

ARBITRATING BUSINESS AND HUMAN RIGHTS DISPUTES: VIABLE FOR VICTIMS?

17 July 2018 | Global

Legal Briefings - By **Antony Crockett and Marco de Sousa**

International arbitration has many features which, at first sight, make it an attractive alternative to domestic litigation for businesses and victims alike. On closer analysis, however, the features that make arbitration attractive to commercial parties may in fact present some difficulty in the context of business and human rights disputes.

In the latest edition of [Asian Dispute Review, July 2018](#), Antony Crockett and Marco de Sousa discuss the pros and cons of a 2017 proposal by the Working Group on International Arbitration of Business and Human Rights to use arbitration as a means of resolving business-related human rights disputes arising out of relationships between multinational companies and (i) their suppliers, and (ii) individuals, such as employees. Comparisons are drawn with international commercial and investor-State arbitration and models drawn from those systems considered.

"Human rights issues already feature with some prominence in international arbitration and, irrespective of the fate of the Working Group's proposal, those issues are likely to crop up with increasing frequency in arbitral proceedings."

To access the following sections and read the article in full, please download from www.asiandr.com

- **Introduction and background**

- **The Working Group's proposal**
- **Is arbitration a suitable mechanism for resolving business and human rights disputes?**
- **Conclusion**

KEY CONTACTS

If you have any questions, or would like to know how this might affect your business, phone, or email these key contacts.



ANTONY CROCKETT
SENIOR
CONSULTANT, HONG
KONG
+852 21014111
Antony.Crockett@hsf.com



MARCO DE SOUSA
SENIOR ASSOCIATE,
LONDON
+44 20 7466 2191
Marco.deSousa@hsf.com

LEGAL NOTICE

The contents of this publication, current at the date of publication set out above, are for reference purposes only. They do not constitute legal advice and should not be relied upon as such. Specific legal advice about your specific circumstances should always be sought separately before taking any action based on this publication.

© Herbert Smith Freehills 2019

SUBSCRIBE TO STAY UP-TO-DATE WITH LATEST THINKING, BLOGS, EVENTS, AND MORE

Close

© HERBERT SMITH FREEHILLS LLP 2019