

IEPS MASTER THESIS ADVISOR REVIEW FORM

STUDENT NAME: Ian Levely
THESIS TITLE: Constructive Engagement and Illegal Investment: The Role
of Firms in Preventing Human Rights Abuse and Conflict
ADVISOR NAME: Petra Levrincová
ADVISOR GRADE: 1

REVIEW

(Please fill your critique in here in about 2 pages, regarding the suitability of the students work, the structure of the thesis, methodology, resources used and overall grade for the thesis)

The master's thesis of Ian Levely examines „the role of transnational corporations in preventing human rights abuse and conflict, along with the limits to proactive strategies and engagement with host governments“. It goes further and applies the conclusions from the theoretical part of the work in a case study: the oil and gas industry in Burma, which is a perfect example of transnational corporations that justify their operations and decisions to remain in the country by „constructive engagement“. Despite their active role in running extensive corporate trainings and development programs in Burma, these corporations have been heavily criticized and several civil cases have been brought against them in connection to alleged human rights abuses occurring as a result of their activities there.

In the first chapter, the author discusses the demand for foreign capital in the developing world in contrast to the negative consequences that foreign direct investment can have. He reviews the literature linking resources and conflict, examines the ways in which economic activity can lead to human rights abuse, and surveys the guidelines and initiatives that have been proposed for countries to profit from resource extraction without these negative results.

In the second chapter, the author looks at the issue from the perspective of firms. He describes the legal protections enjoyed by foreign direct investments and what conditions are most attractive for companies looking for profitable opportunities.

In the third chapter, the author presents mechanisms for holding firms accountable, including international law, national legislation, and instruments related to the UN and the growing body of standard-setting corporate codes and voluntary principles.

In the fourth chapter, he deals with strategies that firms can take to avoid complicity in human rights abuses or conflict. At the end of this chapter, the author discusses the limitations of the outlined strategies.

Finally, in the fifth chapter, he applies the conclusions from the previous chapters to the case study of oil and gas industry in Burma.

The author approached the topic from economic, legal and political perspectives. Some aspects of the work are discussed at a theoretical level, some called for a more empirical analysis.

The economic discussion in Levely's work is generally at the theoretical level and is based on academic literature as well as on information collected and analysed by international organizations such as the UNCTD and the WB.

The research at the legal level concentrates on the survey of theoretical approaches that are advanced in academic literature, he recounts human rights litigation using both records of cases published by various civil society groups and academic authorities, and analyses relevant primary sources. It has to be stressed that the author (not being actually a lawyer!) correctly applies different legal sources with due regard to their binding force! He has also taken into regard political and ethical viewpoints advanced by academics and civil society.

The concluding part of the thesis makes it clear that the author is well acquainted with the topic and after a thorough presentation of facts he got to a serious conclusion. It has to be stressed, that the author has attained the main objective of his thesis.

The thesis follows a well-arranged and logical structure. It also contains glossary and elaborated contents thus adding to the clarity and style of the work. The author has definitely proved his ability to choose relevant sources and work with them. He also correctly attributes to the sources throughout the whole work; one can even speak about an exemplary standard of citation.

I would also like to highlight the fact that some of the content of the thesis is paralegal, or even legal, taking into account the author's field of studies (International Economic and Political Studies), the work does deserve my respect.

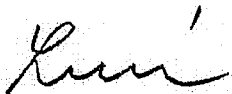
The author is aware of how broad and complex the topic he has chosen to analyse is. He has managed to digest an enormous amount of information and has been able to pinpoint the most relevant pieces and create a coherent mosaic of the most pertinent information related to the role of transnational corporations in preventing human rights abuse and conflict, along with describing the limits to proactive strategies and engagement with host governments.

During his defence, the author may wish to elaborate on the following:

1. The Burma case study is meant to apply the standards developed in the first four chapters of the thesis with the conclusion that the companies operating in the oil and gas sector in Burma don't meet mentioned standards. It would be interesting to talk about some positive examples of constructive engagement that have actually worked.
2. The thesis has covered codes of conduct issued by organizations (e.g. OECD and the UN Global Compact and proposed and abandoned UN Norms). It may be interesting to hear what specific standards are emerging from these documents and which ones are the most relevant to the subject that has been covered.

I do recommend this thesis for defence.

My recommended grading of the work is 1 (A, excellent).



Mgr. Petra Levrincová, LL.M.

Disclaimer: Writing this opinion, I have only worked with a document sent to me directly by Ian Levely before handing in the official copy to the IEPS office.