

Company Law and Sustainability

Legal Barriers and Opportunities

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Beate Sjøfjell, Benjamin J. Richardson



Company Law And Sustainability Legal Barriers And Opportunities:

Company Law and Sustainability Beate Sjøfjell, Benjamin J. Richardson, 2015-05-21 This investigation of the barriers to and opportunities for promoting environmental sustainability in company law provides an in depth comparative analysis of company law regimes across the world The social norm of shareholder primacy is the greatest barrier preventing progress and it also helps explain why voluntary action by companies and investors is insufficient By deconstructing the myth that shareholder primacy has a legal basis and challenging the economic postulates on which mainstream corporate governance debate is based Company Law and Sustainability reveals a surprisingly large unexplored potential within current company law regimes for companies to reorient themselves towards sustainability It also suggests possible methods of reforming the existing legal infrastructure for companies and provides an important contribution to the broader debate on how to achieve sustainability *Company Law and Sustainability* Beate Sjøfjell, Benjamin J. Richardson, 2015 **The Palgrave Handbook**

of ESG and Corporate Governance Paulo Câmara, Filipe Morais, 2022-06-28 Since the 2008 Global Financial Crisis the prevailing economic development model based on an assumption of unlimited resources and therefore unlimited growth has been increasingly put into question by academics policy making agencies and even industry leaders themselves Climate change general environmental and natural resource degradation widespread inequalities and systemic governance failures are pressing capitalism to renew itself to deliver sustainable outcomes for a broader base of stakeholders This has become known in more practical terms as the ESG Environmental Social and Governance and responsible investment movements The pressure to change how we organise ourselves as societies and economies has implications for how large and small corporations public or private are governed and to the benefit of whom This Handbook offers a rare combination of pluralistic and multidisciplinary perspectives from law economics finance and management as well as an interesting mix of latest academic thinking and practical recommendations on ESG for boards and executive teams Should companies be governed and managed for the benefit of their shareholders alone Can companies be governed to deliver for shareholders as well as the broader stakeholder base How can investors allocate capital to advance sustainability Part I provides a pluralistic discussion of some of these fundamental questions besetting academics and practitioners alike while Part II examines recent regulatory developments and assesses what may need to change in terms of law and regulation to both hold companies to account for sustainability while enabling them to continue to provide vital goods and services Part III of the book discusses how the different types of companies and investors are currently facing the sustainability imperative and incorporating ESG factors on how they operate and invest The concluding chapter provides an overview of the key regulatory ecosystem and board level gaps that require urgent and decisive action **Research Handbook on Environmental, Social and Corporate Governance** Thilo Kuntz, 2024-05-02 The Research Handbook on Environmental Social and Corporate Governance presents a comprehensive view of a rapidly evolving area of study Adopting a comparative approach it goes

beyond issues of sustainability and human rights covering the whole spectrum of ESG and its regulatory developments

Sustainability and Corporate Mechanisms in Asia Ernest Lim, 2020-04-02 This book critically examines how corporate law and governance can be and should be used to promote sustainability in Asia **Corporate Environmental Accountability**

in International Law Elisa Morgera, 2020 This book explores the evolving role of international law in directing and controlling the conduct of business enterprises in particular multinational corporations with respect to the protection of the environment the sustainable use of natural resources and the respect of inter related human rights It assesses the progress and continuing limitations in the identification of international standards of corporate environmental accountability and responsibility and their implementation by international organizations This assessment shows the extent to which the international community has conceptually and operationally clarified its expectations about acceptable corporate conduct This second edition of Elisa Morgera s book reflects the intensified convergence of international standard setting efforts on corporate environmental accountability with parallel international developments on business and human rights and the environment It also explores the recent emergence of substantive international standards of corporate environmental responsibility which have arisen from a growing number of sectoral guidelines Equally it points to the remaining divergences in the content of international standards of corporate environmental accountability and responsibility which reflect differing views among States of their international obligations to ensure the protection of the environment and the respect of human rights Provided by publisher **Instruments of EU Corporate Governance** Hanne S. Birkmose, Mette Neville, Karsten

Engsig Sørensen, 2022-12-09 European Company Law Series Volume 19 Compelling new perspectives on corporate governance including attention to increased shareholder engagement long term value creation and sustainability have given rise to major changes in the management of companies Yet until this book there has been no systematic account of the legislative and soft law instruments designed to promote good corporate governance practices across the range of sizes and types of companies The book analyses the various instruments that legislators and others have used to promote good corporate governance in European companies and assesses their value in practice Nineteen well known scholars of business and corporate law delve into how such issues and topics as the following are approached across the spectrum of corporate governance instruments available in Europe corporate codes of conduct procedural rules regulating how directors make decisions rules on board composition and remuneration regulating boards in small and medium sized enterprises public enforcement of directors duties how digitalisation may affect implementation of corporate governance instruments reporting rules rules on the empowerment of minority shareholders the role of the general meeting regulation of the market for corporate control certifications rules on liability of directors and role of auditors and accountants In its in depth analysis of the benefits and potential disadvantages of each instrument and what may be achieved both at company level and generally this book will prove of value to all concerned with promoting responsible corporate governance whether in business

government or academia **Reframing the Game: The Transition to a New Sustainable Economy** Mike Townsend, Katrin Muff, 2023-05-09 Capitalism is fast approaching the tipping point into a new sustainable economy that will allow people and the planet to prosper Pieces of a jigsaw are coming together and bringing into focus a picture of a new vibrant attractive and sustainable economic operating system This quiet revolution is underway if we could only allow it to flourish This Special Issue of Building Sustainable Legacies brings together key voices in business and academia that show us how to accelerate towards this tipping point by exploring the role that business in society responsible education leadership techniques and legal reform will have in shaping the new sustainable economy Including contributions from Paul Polman Katrin Muff Beate Sjaafjell and Gabriele Zedlmayer this outstanding collection proposes leading insights and innovative solutions to the challenge of creating new economies that work for people and the planet **Creating Corporate Sustainability** Beate Sjaafjell, Irene Lynch Fannon, 2018-05-24 A compelling collection of essays by female scholars examining the relationships between sustainability corporations and the role of gender **Corporate Social and Environmental Responsibility** Mengxing Lu, 2018-11-26 Corporate social and environmental responsibility CSR CER can be understood as practices which voluntarily extend beyond mere compliance with mandatory social and environmental standards Corporate social and environmental responsibility Another road to China's sustainable development by Mengxing Lu contributes to the current debate of CSR CER by providing a legal and economic analysis of CSR CER and its relationship with regulation Although the development of CSR CER is at an early juncture in China it is nevertheless a prominent topic for Chinese policy makers and business leaders alike By depicting the landscape of CSR CER in China Corporate social and environmental responsibility Another road to China's sustainable development successfully demonstrates the vast potential for CSR CER's contribution to China's sustainable development Corporate Governance Codes for the 21st Century Jean J. du Plessis, Chee Keong Low, 2017-04-19 The book is the first comprehensive consideration since the UK Cadbury Report recommended a voluntary Corporate Governance Code of the question whether Corporate Governance Codes are the most effective way of ensuring adherence to good corporate governance principles There is no doubt that the idea of voluntary compliance with good corporate governance practices based on the principle of comply or explain has captured the imagination of the world It is probably one of the best and most comprehensive examples of self regulation ever seen in any area where the society could be affected significantly for current purposes by corporations However is this the most effective way of ensuring that corporations act responsibly and adhere to good corporate governance principles Have these Codes really improved corporate governance practices significantly Is it time for a rethink and at least in certain areas start to rely more on hard law and clearer expectations to ensure compliance All these issues are addressed in the book Critical Company Law Lorraine Talbot, 2015-08-11 The second edition of Critical Company Law provides a framework in which to understand how the company functions in society and a thorough grounding in modern legal doctrine It shows how modern

company law is shaped by a multi layered history of politics ideology economics and power Through the lens of political economic theory the book shows how the company becomes the mechanism through which the state makes political choices about distributing societies wealth and through which it responds to economic crises The current law reflects an economy marked by a disjuncture between the low profits of the productive economy and the high profits of the finance economy Critical Company Law examines areas of company law to show how they reflect a fragile economy inexorably drawn to social and economic inequality and short termism These include The Doctrine of Separate Corporate Personality Groups of Companies and Tort Liabilities Company Formation and the Constitution Directors Duties and Authority Corporate Capacity Shares and Shareholders Raising and Maintaining Capital Minority Protection In this uniquely hybrid book the legal topics are treated with detail and clarity providing an engaging introduction to the key topics required for a student of company law

A Research Agenda for Corporate Law Christopher M. Bruner, Marc Moore, 2023-11-03 Outlining significant dynamics that may pave the way for future evolution in the field of corporate law this timely Research Agenda explores provocative and cutting edge developments to identify new directions for scholarly inquiry Bringing together a diverse group of scholars the book evaluates doctrinal and normative issues in corporate law from a range of contextual and interdisciplinary viewpoints

Insurance, Climate Change and the Law Franziska Arnold-Dwyer, 2024-04-03 The insurance industry has found itself at the front line of climate change challenges providing insurance cover in relation to risks associated with climate change As risk carriers insurers pay claims for climate change related losses such as property damage caused by windstorms flooding and wildfires which have been increasing in frequency and severity As major institutional investors insurance companies invest in assets that may be increasingly vulnerable to climate risks Insurance regulators across the globe have therefore started to require insurance companies to identify manage and report on climate change risks that could pose a threat to their financial stability However managing and reporting on the effect of climate risk on an insurer s balance sheet is an inward looking perspective that does not stem climate change It needs to be paired with an outward looking perspective that takes account of the insurance industry s impact on the environment and the insurance industry s capacity to influence what policyholders investee enterprises and other business partners do to address climate change challenges For the insurance industry the key components of positive outward impact are impact underwriting and impact investment This book sets out the current legal and regulatory landscape for impact underwriting and impact investment Whilst the focus of research and regulatory interventions to date has been on inward impact in this book it will be argued that to take positive climate action that supports the Paris Agreement goals and the national and international Net Zero targets the debate should now move on to considering the positive outward impact the insurance industry can make and how we can create a legal environment to facilitate this The book puts forward the case for a new vision of the role of the insurance industry as climate action enablers and makes proposals for insurance products and risk transfer and loss resilience structures that can support policyholders in

their transition to a Net Zero economy The audience for this book will include legal practitioners insurance industry professionals financial and insurance regulators policymakers and interested academics Research Handbook on Environment and Investment Law Kate Miles,2019 The Research Handbook on Environment and Investment Law examines one of the most dynamic areas of international law the interaction between international investment law and environmental law and policy The Research Handbook takes a thematic approach analysing key issues in the environment investment nexus such as freshwater resources climate biodiversity biotechnology and sustainable development It also includes sections which explore regional experiences and address practice and procedure and offers innovative approaches and critical perspectives including the interface between foreign investment and the environment with human rights gender indigenous peoples and economics

Corporate Governance and Corporate Social Responsibility: How to Tackle Environmental Imperatives in Company Law? Christophe George,2023-10-04 The book first discusses the concepts of corporate governance and corporate social responsibility CSR and provides a new framework to deal with these issues in the context of sustainability It then explores the requirements of an end state of global sustainability and subsequently moves to a detailed analysis of the current governance regime delving into the CSR related liabilities and incentives at stake for both corporations and their directors It concludes with a framework suggesting that there are four normative avenues for addressing environmental and social imperatives in company law which helps reflect on how to tackle the potentiality for a sustainability gap in corporate governance and CSR The author always discusses practical realities and incentives at both the policy and corporate levels in addition to theoretical aspects The thesis on which this book is based received the distinction Summa Cum Laude and the 2023 Law Faculty Prize from the University of Lausanne Dr Christophe George is a Research Associate at the Centre for Business Research in the University of Cambridge He holds a PhD in Company Law and Management from the University of Lausanne a Master of Law LLM from the University of Cambridge a Master in Management from Harvard University and a Master in Law and Economics from HEC Lausanne

Shareholder Primacy and Global Business Lela Mélon,2019-03-13 In the context of growing public interest in sustainability Corporate Social Responsibility CSR has not brought about the expected improvement in terms of sustainable business Self regulation has been unable to provide appropriate answers for unsustainable business frameworks despite empirical proof that sustainable behaviour is entirely in corporate enlightened self interest The lack of success of the soft law approach suggests that hard law regulation may be needed after all This book discusses these options alongside the issue of shareholder primacy and its externalities in corporate social and natural environment To escape the prisoner s dilemma European corporations and their global counterparts have found themselves in help is needed in the form of EU hard law to advocate sustainability through mandatory rules This book argues that the necessity of these laws is based on the first mover s advantage of such corporate law approach towards sustainable development In the current EU law environment where codification of corporate law is

sought for forming and defining a general EU policy could not only help corporations embrace this self enlightened behaviour but could also build the necessary EU corporate citizenship atmosphere Considering the developments in the field of CSR as attempts to mitigate negative externalities resulting from inappropriate shareholder primacy use the book is centred around a discussion of the shareholder primacy paradigm its legal position and its unsuitability for modern global business Going beyond solely legal analysis juxtaposing legal principles and argumentation with economic theoretic approaches and more importantly real life examples this book is accessible to both professionals and academics working within the fields of business economics corporate governance and corporate law

Research Handbook on Sustainability and Competition Law Julian Nowag, 2024-07-05 This is an open access title available under the terms of a CC BY NC ND 4.0 License It is free to read download and share on Elgaronline.com This Research Handbook explores the complex interplay between competition law and sustainability and also provides key insights into the role and limitations that tax environmental laws consumer laws and social laws have in promoting sustainability A distinguished array of international experts examine core principles of environmental and social sustainability delve into the economic dynamics that shape this multidimensional relationship and critically analyse how competition law and policy can both positively and negatively shape sustainability outcomes

Time and Environmental Law Benjamin J. Richardson, 2017-08-03 Disciplined by industrial clock time modern life distances people from nature's biorhythms such as its ecological evolutionary and climatic processes The law is complicit in numerous ways It compresses time through fast track legislation and accelerated resource exploitation It suffers from temporal inertia such as grandfathering existing activities that limits the law's responsiveness to changing circumstances Insouciance about past ecological damage and neglect of its restoration are equally serious temporal flaws we cannot live sustainably while Earth remains degraded and unrepaired Applying international and interdisciplinary perspectives on these issues Time and Environmental Law explores how to align law with the ecological timescape and enable humankind to tell nature's time Lending insight into environmental behaviour and impacts this book pioneers a new understanding of environmental law for all societies and makes recommendations for its reform Minding nature not the clock requires regenerating Earth adapting to its changes and living more slowly

Sustainable Value Creation in the European Union Beate Sjøfjell, Georgina Tsagas, Charlotte Villiers, 2022-12-15 This volume explores the concept of sustainable value creation presenting readers with a wide ranging analysis integrating different and interacting disciplines

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