

LIABILITY OF MULTINATIONAL CORPORATIONS UNDER INTERNATIONAL LAW

Edited by

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Liability Of Multinational Corporations Under International Law

Penelope Simons,Audrey Macklin



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Liability of Multinational Corporations under International Law Menno T. Kamminga, Saman Zia-Zarifi, 2021-12-28

The International Law on Foreign Investment M. Sornarajah, 2010-05-06 This book is a thought provoking and authoritative text on this fast moving field of international law

Multinational Enterprises and Tort Liabilities Muzaffer Eroglu, 2008-01-01 This book conducts an interdisciplinary and comparative examination of tort liabilities of multinational enterprises MNEs It examines the social economic managerial and legal characteristics of MNEs and compares the findings of this examination to the current understanding of MNEs in the way that tort liability is applied to them Existing laws and principles related to liability of MNEs are explored from a variety of jurisdictions with the aim of assessing whether these laws are adequate for the challenges that modern MNEs create Muzaffer Eroglu also proposes solutions to the problems of tort liability of MNEs Comparing the theory of control in existing laws and the theory of control in business management structure Multinational Enterprises and Tort Liabilities will be of great interest to academics researchers students and practitioners It will also appeal to NGOs particularly interested with the liabilities of MNEs for their human rights breaches

Corporations, Accountability and International Criminal Law Kyriakakis, Joanna, 2021-12-09 This timely book explores the prospect of prosecuting corporations or individuals within the business world for conduct amounting to international crime The major debates and ensuing challenges are examined arguing that corporate accountability under international criminal law is crucial in achieving the objectives of international criminal justice

Transnational Corporations and

International Law Alice De Jonge, 2011-01-01 This well documented work will appeal to corporate leaders interested in understanding the related practicalities of international corporate liability as well as post graduate students in international business and international policy studies Policymakers academics and researchers interested in a unique perspective on the future of the global corporation as an internationally responsible global citizen will find much to interest them in this book

Corporations and Transnational Human Rights Litigation Sarah Joseph, 2004-08 Since the mid 1980s beginning with the unsuccessful Union Carbide litigation in the USA litigants have been exploring ways of holding multinational corporations MNCs liable for offshore human rights abuses in the courts of the companies home States The highest profile cases have been the human rights claims brought against MNCs such as Unocal Shell Rio Tinto Coca Cola and Talisman under the Alien Tort Claims Act in the United States Such claims also raise issues under customary international law which may be directly applicable in US federal law and the Racketeer Influenced and Corrupt Organizations RICO statute Another legal front is found in the USA England and Australia where courts have become more willing to exercise jurisdiction over transnational common law tort claims against home corporations Furthermore a corporation s human rights practices were indirectly targeted under trade practices law in groundbreaking litigation in California against sportsgoods manufacturer Nike This new study examines these developments and the procedural arguments eg regarding personal jurisdiction and especially

forum non conveniens which have been used to block litigation as well as the principles which can be gleaned from cases which have settled. The analysis is important for human rights victims in order to know the boundaries of possible available legal redress. It is also important for MNCs which must now take human rights into account in managing the legal risks as well as moral and reputation risks associated with offshore projects.

The Governance Gap Penelope Simons, Audrey Macklin, 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. 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.

International Economic Actors and Human Rights Adam McBeth, 2009-09-28. In noting that the actions of entities other than states in the economic arena can and often do have a profound effect on human rights, this book poses the question as to how international human rights law can and should address that situation. This book takes three very different categories of international actor: the World Trade Organization, the international financial institutions (World Bank and IMF) and multinational enterprises, and analyses the interaction of each category with human rights. In each case, analysing the interaction of the different fields of law and seeking to identify a role for international human rights law, Adam McBeth concludes that each of the selected international economic actors can and should be considered to operate within a holistic system of international law, including human rights obligations, but that changes in the operations and the accountability mechanisms for each actor are necessary for the practical implementation of that approach. While written from a human rights perspective, the underlying theme of the book is one of engagement and harmonisation rather than condemnation. It provides valuable insight for those who approach this topic from a background of international trade law, commercial law or general international law, just as much as those who have a human rights background. *International Economic Actors and Human Rights* will be of great interest to those studying or working in any field of international economic law, as well as

human rights scholars and practitioners Transnational Corporations and Human Rights Gwynne L. Skinner, 2020-08-20

The number of transnational corporations including parent companies and subsidiaries has exploded over the last forty years which has led to a correlating rise of corporate violations of international human rights and environmental laws either directly or in conjunction with government security forces local police state run businesses or other businesses In this work Gwynne Skinner details the harms of business related human rights violations on local communities and describes the barriers both functional and institutional that victims face in seeking remedies She concludes by offering solutions to these barriers with a focus on measures designed to improve judicial remedies which are the heart of international human rights law but often fail to deliver justice to victims This work should be read by anyone concerned with the role of corporations in our increasingly globalized society

The Routledge Handbook of Environmental Justice Ryan Holifield, Jayajit Chakraborty, Gordon Walker, 2017-09-14 The Routledge Handbook of Environmental Justice presents an extensive and cutting edge introduction to the diverse rapidly growing body of research on pressing issues of environmental justice and injustice With wide ranging discussion of current debates controversies and questions in the history theory and methods of environmental justice research contributed by over 90 leading social scientists natural scientists humanists and scholars from professional disciplines from six continents it is an essential resource both for newcomers to this research and for experienced scholars and practitioners The chapters of this volume examine the roots of environmental justice activism lay out and assess key theories and approaches and consider the many different substantive issues that have been the subject of activism empirical research and policy development throughout the world The Handbook features critical reviews of quantitative qualitative and mixed methodological approaches and explicitly addresses interdisciplinarity transdisciplinarity and engaged research Instead of adopting a narrow regional focus it tackles substantive issues and presents perspectives from political and cultural systems across the world as well as addressing activism for environmental justice at the global scale Its chapters do not simply review the state of the art but also propose new conceptual frameworks and directions for research policy and practice Providing detailed but accessible overviews of the complex varied dimensions of environmental justice and injustice the Handbook is an essential guide and reference not only for researchers engaged with environmental justice but also for undergraduate and graduate teaching and for policymakers and activists

Human Rights Related Trade Measures under International Law Anthony Cassimatis, 2007-12-31 When does international law allow a State or group of States to adopt trade measures in order to coerce another State to comply with its international obligations to ensure respect for human rights In answering this question this book draws together complex areas of international law which include the rules prohibiting interference in the internal affairs of sovereign States the rules regulating extra territorial exercises of jurisdiction the law of State responsibility and the international legal rules requiring the protection of human rights and regulating international trade The literature on Trade and issues invariably focuses on a limited number of

these areas or approaches the issues from an international relations or economic perspective This book will assist specialists in international human rights law and international trade law academic and government lawyers who advise on or implement international trade policy and those studying the use of human rights related trade measures Corporate Obligations under International Law Markos Karavias, 2013-11-28 This book examines the extent to which international law places obligations directly on corporate entities It is often argued that corporations are bound by inter alia the same human rights and environmental obligations that states have This book examines the source of these supposed obligations in treaty law international custom and in internationalized contracts to determine whether they really can be transposed to corporations so easily The focus of the book is on the regulation by international law of private corporate conduct It examines whether corporate obligations namely obligations binding directly upon a corporation under positive international law have indeed emerged and if so whether corporations may be systemically included in the predominantly state centric framework of international law It investigates the challenges facing international law as a result of the potential emergence of corporate obligations and engages in a structural analysis of what corporate obligations under international human rights law might entail Ultimately it warns against conceptualizing corporations as both holders and potential violators of human rights explaining why they are not automatically bound by the same obligations that are imposed on states International Corporate Legal Responsibility Stephen Tully, 2012-01-06 This book provides a systematic and structured treatment of the responsibilities of corporations under the broad conception of international law emerging from these developments gathered under the headings of environmental protection and sustainable development international criminal law corporate governance labour standards and human rights Touching upon a variety of areas of law and legal process including corporations law tort law criminal law contract law securities regulation international trade taxation and accounting standards the analysis emphasises the principal applicable international legal instruments and jurisprudence and the procedural mechanisms processes and fora by which corporations may be adjudged responsible Each chapter goes on to identify practical considerations for corporations as well as for those who advise and manage them **Corporate Environmental Accountability in International Law** Elisa Morgera, 2020-09-03 This fully updated second edition of Corporate Accountability in International Environmental Law examines systematically all international sources of corporate accountability standards with specific reference to environmental protection and elaborates on their theoretical and practical implications for international environmental law The book argues that although international environmental law does not bind multinational corporations and other business entities growing practice points to the emergence and consolidation of international legal standards These standards allow adapting and translating inter State obligations embodied in international environmental law into specific normative benchmarks to determine the legitimacy of the conduct of the private sector against internationally recognized values and rules The role of international organizations who in the absence of State

intervention identify and promote the application of selected international environmental standards is analyzed in depth This analysis demonstrates how these international organizations are a driving force in establishing and operationalizing international standards for corporate environmental accountability The new edition includes a recent assessment of the Rio 20 Summit analysis of the UN Framework on Business and Human Rights and the 2012 Performance Standards It contains a discussion on the role of fair and equitable benefit sharing under the Convention on Biological Diversity and international human rights law and analysis of the monitoring practice of the UN Special Rapporteur on Indigenous Peoples Rights This is an open access title available under the terms of a CC BY NC ND 4 0 International licence It is offered as a free PDF download from OUP and selected open access locations

International Criminal Law and Philosophy Larry May,Zachary Hoskins,2010 The purpose of this book series is to clarify and improve the theoretical foundations of international law Too often the progressive development and implementation of international law has foundered on confusion about first principles This series will raise the level of public and scholarly discussion about the structure and purposes of the world legal order and how best to achieve global justice through law The idea for this series grows out of the International Legal Theory project of the American Society of International Law Each year for the past decade the ASIL has devoted special attention to a different aspect of international law and has invited scholars and practitioners to discuss the theoretical basis of such topics as customary international law humanitarian law and human rights The ASIL Studies in International Legal Theory series will deepen this exchange by publishing scholarly monographs and edited volumes of essays considering subjects in international legal theory Book jacket

[International Legal Personality](#) Fleur Johns,2017-07-05 Who or what is entitled to act on the international plane Where should responsibility for violations of international law lie What sort of entities are capable of possessing international legal rights What is the status of individuals minority groups non governmental bodies international organisations and animals in the international legal order and how has their status shifted over time International Legal Personality contains fourteen articles that address these and related questions In historical and contemporary writings international lawyers grapple with the nature of legal identity and confront global distributions of authority and responsibility as they explore who or what is a person in the international legal order These essays document the emergence of an international legal order increasingly conceived in terms of patterns and probabilities rather than as the stagecraft of a small company of permanent players

International Law Sanford Silverburg,2018-04-19 This book offers diverse multinational perspectives on traditional and emergent issues in the practice and study of international law It deals with the evolving foundations of international law and covers a wide range of issues that link international politics to international law

Regulating Multinationals in Developing Countries Edwin Mujih,2016-04-08 Edwin Mujih explores the difficulties associated with regulating multinational companies operating in developing countries with a particular focus on extractive industries The author highlights the need to establish an international legally binding framework to ensure that

multinationals operate in a socially responsible manner to protect local communities and the environment Edwin Mujih s analysis reveals that the existing mechanisms for controlling the behaviour of huge multinational entities are of normative force only that these are particularly inadequate and that the notion of corporate social responsibility is only meaningful where behaviour can be legally regulated Regulating Multinationals in Developing Countries features a study of the Chad and Cameroon Oil and pipeline project which highlights the problems arising in countries that have neither the capacity nor the will to effectively regulate those operating within their borders The author has evaluated compliance by the parties with their social and environmental obligations He has found that despite controversy surrounding inadequate regulation of this project in its incipient stages the system that was put in place following huge opposition from the affected communities and from NGOs is worthy of attention and could stand as a model for similar projects elsewhere This first title in Gower s Corporate Social Responsibility Series to approach CSR from a legal perspective provides insight not just into the complexity surrounding efforts to regulate multinationals operating in countries with weak regulatory regimes but also into the fundamental nature of multinational corporations and the debate about different notions of CSR itself **Corporate**

Accountability under Socio-Economic Rights Jernej Letnar Čerňič, 2018-08-14 In recent decades corporations have increasingly accepted that they have obligations to respect the socio economic rights of individuals whose rights to livelihoods education food health housing and water are affected by the actions of corporations on a daily basis Despite this it is often difficult for victims to bring corporations to court for violations of their socio economic rights Domestic constitutional systems provide at best fragile and limited protections against adverse corporate activities while international responses have been lacking in creating obligations and accountability for corporations under socio economic rights The urgency of bolstering corporate accountability for socio economic rights is therefore apparent In light of this this book asks whether corporations are required to observe socio economic rights and if they are accountable for any violations In doing so it identifies and analyzes the theoretical foundations and the existing scope of corporate accountability arising from socio economic rights at both national and international levels Through careful analysis Jernej Letnar čerňič exposes the stark need for greater clarity in the obligations and accountability of corporations advocating a normative framework for corporate accountability for socio economic rights in national legal orders which builds on existing mechanisms **Multinationals**

and Corporate Social Responsibility Jennifer A. Zerk, 2006-11-09 The corporate social responsibility CSR movement has been described as one of the most important social movements of our time This book looks at what the CSR movement means for multinationals for states and for international law International law is often criticized for being too state centred and ill equipped to deal with the challenges of globalization However drawing from many and varied examples of state NGO and corporate practice this 2006 book argues that while international law has its limitations it presents more opportunities for the CSR regulation of multinationals than many people assume The main obstacles to better regulation are therefore not

legal but political

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