

Human Rights Corporate Complicity And Disinvestment

The Elgar Companion to UNCITRAL Rishi Gulati 2023-11-03 As one of the most important international organisations in the sphere of international trade law, UNCITRAL aims to help develop and promote uniform private law internationally. This comprehensive Companion delineates the range of issues considered at UNCITRAL, as well as assessing the potential for future work and reforms.

The Corporation, Law and Capitalism Grietje Baars 2019-03-25 In *The Corporation, Law and Capitalism*, Grietje Baars offers a radical Marxist perspective on the role of law in the global political economy. Closing a major gap in historical-materialist scholarship, they demonstrate how the corporation, capitalism's main engine from city-state and colonial times to the present multinational, is a masterpiece of legal technology. The symbiosis between law and capital becomes acutely apparent in the question of 'corporate accountability'. Baars provides a detailed analysis of corporate human rights and war crimes trials, from the Nuremberg industrialists' trials to current efforts. The book shows that precisely because of law's relationship to capital, law cannot prevent or remedy the 'externalities' produced by corporate capitalism. This realisation will generate the space required to formulate a different answer to 'the question of the corporation', and to global corporate capitalism more broadly, outside of the law.

Business and Human Rights Dalia Palombo 2020-02-06 This book analyses the accountability of European home States for their failure to secure the human rights of victims from host States against transnational enterprises. It argues for a reconfiguration of the relationship between multinational enterprises and individuals, both of which have been profoundly changed by globalisation. Enterprises are now supranational entities with numerous affiliates all over the world. Likewise, individuals are increasingly part of a global community. Despite this, the relationship between the two is deregulated. Addressing this gap, this study proposes an innovative business and human rights litigation strategy. Human rights advocates could file a test case against a European home State, at the European Court of Human Rights, for its failure to secure the rights of victims vis-à-vis European multinational enterprises. The book illustrates why such a strategy is needed, and points to the lack of effective legal remedies against European multinationals. The goal is to empower victims from developing countries against European States which are failing to hold multinational enterprises accountable for human rights abuses.

Human Rights, Corporate Complicity and Disinvestment Gro Nystuen 2011-09-22 How can businesses and their shareholders avoid moral and legal complicity in human rights violations? This central and contemporary issue in the field of ethics, politics and law is of concern to intergovernmental organizations such as the UN and to many NGOs, as well as investors and employees. In this volume legal scholars and political philosophers identify and address the intertwined issues of moral and legal complicity in human rights violations by companies and those who invest in them. By describing the legal aspects of human rights violations in the corporate sphere, addressing the complicity of companies with regard to such norms and exploring the influence of investors, the book provides a thorough introduction to corporate social responsibility. Human Rights, Corporate Complicity and Disinvestment will set the research agenda on socially responsible investment for years to come.

The Oxford Handbook of Public Accountability Mark Bovens 2014-05-15 Over the past two decades public accountability has become not only an icon in political, managerial, and administrative discourse but also the object of much scholarly analysis across a broad range of social and administrative sciences. This handbook provides a state of the art overview of recent scholarship on public accountability. It collects, consolidates, and integrates an upsurge of inquiry currently scattered across many disciplines and subdisciplines. It provides a one-stop-shop on the subject, not only for academics who study accountability, but also for practitioners who are designing, adjusting, or struggling with mechanisms for accountable governance. Drawing on the best scholars in the field from around the world, The Oxford Handbook of Public Accountability showcases conceptual and normative as well as the empirical approaches in public accountability studies. In addition to giving an overview of scholarly research in a variety of disciplines, it

takes stock of a wide range of accountability mechanisms and practices across the public, private and non-profit sectors, making this volume a must-have for both practitioners and scholars, both established and new to the field.

The Governance Gap Penelope Simons 2014-07-11 This book explores the persistence of the governance gap with respect to the human rights-impacting conduct of transnational extractive corporations operating in zones of weak governance. The authors launch their account with a fascinating case study of Talisman Energy's experience in Sudan, informed by their own experience as members of the 1999 Canadian Assessment Mission to Sudan (Harker Mission). Drawing on new governance, reflexive law and responsive law theories, the authors assess legal and other non-binding governance mechanisms that have emerged since that time, including the UN Guiding Principles on Business and Human Rights. They conclude that such mechanisms are incapable of systematically preventing human rights violating behaviour by transnational corporations, or of assuring accountability of these actors or recompense for victims of such violations. The authors contend that home state regulation, while not a silver bullet, has a crucial role to play in regulating such conduct. They pick up where UN Special Representative John Ruggie's Guiding Principles on Business and Human Rights left off, and propose an innovative, robust and adaptable template for strengthening the regulatory framework of home states. Their model draws insights from the theoretical literature, leverages existing public, private, transnational, national, 'soft' and hard regulatory tools, and harnesses the specific strengths of state-based governance. This book will be of interest to academics, policy makers, students, civil society and business leaders.

Encyclopedia of Business and Professional Ethics Deborah C Poff 2023-05-24 This encyclopedia, edited by the past editors and founder of the Journal of Business Ethics, is the only reference work dedicated entirely to business and professional ethics. Containing over 2000 entries, this multi-volume, major research reference work provides a broad-based disciplinary and interdisciplinary approach to all of the key topics in the field. The encyclopedia draws on three interdisciplinary and over-lapping fields: business ethics, professional ethics and applied ethics although the main focus is on business ethics. The breadth of scope of this work draws upon the expertise of human and social scientists, as well as that of professionals and scientists in varying fields. This work has come to fruition by making use of the expert academic input from the extraordinarily rich population of current and past editorial board members and section editors of and contributors to the Journal of Business Ethics.

Empirical Views on European Gambling Law and Addiction Simon Planzer 2014-02-19 This book analyses the voluminous and meandering case law on gambling of the Court of Justice from an empirical perspective. It offers a comprehensive overview of the legal situation of gambling services in the EU Single Market. Additionally, the book presents the current state of research on gambling addiction. It then seeks to answer the central research question as to what extent the views of the Court of Justice on gambling find support in empirical evidence. The Court of Justice granted exceptionally wide discretion to the Member States due to a so-called 'peculiar nature' of games of chance. With the margin of appreciation having played a key role, the book inquires whether the Court of Justice followed the principles and criteria that normally steer the use of this doctrine. Noting the Court's special approach, the book elaborates on its causes and consequences. Throughout the book, the approach of the Court of Justice is contrasted with that of its sister court, the EFTA Court. Finally, the potential role of the precautionary principle and of EU fundamental rights in the area of gambling law is examined. Situated at the intersection of law and science, this book seeks to bridge the legal and scientific perspectives and the unique vocabularies common to each. It illustrates the direct relevance of science and empirical research for court cases and policy making. And it contrasts science-informed policy making with the on-going morality discourse on gambling.

Law and Policy in Latin America Pedro Fortes 2016-12-21 This book offers a comprehensive introduction to law and policy responses to contemporary problems in Latin America, such as human rights violations, regulatory dilemmas, economic inequality, and access to knowledge and medicine. It includes 19 chapters

written by sociologists, lawyers, and political scientists on the transformations of courts, institutions and rights protection in Latin America, all of which stem from presentations at conferences in Oxford and UCL organised by the editors. The contributors present original analyses based on rigorous research, innovative case-studies, and interdisciplinary perspectives, all written in an accessible style. Topics include the Inter-American Court of Human Rights, institutional design, financial regulation, competition, discrimination, gender quotas, police violence, orphan works, healthcare, and environmental protection, among others. The book will be of interest to students and scholars interested in policymaking, public law, and development. *The Human Right to Water* Malcolm Langford 2017-10-05 In a short space of time, the right to water has emerged from relative obscurity to claim a prominent place in human rights theory and practice. This book explores this rise descriptively and prescriptively. It analyses the recognition, use and partly impact, of the right to water in international and comparative law, civil society mobilisation and public policy. It also scrutinises the normative implications of the right to water with a focus on challenges and puzzles it creates for law and policymaking. These questions are explored globally and comparatively within different dynamics of the sector - water allocation, water access and urban and rural water reform - and in conjunction with the right to sanitation. This multi-disciplinary volume reveals the diverse ways in which the right to water has been adopted, but also its limitations when faced with the realities of political economy, political ecology and partly, traditional legal thought.

The Routledge Handbook on Meaningful Stakeholder Engagement Karin Buhmann 2024-11-01 Meaningful Stakeholder Engagement (MSE) is both a concept and a management approach, drawing on a combination of theoretical and applied knowledge areas (e.g., impact assessment, business and human rights, and stakeholder theory). MSE has become a key element of corporate sustainability risk-based due diligence as a process that responsible business enterprises are expected to apply to identify and manage harmful impacts on the environment and society. Despite the obvious and growing relevance of meaningful stakeholder engagement, few publications have tried to synthesize the knowledge, academic literature, and practical experience within and around the concept and practices. This volume responds to that knowledge gap through the provision of comprehensive interdisciplinary perspectives. Embodying a rights-holder orientation, The Routledge Handbook on Meaningful Stakeholder Engagement emphasizes the importance of MSE for stakeholders who are or can be affected by activities driven by external actors, such as natural resource extraction or processing; infrastructure; development proposals, planning and implementation; and production for industry or consumption. This handbook offers four thematic sections, all interdisciplinary in character, seeking to explore the multiple aspects of MSE. Moreover, a comprehensive introductory chapter explains key elements of the concept and causes for the current surge in expectations of MSE, including a rise in demands of risk-based due diligence. More than 40 international contributors combine theory and practice in chapters that discuss and elaborate the theory and practice of MSE. Uniquely, each section includes short practice notes based on experiences or dilemmas lived by practitioners or affected people, placing real-life situations into theoretical context. The concluding chapter draws up key insights from the chapters and practice notes, and casts a path for the future of MSE integrating values, norms, and practice. Cutting across multiple disciplines including stakeholder theory, natural resource management, impact assessment, project management, ESG, responsible business, and global value chains, The Routledge Handbook on Meaningful Stakeholder Engagement will be an essential resource for scholars, researchers, developers, investors, affected people, civil society organizations, students, and others. The Open Access version of this book, available at <http://www.taylorfrancis.com>, has been made available under a Creative Commons Attribution-Non Commercial-No Derivatives (CC-BY-NC-ND) 4.0 license.

The Arms Trade Treaty: A Commentary Andrew Clapham 2016-07-28 The United Nations Arms Trade Treaty became binding international law in late 2014, and although the text of the treaty is a relatively concise framework for assessing whether to authorize or deny proposed conventional weapons transfers by States Parties, there exists controversy as to the meaning of certain key provisions. Furthermore, the treaty requires a national regulatory body to authorize proposed transfers of conventional weapons covered by the treaty, but does not detail how such a body should be established and how it should effectively function. The Arms Trade Treaty: A Commentary explains in detail each of the treaty provisions, the parameters for

prohibitions or the denial of transfers, international cooperation and assistance, and implementation obligations and mechanisms. As states ratify and implement the Treaty over the next few years, the commentary provides invaluable guidance to government officials, commentators, and scholars on the meaning of its contentious provisions. This volume describes in detail which weapons are covered by the treaty and explains the different forms of transfer that the Arms Trade Treaty regulates. It covers international human rights, trade, disarmament, humanitarian law, criminal law, and state-to-state use of force, as well as the application of the treaty to non-state actors.

Accountability and Corporate Human Rights Violations in Tort and International Law Emmanuel Nartey 2021-10-04 This volume identifies a coherent legal principle in order to establish a novel duty of care for corporate human rights violations and environmental damages. It examines whether tort and civil law offer better accountability and remedies for victims of corporate human rights abuses, and carries out an in-depth and critical analysis of the concept of corporate accountability. Moreover, a fundamental part of this book is devoted to examining the extent to which international criminal law influences international human rights law in its use of tort law and civil law remedies. Finally, the book sets out a theoretical mechanism for duty of care, as well as a proposal for the establishment of a 'Hybrid International Transnational Corporation Court' that would have the potential to effectively interpret the concept of the corporate duty of care under tort law.

Intergenerational Equity 2019-03-19 In Intergenerational Equity: Environmental and Cultural Concerns, the editors have produced an important, broad-based volume on intergenerational equity. The authors explore the principle of intergenerational equity in many dimensions, from the theoretical to the practical. While the primary focus is on intergenerational equity in the context of environmental resources and cultural heritage, the principle is also addressed in a broad array of other contexts. The final section of the volume considers intergenerational justice as it applies to indigenous peoples, genocide, migration, sovereign wealth funds and foreign investment. The chapters also provide a critical analysis of the issues and a consideration of the difficulties in implementing intergenerational equity.

Human Rights, Corporate Complicity and Disinvestment Gro Nystuen 2011 Examines companies' and investors' moral and legal complicity in human rights violations in the context of globalisation.

Finance or Food? Hilde Bjørkhaug 2020-02-10 In this volume, an interdisciplinary and internationally-situated group of experts consider the ways in which culture creates and transforms discourses and practices in decisions on agricultural land.

Public Accountability and Constitutional Law Anna Młynarska-Sobaczewska 2024-11-11 This book analyses the public accountability of political actors in contemporary democratic states. Accountability as understood here is a necessary condition of democracy: delegation of power with transparency and supervision over those who are chosen to exercise the power of the state. The authors identify paths of executing accountability in the electoral process, as well as in traditional instruments of parliamentary scrutiny and other relationships between the legislative, executive and judicial branches. They track how well-known mechanisms of democracy fulfil the need to report on the exercising of an entrusted power. They also explore how new developments in the constitutional framework, that is, the post-evaluation of legislation, and beyond it in mass social movements, Big Tech companies and social media, are changing the classic and established concepts of accountable power. The book will be a valuable resource for academics, researchers and policymakers working in the areas of Constitutional Law and Politics and Accountability Studies.

Research Handbook on Sovereign Wealth Funds and International Investment Law Fabio Bassan 2015-06-29 Research on the role of sovereign investments in a time of crisis is still unsatisfactory. This Research Handbook illustrates the state of the art of the legal investigation on sovereign investments, filling necessary gaps in previous research. Current

International Human Rights Philip Alston 2013 "The successor to International human rights in context: law, politics and morals."

Making Sovereign Financing and Human Rights Work Juan Pablo Bohoslavsky 2014-12-01 Poor public resource management and the global financial crisis curbing fundamental fiscal space, millions thrown into poverty, and authoritarian regimes running successful criminal campaigns with the help of financial

assistance are all phenomena that raise fundamental questions around finance and human rights. They also highlight the urgent need for more systematic and robust legal and economic thinking about sovereign finance and human rights. This edited collection aims to contribute to filling this gap by introducing novel legal theories and analyses of the links between sovereign debt and human rights from a variety of perspectives. These chapters include studies of financial complicity, UN sanctions, ethics, transitional justice, criminal law, insolvency proceedings, millennium development goals, global financial architecture, corporations, extraterritoriality, state of necessity, sovereign wealth and hedge funds, project financing, state responsibility, international financial institutions, the right to development, UN initiatives, litigation, as well as case studies from Africa, Asia and Latin America. These chapters are then theorised by the editors in an introductory chapter. In July 2012 the UN Human Rights Council finally issued its own guidelines on foreign debt and human rights, yet much remains to be done to promote better understanding of the legal and economic implications of the interface between finance and human rights. This book will contribute to that understanding as well as help practitioners in their everyday work. The authors include world-renowned lawyers and economists, experienced practitioners and officials from international organisations.

Redefining Human Rights in the Struggle for Peace and Development Terrence E. Paupp 2014-01-20

Examines the history of the struggle to advance human rights and provides a global framework of constitutional protections to implement these rights.

Searching for a 'Principle of Humanity' in International Humanitarian Law Dr Kjetil Mujezinovic Larsen 2013 This book provides an examination of whether there is a legally independent 'principle of humanity' in international humanitarian law.

International Human Rights Law Daniel Moeckli 2010-06-10 International Human Rights Law offers a thought-provoking consideration of the subject, from its philosophical foundations to contemporary challenges, with contributions from leading experts. Critical and detailed, it covers all elements of a traditional international human rights course and is suitable for use as a stand-alone textbook.

Indigenous Peoples, Title to Territory, Rights and Resources Cathal M. Doyle 2014-11-20 The right of indigenous peoples under international human rights law to give or withhold their Free Prior and Informed Consent (FPIC) to natural resource extraction in their territories is increasingly recognized by intergovernmental organizations, international bodies, and industry actors, as well as in the domestic law of some States. This book offers a comprehensive overview of the historical basis and status of the requirement for indigenous peoples' consent under international law, examining its relationship with debates and practice pertaining to the acquisition of title to territory throughout the colonial era. Cathal Doyle examines the evolution of the contemporary concept of FPIC and the main challenges and debates associated with its recognition and implementation. Drawing on existing jurisprudence and evolving international standards, policies and practices, Doyle argues that FPIC constitutes an emerging norm of international law, which is derived from indigenous peoples' self-determination, territorial and cultural rights, and is fundamental to their realization. This rights consistent version of FPIC guarantees that the responses to questions and challenges posed by the extractive industry's increasingly pervasive reach will be provided by indigenous peoples themselves. The book will be of great interest and value to students and researchers of public international law, and indigenous peoples and human rights.

Regaining Paradise Lost: Indigenous Land Rights and Tourism Mary Kristerie A. Baleva 2018-11-26 Mary Kristerie A. Baleva's *Regaining Paradise Lost: Indigenous Land Rights and Tourism* uses the UN Guiding Principles on Business and Human Rights as its overarching legal framework to analyze the intersections of indigenous land rights and the tourism industry. Drawing from treatises, treaties, and case law, it traces the development of indigenous rights discourse from the Age of Discovery to the adoption of the UN Declaration on the Rights of Indigenous Peoples. The book highlights the Philippines, home to a rich diversity of indigenous peoples, and a country that considers tourism as an important contributor to economic development. It chronicles the Ati Community's 15-year struggle for recognition of their ancestral domains in Boracay Island, the region's premiere beach destination.

International Economic Law Giovanna Adinolfi 2016-12-29 This volume scrutinises the main challenges faced by States in their current international economic relations from an interdisciplinary perspective. It

combines legal research with political and economic analysis and favours dialogue among scientific disciplines. Readers are offered a series of in-depth studies on a rich variety of topics: how to reconcile States' interest to benefit from economic liberalization with their need to pursue social goals (such as the protection of human rights or of the environment); recent developments under WTO law and regional integration processes; international cooperation in the energy sector; national regulatory developments in the banking sector, sovereign wealth funds and investor-State arbitration.

Quellen zur Geschichte der Menschenrechte Daniel Stahl 2020-11-30 Aktivistinnen, Völkerrechtler, Anwälte, NGO-Mitarbeiterinnen, Politiker und Politikerinnen erzählen, was der Einsatz für Menschenrechte in ihrem Leben bedeutet hat. Menschenrechte wurden im Verlauf des 20. Jahrhunderts zu einem wichtigen Bezugspunkt nationaler und internationaler Politik. Die vorliegende Quellensammlung versteht sich als Angebot, diese Entwicklung nachvollziehbar zu machen. Die hier versammelten lebensgeschichtlichen Interviews geben Aufschluss darüber, was unter dem Kampf für Menschenrechte im Verlauf der letzten Jahrzehnte verstanden wurde. Die befragten Aktivistinnen, Völkerrechtler, Anwälte, NGO-Mitarbeiterinnen, Politiker und Politikerinnen geben dabei ganz unterschiedliche Antworten auf die Fragen, wofür sie eigentlich gekämpft haben und wie ihr Engagement in der alltäglichen Praxis aussah. Der Stellenwert, den dieser Einsatz im Leben von Menschen einnahm, schwankte dabei und war gesellschaftlichen, politischen und individuellen Konjunkturen unterworfen. Und nicht alles, was im Nachhinein als Einsatz für Menschenrechte erschien, war ursprünglich auch so gemeint. Ziel der Interview-Sammlung ist es, das Engagement für Menschenrechte im gesamtbiographischen Zusammenhang zu verorten und verschiedene Bedeutungen aufzuzeigen, die sie im Verlauf des 20. Jahrhunderts in verschiedenen Weltregionen erlangten.

Transparent Governance in an Age of Abundance Juan Cruz Vieyra 2014-10-31 During the last decade, the Latin American and Caribbean region has experienced unprecedented natural resources abundance. This book highlights how transparency can help realize the benefits and reduce negative externalities associated with the extractive industries in the region. A central message is that high-quality and well-managed information is critical to ensure the transparent and effective governance of the sector. The insights from experiences in the region can help policymakers design and implement effective regulatory reforms and adopt international standards that contribute to this goal. This is particularly important at a time when the recent boom experienced by extractives in the region may be coming to an end.

Citizens' Wealth Angela Cummine 2016-01-01 A wide-ranging analysis of a powerful but controversial new economic tool that has rapidly eclipsed the size of the hedge fund market In 2006, Chile teemed with protesters after finance minister Andrés Velasco invested budget surpluses from the nation's historic copper boom in two Sovereign Wealth Funds. A year later, when prices plummeted and unemployment soared, Chile's government was able to stimulate recovery by drawing on the funds. State-owned investment vehicles that hold public funds in a wide range of assets, Sovereign Wealth Funds enable governments to access an unprecedented degree of wealth. Consequently, more countries are seeking to establish them. Looking at Chile, China, Australia, Singapore, and numerous other examples, including a comparative analysis of Britain and Norway's use of oil revenues, Angela Cummine tackles the key ethical questions surrounding their use, including: To whom does the wealth belong? How should the funds be managed, invested, and distributed? With sovereign funds--and media attention--continuing to grow, this is an invaluable look at a hotly debated economic issue.

Children's Rights and Business Gamze Erdem Türkelli 2020-02-13 A comprehensive legal inquiry into children's rights and business, drawing on insights from various disciplines, enriched by in-depth case studies.

Business, Human Rights and the Environment: The Evolving Agenda Chiara Macchi 2022-04-08 More than ten years after the adoption of the UN Guiding Principles on Business and Human Rights, this book critically reviews the achievements, limits and next frontiers of business and human rights following the 'protect, respect, remedy' trichotomy. The UN Guiding Principles acted as a catalyst for hitherto unprecedented regulatory and judicial developments. The monograph by Macchi proposes a functionalist reading of the state's duty to regulate the transnational activities of corporations in order to protect human rights and adopts a holistic approach to the corporate responsibility to respect, arguing that environmental

and climate due diligence are inherent dimensions of human rights due diligence. In the volume emerging legislations are assessed on mandatory human rights and environmental due diligence, as well as the potential and limitations of a binding international treaty on business and human rights. The book also reviews groundbreaking litigation against transnational corporations, such as *Lungowe v. Vedanta* or *Milieudefensie v. Shell*, for their human rights and climate change impacts. The book is primarily targeted at academic and non-academic legal experts, as well as at researchers and students looking at business and human rights issues through the lenses of legal studies (particularly international law and European law), political sciences, business ethics, and management. Additionally, it should also find a readership among practitioners working in the public or private sector (consultants, CSR officers, legal officers, etc.) willing to familiarize themselves with the expanding areas of liability, financial and reputational risks connected to the social and environmental impacts of global supply chains. Chiara Macchi is currently Lecturer in Law at Wageningen University & Research in The Netherlands.

Territories of Citizenship L. Beckman 2012-07-29 A comprehensive exploration of theories of citizenship and inclusiveness in an age of globalization. The authors analyze democracy and the political community in a transnational context, using new critical, conceptual and normative perspectives on the borders, territories and political agents of the state.

Corporations and Disability Rights Neha Pathakji 2018-05-08 The emergence of a decentralized, fragmented, and low-cost Internet opened up possibilities for persons with disabilities to lead an independent and inclusive life, which had been denied to them in the physical world. The virtual world, unlike the physical world, was presumed to be devoid of physical, social, and attitudinal barriers that have historically led to the marginalization and exclusion of persons with disabilities. Yet with advancement in technology, concerns of persons with disabilities to access the Internet were relegated to the background. Since the Internet is largely dominated by corporations, this digital divide cannot be bridged without questioning their role; and corporations, as gatekeepers of the virtual world, need to proactively engage in dismantling barriers to accessing the Internet. *Corporations and Disability Rights* engages with the contemporary discourse on the nature of the right to access the Internet and contextualizes this right within the framework of emerging disability rights jurisprudence. This book explores the interplay between human rights of persons with disabilities and corporate obligation in a technologically advanced society. It argues that under disability rights jurisprudence, the right to access the Internet is a human right and not merely an enabling right. It bridges the existing normative and regulatory gaps for the effective realization of the right to access the Internet.

Pension Funds and Sustainable Investment P. Brett Hammond 2023 This Pension Research Council volume offers a variety of distinct viewpoints from a variety of countries, on whether, how, and when environmental, social, and governance (ESG) criteria should, and should not, drive pension fund investments.

The UN Guiding Principles on Business and Human Rights Radu Mares 2011-12-09 The issue of corporate responsibilities has had a tumultuous history at the United Nations. When the Human Rights Council unanimously endorsed John Ruggie's Guiding Principles in June 2011, it was the first time that the UN stated authoritatively its expectations in the area of business and human rights. This volume captures this special moment in time: a moment of taking stock of a successfully concluded UN Special Representative mandate (2005–2011) and of preparing for the massive task of following up with more operational guidance, effective governance mechanisms and sound theoretical treatments. The 12 chapters in this collection offer an in-depth analysis of Ruggie's reports with a special emphasis on regulatory and governance issues surrounding corporate responsibility. How does international human rights law handle corporations? Are we beginning to grasp the complexities and impacts of financial markets on human rights? What kind of corporate due diligence can make supply chains more socially sustainable? Why should parent companies act when their affiliates infringe rights? What is the potential of national human rights institutions in the area of business and human rights? What is the role of states and law in the social change process promoted by the corporate responsibility movement? How do we 'orchestrate' polycentric governance regimes to ensure respect for human rights? Academics and practitioners, policymakers, business executives, civil society activists and legal professionals will find this collection useful as they

embark on the difficult but exciting journey of refining and contextualising Ruggie's foundational work.

Fiduciary Law and Responsible Investing Benjamin J. Richardson 2013-08-21 This book is about fiduciary law's influence on the financial economy's environmental performance, focusing on how the law affects responsible investing and considering possible legal reforms to shift financial markets closer towards sustainability. Fiduciary law governs how trustees, fund managers or other custodians administer the investment portfolios owned by beneficiaries. Written for a diverse audience, not just legal scholars, the book examines in a multi-jurisdictional context an array of philosophical, institutional and economic issues that have shaped the movement for responsible investing and its legal framework. Fiduciary law has acquired greater influence in the financial economy in tandem with the extraordinary recent growth of institutional funds such as pension plans and insurance company portfolios. While the fiduciary prejudice against responsible investing has somewhat waned in recent years, owing mainly to reinterpretations of fiduciary and trust law, significant barriers remain. This book advances the notion of 'nature's trust' to metaphorically signal how fiduciary responsibility should accommodate society's dependence on long-term environmental well-being. Financial institutions, managing vast investment portfolios on behalf of millions of beneficiaries, should manage those investments with regard to the broader social interest in sustaining ecological health. Even for their own financial self-interest, investors over the long-term should benefit from maintaining nature's capital. We should expect everyone to act in nature's trust, from individual funds to market regulators. The ancient public trust doctrine could be refashioned for stimulating this change, and sovereign wealth funds should take the lead in pioneering best practices for environmentally responsible investing.

International Environmental Law and the Global South Shawkat Alam 2015-09-17 The unprecedented degradation of the planet's vital ecosystems is among the most pressing issues confronting the international community. Despite the proliferation of legal instruments to combat environmental problems, conflicts between rich and poor nations (the North-South divide) have compromised international environmental law, leading to deadlocks in environmental treaty negotiations and noncompliance with existing agreements. This volume examines both the historical origins of the North-South divide in European colonialism as well as its contemporary manifestations in a range of issues including food justice, energy justice, indigenous rights, trade, investment, extractive industries, human rights, land grabs, hazardous waste, and climate change. Born out of the recognition that global inequality and profligate consumerism present threats to a sustainable planet, this book makes a unique contribution to international environmental law by emphasizing the priorities and perspectives of the global South.

Human Rights Obligations of Business Surya Deva 2013-11-21 In recent years, the UN Human Rights Council has approved the 'Respect, Protect, and Remedy' Framework and endorsed the Guiding Principles on Business and Human Rights. These developments have been welcomed widely, but do they adequately address the challenges concerning the human rights obligations of business? This volume of essays engages critically with these important developments. The chapters revolve around four key issues: the process and methodology adopted in arriving at these documents; the source and justification of corporate human rights obligations; the nature and extent of such obligations; and the implementation and enforcement thereof. In addition to highlighting several critical deficits in these documents, the contributing authors also outline a vision for the twenty-first century in which companies have obligations to society that go beyond the responsibility to respect human rights.

The Arms Trade and International Criminal Law Tomas Hamilton 2025-02-27 Despite the establishment of UN embargoes, the Arms Trade Treaty (ATT), and the EU Common Position, arms export regulation suffers from significant legal and practical limitations. This book critically evaluates the existing body of 'Arms Trade Law', highlighting its inadequacies in preventing weapons from reaching perpetrators of mass violence. Drawing on interviews, participant observation, and empirical research to assess the perspectives of judges and lawyers, it also explores the International Criminal Court's narrow focus on prosecuting political and military leaders. Arguing that institutional attitudes and commitments contribute to a legal culture that obscures the potential for an arms trader case, the book illustrates these dynamics through a case study of the UN Security Council's response to the Second Congo War and the ICC's investigations in the DRC Situation, elucidating missed opportunities to enforce accountability against the entire spectrum

of actors responsible for international crimes. Through detailed examination of the arms trade's complexities, The Arms Trade and International Criminal Law foregrounds the structural causes of atrocity and argues for broader accountability. It investigates how individuals-including corporate executives, state officials, and arms traffickers-can be held directly accountable for atrocities under international law, even when their actions are geographically or causally distant from the violence itself. Furthermore, by advancing a specific interpretation of the actus reus and mens rea elements of accomplice liability under Article 25 of the Rome Statute, this book argues for a robust legal basis upon which the ICC can prosecute arms traders. It therefore underscores how international criminal law can complement existing regulations by leveraging its expressive function to condemn all those who profit from atrocity.

Transitional Justice, Corporate Accountability and Socio-Economic Rights Laura García Martín 2019-07-25 This book explores the intersection of two emergent and vibrant fields of study in international human rights law: transitional justice and corporate accountability for human rights abuses. While both have received significant academic and political attention, the potential links between them remain largely unexplored. This book addresses the normative question of how international human rights law should deal with corporate accountability and violations of economic, social and cultural rights in transitional justice processes. Drawing on the Argentinian transitional justice process, the book outlines the theoretical and practical challenges of including corporate accountability in transitional justice processes through existing mechanisms. Offering specific insights about how to deal with those challenges, it argues that consideration of the role of all actors, and the whole spectrum of human rights violated, is crucial to properly address the root causes of violence and conflict as well as to contribute to a sustainable and positive peace. This interdisciplinary book will be of interest to students and scholars of transitional justice, human rights law, corporate law and international law.

Human Rights Corporate Complicity And Disinvestment

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