

CATCHING THE WAVES: WHY SOCIAL MOVEMENTS SUCCEED WHERE INTERNATIONAL LAW FAILS

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It is well established that the growth of transnational business has been facilitated by jurisdictional gaps which have enabled transnational business to thrive, sometimes at the expense of international human rights and environmental law norms. Due to the rigidity and centrality of the concept of sovereignty in international law, international law institutions have struggled to issue enforcement and achieve compliance with the 'social' norms they have created. Consequently, civil society networks have sought and in some cases succeeded to plug these jurisdictional gaps by generating transnational voluntary regulation to coax corporations into compliance.

This paper explores what the development of transnational voluntary regulation reveals about the nature of public international law. Taking the Fairtrade Movement as its principal case study, the paper begins by describing the networks governing the Fairtrade Movement operate and their journey from grassroots beginnings towards the mainstream market. It examines why these networks have been able to reach compliance in areas typically beyond the reach of international law. Furthermore, it is suggested that due to their consumer-led nature, these networks may hold a democratic legitimacy that may be lost or losing its grip on international law. Nonetheless these 'corrective' networks may also have their blindspots and biases and the paper concludes by contrasting the relative strengths of vertical structures of state-centric international law against those of horizontal networks of civil society actors.

