

# Business and human rights

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## Propositions

### Business and Human Rights: The Obligations of the European Home State

*Dalia Palombo*

- 1) The verb “study” comes from the Latin word *studium* which means love. This love is the essence of science. Before anything else, research requires dedicated people who have a true passion for what they do in life.
- 2) Roger J Traynor once said, “*The law will never be built in a day, and with luck it will never be finished.*”<sup>1</sup> The key issue is who will be able to contribute to the building of such law. It is increasingly clear that not only States but also non-State actors influence the construction of international law. It is, therefore, critical to analyse the relationship between the players that are taking part in this construction.
- 3) Marc Chagall’s painting “Green Violinist”<sup>2</sup> may well represent the conditions of non-State actors in international law. The State-centric international legal order is slippery like the roof where the fiddler stands. The fiddler is any non-State actor. The violin is the law. As a violin has the potential to play wonderful music, but could also be completely out of tune, so the law has the potential to play justice, but could also be an instrument of injustice.

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<sup>1</sup> Roger J Traynor, ‘La Rude Vita, La Dolce Giustizia; Or Hard Cases Can Make Good Law’ (1962) 29 The University of Chicago Law Review 223, 236.

<sup>2</sup> Marc Chagall, Green Violinist (1923-1924) New York Solomon R. Guggenheim.

- 4) It is time for States to recognise that with the global power of multinational companies comes their responsibility toward the international community.
- 5) Human rights litigators should file suits at the European Court of Human Rights against States for their failure to provide stakeholders with effective remedies against multinational enterprises.
- 6) States should modify domestic and/or international laws to provide the powerless with effective remedies against European multinational enterprises which abuse human rights extraterritorially.
- 7) Martin Luther King once said “*Injustice anywhere is a threat to justice everywhere.*”<sup>3</sup> If we want the law to be an instrument of justice, we need such law to be able to sanction injustice anywhere.
- 8) If the stakeholders detrimentally affected by the activities of multinational companies have a real life possibility to hold them accountable in court, they will be able to shape the international law of tomorrow.

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<sup>3</sup> Martin Luther King Jr., Letter from a Birmingham Jail [King, Jr.] (1963), African Studies Center, University of Pennsylvania, available at [https://www.africa.upenn.edu/Articles\\_Gen/Letter\\_Birmingham.html](https://www.africa.upenn.edu/Articles_Gen/Letter_Birmingham.html)