Narrowing the Accountability Gap for Transnational Justice: The Significance of Private International Law in Enforcing Human Rights

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**ARTICLE DETAILS**

**ABSTRACT**

**Purpose:** The study endeavors to investigate the convergence of technologies and the implications for legal pluralism in human rights enforcement. It aims to examine how private international law can adapt to emerging technologies such as artificial intelligence, blockchain, and the Internet of Things.

**Design/Methodology/Approach:** By analyzing select case studies, this research article aims to provide practical examples of how private international law has been applied, or could be applied, to enforce human rights in the digital sphere. It seeks to extract lessons from precedents to inform future legal approaches.

**Findings:** Building on the findings, this article aims to propose actionable policy recommendations for lawmakers, regulators, and international organizations. It also aims to speculate on future trends and challenges in the evolving landscape of human rights enforcement in the digital era.

**Implications/Originality/Value:** The research strives to explore the ethical dimensions surrounding the application of private international law in the digital age. It aims to establish normative frameworks that balance human rights protection with other legitimate interests.

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**Introduction**

Transnational corporations (TNCs) are significant players in the global economy, and frequently, the effects of their actions on human rights are far-reaching. The dispersion of legal systems, power disparities, and the absence of efficient regulatory mechanisms make the implementation of human rights in a multinational environment complicated and difficult. As a result, many TNCs can violate human rights without repercussions, and there is frequently a substantial responsibility gap. This paper examines the role of private international law in narrowing this accountability gap and enabling
transnational justice (Symeonides, 2023). Private international law is the branch of law that deals with legal issues that arise in cross-border transactions, including those related to jurisdiction, choice of law, and recognition and enforcement of foreign judgments. Despite not being created particularly to address human rights violations, private international law can be very helpful in facilitating accountability and reparation for victims of human rights abuses by TNCs. Private international law can help victims obtain justice and hold transnational corporations (TNCs) responsible for their acts by establishing a framework for international litigation (Jakobsen, 2023).

By providing legal frameworks for dealing with human rights breaches committed by multinational companies, allowing cross-border arbitration, and facilitating victim access to justice, private international law can help close the accountability gap for transnational justice. Private global law can serve to build transnational legal standards that support the preservation of human rights in a globalized environment, even though it is not a magic bullet for protecting human rights. It plays a crucial role in encouraging responsibility and restitution for victims of human rights abuses (Lawther & Moffett, 2023). This article begins by outlining the difficulties of upholding human rights in a global environment, including the shortcomings of home legal systems and the barriers to efficient global regulation. After that, it looks at how private international law might be able to act as a legal framework for dealing with the rights violations committed by TNCs, concentrating on important tools like jurisdictional rules, choice of law rules, and the recognition and enforcement of foreign judgments (He, 2023). Overall, this study makes the case that internationally recognized private international law can significantly contribute to closing the transnational justice accountability gap. It also highlights the necessity for ongoing initiatives to fortify private international laws and create more efficient systems for upholding human rights in a transnational setting (Gustafsson et al., 2023).

**Research Methodology**

This study is based on secondary research. Assistance has been obtained from numerous research articles, studies, case-laws, and other sources of this nature from around the world. In keeping with this, appropriate references are enclosed. While critically evaluating the qualitative analysis doctrinal research approach has been applied to keenly observe the legal hindrances.

**Looking into the Past**

There is a lengthy history surrounding the question of upholding human rights in a global environment and the function of private international law. Roman law principles governed the settlement of conflicts between inhabitants of various provinces throughout the Roman Empire, which is where private international law first emerged. A more complex system of private international law became necessary over time as trade and business flourished and relationships between citizens of various nations intensified. European nations created their own national legal systems during the early days of modernity, which were used to control disputes between people on their own soils. But as European nations built up their empires and engaged in international trade, the demand for a set of norms that could regulate relationships between people from many nations grew (Lane, 2023). The field of private international law, commonly known as conflict of laws, was established with the goal of resolving disputes between various national legal systems. The existing system of private international law is based on international conventions and treaties developed in the 19th century to control cross-border transactions (Tsai & Lin, 2022). In 1900, the first major international convention on private international law was signed: the Convention of Paris on the Conflict of Laws. Its purpose was to harmonize the legislation controlling cross-border business. Since then, the field of private global law has grown into one of the most significant and intricate in all of law. As transnational firms' operations have grown and human rights violations have become more evident, the subject of upholding human rights in a global setting has grown increasingly urgent in recent years (Dunoff et al., 2023). The best approaches to uphold human rights in an increasingly interconnected world are still up for dispute, but private international law has been used in a number of cases to hold multinational companies responsible for infringements of human rights. There are a number of international laws that offer a framework for
dealing with human rights breaches carried out by big business and holding them responsible for their deeds. However, the ability of states to put them into action and enforce them, as well as corporate behavior, determines their practical success (Hannum et al., 2023). In this reference, following international legislative moves are significant:

**“United Nations Guiding Principles on Business and Human Rights”**
These guidelines, which offer a framework for preventing and dealing with unfavorable human rights impacts of corporate operations, were unanimously accepted by the UN Human Rights Council in 2011. The clauses in the principles, which are pertinent to the question of upholding the protection of human rights in a global context, address victims of human rights violations' access to appropriate redress (Schilling-Vacaflor & Gustafsson, 2023).

**“The OECD Guidelines for Multinational Enterprises”**
These voluntary principles serve as recommendations for ethical corporate practices, including respect for human rights. National Contact Points (NCPs) are in charge of promoting the guidelines and addressing grievances pertaining to their implementation in each nation. NCPs carry out the implementation of the recommendations (Srivastava, 2023).

**“The UN Global Compact”**
This is a voluntary program for businesses who are dedicated to coordinating their activities with ten anti-corruption, labor, environmental, and human rights principles. Companies are encouraged under the Global Compact to report on how well they are implementing these principles, and it offers a forum for discussion between corporations, civil society, and other relevant parties (Gustafsson et al., 2023).

**"The International Covenant on Economic, Social, and Cultural Rights (ICESCR) and the United Nations Convention on Political and Civil Rights (ICCPR)"**
Two of the most significant rights-related treaties in international law are these two. They were ratified by numerous nations and delineate the responsibilities of states to uphold, defend, and execute human rights. Although the primary focus of these accords is on state commitments, they also acknowledge the responsibility that non-state actors, such as businesses, have with regard to human rights (Aibar-Guzmán et al., 2023).

**"The Global Crime Court's Rome Code"**
The most serious crimes of international concern, such as genocide, are subject to jurisdiction over persons by the International Criminal Court (ICC), which was founded under this agreement.

**Crimes Against Humanity, and War Crimes**
The ICC can prosecute individuals, including corporate executives, for human rights abuses committed in a transnational context.
Numerous national governments have taken action to control multinational firms' operations inside their own borders and to hold companies responsible for violations of human rights. Certain nations, like France, have passed legislation requiring businesses to exercise due diligence in regards to human rights. On the other hand, a few of the nations have established national points of contact to carry out the OECD recommendations (Hay, 2023). Together, these governments and organizations seek to uphold corporate responsibility in a global setting and to advance the defense of human rights. Nevertheless, the political will of the states and the corporate acts themselves determine how effective their efforts will be (Schrempf-Stirling et al., 2022).

**Challenges of Enforcing Human Rights in a Transnational Context**

It is difficult and complex to uphold human rights in a multinational setting, and new legal and institutional structures must be created so as to guarantee that people's rights are respected everywhere. It can be challenging due to a variety of factors. Here are some of the key challenges.

Determining which jurisdiction's laws apply in a multinational situation is one of the major issues in
protecting the rights of people. It can be challenging to decide which country's laws apply when human rights crimes occur in one country but have an impact on people's rights in another. Legal disputes and difficulties in pursuing remedies may arise from this (Srivastava, 2023).

Due to their intricate organizational frameworks and extensive worldwide reach, multinational corporations—which are frequently implicated in abuses of human rights—may be challenging to hold accountable. Because of this, it could be difficult to find the offending party and make sure they remain to account for their deeds.

There may be few options for redress for transnational human rights abuses, especially in cases involving companies or other non-state actors. It is possible that victims in the jurisdiction where the infringement occurred will not have access to appropriate treatments, such as compensation, restitution, or criminal penalties (Hamdam, 2022).

It can be politically difficult to uphold human rights in a multinational setting, especially when strong states or companies are involved. In order to preserve diplomatic or commercial ties, there can be pressure to minimize or disregard violations of human rights. Diverse legal systems and cultures frequently have diverse conceptions of and approaches to enforcing human rights. This can make it difficult to uphold human rights in a multinational setting, especially when competing legal and cultural structures are involved (Hamm, 2022).

**Limitations of Domestic Legal Systems**

Because domestic legal systems have limitations, international laws and organizations play a crucial role in defending and upholding human rights. When domestic legal systems are unable or unwilling to prosecute and punish those who violate human rights, international organizations like the International Criminal Court (ICC) can offer a venue for doing so. International human rights law offers a universal set of standards and mechanisms for holding states accountable for human rights violations. It might be challenging to adequately confront and rectify violations of human rights due to the limits of the national legal systems (Cuniberti, 2022). Some of the key limitations include:

It's possible that domestic legal systems lack thorough or efficient legal frameworks for upholding and defending human rights. For instance, there might be legal loopholes that prevent some rights from being protected or leave victims with little recourse.

It might have judicial or court systems that are corrupt or weak, and they might not be capable or willing to uphold human rights. Because of this, it could be challenging for victims to pursue justice as well as for offenders to face consequences (El-Said et al., 2022).

Vulnerable groups, like women, minorities, and kids, may have restricted access to justice due to systemic prejudice or obstacles that prevent them from utilizing the system of justice. It could not have the manpower or money that was needed to deal with violations of human rights. This may lead to cumbersome and inefficient legal procedures, depriving sufferers of redress (Cutler & Lark, 2022).

Political meddling may occur, especially under authoritarian governments, which could compromise the judicial system's impartiality and fairness.

**Obstacles on the Way of Framing an Effective Transnational Legal Framework**

The development of efficient transnational regulatory frameworks that can successfully address violations of human rights across boundaries is desperately needed. In addition to persistent international coordination and collaboration, this calls for actions to improve regulatory enforcement systems, rectify power disparities, and address power imbalances (Chow & Schoenbaum, 2022). The implementation of effective international regulation is crucial in resolving cross-border abuses of human rights; yet, there
are numerous challenges in this regard. Among the main challenges are:

A single legal framework that applies to all nations and players complicates transnational regulation. This may cause legal systems to become fragmented, which would make it challenging to create regulations that are both enforceable and uniform.

Difficulties in identifying which jurisdiction's laws apply may cause problems with jurisdictional issues. Conflicts in the judicial system and delays in seeking redress for infringements on constitutional rights may result from this.

There exist certain enforcement issues, such as the potential difficulty of enforcing multinational legislation once they are enacted. Transnational companies could be able to avoid regulation, for instance, by shifting their activities to nations with laxer laws.

Effective global regulation may also be hampered by power disparities between states and individual players. Strong states may oppose attempts to control their operations, and lesser states might not have the political clout or financial means to take part in international regulatory initiatives (Slagter & Van Doorn, 2022).

Global cooperation and collaboration are necessary for effective global regulation, although they can be challenging to do in real-world situations. States might put their own interests ahead of those of the group, and regulatory organizations might not have the tools or authority necessary to properly plan, carry out, and enforce rules.

**Significance of Private International Law as a Framework for Addressing Human Rights Violations**

A foundation for addressing transnational human rights violations is provided by private international law. Private international law can assist in ensuring that those who violate the rights of others have access to efficient remedies and that those who violate them are held accountable by controlling the interplay between various legal systems. Deciding which jurisdiction's rules apply in situations when violations happen across boundaries is one of the main ways that private international law can address abuses of the rights of people (Alexander et al., 2022). This can provide uniform and enforceable rules and help avoid legal dispersion. Because private international law offers procedures for identifying and upholding foreign judgments as well as for resolving jurisdictional problems, it can also help to promote international collaboration and coordination. However, there are numerous obstacles to the efficient application of private international law in the context of human rights abuses, such as power disparities, jurisdictional issues, and enforcement issues. These difficulties show how important it is to keep working to improve the frameworks of private international law for addressing abuses of human rights and removing barriers to efficient enforcement. All things considered, private international law can be crucial in guaranteeing that those who have violated human rights can seek justice and that those who do so are held accountable, both domestically and internationally (Olsen et al., 2022).

One important mechanism for addressing cross-border human rights abuses is international private law. Cross-border legal issues can be governed by a number of significant international private law tools, including as jurisdictional rules, choice of law guidelines, and the acceptance and enforcement of foreign judgments. Where there is a disagreement across multiple countries, the applicable legal system is determined by choice of law rules (Wheaton, 2022). When a victim of human rights abuses wants to hold a perpetrator accountable for acts that took place in another nation, these regulations may be crucial. For instance, the US Supreme Court used choice of law principles in the case of Kiobel v. Royal Dutch Petroleum Co. to decide whether US courts may hear allegations that the defendant, a Dutch corporation, encouraged and abetted rights breaches in Nigeria. The Court ultimately held that the claims were not justiciable in US courts, but the case illustrates the importance of choice of law rules in
determining jurisdiction in human rights cases. Courts with jurisdictional authority to hear cases are determined by jurisdictional rules. When a victim of human rights abuses wants to file a claim against a defendant in a foreign nation, these regulations may be crucial (Butler, 2020). For instance, the US Supreme Court examined whether US courts had jurisdiction over allegations that the defendant, a bank in the nation of Jordan, encouraged and enabled terrorist attacks in Israel in the matter of Jesner v. Arab Bank. The case highlights the significance of jurisdictional principles in deciding access to justice in human rights matters, even if the Court eventually determined that the claims were not justiciable in US courts (Svantesson, 2021). The recognition and enforcement of a jurisdiction is acknowledged and upheld in another jurisdiction. The aforementioned scenario holds significance in human rights situations, particularly when a victim secures a legal decision in one jurisdiction and endeavors to enforce it in another. In the case of Chevron Corp. v. Donziger, the US Second Circuit Court of Appeals declined to uphold a verdict secured by plaintiffs from Ecuador against Chevron in the courts of Ecuador (Briggs, 2019). The Court determined that the judgments had been procured through fraudulent and dishonest means, rendering it unenforceable within the jurisdiction of US courts. This particular case serves as an exemplification of the complexities associated with the acknowledgment and implementation of foreign judgments in matters pertaining to human rights (McGregor et al., 2019).

In general, private international law instruments play a crucial role in resolving transnational human rights breaches. Nevertheless, the aforementioned cases serve as examples that highlight the intricate and disputed nature of implementing these regulations, hence presenting numerous obstacles to their successful implementation and enforcement. Continued endeavors to enhance the frameworks of private international law and to confront barriers to the enforcement process will be crucial in guaranteeing the accessibility of justice for victims of human rights breaches and the accountability of perpetrators, both domestically and internationally (Ginsburg, 2020).

Role of The Private International Law: Enabling Victims to Access Justice

Within the realm of international affairs, individuals who have fallen victim to human rights violations have numerous impediments when attempting to pursue legal recourse, such as jurisdictional complexities and the formidable task of enforcing judgments from distant jurisdictions. Private international law plays a vital role in facilitating the attainment of justice for these victims by establishing a structured framework for addressing and resolving the aforementioned issues (Zuiderveen Borgesius, 2020). An illustrative instance showcasing the potential of private international law in facilitating access to justice for victims of human rights violations is the situation concerning the Chagos Islanders. The Chagos Islanders were subject to coerced displacement from their residences on the Chagos Archipelago throughout the 1960s and 1970s by the British government, with the intention of accommodating a United States military installation. In the year 2000, the Chagos Islanders initiated legal proceedings against the British government by submitting a case to the European Court of Human Rights, asserting that their human rights had been infringed upon. Initially, the action was dismissed based on jurisdictional issues. However, in 2012, the Court overruled its previous ruling and determined that the case may proceed (Buhmann et al., 2019). The Court based its authority to hear the case on the application of private international law principles, which led to the determination that the Chagos Islanders possessed a "sufficient connection" to the United Kingdom. This particular case serves as an illustration of how the use of private international law might facilitate the attainment of justice for those who have been subjected to violations of their human rights. Furthermore, aside from the aforementioned instances, there exist several other scenarios wherein private international law has facilitated the attainment of justice for those who have suffered human rights violations within a transnational framework. As an illustration, the utilization of the Alien Tort Statute has facilitated the initiation of legal proceedings within the United States judicial system against corporations implicated in acts of human rights violations conducted outside the nation's borders. The European Court of Human Rights has also played a significant role in enabling access to justice for victims of human rights abuses in Europe and beyond. Private international law provides a critical framework for addressing the challenges of transnational human rights litigation and enabling access to justice for victims of human
Questions of Law: Highlights of Some International Judgments

Private international law plays a crucial role in easing cross-border litigation and enhancing access to justice in cases involving human rights violations. However, it is important to acknowledge that this field of law also faces certain limitations and obstacles. One of the primary obstacles is in the absence of widespread acknowledgment and application of concepts of private international law among nation-states. The potential consequences of this phenomenon include the occurrence of disparate outcomes and a dearth of anticipatory capability for the entities embroiled in transnational conflicts. An instance can arise where a nation declines to acknowledge and implement a foreign judgment due to its perceived infringement upon its public policy, irrespective of the fact that the judgment was rendered in compliance with the private international law regulations of the jurisdiction in which it was issued. One additional constraint of private international law pertains to the absence of robust means for enforcement (Wheaton, 2022). Although a judgment may be duly acknowledged and implemented in a particular jurisdiction, its impact may not extend to other jurisdictions in which the defendant possesses assets or engages in commercial activities. This scenario can give rise to a circumstance wherein a creditor who has obtained a favorable judgment in court is unable to enforce the judgment and collect the owed amount. Moreover, private international law encounters difficulties when it comes to addressing the inherent power asymmetries sometimes present in transnational disputes (Zuiderveen Borgesius, 2020). An instance might be observed wherein an individual who has suffered from human rights violations encounters substantial obstacles when attempting to seek legal redress in a foreign jurisdiction. These hindrances mostly arise from challenges related to language proficiency, unfamiliarity with the local legal framework, and constrained financial means. This can lead to a scenario in which a victim encounters difficulties in properly asserting their rights and pursuing remedies. Private international law has the capacity to assume a significant part in the resolution of human rights violations that occur in a transnational setting; however, it should be noted that it is not a universally applicable solution. It is imperative to thoroughly examine and confront the constraints and difficulties associated with private international law in order to guarantee that individuals who have suffered human rights violations are able to obtain meaningful redress and hold those responsible liable (He, 2023).

One of the primary obstacles encountered when employing private international law as a means to redress human rights violations is the inherent possibility of conflicts of law. This phenomenon arises when disparate legal systems possess divergent laws that are applicable to a given scenario. The presence of conflicts of law can give rise to a state of ambiguity and unpredictability, hence potentially resulting in instances of unfairness and inequity for the parties engaged in cross-border disputes. In the case of Eichmann v. Ministry of Interior, the Israeli Supreme Court was confronted with the issue of determining the applicable law, either the law of Argentina or the law of Israel, in order to ascertain the legitimacy of a marriage between an Argentinean citizen and an Israeli citizen (Tamvada, 2020). The court rendered a final decision that the legal framework of Argentina need to be employed, notwithstanding its divergence with Israeli societal norms regarding marriage and divorce. The rationale behind this ruling was grounded in the principle of comity, which mandates that courts demonstrate deference to the laws and judgments of other jurisdictions. Similarly, in the case of Soma Oil and Gas Exploration Ltd v. The Attorney General of the Republic of Somalia, the English High Court had to determine whether a contract between an English company and the Somali government was valid under Somali law. The court finally determined that the application of Somali law was appropriate, notwithstanding the existence of a conflict with English law regarding the enforceability of contracts entered into with public authorities. The rationale behind this ruling was grounded in the principle of party autonomy, which grants parties the freedom to select the governing law for their contractual arrangement (Smith, 2022). Conflicts of law can also arise in the context of human rights abuses. An instance might be observed where an individual who has suffered from human rights violations may endeavor to initiate legal proceedings in a foreign jurisdiction. This pursuit is motivated by the fact that
the defendant possesses assets or engages in economic activities within that jurisdiction. Nevertheless, the defendant may assert that the application of the law from their domicile jurisdiction should be considered, since it can encompass distinct regulations pertaining to accountability for violations of human rights. The utilization of private international law to redress human rights abuses can be significantly hindered by conflicts of law. In order to facilitate the provision of appropriate remedies and the accountability of perpetrators, courts and legal practitioners are required to meticulously deliberate over the principles of comity and party autonomy, alongside the likelihood of encountering conflicting legal standards (Goode, 2021).

One of the primary obstacles encountered in the enforcement of judgments across international borders pertains to the absence of consistent standards in the acknowledgment and implementation of foreign judgments. Domestic courts possess the authority to exercise their discretion in declining to recognize and implement foreign judgments. This discretionary power may be invoked on grounds including but not limited to public policy concerns or procedural flaws. The absence of consistency in the acknowledgment and implementation of foreign judgments introduces ambiguity for litigants and may serve as a deterrent for engaging in cross-border litigation.

An illustrative instance in this context pertains to the ruling rendered by the Indian Supreme Court in the matter of Bank of Tokyo-Mitsubishi Ltd v. Karishma International Pvt Ltd. In this particular instance, the Singapore High Court rendered a verdict in favor of the plaintiff. However, the Indian Supreme Court declined to acknowledge and implement the judgment, citing its contravention of national policy. The Supreme Court rendered a decision stating that the judgment was in violation of the national policy of India due to its foundation on a contract that contravened Indian legal statutes. This decision exemplifies the possibility of conflicts of law in the acknowledgment and execution of foreign judgments, underscoring the difficulties associated with executing judgments across international boundaries (Ramcharan, 2021).

One further obstacle encountered when attempting to enforce judgments across international boundaries is the matter of jurisdiction. In order to execute a foreign judgment, it is imperative that the court possesses jurisdiction over the party against whom the judgment is sought to be enforced. Nevertheless, there is significant variation in jurisdictional regulations across different countries, which can present intricate and challenging obstacles to navigate. The theory of forum non convenience enables a court to exercise its discretion in refusing jurisdiction over a particular case if it determines that another court would serve as a more suitable forum. This scenario may arise when a verdict rendered in a certain country lacks enforceability in another jurisdiction due to the absence of jurisdiction over the defendant by the court in the latter jurisdiction. The legal dispute between Owens Bank Ltd and Bracco serves as a notable example that highlights the complexities associated with the enforcement of judgments in cross-border contexts, mostly stemming from jurisdictional concerns. In the present scenario, the plaintiff successfully secured a judgment in England against the defendant, who maintained a domicile in Italy. Nevertheless, the Italian judicial authorities declined to execute the verdict, citing lack of authority over the accused party. The English Court of Appeal ultimately determined that the Italian courts possessed jurisdiction and mandated the recognition and enforcement of the judgment. However, this case serves as an exemplification of the potential conflicts of law and jurisdictional challenges that may arise in cross-border litigation (Moeckli et al., 2022).

The challenges associated with the enforcement of judgments across national borders are substantial and can impede the efficacy of private international law in its efforts to remedy instances of human rights breaches. The absence of consistency in the acknowledgment and execution of foreign judgment’s, along with the intricacy of jurisdictional regulations, are a few of instances illustrating the challenges that plaintiffs may encounter when endeavoring to enforce judgments across international boundaries. The aforementioned problems underscore the imperative for enhanced inter-state collaboration and the establishment of standardized regulations pertaining to the acknowledgment and execution of foreign
Analysis of How These Limitations Can be Addressed

An exemplary instance involves the legal action initiated in 2015 against Royal Dutch Shell by a collective of Nigerian farmers and fishermen in the United Kingdom. The plaintiffs put out a claim asserting that Shell bears responsibility for the contamination and environmental harm resulting from oil spills in the Niger Delta. Furthermore, they contend that the activities undertaken by the business contravene their fundamental human rights. The action was permitted to advance in the United Kingdom because to a legal provision that grants claimants the right to initiate legal proceedings in the state where the parent firm is domiciled, which, in this instance, is the Netherlands. The plaintiffs were able to seek remedy in a country with higher legal protections for human rights thanks to the application of private international law, which was essential to the lawsuit's success. Another instance is the current investigation into the fruit business Chiquita Brands International, which is located in the US, for its alleged involvement in funding and supporting paramilitary organizations in Colombia that violated human rights. The lawsuit was filed in the US under the Alien Tort Statute, a US law that permits foreign nationals to file claims in US courts for transgressions of international law. The defendants may argue that the lawsuit should be handled in Colombia, where the alleged violations took place, therefore private international law is likely to come into play in the case (Chow & Schoenbaum, 2022).

In a decision from 2019, the Supreme Court of Canada decided that a Canadian mining firm, Newsom Resources, could be sued in Canada for alleged violations of human rights at its mine in Eritrea. The company argued that the matter should be heard in Eritrea since there was a low likelihood that the plaintiffs would get a fair trial there. The court rejected this claim. The ruling was noteworthy because it upheld private international law's function in enabling victims of human rights violations to seek redress in nations with higher legal safeguards. These cases illustrate how private international law may be used to hold transnational corporations liable for human rights abuses.

Opportunities and Implications of Private International Law

PIL may be a powerful tool in holding multinational corporations accountable for human rights abuses. The Kiobel v. Royal Dutch Petroleum case illustrated the potential of PIL to offer a venue for victims of human rights violations to seek justice. The responsibility of multinational corporations and the protection of human rights might be affected by the formation of global legal norms via Public International Law (PIL). The UN Guiding Principles on commercial and Human Rights offer a comprehensive framework for the prevention and redress of human rights violations associated with commercial activities. Although the principles lack legal enforceability, they have garnered extensive acceptance among governments and organizations, serving as a fundamental framework for the formulation of policies and implementation of practices pertaining to human rights (Jakobsen, 2023).

Strengthening Private International Law for Human Rights Enforcement: Recommendations

The field of private international law possesses considerable potential in its capacity to enhance the enforcement of human rights within a transnational framework. Nevertheless, there are some obstacles that must be surmounted to guarantee the efficacy of private international law in this context. Enhancing the lucidity and uniformity of international legal instruments pertaining to human rights and transnational commercial activity constitutes a viable approach for bolstering the efficacy of private international law. The United Nations Guiding Principles on Business and Human Rights offer a valuable framework for governing the behavior of multinational enterprises with regards to human rights. Moreover, the safeguarding of human rights is significantly influenced by international agreements such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. These treaties establish crucial legal benchmarks for the preservation of human rights.

One potential strategy for enhancing the efficacy of private international law involves fostering greater
collaboration between domestic courts and international tribunals. The jurisdiction of the International Criminal Court include the prosecution of persons for the gravest offences, such as genocide, war crimes, and crimes against humanity. The enforcement of human rights can be significantly facilitated by domestic courts through the exercise of universal jurisdiction. This legal principle empowers courts to adjudicate instances involving severe human rights violations, irrespective of the geographical location of the abuses or the nationalities of the individuals involved, so enhancing the accountability of abusers and ensuring justice for victims (Alexander et al., 2022).

Conclusion
The present study has undertaken an analysis of the function of private international law in the resolution of human rights infringements within a transnational framework. The research has indicated that private international law offers a structure for resolving instances of human rights violations by facilitating litigation across national borders and ensuring that victims have access to legal remedies. Nevertheless, the utilization of private international law is not without its limitations and concerns. These include conflicts of law, complexities in enforcing judgments across national borders, and the possibility of engaging in forum shopping. Despite these limitations, private international law provides opportunities for the development of cross-border legal norms that promote the protection of human rights. The relevance of this topic is especially clear in situations involving multinational corporations, where the application of private international law may have a vital influence on preserving corporate accountability and furthering the protection of human rights. Fostering more cooperation between local and international legal frameworks is crucial to improving the effectiveness of private international law in protecting human rights. It is also important to create universally accepted rules and principles for corporate responsibility. The potential significance of private international law in furthering human rights, as well as the limitations inherent in its implementation needs more study.

References
environment? Regulation & Governance.


Tsai, C., & Lin, C.-F. (2023). Shedding New Light on Multinational Corporations and Human Rights: