

Foreword

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Historically, human rights manifest in the liberation of citizens from the arbitrary use of power through absolute political rulers. Therefore, human rights have been threatened by and won against governments not by private actors and today, they are protected by governments, not by private actors. However, over the last decade, human rights violations have been increasingly connected to the activities of multinational corporations – they have been “privatized”. How did this happen? The globally stretched business activities of multinational corporations often reach into countries, where human rights are not protected and where governments are either not willing or not able to protect the basic human rights of their citizens. The globalization of economic activities has not been accompanied by a globalization of governmental regulation: Corporations operate globally, governments regulate nationally (if they regulate at all). Resources are often mined or harvested in failed states while production activities are outsourced to cheap countries with weak or repressive governance systems where the rights of workers are not protected. As a result, multinational corporations navigate in a highly problematic regulatory context in which the violation of human rights often goes unpunished. Such violations of human rights become a problem of corporations as soon as they get connected to such a violation through their production activities. A computer, for example requires tantulum, which might be mined by slaves in the Congo. The same computer might be assembled under unacceptable working conditions in a Chinese factory and might get “recycled” at the Ivory Coast by children who kill themselves by burning the plastic while trying to get the metals. The computer producer potentially has human rights problems at all steps of the supply chain. Like the computer, any product potentially tells a story of harm doing and increasingly disposes of a biography of human rights violations.

In the 20th century, such problems were understood as *political* problems to be solved by *public* actors since the post war era was characterized by a simple division of labor: Governments make the rules (and enforce them) and corporations follow the rules (and focus on their profits otherwise). This has been a taken for granted assumption not only by practitioners, but also among scholars in management, philosophy and law. However, globalization has shaken the neat division of labor between governments and corporations. The compliance-driven logic of rule-

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following becomes meaningless in a context without rules and absent rule enforcement. Numerous cases of human rights violations along supply chains have led to a rising tide of NGO activism against corporations which face public pressure for the doubtful working conditions to which they are connected. Issues such as slavery, child labor, overtime work, health and safety risks or unfair wages made the headlines of the mass media around the world and damaged the reputation of numerous multinational brands. The global *outsourcing of production* which started in the late 1980s with Nike and Levi Strauss, has led to an *insourcing of human rights problems*. It has become a more or less undisputed societal expectation that multinational corporations engage to abolish, alleviate, remediate or compensate for those problems. They are held responsible not just for their own activities but potentially for their complete supply chain. In cooperation with NGOs some corporations have started to engage in multistakeholder initiatives such as the Fair Labor Association, in order to become their own regulator. They produce and enforce soft law standards with regards to human rights in their own operations and those of their business partners.

The discourse on human rights did not only enter the corporate world along the production activities in their supply chains. Corporations are additionally under fire for their links to repressive political regimes or the overall geopolitical impact of their activities in repressive contexts. They might become accomplices of non-democratic governments when they assist, encourage or morally support the crimes of such governments. Selling telecommunication equipment to the Mullah regime in Iran, building a pipeline through Myanmar or collaborating with paramilitaries in Columbia is not just perceived as a simple business transaction but as a morally problematic decision with a potential negative impact on the citizens of the affected countries. Complicity goes far beyond the idea of supply chain responsibility, because it builds on the assumption that a corporation might have a direct impact on the overall human rights situation in countries with bad human rights records.

Today, both discourses the one on global supply chains and the one on corporate complicity with repressive regimes have not only turned human rights into a strategic concern for those corporations that are embedded in globally stretched supply chains but also pushed business and human rights on the agenda of scholars from various discipline – from management to philosophy, anthropology and law, just to mention a few. Since years, Politeia and Emilio D’Orazio are on the forefront of knowledge production with regards to the responsibility of corporations. In 2011, the 8th Annual Forum of Politeia, devoted to “Business and Human Rights: in Search of Accountability” brought together some high profile managers from multinational corporations and leading scholars from various fields in order to better understand the key questions of the emerging scientific debate on business and human rights. This compilation of articles is the result of this fascinating conference. It is a valuable source of orientation for both practitioners and scholars – for scholars who look for the most recent (transdisciplinary) thinking in business and human rights and for practitioners who want to understand, how they can analyze and manage their responsibilities with regards to human rights.