

Business & Human Rights



Multinational businesses face growing risks in relation to human rights and ESG issues in their operations and value chains. King & Spalding's Business and Human Rights Practice proactively works with clients to identify and address these issues, mitigating risk and boosting stakeholder confidence. We support businesses to navigate shifting legal landscapes and to comply with evolving regulatory requirements. We act for businesses and their directors and officers when disputes arise, however they are framed in terms of human rights and ESG issues and wherever they are brought.

We have a strong track record advising and representing corporations on all aspects of their business, social and human rights risks and responsibilities. With a broad international footprint comprising 23 offices, we have market-leading expertise in all fields relevant to this specialized practice area, including international human rights law, international arbitration, international trade law, international employment law, environmental law, and government advocacy and public policy.

The geographic reach and diverse backgrounds of our lawyers ensure expertise in advising clients with international, regional and national business and human rights issues. We offer world-class representation in advisory services, investigations, and international dispute resolution in a wide range of relevant fora, along with a full range of services in matters involving human rights, environmental, health & safety, and ESG issues.

Ranked as a leading practice in 65 areas of law

CHAMBERS GLOBAL

Ranked Band 1 for International Arbitration

*CHAMBERS GLOBAL
CHAMBERS USA
CHAMBERS ASIA-PACIFIC
CHAMBERS LATIN AMERICA
LEGAL 500 UNITED STATES
LEGAL 500 LATIN AMERICA*

Ranked Band 1 for Environment, International Trade/WTO, and Energy Litigation

*LEGAL 500 FRANCE
LEGAL 500 SWITZERLAND
LEGAL 500 UNITED STATES*

OUR CAPABILITIES

Advisory

- *Risk Management.* We advise clients on identifying and mitigating legal, business, and reputational risk associated with human rights and ESG issues in their operations and value chains.
- *Policies.* We advise clients on the design and implementation of human rights policies for corporations and for specific topics such as supply chain and modern slavery.
- *Due Diligence.* We advise clients on how to design and conduct human rights due diligence, including identifying priority issues and taking effective action to address them in accordance with international standards.
- *Disclosures.* We advise clients on how to comply with the increasingly complex web of reporting and disclosure requirements in the field of human rights and ESG (for example, under the SEC Human Capital Data Disclosure Rule, Climate Change Disclosure rules, UK and Australian Modern Slavery Acts, and mandatory human rights due diligence laws in Europe).
- *Ratings.* We advise clients on cost-effective ways to improve their ratings by ESG and human rights rating agencies.
- *Shareholder Engagement.* We advise clients on strategies and communications with sovereign and ESG investment funds, and on responses to shareholder resolutions on human rights and ESG issues.

Investigations

When human rights issues arise, we work efficiently to identify applicable laws and standards; gather evidence; assess legal and reputational risk; and advise on how to respond in a way which minimizes legal risk and restores stakeholder confidence.

Disputes

We represent businesses in the full range of human rights and ESG-related disputes, including:

- Matters before national commissions, ombudsmen and other authorities
- Complaints to National Contact Points under the OECD Guidelines
- Civil claims relating to a failure adequately to address human rights issues in a business's operations or value chain
- International arbitrations involving human rights and ESG issues
- Sanctions for non-compliance with mandatory human rights due diligence or other regulation in the field
- Import and export restrictions
- Criminal proceedings, for example in cases alleging corporate or executive complicity in crimes under international law by State agents

REPRESENTATIVE BUSINESS AND HUMAN RIGHTS EXPERIENCE

Advisory

- Advising a global energy company on corporate policies on human rights and ratings by Corporate Human Rights Benchmark.
- Advising a global aerospace and defense company on the role of human rights in U.S. government policies regarding sale of defense articles and services to foreign governments.
- Advising a Middle Eastern energy enterprise on human rights issues relating to a power generation project.
- Advising a global energy company on a study on best practices to respect human rights in the context of international crimes by State actors, as a way to resolve amicably a proposed shareholder resolution.
- Advising a global energy company on the draft United Nations treaty on business and human rights.
- Advising an African government on the proposed United Nations treaty on business and human rights.
- Advising a global energy company on corporate policy options to address issues of environmental justice.
- Advising companies in assessing environmental justice vulnerabilities in transactions and project development planning.
- Advising permit applicants concerning the inclusion of sustainability considerations in project siting, environmental controls, and waste management decisions.
- Advising international companies on the impacts of sustainability programs and regulations on supply chains.
- Advising energy companies in evaluating greenhouse gas implications of future energy use scenarios.
- Advising on climate change and rising sea levels on coastal generating plants for clients developing contingencies for disaster planning.
- Advising an internal corporate team on ESG impacts of the company’s foundation funding activities and developing foundation funding criteria.
- Advising on best practices for ESG reporting for companies seeking financing for operations and acquisitions.
- Advising an international metals company on a relevant proceeding against a State before the Inter-American Court of Human Rights.
- Advising an international energy company on a relevant proceeding on climate change before the European Court of Human Rights.
- Advising a specialty chemical company on cancer risk profile for a proposed change to its manufacturing process and “increased risk” to nearby census tracts.
- Advising the International Criminal Court on issues relating to victims’ reparations.
- Advising an NGO on international human rights law applicable to victims of landmines in Colombia, to assist with truth and reconciliation process.
- Advising the American Bar Association Center for Human Rights on intervention by indigenous communities in investor-State arbitrations.

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Investigations and Disputes

International Courts and Tribunals

- Our globally leading practice in international arbitration includes, for example, representing Chevron in an international arbitration against Ecuador for perpetrating a fraudulent, US\$10 billion judgment in the Ecuadorian courts.
- Representing clients before the European Court of Human Rights on human rights issues arising under the European Convention on Human Rights.
- Representing clients before the Inter-American Court of Human Rights on human rights issues arising under the American Convention on Human Rights.
- Representing Chevron before the International Criminal Court (the prosecutor determined no basis to proceed against the company).
- Representing victims and witnesses before the International Criminal Court.
- Representing clients before the International Court of Justice (the “UN World Court”) on cases relating to human rights, including environmental law issues concerning the “precautionary principle.”

International Human Rights Bodies

- Representing Chevron before United Nations Human Rights Council Special Rapporteurs and thematic mechanisms, in relation to a fraudulent Ecuadorian judgment.
- Representing Chevron before the Inter-American Commission on Human Rights, in relation to a fraudulent Ecuadorian judgment.
- Representing the owners of Nicavisión, S.A., which operates the last independent television station with nationwide coverage in Nicaragua, before the Inter-American Human Rights Commission (precautionary measures granted).
- Representing victims before the Inter-American Commission on Human Rights in cases relating to breaches of the American Convention on Human Rights.
- Representing clients before the United Nations Human Rights Council in proceedings at its headquarters in Geneva, including a matter concerning the displacement of indigenous people in Sarawak, Malaysia caused by the construction of a hydroelectric station.
- Representing an NGO on the interpretation and enforcement of the International Labor Organization Conventions and Palermo Protocols.
- Advocacy before representatives to the United Nations missions on human rights issues such as discriminatory laws against women, persecution of minorities and targeting of journalists/dissidents.
- Representing governments and businesses in Asia and Africa concerning compliance with human rights treaties, representation at UNHRC reviews, and trade benefits tied to core labor standards.

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National Courts and Commissions

- Representing former U.S. diplomats and leading international development practitioners, including a Nobel Prize-winning economist and former Senior Vice President and Chief Economist of the World Bank, on an amicus curiae brief before the U.S. Supreme Court supporting judicial accountability of social and environmental conditions on loans made by the International Finance Corporation.
- Representing the Reporter and Advisers to the Restatement of the U.S. Law of International Commercial and Investor-State Arbitration, as amici curiae before the U.S. Supreme Court in *GE Energy Power Conversion France SAS, Corp. v. Outokumpu Stainless USA, LLC* (non-signatory enforcement of international arbitration agreements).
- Representing the United States Council for International Business on amicus curiae briefs concerning slave labor charges raised under the Alien Tort Statute in California litigation.
- Representing an industry association with regard to Trafficking Victims' Protection Act matters.
- Defending an international metals company in a U.S. District Court cross-border tort case with expert testimony on the company's corporate social responsibility.
- Representing indigenous Brazilian women in a landmark sex trafficking case before the U.S. District Court for the Northern District of Georgia.
- Representing several oil and gas companies before the Philippine Commission on Human Rights. Greenpeace filed a Petition before the Commission seeking an "investigation into the human rights implications of climate change and ocean acidification" and a "finding on the responsibility of the investor-owned Carbon Majors for human rights threats and/or violations."
- Representing clients before national commissions into alleged violations of human rights in different parts of the world.

Assisting Clients

- Conducting compliance reviews for a range of renewable energy projects, including wind, solar, energy storage and battery storage.
- Representing multinational cotton and coffee producers and trade associations under International Labor Organization Conventions.
- Representing a major energy company in analyzing existing and prospective emissions in nearby neighborhoods, focusing on disproportionate impacts on persons of color, lower incomes brackets and other diverse communities.
- Representing project developers in addressing environmental justice concerns in authorization processes.
- Representing numerous companies in evaluating Toxic Release Inventory emissions in counties to evaluate racial disparities.

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- Counsel for a major company in ESG analysis of environmental health and safety, job responsibilities, contractor hiring, waste disposal contractors, promotions for persons of color, and a range of other organizational issues.
- Lead outside counsel for internal corporate team evaluating chemical and hazardous substance alternatives in product packaging for a Japanese manufacturing company.
- Counsel to companies developing projects for innovative “next-generation” technologies and incorporating sustainability and carbon reduction perspectives into permitting processes and strategies.
- Evaluating Equator Principles applicability and compliance for a range of projects, including renewables and innovative energy technologies.
- Assessing ESG disclosures in securities filings and sustainability reporting, including comparison to various benchmarks and recommendations of recognized standards bodies.
- Counsel for companies in various industries concerning the use of plastics in product components and packaging.
- Representing a major international consumer goods manufacturer in the implementation of a “no landfill” policy across 80+ manufacturing plants.

“Top-choice for international disputes”

CHAMBERS GLOBAL

“Longstanding experience with sensitive issues linked to pollution claims and industrial site remediation work”

LEGAL 500 EMEA

“Fully adept at oil and gas cases including environmental contamination cases, climate change disputes”

LEGAL 500 UNITED STATES

“Well equipped to handle high-exposure environmental litigation and arbitration across the country”

LEGAL 500 UNITED STATES

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KEY CONTACTS

Our business and human rights lawyers bring unparalleled collective expertise in international human rights law, international criminal law, international arbitration, international employment law, and business and human rights. They are supported by highly qualified King & Spalding partners, counsel and associates in these and related fields.



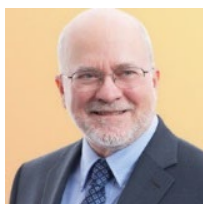
Doak Bishop
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Doak Bishop (Houston) specializes in international arbitration with a focus on Latin America. A former Chair of the Institute of Transnational Arbitration, he represents companies in arbitration and litigation of disputes in the oil and gas, energy, construction, environmental and foreign investment sectors. Many of his cases involve the intersection of foreign investment activity with human rights and environmental issues. Doak is listed by *Chambers USA* in Tier 1 as a top seven U.S. arbitration counsel, and by *Chambers Global* in Tier 1 among the top 11 international arbitration counsel globally.



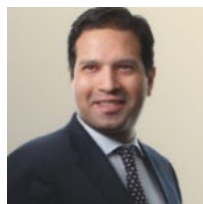
Ben Emmerson
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Ben Emmerson QC CBE (London) has more than 30 years of experience as a leader in the fields of international human rights and international criminal law. He represents sovereign States, as well as individual and corporate clients before national and international courts and tribunals, including more than 20 cases in the U.K. Supreme Court and its predecessor, and more than 30 cases at the European Court of Human Rights. He has acted in leading cases in the field of corporate complicity in crimes under international law and has particular experience advising companies in the technology and AI sectors on the application of international law in their fields. A former judge on international criminal courts, as well as a UN Special Rapporteur on Human Rights and Counter-Terrorism, he was awarded a CBE for his services to international law.



Doug Cassel
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Professor Doug Cassel (New York) is a leading global authority in the field of business and human rights. As a prominent academic prior to joining King & Spalding, he taught law school courses on business and human rights, published scholarly articles internationally, and litigated in the field, representing and assisting clients in disputes involving mining, oil, conflict zones, and supply chains. At King & Spalding he advises clients proactively on human rights and ESG issues and represents them in human rights matters before the UN and regional human rights bodies, domestic courts, and arbitral proceedings. *Chambers* ranks him globally in Business and Human Rights. Quoting an “impressed client,” *Chambers* reports that he is “especially knowledgeable in the transnational legal questions that arise, as reflected in his acknowledged expertise in the UNGP [UN *Guiding Principles on Business and Human Rights*] and its applicability to some headline cases. ... He is an immense asset to the legal profession and to his firm.”



Viren Mascarenhas
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Viren Mascarenhas (New York and London) specializes in international arbitration, public international law and business and human rights. He has acted in leading cases on the intersection between the environment and human rights; represented companies in relation to human rights-related claims and prosecutions; and advised clients on adherence to international human rights standards. He is the co-chair of the Business and Human Rights Working Group at the New York City Bar Association. Viren is ranked globally in International Arbitration by *Chambers* and *Legal 500*.

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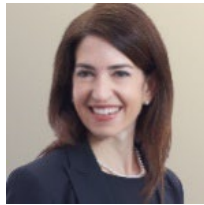
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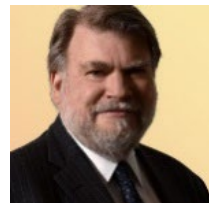
Peter Hood
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Peter Hood (London) is a specialist in the fields of public international law and business and human rights. A former specialist adviser on public international law to the UK Foreign Office, he has represented businesses in some of the leading cases in his field, in the UK and internationally. Peter also advises multinationals on human rights issues in their operations and supply chains, with a particular focus on the extractive, tech, telecoms and financial services sectors. Peter is ranked by *Chambers Global* and *Legal 500* in his field. *Chambers* reports sources saying that he “has very essential expertise in the intersection of international law, criminal law and human rights.”



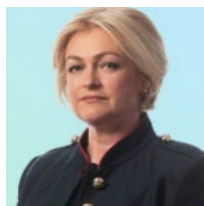
Elizabeth Morgan
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Elizabeth Morgan (New York) represents public and private companies, as well as investment banks and investors, in a broad range of capital markets transactions, as well as on corporate governance and disclosure matters, including sustainability-linked and green bonds. She advises public companies and their boards of directors on corporate governance, securities law and ESG and sustainability matters, including best practices and disclosures. Her representative experience includes advising on SEC reporting requirements, proxy disclosures, stakeholder engagement, director independence, proxy advisory services, board and committee charters and governance guidelines, and disclosure controls and procedures. Liz also advises public companies on shareholder activism, including on shareholder proposals and preparing for and responding to hedge fund and corporate governance activism.



James Castello
International Arbitration
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James Castello (Paris) spent six years in senior legal positions in President Clinton’s Administration before returning to Europe in 2001 to work in the private sector, where he has advised and represented numerous clients (and acted as arbitrator) in a wide range of commercial and investor-state disputes under multiple arbitration rules. A member since 2001 of the U.S. delegation to the Arbitration Working Groups at UNCITRAL (the UN Commission on International Trade Law), he has actively participated in drafting or revising all of UNCITRAL’s arbitration or mediation instruments. James is a former law clerk at the U.S. Supreme Court and the Iran-U.S. Claims Tribunal, as well as a former Associate Deputy Attorney General in the U.S. Department of Justice (covering immigration, hate crimes and human rights). He is a founding partner of King & Spalding’s Paris office and is ranked, *inter alia*, in *Chambers Global*.



Jules Quinn
Labor & Employment
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Jules Quinn (London) focuses on labor issues, particularly in global operations. As a partner in our Labor and Employment practice, she represents major corporations and financial institutions in a variety of labor-related matters. She brings particular experience in international project management to her work with companies headquartered outside of the UK, particularly U.S.-based corporations with global operations. She is ranked in *Chambers UK* for employment law and recommended by *Legal 500 UK*.



Darren Gardner
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Darren Gardner (San Francisco) leads King & Spalding's Global Human Capital and Compliance Practice. He is recognized globally as a pioneer in the area of international employment law. His centralized advisor approach to international employment law has changed the way that many of the world's largest companies manage their global workforce and HR compliance issues. In the course of his career, he has undertaken more than 500 multi-jurisdictional strategic, transactional and compliance related projects, covering more than 170 different countries.



Amanda Sonneborn
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Amanda Sonneborn (Chicago) is a partner in our Global Human Capital and Compliance practice. She advises and represents clients across a number of industries in strategic employment related issues in the United States, including employment, employee benefits, labor relations, and diversity issues. Amanda has handled a wide-variety of bet the company litigation matters, labor organizing campaigns and collective bargaining, high level executive investigations, and projects relating to workforce reorganizations and diversity strategy. She has advised employers on complex issues relating to harassment and discrimination claims, pay equity strategy, and worker misclassification. Amanda has a particular focus on technology companies and the issues that they face with their workforces.



Vanessa Alarcon Duvanel
International Arbitration
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Vanessa Alarcon Duvanel (Geneva) is a member of our International Arbitration and Construction and Engineering groups. Her practice focuses on complex international disputes in the construction, engineering and infrastructure sector and in the pharmaceutical industry. Vanessa advises and represents clients in cases governed by both civil and common law. She has published on Swiss initiatives on business and human rights. Vanessa is a Member of the European Advisory Board of the International Institute for Conflict Prevention and Resolution (CPR). She is also recognized in *Legal 500*, 2019 as an "excellent" attorney and as a Future Leader in *Who's Who Legal: Arbitration 2022*.