



The Research on the Human Rights Responsibilities of Multinational Corporation in Global Supply Chains

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Abstract. The emergence and growth of global supply chains have expanded the market for the world economy while simultaneously casting a spotlight on the human rights challenges associated with multinational corporations and their supply networks. Technological progress has shifted global supply chains from geographically dispersed models to those based on functional specialization. This evolution has also introduced a new structure within multinational corporations that encompasses three primary functions and promotes global cohesion, resulting in inconsistent oversight of corporate human rights obligations. Currently, global legal practices focusing on compulsory human rights due diligence fundamentally align with the primary demands of supply chain management. However, notable shortcomings that demand attention still persist. Given the slow advancement of the Industrial, Commercial, and Human Rights Treaty, the pressing need to oversee the operations of multinational corporations and their supply chains, and the growing acceptance of human rights due diligence legislation globally, there's a clear need for the establishment of a framework convention. Such a convention would effectively support the enforcement of legal regulations concerning human rights due diligence among multinational corporations within global supply chains. Essentially, this framework would encompass legal foundations, state responsibilities, obligatory human rights due diligence, specialized oversight bodies, methods for resolving disputes, and remedies for suppliers. Furthermore, as a pivotal player in the global supply chain, China faces an immediate requirement to define the human rights obligations of multinational corporations operating within these networks, underscoring the country's position and responsibilities as a developing nation.

Keywords: Global Supply Chain, Multinational Corporations, Corporate Human Rights Responsibility.

1 Introduction

The formation of global supply chains is the result of different enterprises dividing their production and operation networks on a global scale in the context of economic globalization. Large multinational corporations are often at the forefront of the supply chain. They control the operation of the supply chain through capital control or commercial contractual relationships, and are the core of the international supply chain. At the end

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of the supply chain are medium-sized supplier enterprises, most of which are located in developing countries. Based on economic considerations, core enterprises often expand their business scale and reduce production costs through global supply chains. Multi-national corporation is the leaders of the global supply chain, integrating the most competitive enterprises from all over the world into their own supply chain system through functional integration [1].

These configurations can lead to significant human rights abuses, particularly at the lower tiers of global supply chains. Traditional regulatory frameworks at the national level often struggle to check the expanding global operations of multinational corporations (MNCs). The reluctance or incapacity of both host and home countries to impose regulations creates a loophole that allows MNCs to exploit "pollution havens" and set up "sweatshops" [2]. Instances of MNCs infringing on labor rights, damaging the environment, and ignoring human rights standards are widespread, underscoring the urgent need to hold MNCs accountable for their adverse effects on human rights along their supply chains.

This study aims to explore the accountability of multinational corporations for human rights within their supply chains, addressing their negligent practices. Despite the existing framework for international human rights protection, the oversight concerning the human rights obligations of multinational corporations remains insufficiently developed. Treaties on human rights protection agreed upon by certain intergovernmental organizations have not been effectively enacted. Consequently, the development of a comprehensive and effective mechanism for the protection of human rights within multinational corporations is critically needed. The growing demand for enhanced human rights safeguards in international legislation mirrors a broader appeal by the global community for MNCs to undertake human rights responsibilities. Elucidating the human rights obligations of MNCs within supply chains is key to fostering the creation of protective mechanisms within these corporations and enhancing global cooperation. The investigation into the human rights duties of MNCs within their supply chains holds significant theoretical and practical value in advocating for their role in safeguarding human rights.

Organized into five sections, this paper begins with an introduction that outlines the human rights issues faced by multinational corporations within supply chains. The subsequent part discusses the theoretical underpinnings and the practical hurdles of MNCs' human rights obligations, including an exploration of these responsibilities, the challenges encountered by MNCs in upholding human rights, and a review of current legal and practical measures. The third section offers a detailed case study analysis of human rights accountability within the global supply chain, featuring evaluations of human rights conflicts in supply chains in developing nations, assessments of human rights protection initiatives by MNCs in developed countries, and the derived impact and lessons. The fourth section outlines strategies for enhancing the fulfillment of human rights obligations in global supply chains, suggesting improvements to regulatory measures concerning MNCs' human rights duties, the practical application of corporate human rights responsibilities, and the role of the global community in monitoring and cooperation. The final part presents the conclusion.

2 Theoretical Framework and Practical Challenges of Human Rights Responsibility of Multinational corporation

As Janne Mende posited, multinational corporations are increasingly recognized as a distinct category beyond the conventional "public" and "private" sectors, capable of influencing national policies and potentially jeopardizing societal welfare and human rights [3]. Presently, there lacks a precise definition for the human rights responsibilities of multinational corporations within the framework of international law. Nonetheless, the United Nations Norms on the Responsibility of Transnational Corporations and Other Business Enterprises with Regard to Human Rights, specifically through Articles 2 to 14, essentially define these responsibilities. According to these norms, it is incumbent upon multinational corporations and similar business entities to ensure the promotion, realization, respect, and protection of human rights as acknowledged by both international and national laws in all their production and operational activities [4].

2.1 Theoretical Discussion on Human Rights Responsibilities

The global consensus on the definition and scope of "human rights" and "international human rights" within the realm of multinational corporations and their activities is not uniform. These rights, as outlined by various international frameworks, encompass a broad spectrum that the international community acknowledges, ratified through international treaties by states and grounded in customary international law accepted globally. This includes a diverse array of rights such as civil, political, economic, social, and collective rights.

Human Rights Obligations of Multinational Corporation from an International Law Perspective.

From an international law perspective, the exact human rights responsibilities of multinational corporations are a contentious topic, complicated by the diverse interpretations of what constitutes human rights. There is a concern that some corporations may selectively adhere to human rights norms based on the jurisdiction [5]. In 2002, the Economic and Social Council endeavored to clarify these responsibilities through draft guidelines, proposing a comprehensive list of human rights that businesses should uphold, including the right to equal opportunity and non-discriminatory treatment, personal safety, workers' rights, and a wide range of civil, cultural, economic, political, and social rights. This array of rights aims to cover essentials such as development, access to food and water, the highest standard of health, adequate housing, privacy, education, and freedoms of thought, conscience, religion, opinion, and expression. However, the broad scope of this list sparked significant debate regarding its inclusivity and the selection criteria for including certain rights over others.

Given this backdrop of international human rights frameworks, multinational corporations are obligated to comply with the human rights mandates as defined by ratified international treaties and the universally accepted customary international law.

The Concept of Human Rights Protection in Supply Chain Management.

In supply chain management, the concept of human rights protection is increasingly seen as a vital element of corporate social responsibility. When a company within the supply chain encounters social responsibility risks, it often leads to public and stakeholder scrutiny that can extend to other links in the chain, potentially inflicting severe reputational and operational harm on other businesses in the network. Therefore, social responsibility has gradually become an important aspect of global supply chain governance and a key factor in the success or failure of competition between supply chains.

The human rights responsibility governance of multinational corporations from the perspective of global supply chain governance should reflect the basic characteristics of cooperative governance and mixed governance. In terms of cooperative governance, it is necessary to play the role of government legislation and public opinion supervision in civil society, as well as balance the power and interest differences between multinational corporations and suppliers [6]. Ensure fair distribution of social responsibility among entities at all levels of the supply chain. In terms of mixed governance, government regulation and corporate autonomy, mandatory legislation and flexible policies should be appropriately combined according to the context. To achieve the best balance between economic and social benefits.

2.2 The Practical Challenges of Human Rights Responsibilities of Multinational Corporation

The Main Human Rights Issues Faced by Multinational Enterprises.

Multinational enterprises often face critical human rights challenges that impact their global operations. One significant issue is the violation of workers' fundamental rights to life, health, and bodily integrity. Many employees endure severe conditions in the workplace, with little regard for their health and well-being. Excessive overtime, delayed wages, and even physical abuse for unmet work tasks are not uncommon practices.

Another pressing concern is the persistent inequality in employment opportunities, with gender discrimination being particularly egregious. The World Labour Organization reports that, on average, there exists a 14% wage gap between men and women across 115 countries, highlighting a widespread issue of unfair treatment based on gender.

The illegal use of child labor also remains a critical problem. A notable instance reported by the UK's Daily Mail on December 16, 2019, involved a lawsuit filed against American tech giants, including Apple, Google, Tesla, Microsoft, and Dell, accusing them of employing child labor in Africa, leading to tragic outcomes, including five fatalities and numerous injuries among children.

Furthermore, environmental degradation by multinational corporations significantly affects the rights of communities, particularly their right to a safe and healthy environment. The reckless pollution and destruction of local ecosystems not only degrade the quality of life for residents but also hinder their ability to engage in productive activities, illustrating a grave disregard for the environmental and human rights implications of their operations.

Specific Manifestations of Supply Chain Human Rights Risks.

Within a singular supply chain, the oversight of corporate human rights responsibilities is manageable. However, in the context of complex global supply chains, many human rights responsibility issues have strong concealment and are located in certain links of the supply chain, which cannot be quickly identified. It is likely to be discovered only after it develops into a major crisis problem. A series of supply relationships for raw materials, semi-finished products, distributors, and retail enterprises pass through multiple countries. However, due to the lack of uniformity in laws and human rights responsibility standards among countries, many companies will shift their manufacturing processes to countries with lower human rights responsibility standards. Given the nature of supply chains, any human rights issues that arise at various nodes can have a significant negative impact on the entirety of the supply chain.

2.3 Current Analysis of Legislation and Practice

Progress of International and Regional Human Rights Legislation.

Recent years have witnessed substantial advancements in both international and regional frameworks concerning human rights legislation. California set a precedent in 2010 with the enactment of the California Supply Chain Transparency Act, designed to enhance supply chain transparency regarding human rights. This was followed by the UK's introduction of the Modern Slavery Act in 2015, aimed at combating slavery and human trafficking in business practices. France progressed further with the introduction of the Vigilance Duty Act in 2017, mandating comprehensive due diligence by large corporations to identify and mitigate human rights abuses. In 2019, the Netherlands addressed child labor through the enactment of the Dutch Child Labor Duty Act. On the global stage, the International Labour Office's Council adopted the Tripartite Declaration of Principles in 1977, and in 2002, the Economic and Social Council's Human Rights Committee took a significant step forward with the draft Code of Responsibility aimed at tackling human rights challenges in business. The United Nations has also played a crucial role with its ongoing "Business and Human Rights" initiative, emphasizing the importance of corporate accountability in safeguarding human rights.

Related Practices in China.

In China, the government has taken proactive steps to weave human rights considerations into its business and environmental regulatory framework. The issuance of the Environmental Protection Guidelines for Foreign Investment Cooperation in 2013 by the Ministry of Commerce and the Ministry of Environmental Protection underscored the emphasis on environmental stewardship in international ventures. The subsequent "Management Measures for Overseas Investment" in 2014 further solidified the country's stance on responsible investment practices. Moreover, in 2019, China, along with 40 other nations, endorsed the Joint Communiqué at the Second Belt and Road Forum for International Cooperation's Round Table Summit. This document underscores the imperative for comprehensive corporate social responsibility across all Belt and Road

Initiative projects, demonstrating a unified commitment to upholding human rights standards in global collaborations.

3 Case Analysis of Human Rights Responsibilities in Global Supply Chains

3.1 Typical Cases of Human Rights Responsibility Disputes

Global supply chains unveil a realm fraught with complexities and hurdles in upholding human rights obligations, characterized by the "international fragmentation of production." This fragmentation results in a broad, multi-tiered network of suppliers, complicating global commerce while simultaneously posing significant governance and oversight challenges.

A critical issue within this complexity is the challenge of ensuring compliance and monitoring across the entire supply chain. Superficial compliance is insufficient to meet and fundamentally change unreasonable and unethical corporate behavior [7]. For instance, Apple, a leading company with a vast supply chain spanning multiple countries, reported in 2015 having 785 suppliers across 31 countries, all contributing to the assembly of iPhones. Such intricate networks offer companies loopholes to bypass regulations for profit, thereby creating voids in governance and oversight. Often, the core operations of these enterprises, though officially based in one country, extend far beyond the reach of their home nation's regulatory framework [8]. The absence of stringent regulations in the supply chain's host countries, combined with a lack of adequate resources or systems for effective oversight, can precipitate grave human rights abuses by these central enterprises.

The repercussions of these regulatory voids have been made starkly apparent in numerous incidents. The 2013 Rana Plaza disaster in Bangladesh, which claimed thousands of lives, underscored the grim working conditions in the garment industry. This tragedy, involving factories that produced for major brands like Wal Mart Group and Benetton Group, shed light on the dire working environments and the prevalence of sweatshops, drawing widespread attention to the plight of workers at the lower end of the garment supply chain.

Furthermore, human rights abuses in global supply chains are not confined to the manufacturing sector alone. Multinational corporations operating in areas with lax human rights protections have faced accusations of egregious violations. A notable example includes Unocal (now Chevron), which was alleged to have forcibly displaced communities in Myanmar and Indonesia to construct oil pipelines. Such acts not only infringe upon the fundamental rights of communities but also underscore the wider issue of corporate involvement in human rights violations to advance commercial gains.

3.2 Impact and Lessons of the Cases

The Socio-Economic Impact of Supply Chain Human Rights Issues.

The socio-economic repercussions of human rights violations within global supply chains extend far beyond the immediate victims, affecting broader societal and economic structures. These violations often lead to significant social unrest, loss of life, and long-term damage to community well-being, undermining the social fabric of regions impacted by unethical supply chain practices. Economically, companies involved in human rights abuses face potential boycotts, loss of consumer trust, and decreased shareholder value, impacting their bottom line and market position. Furthermore, the prevalence of such issues can deter foreign investment, affecting the economic development of the countries involved. The European Parliament's concerns highlight the intricate nature of global supply chains, where opacity and lack of accountability heighten the risk of labor rights violations, environmental damage, and financial malpractices like tax fraud and avoidance.

The adverse impacts on human rights within international supply chains highlight a significant gap between perceived and actual responsibility holders, often located in different jurisdictions. The Rana Plaza collapse in Bangladesh exemplifies this, with upstream clothing brands criticized globally, yet immediate responsibility falling on end suppliers. Despite contractual or ownership links, their roles differ: core entities control and represent the supply chain, while end suppliers, typically in developing countries with lower costs and weaker human rights protections, are directly linked to human rights violations.

How Multinational Corporation Can Improve the Fulfillment of Human Rights Responsibilities.

The externalization of human rights risks through the supply chain by enterprises essentially involves expanding economic benefits while transferring the human rights risks brought about by their business activities to individuals at the end of the supply chain. In areas with lower levels of human rights protection, subsidiaries of multinational core enterprises may take serious human rights violations to promote commercial interests. Unocal, an American oil company, is suspected of using violent means to forcibly relocate residents near areas where oil pipelines are being laid in Myanmar, Indonesia, and other places.

The challenge of seeking justice for victims is compounded when supply chain entities span multiple jurisdictions. Victims often find it nearly impossible to obtain compensation or relief from the direct offenders, let alone pursue claims across borders against the more removed, indirectly responsible corporations. This situation calls for regulatory intervention from the corporations' home countries to ensure adherence to human rights responsibilities throughout their external supply chains. From a legal regulatory perspective, the resolution of this phenomenon requires two efforts: One is for the core enterprise to prevent human rights violations and provide relief to victims. The second is to take regulatory measures by the home country of the core enterprise under the constraints of international organizations and countries, requiring the enterprise to

manage the human rights impact of the supply chain, assume human rights responsibilities, and provide relief channels for victims.

3.3 The Enlightenment of Cases on Legal Regulation

These case studies underscore the critical need for a unified international legal framework aimed at filling the voids in enforcing multinational corporations' human rights responsibilities. The variation in legal standards and enforcement across different nations often permits corporations to sidestep accountability by operating in regions with weaker human rights safeguards. It's evident that human rights protection and economic growth are interdependent, with true development being intrinsically linked to human progress [9]. Internationally, treaty organizations not only specify the regulatory duties of countries regarding transnational business activities but also offer explicit guidance and oversight on these matters through their concluding observations on each nation. For instance, following its evaluation in the United States, the working group on human rights and transnational corporations suggested improvements for remedying violations by domestic businesses operating abroad, emphasizing the need for the U.S. to bridge regulatory gaps and remove obstacles that hinder victims' access to justice.

Moreover, these narratives bring to light the pivotal role of a corporation's home country in regulation. John Grue emphasized that safeguarding all human rights infringed upon by multinational corporations falls under state responsibility [10], pointing towards the advantage of regulation by the home country. Such regulation, leveraging a comprehensive legal system and policy measures, can both rectify and preempt rights infringements through oversight and directives. Typically, the home countries of these corporations possess the economic strength, resources, and know-how essential for effective regulation and supervision, aligning their efforts with global human rights commitments—a focus area in the UN's human rights monitoring initiatives. In addition to meeting economic needs, corporate governance is also aimed at ensuring the long-term stability and resilience of ecosystems that support human life, as well as promoting respect and protection of human rights and other fundamental social rights [11]. Conversely, at the supply chain's other end, nations frequently display gaps in human rights protection, like lacking reliable channels for victim compensation, raising questions on how to ensure accountability for human rights violations across international supply chains [12].

The contribution of non-governmental organizations (NGOs) and civil society to the surveillance and exposure of human rights violations is also significant. Their vigilant efforts to highlight these issues and advocate for corporate and governmental accountability underscore the importance of transparency and public responsibility in managing human rights within corporate governance.

4 Optimizing the Practice of Human Rights Responsibilities in Global Supply Chains

4.1 Building a Framework Convention to Promote International Interaction

The global operations of multinational corporations and the extensive reach of their supply chains necessitate a unified approach to supervision and regulatory actions on an international scale. In the face of the gradual advancement of the "Business and Human Rights Treaty" and the urgent requirement for more stringent control of multinational corporations and their supply chain operations, there's a significant push within the global community towards developing a framework convention. This proposed convention would emphasize the necessity for compulsory human rights due diligence, serving as a bridging mechanism between the Guiding Principles and the forthcoming Business and Human Rights Treaty [13]. Current national and international practices have shown that human rights due diligence is the most likely institutional tool in the Guiding Principles to be legalized worldwide, and the legislative trend represented by mandatory human rights due diligence will continue in the future[14].Such a convention would not only enforce legal standards but also provide member states with the flexibility to adopt measures that align with their national circumstances to fulfill their objectives effectively. The successful implementation of framework conventions in areas like global climate and health governance highlights their potential impact and importance in the realm of international governance [15].

4.2 Enhancing the Applicability of Domestic Laws to Supply Chains

The collision between systems often leads to common progress. This is the interaction at different levels, combined with the national conditions and characteristics of each country. To enhance the applicability of domestic laws within the intricate webs of global supply chains, nations must undertake the task of adapting and expanding their legislative frameworks. China is an important link in the global supply chain. For a long time, China's regulation of multinational corporations has mainly focused on using domestic laws to constrain investment behavior. The best practices of the Chinese government and companies in the field of human rights due diligence have been recognized by the United Nations Human Rights Council, but there is still significant room for improvement. Industry associations and chambers of commerce, human rights, and other fields in China have insufficient external exchanges and learning.

Mainstreaming human rights has gradually become a new characteristic of international economic and trade development. Therefore, China should legislate to regulate corporate human rights responsibilities. The Chinese government can consider further integrating and improving its domestic policy system while participating in the international agenda on business and human rights. The state should encourage, support, and guide industry and commerce to follow the United Nations Guiding Principles on Industry, Commerce, and Human Rights in foreign economic and trade cooperation and investment.

4.3 Multinational Corporations Fulfill Their Human Rights Responsibilities

Multinational corporations are encouraged to formulate and implement global governance strategies that are tailored to the unique cultural and traditional contexts of each country in which they operate. Such Global Governance Plans stand out as highly effective means for managing the activities of multinational corporations worldwide. The strength of these plans lies in their foundation on both international norms and the ethical standards of business conduct recognized globally. Therefore, the global governance plan not only adheres to international benchmarks but also embodies the ethical practices essential for corporations to meet their human rights obligations.

Furthermore, multinational corporations should initiate human rights care programs that prioritize the health and safety of their workers, ensuring a healthy, safe, and productive work environment while also enhancing employee welfare benefits. In addition, multinational corporations need to establish strict reward and punishment mechanisms. Proactively practicing self-discipline rules is often more important in practice. Therefore, the parent company of a multinational corporation needs to carefully examine the compliance of its subsidiaries around the world with human rights protection standards. Ultimately, a robust internal governance framework is crucial for strengthening human rights protections within corporate operations.

4.4 Supervision from All Sectors of Society

The vigilance exerted by human rights NGOs on the activities of multinational corporations constitutes a potent societal mechanism that encourages these entities to actively uphold their human rights obligations. Organizations such as Amnesty International and Human Rights Watch play pivotal roles in advocating for corporations to embrace their responsibilities towards human rights. Beyond these international NGOs, workers and the media also play crucial roles in monitoring multinational corporations' adherence to human rights standards. This collective oversight from various sectors of society ensures a comprehensive check on the operations of these corporations, urging them towards greater accountability and transparency in their global activities.

5 Conclusion

The competition in the 21st century has shifted from competition between enterprises to competition between supply chains. The legislation on industry, commerce, and human rights will not lead to a profound change in ending corporate irresponsibility. Long term, transnational civil society actions are the fundamental force behind the change in corporate human rights responsibility.[16]. Consequently, corporate social responsibility, particularly in the realm of human rights, has emerged as a strategic factor in this new competitive arena.

As global economic integration progresses rapidly, companies have developed extensive networks for production and operations, leading to the creation of intricate global supply chains. The governance of corporate human rights obligations within these supply chains emerges as a critical area of focus in the intersection of industry,

commerce, and human rights research. The issue of business and human rights presents significant complexities, particularly regarding the obligations and regulatory frameworks for multinational corporations. Perspectives on these matters can vary, leading to diverse interpretations and findings.

The notion that "there is no one-size-fits-all solution for the advancement of human rights globally, nor is there a single best method for human rights protection—only improved approaches" is becoming increasingly accepted. The drive to formulate a new model addressing the human rights duties of multinational corporations is gathering strength worldwide. Building an effective mechanism to protect these rights will require international cooperation, participation from global human rights entities, the refinement of global legal norms, the creation of dedicated agencies, and enhanced collaboration and dialogue between the countries hosting and housing these corporations. Ultimately, a comprehensive mechanism for managing multinational corporations' human rights responsibilities will not only bolster their commitment to these duties but also encourage proactive engagement with their human rights obligations.

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