



MAX PLANCK INSTITUTE
FOR COMPARATIVE PUBLIC LAW
AND INTERNATIONAL LAW

Human Rights Discussion Group

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Max Planck Institute Luxembourg for International, European and Regulatory Procedural Law

File Suits against States for their Failure to Regulate the Responsibility of Multinational Companies

Friday, 20 November 2015, 14:00 – 15:30, Room 014

This project advocates for filing suits against states before the international courts for their failure to regulate the responsibility of multinational companies. The relationship between corporations and society has radically changed during the last century. Corporations are no longer simple associations of people that get together to conduct business, but supranational entities leading the global economy. However, the laws regulating the relationship between corporations and society have not yet developed. Free to use their deregulated power, corporations may abuse the fundamental rights of people for their own benefits. Human rights activists have attempted to change the status quo in domestic courts by suing multinational corporations. Those attempts are often unsuccessful because international and domestic laws do not recognize the responsibility of corporations for extraterritorial human rights abuses. The aim of this project is to advocate for the use of international courts as a tool for legal change. The focus of human rights activists should switch from the liability of corporations in domestic courts to the responsibility of states before international courts. States have a positive duty to protect individuals from the human rights abuses committed by third parties. Human rights activists should argue that such an obligation includes the duty to protect individuals against extraterritorial abuses committed by multinational corporations and the duty to fulfill corporate social responsibility foreign policies. Human rights activists should file suits against states before the international courts for their failure to hold multinational corporations responsible for extraterritorial human rights abuses and to promote corporate social responsibility standards beyond their borders.



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Dalia Palombo graduated in law from both the Università degli Studi di Milano (Italy) and LL.M. program at Harvard Law School (U.S.A.). During her first law degree, she spent a semester at Berkeley Law and a period of research at the European Court of Human Rights. After graduation, Dalia qualified as an attorney in New York in February 2013 and clerked at the Court of Justice of the European Union in the capacity of trainee. She is currently a Ph.D. researcher at Maastricht School of Law (The Netherlands) in the area of international and European Union law.

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