MULTINATIONAL ENTERPRISES AND INTERNATIONAL LAW

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Abstract - Multinational Enterprises (MNE) are an important international actors in a global economy. Their activities significantly affect the rights of the people all over the world. Since 1960's tragedies such as Bhopal in India, Shell in Nigeria show that MNE could substantially harm the host country and the population. After these catastrophes, international community has decided to take steps to control MNE's activities. In 2003, United Nations Sub- Commission on the Promotion and Protection of Human Rights prepared the draft norm, "Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights", in order to create hard law instrument. Although this draft norm was envisaged a legally binding convention, it was not approved by the United Nations Commission on Human Rights. In 2005, United Nations (UN) General Secretary has appointed Prof.J.Ruggie as special representative on business & human rights. Prof.J.Ruggie drafted UN principles on Business and Human Rights. From 1960's to today, MNE operations and their human and labour rights violations continued and international community could not create legal instrument which impose direct human rights obligations to the MNEs. In this research, it will be examined international communities response on MNEs in detailed. It will be argued that in order to prevent MNE's human rights violations there is a need legally binding convention which impose direct obligation to them

Introduction and Objectives

MNE plays an important role in globalised world. They have many effects on the host countries ranging from environmental, economic and the rights of people. In this research it will be shown their effects in particular on the rights of population. After it will be examined the international organizations response. The objective is to show that despite the fact that MNEs is very strong and harm the host country there will no instrument,mechanism could prevent their violations. This situation creates a gap in international law. It will be further argued that international community's response was not sufficient and there is a need for legally binding convention in order to impose direct obligation to MNEs.

Methods

This research is entirely library based.

Conclusions

The soft law instruments prepared by the UN, OECD,ILO is not sufficient to prevent MNE's violations and their harm. There is a need for hard law instrument.

Keywords - Multinational Enterprises, International Organizations, Human Rights.

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