

YUNMUN XXX

SPECPOL

Topic 2: Human Rights and Multinational Corporations

Multinational corporations and their vast economic standing serve as one of the most significant challenges to the dominance of states in the social and economic international order.¹ With this prominence comes a responsibility to promote and protect human rights, a responsibility that in the case of multinational corporations is largely neglected.² Traditionally, protection of human rights is in the jurisdiction of the state, but in this case multinational corporations take advantage of weaker countries that struggle to enforce human rights protections.

The first global standard for addressing potential for human rights abuses in business activity was established in the United Nations Guiding Principles on Business and Human Rights (UNGPs).³ The UNGPs follow a “Protect, Respect, and Remedy” framework, where the state protects human rights, corporations respect human rights, and remedy for business related abuses is made available to victims.⁴ In 2011 these guiding principles were unanimously endorsed in the UN and have served as a jumping off place for further efforts to address business related human rights abuses.

Since the adoption of the UNGPs, there have been a number of initiatives to enforce the UNGPs;⁵ all have been generally unsuccessful and the problem of human rights abuses by businesses continues. In 2016 the Human Rights Council adopted a resolution that aimed to improve accountability and access to remedy.⁶ Still in the following year negotiations continued and efforts were increased.⁷

There is a gap between the goals outlined by the UN and the efforts implemented by countries. A conversation about accountability must be had with enforceability playing a prominent role. Large western corporations can not go unchecked in their exploitation of indigenous or marginalized people.

- What measures of accountability have been taken by the UN and why have they failed?
- How can we implement accountability that will not vary based on the strength or wealth of individual countries?

¹ https://en.wikipedia.org/wiki/Corporate_accountability_for_human_rights_violations#cite_note-2

² <https://laborrights.org/in-the-news/2005-list-14-worst-corporate-evildoers>

³ https://en.wikipedia.org/wiki/United_Nations_Guiding_Principles_on_Business_and_Human_Rights

⁴ https://www.ohchr.org/documents/publications/GuidingprinciplesBusinesshr_eN.pdf

⁵ <https://www.ohchr.org/en/issues/business/pages/wghrandtransnationalcorporationsandotherbusiness.aspx>

⁶ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/155/72/PDF/G1615572.pdf?OpenElement>

⁷ <https://www.foei.org/features/treaty-transnational-corporations-human-rights-enters-negotiation-mode>

- How can the UN support victims and punish violators while respecting the sanctity of individual populations?
- Should the international community focus on strengthening legal mechanisms to address abuse, or are economic and political tools more effective in creating change?
- What are the responsibilities of national, local, and regional governments in locations where human rights abuses are committed by foreign corporations?
- Consider the possibility of implementing international law to govern multinational corporations. What would this law look like and how would it be enforced?

Investigate existing UN frameworks and efforts in this area and look at several case studies^{8,9} where this issue has played out. As a delegate you should have a firm understanding of the many dilemmas and complex issues this problem touches. You should be prepared to offer bold and creative proposals that will address the many facets of our topic.

Keep in mind these questions are a starting point for our discussion and in no way a comprehensive list of what our committee will discuss. Remember that as a delegate it is your responsibility to represent the beliefs of your country accurately. Please be sure to present your country's position and be familiar with the guidelines enumerated in the YUNMUN Student Handbook, particularly those concerning plagiarism. All position papers will be scanned for plagiarism through turnitin.com. If you have any questions I can be reached via email at slevy3@mail.yu.edu.

Best of luck,

Shira Levy
Chair, SPECPOL
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⁸https://en.wikipedia.org/wiki/Wiwa_v._Royal_Dutch_Shell_Co.

⁹<https://www.nytimes.com/2012/03/04/opinion/sunday/corporate-abuse-abroad-a-path-to-justice-here.html>