

Human Rights and Corporate Accountability: Advocating for Corporate Social Responsibility

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Abstract— The article “Human Rights and Corporate Accountability: Advocating for Corporate Social Responsibility” delves into the critical intersection of human rights corporate accountability and the promotion of corporate social responsibility (CSR). It explores the imperative need for responsible business conduct concerning human rights and environmental protection within the framework of CSR. The study emphasizes the challenges faced in ensuring effective investor accountability and proposes a redesign of CSR clauses to incorporate international standards of responsible conduct. By advocating for new clauses on ‘investor human rights and environmental obligations’ the article aims to enhance accountability, clarify mechanisms for foreign investor liability, and the importance of access to remedy for affected communities. This research contributes to the ongoing discourse on aligning corporate practices with human rights principles, promoting ethical business conduct,

Keywords— Human Rights, Corporate Accountability, Corporate Social Responsibility

I. INTRODUCTION

Globalization has amplified the context in which human rights violations occur. Abusive and predatory corporate practices have resulted in the denial of a panoply of civil, cultural, economic, and social rights. At the same time, economic values and assumptions are shaping how governments understand their human rights obligations. Where it was once assumed that human rights are to be promoted and protected by the government, increasingly it is expected that governments will facilitate and promote an environment in which private actors can fulfill this role. This is particularly the case with civil and political rights, a context notably evident in the contemporary discourse around the “balanced participation” of state and non-state actors and the conception of a “right to democracy” (Ruggie, 2020). Economic rights are being redefined in light of the increasing acceptance of neoliberal assumptions and policies. A discourse constructing a dichotomy between “good governance” and “bad governance” is built upon the assumption that state intervention is inherently negative, promoting private “development” assistance over public

welfare programs (Mombeuil, 2020). Human rights advocates and activists are coming in contact with international financial institutions and influential governments who espouse the virtues of economic and social rights yet define a narrow role for human rights in their fulfillment and protection. Harking back to the founding of the United Nations, it is a time when a global human rights civil society movement is needed more than ever. Yet, it is a movement that must now expand its agenda of promoting state compliance and ratification of human rights treaties to challenging actors who are neither bound by international law nor responsive to conventional modes of human rights advocacy.

II. CORPORATE SOCIAL RESPONSIBILITY (CSR)

Although theories of CSR often state it is a voluntary process, the trend in globalization has led to multinationals facing pressure from NGOs, trade unions, and consumers in attempts to monitor perceived failings in social

responsibility. This can translate into being a cost of doing business and having a license to operate in certain areas and industries, so it may still be seen as an obligation.

However, there are also benefits to small and medium-sized enterprises. Although they lack the resources of larger firms, the adoption of CSR can lead to increased efficiency and better financial access, further increasing their technical knowledge and reducing outsourcing risks from multinational companies.

In the process of implementing CSR, a company will increase its monitoring and regulation of its business environment, taking the lead in trying to solve social and environmental problems in comparison to businesses that do not partake in CSR. This has added benefits of providing easier market access and further cost reductions due to lower risk and potential regulatory costs. This will improve the overall quality of life and can be said to create shared value between business and the community (García-Sánchez, 2020).

Ignoring CSR can incur damage to the company in the long run and acts as a sort of insurance policy against any failings that may occur. This is because CSR leads to a better corporate reputation, which may act as a platform to build a brand and is also a means of building shareholder value. Corporate reputation is built on a perception of how business is managed and is a key measure of a company's value. High reputation may be translated into customer loyalty, willingness to pay higher prices, and therefore greater market share, while attracting certain stakeholders over others. All of these contribute towards increasing shareholder value.

CSR has various definitions and concepts. Generally, it is understood to be a concept that integrates social and environmental concerns in companies' operations and their interaction with their stakeholders voluntarily. It may focus on the processes of production, pricing, distribution, and disposal that have impacts on the environment, or it may encompass business and stakeholder relationships, comparing how business behaves toward its stakeholders such as employees, suppliers, customers, and the community (Fatima & Elbanna, 2023).

III. HUMAN RIGHTS AND CORPORATE ACCOUNTABILITY

This area has gained a global civil society coalition that recognizes the need for enforceable legal standards and corporate accountability, including a treaty on human rights and transnational corporations. This is a long-term aim of a diverse coalition, including victims of human rights violations and non-governmental organizations.

IMF and World Bank loan conditionalities often result in economic and social conditions that are detrimental to the human rights of vast segments of the population in affected countries. Often, this is done to ensure debt repayment by promoting exports over catering to basic and social needs (Cantamutto, 2022). Structural adjustment, privatization, and deregulation have been closely linked to violations of human rights. Leaked World Bank memos in 2002 admitted that structural adjustment policies have often increased poverty and inequality.

National governments are recognizing the need to do more to protect human rights from corporate abuse, even within globalization. As public awareness has grown with incidents like the Bhopal disaster and the Ogoni Niger Delta issue in Nigeria, major campaigns have been successful in banning landmines and calling for a treaty on corporate accountability for human rights violations.

Referring to human rights, the most significant limitations on corporate power are the binding rules of international law. Human rights set the universal moral standards to which all states and societies can aspire. These rights put limitations on the power a company has over its employees. When corporations act as agents of states, they take on the public responsibilities and the legal duties of the state. This was made clear in the Nuremberg trials when individuals were charged for their crimes on behalf of IG Farben (van Asselt, 2021).

IV. BENEFITS OF CORPORATE SOCIAL RESPONSIBILITY

Corporate social responsibility can have benefits beyond the feelings of altruism from corporate leaders. Some of the potential benefits are: a. Improved brand image and reputation - Consumers are more likely to "buy in" to a company's products or services if they are aware of the company's positive contributions to society. b. Increased sales and customer loyalty - Similar to the above point, informed consumers are more likely to purchase products or services that they know have a positive social impact. c. Increased ability to recruit and retain employees - Employees want to feel good about their employment and enjoy working for a company that has a positive public image. d. Reduced operating costs - Efficiency can often lead to cost reductions. A cutting-edge strategic CSR initiative can reduce long-term operational costs. For example, by managing its environmental impact, a company can improve efficiency and reduce waste. e. Improved access to capital - Investors are increasingly factoring in a company's "social license to operate" and considering ethics and sustainability in their investment decisions. An ethical company is more likely to have investors seeking long-term

growth. f. There is also the belief that socially responsible companies will better be able to anticipate and react to shifting societal values, needs, and expectations. This is important to maintaining a strategic and sustainable business plan. All of these factors combined should lead to improved financial performance and increased profit.

V. CHALLENGES IN IMPLEMENTING CORPORATE SOCIAL RESPONSIBILITY

Reasons for failure: Complexity of task: The implementation of CSR involves a broad and complex set of changes to how companies operate and to the relations they have with stakeholders. At a minimum, CSR implies an internalization of costs for various social and environmental impacts and often involves "going beyond compliance" with regulatory requirements. CSR often involves trade-offs between short term profitability and long-term benefits and between different social and environmental issues. The strategic nature of CSR involves a rethinking of the business and how it can benefit society and the integration of CSR with business and functional strategies. CSR is inevitably affected by the broader social, political, and economic context in which companies operate, and by global and national trends and events (Fatima & Elbanna, 2023). The decision-making of companies can itself have significant effects on social and environmental issues. This complexity means that there are many paths to success and failure for CSR. There is no single model of CSR and no linear implementation process. The impacts of CSR will vary according to factors such as the quality of implementation, the durability of the firm's commitment, the context in which a company operates, its inherent characteristics, and the interaction between the firm's actions and the actions of other stakeholders. The multi-dimensional nature of CSR success and failure explains why change can occur at the level of a single issue, a small group of firms, or an entire industry. It also means that assessment of the success and failure of CSR is context-specific and contestable, and any assessments can be subject to challenge by those affected by a company's actions. Unfortunately, the complexity of CSR means that there are many paths to failure, and there have been a significant number of both intended and unintended failures of CSR (Pizzi et al.2021).

VI. CASE STUDIES ON CORPORATE SOCIAL RESPONSIBILITY

Case studies are dedicated research based on specific business activities, including problems and solutions in a more generalized perspective. These studies have both quantitative and qualitative data - which can be obtained

from company annual reports, observations, and interviews in the field.

One of the case studies that is appropriate for the title is the one about Indonesia and the timber and pulp industry. There is global concern for the excessive use of forestry and law enforcement towards it, especially in developing countries like Indonesia. Indonesia is known as the second largest forest area in the world, but it is also known that they have the highest deforestation rate. According to data in 2002, about 65% of Indonesia's wood industry came from illegal logs (Atik et al., 2020). This illegal logging will decrease the country's resources and exploit its people's right to a healthy and good environment. This encourages some international NGOs to stop illegal logging. One of the world's biggest environmental NGOs, Greenpeace, has started a public campaign against several global companies that initiate business in Indonesia. Based on data and field observation, Greenpeace launched a report about Sinar Mas, demonstrating that they made deforestation in the rainforests of Sulawesi and Papua to clear land for an oil palm plantation. This report encourages real action from Sinar Mas in the effort to resolve the problem, and in June 2015 they made a commitment and moratorium to protect Indonesia's forests and also a no-buy in procurement of wood materials that are illegal or obtained through irresponsible sources (Tinney Jr).

This case study has shown quite good results in solving the problem. NGOs have successfully encouraged a company to correct its actions and even create a new commitment to better conditions. This is a form of success from monitoring to the implementation of the enforcement of human rights, even though it is based on the country's resources (Allal-Chérif et al., 2023). Another note is Greenpeace's report has become an accurate and sharp tool to help companies recognize their impact and have the will to change their actions where they are too destructive. On the side of the government, there is a challenge if the effort can change the culture of forest companies in Indonesia, and it needs long-term monitoring to prevent similar problems (Schilling-Vacaflor & Gustafsson, 2023).

VII. ROLE OF GOVERNMENT IN PROMOTING CORPORATE SOCIAL RESPONSIBILITY

When a government envisions human rights compliance in the conduct of business, it should not be moot as to whether companies are permitted to disregard externally imposed regulations intended to put a floor under their human rights responsibilities. The government should create affirmative obligations on companies to ensure human rights protection and secure mechanisms for accountability. The ultimate goal here is to secure corporate self-regulation and law-

abiding conduct that adds value to the public interest in human rights. This will often occur voluntarily, as companies will realize the preventive cost-savings of legal compliance and the benefits of social responsibility to their image and consumer appeal. Nonetheless, there may be times when legislation and direct regulation are necessary to clarify expectations and prevent free-riding by corporations looking to gain competitive advantage by shirking their human rights responsibilities (Mares, 2020).

Another measure to promote social responsibility is government support for alternative business models that are conducive to human rights. This has traditionally been done in the form of grants, contracts, and other subsidies for non-profit organizations engaging in welfare work. But increasingly it is becoming feasible to align human rights objectives with economic profitability in ways that render governmental investment unnecessary or even undesirable. An example is fair trade certification mark systems, which promise higher income to marginalized producers and employment of core labor standards without sacrificing competitiveness in the business-to-business market sector (Koos, 2021). If successful, fair trade can indirectly effectuate human rights through a pervasive business practice, while incurring no costs to the public fisc. Ideally, the government would incentivize and support these new models with funding that is earmarked only for specific uses affecting human rights, thus ruling out scenarios where the businesses simply pocket the money and do no additional social good.

Finally, how the government affects the human rights accountability of foreign multinationals will largely depend on the regulatory context of the host states, as that is where legal responsibility is customarily assigned. In states lacking requisite governance to prevent human rights violations from business activity, there may be times when a host government discourages incoming investment for public welfare reasons, despite the potential short-term economic benefits. Here it should be understood that foreign investment is not always a net benefit for human rights in a recipient state, and in some instances may even create a dependency on harmful industry (Bodea & Ye, 2020). This leaves both the investing company and the host country's government a chance to re-assess their opportunity cost for human rights, measured against the various risks and costs of preventative compliance with the home country's human rights standards. An ongoing improvement in human rights impact will involve a re-orientation of investments into sectors and practices that minimize risk and contribute positively to human rights. This presumes a level of public and private coordination between home and host government officials, NGOs, and businesses, as discussed in the next section.

VIII. ROLE OF NON-GOVERNMENTAL ORGANIZATIONS (NGOS) IN ADVOCATING FOR CORPORATE SOCIAL RESPONSIBILITY

NGOs often provide the sharp point at the tip of advocacy initiatives. Their close work with affected communities and firsthand insight into what remedies will effectively address corporate abuses lend significant power to their campaigns. Their perceived moral authority and clear altruistic motive put them in a strong position to influence public opinion and policy change. NGOs and social movements advocate a broad range of remedial measures. Mainstream human rights and environmental groups, simply demand that transnational corporations be held to the same standards of human rights and environmental protection as governments are (Abbott & Snidal, 2021). Considering the weaknesses in international law, this relatively modest demand represents a significant step forward. A growing number of public interest groups are working to establish vicarious liability that would make a parent company responsible for the actions of its subsidiaries or even contractors.

Oxfam and others have called for a set of binding international legal instruments to hold TNCs accountable for human rights abuses. Immediately pressing for a resolution to contested cases, they work to support access to stateside litigation for affected communities. This strategy was near success in the *Wiwa vs. Shell* case. Recognizing the overwhelming dominance of corporate political influence, some NGOs have decided to work outside of the traditional advocacy channels, targeting consumers and shareholder markets to pressure corporations directly (Dubuisson-Quellier, 2021). The support of consumers and investor rights campaigns has been strategies often associated with Western impersonalized NGOs. Developing country pressure groups tend to concentrate on affecting state policy.

IX. ETHICAL CONSIDERATIONS IN CORPORATE SOCIAL RESPONSIBILITY

There are two primary ways in which a business can go about making its operations more ethical. One is to find ways to produce public benefits as more firms now see the potential of combining societal needs and profit. This can be done in a variety of different ways such as developing a strong code of ethics, donating to charities/good causes, reinvesting in local communities, and going above and beyond what is expected from regulatory bodies. The second is to avoid doing any additional harm to society. This approach has become more prevalent with increased awareness of environmental issues. In recent years,

businesses damaging the environment have become less acceptable to members of society, and thus there has been a big push toward sustainability and the conservation of natural resources (Ratten, 2021).

It is commonly expected that businesses should aim towards the first step by pursuing more ethical products, service markets, and production techniques. And though this directly makes firms more responsible for improving societal conditions, there is a growing realization among CSR advocates that the second step may be more important. To further human rights and alleviate human rights violations, businesses' first and foremost duty is to not harm. An international consensus has been developing in the human rights community that although more initiatives to connect business and human rights are positive, the most fundamental role of a business enterprise is to avoid infringing upon human rights in the first place. This does not necessarily mean that human rights risks have negative consequences on business (Ciravegna & Nieri, 2022). Avoiding harm is a central part of any business' core component, and must be adhering to standards of responsible corporate behavior. The implementation of these standards is enforced through the ethics of business.

X. CORPORATE SOCIAL RESPONSIBILITY REPORTING AND TRANSPARENCY

Reporting and transparency are two areas in which the expectations for corporate behavior have been raised significantly over the years. Increasingly, stakeholders are looking for information not only on company performance but also on the social and environmental impacts of business activity. As a result, corporate reputation can be affected both positively and negatively by the levels of transparency or secrecy that a company maintains. Transparent companies are generally those that are seen to be acting in a socially responsible manner. Disclosure is a key part of transparency, and there is increasing pressure for companies to be more open about their impacts and the way they deal with them (Wickert, 2021). A frequently cited survey by Environics International showed that 87 percent of consumers in the US and the UK believe that companies should report on their social and environmental performance. Over half said that they would not buy from a company that they knew had traded social or environmental issues for profit. Reporting can take many forms, from simple newsletters and the publication of policies, to dedicated reports and information on websites. With the growing expectations on companies to account for and take responsibility for their social and environmental impacts, there is also increasing pressure for regulation in this area (Dyck & Manchanda, 2021). In this regard, we are

witnessing particularly relevant developments in international law and policy, considering the transnational nature of many business activities and the effects that they can have in different countries around the world. An ongoing UN project on the corporate responsibility to respect human rights is aimed at clarifying the standards and principles concerning business and human rights, and at elaborating a set of guiding principles for businesses to follow to operationalize the responsibility to respect. The project has included a series of consultations with business, civil society, and government representatives from across the globe. It is expected that the conclusion of this project will provide incentives for governments to create policies and laws that require or incentivize companies to meet certain social and environmental standards. Such steps will be crucial in pushing corporate social responsibility from a voluntary, strategic stance, to an approach in which companies are compelled to take responsibility for their activities (Wettstein, 2020).

XI. STAKEHOLDER ENGAGEMENT IN CORPORATE SOCIAL RESPONSIBILITY

So far, we have concentrated on the obligations of states and have not analyzed in depth the responsibility of the company itself. Unless we recognize that a business cannot exceed the limits of state action, we ensure that the task of defending human rights falls entirely on the state and the business is simply our site. Real individuals and neighborhoods bear the impact of corporate activity and have therefore been soon harmed by corporations. If the defense of human rights is to become more than a defense of unpopular causes and to ensure the value of human self-respect or the integrity of free organizations is not usually sacrificed to economic interests, this is important.

If a work opportunity existed to vindicate the human rights of the victims, the primary responsibility would naturally still rest upon states, but this would be impracticable in modern international economic climates. So we cannot leave businesses immune from direct responsibility for their actions. In pursuing this goal, it is important not to rewind the development taken with the UN Norms. The legal responsibilities of a corporation for the commission of human rights abuses are not the same as or equal to the responsibilities of a person. Evasions of duty can be prevented, and it can be made more difficult for the corporation to avoid liability by legalistic expedients (Tamvada, 2020).

The international community ought to, in turn, have the responsibility to assist victimized neighborhoods and individuals so that they are capable of salvaging damages and initiating conclusions to the malpractices of

corporations. So, this is a more feasible proposition, for we can enforce all obligations through this means with the consent of the corporation. This must be global in application, or international corporations will seek to shift their headquarters to states where obligations are lessened. The international rule of law and enforcement of obligations should be simple; sanctions will possibly frequently be of a financial nature (Cirhigiri, 2023).

This explains the need for greater stakeholder participation in CSR and that stakeholders must have input in defining CSR and monitoring its execution. This has civilizing potential, whether or not it's the most efficient governance of corporations, but it is dependent on a clear definition of who is a stakeholder.

XII. CORPORATE SOCIAL RESPONSIBILITY AND SUSTAINABLE DEVELOPMENT GOALS (SDGS)

The Sustainable Development Goals (SDGs) are a set of development targets identified by the United Nations to address the social, economic, and environmental needs of the global population. The seventeen goals and sixty-nine associated targets aim to wipe out poverty and hunger, fight inequalities, and tackle climate change sustainably by 2030. Even though states must fulfill human rights to their citizens, private actors have responsibilities to avoid infringing upon the rights of others and to fulfill the rights of their stakeholders (Tosza, 2021).

As discussed above, the business and human rights framework has clarified standards for companies to respect and fulfill human rights, but whether companies are incorporating these standards into their business practices and truly contributing to the larger end of a better world remains in question. Companies can visibly contribute to the SDGs by creating enabling economic opportunities, building social progress and justice, and contributing to environmental sustainability in markets and societies where governments are known to fail and international development aid is limited (Rashed & Shah). This is practical for companies and desirable from a market perspective as sustainable goals present clear growth and investment opportunities.

To fully understand the implications CSR can have on the achievement of SDGs, it is necessary to understand the various roles and influences that private industry can have on sustainable development.

XIII. CORPORATE SOCIAL RESPONSIBILITY IN SUPPLY CHAINS

Supply chain management plays an important role in the corporate accountability movement. In the last 20 years, the production of consumer goods has become increasingly globalized. Multi-national companies now contract factories and farms all over the world to produce their products. These production sites are frequently in countries with weak or unenforced labor and environmental laws. The companies that produce the goods often claim that they are not responsible for the conditions of the workers who produce their products, as the factories are not owned by the company (Naylor et al.2021). Yet consumer boycotts and the anti-sweatshop movement have shown that company reputations and consumer buying choices are influenced by these conditions. "Out of sight, out of mind" is not an acceptable approach if human rights are to be respected in the global economy. Human rights standards must be implemented up and down the supply chain if they are to be meaningful for people. The international norms now being developed require companies to take responsibility for the human rights impacts of their production arrangements, even when they do not own the factories (Lusty & Richards, 2024). This is an important developing area of law and one in which human rights advocates in the North and worker advocates in the South can work constructively to promote human rights. A recent example is the global campaign to have the sports shoe and garment company, Nike, take responsibility for conditions in the factories which it contracts in Asia, Europe, and Latin America.

XIV. CORPORATE SOCIAL RESPONSIBILITY AND EMPLOYEE WELL-BEING

The benefits of a corporation paying regard to an ethic that surpasses the profit motive have been discussed at some length. What has not been talked about so much is the possible effect of Corporate Social Responsibility (hereafter CSR) on the employees of the corporations concerned. This is especially relevant in the case of corporations operating in developing countries, where levels of worker well-being may be significantly lower than in that of the developed world. It concerns an intuitive argument that CSR may benefit employees by providing a 'cleaner', more safe, and more pleasant working environment. This argument is hard to provide hard evidence for or against; increased spending on employee wages and benefits is an alternative way to improve employee well-being (Ho & Kuvaas, 2020). An interesting point is raised by a report on global attitudes by PricewaterhouseCoopers (2004). It states that 'workers in developing countries are more likely than their counterparts in rich countries to say that they would be willing to have an international code on labor and human rights' (PricewaterhouseCoopers, 2004), empirically this supports

the claim that employees in developed countries give more priority to increased wages and benefits done a good environment, but their less fortunate global brothers would disagree on the relative desirability of the two (Kumar & Choudhury, 2021).

XV. MEASUREMENT AND EVALUATION OF CORPORATE SOCIAL RESPONSIBILITY INITIATIVES

At the heart of the process of demanding greater accountability from corporations for their human rights violations lies the issue of measuring and evaluating the success of corporate social responsibility (CSR) initiatives. This is the fourth and final crucial stage in the norm-based model of corporate social performance, and it is one which collectively, NGOs and society at large, are still in the process of developing. Directly preceding this process is the need for both the establishment and internalization of norms that foster human rights and that have been inspired by the induction of public pressure and the CSR initiative in question. As of today, the majority of the norms that numerous corporations have agreed to adhere to have been those that are aimed at the betterment of the environment (Barnett et al.2020). This is primarily due to the pressure of environmental NGOs or intergovernmental organizations upon a public who are increasingly concerned with environmental issues; therefore, the source of the norm is external. Because the effectiveness of the norm-based model depends upon the internalization of these norms, it is vital that for future human rights norms, the source is internal or from state legislation. A step in the right direction would be the current process of litigation about corporate complicity in human rights violations. After norms are established, it is then possible to measure and evaluate a given company's performance. By transitioning from what was the issue of CSR initiative identification, for which some companies did not want their competitors or the public to know of their responsible activities due to a perceived loss of competitive advantage, now NGOs have the ability to engage in name and shame tactics and to compare company performance through league table analysis (Ruggie, 2020). This is perhaps most effectively seen on the website of the Business and Human Rights Resource Centre with their Corporate Legal Accountability Project. Here, there are numerous detailed reports of individual cases of litigation and allegations of human rights abuses against transnational corporations. The main goal is the act of holding companies accountable for their actions, an example being the push for Royal Dutch Shell to accept responsibility for the alleged human rights abuses carried out by the Nigerian government in the 1990s and to

cease the funding of armed insurgencies in the quest to gain an established presence in the Niger Delta (McCorquodale & Nolan, 2021). The act of holding companies accountable leads to the final step of damage control, in the Bhopal disaster is a perfect example of where this was not executed. Through the comparison with a set of predetermined standards or goals, it is then possible to make judgments on the company's performance and take action to further develop the CSR. This process is not limited to the use of NGOs; it is also seen by many socially responsible investors who are building SRI criteria into their investment decisions and by a variety of governments using differing mechanisms.

XVI. CONCLUSION

This paper examines the current legal mechanisms for holding multinational corporations (MNCs) accountable for human rights abuses that occur in their operations. It has sought to illustrate their inadequacies and, in particular, the onerous obstructions facing victims of corporate abuse in attempting to obtain remedy. The paper has also illustrated the increasing significance of private voluntary initiatives in the form of corporate codes and social labeling in attempting to fill the regulatory gaps vis-a-vis corporate accountability. This paper has sought to determine the impact of the current legal mechanisms on the behavior of MNCs. An analysis has been made of MNCs' response to public and legal scrutiny over human rights abuses, with the paper citing specific cases that demonstrate that often the costs of bad publicity and legal disputes are seen to outweigh the actual penalties and thus are not an effective deterrent. The reluctance of MNCs to submit to foreign legal jurisdictions has also been noted, with MNCs often opting for out-of-court settlements and continuing to resist the legal process. This paper thus concludes that the current legal mechanisms are ineffective in preventing human rights abuses by MNCs and providing remedies to victims. Finally, the paper has attempted to address the obstacles and possibilities for regulation that would more effectively hold MNCs accountable for human rights abuses. In light of the failures of alien tort claims and ATCA litigation, a narrower approach targeting specific core human rights norms has been advocated. This may be effectively achieved through an international convention on corporate responsibility, applicable to all states and binding on all businesses in their home and host states. The convention would create direct obligations on corporate actors, not simply the states, and provide a framework for compensatory and remedial mechanisms. Supplementary measures must be sought to overcome the problem of state and corporate resistance, with the legal liability of MNCs best enforced by facilitating

private right of action and avoiding immunity defenses. This paper, however, recognizes the present improbability of realizing these aims in the current climate of state and corporate sovereignty and global hostility to further legal regulation. The potential for soft law initiatives has thus been identified, with an analysis of their strengths and limitations as an interim measure to increase MNC accountability. It is ultimately asserted that moves for corporate social responsibility in whatever form will be futile unless they are backed by an effective legal framework that mandates responsible conduct and severely penalizes human rights abuses.

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