

CORPORATE SOCIAL RESPONSIBILITY IN COMPANY LAW: RECONCEPTUALIZING HUMAN SECURITY THROUGH THE LENS OF EDUCATION

Dr. Thandiwe M. Dlamini

Research Fellow in Education and Human Security Institute for Global Policy and Education, University of Pretoria, South Africa

Dr. Lukas A. Brenner

Assistant Professor of Comparative Corporate Law Faculty of Law, University of Vienna, Austria

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ABSTRACT

This article examines the evolving intersection of Corporate Social Responsibility (CSR) and company law, arguing for a reframing of human security through the pivotal role of education. Traditionally, corporate law has emphasized shareholder primacy, yet growing societal expectations and regulatory shifts are pushing companies towards broader social and environmental responsibilities. We propose that company law can act as an orchestrator, moving beyond voluntary CSR to actively incentivize and, where appropriate, mandate corporate contributions to human security, specifically through educational initiatives. Drawing on an interdisciplinary literature review, including the capabilities approach and human security frameworks, the article identifies key legal mechanisms—such as clarifying directors' duties, enhancing mandatory social disclosures, incentivizing educational partnerships, and integrating human rights due diligence—that can facilitate this systemic integration. By fostering shared value through education, corporations can become powerful agents for creating sustainable human capabilities and fostering resilience against global threats, thereby advancing a more just and sustainable global economy. The discussion acknowledges implementation challenges while highlighting the transformative potential of an education-centric CSR agenda embedded within corporate legal frameworks.

Keywords: Corporate Social Responsibility, Company Law, Human Security, Education, Capabilities Approach, Sustainable Development, Corporate Governance, Legal Frameworks, Social Disclosures.

INTRODUCTION

The discourse surrounding the role of corporations in contemporary society has undergone a profound transformation, moving beyond the classical economic view that narrowly defines their purpose as solely maximizing shareholder wealth [5, 37]. Today, there is an increasingly widespread recognition that businesses possess significant power and influence, and with that comes an expanded set of responsibilities towards society and the environment [164]. This evolution has given rise to the multifaceted concept of Corporate Social Responsibility (CSR), which encapsulates a company's proactive commitment to managing the intricate social, environmental, and economic impacts of its operations in a manner that aligns with, or even surpasses, public expectations [24, 57]. The imperative to integrate CSR principles into the very fabric of company law, transcending purely voluntary compliance, has emerged as a paramount discussion point, especially within the context of an interconnected global economy characterized by escalating regulatory scrutiny and

societal demands for ethical conduct [11, 60, 110]. Corporations are no longer viewed merely as economic entities but are increasingly acknowledged as powerful political actors whose strategic decisions and operational footprints can exert profound and far-reaching societal impacts, thereby challenging and reconfiguring traditional notions of their role and accountability [3, 31, 83, 131].

In parallel with this corporate evolution, the concept of human security has garnered significant international prominence. This paradigm represents a fundamental shift in security thinking, moving away from a traditional state-centric focus on territorial integrity and military defense towards a human-centered approach that prioritizes the security of individuals [103, 157]. At its core, human security encompasses two fundamental pillars: "freedom from want" and "freedom from fear" [20, 103, 145, 157]. The seminal Human Development Report of 1994, published by the United Nations Development Programme (UNDP), played a pioneering role in articulating this human-centered vision, underscoring the critical importance of protecting and empowering people in the face of diverse vulnerabilities [157]. In the current

geological epoch, the Anthropocene, characterized by significant human impact on Earth's geology and ecosystems, humanity faces unprecedented and complex threats, ranging from climate change and pandemics to economic instability and social inequalities [13, 43, 152, 153]. These emergent threats necessitate a heightened sense of solidarity and a fundamental re-evaluation of how human security is conceived and operationalized, making it an indispensable framework for collective action [7, 13, 43, 152, 153].

Building upon these converging trajectories, this paper puts forth a compelling argument: that CSR, when appropriately conceptualized and firmly embedded within the frameworks of company law, can serve as an exceptionally vital and effective mechanism for substantially enhancing human security outcomes. Crucially, we contend that education emerges as a pivotal enabling factor within this synergistic relationship. The objective of this paper is to thoroughly explore how company law can be strategically utilized to facilitate a robust and transformative CSR agenda that directly contributes to tangible human security improvements. Our specific focus will be on the instrumental role of educational initiatives, thereby reconceptualizing human security not as an abstract ideal, but as a collaborative and achievable endeavor that requires the concerted efforts of both corporate entities and broader society. This includes advocating for explicit references to education in company law, coupled with human-security-informed criteria for constitutive, performance, and evaluation aspects of CSR [P. 1]. This article also seeks to address notable gaps in the constitutive, performance, and evaluation criteria for CSR, particularly concerning education. It highlights the complementarity between education, human security, sustainable human development, and CSR as an ideal normative paradigm. It moves beyond abstract approaches and corporate philanthropy, which have often proven unhelpful, to identify key dynamics that can robustly underpin successful CSR [P. 1].

METHODOLOGY

This article employs a rigorous conceptual and theoretical approach, underpinned by an extensive and interdisciplinary review of academic literature. Our analysis spans diverse fields, including corporate social responsibility, company law, human security, education, and complementary theoretical frameworks such as the capabilities approach and social investment theory. The methodological approach is structured around five interconnected analytical pillars, designed to build a comprehensive and coherent argument:

1. **Conceptual Elaboration: Deconstructing Interconnected Concepts.** This initial step involves a detailed deconstruction and subsequent integration of the core concepts central to our inquiry: Corporate Social Responsibility (CSR), human security, and the right to education. The process entails a thorough examination of

various definitions, theoretical origins, and historical evolutions of each concept to establish a robust and internally consistent analytical framework. For instance, CSR is critically analyzed beyond its often-limited interpretation as mere corporate philanthropy; instead, it is viewed as a more profound ethical approach to business that inherently necessitates the internalization of social costs [62, 136, 162]. This perspective aligns with the idea that businesses should actively account for their negative externalities and contribute positively to societal well-being. Similarly, human security is understood comprehensively, encompassing both the absence of fundamental deprivations ("freedom from want") and protection from violence and abuses ("freedom from fear") [7, 20, 103]. The paper emphasizes the "syncretic correlation" between human security, education, and sustainable human development as fundamental elements that should underpin CSR [P. 1]. This conceptualization aims to move away from imprecise ideological underpinnings of governmental interventions often seen in CSR operationalization, which can lead to 'legal endogeneity' and 'de facto self-regulation' [P. 2].

2. **Legal and Governance Analysis: Mechanisms for Orchestration.** This pillar focuses on an in-depth investigation of existing legal and governance mechanisms within company law that possess the potential to either mandate or significantly encourage corporate engagement in social responsibility. This includes a critical examination of pivotal concepts that shape corporate behavior. We analyze "enlightened shareholder value," which suggests that long-term shareholder value is best achieved by considering broader stakeholder interests [2, 69]. Furthermore, the "business judgment rule" is scrutinized for its implications; while typically offering directors a degree of protection for good-faith decisions [5, 70, 71, 88], we explore how its interpretation could be expanded to accommodate decisions that explicitly prioritize social and environmental outcomes, provided they are rationally linked to the company's sustainable long-term success [70]. The analysis extends to the broader regulatory landscape of CSR, encompassing international frameworks such as the UN Guiding Principles on Business and Human Rights [123, 159] and ISO26000 [57]. We also consider the "juridification of social disclosures," signifying an increased legal expectation for transparency in corporate social impacts [11, 60, 109, 110]. This section explores how company law can "orchestrate" the promotion of education as part of CSR, addressing questions like "What is education? Is it crucial to refer specifically to education? What should underpin references to education in CSR?" [P. 2].

3. **Human Security Framework Integration: Corporate Contribution to Human Flourishing.** Here, we articulate precisely how corporate activities, when systematically guided by robust CSR policies and well-crafted legal frameworks, can directly and substantively contribute to the various dimensions of human security. This involves establishing clear linkages between specific

corporate impacts and broader aspects of human well-being, including economic security, health security, environmental security, and with particular emphasis, the fundamental right to education. The notion of "humane security," which underscores the importance of solidarity in both policy and practice, is particularly relevant in this context [72], highlighting that security is not just about protection but also about collective well-being and mutual support. This methodology underscores how CSR stimulates sustainable development and addresses human dignity, leveraging education and action competence [P. 2]. It considers how human security can inform the definition, disclosure, and ethical thrust of CSR, alongside the individualization of education's instrumental and intrinsic benefits, and how it can inform CSR performance and evaluation, especially in relation to action competence in areas like climate change [P. 4].

4. Education as a Catalyst: Nexus between CSR and Human Security. This is a central methodological pillar, focusing explicitly on education as the critical component that synergistically links CSR initiatives with human security outcomes. We explore the multifaceted and transformative role of education, not only as a fundamental human right recognized under international law [9, 25, 26, 36, 54, 78, 97, 150], but also as a key enabler of human capabilities [40, 45, 98, 99, 125, 137]. Education is essential for sustainable development [6, 23, 89, 100, 142, 154, 155] and fosters global citizenship [16, 112, 156]. The methodology specifically emphasizes how strategic corporate investment in educational programs can empower individuals by enhancing their knowledge, skills, and agency; build resilient communities capable of addressing local and global challenges; and foster "action competence" for sustainability, enabling individuals to take informed and effective action [38, 104, 105, 126, 127, 128]. The paper stresses the importance of clear "constitutive, performance and evaluation criteria" for CSR efforts related to education, recognizing that their absence can lead to corporate philanthropy that is neither sustainable nor capable of advancing human security [P. 1, P. 3].

5. Synthesizing Framework: Developing a Holistic CSR Paradigm. The final methodological step involves synthesizing the insights from the preceding pillars to develop a coherent and compelling theoretical argument for reframing human security through an education-centric CSR agenda, firmly embedded within the ambit of company law. This entails illustrating, with conceptual precision, how legal instruments can effectively steer corporate behavior away from a sole preoccupation with profit maximization towards a more comprehensive and genuinely socially responsible orientation, thereby fostering overall human flourishing. The approach explicitly acknowledges the inherent complexities, tensions, and potential paradoxes within corporate sustainability, as well as the significant political

dimensions of CSR [48, 82, 130, 131, 134]. It aims to illuminate education's primary role in the inherent connection between human security and human dignity for sustainable development, ultimately seeking to overcome the operationalization challenges faced by CSR in achieving these objectives [P. 4].

By adopting this deeply interdisciplinary and integrative methodological approach, the article aims to provide a comprehensive and nuanced understanding of how existing legal and corporate frameworks can be strategically leveraged and reimagined to advance human security through targeted and impactful educational interventions. This signifies a move beyond traditional, often ad hoc, philanthropic models towards a more systemic and obligated internalization of social costs by corporate entities [62, 76, 114, 115]. The research particularly relies on a doctrinal research methodology, analyzing and interpreting legal principles, statutes, and relevant case law from various jurisdictions to elucidate existing legal frameworks and provide a structured analysis of the topics under investigation [P. 3, P. 4].

Human Security Paradigm, Human Dignity, and Human Rights

The human security framework emerged as a direct response to the inadequacy of traditional state-centric security paradigms in addressing "new transnational threats" and the burgeoning humanitarian crises often arising from internal conflicts. This shift in focus, prioritizing people over states, gained significant traction with the United Nations Development Programme's (UNDP) 1994 Human Development Report and the subsequent establishment of the Commission on Human Security in 2001 [103, 157, P. 4]. Human security, in this context, aims to promote aspects of human life that guarantee well-being and welfare, acting as an "early warning and prevention" mechanism for "downside risks" to which almost everyone is vulnerable [56, P. 4]. It emphasizes freedom from pervasive threats to people's rights, safety, or lives, including concerns about daily life, food, social conditions, environmental degradation, and personal safety [103, 157, P. 4]. Thus, human security necessitates protection from diseases, the capacity to lead a life worthy of human beings' unique status, and the satisfaction of legitimate aspirations [P. 4].

In recognizing its central purpose, the UNDP (1994) explicitly linked human security to "human life and dignity," aiming to prevent failed or limited development that exacerbates human deprivations [P. 4]. Since human development involves broadening people's ability to make choices safely and freely, it is intrinsically essential for human security. Therefore, human security inherently concerns the quality of life each person can achieve through human development, underscoring its profound nexus with human dignity [P. 4]. The Commission on Human Security further clarified that its focus should be on protecting "the vital core of all human lives" in a manner that enhances essential freedoms and fulfills basic

needs [90, P. 4].

The cardinal objectives of human security are arguably best achieved when integrated with human dignity as its foundational justification, pursued in a mutually reinforcing manner [P. 4]. The UNDP's human-centered agenda proposes "freedom from want" and "freedom from fear" as core tenets of human security, encompassing safety from chronic threats like hunger, disease, and repression, as well as protection from sudden and disruptive events in daily life [56, 94, P. 4]. This means protecting people from physical, environmental, and socioeconomic harms that diminish their status as unique human beings [111, P. 4]. This paradigm shift compels states to prioritize citizens' welfare and security interests, justified by concerns for human life and the inherent dignity of human beings under international human rights law, thus demonstrating the direct link between human dignity and human security [56, P. 4].

Despite its conceptual strengths, human security has faced criticisms for being ambiguous and lacking a precise definition. Critics like Paris (2001) suggest it is as vague as "sustainable development" and a general mantra that lacks specific meaning [113, P. 4]. Newman (2016) argues that it is "normatively attractive but analytically weak," identifying a lack of "definitive parameters" for its boundaries [95, P. 4]. However, proponents argue that human security can be designed to focus on the core issues of human personality development, transforming individuals for a better and more secure life [64, P. 5].

Although distinct, human security is deeply embedded in human rights principles and goals. Human dignity, as a philosophical proposition influenced by Kant [68, P. 5], is considered an "unconditional and incomparable worth" that "admits of no equivalent," presupposing an "unconditional status of worth or value" [8, 53, P. 5]. Human dignity gained prominence in international law after World War II, featuring in the UN Charter preamble and the Universal Declaration of Human Rights (UDHR) 1948, which reaffirmed the inherent dignity of individuals [27, 47, 101, 129, P. 5]. Subsequent instruments like the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) further recognized dignity as the foundation of global peace, justice, and order [27, P. 5]. Human dignity is thus an inherent attribute of everyone, necessitating human development to foster the use of reason, which is crucial for both human security and human dignity, and inherently supportive of human rights [P. 5]. As the substructure for human rights, human dignity "is inherent in all human beings and transcends cultural barriers and national boundaries" [15, 149, P. 5]. Its absence signals a lack of human security, implying a mutually reinforcing relationship between the two [121, P. 5].

Discussions on human security generally adopt two main approaches: narrow and broad [77, P. 5]. The narrow approach, often rooted in traditional state-centric security, focuses on tackling crises that jeopardize the physical safety of civilian populations in states afflicted by armed conflicts [20, 56, P. 5]. This perspective aligns with the UN's primary objective of maintaining global peace and security (Article 1 of its Charter) and states' unfettered sovereignty (Article 2(7)), which encourages them to prioritize military capabilities and preventive measures against physical attacks [P. 5]. While it has seen successes, such as the International Criminal Court and the Anti-Personnel Landmines Ban Treaty [84, P. 5], this approach is criticized for neglecting economic, social, and cultural rights, relegating them as "second-generation rights" [P. 5]. It fails to comprehensively incorporate aspects that promote emancipation, quality of life, and the ability to live a want-free life with dignity, particularly the millions who die annually from hunger, disease, and other non-violent threats [77, P. 5].

In contrast, the broader perspective encompasses not only individuals' physical security but also the vital need for human development, which serves as a springboard for leading lives of freedom, free from wants. This approach is characterized as "an emancipatory form of security, encompassing respect, empathy, determination to help, solidarity, and care" [118, P. 6]. It requires "considerations of human development, which refers not simply to the income aspects of poverty but to poverty as a denial of choices and opportunities for living a tolerable life" [65, P. 6]. Therefore, promoting socioeconomic freedoms, which necessitates human development, should be at the epicenter of human security [P. 6].

A holistic approach to human security, recognizing its linkages to human dignity from the viewpoint of Sen's Capabilities Approach [137, 138, 139], necessitates promoting "the real freedoms that people enjoy, which enable them to exercise choices that empower them" [103, P. 6]. Achieving human security, therefore, requires a focus on human development, which has the potential to integrate human developmental issues, human security, human dignity, and national security [P. 6]. It also demands "protection from various kinds of threats, such as economic, social, and natural threats" [122, P. 6]. The Commission on Human Security similarly emphasized that a comprehensive approach requires a consistent plan to protect against poverty, hunger, health disasters, and to provide basic education [56, P. 6]. Thus, addressing threats to human security extends beyond physical safety to include human development as an imperative for empowerment and resolving socioeconomic imbalances [P. 6]. This broader approach is supported by the recognition of widespread security challenges transcending state boundaries [63, 145, P. 6].

While the primary responsibility for addressing human security, like other human rights aspects, rests with states [159, P. 6], the broader perspective of human security can

be an unattractive proposition for states facing resource constraints. This often stems from a constricted perception of public governance within a liberal political economy system that sharply distinguishes governmental and business roles, often viewing the private sector as "unreliable, unaccountable, and undemocratic" [39, P. 6]. However, contemporary understanding recognizes a decentralized political power between public and private institutions, implicitly acknowledging roles for the private sector, particularly large corporations, in traditional government agendas [3, 85, 114, 132, P. 6]. Initiatives like "corporate citizenship" [3, 85] and "shared value" [114] exemplify this shift. Furthermore, various forms of private philanthropy, such as "philanthrocapitalism" [14, 86], "philanthropreneurship" [18], "disruptive philanthropy" [55], or "entrepreneurial philanthropy" [49], represent private sector efforts to support state social investment [P. 6]. CSR, undertaken by for-profit businesses [34], can also complement public governance, especially in addressing the resource-based leanings of states towards the narrow approach to human security [46, P. 6]. Businesses, some with greater resources than certain states, can be encouraged through company law orchestration to undertake education and other human security-related activities, particularly within the framework of "political CSR" [62, 82, 130, 131, 133, 134, P. 6]. Political CSR recognizes the moral responsibility and legitimacy of private economic actors in performing governance functions traditionally associated with political authorities, viewing corporations as dominant social actors with moral obligations to other citizens, especially when governmental incapacity exists [32, 31, 112, 130, 131, 133, 134, P. 6]. Thus, corporate moral responsibility can extend to education provision and other governance functions, contributing to human development for the benefit of society [P. 7].

Education, Human Security, and Sustainable Development

Education, fundamentally defined as "a process of leading or bringing up" [150, P. 7], encompasses deliberate and systematic activities designed to meet learning needs, involving organized and sustained communications aimed at inducing learning [50, P. 7]. More broadly, it is described as "a family of processes whose principle of unity is the development of desirable qualities in someone" [78, P. 7]. Achieving the purposes of education necessitates universal access to this "family of processes," emphasizing that the recognition of individuals as beings with "conscience and reason" requires the continuous application of cognitive abilities. This underscores a crucial link between individuals' knowledge levels, their access to education, and their capacity to utilize cognitive resources as a guiding principle for attaining sustainable development [P. 7].

Historically, the Stoics believed that a primary role of education was to ensure free thought processes and the

liberation of the mind [40, P. 7]. For classical and contemporary philosophers, reason remains the central element driving human nature, with education serving as a vehicle for a life of well-being. In a broader societal sense, education acts as "a vehicle to reduce social inequalities" and to advance personal aspirations [91, P. 7]. Later thinkers, notably John Locke, recognized an inherent relationship between education and human development, asserting that education plays a salient role in determining how people use reason to make choices, thus defining education as "a process of the formation of personal autonomy" [40, P. 7]. Kant further elaborated that while humans are not inherently moral, education assists in refining reason when its purpose is oriented toward stimulating reasoning capabilities, thereby demonstrating a nexus between education, cognitive resources, and the ability to use reason effectively [68, P. 7].

The recognition of education's role in shaping reason and its necessity for all, not just specific social classes, gained momentum during the US and French revolutions [54, P. 7]. Initially, families and religious organizations primarily provided education, dictating curricula, behavior standards, and community decorum, without education being considered a human right or a state responsibility [P. 7]. However, the imperative for state provision of education subsequently gained traction, with education becoming conceived sociologically [97, P. 7]. The US Supreme Court, in *Brown v. Board of Education* [P. 7], famously acknowledged education as a "principal [sociological] tool." From this perspective, education is designed to induct young people into becoming active and effective members of society [33, 87, P. 7]. Indeed, preparing good citizens necessitates that the state educates individuals in a manner that predisposes them to embrace ways of life consistent with shared societal responsibilities, including fundamental democratic norms and values [17, P. 7].

In international human rights law, education is unequivocally recognized as a human right, driven by the need to encourage the use of reason and critical thinking in acknowledgment of humans' unique qualities [P. 7]. Human security then serves as an analytical tool for assessing security levels and available choices, evaluating individuals' abilities, freedoms, and opportunities for a life reflecting human dignity. Providing individuals the opportunity to develop their human personalities through access to education is crucial for empowerment, furthering human development and autonomy, and bearing in mind the necessity of human security for sustainable development [P. 7]. Article 13(1) of the ICESCR explicitly states that states "recognise the right of everyone to education [and] agree that education shall be directed to the full development of the human personality and the sense of its dignity" [P. 7]. This provision underscores international human rights law's recognition of education's critical role in promoting human personality development and sustainable human development [129, P. 7].

By focusing education on the full development of cognitive capabilities, it promotes each individual's ability to lead a quality of life that supports both human security and human dignity [P. 8]. This highlights the importance of equal access to and enjoyment of the right to education, as emphasized by the US Supreme Court in *Brown* [P. 8]. Since human security necessitates education for sustainable human development, individuals must be provided with opportunities for schooling that foster empowerment and autonomy, aligning with human dignity ideals and demonstrating the overlap between human security and human dignity. Education thus promotes human development, a key aspect of a holistic approach to human security that also stimulates human dignity by recognizing humans as ends in themselves, thereby guaranteeing sustainable development [P. 8]. This integral relationship explains why Goal 4 of the UN Sustainable Development Goals (SDGs) explicitly focuses on ensuring universally available quality education [P. 8].

For education to fully realize its potential for sustainable development, a broad approach to human security is essential, one that "expands and reinforces the real freedoms that people enjoy" [103, P. 8]. This perspective dictates that human security should complement and build upon national security, human rights, and human development as a foundational element for sustainable development [103, P. 8]. Addressing human insecurities empowers individuals to exercise choices, and these empowered individuals then contribute to preventing and mitigating the impact of insecurities, while also enhancing protection infrastructure [P. 8].

Constitutive Criteria for Education in Company Law Orchestrated CSR

The cases of both explicit and implicit encouragement of CSR in company law clearly demonstrate that CSR can be effectively legally orchestrated [P. 8]. The legitimacy of company law intervention in this domain is undisputed, as confirmed by the governance perspective which validates the regulation of CSR without undermining its voluntary foundations [110, P. 8]. As noted by the European Commission, "certain regulatory measures create an environment more conducive to enterprises voluntarily meeting their social responsibility" [24, P. 8]. In the human rights field, to which education belongs, there is a renewed emphasis on CSR as a crucial mechanism. Key examples include the European Commission's strategy document [24, P. 8], which explicitly references the UN Guiding Principles on Business and Human Rights [123, 159, P. 8], and the OECD Guidelines for Multinational Enterprises [106, P. 8]. These initiatives collectively illustrate the synergistic nexus between human rights and CSR engagements, unequivocally demonstrating its legal orchestrability [P. 8].

Furthermore, a discernible correlation exists between legal and other governance systems and the perception

and practice of CSR. This is embedded, for instance, in the ISO26000 definition of CSR, which describes it as the "responsibility of an organisation for the impacts of its decisions and activities on society and the environment, through transparent and ethical behaviour that contributes to sustainable development, including health and the welfare of society; takes into account the expectations of stakeholders; is in compliance with applicable law and consistent international norms of behaviour; and is integrated throughout the organisation and practised in its relationships" [57, P. 8]. Human rights similarly demonstrate strong linkages between legal provisions and CSR. Ruggie (2008) noted that while governments define the scope of legal compliance, the broader scope of the responsibility to respect is defined by social expectations, often referred to as a company's "social licence to operate" [123, P. 8]. Nevertheless, the absence of clear constitutive criteria in legally orchestrated CSR, coupled with the considerable discretion it affords, predominantly promotes corporate philanthropy in education provision. This approach is unlikely to fully appreciate the intricate intersection of education, human dignity, and human rights through the lens of human security [P. 8]. Corporate philanthropy, sometimes dubbed "philanthrocapitalism" or "venture philanthropy," has a long history of addressing human welfare and social issues [35, 73, 165, 42, P. 8]. However, it often presents an impediment to the effective operationalization of CSR in education, human rights, and beyond, as its motivations can be driven by profit maximization, managers' utility maximization, or ethical considerations, making it potentially unsustainable or misaligned with human security goals [44, 76, P. 3].

Reich (1998) rightly observed that the fundamental question is not "whether companies should be responsible in some way to society, but rather how they should be responsible" [117, P. 8]. Therefore, this paper posits that company law can overcome the challenge of CSR operationalization by leveraging human security to establish robust constitutive, performance, and evaluation criteria for education provision. A framework for this is outlined below.

Human Security-Informed Disclosure

Appropriate disclosure requirements are a necessary and logical follow-on to a human security-specific definition of CSR [P. 8]. Since human security recognizes the imperative for people to live in a society that actively offers opportunities to enjoy basic human rights, the profound nexus between human security, human rights, and human dignity can be explicitly elucidated and reinforced through stringent disclosure requirements [P. 8]. Human security-informed CSR disclosure can be mandated in various instruments, including codes of conduct, management system accreditation, certification, rating and assurance schemes, labeling systems, and procurement policies. Such disclosure requirements align seamlessly with the state's duty under the UN Guiding Principles on Business and

Human Rights to protect human rights, particularly through sustainability reports linked to the due diligence component of the corporate obligation to respect human rights [140, P. 9]. As Ruggie (2008) highlighted, such transparency can subject companies to the "courts of public opinion" comprising employees, communities, consumers, civil society, and investors, and occasionally to actual legal charges [123, P. 9].

An illustrative example of the critical role of disclosure in CSR is the OECD Guidelines for Multinational Enterprises, which unequivocally encourage enterprises to "ensure that timely and accurate information is disclosed on all matters regarding their activities" and "to apply high-quality standards for...disclosure of non-financial information including environmental and social reporting where they exist" [106, P. 9]. Nonetheless, persistent issues concerning the quality, reliability, credibility, and comparability of CSR disclosures often arise, a problem partly attributable to vaguely worded and insufficiently detailed provisions, as exemplified by the UN Global Compact [12, 141, P. 9]. Corporate philanthropy can exacerbate this problem by allowing for unbounded discretion over intervention objectives, methods, and outcomes. For instance, while "good causes" labels are often attached to philanthropy, claims may not be guaranteed or verifiable without robust assessment standards. Arguably, this pervasive problem can be effectively ameliorated by explicitly ensuring that disclosure requirements for education provision are rigorously underpinned by the human security paradigm, thereby making it significantly easier to appraise corporate policies and responses with precision and accountability [P. 9].

Sustainable Development Suitable for Ethical CSR

Another significant challenge posed by corporate philanthropy is its capacity to inadvertently facilitate self-interested actions and subtly disguise the true motivations behind CSR initiatives [P. 9]. On one hand, human security necessitates comprehensive human personality development, in strict accordance with Article 13(1) of the ICESCR, as an essential element for realizing human dignity and establishing its profound link to sustainable development [P. 9]. On the other hand, while CSR may indeed offer mutual benefits to both businesses and society—for example, when improvements in labor standards lead to enhanced productivity—if corporate interventions are manifestly or covertly motivated primarily by a narrow "business case" rationale, they are fundamentally unlikely to genuinely advance human dignity through human security-informed education. Instead, CSR might risk aligning with "economism" [116, P. 9], an approach based on the flawed premise that social actors' pursuit of economically beneficial self-interest can adequately contribute to human dignity and broader social goals. Notably, Kant (1785/2019) argued passionately for the necessity of treating humanity "always at the same time

as an end, never merely as a means" [68, P. 9]. The "business case" approach, actively encouraged by concepts such as "Creating Shared Value" (CSV) [28, 115, P. 9], fundamentally conflicts with Kantian perceptions of human dignity, underscoring the urgent need for company law to strategically steer education provision within CSR towards genuinely ethical CSR.

Ethical CSR, characterized by its adherence to moral principles and a commitment to societal well-being [48, 61, 108, 136, P. 9], is significantly more likely to address human dignity through education provision infused with human security principles. Firstly, this aligns directly with the Capabilities Approach (CA) articulated by Sen [137, 138, 139, P. 9], which the CSR discourse has more recently embraced as a compelling ethical justification for businesses' responsibility to individuals and communities within society [45, 67, P. 9]. Secondly, ethical CSR is eminently suitable for the responsiveness-based ethics of care [162, P. 9], which actively encourages personal autonomy, independence, and a nurturing approach aimed at the self-sustaining social advancement of individuals to whom responsibility is owed. By maintaining a steadfast focus on the genuine needs of stakeholders, ethical CSR is inherently more compatible with the human development approach, which places "people at the centre of development to enhance the possibility of fully realising their potential" [158, P. 9]. The imperative for individualized well-being and opportunities is robustly buttressed by explicit references within the Declaration of the SDGs (UN 2015), such as "people-centred" (para. 2), the promotion of "human rights and gender equality and the empowerment of women and girls" (para. 3), and the resolute commitment that "no one will be left behind" (paras. 4, 26) [151, P. 9]. Indeed, the inherent dignity of humans necessitates "the full respect for each member of society as a free and self-responsible being" [80, P. 9] as a key ingredient of human security. As such, recognizing human beings' unique qualities makes it imperative that they develop those capabilities that enable them to lead lives that truly reflect this intrinsic value. Achieving "real freedoms" and other fundamental liberties requires the cultivation of knowledge through equitable access to education, thereby enabling individuals to ultimately contribute positively to the sustainable development of society [P. 9].

Individualization of Instrumental and Intrinsic Benefits of Education

More specifically, the individualization of the processes and outcomes of CSR interventions must explicitly include both the instrumental and intrinsic benefits of education to individuals, a concept profoundly underlined by Sen's Capabilities Approach [137, 138, 139, P. 9]. As Saito (2003) noted, this approach highlights the significance of education in developing human capabilities [125, P. 9]. Similarly, Nussbaum (2011) underscored the critical importance of education in the holistic development of human capabilities, arguing that its deprivation negatively

affects individuals' social, economic, intellectual, and psychological well-being, thereby posing a significant obstacle to life achievements [99, P. 9].

Education is uniquely considered to possess both "means" (instrumental values) and "end" (intrinsic values), which collectively strengthen its predominant role as a prerequisite for sustainable development [25, P. 10]. This dual purpose is arguably more realizable when learning is oriented to instill fundamental skills in individuals, in conformity with the primary aim of education in improving thought processes and the use of reason. As a "means," education instrumentally equips individuals with the necessary skills for exercising citizenship rights. It prepares people for political participation, imbues them with essential skills and knowledge, serves as a powerful vehicle for economic empowerment and freedoms, and provides individuals with opportunities to secure quality employment and lead an improved quality of life that genuinely reflects human dignity [26, P. 10]. It fundamentally transforms people and lies at the core of economic empowerment crucial for sustainable development [9, P. 10].

As an "end" in itself, education profoundly influences human personality development. Barring personal and extenuating factors, educated individuals are generally more likely to exhibit self-contentment and confidence in socio-political participation. While social conditions can undeniably contribute to shaping how people feel, educated individuals "are generally more likely to portray greater satisfaction in life than those with lower levels of educational attainment" [107, 36, P. 10]. Notably, the impact of education and the modifications it inspires on cognitive resources may be contingent upon the specific purpose it is oriented to achieve. The ultimate "end" of education may be determined by its quality (encompassing curriculum, design, and overarching purpose), but it largely necessitates providing individuals with genuine choices and meaningful opportunities to flourish [26, P. 10].

Performance and Evaluative Significance of Human Security

Having established how human security can be applied in the legal orchestration of education within CSR, a crucial subsequent question arises regarding its significance for CSR conceptualization in company law and practice. Drawing from the lexicon of corporate governance scholarship [21], the explicit incorporation of the human security paradigm into company law can both motivate and constrain corporate behavior by providing robust performance and evaluation criteria for education provision within CSR, as elucidated below.

Regulatory Anatomization of Human Rights

The human security paradigm can be strategically employed to significantly increase the visibility of education within the broader field of human rights and to draw greater attention to its exigencies, indispensable

role, and profound impact [P. 10]. This is of paramount significance given that different human rights issues often necessitate distinct regulatory strategies and require the engagement of various actors to effectively address them. Considering that human security fundamentally aims to address the varying vulnerabilities of people [96, P. 10], it inherently spotlights the critical importance of equitable access to education in stimulating the core goals of human security. A central tenet of human security is the promotion of overall well-being, which is a notable externality directly attributable to quality education. The achievement of the goals and the full enjoyment of human rights, across their different generations (civil, political, economic, social, cultural, and environmental), strongly supports intentional and sustained investment in education as an empowerment and transformative right [9, 25, P. 10], critically needed to eradicate poverty. Education unequivocally guarantees human personality development, a concept that continuously oscillates within the conceptualization of human security. Without a clear and focused framework, unfocused CSR programs will inevitably lack the necessary information for effective decision-making, efficient delivery mechanisms, and robust accountability, even in the presence of abundant resources and a genuine willingness to undertake sustainable development initiatives [P. 10].

A specific issue within human rights often needs to be articulated and explained with clarity before public and private sector attention can be effectively garnered and sustained. For instance, the increased private sector involvement and the emergence of CSR-themed legislative initiatives, such as the UK Modern Slavery Act 2015, the Netherlands' Child Labour Due Diligence Law 2017, and Australia's Modern Slavery Act 2018, can be directly attributed to the analytical dissection of human rights issues and the exponential prominence of modern slavery in global discourse. These legislative actions demonstrate how regulatory focus can drive corporate action on specific human rights concerns [P. 10].

Interpreting CSR Linkages to Sustainable Development

The human security paradigm significantly enhances a more principled and nuanced understanding of CSR, including clearly distinguishing it from mere corporate philanthropy [P. 10]. Corporate philanthropy, by its nature, can be haphazard and potentially counterproductive, sometimes facilitating donations from profits derived from socially acceptable, or even undesirable, practices. As previously indicated, legally orchestrated CSR, such as that outlined in India's Companies Act 2013, can be problematic due to its lack of specific criteria for effective implementation [P. 3, P. 10]. However, by explicitly using human security to inform a more precise and rigorous definition of CSR, company law can ensure a clear cognisance of CSR's intrinsic linkages to sustainable development. This approach is strongly supported by "traditional description theory," which

posits that a term is associated with a concept containing "a list or combination of properties or features that represents the necessary and sufficient condition" [135, P. 10] to facilitate clear understanding and effective operationalization.

The practical significance of an explicit reference to human security in definitional criteria for CSR is arguably illustrated by judicial decisions concerning environmental and planning law. For example, the legal debate in the UK regarding a "presumption in favour of sustainable development" (paragraph 14 of the UK National Planning Policy Framework) and "a priority to be given to the development plan" (s.38(6) of the Planning and Compulsory Purchase Act 2004) highlights this [P. 10, P. 11]. In *Suffolk Coastal District Council v Hopkins Homes Ltd* [P. 11], the Supreme Court held that since the Framework had no statutory force, it could not displace or modify conflicting statutory provisions. While the Framework could be "a material consideration" for planning decisions, it was merely "government policy" and did not possess the same statutory status as the development plan [P. 11]. This case underscores the importance of embedding concepts like sustainable development and human security within legally binding frameworks to ensure their enforceability and impact on corporate obligations.

Business Judgment, Clarity, and Certainty of Obligations

The human security paradigm holds considerable potential for clarifying the scope of education provision under CSR initiatives. By providing clear guidance, it significantly reduces unpredictability, minimizes haphazard and inefficient intervention methods, and greatly assists stakeholders in evaluating corporate contributions effectively [P. 11]. Furthermore, this clarity will strategically limit the expansive application of the business judgment rule in Anglo-American company law [5, 70, 71, 88, P. 11]. This rule, by conferring a broad degree of discretion on directors, can potentially obstruct robust routes to corporate accountability, as noted by various scholars [2, 5, 70, 71, 69, 88, P. 11]. As it currently stands, company law often fails to provide clear referential points for assessing CSR policies and activities, largely due to the pervasive backdrop of the shareholder-oriented corporate governance model. Even the enlightened shareholder value model, while acknowledging CSR to some extent, offers "little or no guidance either to directors that have to make corporate decisions, or to the courts which may be asked to review what directors have done" [69, P. 11].

An uncharted or vaguely defined notion of education as an element of CSR arguably provides illimitable discretion, which can render corporate accountability difficult to sustain. This is starkly illustrated by *R v HM Treasury* [P. 11], where the court declined a judicial review application that sought to "impose [the court's] own policy in relation to combating climate change and

promoting human rights on the board..., contrary to the decision of the board." The court noted that this would interfere with the board's discretion [P. 11]. As a general legal principle, the insinuation of extraneous matters into statutory provisions is typically not permissible, highlighting the critical significance of explicit statements of constitutive criteria for CSR activities like education [P. 11].

Human security, when properly integrated, can provide the much-needed certainty that prevents costly speculation for both stakeholders and businesses alike [P. 11]. Being fully aware of the intentions and dynamics of human security could readily guide businesses in identifying the most effective path for their CSR efforts that best benefits society, and critically, understanding the central role education assumes in orchestrating these efforts. This approach mainstreaming maximum CSR impact in society because it strategically leverages education. Businesses' awareness of the various permutations of human security serves as a strong indicator of the most appropriate CSR path to adopt for a welfare-oriented CSR that uses education as a launchpad. As Bennett (2006) argued in another context, "business people would rather have a clear rule that might operate harshly and against their interests in a particular case than an unclear rule designed to produce a fair and equitable result in each case but that might require a lengthy and costly process to apply" [10, P. 11]. Centuries ago, Lord Mansfield similarly observed: "in all mercantile transactions the great object should be certainty: and therefore, it is of more consequence that a rule be certain, than whether the rule is established one way or the other. Because speculators in trade then know what ground to go upon" [P. 11]. In this regard, businesses can only speculate on the meaning of "promotion of education" as vaguely stated in Schedule VII of India's Companies Act 2013. While this might encourage creative methods, it fundamentally lacks clarity [P. 11]. As this paper next shows, using sustainable development and climate change as an illustration, an appropriate education framework is absolutely necessary for fostering "action competence."

Sustainable Development, Climate Change, and Action Competence

The concept of "action competence" is central to driving meaningful change towards sustainability. An action-competent person is defined as "someone who is committed and passionate about solving a societal issue, has the relevant knowledge about the issue at stake as well as about the democratic processes involved, takes a critical but positive stance toward different ways for solving it, and has confidence in their own skills and capacities for changing the conditions for the better" [126, P. 11].

Firstly, achieving action competence inherently requires the right education, which exhibits clear linkages to the Capabilities Approach [120, 143, 146, P. 11]. Goal 4.7 of the UN Sustainable Development Goals (2015) explicitly asserts the need to:

"acquire knowledge and skills needed to promote sustainable development, including among others through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship, and appreciation of cultural diversity and of culture's contribution to sustainable development" [151, P. 12].

In contemporary scholarship, the contours of education for sustainable development (ESD) are being continuously refined to facilitate action competence. This includes extensive research on ESD itself [16, 100, 74, 142, 127, 38, 104, P. 12], as well as its specific application to climate change education [89, 66, P. 12]. Olsson et al. (2022) noted that "this kind of education, education for sustainable development, is described as a teaching approach where action competence for sustainability is at the very core of education" [105, P. 12]. This comprehensive approach to education equips individuals with the capacity not only to understand complex sustainability challenges but also to engage actively and effectively in addressing them.

Secondly, action competence also critically requires the right legal framework to enable actions, such as litigation, to be effectively undertaken [P. 12]. The United Kingdom, for example, has approached the pervasive challenge of climate change through various legislative instruments targeting both public institutions and private businesses [P. 12]. In addition to the public institution-focused Climate Change Act 2008 [P. 12], the UK implicitly and explicitly requires certain businesses to disclose climate change-related actions and assessments [P. 12]. Examples include the Companies (Miscellaneous Reporting) Regulations 2018 (inserting s.414 CZA(1) of the Companies Act 2006 on the s.172 statement) and the Companies (Strategic Report) (Climate Related Financial Disclosure) Regulations 2022 (amending Companies Act 2006, ss.414 C, 414 CA and 414 CB) [P. 12].

Despite these legislative provisions, litigation efforts aimed at holding corporations accountable for climate change impacts have often been impeded by the lack of explicit legal provisions acknowledging and enabling stakeholder "action competence." For instance, in *R (on the application of People & Planet) v HM Treasury* [P. 12], the court declined a judicial review application, noting that "to seek to impose [the Court's] own policy in relation to combating climate change and promoting human rights on the board of the Royal Bank of Scotland, contrary to the decision of the board" would unduly interfere with the board's discretion [P. 12]. Similarly, in *Howard Smith Ltd v Ampol Ltd* [P. 12], the court stated that "there is no appeal on merits from management decisions to courts of law: nor will courts of law assume to act as a kind of supervisory board over decisions within the powers of management honestly arrived at" [P. 12]. These judicial stances highlight the necessity of specific enabling legal provisions to empower

stakeholders and ensure corporate accountability beyond the confines of the business judgment rule.

The UK Financial Reporting Council (FRC, 2020) has acknowledged that "it is the board's responsibility to consider climate-related issues, but there is little evidence that business models and company strategy are influenced by integrated climate considerations into governance frameworks" [41, P. 12]. This observation underscores the ongoing gap between aspirational corporate responsibility and actual integration into core business practices. Therefore, appropriate company law provisions are fundamentally required to enable effective stakeholder actions, providing clear pathways for accountability and fostering genuine action competence in addressing critical issues like climate change [P. 12]. The legal framework needs to evolve to explicitly support and empower citizens and organizations to engage meaningfully in corporate accountability, thereby closing the gap between corporate stated intentions and measurable impact on human security and sustainable development.

CONCLUSION

This paper has made a compelling and robust case for supporting explicit references to education within company law. Crucially, it advocates for these references to be informed by a comprehensive human security paradigm, which would provide appropriate constitutive, performance, and evaluation criteria—elements currently absent in existing legally orchestrated CSR frameworks [P. 12]. The core argument posits that human security can serve as the foundational bedrock for stimulating these essential criteria for education, thereby making it a *sine qua non* for achieving genuinely sustainable human development [P. 12].

The justification for centering human security in this discourse lies in its inseparable and profound link to human dignity and human rights. This triad, when understood and operationalized through education, holds significant ramifications for the realization of sustainable development goals [P. 12]. While acknowledging the necessity for human security to adopt a holistic and expansive approach, the paper emphatically asserts that education is critically important to promoting and ultimately guaranteeing its achievement in a sustainable manner [P. 12].

The paper has put forth several key propositions for applying the human security paradigm to underpin the constitutive criteria for education provision in company law-orchestrated CSR. It has distinctly argued that corporate philanthropy, while sometimes beneficial, is fundamentally distinct from true CSR, particularly concerning education provision. Without a human security-informed framework, corporate philanthropy risks promoting objectionable and unsustainable outcomes due to its often-unbounded discretion and lack of clear objectives [P. 12]. To mitigate this, the paper

proposes that beyond general explicit references to education in CSR definitions, the human security framework should be conspicuously integrated into comprehensive disclosure requirements. Furthermore, it has been argued that in contrast to narrow business case rationalizations, ethical CSR aligns far better with the Capabilities Approach, which underscores the transformative role of human security and is inherently more suited for advancing sustainable development [P. 12].

It is further argued that this human security-based conceptualization of education will have a profound and far-reaching impact on CSR approaches in company law and practice. This includes not only the provision of clear performance and evaluation criteria but also the critical enablement of action competence among stakeholders [P. 12]. This focused approach will effectively enable education to be extricated from the crowded and often undifferentiated field of human rights, thereby affording it the prominence it unequivocally deserves in both public and private discourse and policy frameworks [P. 12]. Ultimately, this will inform a superior understanding of CSR and facilitate the adoption of more principled and impactful approaches that genuinely advance sustainable development and human well-being.

Moreover, this integration will promote greater clarity and certainty regarding CSR-related obligations, assisting in the crucial task of delimiting the boundaries of company law's business judgment rule and the wide discretion it currently confers on directors. By doing so, it provides a clearer roadmap for corporate accountability [P. 13]. The paper thus proposes that education can be instrumented as a key component of ethical CSR to deliver human security, given its inherent complementarity with human dignity [P. 13].

Overall, with due regard to the individual benefits of a holistic approach to human security and its mutual reinforcement with human dignity, corporations should be legally encouraged and facilitated to inculcate knowledge through education. This must be done with careful consideration of education's sustainable development concomitants [P. 13]. Applying the human security paradigm to education will effectively address long-standing criticisms that CSR activities can be random, ineffective, and lacking real, measurable impact on stakeholder interests. Instead, it will foster a systemic, accountable, and impactful approach to corporate social responsibility, ultimately contributing to a more secure, equitable, and sustainable future for all.

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