CORPORATE CLIMATE ACCOUNTABILITY UNDER PUBLIC INTERNATIONAL LAW

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ABSTRACT

Public International law was designed by and for sovereign states. Corporations, including the small cluster of investor-owned entities responsible for a disproportionate share of historical greenhouse gas emissions, have traditionally occupied the status of objects rather than subjects of that legal order, and therefore bear no direct legal obligations under instruments such as the United Nations Framework Convention on Climate Change or the Paris Agreement. Yet the last 3 years have witnessed an unprecedented consolidation of international climate law, through the advisory opinions of the international tribunal for law of the sea, the Inter-Americal courts for Human rights and the International Court of Justice, alongside domestic litigation that import these international standards into private law duties of care owned by corporations. This paper examines whether and how public international law can be said to hold corporations accountable for their contribution to climate change. It argues that although direct corporate obligations under international law remain doctrinally elusive because corporations lack international legal personality, an increasingly dense web of indirect pathways, comprising state due-diligence obligations, the customary no-harm principle, soft law instruments such as the UN Guiding principles on Business and Human rights and their domestic judicial application is closing the accountability gap in substance of not in form. The paper concludes with key recommendations for consolidating the emerging regime.

Keywords: Corporate accountability, Paris Agreement, ICJ Advisory opinion, Corporate duty of care, Climate change.

1. Introduction

Climate change is frequently described as existential and civilizational threat and public international law, has over the past 3 years begun to speak to that threat with unusual clarity.[1] Yet a disproportionate share of emissions driving this crisis is traceable to a remarkably small number of corporate entities. Research into the so called "Carbon majors" has shown that between 1854 and 2010 fewer than 100 investor owned and state owned fossil fuel and cement producers were linked to majority of global industrial green house gas emissions.[2] The asymmetry between the diffuse, state centered architecture of international climate law and concentrated. Corporate origin of underlying harm is the central puzzle this paper examines.

Public International law as classically conceived governs relations between states. Corporations are not parties to the UNFCCC or the Paris Agreement, and they cannot be sued before the International Court of Justice (ICJ), and they owe no direct obligations under most of the treaties and customary laws that address greenhouse emissions. The question this paper investigates is therefore not simply whether corporations ought to be held accountable for their contribution to climate change; a proposition on which there is no widespread normative consensus, but whether and through what doctrinal mechanisms public international law can be said to reach corporate conduct at all.

This paper argues that direct corporate obligations under the law remain for now largely absent, but an increasingly dense and mutually reinforcing set of indirect pathways is functionally closing the accountability gap. These pathways include: obligations on states to regulate corporations within their jurisdiction and control; the hardening of soft law standards of corporate conduct and, most significantly, the willingness of domestic courts to import international climate and human rights norms into enforceable private law duties owed by corporations to individuals and communities.

This paper proceeds in 6 further parts, Part 2 examines the traditional doctrine of international legal personality and why it has historically excluded corporations from direct international obligations. Part 3 examines the indirect routes through which indirect routes international

[1] See generally Obligations of States in respect of Climate Change (Advisory Opinion) [2025] ICJ Rep (23 July 2025) para 456, describing climate change as an 'urgent and existential threat'

[2] Richard Heede, 'Tracing anthropogenic carbon dioxide and methane emissions to fossil fuel and cement producers, 1854-2010' (2014) 122 Climatic Change 229.

law nonetheless reaches the corporate conduct. Part 4 analyses the 2024-25 trilogy of international advisory opinions and their implications for corporate accountability. Part 5 examines domestic litigation that imports international norms into corporate liability, with particular attention to Milieudefensive v Shell and Lliuya v. RWE. Part 6 considers the hardening of norms into binding regional law. Part 7 offers a critical assessment of whether direct corporate obligations are desirable next step before Part 8 concludes.

2. The Traditional Subjects Doctrine and corporate exclusion

The starting point for any analysis of corporate accountability under international law is the doctrine of international legal personality. Classical international law recognized only states as full "subjects" of the international legal order, possessing the capacity to hold rights and bear obligations under that law, to conclude treaties and to bring and be subject to international claims.[3] The ICJ's advisory opinion in the reparation for injuries case extended a limited form of international personality to international organisations, holding that range of subjects of international law depends upon the need of the international community and is not confined to states alone.[4] Individuals, too, have acquired a degree of international legal personality through international human rights and international criminal law, gaining both directly enforceable rights and, in narrow circumstances, direct criminal responsibility.

Corporations however, have not undergone a comparable evolution. In Barcelona Traction , the ICJ confirmed that a corporation's international protection is mediated entirely through the state of its nationality, exercising a discretionary right of diplomatic protection; the corporation itself has no standing to bring or defend any international claim.[5] The 'nationality of claims' framework treats the corporation as an object regulated by and through the state rather than a participant in the international legal order in its own right. The consequence for climate law is structurally significant; the UNFCCC and the Paris Agreement are by design instruments of horizontal state cooperation; Nationally determined contributions under Article 4 of the Paris Agreement are pledges made by states, not companies ; Article 9(2) permits, but do not require, contributions from private or other non-party sources, and the compliance mechanisms under Article 15 applies exclusively to states party to the

[3] James Crawford, Brownlie's Principles of Public International Law (9th edn, OUP 2019) 115-121.
[4] Reparations for Injuries Suffered in the Service of the United Nations (Advisory Opinion) [1949] ICJ Rep 174, 178-179
[5] Barcelona Traction, Light and Power Co Ltd (Belgium v Spain) (Second Phase) [1970] ICJ Rep 3, paras 33-38

agreement.[6] The practical result is that a corporation such as an integrated oil major can simultaneously be one of the largest single contributors to global greenhouse gas emissions and yet remain wholly outside the direct reach of the treaty regime built to address that harm. Any accountability must therefore be constructed indirectly, either by binding the states that create, license, regulate the corporation or by developing normative standards of cooperate conduct that whilst not binding under the classical sources of international law in the Article 38(1) of the ICJ statute. Nonetheless generate legal and reputational consequences through other channels. It is t these indirect pathways that the paper now turns.

3. Indirect pathways to Corporate Accountability

A. State obligations to regulate Corporate Conduct

The first and most doctrinally orthodox pathway is indirect; international law bind states and states in return are obliged to regulate corporations within their territory or jurisdiction. Human rights treaties such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights impose positive obligations on states to protect individuals from harm caused by third parties, including corporations, a duty increasingly read to include regulation of corporate contributions to climate change.[7] This state duty to regulate model was given its most authoritative articulation in the UN Guiding principles on Business and Human Rights (UNGPs) endorsed by Human Rights Council in 2011, which rest on 3 pillars: the state duty to protect against human rights including business enterprises; the corporate responsibility to respect human rights; and access to remedy for victims of business-related abuse.[8]

The corporate responsibility to respect articulated in Principle 11 is significant precisely because it is framed as a global standard of expected conduct that exists independently of a state's own capacity or willingness to regulate; a corporation cannot excuse a failure to respect human rights including climate linked rights, by pointing to permissive domestic law.[9] The OECD Guidelines for Multinationals on responsible business conduct impose a parallel, if

[6] Paris Agreement (adopted 12 December 2015, entered into force 4 November 2016) 3156 UNTS 79, arts 4, 9(2), 15

[7] UN Human Rights Committee, General Comment No 36 (2018) UN Doc CCPR/C/GC/36 para 62, linking the right to life to environmental degradation and climate change

[8] UN Human Rights Council, 'Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework' (2011) UN Doc HR/PUB/11/04, Principles 1 and 11

[9] UNGPs (n 8) Principle 11 and commentary

similarly non-binding, expectation supplemented by a state-run national contact point grievance mechanism through which affected communities have begun to bring crime related companies against multinational energy companies.[10]

B. The Customary No Harm Principle

The second pathway draws on customary international environmental law. The foundational 'no harm' principle first articulated in the Trail Smelter arbitration holds that no state has the right to use or permit the use of its territory in a manner that causes serious injury to the territory of another state or person therein.[11] The ICJ affirmed the customary status of this obligation of prevention in the Corfu Channel case and more recently articulated the associated standard of due diligence , requiring states to use all means at their disposal to avoid activities within their jurisdiction causing significant transboundary environmental harm, in Pulp Mills on the River Uruguay.[12] Principle 21 of the Stockholm declaration and Principle 2 of the Rio declaration codify the same obligation in the specifically environmental context, requiring states to ensure that activities within their jurisdiction or control do not cause damage to environment of other states.[13] Although the no harm principle is formally addressed to states, its logic naturally extends to the corporate emitters whose conduct states are obliged to prevent, license and regulate. Where a state permits a corporation domiciled or operating within its jurisdiction to engage in conduct that causes significant transboundary climate harm, the state's own responsibility is engaged and the standard against which that permissive regulation Is judged is substantially shaped by the conduct of the corporation itself. In this sense, the no harm principle functions as a conduit through which international law's expectations of restraint and transmitted to corporate polluters, even without imposing formal obligations upon them directly.

4. The Advisory opinion Trilogy and its implications for Corporate Conduct

Between May 2024 and July 2025, three international and quasi judicial bodies delivered advisory opinions clarifying state obligations in respect of climate change. Although none of

[10] OECD, OECD Guidelines for Multinational Enterprises on Responsible Business Conduct (OECD Publishing 2023) ch VI
[11] Trail Smelter Arbitration (United States v Canada) (1941) 3 RIAA 1905, 1965
[12] Corfu Channel (United Kingdom v Albania) (Merits) [1949] ICJ Rep 4, 22; Pulp Mills on the River Uruguay (Argentina v Uruguay) [2010] ICJ Rep 14, paras 101, 197
[13] Stockholm Declaration on the Human Environment (1972) UN Doc A/CONF.48/14/Rev.1, Principle 21; Rio Declaration on Environment and Development (1992) UN Doc A/CONF.151/26 (Vol I), Principle 2.

these opinions bind corporations directly, together they establish an authoritative and increasingly precise normative baseline against which state regulation, and by extension cw3ee3eorporate conduct is now measured.

A. The ITLOS Advisory opinion (2024)

On 21 May 2024, the International Tribunal for the Law of the Sea, responding to a request from the commission of small Island states on climate change and International law, unanimously held that anthropogenic greenhouse gas emissions absorbed by the oceans constitute 'pollution of the marine environment' within the meaning of Article 1(1)(4) of the UN Convention on the law of the sea.[14] On this basis , the tribunal held that states party to UNCLOS are subject to specific obligations under Article 194 to take all necessary measures, using the best available science to prevent reduce and control marine pollution from greenhouse gas emissions, regardless of source of those emissions.[15] The opinion is significant for corporate accountability because it treats greenhouse gas emissions, wherever generated including from land based industrial and energy activity as species of pollution triggering a strict, science based due diligence standard, thereby narrowing discretion states have to tolerate high emission corporate activity within their jurisdiction.

B. The Inter American court of Human rights Advisory Opinion (2025)

On 3 July 2025 , the Inter American courts of Human rights issued advisory opinion OC-32/25 on the climate emergency and human rights, recognizing a freestanding human right to a healthy climate and articulating extensive state obligations of prevention, mitigation and adaptation including duties to regulate corporate actors whose conduct threatens the enjoyment of that right both within and in some circumstances beyond national territory.[16] The opinion is notable for treating corporate regulation not as a matter of policy discretion but as a component of state's binding human rights obligations, reinforcing the due diligence logic already present in the UNGP's.

[14] Request for an Advisory Opinion Submitted by the Commission of Small Island States on Climate Change and International Law (Advisory Opinion) ITLOS Case No 31 (21 May 2024) paras 179, 441

[15] ibid paras 197, 243

[16] Inter-American Court of Human Rights, Advisory Opinion OC-32/25, 'The Climate Emergency and Human Rights' (3 July 2025).

C. The ICJ Advisory Opinion (2025)

The most comprehensive of 3 opinions was delivered by the ICJ on 23 July 2025, in response to a General Assembly request initiated by Vanuatu and a coalition of Pacific island states.[17] The courts held that states are bound by an interlocking framework of treaty obligations under UNFCCC, the Kyoto protocol and the Paris Agreement, customary obligations of preventing and due diligence and international human rights law and that 1.5°C temperature goal in Paris agreement carries legal significance as the benchmark against which the adequacy of state mitigation efforts must be assessed.[18] Crucially the court confirmed that the general law of state responsibility applies where these obligations are breached and it outlined an approach to establishing causation between a state's wrongful conduct, including its failure to regulate fossil fuel production and consumption within its jurisdiction and climate related harm for the purpose of reparation.[19]

D. Reading the Trilogy together: Implications for Corporations

None of the 3 opinions impose a direct obligation on a corporation; each is addressed in form exclusively for states. Their significance for corporate accountability is nonetheless substantial for 3 reasons, First- by fixing a science based 1.5°C- aligned standard of due diligence, the opinion narrow the range of corporate conduct that a state can lawfully permit or fail to regulate without itself incurring international responsibility, thereby increasing pressure on states to tighten domestic regulation of high emitting corporations. Second, the opinions supply an authoritative, judicially endorsed source of international standards that domestic courts can and increasingly do, import directly into private law duties of care owned by corporations, a development examined in Part 5 below. Third, the ICJ's willingness to sketch a causation pathway for state responsibility provides an analytical template that claimants have begun to adapt to prove the more granular question of a specific corporation's proportionate contribution to specific climate harm as seen in litigation discussed next.

[17] UNGA Res 77/276 (29 March 2023) UN Doc A/RES/77/276; Obligations of States in respect of Climate Change (Advisory Opinion) [2025] ICJ Rep (23 July 2025).
[18] ICJ Advisory Opinion (n 16) paras 224-243, 273
[19] ibid paras 427-442

5. Domestic Litigation Importing International Climate Norms into Corporate Liability

The most consequential development in corporate climate accountability has occurred not in international fora but in domestic courts willing to treat international climate and human rights standards as relevant and at times determinative in defining corporations' private law obligations. Two cases illustrate this trend with particular clarity.

A. Milieudefensie v. Shell

In 2021, the District Court of The Hague held that Royal Dutch Shell owed an unwritten standard of care, under Dutch tort law, requiring it to reduce its aggregate Scope 1, 2 and 3 Carbon emissions by net 45% by 2030 relative to 2019 levels.[20] Critically the court derived the content of that domestic duty of care substantially from international sources; the 1.5°C goal of the Paris Agreement , the UNGP's corporate responsibility to respect human rights, the OECD guidelines and Articles 2 and 8 of the European convention on human rights protecting rights to life and to private and family life.[21] This was, in effect, a direct importation of international soft law and human rights standards into an enforceable private law obligation binding a single corporation, notwithstanding that shell was not and could not be a party to the Paris Agreement itself.

On 12 November 2024, the court of appeal of the Hague partially overturned this feeling.[22] The court of appeal confirmed, as a matter of principle, that large corporations such as Shell owe a duty to care rooted in international human rights and climate standards to redcue their green house gas emissions, and confirmed that this duty could in principle extend to scope 3 emissions generated by the corporation's customers, affirming that corporate responsibility is not confined to a company's own direct operations.[23] However, the court declined to impose a specific , quantified reduction percentage, holding that no sufficiently precise and universally accepted scientific consensus existed to justify a court ordered target for an individual company and that translating a global carbon budget into a company specific figure raised questions more appropriately resolved through regulation and

[20] Milieudefensie v Royal Dutch Shell plc, Rechtbank Den Haag, 26 May 2021, ECLI:NL:RBDHA:2021:5339
[21] ibid; see also European Convention on Human Rights (adopted 4 November 1950, entered into force 3 September 1953) 213 UNTS 221, arts 2, 8
[22] Milieudefensie v Shell plc, Gerechtshof Den Haag, 12 November 2024
[23] ibid; discussed in Freshfields, 'Milieudefensie v Shell: Appeal Verdict Key Takeaways' (2024).

international cooperation than adjudication.[24] The appellate outcome is best understood not as a rejection of corporate clime accountability but as recalibration of judicial institution competence: the duty of care survives and is grounded in international norms , but courts remain reluctant to perform the essentially regulatory task of quantifying it.

B. Lliuya v. RWE

A structurally different but equally significant model of corporate accountability emerged from Lluyua v. RWE. Saul Luciano Lluyua, a Peruvian farmer from Huaraz sued the German energy company RWE, seeking proportionate contribution corresponding to RWE's estimated 0.47% share of cumulative global industrial greenhouse gas emissions, towards the cost of flood -defence measures against a glacial threat threatening his home.[25] Although the claim was dismissed at first instance in 2016 , the Higher Regional Court of Hamm on appeal in 2017 took the significant step of admitting the case to a fully evidentiary phase , thereby recognizing for the first time in German law that a single private cooperation could in principle be held proportionally liable in tort for a share of extra territorial climate harm attributable to its historical emissions without needing to establish that the corporation caused the entirety or even a scientifically isolable portion of the harm alone.[26]

In 28 May 2025, The Higher regional court of Hamnn delivered its final, non appealable ruling. The claim itself was dismissed on the facts; after a site visit to Peru and expert evidence, the court found a probability of a relevant flood event occurring within 30 years to be too low, at roughly 1%, to satisfy German law's threshold for a preventive injunction.[27] Nonetheless the judgement is rightly regarded as landmark, because the court confirmed in principle that a major greenhouse gas emitter can be held civilly liable under german law for climate related harm occurring outside Germany and that liability could in any appropriate case be apportioned according to emitter's proportionate historical contribution to global emissions, a odel directly analogous to the causation methodology the ICJ itself sketched for state responsibility only

[24] Gerechtshof Den Haag (n 19); see also Loyens & Loeff, 'Court of Appeal of The Hague Rules in Appeal in Dutch Climate Case against Shell' (12 November 2024).
[25] Lliuya v RWE AG, Oberlandesgericht Hamm, judgment of 28 May 2025; see also Saúl Luciano Lliuya's original claim filed under the Bürgerliches Gesetzbuch (BGB) s 1004, in conjunction with ss 677 and 812
[26] See discussion in RPC, 'Lliuya v RWE AG - Expanding Climate Impact Litigation' (2025).
[27] Herbert Smith Freehills Kramer, 'Lliuya v RWE - Landmark German Ruling Recognising Potential Liability in Principle of a Local Emitter for Climate Change Harms in a Foreign Jurisdiction' (2025).

weeks later.[28]

C. Complementary Developments

These 2 cases fit within the wider constellation of complementary developments. The Philippines Commission on Human Rights, in its National Inquiry on Climate Change, found that major carbon companies could, in principle, be held responsible under human rights standards, including the UNGPs, for climate-related human rights harms, though its findings were framed as advisory rather than legally binding.[29] Separately, in Verein Klima Seniorrenin. Schewiz v Switzerland, the Grand Chamber of the European Court of Human Rights held that Switzerland's failure to put in place an adequate domestic regulatory framework to reduce greenhouse gas emissions violated the applicants' rights under Article 8 of the Convention.[30] Although directed at a state rather than corporation, the ruling reinforces the same underlying logic seen in Shell and Lliuya; that internationally derived human rights grounded climate standards are increasingly justiciable and that the regulatory or private law duties they generate for states are structurally inseparable from conduct of the corporate emitters those state permit to operate within their jurisdiction.

6. Hardening norms: Towards binding regional regulation

The soft law and litigation-driven developments described above are increasingly being consolidated into binding regional legislation, most significantly the EU corporate sustainability due diligence directive adopted in June 2024.[31] The directive requires large companies operating in EU market to adopt and implement a climate transition plan aligned with 1.5° C limit in Paris agreement to conduct human rights and environmental due diligence across their value chain and exposes non-compliant companies to civil liability for resulting harm.[32] While the directive is a source of EU rather than public international law strictly defined, its content directly operationalizes the soft law standards discussed in part 3 transforming the UNGP's corporate "responsibility to respect" into a binding legal duty enforceable through domestic civil liability and it explicitly incorporates the Paris

[28] ICJ Advisory Opinion (n 16) paras 427-442; see also Columbia Climate Law Blog, 'What Lliuya v RWE Means for Climate Change Loss and Damage Claims' (June 2025).
[29] Commission on Human Rights of the Philippines, National Inquiry on Climate Change: Report (2022).
[30] Verein KlimaSeniorinnen Schweiz v Switzerland App no 53600/20 (ECtHR, 9 April 2024) paras 519-573
[31] Directive (EU) 2024/1760 of the European Parliament and of the Council of 13 June 2024 on Corporate Sustainability Due Diligence [2024] OJ L 2024/1760
[32] ibid arts 22, 29

agreement's temperature goal as a regulatory benchmark. It is, in this sense, the clearest evidence yet that the international soft law consensus on corporate climate conduct is capable of crystallising into hard enforceable law, albeit so far only at regional rather than universal level.

7. Critical analysis: Should International Law Impose Direct Corporate Obligations?

The preceding analysis raises an evaluative question that this paper now addresses directly: given the doctrinal difficulties associated with corporate international legal personality, should the international community pursue a treaty imposing direct climate obligations on corporations, or is the indirect state-mediated model the more realistic and effective path forward?

Several considerations support moving towards more direct forms of corporate obligation. First the concentration of emissions in small number of corporate actors, documented in carbon majors research discussed in part 1 means that a treaty regime targeting these entities directly could, in principle, achieve significant mitigation outcomes, more efficiently than a purely state mediated system that depends on political will of over 100 and 90 separate governments some of which are themselves reliant on fossil fuel revenue. Second, corporate accountability under international human rights law, through the UNGP's and the stalled negotiations towards a binding UN treaty on business and human rights is already normatively accepted in the adjacent field; extending that logic explicitly to climate harm would not require an entirely new doctrinal foundation. Third, indirect accountability through state regulation is only as strong as the regulating state's capacity and willingness to act, and there is an evident risk of regulatory competition in which corporations relocate operations to jurisdictions with weaker climate governance, a race to the bottom dynamic that direct universally applicable corporate obligations could help to foreclose.

Countervailing considerations, however, caution against overstating the near term feasibility or even the desirability of direct corporate obligations. Treaty making under international law requires state consent; corporations have no capacity to become parties to a multilateral climate treaty, and no existing institutional mechanism, comparable to ICJ's contentious jurisdiction over states, exists to adjudicate a corporation's breach of an international obligation. Attributable and causation also present acute technical difficulties; fossil fuels are fungible commodities, extracted, refined, traded and combusted across dispersed and often unrelated corporate actors, making it far more complex to isolate a single company's legally cognizable contribution to specific climate harm than to establish as in Lliuya, a proportionate historical emissions share for cost apportionment purposes. There is, further, a genuine risk that formalizing direct corporate obligations under international law could inadvertently dilute state responsibility, allowing governments to point to corporate obligations as substitute for, rather than a complement to their own binding duties of prevention and due diligence under the very customary and treaty law examined in Part 3.

On balance, this paper considers that the more realistic and at present more effective trajectory is the consolidation and hardening of the indirect model rather than a wholesale re-founding of corporate international legal personality. The Lliuya proportional liability methodology, the Shell duty of care model grounded in international human rights and soft law standards and the CSDDD's transformation to UNGP's into binding regional law together sketch a coherent, incrementally developing regime that achieves much of the practical substance of direct corporate accountability without requiring the doctrinally fraught step of admitting corporations as subjects of public international law.

8. Recommendations, Way forward and Conclusion

Public international law does not, at present impose direct climate obligations on corporations and the classical subjects doctrine explains why: corporations remain objects rather than subjects of that legal order, mediated entirely through states of their nationality and operation. Yet this paper has shown that the practical accountability gap this doctrinal limitation might be expected to produce is being closed through an increasingly dense and mutually reinforcing set of indirect pathways. State due diligence obligations under human rights and customary environmental law, the corporate responsibility to respect articulated in UNGP's and OECD guidelines and most powerfully, the 2024-25 trilogy of international advisory opinions have together supplied an authoritative normative baseline that domestic courts, in cases such as Milieudefensie v Shell and Lliuya v RWE are now actively importing into enforceable private law duties binding individual corporations.

Three recommendations follow: First, States , particularly those hosting headquarters of major carbon-emitting corporations, should treat ICJ, ITLOS and Inter-American Court advisory opinions as a floor for extraterritorial regulation of home-based multinational enterprises, rather than as opinions relevant only to their own direct territorial conduct. Second, courts in other jurisdictions confronted with corporate climate litigation should draw on proportional liability methodology pioneered in LLiuya v. RWE, which offers a workable middle path between the causation-based limitations of one-to-one tort claims and political question objections that limit the remedy available in Shell. Third, the momentum evidenced by the EU corporate sustainability due diligence directive should be used to revive stalled negotiations towards binding international instrument on business and human rights with explicit climate specific provisions so that the current patchwork of regional and domestic accountability mechanisms can eventually converge into more coherent and universal framework. Until that convergence occurs, corporate climate accountability under public international law will continue to be achieved less through the direct application of binding treaty text to corporate defendants and more through the steady cumulative migration of international standards into domestic courtrooms where corporations can actually be used.