



REVIEW ARTICLE

THE SOCIAL RESPONSIBILITY OF CORPORATIONS: SOME ASPECTS OF INCLUSIVE CAPITALISM

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ABSTRACT

Global trade and commerce have brought great economic prosperity for nations as well as serious labour challenges, environmental degradation, pollution, grave economic inequalities and concerns of climate change.¹ Business leaders, governments and civil societies, realise the imperative of addressing these challenges in a collaborative and structured way especially as government alone cannot address these socio-economic problems. Thus, companies can undertake philanthropic activities towards the development of society in various facets of endeavour like education, health care provision, poverty alleviation, women empowerment, the environment etc. and still return handsome dividends to shareholders.² Undoubtedly, corporations need to make profits to innovate, grow, reward investors, attract and retain high skills and plough back etc. Some of the critical questions which managements consider are what is the level of profit required to ensure long-term business continuity and success? Can companies improve their performance economically and financially by undertaking their core business in a manner that considers its impact on the broader society? Put differently, can new models of CSR influence profit? Does excessive focus on profits decrease capability of the firm to influence and even manage stakeholders? To what extent does current corporate philanthropy conform with the mandate of companies to operate in the 21st Century? To what extent can courts look at what the states have agreed to do in multilateral and bilateral agreements in connection with national constitutions? This paper attempts to address these questions in a general way and to proffer new insights into the international trends of CSR legal framework. Essentially, this paper illustrates how companies have adapted capitalist precepts of pursuit of profit-maximisation to accept inclusive capitalism the latter of which considers the poor in the production processes not just as consumers but as producers and also other stakeholders like the environment and women.

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INTRODUCTION

The 1960s witnessed an increase in corporate social responsiveness and business awareness about the social and ecological impact of business with no special connection of the actions and reactions to financial performance. Companies began either to take responsibility for the social environment (CR1)¹ or to respond to the social environment (CR2)² without necessarily considering any potential negative financial outcomes of corporate social performance (CSP) to their

corporate financial performance (CFP).³ Conceptually, companies' social performance (CSP) reflects the organisations' configuration of principles of social responsibility, policies and programs relating to the firm's societal relationships' based on business morality, values, issues of right and wrong as opposed to CSR which considers commercial, strategic or financial issues of right or wrong. In terms of scope, most CSR activities embrace economic, legal, ethical and discretionary activities of business entities with strategic focus on creating synergy and innovation⁴ for broad stakeholder groups, increased employee motivation⁴, positive competitive advantages in an environment experiencing increasing community expectations of firms to act in a socially responsible manner.⁵ For example, in the Niger

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¹Frederick W. C.; Corporation, be good: The story of Corporate Social Responsibility. Article in Academy of management learning and Education. 5 (3) 379 – 382 Sept., 2006.

²Prehalad C. K: "The Fortune at the Bottom of the pyramid. Eradicating poverty through profits". How 5bn poor make up fastest growing market in the world. The SOL Journal 2002.

³ D.J. Vogel: Is there a market for virtue? The business case for Corporate Social Responsibility, California Management Review, Vol. 47, No. 4, Summer 2005. Pp. 19 – 45; Lindgreen and Swaen, 2010

⁴ Archie B. Carroll and Kareem. M. Shabana: The Business Case for Corporate Social Responsibility: A review of concepts of Research and Practice. International Journal of Management Review, March, 2010. Vol. 12, issue 1. Pp. 85 – 105,

⁵ Wood D.J. (2010). International Journal of Management Review on

Delta region of Nigeria,⁶ the restivity and disruption in the region directly drastically reduce petroleum resources output and also impact negatively on national revenues thereby creating financial and political risks for companies too. In the 1990s, the term Triple Bottom Line (TBL) was a variant of the same concept which popularised the need for business to account to a constituency broader than shareholders through reporting financial, social and environmental outcomes.⁷ This theory focuses on sustainability by which companies weigh their actions on 3 independent scales: economic sustainability, social sustainability and environmental sustainability. Also viewed as the 3Ps profits, people and planet. Furthermore, since the last 15 years, sustainability strategies have also been adopted by many corporations as part of their CSR initiatives for business advantages and efficiencies to their organisations. Undoubtedly, corporate activity begets negative impacts on the physical environment, air or water quality and so on human health. Such 'negative externalities' are borne by those who did not create them. Thus, the need to comply with tighter regulations designed to reduce externalities while at the same time maintaining profitability levels has encouraged the corporate interest in eco-innovation to deliver environmental efficiencies.⁸

For example, Du-Pont is the US manufacturer of food, healthcare products, clothing, hardware and electronics, employs, employs more than 85,000 people in 70 countries. Du-Pont's reputation spiralled upwards from its label of Top US polluter of 1995 to the first in *Business Week's* list of top green companies in 2005. It had formed partnership with NGOs like the Environmental Defence Fund and the World Resources Centre, by working with other stakeholders and by establishing a clear-cut sustainability strategy of pursuing shareholder and stakeholder value.⁹ Also, Wal-Mart, in February 2010, announced a goal to eliminate 20 million metric tons of greenhouse gas (GHG) emissions from its global supply chain by the end of 2015. This is equivalent to taking more than 3.8 million cars off the road for a year.¹⁰ In Nigeria, there is false CSR where some banks have witnessed exponential growth partly from huge deposits from government at sub-market rates which they lend back to government on extortionate terms. "Cowboy" profits from these unethical activities are used to assist government in building roads, schools, hospitals and other social infrastructure, sometimes as a means of tax avoidance.

1. Corporate Social Responsibility: Aspects of Poverty alleviation, Women Empowerment and Protection of the Environment etc

Economically, the combination of globalisation and capitalism has revealed structural weaknesses and grave vulnerabilities in the world¹¹ creating poverty especially amongst developing

relationship between CSP and Corporation financial performance. (CFP) D01 16. 1111

⁶Milton Friedman; Capitalism and Freedom. Doing well by doing good (1962) opposes the Role of economic capitalism in a liberal society. Some opponents of this concept see CSR as diverting necessary resources from the company's core business with little social benefit for other stakeholders. He maintains that the role of business is to optimise profits for the shareholders.

⁷Elkington, John. "Cannibals with Forks: The triple Bottom line of 21st Century Business (1997).

⁸ Donnelly Jack, P. 75

⁹ Donnelly Jack, Ibid P. 71

¹⁰Walmart Corporate, 2010. Donnelly Jack, Ibid P.71

¹¹ Exxon Mobil took home net income of \$218.6 bn in 2016. CEOs take home pay is 20 – 40 times average workers income in corporate America. Phillip Kotler Ibid P. 59.

economies, and has disenfranchised many women from economic/political participation. Pertinently, the current balances threaten international economic health, welfare of democratic societies because of problems of scarcity of well-paid jobs, children living in abject poverty, underemployment, humongous wealth of multinationals and high concentration of individual wealth especially of corporate CEOs who earn huge bonuses.¹² In particular, this structure of non-inclusive capitalism allows about 20% of the world population to own about 80% of the wealth of nations not necessarily as a result of meritocracy but¹³ from assets or stocks they own or their inheritance.¹⁴ Structurally, the practice of profit maximisation by companies which is exclusive capitalism in orientation has been based on the greed of corporate operators.¹⁵ This is regardless of the fact that an efficient capitalist economy depends on welfarist values and norms already covered by the fundamental objectives and policies of most countries which take care of those who suffer from the operation of capitalism particularly in housing, education, unemployment and health to coexist harmoniously. The rights which are inevitable by-products of capitalism include workers' rights to organise strike, safety standards, healthy environment, hours of work,¹⁶ and other human rights, but are impeded by corruption, bribery by transnationals which undermine third world countries. The danger and losses which threaten companies by this form of corporate non-inclusiveness was exhibited as far back as 1894 in The Pullman strike which manifested the bitterness that could take place in labour-management relations. The Pullman Company made Railway cars; when demand fell, the Pullman Company laid off many workers, cut wages for retained workers, but did not cut rents in the Pullman community estate where many workers lived. Nearly 4000 workers went on strike affecting 250,000 workers in 27 states. Riots and sabotage caused \$80 million damages. 30 people were killed.¹⁷

a. Inclusive Business Models in Poverty Alleviation

Currently, new business models integrate eradication of poverty-stricken demographics into profit alleviation policies.¹⁸ For example, mini water purifiers or household detergents in disposable mini packs affordable for lower incomes can provide human health and environmental benefits.¹⁹ The manufacturer, therefore, contributes to the overall alleviation of social decay and environmental degradation while also delivering returns on investments.²⁰ Using this strategy of poverty alleviation, the Grameen Bank in Bangladesh offered mini-loans to entrepreneurs who would not ordinarily qualify

¹² Karl Marx developed a labour theory of value i.e. all value come from the worker's time and effort in production and distribution. However, The way CEOs are remunerated emphasises short term benefits, and exacerbate inequality.

¹³ Phillip Kotler, Ibid p. 68. 1% of US shareholders own 75% of stock and bonds.

¹⁴ Phillip Kotler, Ibid

¹⁵ Phillip Kotler. Confronting Capitalism. Real Solutions for a troubled Economic System, 2015. P. 66.

¹⁶ Ghai, Y. Rights, Social Justice and Globalisation in JoaneBaver and Daniel Bell (eds), The East Asian challenge to human Rights (Cambridge University Press, 1998). See also TahirMamman "Beyond Rhetorics: Challenges for the International and Regional Human Rights Regimes in the New Millennium". Nigerian Bar Journal 2004. Vol. 2, No. 1, P. 6.

¹⁷ Phillip Kotler. Ibid

¹⁸ Hart, Stuart L.: Strategies for sustainable enterprise, Baze of the pyramid and poverty for business capitalism at the cross roads (1995).

¹⁹ Karnani, Aneel. Fortune at the bottom of the pyramid: A mirage. Working paper No. 1035, California Management Review 49(4) 96 – 111, July 2006.

²⁰ Barnett M. L. "Stakeholders influence of capacity and the variability of financial returns to Corporate Social Responsibility" 2007, vol. 32, No. 33 794 – 816.

for the usual bank loans that require collaterals²¹. Likewise, cell phone manufacturers have developed relatively cheaper units for poor remote villages which allow farmers to check grain prices at the nearest market before taking off with their products to the markets. Thus, smaller profit margins translate into huge profits because of more consumers, whilst also socially responding to the needs of the poor. In Nigeria, as part of poverty alleviation, women are granted loans without collaterals and zero interest rates to eradicate poverty under the Sustainable Development Goals.

b. Non-Inclusive Participation of Women in Economic and Political Activities

Undoubtedly, the empowerment of women is one of the central issues of development for many countries in the world, today.²² The factors involved include women's education, their ownership pattern,²³ their employment opportunities the workings of the labour markets, and their participation in political engagement. Economic opportunities for women translate into positive influence on socio-economic activities and environmental conservation of natural resources. Empowered women afford electric or gas cookers instead of firewood; achieve reduced mortality rates of children because of the importance mothers attach to the welfare of children²⁴, and reduced fertility rates through dissemination of the knowledge of family planning. Demographically, there is empirical data showing that countries with basic gender inequality like India, Pakistan, Bangladesh, China, Iran and those in North Africa etc. – often tend to have higher female mortality of infants and children, in contrast with the situation in Europe or America or Sub-Saharan Africa²⁵.

c. Protecting The Environment from Immoral Exploitation

Over the past 20 years, various national environmental agencies have secured various fines and prison terms and confiscation of assets for illegal export of hazardous waste cables, operation of illegal waste sites, illegal land fill sites²⁶, dumping household and business, dumping and burning waste including asbestos.²⁷ In the case of Probo Koala,²⁸ 31,000 people from Abidjan, Ivory Coast made claims as a result of illegal dumping of toxic waste in August 2006. The Defendant, Trafigura, a British Oil trading company claimed that the waste had been dumped without its knowledge by a sub-contractor. The company paid £30 million as compensation and each victim got about US\$ 1,700.²⁹ This case also highlights that the English Courts will entertain class actions including group actions against UK based parent companies of multinational corporations arising from their actions in other jurisdictions.

²¹Nobel laureate Muhammed Yunus (Social entrepreneur) Creating a World without Poverty, 2007.

²² Karl Marx, "Das Capital" criticised capitalism as exploiting the working class and dispossessed them of their property.

²³Ukeje v Ukeje (2014) LPELR – 22724 SC

²⁴Murthi, Guio and Dreze – Population, Fertility, Education and Development (1995) Population and Development Review. JSTOR Vol 21, No. 4 Dec. 1995. Pp 745 – 782.

²⁵In Bangladesh, similar experience is recorded of women's participation by BRAC, led by another visionary leader, Fazle Hasan Abed.

²⁶£261,268 was paid as damages by the soft drink company Red Bull for failing to recycle packaging waste in 2009 in the UK.

²⁷Owen v Min of Defence (2006) EWHC 990, Hobson v Ashton Morton Slack Solicitors (2006) EWHC 1134, T v Nugent Care Society (2004) EWCA 51

²⁸ 20th Nov., 2016, the Directive 2008/98/EC on the protection of the environment through Criminal Law was adopted in 19/11/2008.

²⁹Trafigura had earlier paid 152 million Euros to the Government of the Ivory Coast to block claims being made in Ivory Coast.

When considering forum convenience, the Courts will take into account claimants' being denied justice in their own jurisdiction because of lack of:³⁰

- Funds for representation
- Legal representation
- Expert evidence
- Established court procedures for dealing with group claims

On environmental protection, it is remarkable that the Chinese government has ushered in stiffer penalties³¹ for polluters, increased transparency of data on pollution and recognition of locus standi of registered non-government organisations to bring cases. Under Chinese new law, four defendants were recently found liable for environmental losses to wooded land which they had mined illegally. The case was started by a Beijing-based non-governmental organization, Friends of Nature, one of the oldest independent NGOs in China, together with a provincial NGO, Fujian Green Home, in the Nanping Intermediate People's Court in Fujian province. The individuals were ordered to pay 102m Yuan (\$180,000) for environmental losses and to undertake restoration work of the site with an additional fine of 1.1m Yuan (\$170,000) if they failed to do so³². In another case, The *Pinghu Tadpoles* case (*Pinghu Normal Farm of Zhejiang Province v Five Corporations of Buyun Dye Chemicals*), was brought in 1995 but took fourteen years to resolve. A frog farmer, Yu Mingda, found that suddenly his 2.7 million tadpoles had died. The farmer sued five factories upstream from his farm on the local river. By 2009, the case had got up to the Supreme People's Court, which ordered the defendants to pay the equivalent of \$75,000 in compensation plus interests. During the *Pinghu Tadpoles* litigation, another river was the focus of attention in a case from 2002 when 97 families who bred fish in the Shilanghe River Reservoir sued a paper mill and chemical plant upstream for polluting the water and suffocating the fish. Injunction and damages were granted.³³

2.The Critical Role of NGOs in Corporate Social Responsibility

There is currently no global structure that provides internationally recognised external governance for CSR. More industry-specific initiatives encourage greater transparency and more responsible behaviour by corporations. Other Initiatives are in Setting Standards, Codes, Verification and Certification and Reporting.

a.NGOs in the Chemical Industry

Notable initiatives are the Responsible Care and the Carbon Disclosure Project. Also, the World Business Council for Sustainable Development (WBCSD) represents 200 leading companies from different industry sectors and collaborates with partner networks representing government and NGOs.

³⁰See *Lubbe v Cape Plc* 2000 1WLR 1545

³¹ Polly Botsford. China's war on pollution. IBA Global Insight, April/May 2016. P. 28

³²To date, there are other cases resolved through mediation as well as similar public interest cases already accepted into the Chinese courts.

³³ The All-China Environment Federation in 2009 sued a company which unloaded iron ore, (the Jiangyin Port Container Company), which was polluting the neighbourhood. The Case was resolved through mediation but the Federation has since brought further successful actions in other regions.

The WBCSD promotes and publicises a wide range of sustainable development initiatives that emerge from the NGO sector to business on how business can prompt market changes for better sustainable development. The recent *Vision 2050* report (WBCSD, 2010), has proposed some very crucial efficiencies³⁴;

- Incorporation of the costs of operations on carbon, ecosystem services and water, into the structure of the marketplace,
- Doubling agriculture output without increasing the amount of land or water used,
- Halting deforestation,
- Increasing yields from planted forests,
- Promoting energy efficiency initiatives,
- Providing universal access to low-carbon mobility³⁵.

b. NGOs in Standards and Codes of responsible behaviour

Due to diversity of products, services and other business resources, there is a plethora of NGOs providing Standards and Codes of Responsible behaviour e.g.

- i. The Global Compact is renowned in developing standards, principles or codes for responsible behaviour and is the world's largest corporate citizenship and sustainability Initiative. The standards and principles are a result of collaborative work from different sectors working together to establish frameworks for responsible behaviour.

The Global Compact was established by the UN in 2000 with more than 7,700 participants, including 5,300 businesses from 130 countries. It enshrines 10 principles concerning human rights, labour rights, environmental sustainability and corruption and alliances with diverse range of participants including companies, governments, NGOs, labour and also the UN.

- ii. Other prominent initiatives on standards and Codes are the Global Responsible Leadership Initiative: a network of business schools and corporations, established under the auspices of the Global Compact, also providing awareness in the business of CSR.
- iii. The Caux Roundtable Principles (CERES) provides a measurable global standard for responsible business; with a 10-point code concerned with environmental performance.
- iv. The Equator Principles: this initiative in the financial sector sets benchmarks for companies to assess social and environmental issues in project financing. It lists banks who have undertaken to abide by these principles.

c. NGOs in Verification and Certification Systems

Under this sector, the Fair Trade, Social Accountability International and the Forest Stewardship Council (FSC) are prominent. The Fair Trade works with small scale farmers

³⁴Another public interest case was brought by a procuratorate (the local government agency tasked with undertaking prosecutions in China) in 2008 in Haishu in the Guangdong province against a textile-treatment plant, which had, discharged 40 tonnes of toxic waste each day.

³⁵Vision 2050 was developed as a cooperative venture by 29 companies, supported by the WBCSD and a number of other external contributors such as the Global Footprint Network.

marginalised by trade NGOs, agencies. Social Accountability International works with a wide range of stakeholder's in private companies, governments, NGOs, trade unions propagating decent work places. The FSC was established in 1993 as a certification system that provides standard setting, trademarks assurance and accreditation services to companies, organisations and communities interested in responsible and sustainable forestry. FSC is an independent organisation whose members include various environmental professions, indigenous people's organisations, business organisations, community forestry groups and forest products certification organisation from around the world³⁶. The FSC certification is accepted by the leading Green Building Councils, which themselves have various certification systems. A number of countries have versions of the US LEED (Leadership in Energy and Environmental Design) programme that draws together different organisations in the sector to provide an accreditation system for green building.

d. Reporting Initiatives of NGOs

Notable under this sector, is the Reporting Initiatives and Guidelines which is a coalition of investors and environmentalists launched by CERES in 1997³⁷. Also, the GRI is an effort to establish standards for reporting on sustainability and other corporate social responsibility efforts and outcomes in a way that parallel financial reporting³⁸. The GRI is a multi-stakeholder network made up of many experts, across a number of countries, who participate in GRI's working groups and governance bodies, use the GRI Guidelines to report, or work to contribute to develop the Reporting Framework formally and informally. GRI global network has participants drawn globally from business, civil society, labour and professional institutions. It sets out indicators for each of the major sectors that can assist companies in measuring and reporting social, environmental, economic and governed performance. It is supported by a network that comprises auditors, NGOs, academics, corporations, governments, investors and labour organisations who contribute to its development.

e. Other NGOs of other professions.

Under this sector, members sign codes of behaviour. The codes usually define the rules of conduct towards clients, stakeholders, suppliers, advisors and the public. For example, Westpac Banking Corporation, a leading bank has a Sustainable Supply Chain Code that aims to ensure that:

- i. Suppliers are aware of the specific environmental, social and ethical issues and risks and opportunities relevant to their operations and products,
- ii. Companies have management systems in place to address these issues, risks and opportunities,
- iii. The management systems deliver effective performance management³⁹.

³⁶ More than 135 million forests worldwide are certified to FSC standards, distributed in over 80 countries. In order for a forest manager to buy FSC certification, he must abide by a set of environmental and social standards, often requiring changes in forest management practices.

³⁷In 1999, the United Nations Environment Programme (UNEP) joined the GRI, which was separately incorporated in the Netherlands in 2002.

³⁸The GRI database includes 201 reports from 106 entities using some or all of the GRI Guidelines. The list includes such entities as Ben & Jerry's, General Electric, General Motors, Cinergy, Sunoco and DuPont.

³⁹The Westpac Group, 2010

There is also the Principles of Responsible Investments which promotes socially responsible investing. Furthermore, there are individual codes of associations such as the International Federation of Accountants. All the codes aim at ensuring responsible corporate behaviour through increased disclosures and transparency⁴⁰ although sanctions and measurements are still difficult to implement.

3. The Role of Citizen Suits in Enforcement processes

In China, environmental protection 'bureaux' exist in the localities and act as the government agency to implement and enforce environmental rules and regulations at a local level. Local government officials and bureaucrats have been given greater environmental responsibilities in relation to reducing pollution and creating energy efficiencies. The Chinese also have over 350 environmental courts particularly given the scale of the pollution epidemic and the sheer size of the country as the fourth largest country in the world. When an explosion at a chemical container warehouse in Binhai Tianjin in 2015, killed almost 200 people, the Chinese Ministry of Environment announced that 123 officials would be prosecuted for 'dereliction of duty' over the accident⁴¹. Citizen actions increase the number and quality of enforcement actions, and hold government agencies accountable for carrying out their responsibilities.⁴²

4. The Aspects of Costs

In Nigeria and China, once a company is found guilty of pollution, such a company must pay the claimant's or NGO's legal fees, expert witness fees, travel costs and compensation for the pollution⁴³. Locus standi of citizens to bring cases and cost protection are just two crucial factors to improve the enforcement of environmental laws. In countries that recognise human rights obligations or a duty of care on the part of the government, laws provide a basis for interpreting obligations. Thus, citizens can hold governments accountable to ensure they do their part to hold the global average temperature. In Pakistan, in 2015, the High Court Green Bench in Lahore found in favour of a farmer who had taken the government to court for failing to implement its 2012 climate plan and recommendations. The court ruled that government had failed to protect the country's citizens. More recently, in March 2016, a US District Court in Oregon heard a complaint filed against the US government by non-profit, Our Children's Trust on behalf of 21 young people aged eight to nineteen. The plaintiffs claimed that the government was failing to protect their constitutional rights by continuing to promote fossil fuels, thus placing a heavier climate change burden on their generation. The NGO sought to force the government to introduce a plan to decrease atmospheric carbon dioxide concentrations to 350 parts per million (ppm) by 2100.⁴⁴ Also in the Urgenda case⁴⁵, the Dutch government was held liable for breach of its duty of

care to its citizens by failing to adopt more stringent greenhouse gas reduction targets. The use of tort in CSR is interesting as proof of *res ipsa loquitur*, causation and damages are already developed to provide succour.⁴⁶

5. Conclusions and Recommendations

- a. The success of corporations in the 21st Century must go beyond financial performance. Companies' core business can be operated in a manner that can deliver financial performance through implementing social responsibility policies.
- b. Corporate Organisations should recognise the value of both corporate and non-corporate partners, and proactively establish relationships with non-profit and other non-traditional partner organisations for more inclusive capitalism.
- c. Training and re-training of personnel can be tapped from non-corporate partners for expertise on the social infrastructure and local legitimacy. Existing local institutions like IoD, IMD, and NGOs can always provide training to local entrepreneurs and other partners.
- d. Nothing is as important today in the political economy of development as an adequate recognition of political, economic and social participation and leadership of women. This is the roadmap to poverty alleviation and sustainable development goals.
- e. The Environmental Protection Laws should create incentives for local officials to meet environmental protection targets for transparency of data.
- f. Governments can boost judicial authority', enhance capacity gap in terms of quantity and quality of judges with the requisite skills and technical knowledge to sustain balanced socio-economic rights.
- g. NGOs should be well-funded and properly staffed to build necessary capacity for their roles. The Chinese courts have already led the way by giving local procurators the power to bring public interest litigation cases. This is a good template which other emerging economies should embrace.
- h. Small and medium companies need to compliment multinational corporations who have greater resources, technology and research capacity to develop innovative products and supply the infrastructure required for social, environmental and economic benefits.
- i. The financial sector needs to be involved from investment planning and decision on insurance products and infrastructure investment choices by governments.
- j. Locus standi should always be granted to NGOs for the rule of law to bring companies to account. The review of civil procedure rules is evitable to support operation of CSR.
- k. Public officers, judges and legislators should apply longer-term view of national interests in holding government and companies socially responsible.

l. "There is a broad swath of public opinion suggesting that people want to end cowboy capitalism where anything is acceptable in the pursuit of profits. They want to save capitalism from itself."⁴⁷

⁴⁰Stevens, B. Corporate ethical Codes: Effective instruments for influencing behaviour. *Journal of Business Ethics* (2008) p. 78

⁴¹For instance, the IBA Task Force on Climate Change Justice and Human Rights is currently drafting a Model Statute on Legal Remedies for Climate Change, which, it is hoped, will be used as a benchmark for legal standards relating to climate change justice.

⁴²The European Commission assumes a restrictive approach that the proper place for a citizen is in the national courts.

⁴³ This is the approach by the Supreme People's Court in the above cases in China

⁴⁴The US National Oceanic and Atmospheric Administration reported that levels in February were 402.6 ppm.

⁴⁵*Urgenda Foundation v The State of the Netherlands*, Hague, District Court, 24 June 2015.

⁴⁶In China, there are over 1,500 cases where operations have been restricted or suspended as a result of environmental violations, and over 900 detentions.

⁴⁷Kolter, Phillip *Ibid*, P. 2