will be able to solve this gap in the governance agenda. For instance, Bilchitz (2016, p. 204) believes that the issues of international law that are encountered in this field are not fully addressed by the Guiding Principles on Business and Human Rights. Along these lines, Bilchitz (2016, p. 205-219) argues in favour of a treaty, outlining (i) the authoritative nature of a treaty that guarantee bindingness; (ii) the potential to influence the norm development at a national level as well; (iii) the argument for taking human rights obligations of businesses into account alongside the international investment treaties themselves would be strengthened by the inclusion of such obligations in a treaty; and (iv) facilitate the access to remedies for victims of human rights abuses committed by business. The idea of Bilchitz is not to simplify the issue, but to find a legal approach to fill the gaps and avoid the perpetration of corporate abuses due to the lack of common and strong diplomas in the area.

2.2. BUSINESS AND HUMAN RIGHTS AT THE EUROPEAN UNION LEVEL

From the global framework on business and human rights, it is possible to narrow down the debate to the European level, especially considering that a strong movement in the area has been proliferated at the national and regional levels on the European continent. According to Černič (2022, p. 4), in the last ten years, the block and its member states have been the main norm-setters in the area of Business and Human Rights. Within a mix of binding and not binding mechanisms the European Union is a good parameter to analyse a joint response while having the national systems legislating at the same time.

At the regional level, the European Union officially introduced the definition of Corporate Social Responsibility in a Green Paper[6] in 2001 as "A concept whereby companies

[6] Green papers are publications released by the European Commission with the aim of promoting debate on certain subjects within the EU (EUR-Lex, n.d.).

integrate social and environmental concerns in their business operations and in their interaction with their stakeholders on a voluntary basis" (COM(2001)366 as cited in Delbard, 2008, p. 398). As analysed in the introduction, the European Commision established the Updated EU Strategy on Corporate Social Responsibility 2011-2014"[7], the EU Timber Regulation (EUTR, 2010) and the Non-Financial Reporting Directive (NFRD, 2014) (Martin-Ortega and Hoekstra, 2019, p. 624). Later with the "The European Green Deal" the Commission (2022, p. 1) submitted two of the most ambitious legislative proposals in the agenda (Černič, 2022, p. 21): the Corporate Sustainability Reporting Directive (European Commission, n.d.) and Corporate Sustainability Due Diligence Directive (CSDDD's proposal, 2019).

At the national levels, many member states adopted National Action Plans in accordance with the United Nations Guiding Principles on Business and Human Rights (OHCHR, n.d.), but few member states have legislation to improve corporate responsibility and due diligence frameworks, such as France, Netherlands, and Germany (Černič, 2022, p. 16-17). As discussed in the Introduction, when analysing in continent level, the United Kingdom and Norway have also legislation in the area. The idea of delimiting the research to the European Union level and its members states, focusing on France, is to analyse the harmonisation of regulatory standards in a supranational level, as saw in the previous section there is no treaty in the area, while in the EU there are binding instruments that impact the national legal system of 27 countries.

Delbard (2008, p. 399) stated that "the issue of sustainability reporting is a very significant example of CSR implementation", and to understand the present context on the European Union level, it is necessary to study the literature involving the Non-Financial Reporting Directive, predecessor of the Corporate Sustainability Reporting Directive, especially considering the French approach, which was already pointed out in this context by the researchers.

Kinderman (2020, p. 675) in his study over "The challenges of upward regulatory harmonisation: The case of sustainability reporting in the European Union", highlighted that

[7] COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS A renewed EU strategy 2011-14 for Corporate Social Responsibility.

according to estimates from the EU, the Non-Financial Reporting Directive requires almost 6,000 businesses in Europe to report on the risks that their operations represent to third parties as well as their effects on the social, environmental, and human rights landscape. Before the Directive, the non-financial disclosure was voluntary for companies and "as a result of 2014/95, CSR reporting is legally mandated for large companies in the EU" (Kinderman, 2020, p. 675). Spießhofer & Eccles in line with Kinderman, see the Directive as a turning point in reporting by forcing businesses to disclose their due diligence procedures for identifying, preventing, and managing the risks of their operations and supply chains pose for third parties as well as boosting the quantity and quality of non-financial disclosure (Spießhofer & Eccles, 2014, as cited in Kinderman, 2020).

In a study on corporate social responsibility reports, seen as a communication tool, highlighting a company's internal and external implementation of the CSR concept and its level of maturity, Habek and Wolniak (2015) found out that France achieved the highest quality indicator score, when comparing to other European countries[8]. Given these results, they highlighted that France has been mandating annual reports to include national sustainability reporting since 2001. Moreover, it might be argued that Grenelle II, enacted in July 2010, adopts the toughest stance to date addressing the requirement of corporate transparency with respect to social, environmental, and governance matters (Habek and Wolniak, 2015, p. 415). It is necessary to note that this research was conducted prior to the enactment of the Duty of Vigilance law from 2017, showing the proactive nature of French initiatives in this field.

Wagner (2018) also emphasised France's frontrunner approach in terms of promoting sustainability reporting. The country was the first to incorporate corporate social responsibility reporting alongside financial disclosures in management's annual report, even before the European Union took action to promote non-financial reporting in 2003 (Wagner (2018, p. 669). He (Wagner, 2018, p. 670-676) explains that French non-financial reporting legislation dates back to 2001 under Article 116 of the Law on New Economic Regulations, an amendment to Article 225-102-1 of the French Commercial Code. The law aimed to enhance transparency for shareholders, and rating agencies, by broadening the scope and depth of information required. The previous version of the French NFR Law, Article

[8] The authors analysed 6 member states: Denmark, Sweden, France, the United Kingdom and the Netherlands.

225-102-1 of the French Commercial Code, was already partially aligned with the reporting requirements of the 2014 EU Directive.

It is important to note that the author, while supporting French-led initiatives, also critically analysed the work conducted by the EU. The European Union has taken significant steps to promote Corporate Social Responsibility (CSR), including urging companies to report on their social and environmental impacts, adopting a Directive on Non-Financial Reporting in 2014, and establishing a Multi-Stakeholder Forum for dialogue and best practices (Wagner, 2018, p. 658-662). The double joint work is noted in making uniform standards that guarantee greater promotion of human rights in business by the obligation to carry out reports that encompasses the corporate social responsibility. At the same time, the literature has analysed this aligned with the approach of the member states, and France stood out for its pioneering.

On this basis, when it came to enforcing mandatory corporate social responsibility in the public sector, Wolniak and Hąbek (2013, p. 93) argue that France set a precedent. According to them, the tradition of CSR reporting in France dates back to 1970 when French enterprises employing more than 300 people were mandated by the French president to provide social balances, which are detailed reports that include more than 1,000 indicators pertaining to the social effect of the companies' activities. From this came the other initiatives already mentioned.

In this sense, the literature shows the bloc's effort to promote policies and laws that guarantee greater protection of human rights in the business environment by promoting mechanisms such as sustainability reporting. In an aligned manner, the member states also sought greater action in the area at a national level. France stands out for developing pioneering legislation. The Non-Financial Reporting Directive is a good example to be analysed, as it precedes the Corporate Sustainability Reporting Directive, which recently came into force, and therefore provides a good overview and studies in the area, which serve as a good thermometer, supporting this research as there is a lack of further research – gap – directly related to the CSRD (2022) due to its recentness.

CHAPTER 3: THEORETICAL APPROACH

This Chapter aims to structure the theoretical framework that will support the present research. First, it is necessary to understand the idea of global governance to analyse at the European Union level. On this basis, the European Union Governance is the theoretical approach chosen for this research as it aims to see the impact of the block in the development of a sustainable agenda with a focus on the human rights perspective.

3.1. GLOBAL GOVERNANCE

In the mid-20th century, transnationalism or neoliberal theory emerged to criticise the current regime centred on the state figure defended by the realists (Hurtado, 2010, p. 12). In this scenario, the founders of the complex interdependence in international relations and international political economy theory, Keohane and Nye, tried to address the challenges of the growing transnational flows, conceptualising the idea of global governance as "*the processes and institutions, both formal and informal, that guide and restrain the collective activities of a group.*" (Keohane and Nye, 2000, p. 12). In addition, they included non-actors, such as "private firms, associations of firms, NGOs and associations of NGOs", in the agenda (Keohane and Nye, 2000, p. 12).

In this way, transnationalism aims to have a broader analysis of international relations than the one argued by the statists, considering that transnational and transgovernmental relations would compete with interstate relations. The blurring of the traditional notion of national boundaries, came in the moment of emergence of new networks with a more impactful acting of non-state actors in the global agenda. Moreover, from this perspective the idea of a relationship of mutual dependency emerges.

The concept of "global" has come to denote the new transnational world order and relations that extend beyond the traditional state actors who have dominated international relations since the mid-20th century. In a similar vein, the terminology "governance" refers to both "horizontal (non-hierarchical)" and "vertical (hierarchical)" interactions and networking

between public and private players. In addition to states, there is the action of non-state actors in the international scenario (Triandafyllidou, 2017, p. 4).

Thus, at the global level, governance involves non-state actors, like non-governmental organisations (NGOs), multinational corporations, citizens' movements, the global capital market, etc. It comprised a process resulting from the emergence of an interconnected global system, in which States ceased to be the only relevant international actors. Taking as a starting point the theory and concept of Global Governance, the present work will address and focus on Governance at the European Union level.

3.2. EUROPEAN UNION GOVERNANCE AS A CONCEPT

Discussing Governance at the European Union level is a challenge, starting with the definition. Thomas Christiansen (2012, p. 104) stated that the concept is broad as it addresses diverse views and applications, having as a convergence point between most authors “the role of non-hierarchical networks; regulation rather than redistribution in policy-making; and the use of new instruments and procedures”. In this way, the definition given by Rhodes (1996, p. 652) could be used as a good example as it defines the term as a “self-organising, inter-organisational networks [which] complement markets and hierarchies as governing structures for authoritatively allocating resources and exercising control and coordination”.

Considering this challenge, Christiansen (2012, p. 105) brings three approaches to distinguish the diverse forms to address this concept: (i) “the multilevel governance approach”, (ii) “the new governance approach (or agenda)”; (iii) “the study of new modes of governance”. The first is a reaction to liberal intergovernmentalism's hegemony in the 1990s, highlighting how diverse actors from diverse territorial levels can have an impact on how EU policy is made, engaging in the region's role in EU policy. The multilevel governance approach is relevant to the goal-setting and usage stages of the EU policy views, and in addition to the EU policy-making analyses, the multilevel governance approach also has an in-depth study of the changes and constitutive politics in the EU governance (Christiansen, 2012, p. 107-108).

The second approach sees the European Union as a “regulatory state”, recognizing the new role of the state in a neoliberal society and the importance of the EU in the change “from redistributive to regulatory politics in Europe”. Under this perspective, there is the defence of the independence of institutions from politics, justified to give the “best solutions to a given regulatory problem”. In this way, following the Pareto-optimal outcome, independent agencies are the ones that can do the work objectively, without political interference (Christiansen, 2012, p. 108-110).

Nonetheless, the last one focuses on the usage of soft law mechanisms at the European level to make policies (Christiansen, 2012, p. 105). In that manner, if regulatory decisions need democratic legislation, it can be done by deliberative mechanisms. However, it is pointed out that there are limitations on these opportunities, for example, some civil society organisations are dependent on the European Commission’s financial support, compromising their work (Christiansen, 2012, p. 112).

To conclude, it’s crucial to highlight that the “governance shift” happened after the Maastricht Treaty with a more intense integration process. Additionally, scholars began to analyse “the role of non-hierarchical networks in the policy process”, pointing to the change from the state-centre paradigm. As follows, the broader idea of governance made it very challenging to have a single concept. Overall, many normative questions appear especially in relation to the democratic legitimacy of the EU governance approach (Christiansen, 2012, p. 112).

On such a wise, the theoretical approach neither aims to give a close concept of EU governance nor debates the democratic legitimacy of the European Union. Alternatively, having as a premise that the concept of EU governance lacks a common point, the present work intends to consider the points of convergence as illustrated above, focusing on the “governance shift” from a more integrated Europe and the influence of horizontal networks in the process with the emergence of non-state actors influencing in the processes. From this basis, the main aspect will be analyses in the following session.

3.3. EUROPEAN UNION GOVERNANCE APPROACH

In terms of global governance, the European Union (EU) is an odd component because it is "more than an international organisation, but less than a state" (Wallace, 1983 from Christiansen, 2017, p. 210). As previously stated, with a more integrated process changes in the interstate relations in the European Union, in which the legal dimension plays an essential role as the "cooperation between the states in Europe is based on a treaty, and that the original treaties have created institutions that themselves are generating law, rules, and norms on a daily basis" (Christiansen, 2017, p. 211).

In this way, there is a bicameral legislature with the European Parliament and the Council of the EU, producing binding legislation that will impact member states, corporations, civil society, and citizens. In addition, the Court of Justice of the EU, which is independent of the states to judge impartially, shows the capacity of the EU to develop its own human rights law, transforming it into something more than just a collection of sovereign states. Thus, the "integration by law" comes as a result of the law-making in the European Union, in other words, a substantial body of Union legislation has been built up throughout time. From this perspective, it is possible to question the power of the states, but in fact, they are still the main actors in this process (Christiansen, 2017, p. 211).

Following Christiansen's ideas, the legal dimension plays an essential role in this integration process, in which emerges a new normative structure. According to the author, there are two pillars underpinning European governance through an integrated legal system: (i) "the independent power of supranational institutions" and (ii) the "culture of compromise" between states (Christiansen, 2017, p. 212-213).

The first one is related to the legitimacy that enables a degree of independence from the member states, and "the nature of the EU as a rule-bound polity in which the member states' freedom of manoeuvre is checked by the presence of a legal framework". The second one is not related a "less powerful" states, as they still influence the decisions, but makes it possible to see that "EU member states, including the larger and more powerful ones, have

lost the capacity to act unilaterally, or to single-handedly prevent the Union from taking certain actions or decisions" (Christiansen, 2017, p. 212-213).

The culture of compromise transformed States in the EU, as the initiatives and policies of the European Union influence at the national level in a process called "Europeanization". As follows, without barriers to trade, different stakeholders have modified their methods to a pan-European process of decision-making in which they need to engage in the EU's institutional machinery (Christiansen, 2017, p. 215).

Even with all its regulatory power and legal personality, the European Union is not a state. However, this does not weaken its power at the international level, in fact, the EU is an important player in global governance, especially considering the tension between its power of influence and its limitations (Christiansen, 2017, p. 2016-223). As this research will not go deep into the aspects of the EU's external impact, but rather analyse the role of the EU vis-a-vis its member states, there is no need to open the debate regarding the dimensions of the EU as a multilateral player.

From this perspective, the legal discourse is a key element in the European Union governance, but it is necessary to have a broader view and see that market forces have significantly impacted how much control nations once had over the administration of their territory and have contributed to the evolution of national economies and cultures (Christiansen, 2017, p. 215). In this scenario, it is necessary to analyse the emergence of non-state actors, who begin to influence decision-making.

Later, Christiansen discusses some scenarios of the EU's role in global governance. In the EU as an "experimental laboratory", the author argued that the European Union can serve as a laboratory to analyse new forms of policymaking and the performance can be a reference for other regional and international institutions. When analysing the EU as the "world's gated communities", Christiansen brought the idea of "being protected from the rest of the world", using migration as an example (Christiansen, 2017, p. 224-227).

The last one and more interesting for this research, projects the EU as a "museum of cultural heritage". Given its dependence on exports and its close ties to international markets, the EU is forced to compromise on some of its core ideals in order to remain competitive. A "race to the bottom" in the Single Market has been exacerbated by the integration process,

generating concerns that social and environmental norms may be in danger. These worries have since been replaced by an understanding that the EU can play a part in safeguarding some basic standards and, in fact, improving the rights of its people (Christiansen, 2017, p. 227-228).

In this way, the theoretical approach in the present work aims to analyse the legal dimension but with the notion that the EU governance goes beyond that, in order to develop research that encompasses the multiplicity of actors and challenges in business that now encompass the dimension of human rights as it will be explained in the next point.

3.4. THEORETICAL PREPOSITIONS

The concepts of "global governance" and "EU governance" are important to be discussed to work on the theoretical prepositions, even though challenges are encountered in conceptualising such broad terms. It is necessary to point out that in this analysis there are new actors, non-state players, who start to gain prominence. In this way, there is a "governance shift" from a more integrated Europe that shows "the role of non-hierarchical networks in the policy process" (Christiansen, 2012, p. 104) with the emergence of non-state actors influencing the arena. Having this as a starting point, through a non-hierarchical view of relationships, it is possible to bring the following theoretical propositions:

1. The legal dimension is a result of "the independent power of supranational institutions" and the "culture of compromise" between states (Christiansen, 2017, p. 212-213).

The literature review shows the work of the EU and some member states in corporate social responsibility focusing on sustainability reports. France is being used as a focal case considering their lead position inside the block in the business and human rights agenda. On such a wise, a joint response is directly connected with the first theoretical proposition as the legal framework has a key impact on the integration process by supranational institutions. This preposition helps to answer: **"How does the French initiative on corporate responsibility resonate at the European Union level?"** and brings a reflection on the capacity of EU member states to act unilaterally (Christiansen, 2017, p. 212-213), and go further to push the work in the block. Ahead of the legal framework, the present research will

give the necessary dimension to have a broader view and see that market forces have significantly impacted how much control nations once had over the administration of their territory and have contributed to the evolution of national economies and cultures (Christiansen, 2017, p. 215). This perspective is necessary to contextualise the scenario in France and the EU to see the impact of market forces on the legal documents under analysis.

2. EU as a "museum of cultural heritage", analyses if the EU can play a part in safeguarding some basic standards and, in fact, improving the rights of its people (Christiansen, 2017, p. 227-228).

The second research question: **"What perspectives does the EU governance agenda report on sustainability and due diligence processes in human rights bring to the member states?"** is linked with the idea of the EU as a "museum of cultural heritage". The intention is to evaluate if the European Union is safeguarding some basic standards and is improving the rights of its people (Christiansen, 2017, p. 227-228). In other words, the idea is to analyse how one initiative – the Corporate Suitability Reporting Directive – has a direct impact in twenty-seven countries to hold corporations accountable, as the legal document concretely comes to ensure greater protection of human rights in business in all member countries.

CHAPTER 4: METHODOLOGY, METHODS, AND DATA

In this Chapter, the methodology of the research is presented, starting with the research design, and the explanation of the link between the theoretical propositions and the data. Subsequently, the data are listed, and the method chosen for the data collection is explained in conjunction with the analyses. Finally, the limitations and possible ethical implications are addressed.

4.1. RESEARCH DESIGN

This research aims to analyse the role of the EU with the emergence of a binding regulation on business and human rights: the Corporate Sustainability Reporting Directive taking the France approach as a parameter crystalized in the “Duty of Vigilance” (*Loi de Vigilance*) from 2017. As discussed in the Introduction, at the European Union level, a few member states have introduced mandatory due diligence frameworks and France was the first one to legislate in the matter. Considering this scenario, the present study will focus on the CSRD at the EU level and the French approach in the agenda on Business and Human Rights, especially inside the block.

Along these lines, this research will adopt a qualitative case study design following the guidelines outlined by Robert K. Yin in the book "Case Study Research and Applications – Design and Methods". The goal of Yin's (2014, p. 16) proposal is to present the fundamental idea of case study research as an empirical approach. He emphasises that this method is especially suitable for examining intricate social phenomena in the context of their real-world surroundings. For a comprehensive perception, the process entails a thorough investigation of one or more scenarios.

Focusing on a single country allows for a deeper comprehension of the particular context that may be lost when comparing several situations, particularly in light of the past background that offers a distinctive viewpoint on the relationship between the EU and its member states through the example of France. Examining a single case such as France makes

it possible to take into account the particular contextual elements that possibly influence the strategy at the EU level.

The compass of a case study, according to Yin (2014, p. 11), is its research questions. All phases of the research process are governed by precisely, well-defined research questions. In this way, academics should create research questions that support their goals and seek to investigate and clarify the particular topic that is under examination.

A political analysis is also necessary to answer the first research question: **"How does the French initiative on corporate responsibility resonate at the European Union level?"**. In fact, it is important to contextualise the emergence of the *Loi de Vigilance* to understand the urgency of France to create a binding mechanism that obligates the business to prevent human rights abuses. In the same way, it is relevant to contextualise the scenario at the European level to understand the joint approach considering a possible French impact in the block, using political bias as a lens for reflection.

For a comprehensive understanding, some legislation will be analysed without losing the political scenario around the initiative in the legal arena. To clarify, this research focuses on two legal documents, the "Duty of Vigilance" and the Corporate Sustainability Reporting Directive, but to have an in-depth study it will be necessary to study the legislative progress in the French and European contexts. Thus, the legal framework also plays a substantial role. In addition to answering: **"What perspectives does the EU governance agenda report on sustainability and due diligence processes in human rights bring to the member states?"**, it is necessary to analyse the CSRD (2022) and its scope.

4.2. THE THEORETICAL PROPOSITIONS AND THE DATA

The theoretical approach focuses on European Union governance and the research questions put the propositions at stake, especially considering the leading case of France. This research focuses on the sustainable reporting legislation and contexts in the European Union and France. As stated in Chapter 3, in order to not limit the research to the legal framework other documents, in addition to the legislation, will be studied following the list in

the session about data sources. In this way, this research is adopting a qualitative case study design focusing on the analysis of documents, especially legislation and policy documents.

It is important to frame that a case study can be done also with quantitative sources, in addition to qualitative data, when relevant to the research, and it can include both single and multiple-case studies (Yin, 2014, p. 18-19). This is a single case study using only qualitative data, as quantitative data is not applicable for the purposes of the analyses that focus on the tensions between the EU and the member states, addressing the case of France specifically due to their lead position in the Business and Human Rights agenda.

Yin (2014) also states that cases should be chosen with a specific purpose and according to a number of characteristics, such as their applicability to the subject of study considering the research questions, variety to help with understanding and accessibility for data collection. For the research to be consistent and clear, cases must be defined in a clear way. In these lines, the purpose of case study protocols, according to the Yin, (2014, p. 16-17), is to give researchers a well-organised framework for carrying out their case studies. These protocols lay out the research questions, approaches, and procedures to keep it on track and systematic. To keep working along these recommendations, the procedure is explained in the "method of analysis".

In relation to the data, Yin (2014, p. 121-122) brings four principles. Firstly, the concept of triangulation, in his view, strengthens the construct validity of your case study by creating convergent evidence. The many evidence sources simply offer different measurements of the same phenomenon, and different types of case studies may focus on diverse aspects of the same phenomenon. To begin with, the phenomena of interest may relate to a behavioural or social occurrence in numerous case studies, with the converged finding implying a single reality. The trust that the case study accurately depicted the incident would rise as a result of the use of evidence from various sources. In other words, triangulation is the theory that using several data sources or methods can increase the credibility and dependability of the research findings. Cross-verifying data from many perspectives allows researchers to increase the reliability of their findings. This study will use a considerable amount of sources to validate the results and show across time the EU-France's relation to link with the "tension" proposed in the theoretical approach.

Secondly, Yin (2014, p. 123) advises researchers to arrange and keep track of a systematic database of all gathered data to ensure transparency in the research process. Thirdly, in order to establish the validation of findings, establishing a chain of evidence principle calls for thorough documentation of the whole research process. The procedures used to gather, prepare, and analyse data should be documented by researchers. The validity of the research is improved, and the reliability of the research may be evaluated by others when the chain of evidence is transparent and traceable (Yin, 2014, p. 127-128). Finally, Yin (2014, p. 129) advises taking care when using electronic sources, even though, in some case studies, your actual investigation topic might be an electronic source. To guarantee the quality of the research, these principles were taken into account when the data was collected and organised.

Along these lines, this dissertation focuses on the case of France in the European Union context and makes use of qualitative analysis by examining documentation such as legislations and policy documents at the national (France) and the international (European Union) levels. The theoretical approach is directly related to the data as the Corporate Sustainability Reporting Directive is an expression of the progress of European Union governance in the area of Business and Human Rights for a more integrated Europe, as well the Duty of Vigilance is an expression of the French leading initiative in the area.

The most complex aspect is the relation of member states and supranational power and the analysis of this tension interlinking the data with the theoretical approach. Furthermore, the leading case of France and the necessity to study the data of the country represents an essential connection with the first proposition, which brings the idea of Europeanization, being the European Union's influence at the national level, although it is necessary to analyse the process in both ways, as France is being shown in this scenario.

4.3. DATA SOURCES

The selection of data for the dissertation is essential to creating an extensive and well supported research study, especially when the case study focuses on the evolution of Corporate Social Responsibility in the EU and France. The chosen data sources you indicated fulfil several crucial roles in the study:

4.3.1. PRIMARY DATA

4.3.1.1. Documents of the European Union

- Directives 2014/24/EU and 2014/25/EU.
- European Resolution on Corporate Social Responsibility within the European Union.
- EU Non-financial Reporting Directive.
- Corporate Sustainability Reporting Directive.

By examining the CSRD (2022), it is possible to draw attention to the EU's strategy for improving corporate social responsibility by ensuring sustainability reports including due diligence processes, which is crucial for comprehending the larger EU framework. The other sources are used more in a comparative way with the national mechanisms in France.

4.3.1.2. Documents of France

- Code of Public Procurement.
- Grenelle II Law.
- Commercial Code.
- Law relative to new economic regulations.
- "Duty of Vigilance" (*Loi de Vigilance*).
- Policy document: France Strategy.

These documents were chosen considering their importance to see the decisions and variety of corporate accountability tools implemented in France, especially the ones that led to the formulation of the Duty of Vigilance law. They are also analysed in a comparative way with the progression of the EU legislation.

4.3.2. SECONDARY DATA

The master's thesis dissertation about "The French Attempt to Legalise Human Rights Due Diligence: Is France leading the European Union in Business and Human Rights?" was written by Vanina Eckert and supervised by Radu Mares. In Eckert's research, it is possible to analyse France's leading position in the human rights due diligence agenda at the European Union level.

While looking for data related to the topic, I found this thesis dissertation also analysing the leading case of France in the European Union context. Considering the research presented in this dissertation, it examined the data and findings from the original study. I selected the data as a foundation for comparison since it supports the goals of my research. In this way, in order to have a deeper analysis and a bit different emphasis, it is important to use a previous in-depth study in the area to have more background information.

4.3.3. DATA MANAGEMENT

As some of the documents are available in French, it will be necessary to translate it. The original quotes are exposed in the footnotes. Considering that the dissertation is written in English, it will be given priority to documents available in the language or to official translations found online. Furthermore, as I have a good understanding of French I am able to read and translate documents for the purpose of this research.

4.4. METHOD OF ANALYSES

Yin (2014, p. 133, 136) emphasises the importance of an analytical strategy as a critical stage in analysing case study material. For him, the ideal preparation for carrying out case study analysis is to have a general analytic strategy. The analytical strategy's goal is to connect case study data to interesting concepts and provide the data analysis process some direction.

There are four broad approaches to case study data analysis outlined by Yin (2014, p. 136-142). The first one is to **rely on theoretical propositions**. Such assertions, which in turn reflected a set of research questions, evaluations of the literature, and new hypotheses or propositions, probably served as the foundation for the case study's initial goals and design.

Another approach is to **build the data from the ground up**, starting with the data and working your way up to the concepts that are interesting to the research. This one works well when the case study's theoretical foundation is unclear. The third option is **developing detailed descriptions of the case study** including its context, history, and important stakeholders. This is a good possibility for a case study that is intricate and multifaceted. The last strategy, which is helpful when there are several viable interpretations for the data, is to **compare competing explanations** by taking into account alternate explanations for the case study findings. The below better explain the four approaches:

To assist researchers in making sense of their data and obtaining insightful conclusions, Yin (2014, p. 143-168) presents five strategies, as follows briefly explained.

Table 1. Yin's five strategies

Strategy	Applicability
Pattern matching	To test hypotheses and verify theories, pattern matching entails comparing observed patterns of evidence with projected patterns based on a theoretical framework.
Explanation building	Technique for gaining fresh perspectives and comprehending difficult phenomena that entails creating explanations for the case study findings based on the data.
Time-series analysis	To understand how events and processes develop over time, time-series analysis examines changes in the case study across time.
Logic models	It helps to comprehend the causal linkages between variables by creating a visual picture of the case study's inputs, processes, and outcomes.
Cross-case synthesis	Strategy for creating generalisations and hypotheses that apply to a variety of circumstances by comparing and contrasting several case studies to find common themes and patterns.

Source: Yin (2014, p. 143-168).

The author brings the possibility of combining different approaches as well as strategies, or creating your own, being also possible to use different methods. Considering the complexity of working in a case study, and the dimensions of this dissertation, I chose to only use the **case study methodology** and to compile two approaches and one strategy.

This work is based on the **theoretical approach**, but only the theory is not enough to provide an answer to the case, the theoretical approach will be used to analyse the tension between the EU-member state (in this case France) in the Business and Human Rights agenda, focusing in the most recent legislation: the CSRD (2022). But it is necessary to **describe the case study** including its context, history, and important stakeholders, to have a clear scenario of the phenomenon.

The strategy chosen is the **Explanation-Building strategy** as it can interlink both approaches to case study data analysis but focusing more on the analyses of data to produce the findings. Yin (2014, p. 147) says that the purpose of this strategy "is not to conclude a study but to develop ideas for further study". The agenda on business with human rights lenses is quite new, especially the idea of sustainability reports as a way to ensure corporate responsibility. In this way, this dissertation hopes to contribute to fostering study in the area. Additionally, the author (Yin, 2014, p. 148-149) also exemplifies that "the causal links may reflect critical insights into public policy process or into social science theory", and continues saying that "the public policy propositions, if correct, could lead to recommendations for future policy actions". This work is precisely analysing a phenomenon that resulted in a legislation, and to answer the research questions, it is necessary to rely on the theoretical propositions and build an explanation through the data collected.

A case study with content analysis enables investigation through the analysis and interpretation of information drawn from a variety of sources. This method is effective for revealing nuanced and contextually significant findings, because it combines the qualitative depth of a case study, which allows a thorough understanding of a specific phenomenon within its real-world context, with the systematic examination of content to identify patterns, themes, and insights.

The **focus on documents** and the fact that there is not a specific method prescriptive by the theoretical approach – European governance, I chose to focus on the **qualitative analyses of ideas and ideological content**[9]. This method will be used to "identify, interpret, describe and analyse" (Lindberg, 2017, p. 88) the assumption intrinsic in the debate about

[9] An important disclaimer is related to the use of the words "ideas" and "ideology" as synonyms by the author. Considering the way in which the method is prescribed and the fact that a possible differentiation made by me could bring interference in the methodology, and consequently in the result of the research, the present work will start from the same assumptions as the author and will use the words "idea" and "ideology" as synonyms and will not consider possible divergences.

human rights due diligence that should be presented in the sustainability reports at the European Union level, having France as the start point. Taking into consideration the five[10] forms of analyses in the study of ideas, this work will use the normative suggestions. The focus is on a specific policy area and the study will break into normative suggestions (Lindberg, 2017, p. 98) on a more desirable policy.

As said by Boréus and Bergström (2017, p. 2) it is hard to imagine the study of governments and / or any social phenomena without the analyses of texts. Following the authors' idea, to analyse the text is to study the 'empirical' domain (Bhaskar, 1978/2008, as cited in Boréus and Bergström, 2017, p. 3), and in the present case, it is to get the mechanisms that affect the European governance that can the found in the 'real' domain (Boréus and Bergström, 2017, p. 3).

It is necessary to explain the analysis model and how it fits with the research. The formal model of analyses is called a triadic combination the V-D-P, in which the V is the "value premise", the D is the "descriptive premise", and the P is the "practical conclusion". This triadic is combined in a sequence of "practical reasoning", in other words, the nuclear idea of content is the notion of a "practical reasoning". (Lindberg, 2017, p. 98-100).

In relation to the first component, it is important to differentiate "value" from "goal". In the idea system there are two principal tiers of thought: the fundamental and the operative level. While a value there is no "define endpoint", a goal has a "specified end-state" that can be achieved. The same idea perpetrates the descriptions, as the fundamental level is related to "philosophical, ideological or religious" ideas, and the operative level is connected to "practical issues, problems or possibilities" (Lindberg, 2017, p. 105-106). From this perspective, it is possible to combine both systems: the V-D-P and the G-D-P triads, to discover the six ideas or to clarify and complete the idea system. (Lindberg, 2017, p. 107). The present research will not enlarge the debate to a "specified end-state", but focus on the "define endpoint". From this V-D-P triad, the analyses will be divided in three parts following the methodology, as it is presented in the board bellow:

[10] Five forms of analyses in the study of ideas: (i) idea analysis, (ii) idea criticism, (iii) normative suggestions, (iv) historical and empirical studies, (v) ideology critique (Lindberg, 2017, p. 95).

Table 2. Applying the method in the study

Chapter	Research question	V-D-P	Method of analyses
Chapter 5	How does the French initiative on corporate responsibility resonate at the European Union level?	**Value:** The development of mechanisms to prevent human rights abuses from corporations, considering the progress of the idea that corporations have a social duty to impact positively to society and that governance procedures are essential to accomplishing these goals.	Analyse the legislation and political debate in France until achieve the discussion and impact at the European Union level.
Chapter 6	What perspectives the new EU governance agenda on sustainability reports and due diligence processes in human rights bring to the member states?	**Description:** Present the Corporate Sustainability Reporting Directive as a joint approach to ensure the protection of human rights, considering the limitations of national mechanisms in an area that has impact internationally due to the nature of the business.	It will present the Corporate Sustainability Reporting Directive as a joint approach to ensure the protection of human rights, considering the limitations of national mechanisms in an area that has impact internationally due to the nature of the business.
Chapters 7 and 8	As Chapter 7 is the conclusion followed by recommendations, it addresses both questions.	**Prescriptive:** Considering the nature of multinational business, a supranational approach is the best call to ensure the full protection of human rights. Only national mechanisms are insufficient to guarantee human rights on business, but in the same way the national level influences international (European in this case).	The conclusion followed by recommendations aims to present the practical conclusion, the prescriptions.

Source: Author's elaboration.

This model offers an organised framework for analysis, guaranteeing that the study is based on goals and principles. It also offers significant and useful insights into the governance response to corporate responsibility in the EU, with particular attention to the French situation. These procedures will make it feasible to answer the research questions in an adequate and effective manner.

4.5. ETHICS

I do not have any personal relation to this study, and I did not collect any confidential information, or personal data. Considering ethics, I emphasise that I only collect documents available to the public with no need for informed consent. In addition, I do not have any personal relation to the subject.

CHAPTER 5: FINDINGS – FRENCH INITIATIVE ON CORPORATE RESPONSIBILITY

The findings are divided in two parts following the research questions. This Chapter brings the first part by answering the first research question: **"How does the French initiative on corporate responsibility resonate at the European Union level?"** with the analyses of the data using the explanation-building strategy and the analysis of documents. This approach helps to gain fresh perspectives and understand the nuances of EU-France relation, in addition to allowing to delve into the details of the case, including the context, history, and important stakeholders involved with the examination of documents.

5.1. FRANCE: A "MODEL OF GOOD PRACTICE"

To study the French approach, it is necessary to contextualise the international scenario. In 2011 many initiatives started to appear in the Business and Human Rights agenda, such as the United Nations Global Compact and the United Nations Guiding Principles on Business and Human Rights (UNGPs). Following these ideas, in 2014 the UN Human Rights Council created an intergovernmental group to create the first international hard law instrument in the area. Bose (2023, p. 29) when drafted the "French picture" which started from the 2014 vote in opposition to the resolution setting the intergovernmental working group, and the later legislative proposal on the Duty to Vigilance in 2015 to contextualise the fact that France was the first country to have a national mandatory human rights due diligence law.

To better explain, according to the author (Bose, 2023, p. 29-30), the French leading attitude in the agenda could be framed as a result of their position in favour of national legal initiatives in opposition to the 2014 treaty-making process. Bose (2023, p. 30) goes deeper into the "behind the scenes" of the French legislation and shows the other side of the coin: the

conversion of this approach to a neo-colonial instrument[11]. It is valuable to have this disclaimer to not put France as the vital centre of human rights, but as it goes beyond the scope of this study. For this reason, this other perspective will not be an object of review.

According to the literature, the French starting point is from a moment before the proposition of the Duty of Vigilance Law in 2017, and there are some examples that illustrate the country's leading position regarding EU directives or proposals on corporate responsibility. The first one is related to **Directives 2014/24/EU** and **2014/25/EU**, which are committed to guaranteeing that social and environmental factors are taken into account throughout public procurement processes as common societal goals, and one of the key points is to ensure that the Member States have procedures to make economic operators observe labour, social and environmental criteria when executing a public contract (Eckert, 2016, p. 59).

It is important to note that, when analysing these Directives with the former Code of Public Procurement it is possible to notice that the majority of the EU requirements were already in place under French law, and the EU's new regulations came to encompass new issues including "outsourcing and social dumping". After implementing outstanding public procurement policies, France became a "model of good practice" and served as a trailblazer in the creation of a Directive on non-financial reporting as it will be analysed in the next subsections (Eckert, 2016, p. 60-61).

It is possible to see that the legal framework plays a pivotal role in the integration process, as it requires that all member states comply with the established laws, and it prompts reflection on the ability of EU member states to independently take action. On the other hand, the data analysed shows France's initiative as a "model of good practice". That's the start point of the research to see the development of mechanisms to prevent human rights abuses from corporations, pointed out as a value found in both documents at the national (France) and international (EU) levels.

[11] According to Bose (2023, p. 42) the other side of the coin shows "the motivation for the law – it was to universalise French values to assist the helpless Global South peoples unable to enjoy their human rights on par with the French".

5.2. THE FRENCH ADVANCE IN CORPORATE RESPONSIBILITY

The French Parliament passed various regulations in 2001 to promote corporate social responsibility within the private sector. One of these Acts, the Law on New Economic Regulations required listed corporations to submit information in their annual report regarding the steps they had taken to account for the environmental and social effects of their operations. As pointed out by the *Ministère des Affaires Étrangères*[12] in France (2012, p. 4), these standards were created primarily to provide shareholders with security through transparency. Also, it was a significant shift because it improved how stakeholders, including rating agencies, could evaluate a company's performance. There is the growthing idea that corporations have a social duty to impact positively to society and that governance procedures (value) as shown in the policy document.

In the same direction, later, in 2015 European Resolution, named the “Résolution Européenne relative à la responsabilité sociétale des entreprises au sein de l’Union européenne”[13], re-emphasized French’s leading role in relation to corporate social responsibility by using the "Law on New Economic Regulations"[14] as an example, as this instrument incorporated the new non-financial reporting obligations (France, 2015).

In other words, the French National Assembly pondered their call for a harmonisation of CSR at the EU level, taking into consideration the joint measures in relation to non-financial reporting and human rights due diligence process and the high necessity to enlarge the limited scope of the previous legislations. Furthermore, the document re-emphases France’s leading role in relation to corporate social responsibility by using law No. 2001-420 of May 15, 2001, relating to new economic regulations, as an example, because this instrument incorporated the new non-financial reporting obligations (France, 2015).

In these lines, the "Loi relative aux nouvelles régulations économiques" in French (formally "Law relative to new economic regulations") implemented a number of measures to control economic activity in the national territory. In addition to bringing new

[12] Ministry of Foreign Affairs.
[13] European Resolution on Corporate Social Responsibility within the European Union.
[14] Law No. 2001-420 of May 15, 2001.

non-financial reporting obligations, this legislation advanced in other aspects regarding corporate responsibility, by including included clauses covering corporate governance, consumer protection, and competition. The value presented in the policy document was reemphasized in the legal sphere.

Analysing the French progress in the area, it is possible to see the development of mechanisms to prevent human rights abuses from corporations as a growthing value. In this way, in light of the growing understanding that corporations have a social duty to make constructive contributions to society, the information offered underscores the need of creating protections against corporate breaches of human rights. It emphasises how crucial good governance procedures are to achieving these goals. The content suggests a commitment to corporate social responsibility as well as an understanding of the necessity of governance and regulatory frameworks to guarantee that companies follow more social commitment standards.

5.3. FRENCH INITIATIVE ON NON-FINANCIAL REPORTING AT THE EUROPEAN UNION

In 2007, France made a multi-stakeholder debate on sustainable development involving business organisations, trade unions, NGOs, and academics. The agenda led to the analysis of the scope of the Law on New Economic Regulations from 2001 that was seen as a good advance in French legislation. On the other hand, limitations were also clear: many non-listed corporations, both privately and state-owned, with considerable social and environmental repercussions, were exempt from the regulation and hence did not have to submit reports. In addition, a number of important CSR reporting subjects had been left off the list, some of those that were included were not applicable to all industrial sectors, and several reporting indicators lacked sufficient detail (Ministère des Affaires Etrangéres – France, 2012, p. 4).

The two main results from this forum were the adoption of the Grenelle I Law (2009) and the Grenelle II Law (2010). The second Act is paradigmatic because Article 225 changes Article L225-102-1 of the Commercial Code and implements the obligation to companies release consolidated declarations of non-financial performance, taking into consideration social and environmental risks due to their activities. When comparing documents, it is

possible to see that these ideas can be found in the EU directive on non-financial reporting. As part of the new duty, businesses must now provide information in their annual reports on "how the company takes into account the social and environmental consequences of its activity"[15] (Article L225-102-1).

The EU directive on non-financial reporting in the same line requested that companies covered by the law "include in the management report a non-financial statement containing information to the extent necessary for an understanding of the undertaking's development, performance, position and impact of its activity, relating to, as a minimum, environmental, social and employee matters, respect for human rights, anti-corruption and bribery matters" (Article 19a). Based on the sources (data) analysed, aligned with the literature overview, it is possible to see France's frontrunner approach in terms of promoting sustainability reporting, reinforcing the value.

In this way, France has already discussed the standards of the **EU directive on non-financial reporting** from 2014 in their Parliament before a European initiative (Eckert, 2016, p. 62), under the **Grenelle II Law**[16], in which the government provides the objectives on sustainable development set in the first Act. Thus, the French legislation on corporate responsibility and the rapid updating of the law to adapt to EU directives demonstrate how the French initiative on corporate responsibility resonated for European Union action.

5.4. THE DUTY OF VIGILANCE

The *Loi de Vigilance* (Duty of Vigilance Law), introduced in France in 2017, mandates that major French corporations develop and carry out a vigilance plan to identify and avoid human rights and environmental harm in their activities and supply chains. Even though the law does not outline a specific reporting framework, it does set important guidelines that help businesses fulfil their reporting requirements and has had a significant influence on the discussions and initiatives related to corporate accountability and responsible business conduct at the EU level regarding corporate responsibility, including human rights due diligence.

[15] "présente des informations sur la manière dont la société prend en compte les conséquences sociales et environnementales de son activité" (original in French).
[16] LOI n° 2010-788 du 12 juillet 2010 portant engagement national pour l'environnement.

According to the law, the companies addressed by the legislation "must establish and implement an effective vigilance plan"[17] that "shall include the reasonable vigilance measures to allow for risk identification and for the prevention of severe violations of human rights and fundamental freedoms, serious bodily injury or environmental damage or health risks" [18]resulting from their operations, including through their supply chain (article 1). Along these lines, this was the first instrument to establish a mandatory duty of vigilance becoming a parameter in the business and human rights agenda. For an in-depth analysis, it is necessary to also understand its context and not the legal prescriptions.

In this way, as analysed in the literature in 2011 many initiatives started to appear in the Business and Human Rights agenda, such as the United Nations Global Compact and the United Nations Guiding Principles on Business and Human Rights (UNGPs). In order to help States develop their National Action Plans for the UNGP's implementation, the UN created a working group that developed guidelines. Pursuing this idea, the European Commission and the European Parliament recommended the EU Member States to create National Action Plans for the implementation of the UNGP, whether as independent plans or as part of strategies on CSR that were more comprehensive (Eckert, 2016, p. 5-6).

The country decided to take action to implement the UNGP and developed a corporate social responsibility plan that was communicated to the European Union and later created a "CSR Platform" to engage different stakeholders in the consultation process in 2013. The proposal of the Duty of Vigilance was a combination of two factors: the reaction to the Rana Plaza case, and France aspirations to be in charge of the European Union's agenda in business and human rights in the direction of their humanist ideal (Eckert, 2016, p. 8).

Before continuing, it is necessary to briefly explain the Rana Plaza case, which took ten years. Rana Plaza was an edifice located in Bangladesh that contained many textile factories. On April 24, 2013, the building collapsed killing 1,138 people and injuring thousands more people that became disabled and unable to work again. Labels from well-known European apparel brands that these Bangladeshi subcontractors worked for were discovered in the rubble (Assemblée National, 2015, p. 4). The position of France is also a reaction to the fact that from these corporations involved "eleven of the fifty largest European

[17] "établit et met en œuvre de manière effective un plan de vigilance" (original in French).
[18] "Le plan comporte les mesures de vigilance raisonnable propres à identifier les risques et à prévenir les atteintes graves envers les droits humains et les libertés fondamentales, la santé et la sécurité des personnes ainsi que l'environnement" (original in French).

companies (including Switzerland) are French" [19] (Assemblée National, 2015, p. 10). This displayed the demand for holding companies accountable for their operations on a global basis, including for their social and environmental impacts.

Background offers an overview towards which the decisions, actions, and events in the case study transpire, facilitating a more thorough comprehension. In an interplay analisis with the first theoretical approach the study of the Rana Plaza tragedy and the "Loi de Vigilance" demonstrates how market forces interact with laws meant to protect human rights and corporate accountability. In an effort to lessen the negative effects of these forces and encourage responsible corporate conduct, legal frameworks such as the Duty of Vigilance Law were created in response to the problems presented by market dynamics.

It is important to highlight that when examining the law, there is the establishment of the obligation to publish the vigilance plan for the companies. On the other hand, there are some issues on the enforcement of the law, compromising its effectiveness. The Duty of Vigilance Law (2017, article 2) enforces that "a breach of the obligations", allows the offender to ask for remedy, although there are not specified the possible sanctions within the law itself but would result from civil litigation.

The French Duty of Vigilance Law is another concrete example of how companies may incorporate human rights and environmental issues into their operations and supply networks. As a result, the EU's firms may now use and adhere to best practices and standards, reinforcing the value of focus on preventing human rights abuses by corporations, acknowledging their social duty to positively impact society and the importance of effective governance procedures.

5.5. FRANCE ADVOCATING FOR A MORE SUSTAINABLE EU

The most recent French initiative in the area at the EU level comes from the French Presidency of the Council of the European Union in the first semester of 2022. This refers to the time when France was responsible for leading the Council's sessions and decision-making procedures, and the country had the possibility to influence the EU's agenda and priorities (Ministère de la Culture, n.d.).

[19] "Onze des cinquante plus grosses sociétés européennes (incluant la Suisse) sont françaises" (original text).

In the French Presidency of the Council of the European Union, “Building a Responsible, Sustainable Capitalism” was set as a priority. In this regard, the Presidency set a priority on the Corporate Sustainability Reporting Directive, which can improve corporate transparency in areas like human rights, anti-corruption, and environmental and social issues. According to the French presidency results (French Presidency of the Council of the European Union, 2022), by requiring the disclosure of sustainability reporting in verified and certified documents, it has made more strides toward a greener Europe as it increases the transparency of businesses' environmental and social policy.

Before starting its mandate, the French government had already internally aligned its expectations and work with a focus on a more sustainable Europe that values corporate social responsibility. An example of this is the opinion issued by the France Strategy[20] (2021) on the “CSR, a European issue Contribution to the work of the French Presidency of the Council of the European Union”.

According to this document (France Strategy, 2021), France is a leader in encouraging sustainability reporting in the European Union and a pioneering nation in Corporate Social Responsibility. The France Strategy (2021) asserts that the European Union can rely on the efforts and expertise of its various members, notably France, to infuse European acts with a high level of ambition. The mandated and regulated character of ESG reporting on a European level, which upholds the concept of "double materiality" and the inclusion of all stakeholders in the legislative and normative process, reflects France's leadership in this field. As a result, France has interrelated a relevant influence on how the European Union approaches CSR, notably in the area of reporting on sustainability.

5.6. A FRENCH ANALYSIS

A chain of events led to the development of laws aimed at corporate social responsibility in the French national scenario, while at the same time implying tension at European level with pressure from member states and in particular with France, as can be seen with the analysis of the context, history and important stakeholders, which allows us to

[20] France Strategy, in French France Stratégie, was created by a decree of April 22, 2013, and it is a professional and forward-thinking analysis organisation that publishes studies and analysis notes on significant social, economic, and environmental concerns. It proposes recommendations to the executive power, plans debates, runs consultation activities, and supports the ex-post review of public policies, reporting to the Prime Minister (France Stratégie, n.d.).

have a clear scenario of the phenomenon, as guided by Yin in the use of the case analysis methodology.

Moreover, when aligning the data collected within the context of France with theoretical insights, it becomes evident that the legal framework plays a pivotal role in shaping the integration process of supranational institutions. While national French initiatives are noteworthy, it is the collective European response that ensures unity and adherence among member states. Beyond the legal dimension, the impact of corporations is also significant, as exemplified by the Rana Plaza tragedy involving numerous European companies, including a substantial French presence. This incident prompted heightened scrutiny of public policy processes, ultimately culminating in the establishment of the first law mandating a duty of vigilance.

The value for establishing protections against corporate abuses of human rights stems from the expanding understanding that companies have an obligation to uplift society. It highlights how important good governance practices are to ensuring that companies fulfil their socially and ethically responsible obligations in addition to their financial objectives. The French initiative and the EU's work in Corporate Social Responsibility serve as symbols of this commitment.

Analysing the data aligned with the theory allows us to make an explanation-building strategy to answer the first research question: **“How does the French initiative on corporate responsibility resonate at the European Union level?”** The Duty of Vigilance Law can be seen as a precedent and has highlighted the need for a European joint response. But, as noted, the French approach comes from before the 2017 Law and it has been continuously preceding bloc-level initiatives. The French approach to the duty of vigilance is a parameter as it acted as a catalyst for European Union action on corporate responsibility. This constructive analysis of the arguments based on the in-depth study of the French scenario shows France's innovative efforts underlined the significance of keeping businesses responsible for their deeds, particularly when it comes to issues of human rights and the environment. France's proactive approach encouraged other EU members to take similar action, seeing the necessity for a coordinated strategy to address corporate responsibility at the EU level. As a result, it generated debates and initiatives inside the European Union with the purpose of establishing

uniform guidelines and rules for corporate responsibility and accountability across all of the union's members, as it will be studied in the next Chapter.

CHAPTER 6: FINDINGS – EU GOVERNANCE FOR A SUSTAINABLE DEAL

Following the division of the findings, this Chapter brings the second part of the study by answering the other research question: **"What perspectives does the EU governance agenda report on sustainability and due diligence processes in human rights bring to the member states?"**. This question can also be answered by analysing the data using the explanation-building strategy, taking into consideration the EU Global Governance theory as it focuses more broadly at the EU level with the member states.

6.1. BACKGROUND

The EU approach goes back to 1999 when the European Parliament set the "Resolution to EU standards for European enterprises operating in the developing countries: towards a European Code of Conduct ". It was followed by the development of soft and hard law instruments in the area by the institutions of the European Union (Černič, 2022, p. 4-5), such as the EU Timber Regulation and the Non-Financial Reporting Directive, both from the 2000s, as mentioned in the introduction. Currently, with the influence of instruments developed by the UN and the OECD, the European Union has worked on two initiatives: the Corporate Sustainability Reporting Directive into force and the Corporate Sustainability Due Diligence Directive.

As summarised by Ruggie (2013, p. 118), the European Commission released "A Renewed EU Strategy 2011–2014 for Corporate Social Responsibility" in October 2011, and it leaves "the EU's prior bifurcation of mandatory and voluntary approaches to corporate responsibility" that was before criticised by the author. This policy aimed "risk-based due diligence" for corporations involving their supply chains, based on the updated OECD Guidelines, the UN Guiding Principles, and ISO 26000[21]. Overall, the strategy seeks to persuade businesses to engage in the 2020 strategy's efforts to solve employment and social

[21] ISO 26000: 2010 Guidance on social responsibility.

challenges, which is one way to ensure a way out of the economic crisis (Erkollar and Oberer, 2012, p. 2).

In this scenario, there is the evolution from regulations on specific areas to a broader approach to ensure corporate sustainability and due diligence processes at the EU level including more sectors. As examined in the Literature Overview, under the Non-Financial Reporting Directive (2014), the framework changes from one more inclusive where not only financial reporting is required by law, but non-financial disclosure (NFD) became mandatory as well (Kinderman, 2020, p. 1). The idea was to improve NFD in terms of quality and quantity, as well as change the paradigm by including due diligence processes to put pressure on business to have more sustainable operations (Kinderman, 2020, p. 2). Following this evolution, it is possible to see the interests and roles of different actors while engaging or making opposition to the legislation, in addition to the diverse positions in the member states (Kinderman, 2020, p. 2). As the theoretical approach emphasises there is an impact of market force in the agenda.

In the same year that the NFRD entered into force, the Commission proposed the first EU Regulation focused on motivating EU corporations to adopt responsible sourcing practises with respect to conflict minerals to decrease the funding of armed organisations in conflict-affected and high-risk countries (Voland and Daly, 2018, p. 49). The Conflict Minerals Regulation[22] inspired by the OECD Due Diligence Guidance (Voland and Daly, 2018, p. 55) was published in 2017 creating a Union system for supply chain due diligence ('Union system') in an effort to limit chances for minerals trade[23] evolving armed organisations and security forces, promoting more transparency and trust. The Corporate Sustainability Reporting Directive aims to enhance the Non-Financial Reporting Directive by implementing more extensive reporting requirements that encompass a broader spectrum of stakeholders.

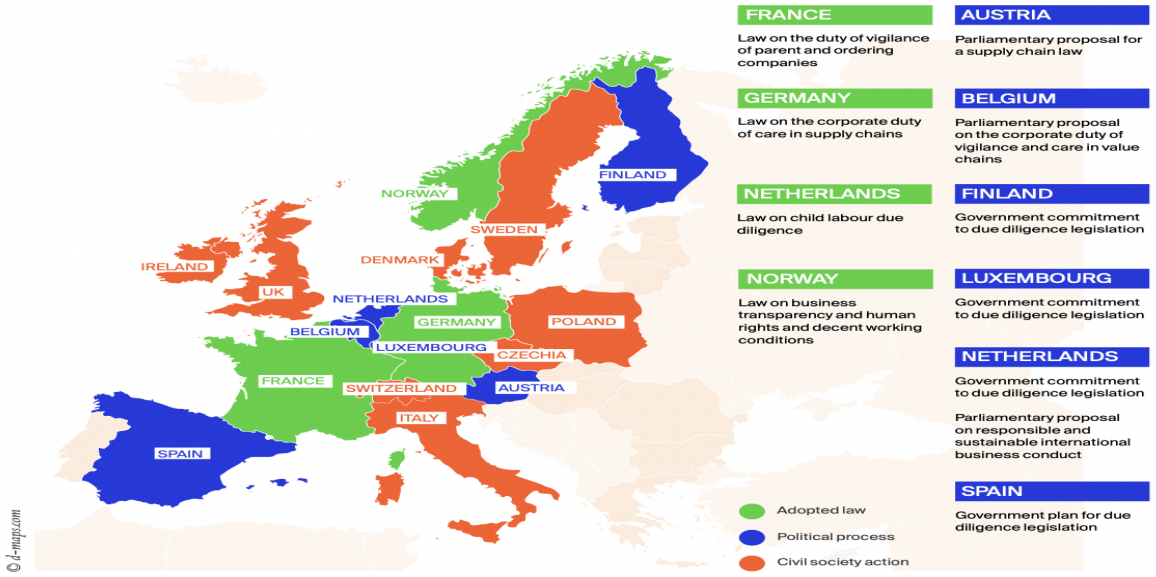
In this way, before the CSRD, the European Union showed efforts to ensure human rights due diligence processes, especially with the NFRD and the Conflict Minerals Regulation that as exposed in the literature have been inspired by the international soft law

[22] Regulation (EU) 2017/821 of the European Parliament and of the Council of 17 May 2017 laying down supply chain due diligence obligations for Union importers of tin, tantalum and tungsten, their ores, and gold originating from conflict-affected and high-risk areas.
[23] The minerals listed in the Regulation: tin, tantalum and tungsten, their ores, and gold.

instruments in the area. It is crucial to also consider the domestic approaches, as they play an important role in the EU policies, for instance France may be the first but not the only one engaging in the agenda. Also, the applicability of the sustainability reports and due diligence mechanisms in human rights still depends on regulations on the national level (Fasciglione, 2016, p. 115).

In addition to the debate in academia, organisations are also producing impressive studies in the area. The map below developed by the European Coalition for Corporate Justice – ECCJ (2022, p. 4) shows at what stage the national processes regarding corporate due diligence and accountability for human rights abuses and environmental damage. Considering that the present work is only focusing on the European Union level, the map serves have an overview of the situation in the 27 (twenty-seven) countries[24] on the block. Only a few member states have adopted legislation on the area, the case of France, Germany, and the Netherlands. Here it is interesting to notice that Austria, Belgium, Finland, Luxembourg, the Netherlands, and Spain have political processes to adopt mechanisms to ensure human rights protection on business.

Figure 1: Mapping the national processes on corporate due diligence and accountability for human rights abuses and environmental damage



[24] Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, and Sweden.

Source: European Coalition for Corporate Justice, 2022, p. 4.

Part of the academia claims that the legislative work and proposals in the area have been done in an attempt to legally hold corporations accountable that fail to take the necessary precautions to proactively identify, mitigate, and redress harmful human rights consequences in their own activities, as well as those of their suppliers or supply chains. Along these lines, the propositions and legislations have the ambition to "turn into 'hard law' the concept of human rights due diligence which was first introduced by the UN Guiding Principles on Business and Human Rights" (Smit, Bright, Pietropaolo, Hughes-Jennett, Hood, 2020, p. 262). In spite of being a soft law mechanism, the UNGPs "have become an authoritative global reference point for business and human rights" and considering these examples – and many others –, it is possible to infer their power to have a particular impact also in a legal angle (Fasciglione, 2016, p. 98).

Considering the above and examining the map there is a clear alignment with the provided prescription: the Corporate Sustainability Reporting Directive is a joint approach to ensure the protection of human rights, considering the limitations of national mechanisms in an area that has impact internationally due to the nature of the business.

The evolution of the Business and Human Rights' agenda, focusing on the European Union level, exposes the challenges of working on supranational strategies for transnational issues. Under this perspective, the European Union, one of the most globally open economies and the largest single market area in the world, is committed to creating a common approach to business and human rights, taking into consideration that free trade among its members and focus to opening world markets were some of its founding principles (European Union, n.d.). This background is fundamental to situate the present study that aims, based on the analysis of the CSRD (2022), to answer the second research question.

6.2. THE CORPORATE SUSTAINABILITY REPORTING DIRECTIVE

The Corporate Sustainability Reporting Directive introduces comprehensive reporting obligations for certain large companies, covering environmental, social, and governance (ESG) issues as well as human rights considerations. The objective is to guarantee that

companies give accurate, pertinent, and comparable information about their sustainability practices and impacts in order to increase transparency and enable stakeholders to make well-informed decisions (CSRD, 2022).

This directive acknowledges the crucial role that businesses play in respecting human rights within their operations and supply chains. It emphasises the importance of companies conducting due diligence to identify, prevent, and mitigate adverse human rights impacts associated with their activities. The CSRD's emphasis on sustainability due diligence aligns with the broader international trend of advancing corporate accountability through proactive measures (CSRD, 2022).

When analysing the document, it is possible to see that large businesses are required by EU law to report annually on their operations as well as how they handle social and environmental concerns (CSRD, 2022, Article 29b). The EU Green Deal goals for 2030 and 2050 are supported by the sustainability reporting standards, which help to direct money towards sustainable businesses and activities (CSRD, 2022).

By analysing the document, it is clear that there is a need to sustainability report be written at the consolidated level of the ultimate third-country undertaking by non-European companies with significant activity in the EU market (net turnover of more than €150 million in the EU at consolidated level) and at least one subsidiary (large or listed) or branch (net turnover of more than €40 million). Accordingly, the third-country undertaking's sustainability report must be published by the EU subsidiary or EU branch (CSRD, 2022).

Additionally, businesses are required to disclose their sustainability-related due diligence procedures and give a "description" of them. This includes identifying the main current or projected negative sustainability impacts on the company's value chain and internal operations, as well as the preventive, mitigating, and corrective measures adopted (CSRD, 2022, Article 19a). In this way, the CSRD's reporting requirements will work in tandem with the EU's proposed Corporate Sustainability Due Diligence Directive, which will impose obligations on companies to perform due diligence and call for them to recognise and stop negative environmental and human rights impacts in their supply chains.

Following the analysis of the document, the criteria for sustainability reporting standards are outlined in Article 29b of the CSRD (2022), which emphasises the need for

high-quality data that is comprehendible, pertinent, verifiable, comparable, and accurately portrayed. By taking into account the efforts of international standard-setting projects for sustainability reporting, these guidelines seek to avoid placing undue administrative costs on enterprises. In regarding the focus of the present work, the standards outline the details that undertakings must disclose regarding governance factors, including the roles of administrative bodies, internal controls, business ethics, political influence, and relationships with stakeholders like customers and suppliers, as well as environmental factors (covering climate change, water resources, and pollution), social and human rights factors (covering equal treatment, working conditions, and respect for human rights), and social and human rights factors.

Due diligence in sustainability reports refers to the method used by enterprises to analyse and control any potential negative effects on sustainability issues. During the due diligence process, possible or real negative effects related to the undertaking's internal operations, value chain, goods and services, commercial relationships, and supply chain are identified, monitored, prevented, mitigated, or remedied. It is intended that sustainability reports will provide details on this due diligence procedure, including its scope and methodology. The reports must also include information on any steps the enterprise took to alleviate these negative effects, together with the results of those steps. By making sure that any possible detrimental effects on sustainability issues are proactively handled and controlled, this emphasis on due diligence indicates a commitment to ethical and sustainable business practices (CSRD, 2022, Article 19a, f).

Despite the advances in the legislation, there are two relevant points of critique when analysing the Directive. As the due diligence processes will be further standardised in the proposal for a Corporate Sustainability Due Diligence Directive, but the sustainability report, should be accompanied by a due diligence procedure, ends up lacking stricter standards caused by the absence of complementary legislation in force. Furthermore, there is no rigour in the Directive in relation to enforcement and penalties, as the approach to addressing violations of the CSRD's requirements remains unclear. The document states that it is up to member states to "ensure that there are effective systems of investigations and sanctions" (CSRD, 2022).

As the Directive must be implemented by member states, there is a reinforcement of the theoretical approach as the legal document concretely comes to ensure greater protection of human rights in business in all member countries. The CSRD (2022) represents a significant stride in the EU's quest to align business practices with human rights considerations. While its implications are still unfolding, its potential to reshape corporate behaviour, enhance transparency, and contribute to responsible business conduct within the EU is evident. As the debate continues, examining the interplay between this directive and the autonomy of member states becomes paramount in understanding the broader dynamics of business and human rights in the EU, in line with the prescriptive preposition.

6.3. PERSPECTIVES ON THE NEW EU GOVERNANCE AGENDA

The introduction of sustainability reporting and due diligence processes for human rights purposes to strengthen corporate accountability inside the European Union. The agenda aims to make corporations more accountable and transparent by compelling them to report on their sustainability policies and perform due diligence on human rights issues in their supplier chains. This might result in better business practices and greater human rights defence. The EU governance agenda seeks to advance the notions of sustainable development across member states by placing a high priority on sustainability reporting. The move to more sustainable business models can be facilitated by the reporting requirements, which can drive corporations to evaluate and publish their environmental, social, and governance (ESG) practices. This could enable the EU to accomplish its social and environmental objectives.

Member states may benefit economically and competitively by implementing sustainability reporting and due diligence procedures in human rights. European businesses may strengthen their brand and draw in investors and consumers who value social responsibility and sustainability. Positioning EU businesses as industry leaders in sustainable development, may promote innovation, propel economic growth, and give them a competitive edge on the global market. It is crucial to remember that the precise specifics, implementation, and enforcement mechanisms put in place by the European Union will affect

the actual effects of the EU governance agenda on sustainability reports and due diligence procedures in human rights.

The EU Governance agenda on corporate social responsibility shows an emphasis in the creation of mechanisms to ensure the protection of human rights on business, mitigating corporations to commit human rights abuses. This is aligned with the second theoretical proposition that places the EU as a “museum of cultural heritage”. The EU's governance agenda, particularly initiatives like the Corporate Sustainability Reporting Directive, demonstrates its commitment to evolving and adapting to contemporary challenges. In order to address urgent concerns like sustainability and human rights in the business realm, it seeks to encourage EU involvement in modernising its regulatory system. The EU's commitment to advancing basic norms, safeguarding human rights, and promoting economic and environmental sustainability is exemplified by this Directive as it reaffirms the EU's position as an innovative and progressive organisation in the rapidly evolving international context of today.

As described in the methodology, this work is precisely analysing a phenomenon that resulted in a legislation, and to answer the research questions, it is necessary to rely on the theoretical propositions and build an explanation through the data collected. In this way, the analysis of the legal document takes into consideration the explanation-building strategy, basing in the theoretical approach, as explained above, and contextualising the case to have a holistic view over the data.

A perspective on the new EU governance agenda also needs to take into account the issues raised by the new Directive. Considering the critique in the previous section, the proposal lacks stricter standards for sustainability reports due to the absence of complementary legislation. Additionally, the directive lacks rigour in enforcement and penalties, leaving member states to ensure effective investigations and sanctions. Although a joint response for its nature impacts more widely, it also demonstrates the difficulties that a supranational approach faces, as it will be up to member states to reinforce the mechanisms to have an effective progress in sustainability reports, guaranteeing greater protection of human rights in the corporate world.

On the other hand, as the Directive has direct impact in twenty-seven countries to hold corporations accountable, the legal document concretely comes to ensure greater protection of human rights in business in all member countries. In addition to this one, the proposal for a Corporate Sustainability Due Diligence Directive (CSDDD) that will introduce a more standardised due diligence process aims to further the EU commitment to ensure corporate social responsibility in the member states. This analysis corroborates the prescription: the Corporate Sustainability Reporting Directive is shown as a joint approach to ensure the protection of human rights, considering the limitations of national mechanisms in an area that has impact internationally due to the nature of the business, and the lack of legislation around the majority of member states.

CHAPTER 7: CONCLUSION

The present study analysed the EU's strategy on corporate responsibility, in relation to sustainability reports and due diligence processes in human rights, focusing on the French initiative position in the area as it was the first member state to legislate in the area. The objective was to examine this tension between the block and the member states using France as a case study.

The literature overview brought the panorama on the advance of the business and human rights framework from the global to the EU level. To analyse the EU relation with its member states, the research focused on studies on the Non-Financial Reporting Directive, as this is the predecessor of the Corporate Sustainability Reporting Directive, representing a significant milestone in the evolution toward mandatory sustainability reporting. The lead position of France was pointed out by the scholars. Considering the aim to see the impact of the European Union in the development of a sustainable agenda with a focus on the human rights perspective, the theoretical framework was the EU global governance.

To structure the research, I decided on a case study approach considering French pioneering in the area. This dissertation aspires to develop ideas for further study on business with human rights lenses, particularly sustainability reports. Following Yin's approach (2014, p. 148-149), "the causal links may reflect critical insights into public policy process or into social science theory", and "the public policy propositions, if correct, could lead to recommendations for future policy actions". As pointed out in the methodology, this work is precisely analysing a phenomenon that resulted in legislation, and to answer the research questions, it is necessary to rely on the theoretical propositions and build an explanation through the data collected. To study this phenomenon, as the data was collected from legal and policy documents, the qualitative analysis of ideas and ideological content was chosen as the method of analysis with the V-D-P approach.

In relation to the first research question, the Duty of Vigilance Law can be seen as a precedent and has highlighted the need for a European joint response. However, as previously discussed, the French strategy predates the 2017 Law and has been continuously preceding bloc-level initiatives. The Duty of vigilance is a model since it served as a spur for corporate

responsibility initiatives inside the European Union. The law contains other restrictions as well, e.g, the diploma does not list potential penalties for corporations that do not carry out with diligence the vigilante plan or commit human rights abuses. This insightful examination of the arguments based on the in-depth research of the French scenario highlights France's creative initiatives and emphasises the need of holding companies accountable for their conduct, especially when it comes to environmental and human rights violations. Other EU nations were prompted to behave similarly by France's proactive stance, as they realised that a concerted approach was required to handle corporate responsibility at the EU level. In this way there is a growthing value that corporations have a social duty to impact positively to society and that governance procedures.

Concerning the second research question, the analysis of the Corporate Sustainability Reporting Directive aligned with the literature and the theoretical proposition helped to inforce the description presented in the methodology. In other words, the Corporate Sustainability Reporting Directive is presented as a joint response to ensure the protection of human rights in the 27 members states, taking into account the limitations of national mechanisms in a field that has an impact internationally due to the nature of the business, in addition to the lack of legislation in the majority of member states. Even though there are limitations and critiques of the legal diploma, the analysis presented in Chapter 6 is supported by the descriptive premise, as it is considered an advance in the area and in a supranational level.

Considering the above, it is important to note that the diplomas that were the main focus of this research – the Duty of Vigilance law and the CSRD – similarly fail to establish sanctions more effectively.

Although France is a pioneer in the area and has a certain influence on the most progressive agenda in the protection of human rights in the business world, considering the nature of multinational business, a supranational approach is the best call to ensure the full protection of human rights. Only national mechanisms are insufficient to guarantee human rights in business, but in the same way the national level influences internationally (European level in this case). Hence, the dissertation concludes with the reinforcement of the prescription. Considering the answer of the research questions and conclusion of this analysis, the present work finalises in the following section with recommendations.

CHAPTER 8: RECOMMENDATIONS

In view of the results of this thesis, I recommend:

- To the French government:

1. Improve the Duty of Vigilance law's enforcement by enacting sanctions for noncompliance.
2. Establish uniform and clear reporting requirements for businesses reporting on their environmental and human rights vigilance procedures.
3. Keep a tack on the progress of companies to check the effectiveness of the law, ensuring independent Audits, and data transparency platforms.

- To the European Union:

1. Promote and guarantee around the EU member states an uniform and consistent reporting requirements set forth in the Corporate Sustainability Reporting Directive.
2. Establish more stringent and standardised penalties at the EU level for failing to comply with the reporting obligations.
3. Encourage member states to work together to exchange information and best practises for observing and implementing the Corporate Sustainability Reporting Directive, in a way to prevent implementation fragmentation.
4. Accelerate the process to approve the proposal of the Corporate Sustainability Due Diligence, as this law will complement the sustainability report by standardising the due diligence process requested in the report.

- To the Academia:

1. Future research may focus on evaluating the Corporate Sustainability Reporting Directive and the Duty of Vigilance by addressing their effectiveness, identify deficiencies, and provide evidence-based suggestions for improvement. It could also focus on more case studies for practical learning.
2. Considering the recentness of the area, it could offer training and capacity-building programmes for professionals involved in the area to provide further knowledge and skills for a successful deployment. In the same line, academia could collaborate with the corporate sector through research partnerships, internships, and information exchange.
3. Take part in advocacy and policy analysis to help shape the creation of stronger and more effective legislation, by engaging in discussions.

BIBLIOGRAPHY

Assemblée Nationale (2015). Assemblée nationale – Entreprises : devoir de vigilance des entreprises donneuses d'ordre. [online] www.assemblee-nationale.fr. Available at: https://www.assemblee-nationale.fr/14/dossiers/devoir_vigilance_entreprises_donneuses_ordre.asp

Bilchitz, D. (2016). The Necessity for a Business and Human Rights Treaty. Business and Human Rights Journal, 1(2), pp.203–227.

Boréus, K. and Bergström, G. (2017) Analyzing text and discourse: eight approaches for the social sciences.

Bose, D. (2023). Decentring Narratives around Business and Human Rights Instruments: An Example of the French Devoir de Vigilance Law. Business and Human Rights Journal, 8, 18–42.

Černič, J. (2022). The Human Rights Due Diligence Standard-Setting in the European Union: Bridging the Gap Between Ambition and Reality, 10 Global Bus. L. Rev. 1.

Christiansen, T. (2017). 'The European Union and Global Governance', in Triandafyllidou, A. (ed.), Global Governance from Regional Perspectives: A Critical View. Oxford, pp. 209–232.

COM (2001) 366 final. Green Paper Promoting a European framework for Corporate Social Responsibility.

Commission on Global Governance. (1996). Our Global Neighborhood: Report of the Commission on Global Governance. p. 1. Available at: https://www.gdrc.org/u-gov/global-neighbourhood/

Delbard, O. (2008). CSR legislation in France and the European regulatory paradox: An analysis of EU CSR policy and sustainability reporting practice. Corporate Governance. 8, pp. 397-405.

ECCJ. (2022). EU model law on corporate accountability in global value chains – Model provisions on global corporate due diligence and liability for human rights abuses and environmental harm.

ECCJ. “Our Mission.” ECCJ, corporatejustice.org/mission/. Accessed 03 Apr. 2023.

Eckert, V. (2016). The master’s thesis dissertation about “The French Attempt to Legalize Human Rights Due Diligence: Is France leading the European Union in Business and Human Rights?”. Master’s thesis. University of Lund.

Erkollar, A. and Oberer, BJ. (2012). Responsible Business: The European Union is Driving Forward the European Strategies on Corporate Social Responsibility. IBIMA Publishing Journal of EU Research in Business http://www.ibimapublishing.com/journals/JEURB/jeurb.html Vol. 2012 (2012), Article ID 360374, 15 pages DOI: 10.5171/2012.360374

European Commission. (2020). Study on due diligence requirements through the supply chain – Part I: Synthesis Report.

European Commission (2011). Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – a renewed EU strategy 2011-14 for Corporate Social Responsibility. [online] Europa.eu. Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52011DC0681

EUR-Lex (n.d.). EUR-Lex - governance - EN - EUR-Lex. [online] Europa.eu. Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM%3Agovernance

EUR-Lex (n.d.). EUR-Lex - green_paper - EN - EUR-Lex. [online] eur-lex.europa.eu. Available at: https://eur-lex.europa.eu/EN/legal-content/glossary/green-paper.html

European Commission (n.d.). Corporate Sustainability Reporting. [online] finance.ec.europa.eu. Available at: https://finance.ec.europa.eu/capital-markets-union-and-financial-markets/company-reporting-and-auditing/company-reporting/corporate-sustainability-reporting_en.

European Commission (n.d.). Corporate Sustainability Reporting. [online] European Commission. Available at: https://finance.ec.europa.eu/capital-markets-union-and-financial-markets/company-reporting-and-auditing/company-reporting/corporate-sustainability-reporting_en

European Parliament. (1999). Resolution on EU Standards for European Enterprises Operating in Developing Countries Towards a European Code of Conduct, Official Journal C 104.

European Parliament. (2012). Resolution of 6 February 2013 on corporate social responsibility: accountable, transparent and responsible business behaviour and sustainable growth (2012/2098(INI)) Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52013IP0049

European Parliament. (2021). Corporate due diligence and corporate accountability. European Parliament resolution of 10 March 2021 with recommendations to the Commission on corporate due diligence and corporate accountability (2020/2129(INL)).

European Union. (2010). Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market Text with EEA relevance. https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:295:0023:0034:EN:PDF

European Union. (2014). Directive 2014/24/EU. Directive (EU) 2014/24 of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC Text with EEA relevance. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014L0024

European Union. (2014). Directive 2014/25/EU. Directive (EU) 2014/25 of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC. https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014L0025

European Union. (2014). Directive 2014/95/EU. Directive (EU) 2014/95 of the European Parliament and of the Council of 22 October 2014 amending Directive 2013/34/EU as regards disclosure of non-financial and diversity information by certain large undertakings and groups Text with EEA relevance. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32014L0095

European Union. (2019). Proposal for a Directive of the European Parliament and of the Council on Corporate Sustainability Due Diligence and amending Directive (EU) 2019/1937. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022PC0071

European Union. (2022). Directive 2022/2464. Directive (EU) 2022/2464 of the European Parliament and of the Council of 14 December 2022 amending Regulation (EU) No 537/2014, Directive 2004/109/EC, Directive 2006/43/EC and Directive 2013/34/EU, as regards corporate sustainability reporting (Text with EEA relevance). https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32022L2464

European Union (n.d.). Trade. [online] european-union.europa.eu. Available at: https://european-union.europa.eu/priorities-and-actions/actions-topic/trade_en#:~:text=The%20European%20Union%20is%20one.

Fasciglione, M. (2016). The enforcement of corporate human rights due diligence: from the un guiding principles on business and human rights to the legal systems of eu countries. Human Rights & International Legal Discourse, 10(1), 94-116.

France (n.d.). Code de commerce. Available at: https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000005634379/.

France. (2001). Loi n° 2001-420 du 15 mai 2001 relative aux nouvelles régulations économiques. Available at: https://www.legifrance.gouv.fr/loda/id/JORFTEXT000000223114.

France (2006). Code des marchés publics (édition 2006). Available at: https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000005627819/2016-01-01.

France (2009). LOI n° 2009-967 du 3 août 2009 de programmation relative à la mise en œuvre du Grenelle de l'environnement (1). Grenelle Law I. Available at: https://www.legifrance.gouv.fr/loda/id/JORFTEXT000020949548

France (2010). Loi n° 2010-788 du 12 juillet 2010 portant engagement national pour l'environnement. Grenelle Law II. Available at: https://www.legifrance.gouv.fr/loda/id/JORFTEXT000022470434

France. (2015). Act n°2015-899 of July 23, 2015 2015 JORF. Official Gazette of France n°0169 July 24, 2015 p.12602 text n° 38. (Ordonnance n° 2015-899 du 23 juillet 2015 relative aux marchés publics).

France. (2017). The "Duty of Vigilance Law" (Loi de Vigilance). Available at: https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000034290626/

France Strategy. (2021). CSR, a European issue Contribution to the work of the French Presidency of the Council of the European Union. Available at: https://www.strategie.gouv.fr/sites/strategie.gouv.fr/files/atoms/files/csr_a_european_issue_contribution_to_the_work_of_the_french_presidency_of_the_council_of_the_european_union.pdf

French Presidency of the Council of the European Union (2022). Recovery, Strength and a Sense of Belonging Programme for the French Presidency of the Council of the European Union. Available at: https://wayback.archive-it.org/12090/20221120104852/https://presidence-francaise.consilium.europa.eu/media/qh4cg0qq/en_programme-pfue-v1-2.pdf

Germany. (2021). Act on Corporate Due Diligence Obligations in Supply Chains (Lieferkettengesetz).

Hąbek, P. and Wolniak, R. (2015). Assessing the quality of corporate social responsibility reports: the case of reporting practices in selected European Union member states. Quality & Quantity, 50(1), pp.399–420.

Hurtado, P.M. (2010). El debate interparadigmático de las relaciones internacionales: 1970-1989. Revista Venezolana de Ciencia Política no 37. Enero-Junio. p. 12.

Keohane, R.O.; NYE, J.S. (2000). Introduction. 2000. In: NYE, Joseph S. Nye; DONAHUA, John D. Governance in a globalizing world. Washington: Brookings Institution Press.

Kinderman, D. (2020). The challenges of upward regulatory harmonization: The case of sustainability reporting in the European Union. Regulation & Governance. Department of Political Science and International Relations, University of Delaware, Newark, DE, USA.

Lindberg, M. (2017). Quantitative Analysis of Ideas and Ideological Content. In: Boréus, K. and Bergström, G. (2017). Analyzing Text and Discourse: Eight Approaches for the Social Sciences. London : SAGE Publications, pp. 86-121.

Martin-Ortega, O. and Hoekstra, J. (2019). 'Reporting as a Means to Protect and Promote Human Rights? The EU Non-Financial Reporting Directive'. 5 European Law Review, 622.

Ministère de la Culture (n.d.). French Presidency of the Council of the European Union 2022. [online] www.culture.gouv.fr. Available at: https://www.culture.gouv.fr/en/Thematic/Europe-and-International/European-and-international-action-of-the-Ministry-of-Culture/French-Presidency-of-the-Council-of-the-European-Union-2022

Ministère des Affaires Etrangères – France (2012). The French legislation on extra-financial reporting: built on consensus. [online] Available at: https://www.diplomatie.gouv.fr/IMG/pdf/Mandatory_reporting_built_on_consensus_in_France.pdf.

Netherlands. (2019). The "Child Labor Due Diligence Act" (Wet Zorgplicht Kinderarbeid).

Norway (2021). Vedtak til lov om virksomheters åpenhet og arbeid med grunnleggende menneskerettigheter og anstendige arbeidsforhold (åpenhetsloven). [online] Stortinget. Available at: https://www.stortinget.no/no/Saker-og-publikasjoner/Vedtak/Beslutninger/Lovvedtak/2020-2021/vedtak-202021-176/.

OHCHR. (n.d.). OHCHR | National action plans on business and human rights. [online] Available at: https://www.ohchr.org/en/special-procedures/wg-business/national-action-plans-business-and-human-rights.

Ormrod, R.P. (2022) How to Structure a Thesis, Report or Paper. Milton: Taylor & Francis Group.

Resolution P7_TA(2013). European Parliament resolution of 6 February 2013 on corporate social responsibility: accountable, transparent and responsible business behaviour and sustainable growth (2012/2098(INI)). Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52013IP0049

Ribeiro, M. and Junior, E. (2017). Regulação dos Investimentos Estrangeiros e a Governança Global: convergência das dimensões públicas e privadas do Direito Internacional. In: Ribeiro, Ma. (ORG.); Volpon, F. (COLAB.). Governança Global - Volume I. 1ª ed. Arraes Editores: Belo Horizonte, p. 2-28.

Rhodes, R. A. W. (1996). The New Governance: Governing without Government. University of Newcastle-upon-Tyne, Political Studies, n° 44.

Ruggie, J. (2007). Business and Human Rights: The Evolving International Agenda. The American Journal of International Law , Oct., 2007, Vol. 101, No. 4 (Oct., 2007), pp. 819-840.

Ruggie, J. (2008). Protect, Respect & Remedy: A Framework for Business and Human Rights. Innovations: Technology, Governance, Globalization. 3, pp. 189-212.

Ruggie, J. (2013). Just business: multinational corporations and human rights. First edition. New York, W. W. Norton & Company.

Ruggie, J. (2014). Global governance and new governance theory: lessons from business and human rights. Global Governance, 20(1), 5-18.

Ruggie, J. (2018). Celebrating Kofi Annan's contributions to business and human rights. Business & Human Rights Resource Centre. Available at: https://www.business-humanrights.org/en/blog/celebrating-kofi-annans-contributions-to-business-and-human-rights/

Segerlund, L. (2010). Making Corporate Social Responsibility a Global Concern: Norm Construction in a Globalizing World.

Smit, L., Bright, C., Pietropaoli, I., Hughes-Jennett, J. and Hood, P. (2020). Business Views on Mandatory Human Rights Due Diligence Regulation: A Comparative Analysis of Two Recent Studies. Business and Human Rights Journal, pp. 261–269. Published by Cambridge University Press.

Spiesshofer, B., and Eccles, R. (2014). Information und Transformation – CSR-Berichterstattung in Europa und den USA. Forum Wirtschaftsethik, pp. 27–34.

Triandafyllidou, A. (ed.). (2017). 'Global Governance from Regional Perspectives: A Critical View', in Anna Triandafyllidou (ed.), Global Governance from Regional Perspectives: A Critical View. Oxford Academic.

United Kingdom. (2015). Modern Slavery Act. Available at: https://www.legislation.gov.uk/ukpga/2015/30/contents/enacted

United Nations. (2011). Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework.

United Nations Global Compact (n.d.). What is the UN Global Compact | UN Global Compact. [online] Unglobalcompact.org. Available at: https://www.unglobalcompact.org/what-is-gc.

Voland, T. and Daly, S. 'The EU Regulation on Conflict Minerals: The Way Out of a Vicious Cycle?'. Journal of World Trade 52, no. 1 (2018): 37–64.

Wagner, Constance Z., Evolving Norms of Corporate Social Responsibility: Lessons Learned from the European Union Directive On Non-Financial Reporting. Transactions: The Tennessee Journal of Business Law. Vol. 19, pp. 619-708 (2018).

Wolniak, R. and Hąbek, P. (2013). CSR reporting in France and The Netherlands. Sci. J. Marit. Univ. of Szczecin. 34. 91-96.

Yin, R. K. (2018). Case study research and applications: design and methods. Sixth edition. Los Angeles, SAGE.