Human Rights Violations by Multinational Corporations and the Outlet to Judical Difficulties

Zhuoheng Du[1, *]

[1] *School of Law, Guangzhou University, Guangzhou, 510000, People's Republic of China*
[*] *Corresponding author. Email: 2002100036@e.gzhu.edu.cn*

ABSTRACT
The establishment and improvement of judicial remedies for transnational corporations' human rights violations is not only a fundamental part of the UN's business and human rights agenda, but also a major challenge to the establishment as well as the improvement of mechanisms for proper corporate accountability. However, under the country-centered international human rights law implementation system, judicial remedies for transnational corporations' human rights violations frequently face a number of legal and judicial challenges, which includes the jurisdiction dilemma, the corporate veil, lack of legal regulation and procedural and evidential issues. In order to strike a balance between the ideal of international human rights law and the current dilemma of domestic governance, and to minimize or eliminate the mentioned obstacles to the greatest extent possibly, efforts must be made to promote an effective interaction and coordinated cooperation between domestic and international law. Firstly, international human rights law guides the domestic law development and reform, the formation of basic principles on jurisdiction issues, legal internationalization and conceptual convergence of international corporate human rights responsibility and international judicial assistance and supervision by all sectors of society. Moreover, the implementation of international law is dependent on the will and actions of sovereign countries, so it is necessary to consider the coordinated development of domestic law.

Keywords: *Multinational corporations, Human rights, International law.*

1. INTRODUCTION

Under the tide of economic globalization and commercial liberalization, the vigorous development of multinational corporations is remarkable. [1] At the same time, with the increase of lawsuits against MNEs for human rights violations worldwide, the negative impact of MNEs' production and operation activities on human rights has attracted more and more attention of the international community. However, mechanisms of legal accountability and victim redress for human rights violations by MNEs are largely missing. Human rights litigation by multinational corporations is not only protracted and costly, but also often faces numerous legal and practical difficulties. Especially when the host country is a developing country, the weak legal system and heavy dependence on foreign-funded corporations make the host country lack the ability and willingness to regulate multinational corporations, which to a certain extent promotes transnational corporations' human rights violations. [2] However, the home country is usually a developed country with relatively perfect legal environment, which has many legal obstacles and is often unable to effectively supervise the human rights violations committed by the overseas subsidiaries and branches of the MNEs. Nowadays, in the face of more and more multinational corporations and their huge influence on global human rights issues, basic and mandatory international human rights standards and regulations should not only state but also realize the obligations of responsibility for states and transnational corporations.

Multinational corporations' violation of human rights is a hot issue in human rights and international legal circles. At the theoretical level, it deals with such fundamental issues as the subject and the extraterritorial application and jurisdiction of international human rights law. In practice, it involves the adoption of legislative, administrative and judicial measures by both home and host countries to control the compliance of MNEs with their international human rights obligations. For a long time, because multinational corporations are not the subject of international law, the practice of using

global law and regulations to control transnational corporations has not been comprehensively promoted, resulting in the repeated occurrence of human rights violations by MNEs. However, due to the imperfect legal system and the lax system, it has not been effectively prevented and punished. This paper will first introduce the history and development of human rights problems in multinational corporations, and then analyse the different forms of human rights violations by MNEs and the ways to solve the related problems.

2. THE HISTORY OF THE HUMAN RIGHTS VIOLATIONS BY MNES

Human rights violations taken by MNEs witness a very long history. One of the earliest MNEs, for example, the British and Dutch East India Company, began to abuse their power in some developing region such as Asia and Africa, subverting local governments, exploiting local people and extracting local resources. UK East Indian companies have sold opium in huge quantities in Asian countries, which seriously endanger the health condition of the people. Professor Teemu Ruskola even called it “one of the most notorious companies" in the world. The evils of these corporations sparked early consumer rights protest movements, including protests by the British people against the slave trade by the East India Company in the 17th century, and resistance by residents of Massachusetts in the U.S. in the 18th and 19th centuries to the import of El tea from the East India Company. [3]

During World War II, in addition to the crimes of wantonly trampling on human rights committed by the Fascist countries of Germany, Japan, and Italy, transnational companies also committed a huge number of human rights violations. British War Court heard a Japanese company for human rights abuses. Though the jurisdiction of these tribunals extends only to individuals and doesn’t have jurisdiction over corporate legal persons to rule on the responsibilities of these multinational corporations themselves, the tribunals, in their judgments holding their employees responsible, elaborate on the instrumentality of these multinational corporations in such violations committed by their employees. The Tribunal found evidence to prove that these corporations, as legal entities, had committed crimes against humanity as well as other human rights violations. However, the cases mentioned above hold individual responsibility instead of corporate liability, and the human rights violations committed by MNEs during the Holocaust and the fact that they benefited from them were not revealed until the late 20th century and attracted widespread attention from the international community. Some internationally renowned banks and financial enterprises were prosecuted in American courts, these companies were accused of embezzling the deposits of families who had been massacred by the Nazis, who were either massacred in their entirety or whose relatives were unaware of their bank accounts, and some of whom were accused of not honoring the issued policies. [4]

During the 1950s and 1970s, the scandals involving several well-known corporations in the overthrow of the democratically elected governments of South American countries were exposed, which aroused the attention of the international community, especially developing countries, to the activities of transnational corporations, and led to a campaign to nationalize transnational corporations in developing countries. In addition, MNEs are engaged in large-scale exploitation of natural resources and corruption of nation-state Governments in developing countries. In pursuit of profits on a global scale, multinational corporations also often partner with authoritarian governments to engage in massive human rights violations or tolerate, support, or assist in mass human rights violations committed by these authoritarian regimes.

Non-governmental organizations (NGOs) have always played a vital role in promoting human rights liabilities for MNEs. In 1999, a human rights NGO published two lengthy reports, one accusing Enron of using violence to suppress local residents opposed to energy projects in collaboration with the Indian police, and the other accusing Royal Dutch Oil Company, Mobil Oil Company, and other international oil corporations who operate in Nigeria of working with the local government to suppress activists protesting these companies' environmental and development policies. In the Doe v. Unocal case before the U.S. District Court for the District of California, the plaintiffs represented Burmese residents in alleging violations of human rights law by Unocal in building an oil pipeline project that claimed to have been subjected to torture, rape, property, forced labor, and other human rights abuses. Some lawsuits have alleged environmental damage from multinational corporations, such as Texaco in Ecuador. [5]

In addition, prominent MNEs have been accused of labor human rights violations which include non-payment of overtime, the use of child labor, violations of minimum wages, prohibitions on the gender discrimination and dangerous working conditions. [6]

3. MAIN DIFFERENT FORMS OF HUMAN RIGHTS VIOLATIONS TAKEN BY MNES

Professor Ratner divided the way in which MNEs violate human rights into three categories, which were human rights violations committed by MNEs as agents of governments, complicity of transnational corporations with governments or government agencies that commit human rights violations, and human rights violations committed by transnational corporations as commanders.

In general, it is easier to understand that MNEs are directly engaged in human rights violations. For instance, MNEs use child labor in their factories and dump toxic and hazardous waste into rivers and lakes. Complicity is an entirely new concept in human rights.

Accusations of complicity in governmental human rights abuses are also under increasing pressure on companies to assume human rights responsibilities. The concept of corporate complicity is first proposed by an international human rights group who publishes two reports in 1999 on investment activities and human rights abuses by multinational corporations. Multinational corporations should also refrain from activities which could subvert the system of law. They should also make good use of their influence to assist promote and ensure respect and protection for human rights. In addition, MNEs should be aware of the implications of their major and propose activities in order to further avoid complicity in the field of human rights.

However, there is no clear definition of corporate accomplice in the international human rights field. Some scholars divide corporate accomplice into direct accomplice, indirect accomplice and silent accomplice. Direct complicity is when a company aids or encourages others to know about its human rights violations. For instance, if a corporation assists the government in carrying out forced evictions of residents, the corporation is directly complicit in human rights violations. Another example is when a company's contractors or joint venture partners commit human rights violations on behalf of the corporation or with the assistance of the corporation. Indirect complicity, also known as complicity to benefit from a human rights violation, is when a company benefits from another person's human rights violation, even if the violation was not authorized, directed or known about in advance. Indirect complicity is when a corporation gains direct financial benefit from ongoing human rights violations and continues to maintain a partnership with the local government. For example, a corporation that tolerates or wilfully turns a blind eye to such violations by its business partners in furthering their common business objectives is complicit in their favour.

For example, companies in export processing zones accept financial incentives from the government, where the government prohibits the establishment of trade unions and the purchase of raw materials from providers by company, which is committing massive human rights violations; and the corporation's tolerance of working condition in its supply chain that are harmful to the health of workers, all constitute complicity in the benefits of the company.

Complicity in silence is an inaction of multinational corporations in the face of human rights violations by host government. This concept reflects the expectation of corporations that persistent human rights violations should be brought to the attention of authorities. Under the international law, if an individual's position and moral authority encourage human rights violations, that individual can be found to have complicit in human rights violations simply because of his or her existence. Thus, a multinational corporation's mere commercial presence in a state where serious infringements have occurred can constitute complicity in silence, for example, systematic inaction or tolerance of systematic discrimination or tolerance in employment laws on the grounds of race or sex may result in allegations of complicity in silence.

4. CURRENT IMPERFECTION IN REGULATING THE HUMAN RIGHTS VIOLATIONS BY MNES

4.1. Imperfection and Development of International Law

With the increasing scope and influence of industrial and commercial enterprises represented by multinational corporations, the expectations of the international community for enterprises to respect human rights have increased day by day, and the theory of corporate social responsibility and its legalization movement have emerged since 1970s. A series of international treaties reaffirm the obligations and responsibilities of MNEs to protect human rights, clarify the human right standard and implementation methods that enterprises should abide by, and promote the international community's popularization of the regulation of human rights violations by multinational enterprises. [7]

However, most of these international human rights documents do not have strict legal constraints for its “soft law” nature, which lack the direct binding force of coercion on enterprises. Most of the principled provisions on the human rights duties and liabilities of enterprises are relatively vague. At the same time, due to the weak supervision and implementation mechanism of soft law norms at the level of international law, the cost of violations by MNEs is low, making it difficult to effectively fulfill and implement their human right obligations. [8]

In 2018, a working group issued the Legal Document known as Legally Binding Instrument to Regulate (Zero Draft), and later passed the Legal Document (Revised Draft) in 2019 and the Legal Instrument in 2020 (Second Revised Draft) to promote the process of codifying the human rights responsibilities of MNEs. [9] It is an international instrument on the comprehensive regulation by countries of transnational corporations. It covers all internationally recognized human rights and lays down not only the obligation of state punishment and remedy

but also the duty of prevention. It inherits the results of the compilation of the "Guiding Principles" and draws on the basic provisions of the "Maastricht Principles", comprehensively embodies the latest position of the UN in regulating the human right responsibilities of transnational corporations and shows the latest progress in the development of the issue of the human right responsibilities of MNEs from “soft law” to "hard law". Although the future codification process will be difficult and tortuous, this instrument has a breakthrough value that cannot be ignored.

4.2. Dilemma in Jurisdiction

In general, human rights violations by MNEs are more likely to occur in host countries where the development of law is relatively weak, therefore the likelihood of the host country to provide effective remedies is not high. When a host country is unable to provide effective remedies, victims often place their hopes on seeking judicial redress from the home countries of transnational corporations. At this level, the home court faces, on the one hand, the obstacle posed by the passive exercise of jurisdiction and the principle of “forum-non-convenience doctrine”, on the other hand, the challenge posed by the active exercise of jurisdiction, for example, extraterritorial jurisdiction, which raise questions about the reasonable exercise of jurisdiction. [10]

In particular, where the jurisdiction of other courts lacks the possibility of expectation, the court should apply the forum-non-convenience doctrine to prevent multinational corporations from evading jurisdiction. The principle of “Forum Necessity” has been recognized by European countries such as Germany and France, which limits the application space of the forum-non-convenience doctrine and has a positive significance in removing jurisdictional obstacles in judicial remedies to a certain extent. Extraterritorial jurisdiction is controversial in both theory and practice. On the one hand, many international human rights treaties express or imply that the obligations of countries are not limited to their own territory or do not limit the territorial scope of their duties, while the UN’s human rights treaty bodies, in their general comments on these treaties, tend to affirm the extraterritorial human rights obligations of the home country, thus providing a premise and basis for the exercise of extraterritorial jurisdiction of countries. On the other hand, the extraterritorial human rights obligations of countries do not automatically legitimize extraterritorial jurisdiction. This is because the exercise of national jurisdiction is also limited by the principles of the sovereign equality of states and non-interference in the internal affairs of countries in international law, and can therefore only be limited to the traditional principles of jurisdiction already established under customary international law, such as territorial, protective and universal jurisdiction. [11]

From a practical point of view, the exercise of extraterritorial jurisdiction should avoid conflict with the sovereignty of other States and great care must be taken. In this regard, the principle of the closest links is of great value for the establishment of extraterritorial jurisdiction. The principle of the closest link requires that, in exercising its jurisdiction, the court must ensure that there is a sufficiently close link or link between the court or the applicable law and the case. However, it is not easy to judge these relationships or associations reasonably. Especially, the diversification of related party transactions and related party control of multinational companies make the method of judging the intimacy of such relationships confusing, which brings practical challenges to the application of extraterritorial jurisdiction. [12]

4.3. Piercing the Corporate Veil

The traditional corporate law principle of piercing the corporate veil may become a legal obstacle in the process of investigating and affixing the responsibilities of parent companies. The corporate veil establishes the rule of independent legal personality and limited responsibility of a company, thus separating the shareholders of the company from the legal liability of the company. In special statutory circumstances, the inherent principle permits the existence of exceptions. However, it is not the same across countries and it requires strict legal elements to be met, which could be interpreted restrictively to exclude human rights violations by MNEs and to exempt parent companies from liability for human rights violations committed by subsidiaries. For example, though a group of workers with impaired rights in health won the lawsuit in the court where the subsidiary was located, but as the subsidiary entered liquidation, workers turned to try to investigate and affix the responsibilities of the parent company and advocated treating the parent and subsidiary as an entity, thereby piercing the corporate veil. However, the court rejected the request and held that the rule of limited liability was a tradition of company law. This case shows that the traditional principle of piercing the corporate veil protects the interests of the parent company while hindering the retroactive responsibility of human rights to a certain extent. [13]

From the point of view of powerful remedies for victims of human rights violations, the principle of piercing the corporate veil should not be a legal obstacle to the responsibility of MNEs. The future legal reforms should attempt to make statutory exceptions to the rule of piercing the corporate veil in specific areas, thereby increasing the likelihood that human rights victims would receive judicial compensation. [14]

4.4. Other Challenges in Current Situation

In the process of tracing the human rights responsibility of MNEs, in addition to the above-mentioned legal and institutional obstacles, they also face many practical challenges in the implementation of the law. First, multinational corporations, with their strong economic, political and social influence, may exert pressure, personal risk or other disadvantages on the plaintiffs initiating the litigation. In particular, when transnational corporations have significant economic interests with public institutions, or where MNEs and countries are complicit in human rights violations, many victims or their lawyers may be reluctant to initiate proceedings for fear of reprisals. Second, transnational human rights litigation is often time-consuming and costly, and may exceed the capacity of the victim or claimant to become an obstacle to the victim's search for effective redress. Even in developed countries, victims' access to legal aid is limited. Third, out-of-court settlements may lead to the suspension of the litigation process, allowing transnational corporations to escape justice and legal liability. Out-of-court settlements, on the other hand, often lack enforcement guarantees and it is difficult to ensure adequate and effective compensation. Fourthly, in countries where the system of law is relatively weak, the judiciary may be negligent, abusive, inactive and even corrupt in the administration of justice, resulting in victims of human rights infringement not being able to obtain timely redress.

Therefore, in the face of multiple legal and practical challenges brought about by human rights violations by transnational corporations, countries should pay attention to the effects of law implementation on the basis of improving their legal systems. At the law enforcement level, strict enforcement should be ensured to prevent transnational corporations from escaping justice for their human rights violations; At the judicial level, the right to judicial redress for victims of human rights violations of human rights in transnational corporations should be effectively guaranteed, and the negative impact of delays and inefficiencies in judicial proceedings should be prevented; At the level of legal supervision, it is necessary to improve the supervision mechanism for the operation of power, prevent the abuse of power and the corruption of power, and avoid the inaction of state organs in human rights violations by transnational corporations.

5. TENDENCY AND NEW SOLUTIONS TO HUMAN RIGHTS VIOLATIONS BY MNES

5.1. The Key to Solve the Problem: Juridical Remedies in Both International and Domestic Law System

Countries have been playing a central role in fulfilling and shouldering their international human rights responsibilities since late 20th century. Countries have duties to protect human rights and, to translate international and regional law into domestic law for implementation. The obligation of countries includes not only negative obligation of countries to avoid human rights violations by public authorities, but also positive duty to prevent them by third parties, including the private sector, in their territories and areas of jurisdiction. If the remedies of international human rights law are not provided for or cannot be enforced in practice, the whole of international human rights law will be largely empty. That is why many relevant treaties require countries to provide powerful remedies for victims of human rights violations. The purpose and role of effective remedies is to offset or compensate for the damage suffered by the victims when violations have already occurred. The soundness of the rights remedy system is an important indicator of the completeness of the legal system. In order not to let human rights under the public governance model become formal, it is necessary to have an open, fair and efficient rights remedy mechanism.

As the key to ensuring effective remedies, "judicial remedies" are essential to underpin and guarantee the effectiveness of the entire system of rights remedies. The rights remedy mechanism includes a complaint mechanism at the national and non-state levels, and a complaint mechanism at the national level includes judicial and non-judicial mechanisms. Among the many rights relief mechanisms, the national judicial relief mechanism is the most critical. This is not only due to the gradual integration of the concept of rights relief and rights protection in modern society, but also the systematic arrangement of judicial remedies as the center. Moreover, because judicial remedies are the last line of defense for social fairness and justice, they have the function of ultimate relief to guarantee the realization of human rights. Compared with other relief mechanisms, judicial relief mechanisms are more open, fair and effective because they are consistent with the rule of law and due process. Although the non-judicial appeal mechanism has a certain degree of flexibility, it is inferior to the judicial appeal mechanism in terms of the independence of the mechanism design, the transparency of the implementation of the mechanism, and the coercive power of the implementation of the mechanism. [15]

5.2. Interaction between International and Domestic Law

The plight of transnational corporations in providing judicial redress for human rights violations not only exposes the weakness of the enforcement mechanisms of international human rights law, but also poses

challenges to the domestic legal system. From the angle international human rights law, on the one hand, there is a difference between the “hard law ideal” and the “soft law reality‘’ of the human rights obligations of MNEs, on the other hand, there is also a gap between the obligation of countries to protect and remedy human rights at the level of actual law and should-be law. From the perspective of domestic law, although the legal systems and human rights protection levels of each country differ, many common and profound legal obstacles are reflected in the process of judicial remedies for victims of human rights violations by MNEs. In the face of these challenges and obstacles, it is not simply by relying on the ability of judges or lawyers to handle cases or improving a country's legal system, but to find the root causes from the deep structure and relationship level between international law and domestic law, and then take comprehensive and targeted measures for change or improvement. Therefore, the solution to this problem requires not only the simultaneous implementation of both international and domestic law, but also the in-depth and benign interaction and coordination between them, so as to develop and improve the system of judicial remedies for human rights violations by MNEs.

International law can foster a basic consensus among countries on the rules of jurisdiction and practice of law, reducing the likelihood of lengthy jurisdictional disputes. States can use international treaties to develop rules that reduce barriers to jurisdiction and ensure that cases move to trial in substantive matters more quickly. For example, in cases involving human rights violations by MNEs, local subsidiaries may be allowed to participate as co-defendants in proceedings against the parent company, establishing a basis for the jurisdiction of the host State; When a plaintiff exhausts the judicial remedies of the host State and turns to the home court for action, the principle of necessary jurisdiction may be applied or the application of the inconvenient court rule may be restricted to establish the basis for the jurisdiction of the home country. Adherence to the spirit of jurisdictional coordination, generally accepted by the international community, cooperation on the basis of sovereign equality and respect for mutual interests, and consideration of reciprocity, comity and limitation of one's own jurisdiction are necessary for the avoidance and resolution of conflicts.

International law can promote legal integration and convergence of ideas in the field of corporate human rights liability, thereby contributing to the reform of civil and criminal laws in various countries. Firstly, international treaties can be used to promote civil law reform in various countries, promote the establishment of human rights due diligence obligations of corporations, and reduce legal obstacles in the process of tracing the human rights responsibility of MNEs. Secondly, in cases of gross violations of human rights, countries are permitted to make exceptions to the theory of independent legal personality and limited liability, creating a statutory model of parent company liability for the actions of subsidiaries and requiring parents to pay the debts of human rights victims to human rights victims when the subsidiary defaults or is impossible to pay. Thirdly, international treaties could be used to promote the incorporation of corporate crimes into the penal system so that serious violations of human rights by corporations could be effectively punished. International law can promote judicial cooperation among countries in the areas of criminal justice assistance and the enforcement of judgements.

For example, in the process of investigation and collection of evidence and traceability of responsibility for cases of human rights violations by MNEs, cooperation between countries and other countries, international and regional organizations are promoted, including but not limited to technical cooperation, capacity-building and exchange of experiences. With the hope of establishing a more ambitious "International Court of Corporations and Human Rights", it is still of great practical significance to improve the recognition and enforcement mechanisms for judgments retroactive to the responsibilities of multinational corporations.

International law can also strengthen the monitoring of multinational corporations' compliance with their human rights obligations by all sectors of international society. For example, a monitoring body should be established on the basis of the UN human rights monitoring mechanism to listen to reports from governments, private enterprises, NGOs and other stakeholders, and to issue authoritative statements on the respect of MNEs for law, urging MNEs to consciously assume their human rights obligations and responsibilities. [16]

6. CONCLUSION

With the increasing of multinational corporations as well as their more and more enormous influence on global human rights, basic and mandatory international human rights standards and regulations should not only state but also fulfill the obligations of responsibility for states and transnational corporations.

Legal cases of human rights violations by MNEs involve a huge number of individuals and a wide range of kinds of rights such as the deprivation of land rights of traditional and indigenous population, violations of legal labor rights, the use of child or forced labor, excessive use of force by security personnel and violations of human rights to life and health and access to water and food.

To truly fulfill the commitment of respecting and protecting human rights, all countries must attach importance to the effectiveness of judicial relief

mechanism. Only frank criticism and exploration of the inadequacies of existing mechanisms of judicial redress, as well as a response to existing obstacles, will make it available to change the status quo of silence and poor implementation by countries in providing judicial redress. The above-mentioned problems and challenges also require the active interaction and coordinated development of international and domestic law. In the field of human rights protection, although the improvement of domestic law system is the ultimate solution, international and regional law still play a vital role in guiding and promoting the development and reform of domestic law. As international human rights standards continue to permeate national legal systems, national systems of human rights protection and redress will continue to improve, and the obstacles encountered by transnational corporations will eventually be gradually reduced.

REFERENCES

[1] United Nations General Assembly, Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights, para.20, 26 August 2003.

[2] UN Human Rights Council, Report of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises: addendum: Summary of five multi-stakeholder consultations, 23 April 2008, https://www.refworlpd.org/docid/484d283d2.html.

[3] B. Stephens, The Amorality of Profit: Transnational Corporations and Human Rights, Berkley Journal of International Law, Vol.45, 2002, p.49.

[4] A. Ramasastry, Corporate Complicity: From Nuremberg to Rangoon— An Examination of Forced Labor Cases and Their impact on the Liability of Multinational Corporations, Berkeley Journal of International Law, Vol.20, 2002, p.121.

[5] Human Rights Watch, The Enron Corporation: Corporate Complicity in Human Rights Violations, 1999; The Price of Oil: Corporate Responsibility and Human Rights Violations in Nigeria's Oil Producing Communities, 1999.

[6] A. P. Ewing, Understanding the Global Compact Human Rights Principles, in Embedding Human Rights in Business Practice, A joint publication of the United Nations Global Compact Office and the Office of the United Nations High Commissioner for Human Rights, P.40.

[7] The Ten Principles of the UN Global Compact, https://www.unglobalcompact.org/what-is-gc/mission/ principles.

[8] United Nations Human Rights Office of the High Commissioner, Guiding Principles on Business and Human Rights: Implementing the United Nations u Protect, Respect and Remedy" Framework, United Nations Publication, 2011, p. 1.

[9] Elaboration of An International Legally Binding Instrument on Transnational Corporations and Other Business Enterprises with Respect to Human Rights, UN Doc. A/RES/26/9, 2014.

[10] G. Skinner, Beyond Kiobel: Providing Access to Judicial Remedies for Violations of International Human Rights Norms by Transnational Business in a New (Post-Kiobel) World, 58 Colombia Human Rights Law Review ,vol.158, 171-173, 2014.

[11] C. Nwapi, Jurisdiction by Necessity and the Regulation of the Transnational Corporate Actor, 78 Utrecht Journal of International and European Law 24, 24, 2014.

[12] J. Zerk, Extraterritorial Jurisdiction: Lessons for the Business and Human Rights Sphere from Six Regulatory Areas, Harvard Corporate Social Responsibility Initiative Working Paper No.59, HARVARD Kennedy School, June 2010, https://www.hks.harvard.edu/centers/mrcbg/programs/cri/ research/papers.

[13] S. Demeyere, Liability of a Mother Company for Its Subsidiary in French, Belgian, and English Law, in: European Review of Private Law, vol.3, pp. 385-392, 2015.

[14] D. Blackburn, Removing Barriers to Justice: How a Treaty on Business and Human Rights Could Improve Access to Remedy by Victims, SOMO, 2017, p.46.

[15] Report of the United Nations High Commissioner for Human Rights, Improving Accountability and Access to Remedy for Victims of Business-related Human Rights Abuse, pp. 3-4, 10 May 2016.

[16] United Nations Human Rights Office of the High Commissioner, The Corporate Responsibility to Respect Human Rights: An Interpretative Guide, New York and Geneva: United Nations Publication, 2012, p. 1.