Abstract
Attention on the potential influence of transnational companies on human and labour rights in their global production chains and their role to secure and respect these rights continues to increase. In response, the number of initiatives is also increasing as is their variety, including initiatives of individual states, regional and international organisations, as well as private regulations of nongovernmental organisations and transnational companies themselves. These private initiatives often take place under the heading of corporate social responsibility and as such portrayed as attempts to redefine and strengthen the social and ethical dimensions of corporate policies. At the same time these initiatives are subject to a series of criticisms and regarded with scepticism because of their true political intentions and legal voluntaristic nature.

Not surprisingly the majority of the research addressing this issue focuses on the effectiveness of these initiatives, either by searching for a legal framework to change the voluntaristic nature into a binding one or by analysing the effect of different regulatory
techniques concerning implementation and compliance in theory and in practice. The latter includes empirical case studies in order to identify strengths and weaknesses of these initiatives in practice. Although these studies provide many interesting insights, these are at the same time limited to specific aspects concerned with the effectiveness of these initiatives, whereas in reality it is these different aspects together that are determinant for the creation of the conditions to effectively ensure the respect of labour rights in the transnational situation. The aim of this paper is therefore to introduce an analytical framework that brings these different aspects together and operationalises them in order to assess the potential effectiveness of these initiatives in terms of creating the conditions to ensure the respect of labour rights set forward in those initiatives throughout the global protection chain of the transnational company.

Based on a review of existing research in the fields of law and social science, the analytical framework is comprised by the following six aspects: legal status of the initiative; de jure and de facto legitimacy of the initiative and of the actors involved; power relations between the actors involved (on the horizontal level between the actors involved with the conclusion of the initiative and on the vertical level between the actors affected by the initiative); legal quality and sort of content of the initiative; implementation mechanisms supporting or enshrined in the initiative; and means and mechanisms to resolve non-compliance with the initiative. Drawing from the rich literature dealing with the effectiveness of these private initiatives, each of these issues will be further unpacked in order to operate these aspects in analytical indicators that are determinant for the creation of effective conditions to ensure the respect of labour rights.

In the second and third part we will apply this analytical framework to one particular initiative, i.e. transnational company agreements (TCAs). In the second part, we will illustrate the functioning and usefulness of the analytical framework by scrutinizing a selection of case studies that deal with the effectiveness of TCAs in different geographical settings (European and global) and sectors (automobile, telecom, and fruits - bananas). The third part consists of a more general analysis by the technique of coding of all TCAs as listed by the European Commission and by Global Unions, in total appr. 150. The results of this coding will be analysed in order to indicate options for further improvements of TCAs to create more effective conditions to ensure the respect of labour rights throughout the global production chains of multinational enterprise.