

# International Human Rights Law and Refugees: Foundational Obligations Of Transnational Corporations

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## Introduction

Since time immemorial, people have migrated in search of better entrepreneurial and educational opportunities, trade relations, and social security escaping myriad of circumstances such as political oppression, war, and climate change to name a few.<sup>2</sup> Currently, a staggering 65.6 million people have been displaced with only one-third being recognised as refugees.<sup>3</sup> Majority of this exodus has stemmed out of the Syrian conflict<sup>4</sup> impacting parts of Middle-East and Central Asia, and Africa creating a geo-political and economic strain on the host countries.

The crisis inhabited a global form after a body of young Syrian boy washed up on the shores of Turkey creating a global uproar as it highlighted the despondent state of affairs pertaining to the migrant crisis. The escalating humanitarian cataclysm arising from an unprecedented number of refugees created pressure on governments of European Union to take an action.<sup>5</sup> The essential issues here were whether the existing systems could accommodate the sudden influx<sup>6</sup> and whether this will galvanize the safety and security of their own people and create a dearth of resources while trying to circumvent the problem of disenfranchisement of the refugees.

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<sup>2</sup> Marie Lacroix, *The road to asylum: between fortress Europe and Canadian refugee policy* (2000)

<sup>3</sup> *EU migrant crisis: facts and figures*, NEWS EUROPEAN PARLIAMENT (Jun. 30, 2017) <http://www.europarl.europa.eu/news/en/headlines/society/20170629STO78630/eu-migrant-crisis-facts-and-figures> (last visited Jan. 01, 2018).

<sup>4</sup> *Worldwide displacement hits all-time high as war and persecution increase*, UNHCR (Jun. 18, 2015) <http://www.unhcr.org/558193896.html> (last visited Jan. 01, 2018).

<sup>5</sup> German Chancellor & French President issued a joint statement stating that “*the European Union must act decisively and in accordance with its values*” whilst putting forward “*joint proposals to organise the reception of refugees and a fair distribution in Europe*” as well as “*converging standards to strengthen the European asylum system.*” See *Chancellor Angela Merkel defends Germany's refugee policy as moral and legal*, DEUTSCHE WELLE (DW), (Sep. 03, 2015) <http://p.dw.com/p/1GQgq> (last visited Jan. 01, 2018).

<sup>6</sup> Dublin Regulation of 6 June 2013 outlines the responsibilities for member states in evaluating and determining the status of asylum applications. See *Country responsible for asylum application (Dublin)*, EU MIGRATION & HOME AFFAIRS, [https://ec.europa.eu/home-affairs/what-we-do/policies/asylum/examination-of-applicants\\_en](https://ec.europa.eu/home-affairs/what-we-do/policies/asylum/examination-of-applicants_en) (last visited Jan. 01, 2018).

The European Union, one of the most progressive societies, continues to struggle with a fluid solution to the migration crisis whilst respecting International laws and Human Rights.<sup>7</sup> The inability to execute and process the migration effectively, initially, by the host countries gave birth to the Schengen Agreement.<sup>8</sup> Currently, stabilisation and security within the EU are critical to ensure long-term security, both economically and politically. The Schengen agreement to a great extent aids in this as it enhances the free movement principle while strategically re-establishing border controls.<sup>9</sup>

In order to guarantee stability, it is essential that Europe addresses various collateral challenges of the migration crisis apart from the effective resettlement and integration of the migrants into the society. The Union needs to address issues such as border control and infrastructure assessment in a unified manner while maintaining its integrity and preserving the legitimacy of its members to prevent few member states from acting unilaterally.

After establishing the preliminary differentiation between asylum claims due to the crisis and economic migrants, it becomes pertinent on part of the host country to gain aid and assistance to accommodate them. This requires a reformed and practical approach to respond coherently to the claims keeping various limitations such as time and resources in mind.

These challenges cannot be overcome by the Government alone and must include other stakeholders such as transnational corporations operating in Europe and elsewhere, the international community, the public and society at large. Humanitarian issues and human rights are intricately woven into the fabric of the society. These actors to a large extent determine the push and pull factors of the migration and therefore, bureaucratic or transcorporational inertia at this stage will lead to a protracted crisis and create a negative boomerang effect in the long-run exacerbating the economy. Businesses can either directly contribute by funding and assistance or enter into Public Private Partnerships (PPPs) complimenting the work being done by Government agencies and other organizations.<sup>10</sup>

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<sup>7</sup> Daniel Augenstein, *State responsibilities to regulate and adjudicate corporate activities under the European convention on human rights* (2011).

<sup>8</sup> Gavin Hewitt, *Paris attacks: Impact on border and refugee policy*, BBC NEWS (Nov. 15, 2015), <http://www.bbc.com/news/world-europe-34826438> (last visited Jan. 01, 2018).

<sup>9</sup> *Back to Schengen: Commission proposes Roadmap for restoring fully functioning Schengen system*, EUROPEAN COMMISSION (Mar. 04, 2016), [http://europa.eu/rapid/press-release\\_IP-16-585\\_en.htm](http://europa.eu/rapid/press-release_IP-16-585_en.htm) (last visited Jan. 01, 2018)

<sup>10</sup> *Europe's Migrant Crisis: Balancing the Risks with Long-term Gains*, WHARTON (Sep. 10, 2015), <http://knowledge.wharton.upenn.edu/article/europes-migrant-crisis-balancing-the-risks-with-long-term-gains/> (last visited Jan. 01, 2018).

The migrant crisis brings with itself an array of challenges, it also provides several business opportunities.<sup>11</sup> One cannot ignore the economic impact a situation such as this tends to have, some of which includes the labour market demand and supply<sup>12</sup> along with several commercial opportunities and skills which can be exploited. Transnational corporations play a mammoth role in the global economy, their contribution in curbing the unmanaged migration crisis and providing for institutional change will yield faster results and create a positive long-term impact on the economic dynamics and a conducive environment which fosters development.<sup>13</sup>

Countries experiencing an overwhelming influx as opposed to their absorption capacity view this as a growing burden on the government due to constant humanitarian assistance, welfare payments, infrastructure for resettlement and integration of refugees. The government cannot act in silos and this is where the businesses can help with their managerial skills and innovation. Innovation being the archetype of these corporations can be used to cushion the various government initiatives such as border control or hasten the process of migration both qualitatively and quantitatively. This also indicates the need for strategic active involvement of both sectors to arrive at a sustainable solution to address the crisis given its urgent nature. An internal organization, which includes closely working with the government in formulating overarching policies for refugee integration has off-late gained importance as economic integration is a primary concern and one that businesses have a crucial role to play. Right from language based training to skills development<sup>14</sup>, international corporations fill these gaps mitigating capacity constraints and making the refugees a productive part of the economy, strengthening their contribution. The corporations can foster a more propitious environment by adopting a flexible and all-encompassing objective under their corporate

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<sup>11</sup>*The Impact of Syrian Refugees on the Turkish Labour Market*, WORLD BANK (Aug. 24, 2015) <http://documents.worldbank.org/curated/en/505471468194980180/The-impact-of-Syrians-refugees-on-the-Turkish-labor-market> (last visited Jan. 01, 2018).

<sup>12</sup> Clay Kitchura, *Europe's Migrant Crisis: What to Expect in 2016 and Beyond*, FRONTIER STRATEGY GROUP, <http://blog.frontierstrategygroup.com/2016/06/europe/> (last visited Jan. 01, 2018). See also, "Jordanian small business becomes supplier to national supermarket chain," USAID (Sep. 22, 2015) <http://www.jordanlens.org/node/37> (last visited Jan. 01, 2018).

<sup>13</sup> Philippe Legrain, *Refugees Work: A Humanitarian Investment that Yields Economic Dividends*, TENT FOUNDATION (May 03, 2016) [http://www.opennetwork.net/wp-content/uploads/2016/05/Tent-Open-Refugees-Work\\_V13.pdf](http://www.opennetwork.net/wp-content/uploads/2016/05/Tent-Open-Refugees-Work_V13.pdf) (last visited Jan. 01, 2018).

<sup>14</sup> Paul Absalon, *Workshop teaches Tuareg artisans new skills in exile*, UNHCR, (May 04, 2016) <http://www.unhcr.org/en-us/news/latest/2016/5/5729bc956/workshop-teaches-tuareg-artisans-new-skills-exile.html> (last visited Jan. 01, 2018).

social responsibility obligation.<sup>15</sup> This caters to engagement which goes beyond the current crisis and lays down the path for a more stable and enduring future.

## **Human Rights And Transnational Corporations**

Business plays an intrinsic role in the migrant integration process. The private sector is not obligated towards providing these refugees with protection or in aiding them. However, businesses cannot turn to moral turpitude and ignore their human rights obligations towards the society.<sup>16</sup> The fundamentality lies in recognizing their capacity to act as catalysts of systematic migration movement and be the harbingers of positive trade flow. The specific advantage that transnational companies have is that they have operations and management in several countries and for this reason, it is necessary that it takes into account the migration influx and varying workforce.

The UN Guiding Principles on Business and Human Rights illustrates the responsibilities businesses must shoulder with respect to human rights.<sup>17</sup> Unless corporations exploit their full potential and implement these guidelines to ebb the unprecedented migrant crisis, mitigating these risks and challenges will continue to remain a herculean task.

One of the most effective ways to incorporate this is embracing the three-step process laid down by the Business & Human Rights Resource Centre. This includes using the core business as a tool to respond to the crisis, showing tangible support for a coordinated call for respectful societal and governmental action, and taking a principled stance to not support any of the governmental activities which could contribute to human rights abuses.

### **1. Core Business As A Tool To Respond To The Crisis**

Utilising the core business as a tool to mobilize resources and tailoring it to the volatility of the current situation will create a pliable and adaptable environment for the business to expand and aid refugees with their integration process. This mobilization will involve introducing apprenticeship programs, training the refugees with specific skill sets, amending hiring policies, providing them with internship opportunities which will spell into

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<sup>15</sup> Aurora Voiculescu, *The Business of Human Rights: An Evolving Agenda for Corporate Responsibility*, ZED BOOKS (2011).

<sup>16</sup> David Weissbrodt, *Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights*, 97 AM. J. INT'L L. 901 (2003).

<sup>17</sup> Human Rights Council, 'Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework', A/HRC/17/31 (21 March 2011), II A para 14 p.14.

employment in the future, giving them the dignity of work.<sup>18</sup> Apart from this, corporations can attune their products, services and operations to the needs of the refugees.<sup>19</sup> Especially in the age of technology and communication, one of the biggest advantage transnational corporations have is the technological innovation and implementation.<sup>20</sup> The whole process of migration is fairly complex and can be a taxing ordeal if not done coherently in an organized manner. The sheer magnitude of this influx commands for a technical capacity which can cater to their needs urgently. Information sharing and database at the entry-level forms a very crucial part acting as a stepping stone, and for this the government relies on the infrastructure and enterprise technology options which the private sector has to offer.<sup>21</sup> This is essential for strategic planning, identity verification and tracking, border control and security and importantly for raising funds and gathering aid to be distributed to those who need it the most. One needs to take both enterprise and consumer focused corporations into cognizance when considering technological innovation. A sublime example is the Schengen Information System and the Eurodac.<sup>22</sup>

Processing and evaluation of the asylum applications often face several irregularities spanning across different host States. This makes it difficult for the government to form a cohesive picture for speedy approval of these applications. This is further complicated by the inconsistency in the use of technology and communication platforms opted by the host States. However, since transnational companies have a comprehensive understanding of the policies of different states and its functioning, their adaptability is better suited to address these issues alongside the government. Together, they can collaborate and formulate a consistent centralized system. This system will have the capacity to take into consideration the multitude of applications and queries which pour in en-masse on a daily basis. The faith and security that the public sector embodies coupled with the resources and innovation of the private sector is a viable solution to most of the problems.

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<sup>18</sup> Uganda has adopted a Self-Reliance Strategy, allowing refugees the rights to work and freedom of movement, with extremely positive outcomes. *See also*, Mark Latonero, *Tech Companies Should Speak Up for Refugees, Not Only High-Skilled Immigrants*, HARVARD BUSINESS REVIEW (May 16, 2017).

<sup>19</sup> *Join Airbnb in supporting relief organizations*, AIRBNB BLOG, (Oct. 03, 2015).

<sup>20</sup> *Managing the refugee and migrant crisis: The role of governments, private sector and technology*, PWC <https://www.pwc.com/gx/en/issues/crisis-solutions/refugee-and-migrant-crisis-report.pdf> (last visited Jan. 01, 2018).

<sup>21</sup> *Banking on Refugees*, DIGITAL FINANCE INSTITUTE, [http://www.digitalfinanceinstitute.org/?post\\_projects=childrens-adventure-camps](http://www.digitalfinanceinstitute.org/?post_projects=childrens-adventure-camps) (last visited Jan. 01, 2018)

<sup>22</sup> *Operational Management*, EULISA, <http://www.eulisa.europa.eu/AboutUs/MandateAndActivities/CoreActivities/Pages/OperationalManagement.aspx> (last visited Jan. 01, 2018).

A commendable example has been set by MasterCard which has mobilised its core business by customizing its products and employing optimum utilization of its technological infrastructure in MasterCard Aid Network and Prepaid.<sup>23</sup> Mercy Corps, an international humanitarian organization collaborated with MasterCard and Serbian Ministry of Labour to launch a pilot program of Cashless assistance in Presevo, Serbia. Under this program, eligible refugees who are travelling through Serbia will receive prepaid debit cards to cover their basic needs and expenses. This program, as opposed to the several other adopted in the past, is wholly based on cashless transactions accepted internationally and is seen as the model example set in terms of Public Private Partnerships. This program which leverages refugee-friendly connectivity and analytical expertise was widely successful for three main reasons. Firstly, it gave the refugees the power to purchase, restored their dignity and a degree of independence which placed them in a position to tend to their personal needs and provide for themselves. Secondly, the program could be implemented in the areas where it was the most needed, in a prompt manner as it did not involve the relocation of tangible aid and assistance. The uniqueness here lay in the fact that these resources could be micromanaged and the cards were seen as a rapid form of humanitarian assistance which was quickly transferable depending on the need of the hour. Lastly, since the limit on each card was controlled by MasterCard, it followed a credit system wherein exploitation of money was extremely low as the money not spent could be easily reallocated.

This was seen as a remarkable solution in the migration crisis as it not only placed the refugees in control but enabling them with the purchasing power also infused cash into the host country's economy reducing their dependency on them. The program which represented mobility, flexibility and dignity, later went on to be adopted in Greece as well after a successful debut in Serbia.

## **2. Show Support For A Coordinated Use To Call For Respectful Societal And Governmental Action**

The contribution a refugee can make towards the host country to a considerable degree depends on policies and opportunities that the host country provides. A strong institutional and internal organization of the country dictates its capacity to not just accommodate the

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<sup>23</sup>*Mercy Corps pilots refugee cash assistance program in Serbia*, MERCY CORPS (Feb. 03, 2016) <https://www.mercycorps.org/press-room/releases/mercy-corps-pilots-refugee-cash-assistance-program-serbia> (last visited Jan. 01, 2018).

refugees temporarily but also turn them into an investment, boosting its economy.<sup>24</sup> Although a majority policy-making and execution is undertaken by the government, businesses play an inevitable role in reinforcing them and act as catalysts to bring about changes.

Through coordinated responses, a transnational corporation can make a deep impact by calling for respectful societal and governmental action.<sup>25</sup> Since a substantial degree of trade and investment is carried out by these corporations having operations across borders, they function on a very wide spectrum and dictate major market trends. Unilever, the conglomerate in consumer goods is one such transnational which has embraced the migrant crisis in Europe and is striving to build a better international community.<sup>26</sup>

Unilever has drawn up an employee matched funding campaign alongside donating consumer products and expertise which can be used by the refugees. Diversity is one of the core elements of transnational corporations, Unilever, recognizing this has used it in its stride by creating employment opportunities for the refugees to enter into the formal labour market. This decreases dependency on assistance programs and welfare systems while increasing the cultural integration and economic development.<sup>27</sup>

Private sector engagement with the government is pivotal for arriving at a scalable solution and building a more conducive environment, as it has been observed in the past, a systematic, well-managed migration can benefit the host country's economy and reduce the fear of deportation and insecurity amongst the migrants.<sup>28</sup> The migration crisis in Europe deviates from the contemporary migration patterns and the urgency and sheer expanse of the crisis

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<sup>24</sup> Vijaya Ramachandran, *Another Side to the Story: Syrian Refugees Have Invested over \$300 Million in the Turkish Economy*, CENTER FOR GLOBAL DEVELOPMENT, (Aug. 02 2017) <https://www.cgdev.org/blog/another-side-story-syrian-refugees-have-invested-over-300-million-turkish-economy> (last visited Jan. 01, 2018).

<sup>25</sup> Work and provide jobs within Special Economic Zones (SEZs) – with a planned pilot in 2016, Jordan will grant 150,000 work permits to Syrian refugees. Those Syrians can find jobs alongside Jordanian nationals in five planned SEZs. See *Can Jordan's special economic zones gives jobs to Syrian refugees*, APOLITICAL (Apr. 20, 2017) [https://apolitical.co/solution\\_article/can-jordans-special-economic-zones-gives-jobs-syrian-refugees/](https://apolitical.co/solution_article/can-jordans-special-economic-zones-gives-jobs-syrian-refugees/) (last visited Jan. 01, 2018)

<sup>26</sup> *How can business help tackle the refugee crisis*, ICC (Sep. 16, 2016) <https://iccwbo.org/media-wall/news-speeches/how-can-business-help-tackle-the-refugee-crisis/> (last visited Jan. 01, 2018). See also, *The refugee crisis: BITC members' response*, BUSINESS IN THE COMMUNITY, <https://www.bitc.org.uk/international/international-programmes/international-disaster-relief/refugee-crisis-bitc-members> (last visited Jan. 01, 2018).

<sup>27</sup> *The role business can play in tackling the refugee crisis*, UNILEVER (Jun. 20, 2017) <https://www.unilever.com/news/news-and-features/Feature-article/2017/role-business-can-play-in-tackling-the-refugee-crisis.html> (last visited Jan. 01, 2018).

<sup>28</sup> *The Business Case for Migration*, WORLD ECONOMIC FORUM (2013) [http://www3.weforum.org/docs/GAC/2013/WEF\\_GAC\\_Migration\\_BusinessCase\\_Report\\_2013.pdf](http://www3.weforum.org/docs/GAC/2013/WEF_GAC_Migration_BusinessCase_Report_2013.pdf) (last visited Jan. 01, 2018).

cannot be undermined. It's time for the corporations to stand up to promote an open business environment and facilitate the bridge between skill development and job creation.<sup>29</sup>

Two of the biggest economies in Europe have witnessed a proactive role taken up by important state and non-state actors for a coordinated response towards mitigating the crisis. France's largest employer federation, MEDEF, was commended for using its position to move the French government into welcoming more refugees and laying down the foundation towards a more integrated economy and enhancing diverse talent mobility.<sup>30</sup> This diasporic pattern was recognized by Germany, alike, where the German Industry Association has resolutely pushed the safety of these refugees from a business-human rights perspective.<sup>31</sup> It has stressed the importance they have in the labour market and ensured that they continue to retain their dignity and identity after the companies have invested in them by advocating for their rights.

While it is important to have a traditional humanitarian approach and give them ample assistance and aid through basic necessities. This traditional approach, however, will disable them from functioning actively in the society if their skills are not turned into jobs. Once the initial aid wanes off, it becomes increasingly difficult for migrants to sustain independently in a foreign territory. An ideal solution would be active humanitarian assistance combined with employment and spur entrepreneurial opportunities,<sup>32</sup> which cannot be achieved unless corporations show their support and insist on positive policy reforms by the government.<sup>33</sup>

### **3. Principled Stance To Not Support Any Of The Governmental Activities Which Could Contribute To Human Rights Abuses**

Corporations have fast gained the reputation of being ruthless business houses who are profit-oriented and praxis is principled on 'end justifies the means.' Governments have approached

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<sup>29</sup> For example, LinkedIn for Good's Pilot in Sweden and Deloitte's Connect for Purpose project.

<sup>30</sup> Hayat Gazzane, *The business world continues to mobilize for refugees*, LE FIGARO (Sep. 12, 2015) <http://www.lefigaro.fr/conjoncture/2015/09/12/20002-20150912ARTFIG00066-le-monde-de-l-entreprise-se-mobilise-a-son-tour-pour-les-refugies.php> (last visited Jan. 01, 2018).

<sup>31</sup> Markus Dettmer, *German Companies See Refugees as Opportunity*, SPIEGEL (Aug. 27, 2015) <http://www.spiegel.de/international/germany/refugees-are-an-opportunity-for-the-german-economy-a-1050102.html> (last visited Jan. 01, 2018).

<sup>32</sup> Integrating them as swiftly as possible into the economy enables them to contribute as employees, entrepreneurs, taxpayers and consumers. Refugees can even provide a development dividend to their country of origin in the form of remittances. See Sari Pekkala Kerr, *Immigrant Entrepreneurship*, NBER (Jul. 2016), <http://www.nber.org/papers/w22385> (last visited Jan. 01, 2018).

<sup>33</sup> William N. Evans, *The Economic and Social Outcomes of Refugees in the United States: Evidence from the ACS*, NBER (Jun. 2017), <http://www.nber.org/papers/w23498> (last visited Jan. 01, 2018).

corporations when it came to espousing actions involving moral turpitude against a certain payment or favour making corporate complicity a norm. On the face of a sizeable payment, it is very unlikely that a company will turn down the offer and opt for a compassionate approach guided by a firm moral compass. Interestingly, a Berlin-based company did just that, taking a strong stance, which represented the social responsibility that corporations shoulder these days in times of such a crisis. Hungary, known for its anti-immigration national policies, propositioned to build razor sharp wire fence along its Serbian border to thwart all attempts made by refugees to cross borders. For this, the offer made to Mutanox, a manufacturer of fences and fencing materials was sternly turned down and it publicly condemned the step taken by Hungarian Government.<sup>34</sup> This welcome move was widely appreciated and illustrated the conscious effort taken up by a corporation amongst the several others who have been silent players so far.

Mutanox made a significant monetary sacrifice in lieu of supporting a governmental activity which contributed to human rights abuses. The reason this withdrawal created an impact was that governments are heavily dependent on the private sector for services, products and technological infrastructure. Here, the virtuous corporations have the upper hand and choose the higher, more humane ground and not comply with such requests as it not only gets the company goodwill but also strengthens its place in the eyes of the society in the longer run, attracting investors.<sup>35</sup>

One might argue that it becomes impertinent for the business houses to become patrons of national policies irrespective of their nature and they become bound to abide by it. But since the responsibility and power transnational corporations exercise spans across borders and fall under the premise of International Law, human rights have and will always take up the foreground. The reception of such policies to a large extent determine whether corporations will exploit the systemic shifts or aspire to initiate a paradoxical change where profit-oriented private sectors take up a socially conscious role.

Expecting the whole business community in Europe, during the refugee crisis, to display a similar viewpoint would be utopian but there are sundry other ways in which corporations

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<sup>34</sup>*How are companies responding to the refugee crisis in Europe*, BUSINESS & HUMAN RIGHTS RESOURCE CENTRE, <https://business-humanrights.org/en/how-are-companies-responding-to-the-refugee-crisis-in-europe> (last visited Jan. 01, 2018).

<sup>35</sup> Ariane Rummery, *Harnessing citizens' goodwill can help solve refugee crisis*, UNHCR (Nov. 15, 2017) <http://www.unhcr.org/news/latest/2017/11/5a0c88234/harnessing-citizens-goodwill-help-solve-refugee-crisis.html> (last visited Jan. 01, 2018).

can own a humanitarian outlook.<sup>36</sup> The economy is what the country makes out of it and if the foundational players of the economy such as the transnational corporations spearhead a resolute stance, it will open up several doors for the other smaller ones to adopt a similar humane approach towards the refugee crisis.

#### **4. Other Guiding Principles**

The above illustrated process has been specifically picked with respect to the European Refugee crisis for the reason that Europe is a hotbed of technology and employment opportunities owing to its high economic development but also the urgency of the mass influx of the refugees must be kept in mind.<sup>37</sup> With several transnational corporations being headquartered in the European Union, they have a stronger base and command in those markets, which means the value system these corporations imbibe forms the core essence in arriving at a sustainable solution for this crisis.

Several initiatives have been taken up by the international organizations such as the UN in supporting the corporations to achieve sustainability. One such initiative includes the UN Global Compact which lays down ten fundamental principles to mobilize the objectives pertaining to labour rights, environment protection, human rights and anti-corruption with the first principle concerning itself with the obligation of businesses to support internationally proclaimed human rights.

Ever since the refugee crisis has unfolded, UN Global Compact has strived hard to support businesses in their steps to mitigate the suffering of the refugees and integrating them back into a stable society.<sup>38</sup> Funds and assistance in form of humanitarian aid are seen as the most common form of financial support<sup>39</sup> which the companies are willing to provide, however, it is in the interest of the host country to encourage businesses to go a step ahead and demonstrate solace based on their assets and operational capability.

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<sup>36</sup>Eniko Horvath, *How Can Companies Support Refugees in Europe?* HUFFINGTON POST (Oct. 21, 2015) [http://www.huffingtonpost.co.uk/eniko-horvath/refugees-europe\\_b\\_8336004.html](http://www.huffingtonpost.co.uk/eniko-horvath/refugees-europe_b_8336004.html) (last visited Jan. 01, 2018)

<sup>37</sup>*In search of work: creating jobs for Syrian refugees*, INTERNATIONAL RESCUE COMMITTEE (Feb. 09, 2017), <https://www.rescue.org/report/search-work-creating-jobs-syrian-refugees> (last visited Jan. 01, 2018).

<sup>38</sup>*UN Global Compact & UN High Commissioner for Refugees call for company pledges in response to refugee crisis*, BUSINESS & HUMAN RIGHTS RESOURCE CENTRE (Sep. 26, 2015) <https://business-humanrights.org/en/un-global-compact-un-high-commissioner-for-refugees-call-for-company-pledges-in-response-to-refugee-crisis> (last visited Jan. 01, 2018).

<sup>39</sup> Google gave more than \$12M through Google.org to support innovative solutions to connectivity, access to information and education for refugees and enabled employees to volunteer their time and skills to help.

The principles stress the significance of mobilizing core business to adapt to the metamorphosis. The economically sound background of several European countries, in the short term, might feel threatened by the excess influx but according to the World Economic Forum's Global Agenda Council on Migration, a migration which is well managed can turn into a socio-economic investment cushioned by the talent market.<sup>40</sup> Transnational corporations are heavily dependent on mobile labour with a diverse talent pool as opposed to the domestic market. Hence, collective action on their part and engagement in public policy decision making is impertinent to develop social cohesion and build a working environment which is skill driven and based on functional expertise which goes beyond borders.

Multinational corporations have pledged to take up a pragmatic humanitarian approach which is seen as a welcoming sign by the civil society.<sup>41</sup> These include giants such as BOSCH Group, Tesco PLC, Nestle and Novartis who have gone beyond providing financial assistance but also are actively involved in real-time sustainable solutions. Having a respectable market command means that these companies act as a benchmark for other smaller or domestic companies to follow suit. BOSCH Group, for example, has hosted a variety of activities and programs for a better integration of the refugees into the society which includes the creation of internships, construction of refugee housing, collection and delivery of donations, and organization of intercultural events, etc.

### **Conclusion: From Challenges To Opportunities**

Respecting Human Rights was considered as a State obligation. However, privatisation and globalisation have paved way for a rapid development of transnational companies, making them essential non-state actors.

Changing the narrative from 'challenge' to 'opportunity' helps and acts as an incentive for transnational corporations to come forward and take responsibilities as social actors of international nature.<sup>42</sup> Where much of the business takes place based on connectivity, technology and convening power, one must address the fact that the foundational element of

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<sup>40</sup> Diana Cliff, *Helping Refugees, Asylum Seekers and Migrants to Use Their Wealth of Talents and Experience*, LOCAL ECONOMY VOL. 15, 2000 - ISSUE 4

<sup>41</sup> *Business Action Pledge in Response to the Refugee Crisis*, BUSINESS.UN.ORG, [https://business.un.org/en/pledge\\_categories/refugee\\_crisis](https://business.un.org/en/pledge_categories/refugee_crisis) (last visited Jan. 01, 2018).

<sup>42</sup> Steven R. Ratner, *Corporations and Human Rights: A Theory of Legal Responsibility*, YALE LAW JOURNAL (Dec. 2001) .

a business rests with a healthy community.<sup>43</sup> As part of their ethos, development of strategic social investment and creation of sustainable emerging markets will pave way for a platform where they can further advocate for humanitarian issues related to refugees and migration crisis.<sup>44</sup>

Issues such as mass migration of people are very closely linked to investment and economy.<sup>45</sup> Forming a key link in the economic dimension, local communities, help in mitigating the crisis in an efficient manner. Socially responsible investment should be made by transnational corporations by the means of collaborative engagement between public and private sector.<sup>46</sup> The Principles for Responsible Investment backed by the UN<sup>47</sup> are an exemplary example of the same as they have fostered the UN Global Compact principles.<sup>48</sup> Transnational Corporations as investors engage in foreign direct investment which also includes indulging in several value-added activities across borders and their collective action stimulate an environment where various administrative and financial barriers can be overcome by mobilizing structures and engaging integration.<sup>49</sup> One cannot undermine the symbolic power these corporations possess and the extent of this legitimate power to call upon government into taking cognizance of issues of public policy engagement and international legal obligations.

The crisis is not esoteric or ephemeral in nature and building a long-lasting infrastructure to cohere into a balanced community is essential. Transnational corporations hold a large stake in this global crisis as it is necessary to ensure the stability in the countries which host refugees. These are inherently developed countries with a comparative advantage over other

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<sup>43</sup> *Connecting Refugees*, UNHCR (Sep. 2016), <http://www.unhcr.org/5770d43c4.pdf> (last visited Jan. 01, 2018); *The State of Broadband 2015*, BROADBAND COMMISSION FOR DIGITAL DEVELOPMENT (Sep. 2015), <http://www.broadbandcommission.org/Documents/reports/bb-annualreport2015.pdf> (last visited Jan. 01, 2018)

<sup>44</sup> In 2013, Western Union drew early attention to the needs of young Syrian refugees through a multi-year consumer fundraising campaign to benefit UNICEF.

<sup>45</sup> Thompson Chau, *Rakhine crisis leads Europe to put off IPA ratification*, MYANMAR TIMES (Oct 02, 2017), <https://www.mmtimes.com/news/rakhine-crisis-leads-europe-put-ipa-ratification.html> (last visited Jan. 01, 2018)

<sup>46</sup> Jean-Pascal Gond, *Enabling Institutional Investors' Collective Action the Role of the Principles for Responsible Investment Initiative* (Mar. 2013).

<sup>47</sup> The fact that the PRI initiative is backed by the United Nations helps enhance the symbolic power of the group of investors, providing in itself sources of moral legitimacy as well as the possibility of attracting and capitalizing on the legitimacy of organizations perceived as legitimate on these issues (e.g., governments, NGOs).

<sup>48</sup> Andreas Rasche, *Toward a model to compare and analyze accountability standards – the case of the UN Global Compact* (Jun. 19, 2009) <http://onlinelibrary.wiley.com/doi/10.1002/csr.202/abstract> (last visited Jan. 01, 2018)

<sup>49</sup> *Global Trends: Forced Displacement in 2016*, UNHCR (June 2017), <http://www.unhcr.org/5943e8a34> (last visited Jan. 01, 2018).

economies which pose exhortations on the main actors of the economy to act soon and act quick.<sup>50</sup> The reason immense stress is being put on the transnational corporations in the EU to act fast is because their actions will reverberate for companies around the world. Other developing countries facing similar crisis will take heed and resolve the migration crisis in an alike manner.

Transnational companies as distinguished from other public sector have a better understanding when it comes to overcoming barriers, political or on-field. They have the advantage of convening a shared understanding spread across diverse geo-political backgrounds and build a partnership development with the public sector of the host countries.<sup>51</sup>

If a stark comparison was to be made with the European Refugee Crisis, the Rohingya Crisis reflects the large-scale humanitarian call for help. Except, in the latter, mobilising aid and resources seems to be a herculean task. Over half a million Rohingya refugees are fleeing to Bangladesh from the Rakhine state in Myanmar from what is deemed as an act of ethnic cleansing.<sup>52</sup> Considering how both Bangladesh and Myanmar are at a climacteric stage politically and economically, it is crucial for the private sector to step in and shoulder the responsibility. Myanmar, after a turbulent political past, has newly transitioned into a civilian government making it all the more fragile to respond to the needs and demands of the society. On the other hand, Bangladesh, a developing country finds it difficult to accommodate the sudden mass influx of refugees into their economy.

Even though several companies are observing the third step of not supporting any of the governmental activities which could contribute to human rights abuses<sup>53</sup>, in the bigger picture, it is important to reinforce all three steps together<sup>54</sup> to attain a more fulfilled result.

The volatile nature of international politics translates into the fact that it is pertinent for these non-state actors to start taking affirmative action to protect human rights rather than being a

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<sup>50</sup> Alexander Betts, *Refugee Economies: Rethinking Popular Assumptions*, UNIVERSITY OF OXFORD (June 2014) <https://www.rsc.ox.ac.uk/refugeeeconomies> (last visited Jan. 01, 2018)

<sup>51</sup> Philippe Legrain, *Refugees & Migrants - An Opportunity for Humanity*, THE B TEAM (Dec. 10, 2016) [https://issuu.com/the-bteam/docs/bteam\\_-\\_refugees\\_and\\_migrants\\_repor](https://issuu.com/the-bteam/docs/bteam_-_refugees_and_migrants_repor) (last visited Jan. 01, 2018)

<sup>52</sup> *Rohingya Refugee Crisis*, OCHA, <https://www.unocha.org/rohingya-refugee-crisis> (last visited Jan. 01, 2018)

<sup>53</sup> Faarea Masud, *Chevron says it will push for Myanmar human rights*, BBC NEWS (Nov. 16, 2017), <http://www.bbc.com/news/business-41977909> (last visited Jan. 01, 2018).

<sup>54</sup> *UMFCCI commits to helping government's Rakhine development*, MIZZIMA (Oct. 22, 2017), <http://www.mizzima.com/news-domestic/umfcci-commits-helping-government%E2%80%99s-rakhine-development> (last visited Jan. 01, 2018)

mere observer. Along with the refugees, assisting the host communities is just as important as they both form a symbiotic relationship and become interwoven in the same society. The collective influence these corporations exercise on policy making and economic practices in a country cannot be undermined.