

An Analysis of the Human Rights Responsibilities of Transnational Corporations in the Context of Globalization

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Abstract: Transnational corporations (TNCs) are becoming increasingly influential on a global scale as globalization continues to evolve. However, this increased influence has also led to an increase in human rights challenges and criticisms directed at TNCs. Therefore, the paper aims to explore the human rights responsibilities of TNCs from the perspective of international law. Upon thorough analysis of the current human rights issues confronting TNCs as well as their responsibilities, deficiencies and possible avenues for enhancement in the safeguarding of human rights by TNCs are identified. In addition, it also delves into the progression of TNCs' human rights responsibilities, which includes the development of international legal norms, the enhancement of corporate social responsibility, and the significance of human rights due diligence. Thus, the paper begins with an examination of the current status of TNCs' human rights responsibilities, then proceeds to analyze the existing problems and challenges, as well as to project future developments in this area, which will help to provide useful references for the global practice of TNCs' human rights responsibilities.

Keywords: Transnational Corporations, Human Rights Responsibilities, International Legal Norms, Corporate Social Responsibility.

1. Introduction

As the process of globalization intensifies, TNCs are playing an increasingly important role in the international economy. Nevertheless, as the scale and influence of transnational corporations have grown, so too have concerns about their impact on human rights. The business activities of TNCs may have positive impacts on human rights, such as the provision of employment opportunities and the promotion of economic development. However, they may also have negative impacts on human rights, such as corruption that violates human rights [1]. Therefore, it is of paramount importance to investigate the human rights responsibilities of transnational corporations if we are to advance the protection of human rights globally. The paper aims to identify the shortcomings and potential avenues for enhancement in the area of human rights protection by examining the current human rights challenges faced by TNCs. Firstly, the legal norms of the international community regarding the human rights responsibilities of TNCs are examined, including an analysis of United Nations human rights standards and the international legal framework. Secondly, the challenges faced by TNCs in fulfilling their human rights responsibilities are analyzed [2], including the complexity of transnational operations and the balance between economic interests and human rights. Finally, the

future development of the human rights responsibilities of TNCs is explored, including the further enhancement of international legal norms, the improvement of corporate social responsibility, and the importance of human rights due diligence. This paper comprehensively analyzes the challenges faced by TNCs in fulfilling their human rights responsibilities, which provides support and guidance for TNCs to better fulfill their human rights responsibilities under the framework of international law.

2. Legal Foundations of Human Rights Responsibilities of Transnational Corporations

At present, the United Nations and other international organizations have issued a series of human rights-related conventions, declarations, and guiding principles aimed at regulating the conduct of TNCs and ensuring that they respect and protect human rights. These international legal norms set clear boundaries of responsibility for TNCs, requiring them to take full account of human rights considerations in their business activities and to avoid negative impacts on human rights.

2.1. Challenges Faced by Transnational Corporations in the Human Rights Responsibilities

Despite the existence of international legal norms, TNCs still face numerous challenges in fulfilling their human rights responsibilities. Specifically, TNCs often operate across multiple countries and regions, thereby giving rise to a diverse and complex array of human rights environments and legal risks. This necessitates that TNCs fully consider the legal and cultural differences between countries and regions when formulating and implementing their human rights policies, so as to guarantee the compliance and efficacy of their policies [3]. Conversely, transnational corporations are frequently inclined to overlook human rights concerns for the sake of economic benefits. To reduce costs and increase productivity, some TNCs may engage in practices that may violate human rights, such as the use of child labor and the neglect of labor safety. Such actions not only contravene international legal norms but also damage the reputation and image of the company, thereby creating potential risks to its long-term development. With the continuous development of the global economy and the advancement of science and technology, the operational activities of transnational corporations will become more extensive and in-depth, and the human rights issues involved will also become more diverse and complex.

Firstly, the expansion of emerging markets and the accelerated economic growth of developing countries will continue to drive the growth of business activities of TNCs in these regions. However, the human rights environment and legal systems in these regions may differ significantly from those in developed countries, thereby introducing new challenges to the fulfillment of TNCs' human rights responsibilities [3]. Consequently, TNCs must develop a more profound comprehension of the local human rights context and legal framework, and formulate human rights policies and measures that align with the specific circumstances of the local environment.

Secondly, as the concept of sustainable development takes hold, more and more consumers and investors are paying closer attention to the social responsibility and human rights performance of corporations, which will have a significant impact on the business strategies of TNCs. TNCs must prioritize environmental protection, social responsibility, and sustainable development, which requires integrating these principles into the company's strategic planning and operational practices [4]. Doing so may enhance the corporation reputation and garner the trust and support of consumers and investors.

Furthermore, the accelerated advancement of digitalization and intelligence has led to a profound transformation in the business model and organizational structure of TNCs, which will present both new opportunities and challenges for the fulfillment of the human rights responsibilities of TNCs. Digitalization and intelligent technologies can enhance the monitoring and management capacity of TNCs with regard to human rights issues [5], enabling them to identify and address potential human

rights risks in a more timely and accurate manner. Conversely, the advent of new technologies may also raise new human rights issues, such as data privacy protection and algorithmic discrimination. In light of this, it is imperative that TNCs enhance their research capabilities and response strategies to address these emerging issues.

Finally, the reform and improvement of the global governance system will also significantly affect the human rights responsibilities of TNCs. As the international community increasingly prioritizes human rights concerns and the global governance system continues to evolve, TNCs will encounter more rigorous international norms and regulatory requirements [6], prompting TNCs to pay more attention to the issue of human rights responsibilities and to reinforce their internal management and supervision, thus ensuring that their business activities align with the expectations and requirements of the international community.

2.2. Practices of Human Rights Responsibilities of Transnational Corporations under International Law

To address these challenges, TNCs have taken a number of measures to strengthen their human rights responsibilities. Firstly, enterprises have formulated and improved their human rights policies, clarified their human rights positions and commitments, and integrated them into their strategic planning and daily operations in order to comply with human rights standards under international law [4]. Secondly, enterprises have established effective internal monitoring mechanisms, including strengthening employee training and awareness-raising, as well as establishing complaint and reporting mechanisms, so as to ensure that their operations comply with international legal norms and human rights standards. Furthermore, TNCs must actively communicate and cooperate with stakeholders to jointly advance human rights protection. In addition to the efforts of transnational corporations themselves, the international community has strengthened its cooperation to promote the development of the human rights responsibilities of transnational corporations. Governments have strengthened regulation and law enforcement to ensure that TNCs comply with human rights laws and norms within their borders. At the same time, international organizations and NGOs have also played an important role in promoting TNCs' concern for and attention to human rights issues through the publication of research reports and the holding of seminars. Many international conventions and declarations explicitly require TNCs to respect and protect human rights, including labor rights, environmental rights and minority rights.

3. Recommendations for Strengthening the Oversight of International Law

The recommendations that follow are meant to serve as a guide for upcoming actions. Notwithstanding the many obstacles and prospects faced by TNCs in fulfilling their human rights obligations, this chapter provides concrete recommendations to address the current shortcomings of international law in the regulation of the human rights responsibilities of TNCs [7], as follows.

3.1. Strengthening of International Legal Frameworks

It is imperative that the regulation of transnational corporations be strengthened, and that the relevant international legal framework be improved to clearly stipulate the human rights responsibilities of transnational corporations [5]. More rigorous human rights laws and standards can be formulated to guide transnational corporations to comply with international human rights norms and ensure that their business activities do not negatively affect human rights. Concurrently, the government should implement an efficacious monitoring apparatus and enforcement apparatus to impose severe penalties on transnational corporations that contravene human rights laws and regulations, thereby establishing a robust deterrent.

3.2. Improvement of International Law Implementation Mechanisms

It is imperative that a robust and effective international legal enforcement mechanism be established to hold TNCs accountable for their human rights responsibilities [8]. TNCs should proactively incorporate human rights responsibilities into their strategic planning and daily operations. To this end, a dedicated human rights department or organization should be set up to be responsible for the overall monitoring and management of human rights risks and to ensure that company policies and decisions are in line with human rights requirements. As an effective means of raising TNCs' awareness of their human rights responsibilities is to reinforce educational and training activities, the governments, international organizations and NGOs should cooperate in enhancing the training for TNC employees, which contributes to the understanding of human rights regulations, standards and best practices [8]. In addition, the professionalism of TNC employees and their capacity to protect human rights should be enhanced.

3.3. Promotion of Transnational Communication and Public Opinion Monitoring

The promotion of transnational cooperation and exchanges represents a key strategy for enhancing the fulfillment of TNCs' human rights responsibilities [1]. It is recommended that governments, enterprises, and NGOs work together to raise awareness of the human rights responsibilities of transnational corporations, which includes identifying new issues, challenges, and opportunities. Through the exchange of experiences and information, it is possible to promote the fulfillment of human rights responsibilities by TNCs [8]. In addition, another important means of promoting the fulfillment of human rights responsibilities by TNCs is to shape social opinion, and therefore more attention must be paid to the performance of TNCs in terms of human rights. As the dialogue between NGOs and TNCs on ethics of conduct and human rights has gradually increased, some NGOs have been instrumental in mobilizing and harnessing public opinion to monitor the activities of TNCs. TNCs should clearly express their importance and commitment to human rights by choosing products and services that comply with human rights standards. At the same time, the media and public opinion should also pay attention to the human rights situation of TNCs and reveal any human rights violations in a timely manner. Through extensive reporting and in-depth commentaries, strong social pressure can be created to bring about change. The combination of these two approaches can significantly enhance the strength and effectiveness of the implementation of international law.

4. Future Outlook

The world community is paying more attention to the human rights issue as globalization continues. And the topic of transnational corporations' human rights obligations has also gained prominence, serving as a major catalyst for globalization. Transnational corporations shall take a more proactive approach to upholding their human rights obligations in light of the more complicated and unstable human rights concerns that arise in the context of globalization, which is necessary to ensure the continued growth of the global human rights movement [9]. The regulation of the conduct of transnational corporations necessitates not only the primary role of states in the protection of human rights, but also the full cooperation of the international community in providing a comprehensive normative basis for transnational corporations to assume their social responsibilities and human rights obligations [10].

4.1. Further Development of International Legal Norms

International legal norms will be further improved. Governments and international organizations will continue to strengthen cooperation and promote the formulation of stricter and more specific

international legal norms to better regulate the conduct of transnational corporations and protect human rights [11]. These legal norms will pay more attention to the respect and protection of human rights and provide clearer guidelines on the responsibilities of transnational corporations.

4.2. Further Refinement of Corporate Social Responsibility

The corporate social responsibility will be further reinforced. An increasing number of transnational corporations will recognize that it is not sufficient to pursue economic interests; they must also actively fulfill their social responsibilities, including respecting and protecting human rights [9]. Such companies will actively fulfill their human rights responsibilities by developing and implementing more effective human rights policies and strengthening internal oversight and management.

4.3. Growing Importance of Human Rights Due Diligence

Human rights due diligence will become an important exercise for TNCs. To better understand and manage the possible human rights impacts of their operations, TNCs will strengthen their human rights due diligence efforts to identify and address potential human rights issues in a timely manner, which will help to minimize the company's legal risks and enhance its reputation and image [7].

5. Conclusion

This paper examines the human rights responsibilities of TNCs from the perspective of international law and presents a series of recommendations to enhance human rights protection. Primarily, the improvement of international law is essential for regulating the behavior of TNCs. The formulation of more stringent and specific international legal norms would enable the regulation of TNCs' behavior and the protection of human rights. Secondly, TNCs should strengthen their corporate social responsibility and incorporate human rights protection into their strategic planning and daily operations. Effective internal monitoring mechanisms should be established to ensure that their operations comply with international human rights standards. In addition, TNCs should strengthen communication and cooperation with suppliers, partners, and stakeholders to build a healthy ecosystem for human rights protection. Finally, human rights education and training should be strengthened to enhance the human rights awareness and quality of TNCs' employees and to facilitate their active fulfillment of human rights responsibilities. In accordance with the framework of international law, transnational corporations should assume a more active role in fulfilling their human rights responsibilities and in making greater contributions to the advancement of the global human rights cause. Through these efforts, the global process of human rights protection can be advanced.

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