

Business and human rights

Citation for published version (APA):

Palombo, D. (2017). *Business and human rights: the obligations of the European Home State*. Maastricht University. <https://doi.org/10.26481/dis.20170630dp>

Document status and date:

Published: 01/01/2017

DOI:

[10.26481/dis.20170630dp](https://doi.org/10.26481/dis.20170630dp)

Document Version:

Publisher's PDF, also known as Version of record

Please check the document version of this publication:

- A submitted manuscript is the version of the article upon submission and before peer-review. There can be important differences between the submitted version and the official published version of record. People interested in the research are advised to contact the author for the final version of the publication, or visit the DOI to the publisher's website.
- The final author version and the galley proof are versions of the publication after peer review.
- The final published version features the final layout of the paper including the volume, issue and page numbers.

[Link to publication](#)

General rights

Copyright and moral rights for the publications made accessible in the public portal are retained by the authors and/or other copyright owners and it is a condition of accessing publications that users recognise and abide by the legal requirements associated with these rights.

- Users may download and print one copy of any publication from the public portal for the purpose of private study or research.
- You may not further distribute the material or use it for any profit-making activity or commercial gain
- You may freely distribute the URL identifying the publication in the public portal.

If the publication is distributed under the terms of Article 25fa of the Dutch Copyright Act, indicated by the "Taverne" license above, please follow below link for the End User Agreement:

www.umlib.nl/taverne-license

Take down policy

If you believe that this document breaches copyright please contact us at:

repository@maastrichtuniversity.nl

providing details and we will investigate your claim.

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 Trainer once said, “*The law will never be built in a day, and with luck it will never be finished.*”¹ 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”² 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.

¹ 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.

² 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.*”³ 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.

³ 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