This chapter seeks to assess how, to date, international law has embraced the concept of “International Corporate Social Responsibility” [ICSR]. It is based on a number of publications written by the author.¹ As such it aims to bring together a number of themes that are central to the development of this new issue for international law. In particular, it seeks to consider what ICSR actually is, why this matter is on the agenda at all and what underlying principles it works from. It then brings matters up to date with an examination of one aspect of the wider ICSR debate, namely, how are corporate responsibilities in the field of human rights being developed in the UN? This is pertinent as the UN Special Representative of the Secretary General on Human Rights and Business, John Ruggie [SRSG], has challenged the system of international law to come up with a response to the demand that corporations act in accordance with international human rights standards in their operations. That said ICSR is a much wider concept than just human rights, as will be shown below. Nonetheless, a focus on human rights may be useful

as it is in this area that direct legal obligations for corporate actors are most likely to develop.²

I. The Meaning of “International Corporate Social Responsibility” (ICSR)

A. Definitions of ICSR in International Instruments

ICSR obligations may be seen as the *quid pro quo* for the protection of investors and investments under international investment protection agreements and international economic rules such as those of the WTO.³ Such obligations can be drawn rather widely. For instance, the Draft United Nations Code of Conduct on Transnational Corporations listed the obligations of transnational corporations [TNCs] across a wide range of issues including respect for the sovereignty of the host State and its political system, respect for human rights, abstention from corrupt practices, refraining from using the economic power of the TNC in a manner damaging to the economic well-being of the countries in which a firm operates, including observance of tax and anti-monopoly laws, and ensuring full disclosure concerning the activities of the firm.⁴

Similarly, the OECD Guidelines for Multinational Enterprises [MNEs] contain a section on “General Policies” which is worth reproducing in full as it offers what appears to be an emerging consensus on the social obligations of MNEs:⁵

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² See Jennifer A. Zerk *Multinationals and Corporate Social Responsibility* (Cambridge, Cambridge University Press, 2006) at 310: “While it is important not to confuse CSR and human rights, it is likely that any direct obligations for multinationals will emerge primarily from human rights law.”


⁵ The remaining chapters include: “Disclosure, Employment and Industrial Relations, Environment, Combating Bribery, Consumer Interests, Science and Technology, Competition and Taxation”.