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RECOMMENDATIONS FOR BUSINESSES SEEKING TO ENGAGE IN SYRIA

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Syrian Legal Development Programme
البرنامج السوري للتطوير القانوني

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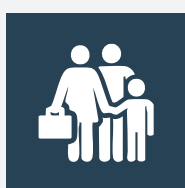
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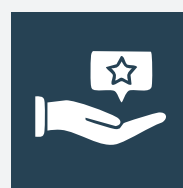
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Introduction

01

On 8 December 2024, the former regime of Syrian President Bashar Al-Assad collapsed, bringing an era characterized by well-documented, widespread crimes against humanity and war crimes on a prolific scale to an end.

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Throughout the armed conflict that persisted for over a decade, the former Syrian regime had waged a military campaign against rebel-controlled areas that saw the widespread and systematic targeting of civilians and civilian infrastructure, including hospitals, schools, and markets.¹ On several occasions, government forces deployed chemical weapons against civilians, killing and injuring thousands.² Moreover, enforced disappearance, arbitrary detention, and torture was carried out on an industrial scale by the Assad regime's intelligence apparatus.³ Over 100,000 Syrians have been forcibly disappeared and presumed dead.⁴

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Further, crimes of forced displacement and violations of housing, land, and property (HLP) rights were carried out rampantly. The former Syrian regime systematically violated HLP rights through a range of coercive tools, including but not limited to the targeting of residential areas throughout the war⁵, the pillage of civilian properties⁶, the use of counter-terrorism legislation to confiscate properties⁷, and the eviction of residents to pave the way for the construction of urban development projects.⁸

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Sustaining these criminal structures and acts were businesses, both domestic and foreign. Under the Syrian regime, the intertwining of crony capitalism and the war economy had entrenched economic inequality and reinforced regime power structures. Crony capitalism flourished as the former regime rewarded loyalists with lucrative business opportunities, monopolies, and preferential treatment, creating an elite class deeply tied to the state.⁹

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Businesses embedded within the Assad regime's crony network caused and contributed to human rights violations and international crimes by way of financing militias carrying out these crimes, pillaging scrap metal from the homes of displaced persons, clearing rubble from formerly besieged¹⁰ and bombarded towns, and investing in urban redevelopment projects in areas that witnessed widescale destruction and displacement.¹¹ A state-owned conglomerate and its subsidiaries imported material for the development of the former regime's chemical weapons arsenal.¹² Networks of regime-affiliated businessmen and militia leaders profited from wartime smuggling, reconstruction contracts, and control over vital resources like fuel and food supplies.¹³ Further, the absence of legislation protecting the environment had driven widespread deforestation, illegal logging, and charcoal burning for commercial gain.¹⁴

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With the fall of the regime, Syrians have a prime opportunity to rebuild the country's economic and political landscape from the ground up. To ensure that Syrian-led efforts to forge just and equitable systems and institutions that serve the Syrian people are supported rather than impeded, businesses seeking to engage in Syria must place human rights at the heart of their considerations. Investors should also take heed that by engaging in certain business conduct, they risk complicity in human rights violations and/or international crimes and the incurring of legal liability accordingly.

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It is imperative that businesses seeking to invest in Syria refrain from any activity which causes or contributes to human rights abuses and international crimes, or which consolidates the crimes perpetrated by the former regime or aided and abetted by its crony network of affiliated companies. This is particularly pertinent in relation to HLP rights, forced displacement, and the prevention of the return of refugees.





Legal Framework

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Under the UN Guiding Principles on Business and Human Rights (UNGPs), businesses have a responsibility to respect internationally recognized human rights.¹⁵ At minimum, this refers to the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR).¹⁶ The principles concerning fundamental rights set out in the International Labour Organization's Declaration on Fundamental Principles and Rights at Work fall under this category as well.¹⁷ The UNGPs clearly specify that businesses may need to consider additional standards depending on circumstances, namely international humanitarian law in situations of conflict.¹⁸ As the UN Working Group on Business and Human Rights elaborated in its report titled 'Business, Human Rights and Conflict-Affected Regions: Towards Heightened Action' affirmed, "[t]he reconstruction and peacebuilding phases that a country undergoes after a conflict are clearly part of the conflict, and business and States should apply the same principles, in particular, heightened due diligence, as during the active phase of a conflict".¹⁹



Forced displacement

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IHL prohibits forced displacement, which is the forcible transfer or displacement of a civilian population during conflict.²⁰ Under international criminal law (ICL), forced displacement may amount to a war crime²¹ or a crime against humanity.²² It also constitutes a grave violation of the fourth Geneva Convention.²³

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Businesses engaging in reconstruction contracts on the lands of forcibly displaced persons risk abusing the right to return of refugees and displaced persons. Under international human rights law (IHRL), Article 13 of the UDHR recognizes individuals' right to return to their country²⁴, and Article 12(4) of the ICCPR states that individuals cannot be deprived arbitrarily of the right to enter their own country.²⁵

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The Pinheiro Principles on Housing and Property Restitution for Refugees and Displaced Persons²⁶ and the United Nations Guiding Principles on Internal Displacement²⁷ further expand on the right of refugees and displaced persons to return to their homes. Both sets of principles form part of the IHRL framework businesses have a responsibility to respect.

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The right of displaced persons to return to their homes is also recognized under customary IHL.²⁸ Displaced persons have a right to return as soon as conditions that caused displacement cease to exist.²⁹ As forced displacement constitutes an unjustified transfer of a civilian population, forcibly displaced persons always have a right to return.



Pillage and Housing, Land, and Property Rights

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Pillage is the unlawful appropriation of another's property for personal or private use without the consent of the legitimate owner in the context of a conflict.³⁰ Pillage is prohibited under IHL³¹, and is a war crime under the Rome Statute of the ICC.³²

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Pillage also violates HLP rights, such as the right to own property and the right not to be deprived of one's property under Article 17 of the UDHR.³³ Pillage also violates the right to protection from arbitrary interference with one's home, which is recognized in both the UDHR³⁴ and the ICCPR.³⁵ Additionally, customary IHL recognizes an obligation of parties to the conflict to respect the property rights of displaced persons.³⁶

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Business actors also risk pillaging properties of forcibly displaced persons and refugees if they purchase or take advantage of abandoned properties throughout Syria.



The natural environment

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Throughout the course of the conflict, the conduct of various actors, both military and economic, has inflicted damage on the natural environment, with devastating consequences.³⁷ Environmental damage and degradation invariably infringe upon a range of human rights, including but not limited to the rights to life, food, water and sanitation, health, an adequate standard of living, and education.

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The link between the environment and human rights underscores that all human rights are interdependent, indivisible, and interrelated. Human rights and the environment are interdependent, and a clean, healthy, and sustainable environment is necessary for the full enjoyment of a wide range of human rights.³⁸

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Moreover, the UN Human Rights Council and the UN General Assembly have adopted respective resolutions recognizing the right to a clean, healthy, and sustainable environment (R2HE).³⁹ The latter resolution noted that "the right to a clean, healthy, and sustainable environment is related to other rights and existing international law".⁴⁰ On the responsibility of businesses, the UN General Assembly resolution "[r]ecall[ed] the Guiding Principles on Business and Human Rights, which underscore the responsibility of all business enterprises to respect human rights".⁴¹



Modes of involvement in human rights abuses

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The UNGPs describe the scope of the business responsibility to respect human rights through the following three categories of involvement with human rights abuses: causation, contribution, and direct link.⁴²

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Causation: A business may cause human rights abuses where its activities (its actions or omissions) on their own affect the ability of an individual or a group to enjoy a human right.

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Contribution: A business may contribute to human rights abuses through its own activities (actions or omissions), either directly alongside other entities, or through third parties (government, armed group, or other business). The UNGPs define contribution with reference to the international criminal law standard of aiding and abetting.⁴³ Under customary international law, it is not required that the contribution is provided for the purpose of assisting the violations.⁴⁴ It may be argued that knowledge can be inferred from all relevant circumstances.⁴⁵ Importantly, the acts may take place before, during, and after the crime itself was committed.⁴⁶

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Direct Link: Business responsibility can also arise for the human rights abuses of a third party even if the business has not caused nor contributed to such abuses. Direct linkage refers to a situation where there is a direct link between the operations, products, or services of a business and the human rights abuses committed by an entity, including other businesses and state and non-state entities, with which it has a business relationship.





Legal liability

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Business actors that fail to respect IHRL and IHL in Syria risk incurring legal liability under international law. From the outset, it is important to acknowledge that the responsibility of businesses to respect human rights is not to be conflated with issues of legal liability, which are largely defined by domestic law provisions in different jurisdictions.

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For activities that meet the threshold of complicity in international crimes, namely war crimes and crimes against humanity, business actors may be held individually responsible for their commission of or complicity in such crimes, and may face prosecutions in domestic courts accordingly. This will depend on the domestic legal frameworks of different states and their incorporation of ICL into domestic law.

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States may exercise universal jurisdiction over corporate actors, enabling them to prosecute foreign nationals involved in international crimes committed in Syria. States may also exercise jurisdiction over their own nationals involved in such crimes on the basis of the active personality principle.

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Business actors may also face liability under civil law, either for their involvement in international crimes or human rights abuses, through various means, such as domestic due diligence laws. Some examples include the European Union's Corporate Sustainability Due Diligence Directive⁴⁷, the French law on the duty of vigilance of parent and outsourcing companies⁴⁸, and the German law on the corporate duty of care in supply chains.⁴⁹

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Under general tort law doctrines, businesses could be held liable for harm ensuing from due diligence failures. In particular, the duty of care, as it is applied in, for instance, English and Dutch tort law, may be utilized to litigate alleged corporate due diligence failures. Corporations could be held liable in negligence for breaching a duty of care if it becomes apparent that they failed to exercise due diligence in accordance with the UNGPs, sectoral guidance, or any other normative expectations.⁵⁰



Recommendations

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Business actors can play a positive role in Syria's new chapter by respecting human rights in this fragile post-conflict environment. Failure to do so, however, may exacerbate the human rights crisis and potentially drive social tensions, violence, and even the eruption of renewed conflict. As the UN Working Group on Business and Human Rights elaborated:

"Societies that have a history of armed violence and serious violations of international human rights and international humanitarian law may be more prone to further abuses. This includes situations where the legacies of past atrocity crimes have not been adequately addressed through individual criminal accountability, reparation, truth-seeking and reconciliation processes or comprehensive reform measures in the security and judicial sectors"⁵¹

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As the political landscape in Syria rapidly developed over a matter of weeks, transitional justice processes are yet to be fully implemented, and the road ahead is long. Further, the new government, with the support of civil society, will require time in order to build effective state institutions and structures to serve the interests of the Syrian people, as well as robust legal and regulatory frameworks to regulate corporate activity. The absence of such structures and frameworks in Syria at this time should not signal to business actors the absence of international norms and standards by which they should abide.

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The following recommendations should be implemented by businesses seeking to engage in Syria:

- Conduct thorough **Heightened Human Rights Due Diligence** in alignment with the UNGPs prior to initiating operations in Syria.
 - Identify and assess the actual and potential impacts of business activities on human rights and conflict dynamics.
 - Examine Syria's economic landscape, including historical injustices and systemic dispossession.
 - Incorporate tools from atrocity prevention and conflict prevention.
- Regularly carry out **Human Rights Impact Assessments** (HRIAs) to monitor and address the impact of operations on affected communities.
- Develop and implement detailed **human rights policies** that reflect the heightened risks in Syria at this critical juncture. Ensure these policies are embedded throughout business operations and supply chains.
 - Ensure the alignment of these policies with businesses' responsibility to respect international human rights law and international humanitarian law.
- **Publicly disclose, where feasible**, due diligence practices, human rights policies, business partners, operational locations, and results of impact assessments.

- **Avoid partnering** with individuals or entities linked to international crimes or human rights violations. Conduct independent assessments to **enhance screening of potential partners** to identify links to human rights violations or international crimes.
 - This should include thorough investigations into the operations of business partners, including their subsidiaries, parent companies, Ultimate Beneficial Owner, and supply chains, to avoid indirect involvement in abuses..
 - Consult with civil society and other experts for a deeper understanding of risks and impacts, as well as how to identify potentially problematic actors and entities.
 - Closely monitor financial transactions to ensure that funds are not indirectly supporting human rights violators or entities complicit in violations.
- Adopt transparent, **human-rights compliant procurement practices** to prevent supporting entities complicit in international crimes or human rights violations.
- **Safeguard HLP rights** by carrying out due diligence to ensure proper verification of land and property ownership prior to engaging in projects.
 - Ensure that lands and properties that form part of a contract were neither confiscated by the former regime, armed non-state actors, or any other actor, nor belong to refugees or displaced persons.
- Recognize the legacy of land dispossession and marginalization in perpetuating social tensions.
- Carry out **environmental due diligence** to ensure that activities do not pose harm to the environment. This includes but is not limited to logging and building on agricultural land. Human rights and the environment are interconnected, and harm inflicted on the natural environment in turn harms human rights.
- Actively **engage civil society organizations, including victims groups, affected communities**, and other local stakeholders to identify and address potential adverse human rights impacts.
- Facilitate the meaningful participation of displaced persons, women, and ethnic and religious minorities in consultations and decision-making processes.
- Establish meaningful, accessible, and conflict-sensitive processes to enable the **remediation** of any adverse human rights impacts.
- Establish gender-responsive and conflict-sensitive operational-level grievance mechanisms for individuals and communities who may be adversely impacted.
- Provide remedy to affected persons or communities for any harm ensuing from business operations, practices, or processes.

REFERENCES

- 1- See, e.g., Human Rights Watch, 'Targeting Life in Idlib: Syrian and Russian Strikes on Civilian Infrastructure' (October 2020) available at https://www.hrw.org/sites/default/files/media_2020/10/syria1020_web.pdf; Syria Justice and Accountability Centre, 'Double Tap: The Intentional Targeting of Rescuers in Syria' (2022) <https://syriaaccountability.org/content/files/2022/08/English-Double-Tap-1.pdf>; United Nations Human Rights Council, 'Human rights abuses and international humanitarian law violations in the Syrian Arab Republic, 21 July 2016- 28 February 2017', Conference room paper of the Independent International Commission of Inquiry on the Syrian Arab Republic (10 March 2017) UN Doc A/HRC/34/CRP.3, available at https://www.ohchr.org/sites/default/files/documents/countries/syria/A_HRC_34_CRP.3_E%20-%202.pdf; Amnesty International, 'Syrian and Russian Forces Targeting Hospitals as a Strategy of War' (3 March 2016) available at <https://www.amnesty.org/en/latest/press-release/2016/03/syrian-and-russian-forces-targeting-hospitals-as-a-strategy-of-war/>; Physicians for Human Rights, Syria Map – Case Studies, available at <https://syriamap.phr.org/#/en/case-studies>; See, e.g., Human Rights Watch, 'Safe No More: Students and Schools Under Attack in Syria' (2013) available at <https://www.hrw.org/sites/default/files/reports/syria0613webcover.pdf>; See, e.g., Human Rights Watch, 'Syria: Government Attacking Bread Lines' (HRW, 30 August 2012) available at <https://www.hrw.org/news/2012/08/30/syria-government-attacking-bread-lines>
- 2-See, e.g., OPCW Technical Secretariat, Third Report by the OPCW Investigation and Identification Team Pursuant to Paragraph 10 of Decision C-SS-4/DEC.3 "Addressing the Threat from Chemical Weapons Use": Douma (Syrian Arab Republic) – 7 April 2018 (S/2125/2023, 27 January 2023) available at <https://www.opcw.org/sites/default/files/documents/2023/01/s-2125-2023%28e%29.pdf>; United Nations Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic (1 September 2017), p 10-16, UN Doc A/HRC/36/55, available at <https://docs.un.org/en/A/HRC/36/55>
- 3-See, e.g., United Nations Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic: Torture in Syria (10 July 2023) UN Doc A/HRC/53/CRP.5, available at <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/coisyr/A-HRC-53-CRP5-Syria-Torture.pdf>; Human Rights Watch, 'If the Dead Could Speak: Mass Deaths and Torture in Syria's Detention Facilities' (2015) available at <https://www.hrw.org/report/2015/12/16/if-dead-could-speak/mass-deaths-and-torture-syrias-detention-facilities>; The Day After Organization, 'Survivors' Experiences in Regime Prisons in Syria' (16 November 2020) available at <https://tda-sy.org/2020/11/16/survivors-experiences-in-regime-prisons-in-syria/>; Syrian Network for Human Rights, 'SNHR's 12th Annual Report on Torture in Syria on the International Day in Support of Victims of Torture' (26 June 2023) available at <https://snhr.org/blog/2023/06/26/snhrs-12th-annual-report-on-torture-in-syria-on-the-international-day-in-support-of-victims-of-torture>
- 4-See generally, Yara M. Asi, 'Liberation from the "Human Slaughterhouse": A Dark History of Imprisonment in Syria' (Arab Center Washington DC, 28 January 2025) available at <https://arabcenterdc.org/resource/liberation-from-the-human-slaughterhouse-a-dark-history-of-imprisonment-in-syria/>
- 5-The White Helmets, 'Like a Thunderbolt: The Deliberate Targeting of Civilians with Laser-Guided Weapons in Syria' (2024) available at https://whitehelmets.org/sites/whitehelmets.org/files/2024-08/Krasnopol_WH_.pdf
- 6-See, e.g., Syria Justice and Accountability Centre, "'With God's Help, Nothing Will Remain": Syrian Government Led Pillage of Civilian Property' (23 May 2024) available at <https://syriaaccountability.org/syrian-government-led-pillage-of-civilian-property/>
- 7-Human Rights Watch, 'Syria: Suspects' Families' Assets Seized' (HRW, 16 July 2019) available at <https://www.hrw.org/news/2019/07/16/syria-suspects-families-assets-seized>
- 8-See, e.g., Enab Baladi, 'Investigation: How Marota City Project Left Around 30,000 People Homeless' (Enab Baladi, May 2024) available at <https://english.enabbaladi.net/archives/2024/05/investigation-how-marota-city-project-left-around-30000-people-homeless/>
- 9-See, e.g., Jusoor for Studies, 'Analytical Study: The Economy of the Syrian Regime: Approaches and Policies 1970-2024' (October 2024) available at <https://www.jusoor.co/public/en/details/the-economy-of-the-syrian-regime-approaches-and-policies-1970-2024>
- 10-See, e.g., Independent International Commission of Inquiry on the Syrian Arab Republic, 'Sieges as a Weapon of War: Encircle, Starve, Surrender, Evacuate' (29 May 2018) available at https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/ColSyria/PolicyPaperSieges_29May2018.pdf
- 11-See The Syrian Legal Development Programme, 'Policy Brief: HLP Rights, Migration, and Business Activity in Syria' (updated September 2024) available at <https://sldp.ngo/wp-content/uploads/2024/11/Policy-Brief-HLP.pdf>
- 12-See Irina Bukharin, 'The Handasieh Network: Investigating Chemical Weapons Procurement in Syria', C4ADS (25 June 2019) available at <https://c4ads.org/commentary/2019-6-25-the-handasieh-network>; see also The Syrian Legal Development Programme, 'Chemical Weapons in Syria: Business Responsibility' (September 2024) available at <https://sldp.ngo/wp-content/uploads/2024/09/Chemical-Weapons-in-Syria-Business-Responsibility.pdf>
- 13-See The Syrian Legal Development Programme, 'Policy Brief: The Role of Syrian Businesses in Conflict-Related Human Rights Abuses: Options for Accountability' (29 April 2020) available at <https://sldp.ngo/wp-content/uploads/2021/02/Policy-Brief-Accountability.pdf>; see also The Day After, 'Mechanisms of Exploitation: Economic and Social Changes in Syria During the Conflict' (13 October 2022) available at <https://tda-sy.org/2022/10/13/mechanisms-of-exploitation-economic-and-social-changes-in-syria-during-the-conflict/>
- 14-See The Syrian Legal Development Programme, 'Business Responsibility Towards the Environment and Human Rights in Syria' (February 2024) available at <https://sldp.ngo/wp-content/uploads/2024/02/Business-Responsibility-Towards-the-Environment-and-Human-Rights-in-Syria-publication-LAYOUT-SAMPL E.pdf>
- 15-UN Office of the High Commissioner for Human Rights (OHCHR), 'Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework', 2011 (hereinafter 'UNGPs') Principle 11.
- 16-Ibid, Principle 12.
- 17-Ibid, Principle 12.
- 18-Ibid, Commentary to Principle 12.
- 19-Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises (hereinafter 'UN Working Group on Business and Human Rights'), 'Business, human rights and conflict-affected regions: towards heightened action' (21 July 2020) [72] UN Doc A/75/212, available at <https://documents.un.org/doc/undoc/gen/n20/190/21/pdf/n2019021.pdf>
- 20-Jean-Marie Henckaerts and Louise Doswald-Beck, ICRC, Customary International Humanitarian Law: Volume 1: Rules, (Cambridge: Cambridge University Press, 2005), Rule 129; Protocol Additional to the Geneva Conventions of 12 August 1949, relating to the Protection of Victims of Non-International Armed Conflicts ('Additional Protocol II'), (8 June 1977), 1125 UNTS 609, Art. 17.
- 21-Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002) 2187 UNTS 3, Art. 8(2)(e)(viii).
- 22-Ibid, Art. 7(1)(d).

- 23-Geneva Convention relative to the Protection of Civilian Persons in Time of War, (12 August 1949), 75 UNTS 287 (GC IV), Art. 49.
- 24-Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A(III) (UDHR), Art. 13.
- 25-International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR), Art. 12(4).
- 26-UN Sub-Commission on the Promotion and Protection of Human Rights, The Pinheiro Principles: The Principles on Housing and Property Restitution for Refugees and Displaced Persons, (28 May 2005), UN Doc E/CN.4/Sub.2/2005/17, available at <<https://www.refworld.org/docid/42c98d7e4.html>>
- 27-UN Guiding Principles on Internal Displacement (11 February 1998), UN Doc E/CN.4/1998/53/Add.2, available at <<https://www.refworld.org/docid/3c3d5f7d4.html>>
- 28-ICRC (n 20) Rule 132; see generally The Syrian Legal Development Programme, 'International Law and Reconstruction in Syria: A Cautionary Note for Businesses' (1 September 2018) available at <<https://sldp.ngo/wp-content/uploads/2021/02/Report-International-Law.pdf>>
- 29-Ibid, ICRC.
- 30-Ibid, ICRC, Rule 52.
- 31-Ibid; see also Geneva Convention IV (n 23) Art. 33.
- 32-Rome Statute (n 21) Art. 8(2)(b)(xvi).
- 33-UDHR (n 24) Art. 17.
- 34-Ibid, Art. 12.
- 35-ICCPR (n 25) Art. 17.
- 36-ICRC (n 20) Rule 133.
- 37-See, e.g., Roba Gaafar, 'The Environmental Impact of Syria's Conflict: A Preliminary Survey of Issues' (Arab Reform Initiative, 2021) available at <<https://www.arab-reform.net/publication/the-environmental-impact-of-syrias-conflict-a-preliminary-survey-of-issues/>>; SLDP (n 14); PAX, 'Amidst the Debris: A Study on the Environmental and Public Health Impact of Conflict in Syria' (2015) available at <<https://paxforpeace.nl/wp-content/uploads/sites/2/import/import/pax-report-amidst-the-debris-syria-web.pdf>>
- 38-See SLDP (n 14).
- 39-UN Human Rights Council, Resolution 48/13: The human right to a clean, healthy and sustainable environment, (8 October 2021), UN Doc A/HRC/RES/48/13; UNGA Res 76/300, The human right to a clean, healthy and sustainable environment, (28 July 2022), UN Doc A/RES/76/300.
- 40-Ibid (UNGA) [2].
- 41-Ibid, preamble.
- 42-UNGPs (n 15) Principle 13; see also SLDP (n 11) p 10-11; see also Debevoise & Plimpton and Enodo Rights, 'Practical Definitions of Cause, Contribute, and Directly Linked to Inform Business Respect for Human Rights', Discussion Draft (9 February 2017) available at <<https://media.business-humanrights.org/media/documents/files/documents/Debevoise-Enodo-Practical-Meaning-of-Involvement-Draft-2017-02-09.pdf>>
- 43-UNGPs (n 15) Commentary to Principle 17.
- 44-ICTY, Prosecutor v. Sainovic et al., Appeals Chamber Judgment (23 January 2014) [1649].
- 45-International Commission of Jurists, 'Corporate Complicity & Legal Accountability' (2008) Volume 2, p 17, available at <<https://www.icj.org/wp-content/uploads/2012/06/Vol.2-Corporate-legal-accountability-thematic-report-2008.pdf>>
- 46-Ibid.
- 47-See generally Danish Institute for Human Rights, The EU Corporate Sustainability Due Diligence Directive (2024) p 20, available at <https://www.humanrights.dk/files/media/document/DIHR_The%20EU%20Corporate%20Sustainability%20Due%20Diligence%20Directive_0.pdf>
- 48-Business & Human Rights Resource Centre, France's Duty of Vigilance Law, available at <<https://www.business-humanrights.org/en/big-issues/corporate-legal-accountability/frances-duty-of-vigilance-law/>>; See generally E. Savoury and S. Brabant, 'The French Law on the Duty of Vigilance: Theoretical and Practical Challenges Since its Adoption' (2021) Business and Human Rights Journal 6(1) 141-152.
- 49-See Norton Rose Fulbright, The German Supply Chain Act: Overview and the Practical Challenges for Companies (March 2024) available at <<https://www.nortonrosefulbright.com/en/knowledge/publications/ff7c1d04/the-german-supply-chain-act>>
- 50-See Flemish Peace Institute, 'Due diligence and corporate liability of the defence industry Arms exports, end use and corporate responsibility' (May 2023), p 24, available at <<https://vlaamsvredesinstituut.eu/wp-content/uploads/2023/05/VVI-Rapport-Due-Diligence-WEB-new.pdf>>
- 51-UN Working Group on Business and Human Rights (n 19) [18].



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