
HUMAN RIGHTS VIOLATION BY TRANSNATIONAL CORPORATIONS: AN ANALYSIS ON THE ACCOUNTABILITY OF TRANSNATIONAL CORPORATION UNDER THE INTERNATIONAL LAW

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ABSTRACT

The advent of globalization in the recent past has brought several developments on the international stage. One of the major developments during this time is the rise in the number of corporate entities like Transnational Corporations (TNCs) in the international community. The Transnational Corporations are welcomed with the hope that they will bring investments, provide jobs for the locals, and promote economic prosperity, growth and technical advancement in host countries. However, often these corporations are found to be responsible for violations of human rights including using child labour, failing to provide safe and healthy working conditions, violating the rights of women and children, violating the rights of indigenous people, violating labour laws, dumping toxic wastes, being complicit in war crimes, etc.

The impact of these gross human rights exploitation in the host countries has led to the question of whether there is a need for regulation of these corporations for human rights violations. To answer this question, it has been found that these business corporations often evade liability for such abuses and violations. Also, though the majority of UN human rights conventions place key obligations on both states and corporations, there is no effective way to ensure that these obligations are being upheld by businesses and corporations. These corporations should be held liable for the exploitation and violation of human rights of the populace of the host country with appropriate legal punishments. As a result, there is a growing demand for the adoption of international mechanisms that clearly outlined the responsibility of the business corporations for any abuses of human rights they had committed.

Thus, through this paper, the researcher aims to focus on the necessity, significance and viability of international regulation of transnational corporations for abuses of human rights. The present paper also focuses on the accountability of transnational corporations when it comes to the exploitation of human rights and transnational crimes.

Keywords: corporate entity, human rights, violation, corporation, accountability, transnational, international law, legal obligation

Introduction

International law has created a body of human rights law to defend basic human rights of individuals from abuses of power.¹ The basis of international law for the enforcement of human rights is state-centric.² It requires states, in particular, to advance and defend human rights. However, this approach has faced significant difficulties from the advent of private entities on the world stage as a consequence of globalization. TNCs are becoming more and more influential players on the world stage today, and they have a big impact on how well people can exercise their human rights.³ However, the traditional framework of international law falls short in addressing the problem of TNC accountability for infringements of human rights. Corporate accountability is a legal vacuum in the international legal system, as evidenced by the variety of human rights violations committed by TNCs in the areas where they conduct business.

TNCs have effectively avoided the domestic laws of both their home and host jurisdictions because of their transnational framework. They also want to act in nations with poorly enforced regulations so they may make more money, usually at the expense of violating the human rights of shareholders and other residents.⁴ They are strong corporations with the authority to compel fragile and developing state governments to agree to their conditions and desires. As a result, they are elevated to the status of extraordinarily powerful governance players. The liberties they have and the meagre responsibility they bear are clearly out of proportion.

The idea that TNCs should have a new position that holds them legally responsible for their actions that infringe human rights is broadly accepted in the global community. A legally

¹ Steve R. Ratner, *Corporation and Human Rights: A Legal Responsibility*, 111 YLJ, 461 (2001), <https://www.yalelawjournal.org/article/corporations-and-human-rights-a-theory-of-legal-responsibility>

² *Id.* at 1.

³ *Id.* at 1

⁴ Dinah Shelton, *Protecting Human Rights in a Globalised World*, 25 Boston College INTL' COMP.L.REV. 314 (2002).

enforceable international framework regulating TNCs and imposing explicit and definite obligations regarding human rights on them is becoming more and more in demand. Thus, through this paper, the researcher examines the difficulties and advances in international law as well as the steps the United Nations (UN) has done to regulate TNCs for the human rights abuses they have perpetrated.

Significance of the research

The actions of TNCs, who are major forces in globalization, highlights how challenging it would be to confront them for violating human rights in accordance with the conventional interpretation of international law.⁵ There are numerous factors which can highlight how companies affect human rights. First and foremost, TNCs have the power to exert pressure on governments to reduce the degree of protection that domestic legislation affords to citizens' rights. Due to their financial clout and capacity for foreign investment, these organizations have the authority to persuade a nation that is vying for foreign direct investment to lower its criteria. In addition to pressuring governments to lower standards, companies themselves may infringe on human rights, either alone or in concert with other parties, such governments. The primary concerns are about business practises in less developed nations where governance and financial limitations have made it more challenging to match developed nation norms for safety, health, and the environment.⁶ As a result, efforts to find a reliable system to hold TNCs responsible for violations of human rights are underway. However, domestic regulation of TNCs has become challenging because they operate outside the state's borders and span two or more nations, either independently or in partnership with other businesses or subsidiaries. When a corporation operates in more than one nation, neither the federal government nor the state can effectively regulate the corporation. Thus, it seems appropriate to create a legally enforceable international agreement that offers a framework for policing and monitoring TNCs and their operations across international borders.

Research Objectives

The objective of this research is to determine whether TNCs may be held to accountable for violation of human rights under international law. The researcher will also focus on the necessity, significance and viability of international regulation of transnational corporations for abuses of human rights. The researcher, through this paper, will focuses on the accountability

⁵ STEVE, *supra* note 1, at 463.

⁶ *Id* at 5.

of transnational corporations when it comes to the exploitation of human rights and transnational crimes.

Review of Literature

The literature, which is a complete synthesis of prior research and is analysed for the current study, is provided below.

- **Barbara A. Frey (1997)⁷**

In this literature piece, the researcher aims to illuminate current and proposed human rights laws with relation to a specific category of international actor: the transnational companies (TNC). The paper begins out by going over some of the more established strategies for advancing and defending human rights, such as IGO standards and bilateral pressure for reform. The minimal obligations of public and private actors, including TNCs, in terms of human rights are also outlined in this paper. The article also explores the evolving spectrum of TNC human rights obligations using the numerous laws and voluntary guidelines that have been governments, private organizations, and businesses themselves have all adopted it. Lastly, the paper concludes that the relationship between a TNC's activities in a country and the extent to which human rights are respected and recognized in that country informs the continuum of human rights obligations of TNCs.

- **Oliver De Schutter (2006)⁸**

The author of this book gives a comprehensive assessment of all the international tools at hand for enhancing the accountability of transnational corporations. Some tools relate to the State's control on corporate personalities conducting business and the standards to be adhered to. It explains how companies can create internal agreements or adopt codes of conduct in the global arena and carry out ethical business practises. A thorough legal analysis is necessary to develop in the area of corporate abuses of human rights, educate the public about various ideas, and produce the most accurate results.

⁷ Barbara A. Frey, *The Legal and Ethical Responsibilities of Transnational Corporations in the Protection of International Human Rights*, 6 MINN. J. GLOBAL TRADE 153 (1997).

⁸ OLIVIER DE SCHUTTER, *TRANSNATIONAL CORPORATIONS AND HUMAN RIGHTS*, (Hart Publication 2006).

- **Surya Deva (2006)⁹**

The objective of this article is to examine if globalization poses a risk to human rights. The researcher believes that globalization has affected every country, whether or not it supports it. Transnational and multinational companies have also established presences all over the world. Although globalization has been perceived from various perspectives as being either good or evil, the researcher still demonstrates that the same globalization has also inspired efforts aimed at recognizing humanitarian rights.

- **Jordan Sundell (2011)¹⁰**

The researcher, in this article, provides a thorough analysis of how corporations violate human rights, how they participate in such breaches, and also how international law has not adequately addressed the problem by holding corporations accountable and imposing corporate criminal responsibility on them. The article shows in detail how companies have grown to be enormous—sometimes larger than states—and how they are now violating human rights while avoiding accountability. Lastly, the researcher, in this article makes the argument that while domestic courts can handle minor offences within the jurisdiction of tort law and civil law, international courts must handle major offences and assign blame.

- **Isha Sharma & Neelu Rohmetra (2014)¹¹**

The researchers of this paper aim to examine the corporate and human rights situations in the context of legislation, operation, and regulation, not just for territory of India but for the entire world. International standards addressing corporate and human rights have lately started to emerge on a worldwide scale, albeit a legally enforceable international regime has not yet been established. Internationally, the problem of business and human rights has gained some attention because to initiatives like the United Nations Global Compact and the OECD Guidelines for Multinational Enterprises, which contain voluntary and legally unenforceable requirements. The paper also discusses the responsibility of States in relation to private entities, such as corporations. Lastly, the researcher concludes the paper by stating that human rights

⁹ Surya Deva, *Human Rights Realization in an Era of Globalization: The Indian Experience*, 12 Buff. Hum. Rts. L. Rev. 93 (2006), <https://digitalcommons.law.buffalo.edu/cgi/viewcontent.cgi?article=1093&context=bhrlr>

¹⁰ Jordan Sundell, *Ill-Gotten Gains: The Case for International Corporate Criminal Liability*, Minn. J. INTL' LAW, 329 (2011), <https://scholarship.law.umn.edu/cgi/viewcontent.cgi?article=1328&context=mjil>

¹¹ Isha Sharma & Neelu Rohmetra, *Business and Human Rights Violation: A Study on Selected Corporate Human Rights Violation Cases in India As Well As Global Context*, 3(6) INTL' J. EFM 255, 256 (2014), <http://www.ejournalofbusiness.org>.

have taken on a more dynamic dimension in respect to corporate entities as at one end, the laws and policies must be universal while at the other; they must be country-specific.

Research Methodology

The researcher has used doctrinal type of research. The researcher has relied on both primary and secondary sources of data. Primary sources include the international and regional instruments, case laws of international courts and tribunals, guidelines of international organizations in relation to various forms corporate regulation and various commission reports. The secondary sources are books, journal articles, conference papers and web articles.

Concept of Transnational Corporations (TNCs)

A Transnational Corporation (TNC) is a “centrally coordinated company established in more than one nation state”.¹² These corporations have a parent company in one state and one or more subsidiaries in other states.¹³ To communicate the concept and composition of TNCs, there is no standard nomenclature. The word TNCs has been used in a variety of ways by various authors. ‘Multinational firms’ and ‘multinational enterprises’ are other names for them.¹⁴

TNCs are defined as “entities consisting of a centre for decision making in one country and centres of operation in other countries.”¹⁵ They enjoy separate legal personality. The United Nations had first used the phrase “multinational corporations” and it has been defined it as “enterprises which own or control production as well as service facilities outside the country of their incorporation”.¹⁶ The ILO Tripartite Declaration has also defined multinational enterprises as – “all public, private or mixed ownership enterprises carrying on production, distribution, services etc. outside the home country.”¹⁷ Gradually, the term “multinational” is substituted with “transnational” to highlight how businesses operate beyond borders. However, this difference was later dropped by the year 2003, and now all cross-border corporate entities

¹² MENNO T. KAMMINGA, HOLDING MULTINATIONAL CORPORATIONS ACCOUNTABLE FOR HUMAN RIGHTS ABUSES: A CHALLENGE FOR THE E.C, 553 (Oxford University Press, Oxford 1999).

¹³ *Id* at 556.

¹⁴ Surya Deva, *Human Rights Violations by Multinational Corporations and International Law: Where from Here?*, 19(1) CONN. J. INTL’ L, 6 (2003), <https://www.studocu.com/en-gb/document/oxford-brookes-university/international-law/19conn-jintl-l-1-copy/20412449>.

¹⁵ Silvia Danailov, *The Accountability of Non-State Actors for Human Rights Violations: the Special Case of Transnational Corporations* (1998) http://humanrights.ch/upload/pdf/000303_danailov_studie.pdf

¹⁶ UNCTC, Report on UN Draft Code of Conduct on Transnational Corporations, UN Doc. E/1988/39/Add.1, (1998).

¹⁷ SURYA, *supra* note 9, at 94.

are referred to as Transnational Corporations.¹⁸ The OECD Guidelines for Multinational Enterprises portrayed TNCs as – “those enterprises usually comprise of companies or other entities established in more than one country and so linked that they may coordinate their operations in various ways.”¹⁹ These entities have the ability to exert control over other entities, and their level of independence and authority can vary according to their nature and organisational structure. These entities can be private, public, or mixed.

A parent company and its international affiliates make up a transnational corporation. Based on their legal position, there are two basic kinds of overseas affiliates. One is a branch without incorporation, and the other is a subsidiary with incorporation. “A subsidiary company is one that has been officially established as a separate legal entity under local law in the host nation.”²⁰ Therefore, a parent business is not responsible for its behaviour. The parent company's liability is limited to the capital invested in the subsidiary. The corporate veil can, however, occasionally be broken in order to hold a parent firm accountable for the actions of its subsidiary. By establishing control over the subsidiaries in full or in part, or by other contractual procedures, the parent firm controls the subsidiaries. Some of the measures²¹ taken are-

- The parent company retains the exclusive control over the subsidiaries, and other technical services will be provided to the subsidiary in exchange for a fee.
- The parent company retains the exclusive right to hold specific management positions, such as managing director.
- A parent company retains the right to veto decisions and ensures that certain actions cannot be taken without its approval.

TNCs have a pyramid-like institutional framework made up of a parent firm and its subsidiaries.²² A parent company is at the helm and manages its fully or partially owned subsidiaries. The subsidiaries may also have full or partial ownership of and control over their own subsidiaries. TNCs' complex organisational framework offer them considerable latitude to frequently dodge domestic regulation by relying on its more lax and ineffective regulatory systems. The international character of TNCs' operations and commercial practises made it all

¹⁸ *Id* at 17.

¹⁹ The OECD Guidelines for Multinational Enterprises, (2011), <https://www.oecd.org/daf/inv/mne/48004323.pdf>

²⁰ *Id* at 14.

²¹ ISHA & NEELU, *supra* note 11, at 257.

²² *Id* at 21.

but difficult for the domestic authorities to address the human rights breaches they were committing. The complexity of the current international policies and lack of TNCs' international standing under international law make it difficult for it to penalise them for human rights crimes.

Violation of Human Rights by TNCs

The fundamental human rights treaties affirm the inherent human dignity by ensuring that all persons have access to equal and inalienable basic rights.²³ The State governments are listed as the principal obligation holders under the human rights instruments. States must safeguard people and communities from violations of human rights by TNCs and other corporate entities. But private entities also have obligations as referred in such human rights agreement. The Preamble of the Universal Declaration of Human Rights states that – “*it is the duty of every organ of society to ensure that human rights are enjoyed by all*”.²⁴

The need of regulating TNCs has grown due to the reality that they are regularly and fiercely implicated in many types of exploitation of human rights both within the home-state and in the host-states by themselves or through their subsidiaries. There are several ways through which TNCs can be held accountable for egregious exploitation and abuse of human rights. In some cases, they could be the main offenders, whereas, in other situations, they play a secondary role by aiding states and other parties who violate human rights. Corporate complicity instances have been used to describe this second group. These instances encompass a variety of scenarios when businesses have exchanged goods or technologies used for oppressive or abusive objectives, or where businesses have given financial, infrastructural, or technological support to other businesses that violate human rights. The human right to life, which includes the right to life, the right against torture, the right against cruel and inhuman treatment or punishment, the freedom from forced labour, the freedom from arbitrary arrest or detention, the deprivation of personal security, the freedom to own and enjoy property, the freedom from deprivation of or injury to health, the enjoyment of a clean and healthy environment, the freedom from discrimination, among other rights, are among those said to be violated by TNCs.²⁵ The deprivation of rights and freedoms also refers to the denial of economic, social, or cultural rights, such as the right to choose one's job, the right to a living income, the right to equal pay

²³ UNOHCHR Report, *International Law – The Core International Human Rights Instruments*, <https://www.ohchr.org/en/instruments-and-mechanisms/international-human-rights-law>

²⁴ *Id* at 21.

²⁵ BARBARA, *supra* note 7, at 155.

for equal effort, the right to safe and healthy working conditions, the right to protect one's mother, and the right to work without interference.²⁶ The capacity of TNCs to abuse power is now a serious concern due to which a Panel on Corporate Complicity in International Crimes was established by the International Commission of Jurists in 2006 to address the issue of corporate complicity.²⁷ The Panel was given the task of examining the conditions under which businesses and their representatives could be held accountable for their participation in severe violations of human rights.²⁸

The news that TNCs had intentionally helped governments, armed rebel groups, or others perpetrate egregious human rights violations stunned the entire world population. Mining and oil corporations looking for concessions are suspected of providing funding, arms, trucks, and aerial support for use by rebel groups or government armed forces in raids, massacres, or the disappearance of residents.²⁹ Corporations also have allegedly been suspected of providing information that has assisted the government in imprisoning and torturing political opponents and trade unionists. Certain corporations are also accused of funding insurgent groups that gravely violate human rights. Others are accused of promoting child labour and unhealthy working conditions in sweatshops by placing unreasonable demands on suppliers to lower the cost of their goods.³⁰

TNCs also have frequently engaged in double dealing with the host and home states. There are instances of overthrowing regimes that involved cooperation with the home state. The fall of the regimes in Guatemala in 1954, Chile in 1973, and Congo Brazzaville in 1997 are three examples.³¹ Activities of Shell in Nigeria, British Petroleum in Columbia, and Dabhol Power Company in India are examples of collaboration with the host states.³² Shell was permitted to hire the Mobile Police Force, a paramilitary organisation, to protect its employees and infrastructure in Nigeria. The 1990 Umuechem riots massacred over 80 people, and the Mobile Police Force was blamed for it.³³ The Dabhol Power Company in India also hired the regional

²⁶ Id at 25.

²⁷ ISHA & NEELU, *supra* note 11, at 258.

²⁸ Id at 27.

²⁹ The Report of the International Commission of Jurists Expert Legal Panel on *Corporate Complicity in International Crimes titled: Corporate Complicity and Legal Accountability*, (2009), <http://icj.wpenet.net/dnacd.com/wp-content/uploads/2009/07/Corporatecompli%20city-legal?accountability-vol%201-publication-2009-eng.pdf>.

³⁰ Id at 29.

³¹ Id at 27.

³² Id at 27.

³³ Id at 27.

state police to defend it from protesters who were protesting against the construction of the plant nearby.³⁴ The police routinely used disproportionate force upon nonviolent local protesters while performing out their duties.

The majority of TNC infractions frequently have a lasting effect on the sufferers and their family. For instance, the Bhopal Disaster in India destroyed cattle and crops, turning Bhopal into a wasteland. A deadly gas leak from one of Union Carbide Corporation's plants resulted in an estimated 200000 injuries and roughly 2100 fatalities.³⁵ The US District Court, where an early lawsuit in this matter was filed, has referred to it as the most terrible industrial accident in history.

Hence, it is seen that day by day the TNCs are becoming more powerful and influential, and their impact on the global community is undeniable. Most lawmakers and researchers concurs that there should an increased accountability for upholding human rights should coincide with the growth of TNCs. As a result, TNCs must adhere to international law in order to avoid being penalised for violating human rights during business and international transactions.

Need for Corporate Accountability in TNCs

The concept of accountability has not been clearly defined anywhere. There are many different types of accountability, including judicial, corporate, financial, democratic, political, administrative, and electoral. Depending on the conditions of each category of accountability, several methods can be used to impose the same. In its simplest form, accountability refers “*to the relationship that an actor has with a forum in which the actor is required to defend his actions and provide justifications, and the forum has the power to investigate and render decisions that could result in the actor being cleared or subject to punishment*”.³⁶ The concept of accountability is continuously evolving in international law. As a result, the term's exact meaning hasn't yet been established. Responsibility, or more specifically corporate social responsibility, is a phrase that is frequently confused with accountability. Corporate Social responsibility is just a voluntary action, whereas accountability is a legal requirement.³⁷ When there is legal force, accountability is the appropriate term to denote the accompanying responsibilities. Accordingly, the term accountability can be understood as “*some actors*

³⁴ Id at 27.

³⁵ Peter Muchlinski, *The Bhopal Case: Controlling Ultra Hazardous Industrial Activities Undertaken by Foreign Investors*, 50 MOD. L. REV, 545 (1987).

³⁶ BARBARA, *supra* note 7, at 159.

³⁷ BARBARA, *supra* note 7, at 159.

having the obligation versus some other actors having the right to hold the former accountable for failing to uphold their obligations in light of certain established standards and to impose sanctions in accordance with such established standards.”³⁸

The world is now concerned about the development of non-state actors and the difficulties they present for the safeguarding of human rights under the international legal order. The focus has shifted to the degree of regulation of TNCs under international law as a result of the apparent insufficiency of domestic legal systems to effectively govern the conduct of TNCs. The fact that TNCs cannot be held directly accountable under international law is a significant barrier. TNCs are products of domestic legal systems and are subject to domestic laws, but because domestic laws vary from state to state and because they band together to push commerce, their international operations frequently fall outside the purview of domestic laws.³⁹

Numerous international conventions and other legal frameworks pertaining to the safeguarding of human rights have been created since the conclusion of the Second World War. The disadvantage is that these human rights treaties similarly view states as the primary subjects and do not take into account TNCs and their obligations.⁴⁰ TNCs are able to circumvent human rights standards thanks to the flexibility provided by human rights law. A worldwide legally enforceable mechanism to hold TNCs responsible for violations of human rights has lately garnered new traction. In September 2013, the government of Ecuador made a speech at the 24th session of the Human Rights Council on behalf of 85 UN members calling for the conception of a legally binding instrument to govern the actions of TNCs, ensure the effective protection of diverse human rights, and also provide remedial measures for those who have been violated.⁴¹ Numerous civil society organisations praised the effort taken by Ecuador and urged the Human Rights Council to take the required actions to propose a treaty that would be legally enforceable. They even created the Treaty Alliance with the intention of assisting the Council in this issue.⁴² Such initiatives towards an international framework began in 1970s with a conversation on a code of conduct for TNCs.⁴³ The effort was maintained in the late 1990s with the attempt to approve the UN Norms on the Responsibilities of TNCs and other Business Enterprises with reference to Human Rights in the year 2003.⁴⁴ There was intense protest from

³⁸ Id at 37.

³⁹ ISHA & NEELU, *supra* note 11, at 260.

⁴⁰ Id at 39.

⁴¹ Id at 39.

⁴² Id at 39.

⁴³ Id at 39.

⁴⁴ BARBARA, *supra* note 7, at 159.

TNCs and their international bodies and the initiatives at UN were eventually defeated. On the contrary, corporate entities have undertaken public affairs techniques to depict corporates as excellent corporate citizens. They were able to apply environmental, social, and human rights requirements in the form of obligatory corporate social responsibility requirements after consulting with governments, the UN, and the interested parties. In contrary to the regulatory structure to enforcing direct obligations on TNCs, examples of a pragmatic approach include the Global Compact and the Guiding Principles.⁴⁵ Such measures sidestepped calls from numerous governments, civil society organisations, and legal professionals for a legally enforceable instrument for TNCs. The Global Compact, however, has not succeeded in achieving the promised, as years has demonstrated and various researchers and activists have emphasised.⁴⁶ The need for a fresh international treaty outlining universal jurisdictions and a specific regulatory regime was raised in opposition to such voluntary attempts. The key message is that pure voluntarism is insufficient to meet historical needs for the defense of human rights against corporate wrongdoing. In order to successfully induce TNCs to accept their accountability and ensure reparation to the victims, it is necessary to attempt to develop the international human rights framework by adopting enforceable treaties.

Conclusion and the way forward

The TNCs have entered the international arena as a result of globalization. The basic human rights of people are adversely affected by their actions. There is a huge amount of research about TNCs. These literature reviews contain numerous explanations of TNCs operations. TNCs are made up of a parent firm in one state and one or more subsidiaries in other states. However, to convey the characteristics and function of TNCs, there is no standard nomenclature. TNCs are made up of numerous corporate entities with different legal structures and interpretive nuances. The TNCs have had their rights protected, particularly by a number of international investment agreements and a number of international human rights treaties. Through arbitration proceedings and domestic courts, they can guarantee the safety of their assets. They can also file complaints with foreign courts alleging rights abuses. TNCs are generously given these rights by the European Court of Human Rights.⁴⁷ Contrastingly, they are not subject to any enforceable obligations under international law, especially in the case of

⁴⁵ *Id* at 39.

⁴⁶ *Id* at 39.

⁴⁷ *Id* at 37.

infringement of fundamental human rights. Victims of such acts must only wait for the appropriate states to implement action.

It is also astounding that several of the affected states lack the strength to hold large TNCs accountable owing to political and economic factors. The UN, ILO, and OECD have all launched a variety of projects at the global scale.⁴⁸ However, they only possess a limited obligation to protect human rights. The relevant state authorities are accountable for the implementation and enforcement. Thus, in order to close the disconnect between TNC accountability and their realization of rights under international law, a need for tougher and more explicit regulations on TNCs is required. International efforts to govern TNCs have grown into a significant shift. Its main accomplishment to date has been convincing corporations of all sizes that they have duties as corporate citizens further than just making money. More supervision of TNCs is now considered to be essential. Over the past few decades, there has been number of fresh legislative proposals at the national level for creating cross – border legal frameworks to enhance TNC accountability for socioeconomic, environmental, and issues involving human rights. Throughout these years, international efforts to control TNCs have also taken on a crucial role. However, it is important to note that creating legislative framework for TNCs is not an easy undertaking. Additionally, the notion that a TNC works in much more than a jurisdiction poses unique legal and pragmatic difficulties that must be carefully examined in order to develop a legitimate and effective legislative framework.

⁴⁸ *Id* ta 37.

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