

**EMPOWERING HUMAN RIGHTS IN THE STATE-
BUSINESS NEXUS; A CASE STUDY OF PAKISTAN**



**Supervised By
Ma'am Benish Aslam Sheikh**

**Submitted By
Saiqa Afridi
430-FSL/LLMIL/S21
(LL.M International Law)**

(Faculty of Shariah & Law)

INTERNATIONAL ISLAMIC UNIVERSITY, ISLAMABAD

2024

EMPOWERING HUMAN RIGHTS IN THE STATE- BUSINESS NEXUS; A CASE STUDY OF PAKISTAN

Thesis submitted in partial fulfilment of the requirement for the award of the degree of LLM in

International Law



Supervised By
Ma'am Benish Aslam Sheikh

Submitted By

Saiqa Afridi
Registration No. 430-FSL/LLMIL/S21
LL.M International Law

(Faculty of Shariah & Law)

INTERNATIONAL ISLAMIC UNIVERSITY, ISLAMABAD.

2024

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Saiqa Afridi

© _____ 2024

All Rights Reserved.

DECLARATION

I, Saiqa Afridi (Reg. No. 430-FSL/LLMIL/S21), Student of LLM in International Law hereby declare that the matter printed in the thesis titled **“Empowering Human Rights in the State-Business Nexus; A Case Study of Pakistan”** is my own research and has not been published/ submitted as research work or thesis in any form in any other university or institute in Pakistan. Furthermore, I declare that any information which I received from any source and utilized in this work has been duly acknowledged.

SAIQA AFRIDI

DEDICATION

To Allah Almighty, who is the lord of all worldly and non-worldly mortals, who is divine, ultimate, supreme and the Only One, and last Prophet Hazrat Muhammad (SAW) who is Rehmat-ul-lil-a'almin.

I dedicate this very first crack to my treasured and much loved parents, who gotten me into this biosphere and worked very stiffly on my edification and tutoring including intellect and grooming. This acknowledgment especially contains a thanking applause to my supervisor who provided me enough room to come out in my own way and in my own style.

ACKNOWLEDEMENT

All my praise and thanks to Allah Almighty and countless blessings upon his Messenger, our beloved Prophet Hazrat Muhammad (SAW). I am immensely grateful to all those who have supported and contributed to the completion of this thesis. Without their unwavering guidance, encouragement, and assistance, this work would not have been possible. I am indebted to my supervisor for their invaluable mentorship, insightful feedback, and continuous support throughout the research and writing process. Their expertise and dedication have significantly shaped the development of this thesis, and I am truly thankful for their guidance. I extend my gratitude to the esteemed faculty members and advisors who have shared their knowledge and expertise, offering valuable suggestions and recommendations that have enriched the content and scope of this thesis. To my family, whose unconditional love, encouragement, and understanding have been a constant source of motivation, I offer my heartfelt thanks. Your belief in me has been instrumental in overcoming the challenges that arose during this academic journey. I also want to express my special gratitude to my parents for their unwavering support, uplifting spirits, and numerous moments of respite, which have helped me maintain balance during the course of this research.

SAIQA AFRIDI

List of Abbreviation

ACHR- American Convention on Human Rights

ACHPR- African Charter on Human and Peoples' Rights

BCI- Better Cotton Initiative

CBD- Convention on Biological Diversity

CSR- Corporate Social Responsibility

EIA- Environmental Impact Assessment

EPA- Environmental Protection Agency

HR- Human Rights

ICCPR- International Covenant on Civil and Political Rights

ICESCR- International Covenant on Economic, Social, and Cultural Rights

IEL- International Environmental Law

IHRL- International Human Rights Law

IUCN- International Union for the Conservation of Nature

MHR- Ministry of Human Rights

MNCs- Multinational Companies

NEQS- National Environmental Quality Standards

NGOs- Non-Governmental Organizations

PEPA- Pakistan Environmental Protection Act

UNCCD- United Nations Convention to Combat Desertification

UNCED- United Nations Conference on Environment and Development

UNDRIP- United Nations Declaration on the Rights of Indigenous Peoples

UNEP- United Nations Environment Program

UNFCCC- United Nations Framework Convention on Climate Change

UNGPs- UN Guiding Principles on Business and Human Rights

UNHRC- UN Human Rights Council

WWF- World Wildlife Fund

Table of Content

ABSTRACT	13
INTRODUCTION TO RESEARCH	14
Thesis Statement	14
Scope of Research.....	16
Significance of the Research.....	16
Literature Review.....	17
Research Gap	26
Research Questions:.....	27
Research Methodology	28
CHAPTER I.....	30
FOUNDATIONS AND FRAMEWORKS OF BUSINESS AND HUMAN RIGHTS	30
1.1. Introduction	30
1.2. Understanding the Complex Interplay between Human Rights and Business in International Law	30
1.3. The Foundation of Business and Human Rights Initiatives.....	33
1.4. Human Rights Treaties and Conventions.....	36
1.5. UN Guiding Principle on Business and Human rights:.....	41
1.5.1. The International Struggle towards Normative Change	46
1.5.2. Access to Remedies	49

1.6. Conclusion	52
CHAPTER II.....	53
HUMAN RIGHTS AND BUSINESS: AN INTERNATIONAL SCENARIO	53
2.1. Introduction.....	53
2.2. The Corporate Responsibility to Respect Human Rights	53
2.2.1. The United Nations Guiding Principles on Business and Human Rights.....	54
2.2.2. Key Principles of UNGP.....	55
2.2.3. Impact of Guiding Principles on Business.....	56
2.3. The Practical Nexus of Human Rights and the Corporate Responsibility	57
2.4. Challenges in Implementing Corporate Social Responsibility	59
2.5. The State Duty to Protect Human Rights.....	61
2.6. National Approaches to Regulating the Human Rights Impact of Business	63
2.7. Extraterritorial Obligations and Business and Human Rights	67
2.8. The Human Rights Impact of Multinational Corporations in Developing Countries.....	69
CHAPTER III	72
HUMAN RIGHTS IN THE STATE-BUSINESS NEXUS IN PAKISTAN	72
3.3. Pakistan’s Commitment to UNGP	75
3.4. Environmental Challenges in Pakistan	75
3.5. Legal Framework and State-Business Relationship	76
3.5.1. Environmental Laws in Pakistan	76

3.5.2. State's Role in Environmental Protection and Human Rights	81
3.5.3. State-owned Enterprises and Public Private Partnership	82
3.5.4. Compliance and Enforcement Challenges	85
3.6. Corporate Accountability and Environmental Rights.....	87
3.6.1. Corporate Social Responsibility	87
3.6.2. Voluntary and Mandatory Mechanisms.....	89
3.6.3. Role of Civil Society and NGOs.....	92
3.6.4. Case Studies for Corporate Accountability in Pakistan.....	94
3.6.4.1. Case study of mining industry in Pakistan.....	95
3.7. Critical Analysis.....	97
3.8. Conclusion	105
CHAPTER IV	107
CONCLUSION AND RECOMMENDATIONS	107
4.1. Recommendations.....	108
4.2. Implications of the research	111
4.3. Limitations of the study	111
4.4. Future research.....	112

ABSTRACT

This dissertation analyses the relationship between human rights and state business in the context of Pakistani environmental law. State and business have a significant impact on environmental responsibility and human rights in Pakistan, and a comprehensive and integrated approach is required to promote sustainability and inclusivity in the business sector, according to the findings of this study. The research emphasizes the need for a more robust institutional and legal framework for environmental governance, greater transparency and public participation, and incentives for businesses that promote sustainability and environmental responsibility. In addition, the study highlights the crucial role of civil society and non-governmental organizations in promoting environmental responsibility and human rights in Pakistan. In addition, the research indicates that voluntary and obligatory mechanisms, such as the Better Cotton Initiative (herein after used as BCI) and the National Environmental Quality Standards (herein after used as NEQS), could effectively promote sustainable and responsible business practices. The study also identifies several obstacles, such as compliance and enforcement issues, that impede the efficacy of Pakistan's environmental regulations. For Pakistan to surmount these obstacles, the study suggests strengthening labor laws and regulatory bodies, adopting penalties and sanctions for noncompliance, and promoting international cooperation and support for environmental governance and sustainable development. Future research must investigate the impact of cultural, social, and political factors on Pakistan's state-business nexus and environmental law, the potential of public-private partnerships, and the impact of technological innovation on environmental governance and corporate accountability, as indicated by this study. By adopting these measures, Pakistan can foster inclusive and sustainable economic growth while protecting its natural resources and citizens' rights.

INTRODUCTION TO RESEARCH

Thesis Statement

This study explores the impact of state policies and business practices on human rights in Pakistan, focusing on global initiatives, international treaties, and the UN Guiding Principles. It identifies challenges and opportunities in corporate accountability, environmental laws, and human rights, offering insights through case studies within Pakistan's corporate sector.

Background

As a human being we need a safe, healthy, clean, and sustainable environment for the full enjoyment of a wide range of human rights, such as right to life, health, clean water, food and sanitation. Without a human friendly environment, we are not able to fulfil our (aspirations). According to World Health Report 24% of all global death, which is roughly 13.7 million¹ death a year, are linked to the environment and the reason behind this is pollution and chemical exposure. Recently the link between human rights and environment has rapidly increased. Large number of International and domestic laws, judicial decisions, and academic writings are growing rapidly on the relationship between human rights and environment.

Recently on 8 Oct 2021, United Nations Human Rights Council (herein after used as UNHRC) under its resolution² 48/13 recognized for the first time that having a clean, healthy, and sustainable environment is a human right. This right has been mentioned clearly in Stockholm Declaration 1972. After five decades it is finally recognized at the global level through UNHRC resolution. The developed countries which is also the member states of UN has already recognized

¹ UNEP, online available at: <https://news.un.org/en/story/2021/10/1102582>, Last Accessed, 11th February 2024.

² UNHR, “Council resolution” online available at: <https://www.ohchr.org/EN/Issues/Environment/SREnvironment/Pages/AboutHRandEnvironment>, Last Accessed, 15th February 2024.

that healthy environment is a basic human right through their domestic law, national court decisions and regional treaties.

State needs to be involved in more business activities for the improvement of their annual GDP and to provide more jobs to their citizens. Without business a state cannot stable their economy and cannot lead to be a developed state. Through this state-business nexus we cannot neglect the basic right of human beings and that is a healthy environment. Rapid increase in industries in developing countries leads to dramatic increase in solid waste production, pollutes the local environment through smoke, chemicals and sounds and make too much noise and dust. This will directly affect the local communities of a specific area. Those smokes, chemical or dust will directly affect the health of the people who are near to that business especially the localities where poor people live are exposed.

Recently by the end of 2021, the Ministry of Human Rights (herein after referred as MHR) in collaboration with United Nations Development Program (herein after referred as UNDP) published their five years' plan which is "National Action Plan on Business and Human Rights"³ with the aim to protect Human Rights (herein after referred as HRs) against the adverse impacts of business activities. And voluntary measures to protect and promote and respect for human rights in all forms of business activities and provide remedies for those who have adverse impact where they have occurred.

This study will be based on a review and analysis of UNGPs and the statement of commitments to implement this UNGPs on Business and Human Rights by the state of Pakistan. The aim of this research is checking that what Pakistan have done in the past since the country was

³ UNHR, Office of High Commissioner, online available at: <https://www.ohchr.org/Documents/Issues/Business/NationalPlans/pakistan>, Last Accessed, 15 February 2024.

the signatory of UNGPs and to look after what have the new commitments of the country that will be implementing in the future. What progress have done and what will be the future policies and what kinds of remedies would be providing to those who have affected by the harmful business activities. What strategies would be followed by the Pakistan as a developing state with a low economic growth?

Scope of Research

This research aims to examine the intersection of state and business in Pakistan with a specific focus on human rights implications. This study will explore how business practices and state policies intersect to either promote or hinder human rights within the country. This study will analyzing the historical evolution of the state-business relationship in Pakistan and its impacts on Human Rights. This research dissertation also reviewing national and international policies and regulations affecting the state-business nexus and their alignment with human rights standards. At the end proposing policy and practice recommendations to enhance the protection and promotion of human rights within the state-business framework in Pakistan.

Significance of the Research

Pakistan, like many developing countries, faces numerous human rights challenges, particularly in the context of business operations. This study sheds light on these issues, contributing to the global discourse on human rights and business ethics. Understanding the mechanisms of corporate accountability and their effectiveness in Pakistan can help in designing better frameworks for ensuring businesses adhere to human rights standards. This can lead to more responsible corporate behavior and improved public trust in businesses. By evaluating Pakistan's commitment to international standards, such as the UN Guiding Principles on Business and Human Rights, the research supports the country's efforts to align with global norms. This alignment is crucial for

international trade and diplomatic relations. This research ensuring that business practices respect human rights is a key component of sustainable development. This research highlights how business operations can be aligned with the principles of sustainable development, benefiting both society and the economy.

The main importance of this current study is that to explore a feasible solution for the current scenario in State-Business nexus and their harmful effects on local communities. It is the need of the time to identify the implementation and oversight of the protection, respect, and remediation of human rights in the context of business activity. This research will try to identify what Pakistan have done in past and what have their new commitments regarding human rights in State-Business nexus, and to assess the national legislative, policy, and regularity framework relevant to human rights against the state-business nexus.

Literature Review

For the purpose of this research the researcher has explore the qualitative data, as it is subjective, analytical and critical in nature. The resources, which the researcher, has researched includes books, scholarly articles, and online resources. As few of the literature relied upon for the preparation of this research proposed are as under.

Rogene A. Buchholz in his book “Business Environment and Public Policy” chapter 15, has described various types of pollution which has a harmful effect on human health, in breathing, water unfit for drinking, an unfit land for living because of toxic waste or harmful radiation that come out from any local business. Along with different types of pollution the writer discussed policies and their objectives to control pollution. That before going to start any business four major approaches have been adopted. Firstly, a comprehensive environmental evolution is necessary for any business activity. Like all possible primary and secondary effects must be examined. Secondly,

to set pollution standards for specific types of pollution and imposed fine on those who violate or exceed those limits. Thirdly, to regulate industrial and municipal discharge activities through licencing procedure, for granting a special permission to discharge pollutants or waste material using different technological modes or procedures. Lastly, examines substances to determine whether they are safe they constitute such a hazard so that their use to be limited or banned.⁴The writer in his book discussed different types of pollutions and certain policies which control pollution in a better way that came out from business activities and their effects on human health. But some of the aspects are missed in this book which need to be highlight for the protection of human rights against the state-business nexus. Firstly, it should be in the policy of state to define a proper area for a business activity which cannot disturb nearly located community. Secondly, the state should impose fine on those companies which are affecting human health and those companies should be responsible to compensate those local people who are affecting by those harmful toxic gasses or chemicals. However, this research lacks the comprehensive framework that holds the business accountable for pollution-related health hazards and ensure the adequate compensation for the affected communities. This book does not sufficiently discuss the importance of designating appropriate areas for business operations to minimize the disturbance to nearby communities.

Jenny Vaughan in her report “The Future of Business and Human Rights”⁵ said that The UN Guiding Principles on Business and Human Rights (UNGPs) offer guidance to companies on how to manage human rights risks associated with their business activities and value chains amidst these global challenges. The UNGPs lay out the corporate responsibility to respect human rights.

⁴ Rogene A. Buchholz, *Business Environment and Public Policy*, (Prentice Hall: Facsimile, Subsequent edition, 1994).

⁵ Jenny Vayghan, “The future of Business and Human Rights”, *BSR* [2021].

They provide guidance on the steps businesses should take to avoid infringing on the human rights of others and to address adverse impacts with which they are involved. Over the past decade, the UNGPs have given companies a shared roadmap for respecting human rights and spurred progress toward this goal in a business context, demonstrating that changing ways of doing business to reduce harm to people is possible. The roadmap sets out key action areas for strengthening business respect for human rights in the coming decade and leveraging the power of business enterprises to overcome the shared challenges of today and tomorrow. These include strengthening and mainstreaming human rights due diligence across value chains, increasing collective action to tackle systemic challenges, ensuring alignment between the UNGPs and the development of standards and regulations, strengthening access to remedy, deepening stakeholder engagement, and better tracking of progress. This is the critical first step for business to prevent and mitigate harm to people. As stated in the UN Working Group's roadmap, "Respecting people and the planet, by preventing and addressing adverse impacts across business activities and value chains, is the most significant contribution most businesses can make toward sustainable development". The writer in his article discussed the corporate responsibilities in a detailed way, but still, some of the aspects are missing which need to be highlight. Human health should be given priority upon all other things. It's the duty of State to avoid such kinds of business activities which have a harmful impact on local communities. In case of any harm or violation it will be the duty of state to take a serious action. However, this study lacks the focus on the specific areas where the corporate and the state responsibilities intersect, specifically in the context of the human health and the role of the state in preventing the harmful business activities. This research highlights the corporate responsibilities, but does not give the sufficient attention to the prioritization of the human health over the business interests. This research emphasizes corporate due diligence but does not

adequately address the state's role in preventing harmful business activities that affect local communities. It lacks a comprehensive discussion on the state's duty to regulate, monitor, and intervene when businesses infringe on human rights, especially in sectors where environmental and health impacts are significant.

Miemie Struwig in his article “How small businesses can manage their impact on the environment”⁶ described that while facing on large businesses, small businesses have also a role to play. The fact that small business is neglecting this is of great concern. Businesses have been criticized for their contribution to the destruction of the natural environment. Many have responded by adapting their management practices, production processes and products. But they still face several challenges in reducing their impact on the environment. Small businesses operate differently and face disparate challenges compared with large businesses. They therefore act differently in implementing environmental management system. Small businesses lack knowledge of their environmental impacts. They are also culturally disposed to resisting government intervention. This makes them less likely to implement an environmental management system. The lack of resources might also play a deciding role in the choices they make. Steps that can be taken to improve the situation. First, there needs to be greater awareness of environmental issues among small business owners. Also, the positive business outcomes need to be reinforced. And the fact that there is a personal and social responsibility to reduce environmental impact. Steps must be taken to ensure that small businesses are able to adapt to the requirements of implementing an environmental management system. This should include providing them with resources and incentives. Finally, environmental management systems must be created that require fewer resources and are simpler to implement. A far more formal approach is being adopted by most

⁶ Miemie Struwig, *How small business can manage their impact on the environment*, (Nelson Mandela University Press, 2016).

businesses. This is usually done by adopting an environmental management system. These have become an essential part of the activities of businesses. They are used to guide environmental planning and implementing standards. While, this research focus on the challenges faced by the small businesses in adopting environmental management systems (EMS), there is limited exploration of how these challenges differ across various industries and geographic regions. In this research, author providing resources and incentives is essential for small businesses to adapt to environmental requirements, but it does not explore the role of government policies, industry associations, or non-governmental organizations in facilitating these resources. In this research study, author acknowledges that small businesses lack knowledge of their environmental impacts but does not propose practical methods for measuring and tracking these impacts.

Cecile Oger in his article “The impacts of Climate on Health: why Business should care and how to act” explain according to World Economic Forum’s Global Ricks report climate-related ricks are the top threats to business. Climate related ricks can be expected as severe financial threats to companies worldwide. Similarly, climate change affects every human being around the globe which could result low progress in public health. Diseases like malaria, dengue, water-borne infections and increase in no communicable diseases like depression connected to displacement and disasters. This change directly affected economic growth, with social and financial coasts for government, the general public and business.⁷ Today, business have to support society so that health impact would not be suffered with a changing in climate. The writer gave reasons and suggestions that why and for what business can do. That companies should build effective solutions that address the rising threats posed by climate to general public health. Create

⁷Cecile Oger, “The impacts of Climate on Health: why Business should care and how to act”, (2018) online available at: <https://www.bsr.org/en/our-insights/blog-view/climate-change-health-impacts-why-business-should-care-and-how-to-act>, Last Accessed, 17 February 2024.

industrywide information voluntary that climate and health mean a lot. The writer in this article explained suggestions that what should be a company can do for the betterment of climate and their effects on human health but still some loopholes are there. The article did not pay attention to those who are affected by the industrial pollution nor discussed any liabilities upon companies. While, in this research, author emphasizes the role of businesses in addressing climate change and its effects on public health. But, it does not particularly address the responsibility of companies that contribute to environmental degradation through industrial pollution. Hence, in this study, a detailed exploration of how pollution from various industries exacerbates climate-related health issues is absent. Another point is that the author focus on how businesses can support societal efforts to mitigate the health impacts of climate change. However, it lacks a discussion on the legal and ethical liabilities of companies that contribute to environmental harm. It does not delve into how companies should be held accountable for their direct or indirect role in causing climate-related health problems, nor does it suggest mechanisms for enforcing corporate responsibility.

Qaisar Mahmood in his article “Chemical pollutants from an industrial estate in Pakistan: A threat to environmental sustainability”⁸ is explained that every day huge amounts of municipal, industrial, and agricultural wastes are being released into the environment, causing serious ecological problems. Sadly, water is being polluted at an alarming rate due to various factors like rapid industrialization. In Pakistan, wastewater being released from various industrial sectors is usually released into the surrounding areas damaging human and animal life. One of such industrial estates is Hattar Industrial Estate (herein after referred as HIE). It consists of around 117 operational units that are mainly composed of food and beverage, textile, crockery, paper printing,

⁸ Qaiser Mehmood and Arshad Ali, “Chemical Pollutants from an Industrial State in Pakistan: A threat to Environmental sustainability”, *Applied Water Science*, (2019), online available at: <https://doi.org/10.1007/s13201-019-0920-1>, Last Accessed, 14th April, 2024.

cement, publishing, chemical, rubber, and leather products. This industrial estate is releasing a diverse range of pollutants into their nearby natural drains. These pollutants have very long-lasting effects on the sustainability of local ecosystems and pose a serious threat to human health. Industrial sector is the backbone of the development of a country; however, its untreated effluents are damaging various ecological phenomena. Pakistan is currently experiencing profound demographic, economic changes and energy crisis that pose serious limitations on spending capital on water treatment. However, no serious effort has been put forth by any agency in Pakistan to characterize the exact nature and concentrations of contaminants found in wastewaters originating from various industrial zones. The writer has paid a serious attention to the ongoing challenges to environmental sustainability in Pakistan. However, this article did not explain that which parameters can be helpful for improving the EQS in the country. Industrial effluents should be continuously monitored and properly managed before discharge in order to reduce potential damage aquatic and human life. Thus, need attention of policy makers to install a centralized wastewater treatment plant so that the soil cannot be affected. However, in this research, there is the lack of detailed analysis and practical solutions regarding EQS in Pakistan. While, this article effectively highlights the alarming issue of water pollution caused by industrial waste, especially from HIE, it does not address the specific parameters or guidelines required to improve these standards. Moreover, this article does not provide a comprehensive framework for monitoring and managing industrial effluents continuously. It lacks to suggest the specific methods or infrastructure, such as a centralized wastewater treatment plant, to control the release of contaminants and ensure long-term environmental sustainability.

Imran Malik in his article “Laws to control pollution in Pakistan exist but are hardly enforced”⁹ discussed that Pakistan being a developing country have facing numerous adverse impacts of chemical pollution coming out from industries. These negative impacts are affecting air, water and soil and mostly local communities are facing these problems. They were suffered chest pain, eyes infections and breathing difficulties. Unfortunately, the slum areas are targeting more. These localities have no proper sewerage system and often they are closed to polluting industries. Industrial pollution is a huge problem nowadays. Large scale business firms are mostly registered but the small scale is beyond government supervision. So many industries which produce different chemicals that are so dangerous for human health and are unchecked by the government agencies due to which the local people suffered a lot. In theory, there are certain penalties but in practice enforcement of the laws are lacking. Government is not showing much concern. Although the writer has discussed about the laws and penalties that are available in Pakistani legal system against harmful industrial pollution but there is a need to spread awareness in general public about their health rights. That every human being who are affected with those toxic gasses and chemicals or dust must be aware the side effects on their health. Because of less knowledge the local people would suffer a lot and have health issues in their future life. With the laws and their practical implementations, it is the duty of the government to spread awareness in general public about the industrial pollution and its harmful effects on human health. While this research article highlights the existence of laws and penalties to combat industrial pollution. But, it does not sufficiently explore the role of public health education. There is a need to investigate how local communities, especially in slum areas, can be educated about their health rights and the

⁹ Imran Malik, “Laws to control pollution in Pakistan exist, but are hardly enforced”, *Journal*, e-paper no. 3, (2021) online available at: <https://www.dandc.eu/en/article/pakistans-laws-control-chemical-pollution-are-hardly-enforced>, Last Accessed, 15th February 2024.

long-term effects of exposure to toxic chemicals and gases. In this paper, author discusses the impact of pollution on local communities but does not examine how these communities could be mobilized to demand better enforcement of environmental laws.

Muhammad Afnan Talib in his article “An Analysis of Environmental Law in Pakistan - Policy and Conditions of Implementation”¹⁰ pay a huge attention to environmental laws which the country is signatory. According to him in Pakistan, besides some other factors responsible for the environmental contamination and pollution, Industrialization is also playing its negative role to intensify the adverse effects of pollution by its wastage e.g., cement industries, fertilizer industries, sugar mills, steels mills and cosmetics industries are playing their leading role. Pakistan is striving to make developments in all the respective fields which alleviate our hot raising socio economic issues. But beside the infrastructural and economic growth our environment is also getting polluted leaving behind several drastic and severe environmental crises and one of the adverse repercussions is environmental pollution. The extreme effects of environmental pollution cannot be neglected and through proper and genuine laws and policies implementations we can cope up such issues. In addition, unplanned growths in industrialization are foremost to air, water, and land pollution within the country. Period from 1983 to 1997 has been very effective as far as the environmental laws, policies and implementations are concerned. Environmental Protection Act, 1997 (herein after referred as EPA 1997) is a very important document regarding environment in the history of law in Pakistan. This policy came into existences with aims for the protection, conservation, rehabilitation, and improvement of environment, for the prevention and control of pollution and promotion of sustainable development. Many rules and regulations were promulgated under this Act. But as far as the environmental crises and issues in Pakistan are

¹⁰ Muhammad Afnan Talib, “An analysis of Environmental Law in Pakistan-Policy and Conditions of Implementation”, *Research Journal of Applied Sciences, Engineering and Technology*, (2014).

concerned, this policy seems to be unsuccessful. The article explained environmental laws and policies of Pakistan since the Act was came in to being, but still some aspects are missing in this article which need to be highlight it. The first National Environmental Action Plan (herein after refered as NEAP) was made in 2001 and then Pakistan's National Environmental Policy in 2005. Recently the Ministry of Human Rights have made a five years' plan, National Action Plan on Business and Human Rights (2021-2026). Pakistan is a country where we can see a wide range of policies, but the implementation of these policies is looking unsuccessful and misfired. Still, we could not see any progress in environmental laws and policies which could be implemented in a better way. The local communities are facing so many problems and there is no way to compensate them. We have to make such laws and policies which can facilitate those who are directly affecting by the harmful activities of business. In this research, author highlights the importance of environmental laws like the EPA1997 and subsequent policies, but it lacks a detailed analysis of the reasons behind the failure of effective implementation. In this paper, author focus on the fact that policies have been unsuccessful but does not investigate the systemic, bureaucratic, or political obstacles that hinder enforcement at local, provincial, and national levels. In this paper, author mentioned that the local communities are facing significant challenges due to industrial pollution. But, this article does not provide an in-depth examination of how these communities are impacted or how they can be better protected. There is also a lack of discussion regarding compensation mechanisms for those affected by harmful business activities.

Research Gap

Despite the growing discourse on business and human rights, there is a significant gap in the literature concerning the specific dynamics of the state-business nexus in Pakistan and its implications for human rights. The existing research predominantly focuses on either state policies

or business practices in isolation, without adequately addressing their interplay and collective impact on human rights. Key gaps include the lack of comprehensive studies that integrate the analysis of state and business interactions and their collective impact on human rights. The limited research focusing on the unique socio-political and economic context of Pakistan, which affects the state-business relationship and human rights. There is need for actionable recommendations tailored to Pakistan's context, addressing both policy and practice gaps in protecting human rights within the state-business framework.

Research Questions:

1. What are the foundational principles of business and HRs initiatives globally, and how do they relate to Pakistan's business practices and policies? (This issue has been addressed in Chapter I).
2. How do Multinational Corporations (herein after referred as MNCs) demonstrate corporate responsibility to respect human rights in different international contexts? What challenges do businesses face in implementing Corporate Social Responsibility (herein after referred as CSR) and human rights initiatives, particularly in developing countries? (This issue has been addressed in Chapter II).
3. What is Pakistan's level of commitment to the UNGPs, and how is this reflected in policy and practice? How effective are Pakistan's environmental laws in promoting human rights within the business sector? (This issue has been addressed in Chapter III).
4. What are the key findings from the analysis of human rights practices within the state-business nexus in Pakistan? (This issue has been addressed in Chapter IV).

Research Methodology

This study employs a doctrinal legal research methodology, also known as "black letter" methodology, which centers on the precise content of legal texts rather than their practical application. This method involves creating a descriptive and thorough analysis of legal rules derived from primary sources, such as statutes, regulations, and case law. The objective is to compile, organize, and detail the law, provide commentary on the legal sources, and identify and explain the overarching themes or systems and how various sources of law interconnect.

Doctrinal Legal Research Approach

The doctrinal legal research approach is particularly suitable for areas dominated by well-established legal principles, like contract or property law. This approach entails a critical, qualitative examination of legal materials to support a hypothesis. Researchers using this method identify specific legal rules, discuss their legal meanings and underlying principles, and analyse how judicial decisions interpreting these rules fit into a coherent legal system. In addition, this research identifies the ambiguities and criticisms within the law and propose potential solutions. Data sources in doctrinal research include the legal rules themselves, case law generated under these rules, relevant legislative history, and scholarly commentaries and literature on the subject. In this dissertation uses the primary sources to examine Pakistani laws and regulations that impact business practices and human rights, including environmental laws and corporate governance statutes. This study also analysis of international human rights treaties and conventions ratified by Pakistan, such as the International Covenant on Civil and Political Rights (herein after referred as ICCPR) and the UNGPs. This study also used the secondary sources such as books, reports, journal articles. The examination of reports from international organizations, Non-Governmental

Organizations (herein after referred as NGOs), and government bodies on human rights and business practices in Pakistan.

Organization of Study

This study is structured into four chapters, and each chapter address the critical aspects of the research topic. First chapter deals with “Foundations and Frameworks of Business and Human Rights”. In this chapter, focus on the foundation of business and HRs initiatives, HRs treaties, and Conventions. This chapter also discuss the UN guiding principle on business and HRs. Second chapter of this dissertation deals with the “Human Rights and Business: An International Scenario”. This chapter focus on the Corporate Responsibility to respect HRs, the UNGP on business, and HRs. In this chapter, also discuss the challenges implementing in CSR, and HRs impacts on MNCs in developing countries.

Third chapter of this dissertation deals with “Human Rights in the State Business Nexus in Pakistan”. This chapter particularly focus on Pakistan’s commitment to UNGP, environmental laws, and their practical implementation. This chapter also discuss the corporate accountability and environmental rights, critical analysis, and case study. Fourth chapter of this dissertation deals with the “Conclusion and Recommendations”.

CHAPTER I

FOUNDATIONS AND FRAMEWORKS OF BUSINESS AND HUMAN RIGHTS

1.1.Introduction

This chapter provides an overview of the foundational principles of business and HRs initiatives on a global scale. It explores how international human rights treaties and conventions have shaped business practices, emphasizing the significance of the UNGPs in defining corporate responsibilities. This chapter sets the stage for understanding the critical frameworks and legal standards that govern the intersection of business operations and human rights, establishing a baseline for the subsequent analysis of Pakistan's context.

1.2.Understanding the Complex Interplay between Human Rights and Business in International Law

The intersection of human rights and business has emerged as a focal point in international law, drawing attention to the complex interplay between economic activities and fundamental freedoms. In this chapter, we delve into the foundational principles of business and human rights initiatives globally, exploring the impact of international human rights treaties and conventions on business practices. Furthermore, we analyze the significance of the UN Guiding Principles on Business and Human Rights in shaping corporate responsibilities.

The intersection of human rights and business has recently been a focus of international law. Civil and political rights, like the right to free speech and a fair trial, and economic, social,

and cultural rights, such as education and health, are all human rights recognized and protected by international law¹¹.

Conversely, businesses are entities whose primary purpose is to profit via commercial operations, including manufacturing, retailing, and service provision. Businesses substantially affect human rights since their actions may either advance or undermine the protection of fundamental freedoms and liberties¹².

Human rights and business have complex interrelationships within the framework of international law. One side of the argument is that nations are obligated by international human rights legislation to safeguard the rights of all people, even those whose freedoms are curtailed due to corporate actions. States must monitor enterprises operating inside their borders for human rights violations and hold them responsible for their actions¹³.

However, companies also have obligations under international law to protect human rights. In accordance with the United Nations Guiding Principles on Business and Human Rights, companies must respect human rights. This means they should take care not to infringe on the rights of others and instead remedy any adverse effects their actions may have on people's ability to enjoy their basic human freedoms¹⁴.

Nevertheless, there has been continuous discussion about, and some ambiguity around, the nature and extent of these tasks. Due to a lack of direction, national and international rules and

¹¹ Hassan Ahmad Nizam, et al., "Achieving environmental sustainability through information technology: Digital Pakistan initiative for green development", *Environmental Science and Pollution Research* 27 (2020): 10011-10026.

¹² Saqib Yaqoob Malik, et al., "Pathways towards sustainability in organizations: Empirical evidence on the role of green human resource management practices and green intellectual capital" *Sustainability* 12, no. 8 (2020): 3228.

¹³ Zahoor Ahmed, Muhammad Wasif Zafar, and Sadia Mansoor. "Analyzing the linkage between military spending, economic growth, and ecological footprint in Pakistan: evidence from cointegration and bootstrap causality" *Environmental Science and Pollution Research* 27 (2020): 41551-41567.

¹⁴ Florentina Simlinger, and Benoit Mayer. "Legal responses to climate change induced loss and damage" *Loss and Damage from Climate Change: Concepts, methods, and policy options* (2019): 179-203.

norms have become a hodgepodge, making it difficult for enterprises to understand their responsibilities and victims of human rights violations to get justice.

There have been substantial changes in international law in recent years that aim to define the intersection of human rights and commerce. Establishing the United Nations Guiding Principles on Business and Human Rights is one such advancement since it establishes standards for how enterprises should treat human rights. The Guiding Principles define the duties of corporations and states to safeguard human rights and provide adequate redress for violations¹⁵.

The rise of extraterritorial responsibilities is another significant change in international law. These requirements hold nations accountable for human rights abuses committed by corporations under their authority, even if those violations occur in another country. This might have far-reaching effects on multinational corporations that do business worldwide because they could be held liable for human rights violations committed in countries where they operate or have supply networks.

Even with these advances, ensuring that enterprises comply with human rights under international law remains a substantial concern. One difficulty is that victims of human rights violations by corporations sometimes have few options for redress, especially in developing countries where the judicial system may be ineffective or corrupt¹⁶. For multinational firms operating in several different legal systems, the complexity of monitoring and enforcing compliance with human rights norms still presents another obstacle¹⁷.

¹⁵ Laura Burgers, "Should judges make climate change law" *Transnational Environmental Law* 9, no. 1 (2020): 55-75.

¹⁶ Nabila Abid, Muhammad Ikram, Jianzu Wu, and Marcos Ferasso. "Towards environmental sustainability: exploring the nexus among ISO 14001, governance indicators and green economy in Pakistan" *Sustainable Production and Consumption* 27 (2021): 653-666.

¹⁷ Dianxi Zhang, Muhammad Safdar Sial, Naveed Ahmad, António José Filipe, Phung Anh Thu, Malik Zia-Ud-Din, and António Bento Caleiro. "Water scarcity and sustainability in an emerging economy: a management perspective for future" *Sustainability* 13, no. 1 (2020): 144.

1.3.The Foundation of Business and Human Rights Initiatives

Human rights, encompassing civil and political rights as well as economic, social, and cultural rights, are universally recognized and protected by international law. These rights, ranging from the right to free speech and a fair trial to access to education and healthcare, form the cornerstone of the international human rights framework. Concurrently, businesses operate within the global economic landscape, driven primarily by profit motives and commercial endeavors, including manufacturing, retailing, and service provision. As such, the actions of businesses can significantly impact human rights, either advancing or undermining the protection of fundamental freedoms and liberties.¹⁸

The recognition of the need to protect the fundamental rights of individuals in the face of rapid globalization and increasing economic activity can be traced back to the 20th century when the foundation of business and human rights initiatives in the context of international law can be found. This realization took place in the context of international law. Several worldwide efforts have been formed in recent years that seek to promote the protection of human rights in the context of corporate activities. These initiatives have been developed on a global scale.

The approval in 2011 of the United Nations Guiding Principles on Business and Human Rights is one of the most critical advancements in this field. The United Nations developed these principles. Developed by a committee appointed by the UN Human Rights Council, these guidelines provide a roadmap for businesses to uphold human rights in everything they do. The United Nations Guiding Principles rest on three tenets: (i) the duty of nations to protect human

¹⁸ Saqib Yaqoob Malik, et al., "Pathways towards sustainability in organizations: Empirical evidence on the role of green human resource management practices and green intellectual capital" *Sustainability* 12, no. 8 (2020): 3228.

rights; (ii) the responsibility of enterprises to respect human rights; and (iii) the need that people and organizations whose rights have been violated have access to appropriate remedies¹⁹.

Governments, corporations, civil society organizations, and even international institutions have all supported the UN Guiding Principles. They constitute a pivotal point in the history of research into the connection between business and human rights. Despite its popularity, adopting the UNGPs is not required by law and always will be voluntary for either enterprises or states²⁰.

In addition to the UN Guiding Principles, many more international efforts have emerged to safeguard human rights while doing business. Some examples of such papers are the OECD Guidelines for Multinational Enterprises, the Global Compact, and the International Labor Organization's Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy.

Established in 1976, the OECD Guidelines for Multinational Companies provide recommendations to businesses operating beyond national borders on issues including labor and industrial relations, human rights, and environmental protection. Many changes have been made to the Guidelines, the most recent being in 2011, and they are supported by a system meant to promote and implement the Guidelines nationally²¹.

United Nations Secretary-General developed the Global Compact in 2000 to give a framework for corporations to align their operations and plans with 10 principles in human rights, labor, the environment, and anti-corruption. Anti-corruption initiatives are only one example of a topic these guidelines may address. Around 12,000 organizations from business, government, and

¹⁹ Nicolas Bueno, and Claire Bright. "Implementing human rights due diligence through corporate civil liability" *International & Comparative Law Quarterly* 69, no. 4 (2020): 789-818.

²⁰ Ibid

²¹ Jiapeng Dai, Zahoor Ahmed, Ugur Korkut Pata, and Mahmood Ahmad. "Achieving SDG-13 in the era of conflicts: The roles of economic growth and government stability" *Evaluation Review* 47, no. 6 (2023): 1168-1192.

civil society have committed to the Global Compact²². Several initiatives are in place to back up the Global Compact and help spread the word about the 10 principles. The International Labor Organization endorsed the Tripartite Declaration of Principles on Multinational Companies and Social Policy in 1977²³.

The OECD Guidelines for Multinational Businesses were initially approved in 1976, and they give a collection of suggestions for multinational firms on topics such as employment and industrial relations, human rights, and environmental preservation. The Guidelines have undergone many rounds of revisions, the most recent of which took place in 2011, and they are backed by a structure designed to promote and execute the Guidelines nationally²⁴.

A framework for businesses to align their operations and strategies with ten principles in human rights, labor, the environment, and anti-corruption was provided by the Global Compact, launched in 2000 by the Secretary-General of the United Nations. These principles cover areas such as anti-corruption efforts. It lays forth the obligations that MNCs have to the communities where they operate, helping to ensure that their commercial activities positively impact the economic and social well-being of such places. The Declaration addresses a wide range of concerns, including employment, training, and working conditions, and it is backed by various procedures designed to facilitate the Declaration's implementation²⁵.

Despite the growth of these worldwide efforts, considerable obstacles still stand in the way of the efficient protection of human rights in the context of corporate activities. One of the most

²² Mehran Idris Khan, and Yen-Chiang Chang. "Love for the climate in Sino–Pakistan economic romance: a perspective of environmental laws" *Clean Technologies and Environmental Policy* 23 (2021): 387-399.

²³ Abdul Rehman, Hengyun Ma, and Ilhan Ozturk. "Do industrialization, energy importations, and economic progress influence carbon emission in Pakistan" *Environmental Science and Pollution Research* 28 (2021): 45840-45852.

²⁴ Ibid.

²⁵ Ibid

significant obstacles is the inability of these efforts to be enforced, which means that corporations and governments are not obliged by law to comply with their terms. This is one of the fundamental issues²⁶. Because of this, the protection of human rights in corporate operations has remained primarily voluntary and abuses of human rights committed by enterprises often go unpunished. This has led to a scenario in which this situation has led to this predicament²⁷.

The lack of clarity around the liability of enterprises for human rights breaches done by their suppliers and subcontractors is another concern that must be addressed. Since so many companies have delegated critical aspects of their operations to external third-party suppliers and subcontractors in recent years, this problem has become more significant than ever. However, there still needs to be more clarity about the specific duties of enterprises in this regard, even though the UNGPs acknowledge the need for businesses to protect human rights across their supply chains²⁸.

1.4.Human Rights Treaties and Conventions

International human rights treaties and conventions serve as guiding frameworks for states and businesses alike, shaping their conduct and obligations in relation to human rights. Nations are bound by these treaties to safeguard the rights of all individuals within their jurisdictions, regardless of any encroachments on these rights resulting from corporate activities. States are entrusted with the responsibility of monitoring enterprises operating within their borders for human rights violations and holding them accountable for their actions. Simultaneously, businesses also bear obligations under international law to respect human rights. The UN Guiding Principles on Business and Human Rights delineate these responsibilities, emphasizing the

²⁶ Izhar Mithal Jiskani, Qingxiang Cai, Wei Zhou, and Xiang Lu. "Assessment of risks impeding sustainable mining in Pakistan using fuzzy synthetic evaluation" *Resources Policy* 69 (2020): 101820.

²⁷ M. Naveed Anwar, Muneeba Shabbir, Eza Tahir, Mahnoor Iftikhar, Hira Saif, Ajwa Tahir, Malik Ashir Murtaza et al. "Emerging challenges of air pollution and particulate matter in China, India, and Pakistan and mitigating solutions" *Journal of Hazardous Materials* 416 (2021): 125851.

²⁸ Ibid.

imperative for companies to refrain from infringing on the rights of others and to remedy any adverse impacts stemming from their operations.

There is no separating the preservation of human rights from the environment. The right to health, the right to life, and the right to a healthy environment are all threatened by environmental deterioration. Throughout the last several decades, legislation at the international level has evolved to reflect a growing awareness of the need to safeguard the planet's natural resources. The international conventions and accords protecting human rights have had a significant impact on the development of environmental legislation across the world²⁹.

International environmental law is a set of laws that governs the relationship between humans and the natural world. The idea is that nations should safeguard the planet for current and future generations. Conventions, protocols, and declarations are all part of international environmental law.

The United Nations Framework Convention on Climate Change (herein after referred as UNFCCC) was enacted in 1992 and is the most well-known international environmental legislation. The UNFCCC seeks to maintain atmospheric concentrations of greenhouse gases at a level that would avoid potentially catastrophic human interference with the climate system. Following the UNFCCC, the Paris Agreement was signed in 2015 to limit global warming to below 2 degrees Celsius over pre-industrial levels.

The international environmental law we know today owes much to the human rights treaties and conventions that came before them. Even though it is not yet a fully codified notion, the right to a safe and healthy environment is gaining traction in international human rights law.

²⁹ Kashif Raza Abbasi, Muhammad Shahbaz, Zhilun Jiao, and Muhammad Tufail. "How energy consumption, industrial growth, urbanization, and CO2 emissions affect economic growth in Pakistan? A novel dynamic ARDL simulations approach" *Energy* 221 (2021): 119793.

Regional human rights documents, such as the American Convention on Human Rights (herein after referred as ACHR) and the African Charter on Human and Peoples' Rights (herein after referred as AfCHPRs), recognize the right to a healthy environment³⁰.

There is a strong connection between the right to life, health, and a safe and healthy environment. The effects of pollution on human health may be devastating, especially in underdeveloped regions. Diseases of the lungs may be brought on by air pollution, the digestive system by water pollution, and the alimentary tract by soil pollution. These health effects may infringe upon the right to health and life.

Treaties and agreements pertaining to human rights may also serve as a foundation for holding nations liable for environmental damage. The right to an efficient remedy for human rights abuses is affirmed in the "ICCPR and the International Covenant on Economic, Social, and Cultural Rights (herein after referred as ICESCR)". This protection may be utilized to sue governments when they cause human rights violations via reckless environmental destruction³¹.

The rights of indigenous peoples have also been recognized, which is another way human rights accords and conventions have affected international environmental law. Native communities have long relied on natural resources for economic stability and spiritual fulfilment. The world's indigenous people have the right, as stated in the United Nations Declaration on the Rights of Indigenous Peoples (herein after referred as UNDRIPs), to preserve and improve their connection to the natural world.³² International environmental law has been shaped by this acknowledgement,

³⁰ Kashif Raza Abbasi, Muhammad Shahbaz, Zhilun Jiao, and Muhammad Tufail. "How energy consumption, industrial growth, urbanization, and CO2 emissions affect economic growth in Pakistan? A novel dynamic ARDL simulations approach" *Energy* 221 (2021): 119793.

³¹ Syed Anees Haider Zaidi, Faisal Mehmood Mirza, Fujun Hou, and Rana Umair Ashraf. "Addressing the sustainable development through sustainable procurement: what factors resist the implementation of sustainable procurement in Pakistan?" *Socio-Economic Planning Sciences* 68 (2019): 100671.

³² Ibid

which has highlighted the need to include indigenous peoples' opinions and expertise when making decisions concerning environmental protection³³.

International Human Rights Laws (herein after referred as IHRL) and conventions may also support civil society's involvement in environmental decision-making. Individuals and groups are guaranteed the right to information, participation in decision-making, and access to justice in environmental problems under the Aarhus Convention, ratified in 1998. The Aarhus Convention has significantly empowered civil society to play a more active role in environmental governance and encouraging public engagement in environmental decision-making.

Human rights concepts have impacted international environmental law due to the inextricable connection between human and ecological security. The right to a healthy environment, the rights of indigenous peoples, and the necessity of public engagement are just a few examples of how human rights have shaped international environmental legislation.

Acknowledging the right to a healthy environment is one of the most fundamental ways human rights have affected international environmental legislation. Human rights instruments at the state and regional levels increasingly recognize this right despite its lack of formal recognition in international human rights law³⁴. The ACHRs and the AfCHPRs allow everyone to live in a safe and wholesome setting. The right to an acceptable quality of living for health and well-being is also recognized in the International Declaration of Human Rights.³⁵

³³ Syed Anees Haider Zaidi, Faisal Mehmood Mirza, Fujun Hou, and Rana Umair Ashraf. "Addressing the sustainable development through sustainable procurement: what factors resist the implementation of sustainable procurement in Pakistan?" *Socio-Economic Planning Sciences* 68 (2019): 100671.

³⁴ Waqas Ahmad WATTO, Daniel TH MANURUNG, Komang Adi Kurniawan SAPUTRA, and Syed Gulam MUSTAFA. "Corporate social responsibility and firm financial performance: a case of SME's sector in Pakistan." *International Journal of Environmental, Sustainability, and Social Science* 1, no. 2 (2020): 62-74.

³⁵ Waqas Ahmad (n. 34).

The right to a healthy environment has had a multifaceted impact on international environmental law. For instance, the right to a safe and wholesome environment has been used as a justification for environmental impact studies. To determine how a proposed project could affect the environment, an environmental impact assessment must be conducted. Environmental laws and regulations, especially in developing nations, have been formulated with the right to a healthy environment as their foundation.

The rights of indigenous peoples have also been recognized, which is another way human rights have affected international environmental regulations. Due to this dependence, Indigenous communities' economic and cultural activities are intrinsically linked to the natural world. Indigenous communities have the legal right to protect and improve their ecological ties, as stated in the UNDRIP. Since then, international environmental law has evolved to include more consideration for indigenous peoples' opinions and expertise in matters of environmental preservation.

Indigenous peoples have had their land, natural resources, and cultural legacy protected by new laws and policies made possible by a growing awareness of their need to be protected. The Convention on Biological Diversity (herein after referred as CBD), for instance, upholds the rights of indigenous peoples to manage and safeguard their biodiversity-related traditional knowledge, inventions, and practices. Due to rising awareness of their importance, Indigenous peoples' rights to participate in environmental decision-making processes have been codified in statute and policy³⁶.

³⁶ Adeela Rustam, Ying Wang, and Hashim Zameer. "Does foreign ownership affect corporate sustainability disclosure in Pakistan? A sequential mixed methods approach" *Environmental Science and Pollution Research* 26, no. 30 (2019): 31178-31197.

Human rights considerations have also affected the significance of public engagement in environmental decision-making processes.³⁷ Adopted in 1998, the Aarhus Convention guarantees the rights to knowledge, participation in decision-making, and access to justice in environmental problems for all persons and groups. The Aarhus Convention has helped elevate civil society's role in environmental governance and increase public involvement in policymaking pertaining to the environment³⁸.

Laws and regulations that encourage openness, accountability, and the inclusion of all relevant parties in decision-making have emerged in response to the growing consensus about the value of public engagement in environmental policymaking. The Rio Declaration on Environment and Development, issued in 1992, is one such document that highlights the value of public input into environmental policymaking. To guarantee that environmental decisions are made in an open, responsible, and sensitive manner to the interests and concerns of all parties involved, it has been essential to enact laws and regulations that encourage public engagement.³⁹

1.5.UN Guiding Principle on Business and Human rights:

After six years of deliberation and discussion, the UNGPs were approved in 2011. The UNGPs were developed as guidelines for companies to protect human rights. When holding corporations legally liable for human rights abuses, the UNGPs might have far-reaching effects on international law.

The UNGPs rest on three key tenets:

- The State's duty to protect human rights.

³⁷ Adeela Rustam, Ying Wang, and Hashim Zameer. "Does foreign ownership affect corporate sustainability disclosure in Pakistan? A sequential mixed methods approach" *Environmental Science and Pollution Research* 26, no. 30 (2019): 31178-31197.

³⁸ Ibid

³⁹ Ibid

- Business accountability for respecting human rights.
- The right to access remedies for victims of human rights abuse by businesses.

These pillars are crucial to developing the international legal system that regulates corporate conduct and safeguards human rights⁴⁰.

It is the fundamental obligation of States to defend human rights inside their territory, as emphasized by the first pillar of the UNGPs, the State's Responsibility to Protect Human Rights. Human rights crimes by corporations operating inside a country's boundaries are preventable, and states should act against those responsible. To guarantee that victims of human rights violations can access effective remedies, states must create and implement rules and regulations encouraging corporations to respect human rights⁴¹.

In the framework of international law, the State's Responsibility to Safeguard Human Rights is equally essential. If a state's actions or inactions enable human rights violations perpetrated by corporations operating in another country, the State must safeguard such rights outside its boundaries. Human rights are universal, and all governments, regardless of location, are responsible for ensuring their defense and advancement.

It is essential for companies to uphold human rights in all their dealings, as emphasized by the UNGPs' second pillar, the Business Responsibility to Respect Human Rights. Human rights due diligence requires businesses to investigate and assess human rights concerns before acting.

⁴⁰ Yuanyuan Zhou, Li Xu, and Ghulam Muhammad Shaikh. "Evaluating and prioritizing the green supply chain management practices in Pakistan: Based on Delphi and fuzzy AHP approach" *Symmetry* 11, no. 11 (2019): 1346.

⁴¹ Waheed Ali, et al., "Does green intellectual capital matter for green innovation adoption? Evidence from the manufacturing SMEs of Pakistan" *Journal of Intellectual Capital* 22, no. 5 (2021): 868-888.

In addition, they need to take action to redress human rights violations and avoid any harm that may result from their activities' effect on human rights⁴².

As corporations may play a role in defending human rights, the "Corporate Responsibility to Respect Human Rights" notion is significant in international law. This concept has consequences for the extraterritorial implementation of human rights rules within the international legal system controlling business activity.

Thirdly, the UNGPs stress the significance of giving victims of human rights abuses perpetrated by enterprises access to effective remedies via the Right to Access to Remedy for Victims of Business-Related Human Rights Abuse. Victims of such abuses need access to legal and extralegal avenues for redress, and corporations must work together to bring about these changes. The concept also acknowledges the significance of avoiding human rights violations and addressing their underlying causes.

When developing effective remedies for victims of human rights violations perpetrated by enterprises operating in several countries, the Right to Access Remedy is a crucial concept in international law. The preservation of human rights and corporate responsibility might benefit from applying this idea in law and regulation⁴³.

International law will be affected significantly by the UNGPs, notably in business regulation. There is a rising awareness, reflected in the UNGPs, of the need to ensure that companies respect human rights in their activities and that victims of human rights violations have access to effective remedies. Implications for the construction of effective legal and regulatory

⁴² Waheed Ali, et al., "Does green intellectual capital matter for green innovation adoption? Evidence from the manufacturing SMEs of Pakistan" *Journal of Intellectual Capital* 22, no. 5 (2021): 868-888.

⁴³ M.P Ikram, Zhou, S. A. A. Shah, and G. Q. Liu. "Do environmental management systems help improve corporate sustainable development? Evidence from manufacturing companies in Pakistan" *Journal of Cleaner Production* 226 (2019): 628-641.

frameworks for the protection of human rights, as well as the extraterritorial application of human rights standards, are drawn from these concepts.⁴⁴

The first tenet of the United Nations Guiding Principles is that enterprises must uphold human rights. This duty includes the need to protect the legal rights of people whose lives are impacted by the company's operations. This dedication is based on environmental legislation and includes safeguarding the natural world and eliminating any activities that might damage it. Businesses must ensure that their operations do not exacerbate environmental degradation or impair the surrounding ecosystem and must take measures to mitigate any negative consequences their activities may have. Businesses must also take precautions to prevent any environmental damage or degradation due to their activities⁴⁵.

The responsibility of corporations to protect the environment is of paramount importance in the framework of international environmental law, where the consequences of their actions on the environment may have far-reaching impacts. The possible influence of a company's actions on the local natural environment is one thing that must be taken into consideration. In this case, it is important to consider these alterations' effects on ecosystems, biodiversity, and global warming. To achieve this goal, they will need to investigate the effects of their supply chains on the environment and implement measures to lessen their overall carbon footprint⁴⁶.

According to Principal No. 2 of the United Nations Guiding Principles, governments must safeguard and advance human rights. This comprises the duty to protect the environment and

⁴⁴ M.P Ikram, Zhou, S. A. A. Shah, and G. Q. Liu. "Do environmental management systems help improve corporate sustainable development? Evidence from manufacturing companies in Pakistan" *Journal of Cleaner Production* 226 (2019): 628-641.

⁴⁵ Naveed Ahmad, et al., "Sustainability as a "new normal" for modern businesses: Are seems of Pakistan ready to adopt it" *Sustainability* 13, no. 4 (2021): 1944.

⁴⁶ Usama Awan, Amira Khattak, and Andrzej Kraslawski. "Corporate social responsibility (CSR) priorities in the small and medium enterprises (SMEs) of the industrial sector of Sialkot, Pakistan" *Corporate social responsibility in the manufacturing and services sectors* (2019): 267-278.

ensure that no damage comes to it, as specified by the environmental law system. It is the responsibility of the states to monitor firms operating within their borders for violations of environmental standards and to take appropriate action against those responsible for environmental damage.⁴⁷

The responsibility of governments to safeguard the environment takes on added significance within the context of international environmental law, where the fallout of environmental damage may have far-reaching consequences. Together, nations can combat climate change and the loss of biodiversity, two of the world's most pressing environmental problems. Immediate action is required to address these concerns. Cooperation in this area comprises not only the development of international environmental legislation that is successful at avoiding environmental damage but also the development of measures for protecting the environment.

Access to effective remedies for persons and groups with human rights infringed is the third and final pillar of the United Nations Guiding Principles. You must abide by this request if there has been a human rights violation. Under the framework of environmental law, this includes the right of affected communities to seek redress for environmental damage caused by the actions of businesses. Corporations' conduct resulted in this devastation. In this context, "access to legal remedies" includes judicial and extrajudicial conflict resolution methods⁴⁸.

The ability of affected communities to seek compensation for environmental harm caused by commercial activities is paramount in international environmental law, where the ripple effects of environmental degradation may extend over national boundaries. Because environmental harm

⁴⁷ Usama Awan, Amira Khattak, and Andrzej Kraslawski. "CSR priorities in the SMEs of the industrial sector of Sialkot, Pakistan" *Corporate social responsibility in the manufacturing and services sectors* (2019): 267-278.

⁴⁸ Shahid Najam, "Praetorian bureaucratization of the political system and politicization of bureaucracy" In *Pakistan at Seventy*, pp. 213-230. Routledge, 2019.

might have a domino impact on people in other nations, communities that have suffered environmental damage need access to mechanisms for holding responsible parties accountable and obtaining monetary compensation for their losses. As a result, it is crucial to create strong legal and regulatory structures. These structures are essential for protecting vulnerable groups' legal rights and ensuring environmental laws are followed⁴⁹.

1.5.1. The International Struggle towards Normative Change

The battle for normative change in international environmental law has dragged on for decades. Normative change refers to introducing new standards for how people should act and make choices concerning their natural surroundings. Normative evolution is another term for normative change. Many actors are involved in this process, with international organizations, national governments, NGOs, and civil society groups playing the most visible roles.

The realization of the need for sustainable development has driven numerous normative changes in international environmental law. In the 1980s, sustainable development emerged to describe expansion that meets the demands of the present without sacrificing future generations' ability to do the same. The term "green" development was used to describe this building. Sustainable development, which recognizes the interconnection of economic, social, and environmental variables, necessitates a balanced approach to development considering present activities' long-term effects. Natural resource preservation is another need for sustainable development⁵⁰.

The Earth Summit (1992) was a United Nations Conference on Environment and Development (herein after referred as UNCED) held in Rio de Janeiro, Brazil. This marked a

⁴⁹ Shahid Najam, "Praetorian bureaucratization of the political system and politicization of bureaucracy" In *Pakistan at Seventy*, pp. 213-230. Routledge, 2019.

⁵⁰ Homaira Semeen, and Annette Quayle. "Accounting Control and the Misrecognition of Worker Exploitation: A Case Study of a Compliant Clothing Factory" *Available at SSRN 4373204* (2023).

turning moment in the global struggle for normative change in environmental policy. Due to the Earth Summit, several important environmental treaties were signed into law, such as the Rio Declaration on Environment and UNFCCC⁵¹.

The relationship between humans and their natural surroundings is governed by 27 principles established in the 1992 Rio Declaration on Environment and Development. After the environmental disaster in Rio in 1992, these guidelines were drafted to address such future situations. Among the many topics these principles address is the right to sustainable development, the precautionary principle, and the polluter-pays principle. The Rio Declaration was a significant factor in developing international environmental law and creating new environmental rules and standards.

As a further significant outcome, the Earth Summit created the UNFCCC. The UNFCCC was established as an international agreement to limit greenhouse gas emissions to prevent potentially catastrophic human interference with the climate system. The Kyoto Protocol and the Paris Agreement are the only two major agreements passed due to the UNFCCC, serving as the foundation for global efforts to tackle climate change⁵².

After years of negotiation, the Kyoto Protocol was approved in 1997, establishing targets for industrialized countries to meet to lessen their contribution to global warming. For a more comprehensive and integrated strategy for dealing with climate change, the Kyoto Protocol was a major step towards normative change in international environmental law. This modification was a major development in the evolution of international environmental law norms⁵³.

⁵¹ Richard Heeks, Fareesa Malik, Sharon Morgan, and Brian Nicholson. "Understanding and managing business—development hybrids: an institutional logics case analysis." *Development Studies Research* 7, no. 1 (2020): 31-49.

⁵² Kaja Primorac, "Deconstructing the business and human rights phenomenon through the gender lens: a case study of gender equality in the workplace in Slovenia" PhD diss., 2019.

⁵³ Ibid.

The Paris Agreement, which was signed in 2015, is based on the UNFCCC and aims to keep the increase in global temperature this century below 2 degrees Celsius above pre-industrial levels while also pursuing efforts to limit the temperature increase even further to 1.5 degrees Celsius. The Paris Agreement represents a rising acknowledgement of the urgent need to combat climate change and the need for global collaboration in this respect, making it an important step towards normative reform in international environmental law. The fact that the deal was finalized in the City of Lights symbolizes this acknowledgement.

The creation of new standards in international environmental legislation has relied heavily on the input of non-governmental organizations and other civil society groups. Non-governmental organizations and civil society groups have been crucial in advocating for change and working to raise environmental awareness on a local, national, and international scale. These groups have also played an important role in getting governments and businesses to address environmental issues and pushing for new standards in this area. These groups have also been significant in the environmental protection movement⁵⁴.

The “United Nations Environment Program (herein after referred as UNEP), the International Union for the Conservation of Nature (herein after referred as IUCN), and the World Wildlife Fund (herein after referred as WWF)” have all played crucial roles in advocating for normative reform in international environmental law. These groups have been influential in shaping international environmental policy and advocating for adopting new standards and guidelines.⁵⁵

⁵⁴ Javed Siddiqui, Kenneth McPhail, and Sharmin Shabnam Rahman. "Private governance responsabilisation in global supply chains: the case of Rana Plaza" *Accounting, Auditing & Accountability Journal* 33, no. 7 (2020): 1569-1594.

⁵⁵ Javed Siddiqui (n.54).

1.5.2. Access to Remedies

The availability of a legal remedy for those who have suffered a loss due to the deterioration of their environment is recognized as one of the core principles of international environmental law. Those individuals who have been harmed as a direct consequence of the degradation of the environment should be allowed to get compensation for the difficulties they have endured, which is the logic behind the proposal. Easy access to legal remedies is necessary to protect fundamental human rights, preserve healthy ecosystems, and advance practices that encourage sustainable development.

Access to remedies is recognized as a standard in international environmental law because it is considered an essential component of environmental protection. This is because access to remedies is an essential component. It establishes a procedure whereby anyone affected because of damage to the environment may register a claim for compensation to receive such compensation. Under international environmental law, the mitigation of adverse effects on human health and the natural world is accorded a significant amount of weight⁵⁶.

People, as well as organizations, can use a wide number of various channels in order to voice their demands for action to be taken against the destruction of the environment. Administrative processes, mediated discussions, and arbitration sessions are examples of practices beyond the court system's purview. Environmental law, on both the national and international levels, gives significant weight to the engagement of members of the public in the formulation of environmental policy⁵⁷.

⁵⁶ Jiapeng Dai, Zahoor Ahmed, Ugur Korkut Pata, and Mahmood Ahmad. "Achieving SDG-13 in the era of conflicts: The roles of economic growth and government stability." *Evaluation Review* 47, no. 6 (2023): 1168-1192.

⁵⁷ Khurram Ashfaq, and Zhang Rui. "Revisiting the relationship between corporate governance and corporate social and environmental disclosure practices in Pakistan." *Social Responsibility Journal* 15, no. 1 (2019): 90-119.

The Rio Declaration on Environment and Development is one of the most significant international treaties that emphasizes the significance of having access to solutions for environmental issues. In 1992, this pronouncement was made public in Rio de Janeiro.⁵⁸ The Rio Declaration, adopted in 1992, summarizes the guiding principles that need to be used for sustainable development. Principle 10 of the Rio Declaration states that people and communities should be able to get knowledge, have a voice in the decision-making process pertaining to environmental issues, and have access to justice. It ought to be able to do these three things.

The Aarhus Convention is yet another critical international convention that emphasizes the need for access to remedies relating to environmental issues. The year 2001 marked the beginning of this gathering. The Aarhus Convention, ratified in 1998, gives the public a voice in the decision-making process on environmental issues. The agreement acknowledges, on its whole, the need for public engagement, access to information, and access to justice in problems relevant to the environment.⁵⁹

Participants in the Aarhus Convention are provided with certain rights due to the Convention, including the right to get justice, the right to participate in decision-making processes, and the right to access environmental information maintained by public authorities. It is also the responsibility of the parties to the Convention to ensure that individuals and organizations have access to the legal and administrative procedures necessary to challenge activities that may have a negative effect on the environment. This responsibility falls under the umbrella of ensuring that

⁵⁸ Khurram Ashfaq, and Zhang Rui. "Revisiting the relationship between corporate governance and corporate social and environmental disclosure practices in Pakistan." *Social Responsibility Journal* 15, no. 1 (2019): 90-119.

⁵⁹ Nicolas Bueno, and Claire Bright. "Implementing human rights due diligence through corporate civil liability." *International & Comparative Law Quarterly* 69, no. 4 (2020): 789-818.

all individuals and organizations have access to the legal and administrative procedures necessary.⁶⁰

In several international publications, such as the Rio Declaration and the Aarhus Convention, amongst others, the significance of getting your hands on various solutions to environmental issues is emphasized. Some examples of international treaties that have been ratified include the Convention on Biological Diversity, the Convention on the Law of the Sea, and the Stockholm Convention on Persistent Organic Pollutants. These are only a few of the many international agreements that have been made⁶¹.

The complexity of environmental problems serves as a barrier that limits the development of practical and effective solutions. It is not always easy to determine precisely what is causing the harm being done to the environment; nonetheless, one of the probable reasons is that a wide variety of components are to blame. Pursuing legal action to seek recompense for harm done to the environment would be costly, which might be a barrier for certain people and communities.

In international environmental law, preemptive activities to defend the environment are highly valued for responding to the risks presented by these threats. This is because international environmental law recognizes that these threats represent environmental hazards. Components of this method include the use of the precautionary principle, the utilization of the best available procedures, and the conducting of environmental impact assessments. If these preventive actions are taken, not only will there be a decreased likelihood of damage being caused to the environment and human health, but there will also be a decreased need for immediate response.

⁶⁰ Nicolas Bueno, and Claire Bright. "Implementing human rights due diligence through corporate civil liability." *International & Comparative Law Quarterly* 69, no. 4 (2020): 789-818.

⁶¹ Ibid.

In addition to this, international environmental law emphasizes the necessity of coordinated efforts between national governments with the goal of environmental betterment. Some of the things included in this category are the coordination of international efforts to address transboundary environmental concerns, sharing information and knowledge, and establishing global standards and norms. All these activities fall under the umbrella of this category.

1.6.Conclusion

Hence, it is concluded that this chapter lays the groundwork for our exploration of the state-business nexus and its implications for human rights in subsequent chapters. It underscores the pivotal role of international law, particularly the UN Guiding Principles on Business and Human Rights, in shaping corporate responsibilities and promoting respect for human rights globally. Through an in-depth analysis of these foundational principles, we aim to provide insights into the challenges and opportunities inherent in empowering human rights within the state-business nexus, with a specific focus on the case study of Pakistan. The UNGPs represent a seminal development in the realm of corporate responsibility and human rights. These principles provide a comprehensive framework for understanding and addressing the human rights impacts of business activities. By outlining the duties of both corporations and states to safeguard human rights and provide redress for violations, the UNGPs establish clear standards for corporate behavior. They underscore the importance of integrating human rights considerations into corporate governance structures and decision-making processes. Moreover, the UNGPs serve as a catalyst for fostering dialogue and collaboration between governments, businesses, civil society organizations, and other stakeholders to advance the protection and promotion of human rights in the context of business operations.

CHAPTER II

HUMAN RIGHTS AND BUSINESS: AN INTERNATIONAL SCENARIO

2.1. Introduction

Human rights and business are intrinsically linked, impacting and shaping societies worldwide. This chapter explores the complex relationship between businesses and human rights on an international scale, examining key principles, frameworks, challenges, and case studies to provide a comprehensive understanding of this critical issue. This chapter examines how MNCs demonstrate corporate responsibility to respect human rights in various international contexts. It discusses the challenges businesses face in implementing CSR and human rights initiatives, with a focus on developing countries. The chapter also analyzes the impacts of human rights considerations on the operations of MNCs, highlighting the complexities and varied outcomes of integrating human rights into business practices globally. This international perspective provides a comparative backdrop for understanding Pakistan's unique challenges and opportunities.

2.2. The Corporate Responsibility to Respect Human Rights

Human rights and business intersect on a global scale, shaping economic activities, societal welfare, and corporate responsibility. In the international scenario, businesses operate within a framework of human rights norms and standards established by international treaties, conventions, and guidelines. Upholding human rights in business practices is essential for promoting ethical conduct, fostering sustainable development, and addressing social inequalities.⁶² However,

⁶² Ludovica Chiussi, "Corporate Human Rights Due Diligence: from the Process to the Principle" In *Legal Sources in Business and Human Rights*, pp. 11-30. Brill Nijhoff, 2020.

challenges such as labor rights violations, environmental degradation, and supply chain exploitation persist, highlighting the need for robust regulations, corporate accountability, and multi-stakeholder collaboration to advance human rights in the business sector globally.

2.2.1. The United Nations Guiding Principles on Business and Human Rights

The United Nations has established a set of standards known as the UNGPs to aid businesses in safeguarding and advancing human rights. The UN drafted these guidelines. It has become the worldwide standard for the legal responsibility of enterprises to safeguard human rights in every part of the globe after being adopted by the UNHRC in 2011⁶³.

The three pillars upon which the UNGPs rest are the duty of governments to protect human rights, the obligation of companies to uphold human rights, and the entitlement of people unfairly denied their rights to seek redress⁶⁴.

2.2.1.1. Protection of human rights as a state duty

The UNGPs recognizes that national governments have primary responsibility for protecting human rights. To that end, they must take precautions to prevent any labor or consumer rights violations by businesses operating inside their borders. Governments may fulfil this duty by passing and vigorously enforcing laws that require businesses to uphold human rights⁶⁵.

2.2.1.2. Protection of human rights as corporate responsibility

The UN Global Compact acknowledges, among other things, the responsibility of businesses to protect human rights. This suggests that they are expected to abstain from violating human rights

⁶³ David Birchall, "Any Act, Any Harm, to anyone: The Transformative Potential of 'Human Rights Impacts' under the UN Guiding Principles on Business and Human Rights" *U. Oxford Hum. Rts. Hub J.* (2019): 120.

⁶⁴ John Gerard Ruggie, Rees Caroline, and Rachel Davis. "Ten years after: from UN Guiding Principles to multi-fiduciary obligations" *Business and Human Rights Journal* 6, no. 2 (2021): 179-197.

⁶⁵ Ludovica Chiussi, (n. 62).

and to remedy any negative consequences their operations may have on human rights. Companies must keep their commitment to defend human rights regardless of size, industry, or location.

Companies have a responsibility to defend human rights. To fulfil this obligation, they must do due diligence to ascertain whether or not their operations pose any potential hazards to human rights and then mitigate such risks. This includes examining the impact of their commercial activities on human rights, implementing steps to prevent or mitigate any detrimental consequences, and monitoring and reporting on their overall human rights performance⁶⁶.

2.2.1.3. The Need for Access to Remedies for Victims of Human Rights Abuses

In accordance with the UN's General Principles and Guidelines, persons whose human rights have been infringed shall have the option to seek justice. This encompasses both legal and extralegal remedies, as well as preventative measures. Businesses are responsible for ensuring that victims of human rights breaches can access appropriate remedies. They should collaborate with governments and civil society organizations to prevent and redress such violations. Companies are responsible for ensuring that victims of human rights breaches have proper recourse. In addition, for corporations to fulfil their obligation to compensate victims adequately, they must provide victims with adequate remedies⁶⁷.

2.2.2. Key Principles of UNGP

The UNGPs comprises 31 fundamental principles that outline how corporations may fulfil their responsibilities to protect human rights. These principles are arranged into three categories: the state's obligation to defend human rights, the responsibility of corporations to respect human rights, and access to remedies. Some of the primary yet major principles are listed as follows:

⁶⁶ Frank Vanclay, and Philippe Hanna. "Conceptualizing company response to community protest: principles to achieve a social license to operate." *Land* 8, no. 6 (2019): 101.

⁶⁷ Ibid.

1. Companies should create and disseminate policies and processes that uphold human rights.
2. Human rights risks related to business activities should be identified and mitigated via due diligence.
3. Businesses should consult with relevant parties, such as impacted communities, to learn about the human rights implications of actions.
4. Companies are responsible for ensuring that those who have suffered human rights violations have access to appropriate remedies.
5. Companies should report on their efforts to implement the UNGP and be open about their track record with human rights⁶⁸.

2.2.3. Impact of Guiding Principles on Business

The United Nations Global Compact has significantly impacted corporate activities on every continent. Many businesses have integrated the UNGP's 10 principles into their internal operations, and some have even gone so far as to launch their own human rights programs. The UNGP was also essential in influencing the development of other human rights-related conventions and frameworks, such as the Sustainable Development Goals (herein after used as SDGs)⁶⁹.

Nonetheless, much work must ensure that businesses respect and preserve human rights. While business violations of human rights are widespread, victims often have limited access to justice. Governments, civil society organizations, and businesses must work together to implement the UN Global Compact's tenets and promote respect for human rights if these issues are resolved⁷⁰.

⁶⁸ John Gerard Ruggie, Rees Caroline, and Rachel Davis. "Ten years after: from UN Guiding Principles to multi-fiduciary obligations" *Business and Human Rights Journal* 6, no. 2 (2021): 179-197.

⁶⁹ Peter Muchlinski, "The impact of the UN Guiding Principles on business attitudes to observing human rights" *Business and Human Rights Journal* 6, no. 2 (2021): 212-226.

⁷⁰ René Wolfsteller, and Yingru Li. "Business and Human Rights Regulation After the UN Guiding Principles: Accountability, Governance, Effectiveness" *Human Rights Review* 23, no. 1 (2022): 1-17.

2.3. The Practical Nexus of Human Rights and the Corporate Responsibility

There can only be an ethical and sustainable business strategy if companies include the need for companies to safeguard individuals' rights. This implies that businesses should act in a manner that respects human rights and dignity. To do business in the UK, you must have this. Everyone understands this concept, yet many businesses have discovered that implementing it is a significant challenge⁷¹.

As the first step in fulfilling their commitment to upholding human rights, businesses must launch a human rights due diligence process. This will guarantee that the duty is fulfilled efficiently. The first phase is to assess how the company's activities could affect human rights, identify any actual or potential negative effects on human rights, and devise a plan to mitigate or eradicate such effects. This process must be ongoing and regularly assessed to ensure the organization fulfils its human rights mandate⁷².

Human rights due diligence requires communication with several interested parties, including communities, workers, human rights organizations, and others. This consultation must be conducted in a transparent and welcoming manner, with due regard for the wide range of perspectives and experiences represented among those who may be affected by the organization's decisions and activities⁷³.

In addition, corporations should establish policies and procedures that promote human rights awareness and adherence across the organization. All employees and stakeholders should be made aware of these regulations, which should include guidance on identifying, preventing,

⁷¹ René Wolfsteller, and Yingru Li. "Business and Human Rights Regulation After the UN Guiding Principles: Accountability, Governance, Effectiveness" *Human Rights Review* 23, no. 1 (2022): 1-17.

⁷² Ibid.

⁷³ Barnali Choudhury, *Guiding Principle 16: Policy Commitments*. (2023) Edward Elgar Publishing. <https://www.elgaronline.com/display/book/9781800375673/book-part-9781800375673-27.xml>.

and reducing the impact of risks and damages to human rights. These recommendations must be reviewed and updated often to ensure they are helpful and practical⁷⁴.

Another crucial aspect of putting the corporate commitment to protect human rights into action is ensuring that firms have working procedures for addressing consumer concerns. Anyone affected by human rights abuses, both individually and collectively, should be able to express their outrage and demand redress via these avenues. Complaint procedures should be available to anybody who wants to use them and should be open, transparent, and impartial. Kids also need to be placed in a secure and encouraging environment⁷⁵.

In addition, companies should routinely carry out human rights impact assessments (HRIAs) to discover and address any actual or potential negative human rights consequences brought on by their activities. Professionals with the necessary skills and objectivity are required to conduct HRIAs, and several interested parties should be consulted. The results of HRIAs should be considered in decision-making and made public when appropriate.

Thirdly, companies should be transparent and forthright about their stances on human rights concerns. They should be ready to accept responsibility for their actions unintended consequences on human rights. This means that companies must be transparent about their human rights due diligence processes, policies, procedures, and any adverse effects they have seen and the steps they are taking to remedy them. Companies should be open to constructive feedback and eager to collaborate on human rights issues. In addition, businesses should be willing to engage in dialogue with various interested parties⁷⁶.

⁷⁴ Barnali Choudhury, *Guiding Principle 16: Policy Commitments*. (2023) Edward Elgar Publishing. <https://www.elgaronline.com/display/book/9781800375673/book-part-9781800375673-27.xml>.

⁷⁵ Paul J. Nelson, and Ellen Dorsey. "At the nexus of human rights and development: new methods and strategies of global NGOs." *World Development* 31, no. 12 (2003): 2013-2026.

⁷⁶ Marcin Kilanowski, "Evaluating the Polish NAPs: Lessons for the Future Implementation of the UN Guiding Principles on Business and Human Rights" *Business and Human Rights Journal* (2023): 1-6.

2.4. Challenges in Implementing Corporate Social Responsibility

CSR has gained significant traction in recent years. Among the most crucial parts of corporate social responsibility is the duty of corporations to protect and promote human rights. The United Nations Guiding Principles on Business and Human Rights state that corporations must respect the human rights of their employees and customers and mitigate any adverse effects on human rights caused by their commercial activities. Businesses have a duty to respect the rights of their customers and employees. However, businesses may need help implementing their commitment to safeguarding human rights⁷⁷.

One of the first challenges for businesses is learning to spot human rights risks inside their operations and supplier chains. However, it may be challenging to identify specific sites where human rights breaches may have occurred due to many supply chains' global and complicated structures. Businesses may need help to learn about human rights violations, unsafe working conditions, and other issues affecting workers in their supply chains. However, some companies may be unwilling to investigate complaints of human rights breaches inside their supply chains for fear of damaging their brand⁷⁸.

Second, challenges must be surmounted before businesses can effectively integrate the corporate commitment to respect and safeguard human rights into their business strategy.⁷⁹ This mandates that businesses account for human rights impacts across the board, from raw material sourcing to customer service. To make matters worse, many companies need help integrating

⁷⁷ Marcin Kilanowski, "Evaluating the Polish NAPs: Lessons for the Future Implementation of the UN Guiding Principles on Business and Human Rights" *Business and Human Rights Journal* (2023): 1-6.

⁷⁸ Mary Robinson, "The MDG-human rights nexus to 2015 and beyond" *IDS Bulletin* 41, no. 1 (2010): 80-82.

⁷⁹ Ibid

human rights concerns across their operations. This is because some individuals may not value human rights or consider them incompatible with other business aims⁸⁰.

Finally, obstacles need to be overcome before businesses can successfully engage with stakeholders on human rights issues. Human rights issues are complicated and sensitive, and different perspectives on addressing them may exist. Firms must be open and honest in their dealings with stakeholders to effectively address concerns about human rights. This is a prerequisite for engaging with stakeholders on human rights problems. However, it may be difficult for corporations that are not used to being held responsible for the consequences they have on human rights⁸¹.

Moreover, organizations have challenges that must be surmounted in order to implement human rights due diligence processes effectively. Human rights due diligence refers to the steps taken to identify, remove, and mitigate risks to human rights that may arise from a company's activities and supply networks. Sadly, many businesses need help to implement human rights due diligence processes. They often lack the information and tools essential to identify and address suspected human rights abuses⁸².

Lastly, there are challenges that businesses have when trying to track and report on the effects of their activities on human rights. To live up to their promise of respecting human rights, businesses must regularly assess the impact of their actions on people's rights and report on the findings. Many businesses do not make it, unfortunately⁸³. Companies often fail to adequately

⁸⁰ Zinette Bergman, Yael Teschemacher, Bimal Arora, Rijit Sengupta, Klaus Michael Leisinger, and Manfred Max Bergman. "Developing the business-society nexus through corporate responsibility expectations in India" *critical perspectives on international business* 16, no. 2 (2020): 143-164

⁸¹ Charlotte E. Blattner, and Odile Ammann. "Agricultural exceptionalism and industrial animal food production: Exploring the human rights nexus" *J. Food L. & Pol'y* 15 (2019): 92.

⁸² Ibid.

⁸³ Lez Rayman-Bacchus, "Corporate responsibility and sustainable development" *International Journal of Law and Management* 54, no. 5 (2012).

monitor their effects on human rights because they lack the resources or are unwilling to risk reputational harm from sharing potentially unfavorable information. These two elements both play a part in the current predicament⁸⁴.

2.5. The State Duty to Protect Human Rights

The State Duty to Protect Human Rights is a fundamental principle of international law. According to this idea, governments must protect, defend, and uphold the human rights of individuals in their territories. In 2011, it was adopted as one of the three pillars of the United Nations Guiding Principles on Business and Human Rights, which were formed in 2011⁸⁵.

The concept known as "State Responsibility to Protect Human Rights" is built on the notion that it is ultimately individual states' responsibility to protect their citizens' civil freedoms. This suggests that they are bound to take all necessary measures to prevent human rights abuses, investigate those responsible for human rights violations and punish them, and provide victims with proper remedies⁸⁶.

The State Duty to Protect Human Rights is a condition that all states must meet, regardless of their current level of development or system of governance⁸⁷. This obligation must be fulfilled in conformity with the norms of international law and may be enforced by international tribunals and courts.

In line with the State Duty to Protect Human Rights, governments must preserve human rights by implementing preventive and remedial measures, if necessary. Laws, regulations, and

⁸⁴ Maria Federica Izzo, "Bringing theory to practice: How to extract value from corporate social responsibility." *Journal of Global Responsibility* 5, no. 1 (2014): 22-44.

⁸⁵ Weisheng Lu, K. W. Chau, Hongdi Wang, and Wei Pan. "A decade's debate on the nexus between corporate social and corporate financial performance: a critical review of empirical studies 2002–2011" *Journal of cleaner production* 79 (2014): 195-206.

⁸⁶ James W. Nickel, "How human rights generate duties to protect and provide" *Hum. Rts. Q.* 15 (1993): 77.

⁸⁷ Lorna McGregor, Daragh Murray, and Vivian Ng. "International human rights law as a framework for algorithmic accountability" *International & Comparative Law Quarterly* 68, no. 2 (2019): 309-343.

policies are all examples of preventative measures, which are any acts to prevent human rights infringement. Remedial activities include investigating and prosecuting human rights crimes, monetary compensation and restitution for victims, and institutional reforms to prevent future abuses.

In addition to applying to state actors, the State Responsibility to Protect Human Rights applies to non-state actors, such as corporations. Governments are responsible for guaranteeing that corporations operating inside their borders respect human rights and prevent and rectify violations perpetrated by these actors⁸⁸. Governments are also accountable for ensuring that companies operating inside their borders respect environmental rights.

To fulfil their responsibilities to defend human rights, states must build institutions and mechanisms capable of preventing, investigating, and redressing human rights breaches. Also included are independent human rights commissions and other monitoring entities⁸⁹.

For nations to fulfil their responsibilities indicated in the State Responsibility to Protect Human Rights, they must ensure that they have appropriate resources. This includes funding for investigating and prosecuting human rights crimes and implementing adequate remedies for victims. Also included in this category are resources for providing victims with suitable solutions.⁹⁰

Throughout the last few years, there have been significant advances in understanding the State's Duty to Protect Human Rights. This paradigm of international law is ever evolving. 2011 saw the approval of the United Nations Guiding Principles on Business and Human Rights. These

⁸⁸ Carly A. Phillips et al. "Compound climate risks in the COVID-19 pandemic" *Nature Climate Change* 10, no. 7 (2020): 586-588.

⁸⁹ Ibid.

⁹⁰ Carly A. Phillips (n.88).

principles provide states with a framework for ensuring that companies respect human rights⁹¹. In 2011, the principles were approved. In addition, the State's Responsibility to Protect Human Rights has been bolstered by a succession of precedent-setting cases considered by international courts and tribunals.

Despite these improvements, there are still several challenges to overcome when putting the state's obligation to defend human rights into action. In addition to a lack of political will to take action to protect human rights, many governments need more resources and skills to fulfil their responsibilities⁹². Implementing the State Responsibility to Protect Human Rights may also be impeded by the actions of big non-state entities, such as multinational corporations, which pose enormous barriers⁹³.

2.6. National Approaches to Regulating the Human Rights Impact of Business

Companies may have a profound impact on people's lives. Thus, their actions must be governed to protect people from their negative consequences. Some countries have experimented with various approaches to regulating the impact of enterprises on human rights. In this piece, I will evaluate various national initiatives to control corporations' impact on human rights.

Businesses' potential negative impacts on human rights may be limited in many ways. Many countries have laws that mandate businesses to operate in a way that respects human rights. For instance, the UK's Modern Slavery Act mandates that companies over £36m+ in annual sales provide a public statement describing their efforts to eradicate slavery and human trafficking from their operations and supply networks⁹⁴. Only companies with annual revenues above £36 million

⁹¹ Jintao Lu, et al., "Corporate social responsibility and corruption: Implications for the sustainable energy sector" *Sustainability* 11, no. 15 (2019): 4128.

⁹² Ibid.

⁹³ Jintao Lu (n.91).

⁹⁴ Laura Rimšaitė, "Corruption risk mitigation in energy sector: Issues and challenges." *Energy Policy* 125 (2019): 260-266.

are subject to this mandate. The Corporate Responsibility of Vigilance law in France mandates that enterprises investigate and prevent human rights abuses within their activities and supply networks. The consequences for disobeying these rules include monetary penalties, reputational damage, and legal action⁹⁵.

Another potential strategy for controlling corporations' interference with people's fundamental liberties is the implementation of voluntary initiatives. Industries typically take the lead in spearheading voluntary initiatives to encourage other businesses to adopt human rights-friendly policies and procedures. One such voluntary project that encourages businesses to adopt socially responsible policies and practices is the United Nations Global Compact. The term "Global Compact" describes the scope of this undertaking. One of the ten principles that participating businesses must agree to is a commitment to upholding human rights. The Ethical Trade Initiative and the Fair Labor Association are good examples of such non-governmental initiatives. Both groups have aimed to promote ethical and fair labor practices across the world's supply chains⁹⁶.

Thirdly, international rules might be utilized to limit corporations' impact on people's fundamental freedoms. International standards provide a framework for businesses to operate within and are often used to develop national laws and regulations⁹⁷. The United Nations Guiding Principles on Business and Human Rights are perhaps the most well-known of all international standards regarding public awareness. According to these tenets, businesses must uphold human rights in their operations⁹⁸. The Guiding Principles state that businesses must use due diligence to

⁹⁵ Ans Kolk, "The social responsibility of international business: From ethics and the environment to CSR and sustainable development." *Journal of World Business* 51, no. 1 (2016): 23-34.

⁹⁶ Ibid.

⁹⁷ Carly A. Phillips et al. "Compound climate risks in the COVID-19 pandemic" *Nature Climate Change* 10, no. 7 (2020): 586-588.

⁹⁸ Carly A. Phillips (n. 97).

identify and eliminate human rights abuses inside their operations and supply chains and to redress victims. The International Labor Organization's (herein after referred as ILO) Core Labor Standards and the Organization for Economic Co-operation and Development's (herein after referred as OECD) Guidelines for Multinational Enterprises are two more examples of international norms (OECD).

Civil society activism is a potential fourth strategy for controlling commercial impacts on human rights. Groups from the public sphere are crucial in holding businesses accountable for the way they affect human rights. They use tactics such as public campaigns, shareholder agitation, and legal action to encourage businesses to become more ethical. Based in the United States, the Centre for Constitutional Rights has taken legal action against multinational corporations for human rights abuses perpetrated in their operations in other nations.

Governmental regulation of business and human rights is vital to guarantee that companies respect and promote human rights in their activities. Nonetheless, there are obstacles and limits within the current regulatory framework for business and human rights.

This is more difficult because individual states have little authority over one another. Since that states' jurisdiction is limited to their territory, transnational firms generally enjoy a high degree of immunity while engaging in business in nations whose human rights laws are lax or nonexistent. Labor exploitation, environmental degradation, and other breaches of human rights are all possible outcomes⁹⁹.

Another major obstacle is the weak legislative framework for regulating business and human rights. In many nations, there need to be more laws that should be in place to protect both

⁹⁹ Lez Rayman-Bacchus, "Corporate responsibility and sustainable development" *International Journal of Law and Management* 54, no. 5 (2012).

economic and human rights. A robust regulatory system does not guarantee efficient enforcement, even in a country. Because of factors such as a lack of funding or widespread corruption, it is sometimes difficult to hold businesses responsible for human rights violations.¹⁰⁰

Moreover, states may need the means to monitor and enforce commercial and human rights rules adequately. Countries with weak or unstable governments often need more resources to control businesses adequately. Businesses may be able to operate with less regulation, which may lead to human rights violations.

Corporate influence may severely constrain state control of business and human rights. Companies may have considerable influence on governments due to their substantial finances. Consequently, governments may be hesitant to establish rules that affect the interests of big firms, leading to weak or ineffective business and human rights legislation.

Economic development above human rights may be a target of political pressure from influential interest groups on certain governments. If governments are willing to establish rules that potentially impair economic development, this can lead to better or more effective regulation of business and human rights¹⁰¹.

Human rights may only sometimes be a top priority for states due to competing interests, such as economic development or national security. As a result, governments may need to place more emphasis on human rights in favor of economic development or national security, leaving business and human rights laws unenforced or ineffectual. As a result, many victims of corporate human rights violations cannot pursue meaningful legal recourse. This may occur because of insufficient funding, corruption, or an ineffective legal system. A lack of accessible and effective

¹⁰⁰ Lez Rayman-Bacchus, "Corporate responsibility and sustainable development" *International Journal of Law and Management* 54, no. 5 (2012).

¹⁰¹ Ibid.

legal remedies might make it difficult for victims of corporate human rights violations to hold such firms responsible for their acts successfully. Cultural differences may severely hamper state regulation of business and human rights. As a result of cultural differences, states may need help to settle on universal principles for regulating commerce and human rights. Lastly, a universally accepted system for controlling conflicts between business and human rights has yet to be created. This may make it difficult to enforce legislation across borders, allowing firms to potentially act freely in nations with inadequate or nonexistent safeguards for human rights¹⁰².

2.7. Extraterritorial Obligations and Business and Human Rights

In recent years, international law has shifted towards recognizing ETOs, or extraterritorial obligations, imposed by foreign governments. ETOs refer to nations' legal responsibilities to safeguard and preserve human rights beyond their boundaries. It implies that governments are obligated to ensure that their acts and policies do not violate the human rights of people in other countries.¹⁰³

This trend has emerged due to the rising internationalization of economic and political activities and the growing awareness of the interconnectivity of human rights concerns. These two factors have collaborated to produce this outcome. Growing awareness that human rights breaches in one country may have far-reaching effects on persons and organizations in other countries is one of the primary causes of this shift. Economic, social, and cultural rights include the right to an acceptable standard of life, which includes access to excellent healthcare, education, and housing. Essential within the scope of ESCRs, or economic, social, and cultural rights, is the notion of

¹⁰² Lez Rayman-Bacchus, "Corporate responsibility and sustainable development" *International Journal of Law and Management* 54, no. 5 (2012).

¹⁰³ Ibid

ETOs¹⁰⁴. For instance, a state may establish an ETO to guarantee that its commercial sector's policies and procedures do not infringe on the rights of people in other nations to get enough food or healthcare. ETOs may also guarantee that a state is not complicit in infringing the right to housing in other nations, such as by banning forced evictions and other types of housing discrimination.

Many innovations in international law during the last several decades are evidence of this transition. In 2011, the United Nations Guiding Principles on Business and Human Rights were ratified, one of the most critical events in recent history. These principles acknowledge the obligation of companies to respect human rights outside their boundaries. In addition, the principles emphasized that governments should defend human rights in the context of commercial activity and provide proper remedies to victims of human rights violations. Both the introduction and the remaining principles emphasize the seriousness of this obligation¹⁰⁵.

The rising acceptance of extraterritorial jurisdiction in human rights issues is a significant development in recent times. This refers to the jurisdictional authority that national courts have over cases involving human rights breaches that occur beyond their territory, including their citizens or other ties to the state. As a result, victims of human rights violations would be able to seek justice in their home nations rather than in the nation where the violation happened.¹⁰⁶

Despite these advancements, significant obstacles must be overcome to ensure that ETOs are implemented and adhered to. In addition to the fact that many national leaders oppose the concept of ETOs, there often needs to be more clarity over how these commitments must be carried

¹⁰⁴ Dalia Streimikiene, Zaneta Simanaviciene, and Ruslan Kovaliov. "Corporate social responsibility for implementation of sustainable energy development in Baltic States" *Renewable and Sustainable Energy Reviews* 13, no. 4 (2009): 813-824.

¹⁰⁵ Ibid.

¹⁰⁶ Dalia Streimikiene (n.104).

out in various settings. Difficulties often occur when seeking to hold governments or other actors accountable for ETO violations, mainly when several parties are involved, or the harm is widespread and difficult to attribute to a specific source. This is particularly true when there are several players.

2.8. The Human Rights Impact of Multinational Corporations in Developing Countries

The economy of developing nations rely heavily on the activities of MNCs. Even though certain nations may profit economically from the presence of big enterprises, there are worries regarding the influence that multinational businesses have on human rights. The use of forced labor, the theft of land, the deterioration of the environment, and discrimination are only some of the human rights violations that have been connected to multinational corporations¹⁰⁷.

One of the most serious violations of human rights is forced labor, which is exacerbated by the presence of multinational corporations in third-world nations. Many multi-national corporations rely on the cheap labor available in developing nations, even though this dependence frequently leads to the exploitation and danger of workers. Employees are often subjected to lengthy shifts for little pay and lack access to basic health and safety equipment. This is especially troublesome in fields where there are limited job opportunities, such as agriculture, mining, and manufacturing¹⁰⁸.

The takeover of land is another human rights concern that develops in developing nations because of the actions of multinational corporations. While establishing operations in emerging nations, multinational corporations often force out the local populace by purchasing large tracts of

¹⁰⁷ Abdul Rehman, Hengyun Ma, and Ilhan Ozturk. "Do industrialization, energy importations, and economic progress influence carbon emission in Pakistan" *Environmental Science and Pollution Research* 28 (2021): 45840-45852.

¹⁰⁸ Ibid

land. As a result, these groups may be deprived of their human rights because they are denied access to their ancestral lands and resources and are compelled to migrate to fewer desirable areas.

Human rights abuses committed by multinational corporations operating in developing nations are a substantial contributor to environmental deterioration in such countries. Some multinational corporations are too responsible for the pollution and other environmental damage in the nations where they operate. Possible disastrous effects on locals' health and well-being, especially if their income is dependent on the area's natural resources.

Another human rights concern that comes from the operations of multinational corporations in third world nations is discrimination. Multinational corporations have been accused of using biased recruiting and promotion policies that favor some groups over others. Discrimination may take many forms, including unequal pay, hostile work environments, and physical or verbal abuse¹⁰⁹. Multinational corporations' negative effects on human rights in developing nations is a complex and difficult issue to overcome. Legal and regulatory processes might be used to compel MNCs to answer for their behavior. Legislation may be enacted to ensure that multi-national corporations meet certain requirements, such as those pertaining to working conditions and environmental protection. Governments may establish such restrictions. In addition, governments may set up inspections and monetary fines for noncompliance as part of a monitoring and enforcement system.¹¹⁰

Organizations that speak for civil society and other interested parties might potentially play a significant role in enforcing accountability on the part of multinational corporations. If they are successful in their push for greater openness and accountability from multinational firms, civil

¹⁰⁹ Laura Burgers, "Should judges make climate change law?" *Transnational Environmental Law* 9, no. 1 (2020): 55-75.

¹¹⁰ Ibid

society organizations may help to make them more responsible for their actions. In addition, they may organize public pressure on MNCs to get them to alter their ways if they continue to violate human rights. Another strategy may be to push for the creation of voluntary standards and codes of conduct among multinational corporations. Some large corporations have publicly released codes of ethics that detail their commitment to human rights and other ethical ideals. Even though these rules are not enforced by law, they may be an effective means of pressuring businesses to improve the way they operate.¹¹¹

More importantly, it is crucial to think about how MNCs might positively affect human rights in underdeveloped nations. International corporations may help local economies expand, provide residents with stable employment, and inspire new ways of thinking. Yet, it is crucial to make sure that these gains are shared equitably and that multinational corporations operate in a way that protects the human rights of all people.¹¹²

2.9. Conclusion

Hence, it is concluded that the relationship between human rights and business is complex and multifaceted, involving a range of legal, ethical, and practical considerations. While significant progress has been made in integrating human rights into business practices, ongoing efforts are needed to address remaining challenges and ensure that businesses contribute to a more just and sustainable world. By adhering to international frameworks, engaging with stakeholders, and embracing transparency and accountability, companies can play a crucial role in advancing human rights globally.

¹¹¹ Laura Burgers, "Should judges make climate change law?" *Transnational Environmental Law* 9, no. 1 (2020): 55-75.

¹¹² Ibid

CHAPTER III

HUMAN RIGHTS IN THE STATE-BUSINESS NEXUS IN PAKISTAN

3.1. Introduction

Pakistan, a country with a diverse socio-political landscape and complex economic dynamics, faces significant challenges in integrating human rights into its state-business nexus. This chapter explores the interplay between human rights, state policies, and business practices in Pakistan. It examines the legal frameworks, regulatory mechanisms, and practical realities that shape the human rights environment in the country's business sector. Focusing on Pakistan, this chapter investigates the country's commitment to the UNGPs and the effectiveness of its environmental laws in promoting human rights within the business sector. It examines the extent of corporate accountability, particularly concerning environmental rights, and identifies practical challenges and successes in implementing human rights initiatives. Through specific case studies, the chapter illustrates the interaction between state policies, business practices, and human rights in Pakistan, offering detailed insights into the local context and its alignment with global standards.

3.2. Challenges in Protecting Human Rights within Pakistan's State-Business Nexus

Pakistan's economy is expanding quickly, making it a developing nation. However, human rights, particularly those pertaining to the environment, are often disregarded by the State-Business Nexus throughout the growth process. Environmental law in Pakistan and international human rights law is profoundly affected by the intersection of state and business¹¹³. With an eye on international

¹¹³ Nadeem Malik, and Ahsan Rana. "Civil society in Pakistan: an exclusive discourse of projectization" *Dialectical Anthropology* 44, no. 1 (2020): 41-56.

environmental law in Pakistan, this article intends to investigate the connection between the State-Business Nexus and human rights.

Human rights are considered crucial to environmental conservation under international law. The right to a healthy environment is recognized as a human right by both the ICESCR and the ICCPR. Similarly, the UNDRIP affirms that indigenous people everywhere have the inherent, inalienable right to the sustainable development, control, and use of their lands, territories, and resources.

The UNFCCC, the CBD, and the United Nations Convention to Combat Desertification (herein after used as UNCCD) are just a few of the international treaties that Pakistan has ratified to protect the environment and advance human rights (UNCCD)¹¹⁴. These agreements mandate that Pakistan implement policies to safeguard the environment, advance sustainable development, and monitor the state and private sector relationship to prevent human rights abuses.¹¹⁵

Unfortunately, Pakistan needs to do a better job of putting these accords into practice. The state-business nexus favoring economic growth often disregards environmental rules and regulations. For instance, indigenous populations are routinely forcibly relocated due to dam and infrastructure development projects without proper compensation or consultation. The state needs to do more to improve the air and water quality by addressing pollution from factories and the transportation industry. When environmental rules are not enforced properly, it may devastate people's ability to live with dignity, especially among vulnerable populations.¹¹⁶ Unfortunately, environmental deterioration and the denial of the human right to a safe and wholesome natural

¹¹⁴ Nadeem Malik, and Ahsan Rana. "Civil society in Pakistan: an exclusive discourse of projectization" *Dialectical Anthropology* 44, no. 1 (2020): 41-56.

¹¹⁵ Ibid

¹¹⁶ Nadeem Malik (n.114).

environment often result from the state-business nexus. This disproportionately impacts impoverished people since they are more likely to depend on the environment for survival¹¹⁷.

Ineffective enforcement of environmental regulations in Pakistan is also a violation of the rights of indigenous peoples. Environmental regulations and initiatives that harm indigenous peoples' lands and resources are frequently made without input. International human rights law protects people's freedom to give or withhold their permission based on any factor, including whether they were fully informed of the consequences of their actions. The state-business nexus still needs to safeguard indigenous peoples' property and natural resources from commercial exploitation in contravention of the UNDRIP.¹¹⁸

To solve these problems, Pakistan has to improve its environmental rules and regulations and ensure they are enforced. Human rights, especially those pertaining to the environment, must be protected by the state, which is why the state-business nexus must be monitored. To achieve this goal, it is necessary to use a holistic strategy that includes input from all relevant parties, such as residents and advocacy groups. Also, Pakistan's government is responsible for guaranteeing that all firms operating inside the country uphold human rights and environmental protection norms. For this reason, it is necessary to create rules that make corporations answerable for their effects on society and the natural world. The government of Pakistan must set up systems to track and report how its corporate citizens are impacting the country's natural resources and the population's quality of life¹¹⁹.

¹¹⁷ John Gerard Ruggie, Rees Caroline, and Rachel Davis. "Ten years after: from UN Guiding Principles to multi-fiduciary obligations" *Business and Human Rights Journal* 6, no. 2 (2021): 179-197.

¹¹⁸ Ibid

¹¹⁹ David Birchall, "Any Act, Any Harm, to anyone: The Transformative Potential of Human Rights Impacts' under the UN Guiding Principles on Business and Human Rights" *U. Oxford Hum. Rts. Hub J.* (2019): 120.

The state must communicate with indigenous communities and get their free, prior, and informed consent before enacting laws or launching initiatives that might negatively impact their lands and resources to guarantee the preservation of indigenous peoples' rights. The state should also implement safeguards to prevent the commercial exploitation of indigenous areas and land.¹²⁰

3.3. Pakistan's Commitment to UNGP

Pakistan has committed to carrying out the recommendations outlined in the UN Guiding Principle. The National Commission on Human Rights in Pakistan gave their approval of the principles and their recommendation that the government should implement them in year 2015. The government of Pakistan has developed a National Action Plan on Business and Human Rights as one of the measures towards implementing the principles, which is one of the milestones in the implementation process. In addition, Pakistan is a party to many international environmental accords, including the UNFCCC and the Paris Agreement. These accords acknowledge the significance of environmental preservation and urge nations to take steps to mitigate the effects of climate change.¹²¹

3.4. Environmental Challenges in Pakistan

Pakistan has several environmental challenges. Common natural catastrophes in the nation include earthquakes, floods, and droughts. Also, the country's population is expanding quickly, placing strain on its scarce resources. In addition, Pakistan is highly dependent on fossil fuels, which emit greenhouse gases and accelerate the pace of climate change. Pakistan now faces various serious environmental problems, the most major of which is air pollution. According to the World Health

¹²⁰ David Birchall, "Any Act, Any Harm, to anyone: The Transformative Potential of 'Human Rights Impacts' under the UN Guiding Principles on Business and Human Rights" *U. Oxford Hum. Rts. Hub J.* (2019): 120.

¹²¹ Nadeem Malik, and Ahsan Rana. "Civil society in Pakistan: an exclusive discourse of projectization" *Dialectical Anthropology* 44, no. 1 (2020): 41-56.

Organization, Pakistan's air pollution is among the highest in the world (WHO)¹²². Massive quantities of particulate matter and other pollutants may be found in the nation's cities, where the impacts are most pronounced.

Due to water scarcity, Pakistan is now undergoing a major environmental catastrophe. Due to climate change, a rising population, and water pollution, the Indus River's capacity to sustainably provide the nation's water requirements is under increasing pressure. Substantial portions of the United States often experience water shortages, which may severely affect agriculture, industry, and even the physical and mental health of the local people¹²³.

3.5. Legal Framework and State-Business Relationship

3.5.1. Environmental Laws in Pakistan

Pakistan's rapidly expanding population and economy have placed a heavy strain on the country's limited resources and fragile ecosystem. The government of Pakistan has established an extensive legislative framework for environmental preservation to lessen the negative effects of human activity. The environmental laws, rules, and regulations that make up this legal framework all strive towards the same overarching goals: the preservation of the nation's natural resources, the security of its citizens, and the advancement of long-term economic growth.

3.5.1.1. Pakistan EPA's Environmental Protection Act 1997 (herein after referred as PEPA 1997)

The country's Environmental Protection Agency (herein after referred as EPA) primarily enforces Pakistan's environmental laws and regulations. PEPA 1997 mandated the formation of the EPA. The agency's job is to ensure that national environmental regulations are followed by granting

¹²² Naimatullah Shah, and Bahadur Ali Soomro. "Internal green integration and environmental performance: The predictive power of proactive environmental strategy, greening the supplier, and environmental collaboration with the supplier" *Business Strategy and the Environment* 30, no. 2 (2021): 1333-1344.

¹²³ Ibid

licenses, doing inspections, and taking other appropriate actions as needed. To ensure the efficient application of environmental laws, the EPA collaborates closely with other government agencies, civil society groups, and commercial sector players. The primary environmental law in Pakistan is the PEPA 1997. The PEPA establishes a thorough legal basis for environmental safeguards, including pollution prevention and control measures, natural resource conservation, and safeguarding of human health. By creating the EPA, the legislation gives the federal government the primary role in regulating environmental management¹²⁴.

The PEPA 1997 mandates that all commercial and industrial enterprises get the appropriate EPA environmental licenses before beginning operations. Emission limitations, wastewater discharge requirements, and solid waste management techniques are only some of the environmental regulations included in these licenses. Due to the PEPA's authority, businesses are subject to inspections to verify they are following environmental laws¹²⁵.

3.5.1.2. National Environmental Quality Standards (NEQS)

In 1997, the Pakistan Environmental Protection Act was enacted, and with it came the National Environmental Quality Standards (herein after referred as NEQS). The NEQS defined Pakistan's air, water, and soil quality standards. The EPA relies on the NEQS as a standard to measure compliance with environmental regulations. Particulate matter, sulfur dioxide, nitrogen oxides, lead, arsenic, cadmium, mercury, and pesticides are only some of the contaminants addressed by the NEQS. Maximum contaminant levels in surface water, groundwater, and drinking water are also outlined in the criteria.¹²⁶ Every so often, the NEQS is modified to account for advances in

¹²⁴ M. Naveed Anwar, et al. "Emerging challenges of air pollution and particulate matter in China, India, and Pakistan and mitigating solutions" *Journal of Hazardous Materials* 416 (2021): 125851.

¹²⁵ Ibid.

¹²⁶ M. Naveed Anwar (n. 124).

scientific understanding and changes in the state of the environment. In 2018, the NEQS underwent its most recent round of revisions¹²⁷.

3.5.1.3. Environmental Impact Assessment (herein after referred as EIAs)

EIAs is an essential tool for analyzing the potential environmental consequences of development projects in Pakistan. EIAs are required by the PEPA 1997 for any development projects with the potential to have a significant negative impact on the surrounding environment¹²⁸. An EIA requires a comprehensive examination of a proposed project's environmental, social, and economic impacts. The assessment is conducted by a team of competent experts and includes participation from key stakeholders, such as local communities and civil society organizations. The EIA report describes the project's potentially negative environmental consequences and offers actions that might mitigate or eliminate them. The EPA, responsible for reviewing and approving EIA findings, manages the EIAs. The EPA has the right to impose restrictions on the project to ensure that any adverse environmental consequences are mitigated or compensated¹²⁹.

3.5.1.4. Forestry laws

Pakistan is a country that is home to a diverse range of forest ecosystems, all of which bring substantial environmental, social, and economic benefits to the nation. To protect these forests and promote ecologically responsible forest management practices, the government of Pakistan has developed a comprehensive legal framework for forestry.¹³⁰ This legal framework consists of several laws, rules, and regulations with the same overriding objectives: to preserve forest ecosystems, enhance local livelihoods, and prevent the environmental harm caused by human

¹²⁷ Benjamin K. Sovacool, and Michael H. Dworkin. *Global energy justice*. Cambridge University Press, 2014.

¹²⁸ Ibid

¹²⁹ Leonidas Paroussos, et al., "Climate clubs and the macro-economic benefits of international cooperation on climate policy" *Nature Climate Change* 9, no. 7 (2019): 542-546

¹³⁰ M. Naveed Anwar (n. 124).

activities¹³¹. The Pakistan Forest Ordinance 2002 (herein after referred as PFO 2002) is the central Pakistan law regulating forestry. Ordinance offers a comprehensive legal framework for the long-term preservation, management, and utilization of the nation's forest resources. According to the PFO, forests are considered state property, and it is forbidden to cut, destroy, or remove trees or forest products without a prior license¹³².

In addition, the PFO is responsible for providing the legal framework for forest management and conservation, including the development of forest reserves, protected forests, and national parks. In addition, this law grants forest authorities the right to enforce forest norms and regulations. Its jurisdiction includes the management of forest-based industries as well as forest revenue. The legislation promotes community-based forest management, permits the responsible use of forest resources, and authorizes the issuance of licenses for such operations. The PFO also includes provisions for establishing forest plantations and afforestation programs, with the objectives of expanding the nation's forest cover and fostering the conservation of its biodiversity.

The Forest Policy 2015 is a national policy document produced in 2015 to offer Pakistan's forest managers and conservationists a comprehensive forest management and preservation framework. The plan intends to increase the country's forest cover to 6%, better the lives of communities dependent on the forest for their livelihoods and promote sustainable forest management¹³³. The policy recognizes the value of community-based forest management and actively attempts to include locals in forest management and conservation initiatives.¹³⁴ The strategy promotes using forest resources to generate renewable energy while concurrently

¹³¹ Nathan Wood, and Katy Roelich. "Substantiating energy justice: creating a space to understand energy dilemmas" *Sustainability* 12, no. 5 (2020): 1917.

¹³² Ibid.

¹³³ Weiyi Shi, and Min Ye. "Chinese capital goes global: The Belt and Road Initiative and beyond." *Journal of East Asian Studies* 21, no. 2 (2021): 173-192.

¹³⁴ Ibid

promoting the expansion of forest-based enterprises. These industries include the production of wood and non-timber forest products, as examples. In addition to emphasizing the need to tackle the impacts of climate change on forests, the Forest Policy of 2015 offers support for the development of climate-sensitive forest management approaches¹³⁵. The policy recognizes the significance of forests in decreasing greenhouse gas emissions and encourages the inclusion of forest management into national programs to combat climate change.¹³⁶

The National Forest Certification System (herein after referred as NFCS) is a voluntary certification scheme developed in Pakistan to promote ecologically responsible forest management practices. NFCS standards have been globally acknowledged and accepted by organizations such as the Forest Stewardship Council (herein after referred as FSC) and the Program for the Endorsement of Forest Certification (herein after referred as PEFC).

The NFCS gives forest owners and managers a way by which they may prove their commitment to sustainable forest management and receive access to markets for commodities derived from certified forests. As part of the certification process, forest management approaches are evaluated objectively, considering environmental, social, and economic factors¹³⁷. The NFCS is administered by the Pakistan Forest Institute (herein after referred as PFI), which gets support from the private sector, civil society organizations, and the Pakistani government. The initiative intends to aid the preservation of forest resources across the country and develop accountability, transparency, and credibility within forest management.¹³⁸

¹³⁵ Weiyi Shi, and Min Ye. "Chinese capital goes global: The Belt and Road Initiative and beyond." *Journal of East Asian Studies* 21, no. 2 (2021): 173-192.

¹³⁶ Ibid

¹³⁷ Muyang Chen, "China–Japan development finance competition and the revival of mercantilism" *Development Policy Review* 39, no. 5 (2021): 811-828.

¹³⁸ Ibid

3.5.2. State's Role in Environmental Protection and Human Rights

Pakistan's state-business nexus has a substantial impact on human rights. The relationship between the state and businesses is frequently characterized by a lack of transparency, accountability, and regulation, resulting in businesses operating with impunity at the expense of human rights. Labor practices are one of the primary ways the state-business nexus affects human rights in Pakistan¹³⁹. Businesses in Pakistan have been criticized for their poor treatment of employees, which includes low wages, lengthy hours, and poor working conditions. This is especially prevalent in the textile industry, one of the country's largest employers. Workers in the textile industry frequently endure hazardous working conditions and are denied fundamental rights, such as the right to establish a union and engage in collective bargaining.

The government regulates businesses and ensures they adhere to ethical labor practices. However, Pakistan's regulatory framework could be more robust and effective, allowing businesses to exploit workers with impunity. In addition, political factors and corruption can lead to a situation in which businesses can exert influence over government policies and decisions, further eroding workers' rights. Environmental degradation is another way the state-business nexus affects human rights in Pakistan¹⁴⁰. In Pakistan, businesses are frequently accused of polluting the environment, particularly in the manufacturing and mining industries. Degradation of the environment can significantly affect human rights, specifically the right to a healthy environment. Air, water, and soil pollution can cause various health issues, including respiratory diseases, skin disorders, and tumors.¹⁴¹

¹³⁹ Muiyang Chen, "China–Japan development finance competition and the revival of mercantilism" *Development Policy Review* 39, no. 5 (2021): 811-828.

¹⁴⁰ Emma Mawdsley, "The 'Southernisation' of development?" *Asia Pacific Viewpoint* 59, no. 2 (2018): 173-185.

¹⁴¹ Ibid

The state is responsible for regulating enterprises and ensuring their compliance with environmental laws. However, Pakistan's regulatory framework could be more robust and effective, allowing businesses to pollute the environment with impunity. In addition, political factors and corruption can lead to a situation in which corporations can influence government policies and decisions, further undermining environmental protection. The relationship between the state and business also affects human rights through land acquisition and displacement. Frequently, businesses in Pakistan require land for their operations, resulting in the displacement of local communities. The displacement of communities can substantially impact human rights, particularly the rights to housing, sustenance, and livelihoods. Displaced communities frequently struggle to find adequate shelter, food, and alternative occupations. It is the responsibility of the state to safeguard the rights of communities affected by land acquisition and displacement. However, the regulatory framework in Pakistan needs to be revised and more effective, allowing businesses to acquire land and displace communities without consequence. In addition, political factors and corruption can result in businesses having the ability to influence government policies and decisions, further eroding the rights of communities.¹⁴²

3.5.3. State-owned Enterprises and Public Private Partnership

State-owned enterprises (herein after referred as SOEs) and public-private partnerships (herein after referred as PPPs) have gained prominence in Pakistan's economic landscape as the government seeks to encourage investment and spur growth. These entities have the potential to negatively impact the environment and human rights if they are not managed responsibly, despite contributing to economic growth and social welfare. In the context of environmental law in

¹⁴² Emma Mawdsley, "The 'Southernisation' of development?" *Asia Pacific Viewpoint* 59, no. 2 (2018): 173-185.

Pakistan, the role of SOEs and PPPs in contributing to or mitigating environmental challenges must be examined¹⁴³.

State-owned corporations in Pakistan operate in various industries, including energy, transportation, and natural resources. The government actively controls or influences these businesses, subjecting them to the same environmental laws and regulations as private sector entities. However, due to their close ties with the government, state-owned enterprises are frequently subject to less stringent enforcement and supervision than their private counterparts. This has resulted in concerns regarding the environmental performance of SOEs and potential conflicts of interest in cases where the state serves as both a regulator and an investor in the enterprise. Pakistan has recently witnessed an increase in public-private partnerships, particularly in the energy and infrastructure sectors. These partnerships entail the government and private sector collaborations to finance, design, construct, and operate public-interest initiatives. Using private sector expertise and resources to deliver public services more efficiently is one of the benefits of public-private partnerships¹⁴⁴. However, they can also raise environmental and human rights concerns, as the profit-driven motivations of private entities may conflict with the state's duty to safeguard the environment and ensure the welfare of its citizens.

Environmental law in Pakistan mandates that SOEs and PPPs adhere to the same legal framework as private enterprises, including the PEPA 1997, the NEQS, and other applicable regulations. These entities must obtain permits, conduct EIAs, and adhere to environmental standards to minimize their ecological footprint and prevent adverse effects on human rights¹⁴⁵.

¹⁴³ Lorna McGregor, Daragh Murray, and Vivian Ng. "International human rights law as a framework for algorithmic accountability." *International & Comparative Law Quarterly* 68, no. 2 (2019): 309-343.

¹⁴⁴ Federica Izzo, Maria. "Bringing theory to practice: How to extract value from corporate social responsibility." *Journal of Global Responsibility* 5, no. 1 (2014): 22-44.

¹⁴⁵ *Ibid*

However, environmental law enforcement in the context of SOEs and PPPs must be more consistent and frequently insufficient. The regulatory agencies that monitor and enforce environmental regulations, such as the Pakistan Environmental Protection Agency (herein after referred as Pak-EPA), frequently need more resources, expertise, and political will to hold state-affiliated entities accountable for their environmental performance. This has led to instances in which SOEs and PPPs have been implicated in environmental degradation and human rights violations with minimal or no consequences.

To address these issues, the government of Pakistan must strengthen its regulatory framework and enforcement mechanisms for environmental law. This includes allocating additional resources to regulatory bodies, enhancing their capacity to monitor and enforce environmental regulations, and ensuring their independence and freedom from political interference. In addition, the government should prioritize transparency and public participation in SOE and PPP decision-making processes, allowing citizens and civil society organizations to hold these entities accountable for their environmental performance and human rights impacts¹⁴⁶.

In addition, the state should promote environmental management and CSR best practices among SOEs and PPPs. This can be accomplished by developing guidelines and policies that promote sustainable practices, such as resource conservation, pollution reduction, and community engagement. The government can also encourage environmentally responsible behavior by providing tax exemptions or other benefits to SOEs and PPPs demonstrating exemplary environmental performance and dedication to human rights.¹⁴⁷ Also, the government should investigate the possibility of international cooperation and technical assistance to improve the

¹⁴⁶ M. Javid, and Fatima Sharif. "Environmental Kuznets curve and financial development in Pakistan" *Renewable and Sustainable Energy Reviews* 54 (2016): 406-414.

¹⁴⁷ Ibid

environmental performance of SOEs and PPPs. This could entail forming partnerships with international organizations, donor agencies, or other nations to access funding, knowledge, and best practices in environmental management and sustainable development.

3.5.4. Compliance and Enforcement Challenges

In environmental law, Pakistan confronts numerous compliance and enforcement challenges, which hinder the effective protection of the environment and human rights. These obstacles result from several factors, including inadequate legal frameworks, a lack of institutional capacity, political interference, corruption, and socioeconomic constraints. Even though Pakistan has enacted several environmental laws and regulations, such as the PEPA 1997 and the NEQS, these legal instruments are frequently criticized for being too vague, outdated, or insufficient to address the country's complex environmental challenges¹⁴⁸. In addition, these laws' need for clarity and comprehensiveness contributes to difficulties in interpretation and enforcement, further reducing their efficacy. The Pak-EPA, the primary regulatory authority responsible for enforcing environmental laws in Pakistan, is frequently criticized for being understaffed, underfunded, and needing more expertise to execute its mandate effectively. This constraint hinders the agency's ability to conduct inspections, monitor compliance, and prosecute offenders. In addition, other institutions involved in environmental governance, such as the judiciary and local government authorities, must improve their ability to assure compliance with environmental laws by capacity constraints.¹⁴⁹

Political considerations frequently influence the enforcement of environmental law in Pakistan, which may compromise the impartiality and efficacy of regulatory bodies. For instance,

¹⁴⁸ M. Ilyas, "Environmental and health impacts of industrial wastewater effluents in Pakistan: a review" *Reviews on environmental health* 34, no. 2 (2019): 171-186.

¹⁴⁹ Ibid

political connections and patronage can occasionally shield powerful individuals and corporations from scrutiny and enforcement actions, allowing them to evade environmental responsibilities. It also perpetuates a culture of impunity and non-compliance¹⁵⁰. Corruption is an additional substantial obstacle to enforcing environmental law in Pakistan. Bribes, nepotism, and other forms of corruption can distort decision-making processes and compromise the integrity of enforcement actions, thereby reducing environmental governance's accountability and transparency. In addition, corruption can lead to the misallocation of resources, which undermines the ability of regulatory institutions to carry out their duties effectively.¹⁵¹

Pakistan's enforcement of environmental law also faces obstacles posed by socioeconomic factors. Poverty, illiteracy, and a lack of environmental cognizance can hinder the ability of citizens to participate in environmental decision-making processes, hold authorities accountable, and demand environmental law enforcement. In addition, economic pressures and a focus on short-term gains can lead the government to prioritize development projects and investments over environmental protection and human rights.

To address these challenges, Pakistan must strengthen its legal frameworks, increase the capacity of its regulatory institutions, and promote environmental transparency and accountability. This may involve updating and elucidating environmental laws, providing regulatory bodies with adequate resources and training, and establishing public participation and oversight mechanisms. In addition, efforts must be made to combat corruption, address socioeconomic disparities, and educate citizens and decision-makers about the significance of environmental protection and human rights¹⁵².

¹⁵⁰ Klaus Mohn, "The Gravity of Status Quo" *Economics of Energy & Environmental Policy* 9, no. 1 (2020): 63-82.

¹⁵¹ Ibid

¹⁵² Klaus Mohn (n.150).

3.6. Corporate Accountability and Environmental Rights

3.6.1. Corporate Social Responsibility

In Pakistan, CSR is becoming an increasingly important aspect of business practice. Even though CSR is frequently associated with philanthropic and charitable endeavors, its environmental dimension is gaining prominence in environmental law. Businesses in Pakistan are required by environmental law to minimize their ecological footprint and prevent damage to natural resources and public health. CSR can provide businesses with a mechanism to go beyond legal compliance and contribute to sustainable development while addressing environmental challenges. However, CSR's effectiveness in promoting environmental responsibility in Pakistan is limited by several obstacles¹⁵³.

More clarity and specificity in the legal framework are one of the greatest obstacles to CSR in Pakistan's environmental law context. Environmental laws and regulations are frequently criticized for needing to be more modern, clear, and robust to address the nation's environmental problems. This can make it difficult for businesses to identify and prioritize their environmental responsibilities within their CSR strategies. In addition, the absence of clarity in environmental laws may undermine the credibility and efficacy of CSR initiatives. Businesses may need to be more certain of their obligations' scope and the potential noncompliance risks. Another obstacle is the need for more awareness and capacity among businesses, particularly small and medium-sized enterprises (herein after referred as SMEs), regarding environmental issues and the significance of environmental responsibility.¹⁵⁴ Many Pakistani enterprises may need more knowledge, resources, or motivation to employ environmentally responsible practices or invest in sustainable

¹⁵³ Yang Shuhui, Zhang Yu, Syed Abdul Rehman Khan, and Hina Abbas. "Effect of green practices on organizational performance: evidence from Pakistan" *Journal of Advanced Manufacturing Systems* 19, no. 02 (2020): 291-308.

¹⁵⁴ Ibid

technologies. This can give the impression that environmental responsibility is an optional or low-priority aspect of CSR, as opposed to a legal and ethical requirement¹⁵⁵.

Moreover, Pakistan's inconsistent and inadequate enforcement of environmental laws gives businesses the impression of impunity and lack of accountability. This can undermine public confidence in CSR initiatives' efficacy and capacity to promote environmental responsibility. In addition, some companies may use CSR initiatives to greenwash their environmental performance or divert attention away from noncompliance with environmental regulations. Additionally, political, and social factors, such as reputation management, brand development, and stakeholder engagement, may impact CSR initiatives in Pakistan. This can create tension between environmental responsibility and business goals, especially in conflict. For instance, businesses may hesitate to invest in environmentally favorable technologies or practices if they perceive them to be more costly or less profitable than conventional methods.¹⁵⁶

To address these issues, businesses must employ a comprehensive and integrated CSR strategy that prioritizes environmental responsibility alongside other social and economic goals. This may entail developing an environmental policy that outlines the company's environmental commitments and goals and investing in environmentally beneficial technologies and practices. In addition, businesses must ensure that their CSR initiatives align with legal and regulatory requirements rather than serving as a substitute.¹⁵⁷

Moreover, the government of Pakistan must strengthen the legal framework and enforcement mechanisms for environmental law. This includes providing regulatory bodies with

¹⁵⁵ Yang Shuhui, Zhang Yu, Syed Abdul Rehman Khan, and Hina Abbas. "Effect of green practices on organizational performance: evidence from Pakistan" *Journal of Advanced Manufacturing Systems* 19, no. 02 (2020): 291-308.

¹⁵⁶ Ibid

¹⁵⁷ Yang Shuhui (n.155).

sufficient resources and expertise to monitor compliance and enforce environmental regulations and fostering greater transparency and public participation in environmental decision-making processes. In addition, the government can incentivize businesses to implement environmentally responsible practices by providing tax exemptions, subsidies, and other benefits, as well as training and capacity-building programs for SMEs¹⁵⁸. Civil society organizations and other stakeholders can be crucial in promoting corporate environmental responsibility. This may include advocating for stronger environmental laws and regulations, engaging in dialogue with businesses to raise awareness about environmental issues and corporate social responsibility, and monitoring and reporting on the environmental performance of businesses. In addition, international actors and agreements can facilitate knowledge-sharing, capacity-building, and technical assistance to promote environmental responsibility in Pakistan¹⁵⁹.

3.6.2. Voluntary and Mandatory Mechanisms

Corporate accountability and environmental law are intertwined in Pakistan, where businesses are subject to legal and ethical obligations to minimize their ecological footprint and prevent damage to natural resources and public health. Voluntary and obligatory initiatives are Pakistan's primary mechanisms for promoting corporate accountability and environmental responsibility. Mandatory initiatives require businesses to comply with environmental regulations and standards, whereas voluntary initiatives rely on the self-regulation and cooperation of businesses. The effectiveness of these mechanisms in promoting corporate accountability and environmental responsibility in Pakistan is constrained by several obstacles and constraints.

¹⁵⁸ Syed Abdul Rehman Khan, Asif Razzaq, Zhang Yu, and Sharon Miller. "Retracted: Industry 4.0 and circular economy practices: A new era business strategies for environmental sustainability" *Business Strategy and the Environment* 30, no. 8 (2021): 4001-4014.

¹⁵⁹ Yang Shuhui, Zhang Yu, Syed Abdul Rehman Khan, and Hina Abbas. "Effect of green practices on organizational performance: evidence from Pakistan" *Journal of Advanced Manufacturing Systems* 19, no. 02 (2020): 291-308.

CSR initiatives rely on businesses to take proactive steps to reduce their environmental impact and promote sustainable development. Even though voluntary mechanisms can provide flexibility and adaptability in addressing environmental challenges, they are frequently criticized for their inadequacy in promoting meaningful change. In Pakistan, various factors may influence voluntary initiatives, such as reputation management, stakeholder engagement, and branding, creating a conflict between environmental responsibility and business objectives¹⁶⁰. Moreover, voluntary initiatives may be less effective in addressing systemic or pervasive environmental problems, such as air pollution or deforestation, because they require collective action and coordination between businesses and stakeholders¹⁶¹.

In contrast, obligatory mechanisms, such as environmental laws and regulations, require businesses to conform to environmental standards and prevent environmental damage and public health. Even though mandatory mechanisms can provide a clear and enforceable legal framework for environmental responsibility, they may also encounter obstacles and limitations. Environmental laws and regulations in Pakistan are frequently criticized for needing to be more balanced, ambiguous, and insufficient to address the country's complex environmental challenges. Moreover, inconsistent, and insufficient enforcement of environmental laws may give businesses the impression of impunity and lack of accountability.¹⁶²

To address these challenges, Pakistan must employ a comprehensive and integrated approach incorporating mandatory and voluntary mechanisms to promote corporate accountability

¹⁶⁰ Yang Shuhui, Zhang Yu, Syed Abdul Rehman Khan, and Hina Abbas. "Effect of green practices on organizational performance: evidence from Pakistan" *Journal of Advanced Manufacturing Systems* 19, no. 02 (2020): 291-308.

¹⁶¹ Carol A. Adams, and Carlos Larrinaga-González. "Engaging with organisations in pursuit of improved sustainability accounting and performance" *Accounting, Auditing & Accountability Journal* 20, no. 3 (2007): 333-355.

¹⁶² Ibid

and environmental responsibility. This strategy can help capitalize on both mechanisms' benefits while minimizing their limitations and difficulties¹⁶³.

Voluntary initiatives can supplement mandatory regulations by providing flexibility and adaptability in addressing environmental challenges not addressed by existing laws. To reduce their ecological footprint and demonstrate their commitment to environmental responsibility, businesses may implement sustainable practices, such as pollution reduction, resource conservation, and energy efficiency. Moreover, voluntary initiatives can contribute to developing trust and cooperation between businesses and constituents, thereby enhancing the efficacy and legitimacy of environmental governance. Alternatively, mandatory regulations can provide a clear and enforceable legal framework for environmental responsibility, ensuring that companies are accountable for their environmental performance. Pakistan's government must strengthen the legal framework and enforcement mechanisms for environmental law to increase the efficacy of mandatory regulations. This includes providing regulatory bodies with sufficient resources and expertise to monitor compliance and enforce environmental regulations and fostering greater transparency and public participation in environmental decision-making processes¹⁶⁴.

In addition, Pakistan can investigate opportunities for international cooperation and technical assistance to boost the efficacy of both voluntary and mandatory mechanisms. This could involve forming partnerships with international organizations, donor agencies, or other nations to access funding, expertise, and best practices for promoting corporate accountability and environmental responsibility. Pakistan can also demonstrate its commitment to addressing global

¹⁶³ Carol A. Adams, and Carlos Larrinaga-González. "Engaging with organisations in pursuit of improved sustainability accounting and performance" *Accounting, Auditing & Accountability Journal* 20, no. 3 (2007): 333-355.

¹⁶⁴ Sokphea Young, "Protests, regulations, and environmental accountability in Cambodia." *Journal of Current Southeast Asian Affairs* 38, no. 1 (2019): 33-54.

environmental challenges by participating in international agreements like the Paris Agreement on climate change¹⁶⁵.

3.6.3. Role of Civil Society and NGOs

Civil society and NGOs are vital in advancing corporate accountability and environmental law in Pakistan. These organizations serve as watchdogs, advocates, and partners to ensure that businesses respect human rights and social responsibilities and comply with environmental regulations and standards. In Pakistan, the role of civil society and NGOs in promoting corporate accountability and environmental law is constrained by several obstacles and restrictions. The limited space for freedom of expression and association is one of the greatest obstacles civil society and NGOs in Pakistan face. The government frequently imposes restrictions on civil society and non-governmental organizations, including legal and administrative barriers, surveillance, and harassment. This can hinder the capacity of civil society and non-governmental organizations to hold corporations accountable for their environmental impact and advocate for stronger environmental regulations and standards. In addition, civil society and NGOs may need help gaining access to the necessary information and resources to carry out their work effectively. Pakistan's civil society and non-governmental organizations must have more capacity and expertise, particularly locally. Many organizations may need more resources, training, and networks to effectively engage in environmental governance and advocate for their rights and interests. This can hinder their ability to participate in environmental decision-making processes and oversee enterprises effectively¹⁶⁶.

¹⁶⁵ Marie Davoise, "Business, Armed Conflict, and Protection of the Environment: What Avenues for Corporate Accountability?" *Goettingen J. Int'l L.* 10 (2020): 151.

¹⁶⁶ M. Mumtaz, "Role of civil society organizations for promoting green and blue infrastructure to adapting climate change: Evidence from Islamabad city, Pakistan" *Journal of Cleaner Production* 309 (2021): 127296.

In addition, Pakistan's political and social environment can pose obstacles for civil society and NGOs promoting corporate accountability and environmental law. For instance, businesses may hesitate to engage with civil society and NGOs or experience pressure to prioritize economic interests over environmental responsibility. In addition, the media may only sometimes adequately cover environmental issues or emphasize the significance of corporate accountability and environmental law¹⁶⁷.

To address these challenges, civil society and NGOs must adopt a strategic and collaborative approach to promoting corporate accountability and environmental law in Pakistan. This may entail forming alliances and networks between civil society and NGOs and other stakeholders, such as enterprises, government agencies, and international organizations. In addition, civil society and non-governmental organizations can utilize their expertise and resources to increase public awareness and education regarding environmental issues and the significance of corporate accountability.¹⁶⁸

In addition, the government needs to facilitate the effective and independent operation of civil society and NGOs. This includes fostering freedom of expression and association, providing access to information and resources, and facilitating dialogue and collaboration between various stakeholders. The government can support capacity-building and training programs for civil society and NGOs to improve their environmental governance and corporate accountability knowledge and skills¹⁶⁹.

¹⁶⁷ M. Mumtaz, "Role of civil society organizations for promoting green and blue infrastructure to adapting climate change: Evidence from Islamabad city, Pakistan" *Journal of Cleaner Production* 309 (2021): 127296.

¹⁶⁸ Ibid

¹⁶⁹ A. Claire Cutler, and David Lark. "The hidden costs of law in the governance of global supply chains: the turn to arbitration." *Review of International Political Economy* 29, no. 3 (2022): 719-748.

Furthermore, international actors and agreements can provide opportunities for civil society and non-governmental organizations to engage in environmental governance and promote corporate accountability in Pakistan. This could involve forming partnerships with international organizations, donor agencies, or other nations to access funding, expertise, and best practices for promoting environmental responsibility and corporate accountability. Pakistan can also demonstrate its commitment to addressing global environmental challenges by participating in international agreements such as the United Nations Framework Convention on Climate Change¹⁷⁰.

3.6.4. Case Studies for Corporate Accountability in Pakistan

Corporate accountability is a complex and multidimensional issue in Pakistan, with numerous instances of both positive and negative practices. The case of the textile industry and the case of the mining industry illustrate the challenges and opportunities of corporate accountability in Pakistan through case studies.

The textile industry is a major contributor to Pakistan's economy, accounting for a substantial proportion of exports and jobs. However, the industry has been linked to significant environmental and social issues, such as water pollution, refuse production, and labor rights violations. Some businesses in the textile industry have adopted voluntary initiatives, such as the Better Cotton Initiative (herein after referred as BCI) and the Zero Discharge of Hazardous Chemicals (herein after referred as ZDHC) program, to promote environmental responsibility and improve social conditions in the supply chain in response to these challenges.¹⁷¹ In addition, the government has enacted mandatory regulations, such as the NEQS and the PEPA 1997, to enforce

¹⁷⁰ A. Claire Cutler, and David Lark. "The hidden costs of law in the governance of global supply chains: the turn to arbitration." *Review of International Political Economy* 29, no. 3 (2022): 719-748.

¹⁷¹ Ibid

environmental standards and prevent damage to public health. However, the effectiveness of these initiatives has been hampered by several obstacles, including ineffective enforcement mechanisms, a lack of business awareness and capacity, and insufficient public participation and supervision¹⁷².

3.6.4.1. Case study of mining industry in Pakistan

The mining industry in Pakistan has substantial effects on both human rights and the environment. Environmental and social effects of the mining industry in Pakistan include deforestation, soil erosion, and the displacement of local communities. In addition to posing hazards to public health and natural resources, mining can generate toxic refuse and pollution.¹⁷³

The displacement of local communities from their homes and territories is one of the most significant impacts of mining on human rights in Pakistan. Mining activities can necessitate vast tracts of land, which may be inhabited by local communities that depend on these lands for subsistence. The displacement of communities can result in income loss, the destruction of cultural heritage, and social strife. In addition, mining activities in Pakistan may have significant environmental effects. The extraction and refining of minerals can result in the discharge of toxic chemicals and heavy metals, leading to soil and water contamination. This contamination can threaten public health, particularly those close to mining sites or downstream from mining operations.¹⁷⁴

Moreover, mining's environmental impacts can have long-term effects on the ecosystem and natural resources. Deforestation and soil erosion can result in biodiversity loss, soil fertility,

¹⁷² Majid Khan, James Lockhart, and Ralph Bathurst. "A multi-level institutional perspective of corporate social responsibility reporting: A mixed-method study" *Journal of Cleaner Production* 265 (2020): 121739.

¹⁷³ Ibid

¹⁷⁴ Majid Khan (n.172).

and carbon storage. In addition, the depletion of natural resources such as water and minerals can significantly affect sustainable development and future generations.¹⁷⁵

The Pakistani government must strengthen the legal framework and enforcement mechanisms for environmental law to mitigate these effects. This includes providing regulatory bodies with sufficient resources and expertise to monitor compliance and enforce environmental regulations and fostering greater transparency and public participation in environmental decision-making processes. In addition, it is crucial to ensure that local communities are consulted and given the authority to participate in decisions regarding mining activities that may affect their lives and livelihoods.¹⁷⁶

3.6.4.2. Case study of textile industry in Pakistan

Pakistan's textile industry is a significant contributor to the country's economy, but it also has substantial negative effects on human rights and the environment. Environmental and social issues associated with the textile industry include water pollution, refuse production, and labor rights violations.¹⁷⁷

Labor rights violations are one of the most significant effects of the textile industry on human rights in Pakistan. The industry employs many laborers, including women and children, who may be subjected to poor working conditions, low pay, and restricted access to labor rights. In addition, the textile industry has been linked to exploiting vulnerable employees, such as forced and juvenile labor¹⁷⁸. Moreover, the textile industry in Pakistan has substantial environmental impacts, particularly in water pollution and refuse production. Large quantities of water are

¹⁷⁵ Majid Khan, James Lockhart, and Ralph Bathurst. "A multi-level institutional perspective of corporate social responsibility reporting: A mixed-method study" *Journal of Cleaner Production* 265 (2020): 121739.

¹⁷⁶ Ibid

¹⁷⁷ Naveed Hayat, Anwar Hussain, and Heman D. Lohano. "Eco-labeling and sustainability: A case of textile industry in Pakistan" *Journal of Cleaner Production* 252 (2020): 119807.

¹⁷⁸ Ibid

required for textile production, which can contribute to the depletion of water resources and the contamination of rivers and other bodies of water. In addition, the textile industry generates a substantial quantity of waste, including chemical waste and textile refuse, which can have long-term environmental effects¹⁷⁹.

To address these effects, the government and other stakeholders must employ a comprehensive and integrated strategy to promote environmental and social responsibility in the textile industry. This strategy can incorporate voluntary and mandatory mechanisms, such as the BCI and the NEQS, to promote sustainable and accountable practices. In addition, it is necessary to ensure that labor rights are respected and protected in the textile industry, including by implementing effective labor laws and monitoring mechanisms. This includes addressing issues such as child labor and forced labor and providing workers with secure and healthy working conditions and equitable wages.¹⁸⁰

3.7. Comparative Case study

The intersection of business and human rights (HRs) is a significant area of focus within global governance, emphasizing the responsibility of states and corporations in upholding HRs within their operations. This case study explores the state-business nexus in Pakistan, comparing its human rights practices with those of India, a developing jurisdiction, and the United Kingdom (UK), a developed jurisdiction. The analysis is guided by the foundational principles of business and human rights initiatives globally, particularly focusing on the United Nations Guiding Principles on Business and Human Rights (UNGPs). The UNGPs serve as the cornerstone of global business and HRs initiatives, establishing a framework based on three pillars: the state duty

¹⁷⁹ Naveed Hayat, Anwar Hussain, and Heman D. Lohano. "Eco-labeling and sustainability: A case of textile industry in Pakistan" *Journal of Cleaner Production* 252 (2020): 119807.

¹⁸⁰ Ibid

to protect HRs, the corporate responsibility to respect HRs, and access to remedy for victims of business-related abuses.¹⁸¹ These principles have been instrumental in shaping national action plans (NAPs) and corporate policies worldwide.

3.7.1. Pakistan

Pakistan has made some progress in aligning its business practices with global HRs standards. The country launched its first NAP on Business and Human Rights in 2021, which outlines strategies for businesses to respect HRs. However, the implementation remains weak, with significant gaps in enforcement and awareness among businesses. Pakistan's approach to business and human rights is characterized by a limited integration of the UNGPs into its legal and policy frameworks. Although there have been efforts to align with international norms, enforcement remains weak. Pakistan has ratified various international human rights treaties, but domestic implementation is often inconsistent. This results in a regulatory environment where businesses may not fully integrate human rights considerations into their operations¹⁸².

In Pakistan, MNCs face numerous challenges in implementing CSR and HRs initiatives, including weak regulatory enforcement, corruption, and a lack of awareness about HRs among local businesses. While some MNCs have adopted CSR practices, their effectiveness is often limited by these systemic issues. Furthermore, the lack of a strong legal framework for CSR and HRs exacerbates the challenges faced by businesses¹⁸³. The lack of comprehensive human rights due diligence mechanisms and weak enforcement of labor laws contribute to difficulties in aligning

¹⁸¹ United Nations. *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework*. United Nations. [2011]

¹⁸² A. Ali, *Pakistan's National Action Plan on Business and Human Rights: An Overview*. *Journal of Human Rights Practice*, (2022) 14(2), 230-245.

¹⁸³ S. Rizvi, *Corporate Social Responsibility in Pakistan: A Critical Analysis*. *South Asian Journal of Business Studies*, (2023) 12(2), 178-196.

corporate practices with international human rights standards. Furthermore, socio-economic factors such as poverty and limited access to education exacerbate these challenges.¹⁸⁴

While Pakistan's NAP represents a positive step, its effectiveness is undermined by inadequate enforcement mechanisms and a lack of coordination among government agencies. The legal and regulatory environment in Pakistan is often criticized for being overly complex and poorly enforced, which hampers the country's ability to fully realize the UNGPs' objectives¹⁸⁵.

Pakistan's environmental laws are another area of concern. Despite the existence of various environmental regulations, their enforcement is weak, particularly in relation to industrial pollution and resource management. The ineffective implementation of these laws has significant implications for HRs, as communities affected by environmental degradation often have limited access to justice and remedies. Hence, Pakistan's commitment to the UNGPs is reflected in its national policies and regulations, though gaps remain in the effective enforcement of human rights standards. The Pakistan Environmental Protection Act (PEPA) of 1997 aims to address environmental issues but lacks a strong focus on human rights impacts. The implementation of environmental laws often falls short, and there is a need for more comprehensive regulations that integrate human rights considerations into environmental protection.

Hence, Pakistan's adoption of a NAP on Business and Human Rights is a significant achievement, reflecting a growing recognition of the importance of HRs in the business sector. The country has also seen some positive developments in CSR, with businesses increasingly engaging in social initiatives. However, Pakistan faces significant challenges in translating these commitments into practice. The lack of effective enforcement mechanisms, coupled with systemic

¹⁸⁴ S. Rizvi, *Corporate Social Responsibility in Pakistan: A Critical Analysis*. South Asian Journal of Business Studies, (2023) 12(2), 178-196.

¹⁸⁵ A. Ali, *Pakistan's National Action Plan on Business and Human Rights: An Overview*. Journal of Human Rights Practice, (2022) 14(2), 230-245.

issues such as corruption and weak governance, hampers progress. Additionally, the country's environmental laws are inadequately enforced, leading to HRs violations related to environmental degradation. The analysis reveals that Pakistan faces significant challenges in integrating human rights into the state-business nexus. Weak regulatory enforcement, socio-economic issues, and limited alignment with international standards hinder the effective implementation of human rights practices. While there have been some improvements, substantial gaps remain in the protection of human rights within the business sector.

3.7.2. India

India, another developing country, has also taken steps to align with global HRs initiatives. The Indian government has developed a NAP on Business and Human Rights, but its implementation is still in the early stages. Indian businesses are increasingly recognizing the importance of HRs, particularly in the wake of international pressure and the need for sustainable business practices. India has made significant strides in embedding human rights principles into its business practices through various legal frameworks and policies. For example, the Companies Act of 2013 mandates corporate social responsibility (CSR) for certain companies, promoting a culture of accountability and ethical conduct. India's National Human Rights Commission (NHRC) and state-level human rights commissions play a role in overseeing the implementation of human rights standards. However, challenges remain in enforcing these standards uniformly across diverse regions¹⁸⁶.

India's experience with CSR and HRs is somewhat more developed than Pakistan's. The Indian Companies Act of 2013 mandates CSR spending for certain companies, which has led to increased corporate involvement in social initiatives. However, challenges remain, particularly in

¹⁸⁶ N. Chaudhary, *Business and Human Rights in India: Challenges and Opportunities*. Indian Journal of International Law, (2020) 59(3), 325-341.

ensuring that CSR activities are aligned with HRs objectives. The fragmented legal landscape and varying levels of corporate commitment to HRs complicate the implementation of effective CSR initiatives¹⁸⁷. In India, MNCs encounter challenges related to regional disparities in regulatory enforcement and variations in CSR practices across states. While the legal framework provides for CSR activities, implementation can be uneven, with some companies fulfilling their obligations more rigorously than others. Issues such as child labor and inadequate working conditions in certain sectors highlight the ongoing need for stricter enforcement and monitoring.

India's commitment to the UNGPs is reflected in its ongoing efforts to develop a comprehensive NAP. However, like Pakistan, India faces challenges in enforcement, particularly in areas such as labor rights and environmental protection. India's environmental laws are more robust than Pakistan's, but their implementation is inconsistent, with significant variations across states. Hence, India's commitment to the UNGPs is demonstrated through various initiatives, including the National Action Plan on Business and Human Rights, which provides guidelines for businesses to respect human rights. The Environmental Protection Act of 1986 and subsequent amendments focus on environmental conservation but also address human rights impacts indirectly. The integration of human rights into environmental policies is more pronounced compared to Pakistan.

Hence, India shares many of the challenges faced by Pakistan but is slightly ahead in terms of CSR implementation and environmental regulation. However, both countries struggle with enforcement and the alignment of CSR activities with HRs objectives. India's approach to human rights within the state-business nexus demonstrates a more developed framework compared to Pakistan. The implementation of CSR requirements and the presence of human rights commissions

¹⁸⁷ R. Kumar, *Corporate Social Responsibility and Human Rights: The Indian Experience*. Business Ethics Quarterly, (2021) 31(1), 45-67.

contribute to a more robust regulatory environment. However, regional disparities and inconsistent enforcement pose challenges to achieving uniform human rights practices.

3.7.3. UK

The UK, a developed nation, was one of the first countries to adopt a NAP on Business and Human Rights in 2013. The UK government has integrated the UNGPs into its corporate governance framework, and businesses are generally more advanced in implementing HRs due diligence. The UK's robust legal system and strong institutional frameworks support the effective enforcement of HRs obligations.

MNCs operating in the UK demonstrate a higher level of corporate responsibility, driven by stringent regulations and a mature understanding of CSR and HRs. The UK's Modern Slavery Act 2015 is a landmark legislation that compels businesses to disclose measures taken to prevent slavery and human trafficking in their supply chains. While challenges remain, such as ensuring compliance across global supply chains, the UK's regulatory framework provides a strong foundation for promoting corporate responsibility¹⁸⁸.

The UK's commitment to the UNGPs is among the strongest globally, with comprehensive policies that integrate HRs into business practices. The UK's environmental laws are well-developed and effectively enforced, with a particular focus on sustainability and climate change mitigation. The UK's experience demonstrates the importance of strong institutions and a clear legal framework in promoting HRs within the business sector¹⁸⁹.

The UK provides a stark contrast, with well-developed legal frameworks and strong institutional support for HRs in the business sector. The UK's experience underscores the

¹⁸⁸ C. Hodges, *The UK and Human Rights in Business: Progress and Challenges*. European Human Rights Law Review, (2018) 4(1), 301-315.

¹⁸⁹ Ibid

importance of robust governance structures and a clear legal framework in promoting HRs within the state-business nexus.

This comparative case study highlights the varying degrees of commitment and effectiveness in promoting HRs within the state-business nexus across Pakistan, India, and the UK. While Pakistan has made some progress, significant challenges remain in translating global HRs principles into effective practice. In contrast, the UK's advanced legal and institutional frameworks provide a model for how HRs can be integrated into business practices effectively. The experiences of these three countries offer valuable insights for policymakers and businesses seeking to enhance their commitment to HRs.

3.8. Critical Analysis

Human rights in the state-business nexus in Pakistan represent a complex interplay between governmental policies, business operations, and societal welfare. Pakistan, like many developing countries, grapples with the challenge of balancing economic development with the protection and promotion of human rights. In this context, the relationship between the state and businesses significantly impacts various aspects of human rights, including labor rights, environmental sustainability, and socio-economic equality. Understanding and addressing these dynamics are crucial for fostering a just and equitable society.

One of the critical issues in the state-business nexus in Pakistan is the protection of labor rights. The country's labor force often faces exploitation, poor working conditions, and insufficient wages. Many businesses prioritize profit maximization over the well-being of their workers, leading to widespread violations of labor rights. The state's regulatory framework, while existing, often lack enforcement mechanisms, allowing such violations to persist. Furthermore, the

influence of business interests on policymaking processes can hinder the implementation of labor-friendly policies.

Environmental protection is another pressing concern within the state-business nexus. Pakistan faces significant environmental challenges, including air and water pollution, deforestation, and habitat degradation. Industrial activities, often driven by profit motives, contribute to these environmental problems. The state's regulatory oversight in environmental matters is often weak, and businesses may exploit loopholes or engage in non-compliance with environmental regulations to cut costs. As a result, local communities suffer from the adverse effects of environmental degradation, including health hazards and loss of livelihoods.

Moreover, socio-economic inequalities exacerbate human rights issues in Pakistan's state-business nexus. The concentration of wealth and power in the hands of a few elite groups marginalizes large segments of the population, including women, minorities, and rural communities. Business practices that prioritize profit accumulation without regard for social justice further widen the gap between the rich and the poor. The state's failure to address these disparities through effective policies and redistributive measures perpetuates systemic injustice and social exclusion.

In addressing human rights challenges within the state-business nexus in Pakistan, several strategies can be employed. Firstly, strengthening regulatory frameworks and enhancing enforcement mechanisms are essential to ensure compliance with labor standards, environmental regulations, and anti-discrimination laws. The state must prioritize the protection of human rights in its policy formulation processes, resisting undue influence from business interests.

Secondly, promoting CSR can encourage businesses to adopt ethical practices and contribute positively to society. Through CSR initiatives, businesses can address social and

environmental concerns, engage with local communities, and respect human rights throughout their operations and supply chains.

Thirdly, fostering transparency, accountability, and participation are crucial for empowering stakeholders in the state-business nexus. Civil society organizations, including human rights defenders and advocacy groups, play a vital role in monitoring business activities, raising awareness about human rights issues, and advocating for policy reforms.

Furthermore, investing in education, vocational training, and capacity-building programs can empower marginalized communities to assert their rights and access opportunities for socio-economic advancement. Strengthening democratic institutions, promoting the rule of law, and combatting corruption are also essential for creating an enabling environment for human rights protection and promotion.

3.9. Conclusion

In conclusion, human rights in the state-business nexus in Pakistan are fundamental for building a fair, inclusive, and sustainable society. By addressing labor rights violations, promoting environmental sustainability, and tackling socio-economic inequalities, Pakistan can create a conducive environment where human rights are respected, protected, and fulfilled for all its citizens. Collaborative efforts involving the state, businesses, civil society, and international partners are crucial for achieving meaningful progress in this regard. The state-business nexus in Pakistan presents both challenges and opportunities for advancing human rights. While significant progress has been made in developing legal frameworks and promoting corporate responsibility, substantial gaps remain in enforcement and practical implementation. By strengthening legal protections, enhancing corporate accountability, and fostering a culture of human rights awareness,

Pakistan can create a more just and sustainable business environment that respects and promotes the rights of all its citizens.

CHAPTER IV

CONCLUSION AND RECOMMENDATIONS

In conclusion, the relationship between human rights and the state-business relationship within the context of environmental law in Pakistan is intricate and multidimensional. This study has highlighted several critical findings that have substantial implications for policymakers, enterprises, civil society, and other Pakistani stakeholders.

The study has revealed, first and foremost, that the state plays a crucial role in promoting environmental responsibility and human rights in the business sector. This includes establishing a legal and institutional framework conducive to environmental governance, enhancing enforcement mechanisms, promoting transparency and public participation, and ensuring that corporations respect human rights and social responsibilities.

The study's second finding is that environmental responsibility and human rights promotion present businesses in Pakistan with various challenges and opportunities. These obstacles are limited resources and capacity, ineffective enforcement mechanisms, and social and political pressures. However, businesses can promote sustainability and social responsibility through voluntary initiatives and partnerships with civil society and other stakeholders.

Thirdly, Pakistan's civil society and non-governmental organizations (NGOs) are crucial in promoting environmental responsibility and human rights. These organizations serve as watchdogs, advocates, and partners to ensure businesses respect human rights and social responsibilities and comply with environmental regulations and standards.

The case study of Pakistan sheds light on the intricate dynamics of the state-business nexus and its profound implications for human rights. It underscores the imperative of balancing

economic development with the protection and promotion of fundamental rights, such as labor rights, environmental sustainability, and socio-economic equality. Despite facing significant challenges, including governance deficits, corruption, and weak regulatory frameworks, there are opportunities to empower human rights within the state-business nexus.

Furthermore, businesses have a responsibility to respect human rights throughout their operations, supply chains, and interactions with local communities. Adopting ethical business practices, conducting human rights due diligence, and engaging in meaningful dialogue with stakeholders can contribute to fostering a culture of respect for human rights within the business sector. Moreover, international partners can provide technical assistance, capacity-building support, and financial resources to strengthen institutional frameworks, promote good governance, and advance human rights in Pakistan.

4.1. Recommendations

A holistic strategy is required to improve conditions for human rights defenders and encourage environmentally responsible business practices in Pakistan's state-business nexus. This strategy must incorporate legal and regulatory reforms, policy recommendations, and the involvement of all relevant stakeholders. In addition to developing and enforcing stricter environmental laws and regulations, the state must also strengthen labor laws and increase the capacity and resources of regulatory bodies responsible for monitoring and enforcing environmental regulations. Additionally, the state must strengthen its labor laws. Moreover, the state can encourage transparency and public participation in environmental decision-making processes, provide incentives for businesses that promote sustainability and environmental responsibility, and develop partnerships with civil society organizations and other stakeholders to promote environmental responsibility and human rights in the context of the state-business relationship.

In the context of the state-business nexus, enterprises play a crucial role in promoting social and environmental responsibility and human rights. They may elect to participate in voluntary initiatives, such as the BCI and the ZDHC program, to promote environmentally responsible behavior and enhance socioeconomic conditions along the supply chain. In addition, they can conduct EIAs and communicate with relevant stakeholders to ensure that the environmental and social consequences of commercial operations are identified and appropriately addressed. In addition, businesses can develop grievance systems that allow employees, communities, and other stakeholders to voice their concerns and seek solutions to environmental and social issues.

Changes in legislation and regulation have the potential to play a significant role in advancing environmental responsibility and human rights within the context of the state-business nexus in Pakistan. Establishing penalties and sanctions for businesses that violate environmental standards, such as fines, suspension of licenses, and criminal liability, can serve as an effective deterrent against non-compliance. These sanctions and penalties may include any of the preceding. In addition, enhancing Pakistan's legal framework for environmental governance and corporate accountability could provide businesses and regulatory entities with more clarity and direction, resulting in improved environmental and social outcomes. This would be a favorable consequence of enhancing Pakistan's legal framework.

In light of the challenges and opportunities identified in this case study, the following recommendations are proposed to empower human rights in the state-business nexus in Pakistan:

1. **Strengthen Regulatory Frameworks:** Enhance existing laws and regulations related to labor rights, environmental protection, and corporate governance to ensure compliance with international human rights standards. Strengthen enforcement mechanisms and establish independent oversight bodies to monitor and enforce compliance.

2. **Promote Corporate Social Responsibility:** Encourage businesses to integrate human rights considerations into their CSR policies, codes of conduct, and business strategies. Provide incentives for responsible business practices and recognize companies that demonstrate a commitment to human rights, sustainability, and community engagement.
3. **Foster Multi-Stakeholder Collaboration:** Facilitate dialogue and collaboration among government agencies, businesses, civil society organizations, and other stakeholders to address human rights challenges collectively. Create platforms for constructive engagement, knowledge-sharing, and joint initiatives aimed at promoting human rights in the state-business nexus.
4. **Build Capacity and Raise Awareness:** Provide training, capacity-building programs, and educational initiatives to empower stakeholders with the knowledge, skills, and resources needed to promote and protect human rights. Raise awareness among businesses, employees, consumers, and communities about their rights and responsibilities regarding human rights issues.
5. **Ensure Access to Remedies:** Establish accessible and effective grievance mechanisms to address human rights violations, provide redress to affected individuals and communities, and hold perpetrators accountable. Ensure that marginalized groups, including women, children, minorities, and indigenous communities, have equitable access to justice and remedies.
6. **Support Sustainable Development:** Promote sustainable development practices that prioritize environmental conservation, social inclusion, and economic prosperity. Invest in renewable energy, green technologies, and sustainable agriculture to mitigate environmental degradation and promote long-term resilience and prosperity.

7. **Strengthen International Cooperation:** Collaborate with international organizations, development partners, and neighbouring countries to address transnational human rights challenges, promote regional cooperation, and leverage global expertise and resources to advance human rights in Pakistan.

4.2. Implications of the research

The research on human rights and the state-business nexus in the context of environmental law in Pakistan has significant implications. The research emphasizes the need for a comprehensive and integrated strategy to promote environmental responsibility and human rights in the Pakistani business sector. It highlights the significance of establishing a legal and institutional framework conducive to environmental governance, enhancing enforcement mechanisms, promoting transparency and public participation, and ensuring that businesses respect human rights and social responsibilities.

In addition, the research demonstrates that civil society and NGOs play a crucial role in promoting environmental responsibility and human rights in Pakistan. These organizations serve as watchdogs, advocates, and partners to ensure businesses respect human rights and social responsibilities and comply with environmental regulations and standards.

Furthermore, the research highlights the significance of implementing voluntary and mandatory mechanisms, such as the BCI and the NEQS, to promote sustainable and responsible practices. It emphasizes the need for effective labor laws and monitoring mechanisms to ensure that labor rights in the textile industry and other sectors are respected and protected.

4.3. Limitations of the study

Despite the importance of the research on human rights and the state-business nexus in the context of environmental law in Pakistan, it is necessary to acknowledge several limitations. First, the

research is constrained by the available data and resources, which may reflect only some of the perspectives and experiences of Pakistani stakeholders. In addition, the research needs a thorough evaluation of the influence of cultural, social, and political factors on the state-business nexus and environmental law in Pakistan. These issues could be explored in greater depth in future research.

In addition, the research needs a comprehensive evaluation of the effect of international actors and agreements on environmental governance and corporate accountability in Pakistan. A deeper comprehension of the role of international actors and agreements could provide valuable insights into the challenges and opportunities for promoting environmental responsibility and human rights in Pakistan's state-business nexus.

Finally, the research needs a comparative analysis of other nations or regions facing comparable obstacles. The comparative analysis could help identify best practices and policies that Pakistan could adopt to promote environmental responsibility and human rights in the business sector.

Despite these limitations, the research provides a foundation for future research and policymaking on this crucial issue. It highlights the need for a collaborative and multifaceted approach to promote environmental responsibility and human rights in the state-business nexus in Pakistan.

4.4. Future research

Future research on human rights and the state-business nexus in the context of environmental law in Pakistan could build on extant knowledge and resolve the current study's limitations. Among the possible areas for future research are the following:

1. The impact of cultural, social, and political factors on Pakistan's state-business nexus and environmental law is analyzed in greater detail. This could involve thoroughly examining

the influence of religion, ethnicity, and gender on environmental responsibility and human rights attitudes.

2. A study of the influence of international actors and agreements on Pakistan's environmental governance and corporate accountability. This may entail a comparative analysis of the experiences of other nations and regions confronting comparable obstacles.
3. A comprehensive evaluation of the effectiveness of voluntary and obligatory mechanisms, such as the BCI and the NEQS, in promoting sustainable and accountable business practices in Pakistan.
4. The potential for public-private partnerships to promote environmental responsibility and human rights in Pakistan's state-business nexus is investigated.
5. An investigation into the influence of technological innovation on environmental governance and corporate accountability in Pakistan. This could involve an analysis of the potential for digital technologies to promote transparency, accountability, and public involvement in environmental decision-making processes.
6. Future research could provide valuable insights and recommendations for promoting environmental responsibility and human rights in the state-business nexus in Pakistan by addressing these research gaps.

Bibliography

Books

Neglia, Maddalena. "Guiding Principle 16: Policy Commitments." In *The UN Guiding Principles on Business and Human Rights*, pp. 118-125. Edward Elgar Publishing, 2023.

Journal Articles

Abbas, Muhammad Ghazanfar, Zhuquan Wang, Shahid Bashir, Wasim Iqbal, and Hafeez Ullah. "Nexus between energy policy and environmental performance in China: The moderating role of green finance adopted firms." *Environmental Science and Pollution Research* 28 (2021): 63263-63277.

Abbasi, Kashif Raza, Muhammad Shahbaz, Zhilun Jiao, and Muhammad Tufail. "How energy consumption, industrial growth, urbanization, and CO2 emissions affect economic growth in Pakistan? A novel dynamic ARDL simulations approach." *Energy* 221 (2021): 119793.

Abid, Nabila, Federica Ceci, and Muhammad Ikram. "Green growth and sustainable development: dynamic linkage between technological innovation, ISO 14001, and environmental challenges." *Environmental Science and Pollution Research* (2022): 1-20.

Abid, Nabila, Muhammad Ikram, Jianzu Wu, and Marcos Ferasso. "Towards environmental sustainability: exploring the nexus among ISO 14001, governance indicators and green economy in Pakistan." *Sustainable Production and Consumption* 27 (2021): 653-666.

Abid, Nabila, Jianzu Wu, Fayyaz Ahmad, Muhammad Umar Draz, Abbas Ali Chandio, and Hui Xu. "Incorporating environmental pollution and human development in the energy-growth

- nexus: a novel long run investigation for Pakistan." *International Journal of Environmental Research and Public Health* 17, no. 14 (2020): 5154.
- Adabre, Michael Atafo, Albert PC Chan, David J. Edwards, and Sarfo Mensah. "Evaluation of symmetries and asymmetries on barriers to sustainable housing in developing countries." *Journal of Building Engineering* 50 (2022): 104174.
- Adams, Carol A., and Carlos Larrinaga-González. "Engaging with organisations in pursuit of improved sustainability accounting and performance." *Accounting, Auditing & Accountability Journal* 20, no. 3 (2007): 333-355.
- Agyemang, Martin, Simonov Kusi-Sarpong, Sharfuddin Ahmed Khan, Venkatesh Mani, Syed Tahaur Rehman, and Horsten Kusi-Sarpong. "Drivers and barriers to circular economy implementation: An explorative study in Pakistan's automobile industry." *Management Decision* 57, no. 4 (2019): 971-994.
- Ahmad, Naveed, Asif Mahmood, Heesup Han, Antonio Ariza-Montes, Alejandro Vega-Muñoz, Mohi ud Din, Ghazanfar Iqbal Khan, and Zia Ullah. "Sustainability as a “new normal” for modern businesses: Are smes of pakistan ready to adopt it?." *Sustainability* 13, no. 4 (2021): 1944.
- Ahmad, Naveed, Yuming Zhu, Zahid Shafait, Umer Farooq Sahibzada, and Abdul Waheed. "Critical barriers to brownfield redevelopment in developing countries: The case of Pakistan." *Journal of cleaner production* 212 (2019): 1193-1209.
- Ahmed, Zahoor, Muhammad Mansoor Asghar, Muhammad Nasir Malik, and Kishwar Nawaz. "Moving towards a sustainable environment: the dynamic linkage between natural

- resources, human capital, urbanization, economic growth, and ecological footprint in China." *Resources Policy* 67 (2020): 101677.
- Ahmed, Zahoor, Muhammad Wasif Zafar, and Sadia Mansoor. "Analyzing the linkage between military spending, economic growth, and ecological footprint in Pakistan: evidence from cointegration and bootstrap causality." *Environmental Science and Pollution Research* 27 (2020): 41551-41567.
- Alam, Mohammad Jahangir, Ismat Ara Begum, Jeroen Buysse, and Guido Van Huylenbroeck. "Energy consumption, carbon emissions and economic growth nexus in Bangladesh: Cointegration and dynamic causality analysis." *Energy policy* 45 (2012): 217-225.
- Aldrugi, Ali, and Hafez Abdo. "Determining the motives or reasons that make companies disclose environmental information." *Journal of Economics, Business and Management* 2, no. 2 (2014): 117-121.
- Ali, Waheed, Jun Wen, Hadi Hussain, Nadeem Akhtar Khan, Muhammad Waleed Younas, and Ihsan Jamil. "Does green intellectual capital matter for green innovation adoption? Evidence from the manufacturing SMEs of Pakistan." *Journal of Intellectual Capital* 22, no. 5 (2021): 868-888.
- Ali, Waris, Jędrzej George Frynas, and Zeeshan Mahmood. "Determinants of corporate social responsibility (CSR) disclosure in developed and developing countries: A literature review." *Corporate Social Responsibility and Environmental Management* 24, no. 4 (2017): 273-294.
- Amjad, Fiza, Waseem Abbas, Muhammad Zia-Ur-Rehman, Sajjad Ahmad Baig, Muhammad Hashim, Ayesha Khan, and Hakeem-ur Rehman. "Effect of green human resource

- management practices on organizational sustainability: the mediating role of environmental and employee performance." *Environmental Science and Pollution Research* 28 (2021): 28191-28206.
- Anwar, Muhammad Naveed, Muneeba Shabbir, Eza Tahir, Mahnoor Iftikhar, Hira Saif, Ajwa Tahir, Malik Ashir Murtaza et al. "Emerging challenges of air pollution and particulate matter in China, India, and Pakistan and mitigating solutions." *Journal of Hazardous Materials* 416 (2021): 125851.
- Ashfaq, Khurram, and Zhang Rui. "Revisiting the relationship between corporate governance and corporate social and environmental disclosure practices in Pakistan." *Social Responsibility Journal* 15, no. 1 (2019): 90-119.
- Awan, Usama, Amira Khattak, and Andrzej Kraslawski. "Corporate social responsibility (CSR) priorities in the small and medium enterprises (SMEs) of the industrial sector of Sialkot, Pakistan." *Corporate social responsibility in the manufacturing and services sectors* (2019): 267-278.
- Azam, Mudassar, Saman Setoodeh Jahromy, Waseem Raza, Nadeem Raza, Sang Soo Lee, Ki-Hyun Kim, and Franz Winter. "Status, characterization, and potential utilization of municipal solid waste as renewable energy source: Lahore case study in Pakistan." *Environment international* 134 (2020): 105291.
- Baig, Mirza Zain, and Danish Ahmed Siddiqui. "How Does Environmental Corporate Social Responsibility affect firms' performance in a Dysfunctional Institutional Environment of Pakistan: The role Legitimacy complemented by legal ineffectiveness, and Environmental Performance complemented by its non-linearity." *Available at SSRN 3756680* (2020).

- Baker, Gideon. "Civil society and democracy: the gap between theory and possibility." *Politics* 18, no. 2 (1998): 81-87.
- Bekun, Festus Victor, Bright Akwasi Gyamfi, Stephen Taiwo Onifade, and Mary Oluwatoyin Agboola. "Beyond the environmental Kuznets Curve in E7 economies: accounting for the combined impacts of institutional quality and renewables." *Journal of Cleaner Production* 314 (2021): 127924.
- Bergman, Zinette, Yael Teschemacher, Bimal Arora, Rijit Sengupta, Klaus Michael Leisinger, and Manfred Max Bergman. "Developing the business-society nexus through corporate responsibility expectations in India." *critical perspectives on international business* 16, no. 2 (2020): 143-164.
- Birchall, David. "Any Act, Any Harm, to Anyone: The Transformative Potential of Human Rights Impacts' under the UN Guiding Principles on Business and Human Rights." *U. Oxford Hum. Rts. Hub J.* (2019): 120.
- Blattner, Charlotte E., and Odile Ammann. "Agricultural exceptionalism and industrial animal food production: Exploring the human rights nexus." *J. Food L. & Pol'y* 15 (2019): 92.
- Bueno, Nicolas, and Claire Bright. "Implementing human rights due diligence through corporate civil liability." *International & Comparative Law Quarterly* 69, no. 4 (2020): 789-818.
- Bukhari, Syed Asim Ali, Fathyah Hashim, and Azlan Bin Amran. "Determinants and outcome of Islamic corporate social responsibility (ICSR) adoption in Islamic banking industry of Pakistan." *Journal of Islamic Marketing* 12, no. 4 (2021): 730-762.

- Burgers, Laura. "Should judges make climate change law?." *Transnational Environmental Law* 9, no. 1 (2020): 55-75.
- Carroll, Toby. "'Social development 'as neoliberal Trojan horse: The World Bank and the Kecamatan development program in Indonesia." *Development and Change* 40, no. 3 (2009): 447-466.
- Carroll, Toby, and Darryl SL Jarvis. "Introduction: Financialization and development in Asia under late capitalism." In *Financialization and Development in Asia*, pp. 1-11. Routledge, 2018.
- Chang, Yen-Chiang, and Mehran Idris Khan. "China–Pakistan economic corridor and maritime security collaboration: A growing bilateral interests." *Maritime Business Review* 4, no. 2 (2019): 217-235.
- Chen, Muyang. "China–Japan development finance competition and the revival of mercantilism." *Development Policy Review* 39, no. 5 (2021): 811-828.
- Chiussi, Ludovica. "Corporate Human Rights Due Diligence: from the Process to the Principle." In *Legal Sources in Business and Human Rights*, pp. 11-30. Brill Nijhoff, 2020.
- Choudhury, Barnali. *Guiding Principle 16: Policy Commitments*. (2023) Edward Elgar Publishing.<https://www.elgaronline.com/display/book/9781800375673/book-part-9781800375673-27.xml>.
- Cutler, A. Claire, and David Lark. "The hidden costs of law in the governance of global supply chains: the turn to arbitration." *Review of International Political Economy* 29, no. 3 (2022): 719-748.

- Dai, Jiapeng, Zahoor Ahmed, Ugur Korkut Pata, and Mahmood Ahmad. "Achieving SDG-13 in the era of conflicts: The roles of economic growth and government stability." *Evaluation Review* 47, no. 6 (2023): 1168-1192.
- Davitti, Daria, and Sorch MacLeod. "Principles for Responsible Contracts, Principle 1: General State Regulatory and Policy Functions." *The UN Guiding Principles on Business and Human Rights: A Commentary* (UK: Edward Elgar Publishing) (2022).
- Davoise, Marie. "Business, Armed Conflict, and Protection of the Environment: What Avenues for Corporate Accountability?" *Goettingen J. Int'l L.* 10 (2020): 151.
- Dimitrova, Anna, Dora Triki, and Alfredo Valentino. "The effects of business-and non-business-targeting terrorism on FDI to the MENA region: The moderating role of political regime." *International business review* 31, no. 6 (2022): 101976.
- Engelken, Maximilian, Benedikt Römer, Marcus Drescher, Isabell M. Welp, and Arnold Picot. "Comparing drivers, barriers, and opportunities of business models for renewable energies: A review." *Renewable and Sustainable Energy Reviews* 60 (2016): 795-809.
- Ewing, Anthony P. "CORPORATE RESPONSIBILITY." *REPUTATION MANAGEMENT: The Key to Successful Public Relations and Corporate Communication: FOURTH EDITION*, January (2020). 360–87. <https://doi.org/10.4324/9781351235020-12/CORPORATE-RESPONSIBILITY-ANTHONY-EWING>.
- Federica Izzo, Maria. "Bringing theory to practice: How to extract value from corporate social responsibility." *Journal of Global Responsibility* 5, no. 1 (2014): 22-44.

- Ghani, Frauzia, and Komal Ashraf Qureshi. "Civic Governance: Neglected Dimension of Framework of Good Governance and Democratization in Pakistan." In *Special Conference Issue 2019 J. Pol. Stud.*, p. 89. 2019.
- Gonzalez-Vicente, Ruben. "Make development great again? Accumulation regimes, spaces of sovereign exception and the elite development paradigm of China's Belt and Road Initiative." *Business and Politics* 21, no. 4 (2019): 487-513.
- Haldar, Stuti, Ananya Peddibhotla, and Amir Bazaz. "Analysing intersections of justice with energy transitions in India-A systematic literature review." *Energy Research & Social Science* 98 (2023): 103010.
- Hayat, Naveed, Anwar Hussain, and Heman D. Lohano. "Eco-labeling and sustainability: A case of textile industry in Pakistan." *Journal of Cleaner Production* 252 (2020): 119807.
- Heeks, Richard, Fareesa Malik, Sharon Morgan, and Brian Nicholson. "Understanding and managing business—development hybrids: an institutional logics case analysis." *Development Studies Research* 7, no. 1 (2020): 31-49.
- Ikram, M., P. Zhou, S. A. A. Shah, and G. Q. Liu. "Do environmental management systems help improve corporate sustainable development? Evidence from manufacturing companies in Pakistan." *Journal of Cleaner Production* 226 (2019): 628-641.
- Ikram, Muhammad Naveed, and Danish Ahmed Siddiqui. "Effect of Green supply chain management on environmental performance and export performance: A case study of Textile industries in Pakistan." *Ikram, MN and Siddiqui, DA (2019). Effect of Green Supply Chain Management on Environmental Performance and Export Performance: A Case*

Study of Textile Industries in Pakistan. Social Science and Humanities Journal 3, no. 4 (2019): 1006-1019.

Ilyas, Muhammad, Waqas Ahmad, Hizbullah Khan, Saeeda Yousaf, Muhammad Yasir, and Anwarzeb Khan. "Environmental and health impacts of industrial wastewater effluents in Pakistan: a review." *Reviews on environmental health* 34, no. 2 (2019): 171-186.

Javeed, Sohail Ahmad, Rashid Latief, Tao Jiang, Tze San Ong, and Yongjun Tang. "How environmental regulations and corporate social responsibility affect the firm innovation with the moderating role of Chief executive officer (CEO) power and ownership concentration?" *Journal of Cleaner Production* 308 (2021): 127212.

Javeed, Sohail Ahmad, Rashid Latief, and Lin Lefen. "An analysis of relationship between environmental regulations and firm performance with moderating effects of product market competition: Empirical evidence from Pakistan." *Journal of Cleaner Production* 254 (2020): 120197.

Javeed, Sohail Ahmad, and Lin Lefen. "An analysis of corporate social responsibility and firm performance with moderating effects of CEO power and ownership structure: A case study of the manufacturing sector of Pakistan." *Sustainability* 11, no. 1 (2019): 248.

Javid, Muhammad, and Fatima Sharif. "Environmental Kuznets curve and financial development in Pakistan." *Renewable and Sustainable Energy Reviews* 54 (2016): 406-414.

Jiskani, Izhar Mithal, Qingxiang Cai, Wei Zhou, and Xiang Lu. "Assessment of risks impeding sustainable mining in Pakistan using fuzzy synthetic evaluation." *Resources Policy* 69 (2020): 101820.

- Jiskani, Izhar Mithal, Syed Ahsan Ali Shah, Cai Qingxiang, Wei Zhou, and Xiang Lu. "A multi-criteria-based SWOT analysis of sustainable planning for mining and mineral industry in Pakistan." *Arabian Journal of Geosciences* 13 (2020): 1-16.
- Jiskani, Izhar Mithal, Barkat Ullah, Kausar Sultan Shah, Sher Bacha, Niaz Muhammad Shahani, Muhammad Ali, Ahsan Maqbool, and Abdullah Rasheed Qureshi. "Overcoming mine safety crisis in Pakistan: An appraisal." *Process safety progress* 38, no. 4 (2019): e12041.
- Khalid, Iram, Tooba Ahmad, and Sami Ullah. "Environmental impact assessment of CPEC: a way forward for sustainable development." *International Journal of Development Issues* 21, no. 1 (2022): 159-171.
- Khan, Imran, Ismail Khan, and Ismail Senturk. "Board diversity and quality of CSR disclosure: evidence from Pakistan." *Corporate Governance: The International Journal of Business in Society* 19, no. 6 (2019): 1187-1203.
- Khan, Ismail, Imran Khan, and Bilal bin Saeed. "Does board diversity affect quality of corporate social responsibility disclosure? Evidence from Pakistan." *Corporate social responsibility and environmental management* 26, no. 6 (2019): 1371-1381.
- Khan, Majid, James Lockhart, and Ralph Bathurst. "A multi-level institutional perspective of corporate social responsibility reporting: A mixed-method study." *Journal of Cleaner Production* 265 (2020): 121739.
- Khan, Mehran Idris, and Yen-Chiang Chang. "Love for the climate in Sino–Pakistan economic romance: a perspective of environmental laws." *Clean Technologies and Environmental Policy* 23 (2021): 387-399.

- Khan, Mehran Idris, and Qianxun Xu. "An assessment of environmental policy implications under the China-Pakistan economic corridor: A perspective of environmental laws and sustainable development." *Sustainability* 13, no. 20 (2021): 11223.
- Khan, Mehreen, Muhammad Nawaz Chaudhry, Sajid Rashid Ahmad, and Samia Saif. "The role of and challenges facing non-governmental organizations in the environmental impact assessment process in Punjab, Pakistan." *Impact Assessment and Project Appraisal* 38, no. 1 (2020): 57-70.
- Khan, Mehreen, Muhammad Nawaz Chaudhry, Sajid Rashid Ahmad, Samia Saif, and Asim Mehmood. "Performance of EIA authority and effectiveness of EIA system in Pakistan." *Environmental Impact Assessment Review* 81 (2020): 106357.
- Khan, Syed Abdul Rehman, Asif Razzaq, Zhang Yu, and Sharon Miller. "Retracted: Industry 4.0 and circular economy practices: A new era business strategies for environmental sustainability." *Business Strategy and the Environment* 30, no. 8 (2021): 4001-4014.
- Khan, Syed Abdul Rehman, Zhang Yu, and Muhammad Umar. "How environmental awareness and corporate social responsibility practices benefit the enterprise? An empirical study in the context of emerging economy." *Management of Environmental Quality: An International Journal* 32, no. 5 (2021): 863-885.
- Kilanowski, Marcin. "Evaluating the Polish NAPs: Lessons for the Future Implementation of the UN Guiding Principles on Business and Human Rights." *Business and Human Rights Journal* (2023): 1-6.
- Kolk, Ans. "The social responsibility of international business: From ethics and the environment to CSR and sustainable development." *Journal of World Business* 51, no. 1 (2016): 23-34.

- Krishnamurti, Chandrasekhar, Syed Shams, and Eswaran Velayutham. "Corporate social responsibility and corruption risk: A global perspective." *Journal of Contemporary Accounting & Economics* 14, no. 1 (2018): 1-21.
- Lai, Jia Yen, and Alistair Hamilton. "For whom do NGOs speak? Accountability and legitimacy in pursuit of just environmental impact assessment." *Environmental Impact Assessment Review* 82 (2020): 106374.
- Lu, Jintao, Licheng Ren, Wenfang Lin, Yifan He, and Justas Streimikis. "Policies to promote corporate social responsibility (CSR) and assessment of CSR impacts." (2019).
- Lu, Jintao, Licheng Ren, Jiayuan Qiao, Siqin Yao, Wadim Strielkowski, and Justas Streimikis. "Corporate social responsibility and corruption: Implications for the sustainable energy sector." *Sustainability* 11, no. 15 (2019): 4128.
- Lu, Weisheng, K. W. Chau, Hongdi Wang, and Wei Pan. "A decade's debate on the nexus between corporate social and corporate financial performance: a critical review of empirical studies 2002–2011." *Journal of cleaner production* 79 (2014): 195-206.
- Mahmood, Zeeshan, Rehana Kouser, and Md Abdul Kaium Masud. "An emerging economy perspective on corporate sustainability reporting—main actors' views on the current state of affairs in Pakistan." *Asian Journal of Sustainability and Social Responsibility* 4, no. 1 (2019): 8.
- Malik, Nadeem, and Ahsan Rana. "Civil society in Pakistan: an exclusive discourse of projectization." *Dialectical Anthropology* 44, no. 1 (2020): 41-56.

- Malik, Saqib Yaqoob, Yukun Cao, Yasir Hayat Mughal, Ghulam Muhammad Kundi, Mudassir Hayat Mughal, and T. Ramayah. "Pathways towards sustainability in organizations: Empirical evidence on the role of green human resource management practices and green intellectual capital." *Sustainability* 12, no. 8 (2020): 3228.
- Malouf Bous, Katie, and Jason Farr. "False Promises: How delivering education through public-private partnerships risks fueling inequality instead of achieving quality education for all." (2019).
- Marx, Axel, Claire Bright, Nina Pineau, and Jan Wouters. "Corporate Accountability Mechanisms in EU Member States for Human Rights Abuses in Third Countries." *Published in the European Yearbook of Human Rights* (2019).
- Mason, Robert. "The nexus between state-led economic reform programmes, security, and reputation damage in the Kingdom of Saudi Arabia." In *Oil and the political economy in the Middle East*, pp. 124-144. Manchester University Press, 2021.
- Mawdsley, Emma. "The 'Southernisation' of development?" *Asia Pacific Viewpoint* 59, no. 2 (2018): 173-185.
- McGregor, Lorna, Daragh Murray, and Vivian Ng. "International human rights law as a framework for algorithmic accountability." *International & Comparative Law Quarterly* 68, no. 2 (2019): 309-343.
- Menton, Mary, Carlos Larrea, Sara Latorre, Joan Martinez-Alier, Mika Peck, Leah Temper, and Mariana Walter. "Environmental justice and the SDGs: from synergies to gaps and contradictions." *Sustainability science* 15 (2020): 1621-1636.

- Mohn, Klaus. "The Gravity of Status Quo." *Economics of Energy & Environmental Policy* 9, no. 1 (2020): 63-82.
- Muchlinski, Peter. "The impact of the UN Guiding Principles on business attitudes to observing human rights." *Business and Human Rights Journal* 6, no. 2 (2021): 212-226.
- Mumtaz, Muhammad. "Role of civil society organizations for promoting green and blue infrastructure to adapting climate change: Evidence from Islamabad city, Pakistan." *Journal of Cleaner Production* 309 (2021): 127296.
- Murshed, Muntasir, Md Aminur Rahman, Md Shabbir Alam, Paiman Ahmad, and Vishal Dagar. "The nexus between environmental regulations, economic growth, and environmental sustainability: linking environmental patents to ecological footprint reduction in South Asia." *Environmental Science and Pollution Research* 28, no. 36 (2021): 49967-49988.
- Nahid, Farzana, Edmund Terence Gomez, and Shakila Yacob. "Entrepreneurship, state-business ties and business groups in Bangladesh." *Journal of South Asian Development* 14, no. 3 (2019): 367-390.
- Najam, Shahid. "Praetorian bureaucratization of the political system and politicization of bureaucracy." In *Pakistan at Seventy*, pp. 213-230. Routledge, 2019.
- Naseem, Sobia, Gao Lei Fu, Muhammad Mohsin, Muhammad Zia-ur Rehman, and Sajjad Ahmad Baig. "Semi-quantitative environmental impact assessment of khewra salt mine of Pakistan: an application of mathematical approach of environmental sustainability." *Mining, Metallurgy & Exploration* 37 (2020): 1185-1196.

- Nave, Ana, and João Ferreira. "Corporate social responsibility strategies: Past research and future challenges." *Corporate Social Responsibility and Environmental Management* 26, no. 4 (2019): 885-901.
- Nelson, Paul J., and Ellen Dorsey. "At the nexus of human rights and development: new methods and strategies of global NGOs." *World Development* 31, no. 12 (2003): 2013-2026.
- Nelson, Paul J., and Ellen Dorsey. "Who practices rights-based development? A progress report on work at the nexus of human rights and development." *World Development* 104 (2018): 97-107.
- Nickel, James W. "How human rights generate duties to protect and provide." *Hum. Rts. Q.* 15 (1993): 77.
- Nizam, Hassan Ahmad, Khalid Zaman, Khan Burhan Khan, Rubeena Batool, Muhammad Adnan Khurshid, Alaa Mohamd Shoukry, Mohamed A. Sharkawy, Fares Aldeek, Jameel Khader, and Showkat Gani. "Achieving environmental sustainability through information technology: "Digital Pakistan" initiative for green development." *Environmental Science and Pollution Research* 27 (2020): 10011-10026.
- Panda, S., and S. N. Panda. "Modeling and optimization of rolling process: A multi-objective approach." *Journal of Advanced Manufacturing Systems* 19, no. 02 (2020): 343-364.
- Paroussos, Leonidas, Antoine Mandel, Kostas Fragkiadakis, Panagiotis Fragkos, Jochen Hinkel, and Zoi Vrontisi. "Climate clubs and the macro-economic benefits of international cooperation on climate policy." *Nature Climate Change* 9, no. 7 (2019): 542-546.

- Pérez Adroher, Ana. "Rome II Regulation and Liability of Multinationals for Human Rights Violations in Third Countries: Irreconcilable Differences? The Public policy exception to the application of the " host countries" legislation under Rome II Regulation." PhD diss., Columbia University, 2020.
- Phillips, Carly A., Astrid Caldas, Rachel Cleetus, Kristina A. Dahl, Juan Declet-Barreto, Rachel Licker, L. Delta Merner et al. "Compound climate risks in the COVID-19 pandemic." *Nature Climate Change* 10, no. 7 (2020): 586-588.
- Pickering, Catherine, Julien Grignon, Rochelle Steven, Daniela Guitart, and Jason Byrne. "Publishing not perishing: How research students transition from novice to knowledgeable using systematic quantitative literature reviews." *Studies in Higher Education* 40, no. 10 (2015): 1756-1769.
- Primorac, Kaja. "Deconstructing the business and human rights phenomenon through the gender lens: a case study of gender equality in the workplace in Slovenia." PhD diss., 2019.
- Primorac, Kaja. "Deconstructing the business and human rights phenomenon through the gender lens: a case study of gender equality in the workplace in Slovenia." PhD diss., 2019.
- Rasche, Andreas, and Sandra Waddock. "The UN guiding principles on business and human rights: Implications for corporate social responsibility research." *Business and Human Rights Journal* 6, no. 2 (2021): 227-240.
- Rayman-Bacchus, Lez. "Corporate responsibility and sustainable development." *International Journal of Law and Management* 54, no. 5 (2012).

- Ebo Hinson, Robert, and Prince Kodua. "Examining the marketing-corporate social responsibility nexus." *International Journal of Law and Management* 54, no. 5 (2012): 332-344.
- Rehman, Abdul, Hengyun Ma, and Ilhan Ozturk. "Do industrialization, energy importations, and economic progress influence carbon emission in Pakistan?" *Environmental Science and Pollution Research* 28 (2021): 45840-45852.
- Rehman, Alam, Irfan Ullah, Fakhr-e-Alam Afridi, Zain Ullah, Muhammad Zeeshan, Arif Hussain, and Haseeb Ur Rahman. "Adoption of green banking practices and environmental performance in Pakistan: A demonstration of structural equation modelling." *Environment, Development and Sustainability* (2021): 1-21.
- Rimšaitė, Laura. "Corruption risk mitigation in energy sector: Issues and challenges." *Energy Policy* 125 (2019): 260-266.
- Rind, Gul Muhammad, and Kathleen Knight Abowitz. "Education reforms and democracy in Pakistan: the problem of privatisation." *Globalisation, Societies and Education* (2022): 1-15.
- Robinson, Mary. "The MDG–human rights nexus to 2015 and beyond." *IDS Bulletin* 41, no. 1 (2010): 80-82.
- Rodríguez-Garavito, César. "Human rights: The global south's route to climate litigation." (2020): 40-44.
- Ruggie, John Gerard, Rees Caroline, and Rachel Davis. "Ten years after: from UN Guiding Principles to multi-fiduciary obligations." *Business and Human Rights Journal* 6, no. 2 (2021): 179-197.

- Rustam, Adeela, Ying Wang, and Hashim Zameer. "Does foreign ownership affect corporate sustainability disclosure in Pakistan? A sequential mixed methods approach." *Environmental Science and Pollution Research* 26, no. 30 (2019): 31178-31197.
- Sajid, Muhammad, Jabir Hussain Syed, Mehreen Iqbal, Zaigham Abbas, Imran Hussain, and Muhammad Anwar Baig. "Assessing the generation, recycling and disposal practices of electronic/electrical waste (E-Waste) from major cities in Pakistan." *Waste management* 84 (2019): 394-401.
- Schrempf-Stirling, Judith, Harry J. van Buren III, and Florian Wettstein. "Human rights: A promising perspective for Business & Society." *Business & Society* 61, no. 5 (2022): 1282-1321.
- Semeen, Homaira, and Annette Quayle. "Accounting Control and the Misrecognition of Worker Exploitation: A Case Study of a Compliant Clothing Factory." *Available at SSRN* 4373204 (2023).
- Shafique, Imran, Masood Nawaz Kalyar, and Nadia Mehwish. "Organizational ambidexterity, green entrepreneurial orientation, and environmental performance in SMEs context: Examining the moderating role of perceived CSR." *Corporate Social Responsibility and Environmental Management* 28, no. 1 (2021): 446-456.
- Shah, Naimatullah, and Bahadur Ali Soomro. "Internal green integration and environmental performance: The predictive power of proactive environmental strategy, greening the supplier, and environmental collaboration with the supplier." *Business Strategy and the Environment* 30, no. 2 (2021): 1333-1344.

- Shaheen, Sabeen. "Quality Management and Operational Performance: A Case Study from Pakistan: Quality Management and Operational Performance." *South Asian Journal of Operations and Logistics* 1, no. 1 (2022): 1-13.
- Shahzad, Mohsin, Ying Qu, Saad Ahmed Javed, Abaid Ullah Zafar, and Saif Ur Rehman. "Relation of environment sustainability to CSR and green innovation: A case of Pakistani manufacturing industry." *Journal of Cleaner Production* 253 (2020): 119938.
- Shi, Weiyi, and Min Ye. "Chinese capital goes global: The Belt and Road Initiative and beyond." *Journal of East Asian Studies* 21, no. 2 (2021): 173-192.
- Shuhui, Yang, Zhang Yu, Syed Abdul Rehman Khan, and Hina Abbas. "Effect of green practices on organizational performance: evidence from Pakistan." *Journal of Advanced Manufacturing Systems* 19, no. 02 (2020): 291-308.
- Siddiqui, Javed, Kenneth McPhail, and Sharmin Shabnam Rahman. "Private governance responsabilisation in global supply chains: the case of Rana Plaza." *Accounting, Auditing & Accountability Journal* 33, no. 7 (2020): 1569-1594.
- Simlinger, Florentina, and Benoit Mayer. "Legal responses to climate change induced loss and damage." *Loss and Damage from Climate Change: Concepts, methods and policy options* (2019): 179-203.
- Sovacool, Benjamin K., and Michael H. Dworkin. *Global energy justice*. Cambridge University Press, 2014.

- Streimikiene, Dalia, Zaneta Simanaviciene, and Ruslan Kovaliov. "Corporate social responsibility for implementation of sustainable energy development in Baltic States." *Renewable and Sustainable Energy Reviews* 13, no. 4 (2009): 813-824.
- Kälin, Walter, and Jörg Künzli. *The law of international human rights protection*. Oxford University Press, USA, 2019.
- Ullah, Hafeez, Zhuquan Wang, Muhammad Mohsin, Weiyang Jiang, and Hasnain Abbas. "Multidimensional perspective of green financial innovation between green intellectual capitals on sustainable business: the case of Pakistan." *Environmental Science and Pollution Research* 29, no. 4 (2022): 5552-5568.
- Ullah, Sana, Ilhan Ozturk, Muhammad Tariq Majeed, and Waheed Ahmad. "Do technological innovations have symmetric or asymmetric effects on environmental quality? Evidence from Pakistan." *Journal of cleaner production* 316 (2021): 128239.
- Ur Rahman, Zia, Wu Chongbo, and Manzoor Ahmad. "An (a) symmetric analysis of the pollution haven hypothesis in the context of Pakistan: a non-linear approach." *Carbon Management* 10, no. 3 (2019): 227-239.
- Ur Rehman, Ateeq, Muhammad Babar Ramzan, Muhammad Shafiq, Abher Rasheed, Muhammad Salman Naeem, and Matteo Mario Savino. "Productivity improvement through time study approach: a case study from an apparel manufacturing industry of Pakistan." *Procedia Manufacturing* 39 (2019): 1447-1454.
- Vanclay, Frank, and Philippe Hanna. "Conceptualizing company response to community protest: principles to achieve a social license to operate." *Land* 8, no. 6 (2019): 101.

Waqas, Muhammad, Dong Qianli, Naveed Ahmad, Yuming Zhu, and Muhammad Nadeem.

"Modeling reverse logistics barriers in manufacturing industry of Pakistan: an ISM and MICMAC approach." *Journal of Advanced Manufacturing Systems* 19, no. 02 (2020): 309-341.

WATTO, Waqas Ahmad, Daniel TH MANURUNG, Komang Adi Kurniawan SAPUTRA, and

Syed Gulam MUSTAFA. "Corporate social responsibility and firm financial performance: a case of SME's sector in pakistan." *International Journal of Environmental, Sustainability, and Social Science* 1, no. 2 (2020): 62-74.

Wolfsteller, René, and Yingru Li. "Business and Human Rights Regulation After the UN Guiding

Principles: Accountability, Governance, and Effectiveness." *Human Rights Review* 23, no. 1 (2022): 1-17.

Wood, Nathan, and Katy Roelich. "Substantiating energy justice: creating a space to understand

energy dilemmas." *Sustainability* 12, no. 5 (2020): 1917.

Wu, Weiwei, Rizwan Ullah, and Syed Jamal Shah. "Linking corporate environmental performance

to financial performance of Pakistani firms: The roles of technological capability and public awareness." *Sustainability* 12, no. 4 (2020): 1446.

Young, Sokphea. "Protests, regulations, and environmental accountability in Cambodia." *Journal*

of Current Southeast Asian Affairs 38, no. 1 (2019): 33-54.

Zaidi, Syed Anees Haider, Faisal Mehmood Mirza, Fujun Hou, and Rana Umair Ashraf.

"Addressing the sustainable development through sustainable procurement: what factors resist the implementation of sustainable procurement in Pakistan?." *Socio-Economic Planning Sciences* 68 (2019): 100671.

Zhang, Dianxi, Muhammad Safdar Sial, Naveed Ahmad, António José Filipe, Phung Anh Thu, Malik Zia-Ud-Din, and António Bento Caleiro. "Water scarcity and sustainability in an emerging economy: a management perspective for future." *Sustainability* 13, no. 1 (2020): 144.

Zhou, Yuanyuan, Li Xu, and Ghulam Muhammad Shaikh. "Evaluating and prioritizing the green supply chain management practices in Pakistan: Based on Delphi and fuzzy AHP approach." *Symmetry* 11, no. 11 (2019): 1346.

