

# Home state obligations over multinational corporations in human rights treaties

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## **Propositions**

### Home State Obligations over Multinational Corporations in Human Rights Treaties--With Special Attention to State-owned Corporations

Liang Yu

1. The negative effects on human rights caused by a multinational corporation could be addressed either by attributing its conduct to a State under secondary rules or by developing positive obligations of a State under primary rules.
2. In the discourse of universal human rights treaties, the conduct of a State-owned corporation should be directly attributed to the State which has the controlling share in the corporation.
3. If a company which abuses or may abuse human rights by itself or through the conduct of its subsidiary falls within the jurisdiction of a State, then the State should punish this company or prevent it from abusing human rights.
4. Individuals in a host State can fall within the jurisdiction of a home State to the extent that the home State has limited the regulatory power of the host State through international investment law practice.
5. Systematic interpretation of human rights treaties and investment treaties should be applied so as to overcome the fragmentation of international law.
6. Human rights treaties are 'living instruments', which should be interpreted according to present-day conditions by the Chinese government and courts.
7. All States have an obligation to fight against global poverty.
8. China should not only take human rights treaties as a commitment to other States, but also take them as a solemn commitment to individuals.