

The Position of Human Rights in the Development of Transnational Economy with the Approach of Studying Multinational Companies

Ali Akbar Sanatnama

Senior Expert in Private Law, Tehran University of Science and Research, Kerman Branch.

**Corresponding Author Email: erfan.hematyar@gmail.com*

Abstract

This research was conducted with the aim of investigating the position of human rights in the development of transnational economy with the approach of studying multinational companies in 2022.

Research method: The method used in this research is descriptive, analytical and based on library and documentary studies, and to collect data using a phishing tool, from library sources and documents, archives of articles, researches, studies and related issues in Related sources are used.

Findings: The lack of appropriate international laws guaranteeing strong implementation in the field of human rights has caused multinational companies not to be under the pressure of human rights laws. The reason why human rights violations by these companies go unpunished is that international law traditionally targets governments and holds them responsible. Further, the results show that the commitment to protect human rights is not only the responsibility of the host government, but the source government also has such a commitment because the multinational company has its nationality. Also, the results of this research show that the direct effects of human rights on multinational companies are: 1. Non-discrimination 2. Women's rights 3. Freedom and physical integrity of the individual 4. Employees' rights 5. Child labor 6. Slavery and forced labor 7 Right to food, health, education and housing 8. Environmental rights.

Suggestions: Considering multinational companies as one of the main actors of the international community, so that more discussion and study can be done about them and their performance is carefully examined, drafting the necessary rules and regulations to control multinational companies, to It seems that the existence of strong international regulatory levers and before that the development of appropriate international laws both regarding multinational companies and foreign investment and more importantly human rights is the need of the international community today. To target the monitoring of the activities of multinational companies, especially in terms of human rights, and to have effective monitoring of their performance.

Keywords: Human Rights, Multinational Company, Rights, Development, Economy.

Introduction

Studies and research show that the observance of human rights by all members and actors of the international community is one of the important and necessary issues in international law. The problems in developing countries cause human rights to be ignored in these countries, and these countries are a safe and suitable place for multinational companies (investment, expansion and activity). The problem in this issue is that multinational companies mainly operate in an invisible and non-public way, and the appearance of their performance is only related to commercial and economic issues and the amount and manner of making profits, so their performance depends on The opinion of observing or not observing the standards of human rights, or in other words, the effect of their performance on the violation or promotion of human rights, has received less attention (Kasse, 2012: 189).

Today, without a doubt, multinational companies are one of the most important and influential players in the international community. Actors who are not only subject to international laws enacted by other actors of the international community, but also because of their great power and strong influence on some countries, international institutions and organizations, and perhaps individuals and officials. Officials at the international level indirectly influence the establishment of laws. Considering the ever-increasing expansion of the activities of multinational companies and the widespread violation of human rights at the international level (in general and not specifically for multinational companies), it is necessary to expand the investigation and monitoring of the performance of multinational companies in this field in order to It should be clearly determined whether the performance of these companies, especially in developing countries, is in line with the principles of human rights or whether this group of members of the international community violates human rights, in which case there is a need to change the type and Their field of activity seems necessary (Wallace, 1999:38).

Also, according to the available evidence, the performance of multinational companies in developed and developing countries is not coordinated and similar to each other, and from the point of view of human rights, considering the different conditions between these two groups of countries, a single multinational company has at least two It has left a completely different performance and there is no similarity between these two modes except for the name of this company. In this research, the researcher is looking for an answer to this basic question, why and how these conditions were created by multinational companies in the field of human rights, and what is the solution to this problem?

Importance and Necessity of Research

Due to the fact that in today's era, it is practically impossible to study international law without paying attention to the role of multinational companies, and the range of operations of these companies is increasing day by day, and these companies have become giants. have become large economic companies that by establishing branches and smaller departments went to different countries, especially weak and poor countries in terms of facilities and technology, and from the facilities and privileges available in those countries such as abundant labor with cheap wages, abundant natural and mineral resources And sometimes they are untouched, they need foreign investment, etc. and according to some researchers and experts in this field, they swallow all the assets of these countries. In the meantime, the differences of opinion between lawyers and experts, some of whom are in the group of supporters of multinational companies and others are among its opponents, is another debatable issue. One of the biggest problems of these two groups and their discussions is the observance or non-observance of human rights by these companies, or even before that, the responsibility and ability of these companies and their ability in the field of human rights, which can play a very important role and have an impact on the future of multinational companies and even the direction of human rights in the international community (Green, 2001:302).

According to these issues, since the presence of this company in different and different countries, especially developing countries, is increasing and the impact on developing countries from these companies is very large and intense, the discussion and investigation of the role and effectiveness of these companies in It seems necessary for developing countries and it shows the sensitivity and importance of investigation and research in this field, which has remained neglected, in order to find suitable solutions for the possible acceptance of multinational companies and their direct and indirect investments and to prevent them. The abuse and negligence of these companies in various fields, including human rights, should be provided.

Research Purposes

• Main Objective

Investigating the performance of multinational companies and its impact on the violation or development and promotion of human rights in developing countries.

• Sub Goals

- Examining the role of multinational companies in the international community.
- Examining the existing relationship between multinational companies and human rights.
- The role and responsibility of multinational companies in the field of human rights.
- The difference between the performance of multinational companies in developed and developing countries.
- Examining the role and impact of foreign investment in developing countries.
- The impact of multinational companies' foreign investment on human rights in developing countries.

Research Questions

- How have multinational companies acted in terms of violating or promoting human rights?
- How human rights are promoted by the performance of multinational companies?
- What is the difference between the performance of multinational companies in developed and developing countries?

Research Hypothesis

- Multinational companies in developing and underdeveloped countries violate human rights.

Theoretical and Operational Definitions of Variables

• Multinational Company

There are many definitions of multinational companies and perhaps the best and simplest definition was given by David Lilienthal in 1960. A multinational company is a company that is established in one country but operates under the regulations of other countries. According to this definition, a multinational company, like any other company, is established under the laws of a certain country and then for some reasons it engages in economic activity in other countries as well (Abouye and Khodadadi, 2014).

• Human Rights

Theoretically, human rights are the set of rights that are given to the inhabitants of a country, both foreigners and citizens, in front of the government. Human rights of citizenship should not be interfered with, because this is the minimum right that a person should have wherever he is. In the same sense, human rights are also used (Alborzi, 2006:41).

Research Methodology

Considering that the desired information of this research is available in related documents and documents, therefore, the method used in this research is descriptive and analytical and based on library and documentary studies, and to collect data, by extracting files from sources and documents. A library, archive of articles, researches and studies and related topics will be done in related sources.

Background Research

Hatfi Chahar Borji (2015) has investigated the human rights requirements of multinational companies in his research. The results of his research show that since 1996, the United Nations and Amnesty International have tried to formulate human rights regulations and duties of multinational companies, including non-discrimination in employment, prevention of slavery and child labor, prevention of challenges Environmental, development of non-destructive environmental technologies and fight against corruption. which is crystallized and manifested in the "Ten Principles of the United Nations Global Covenant" and as the most comprehensive global document prepared in this field. Nevertheless, transnational companies are not obliged to follow the rules of human rights and the obligations arising from them, because they are not considered subject to international law.

In a research, Ashuri et al. (2014) investigated the investment methods of multinational companies from the perspective of competition rights. Investment methods that are generally used by multinational companies include both direct and indirect methods. In the direct investment method, which consists of the planned and long-term and managed entry of capital by companies into the host countries, generally from the common methods that include privatization (a process aimed at privatizing the economy and the market, and in light of that, trying to compensate for losses caused by the state economy and its immobility), joint venture (a concept based on partnership and includes the pooling of multinational companies' resources in order to maximize benefits and increase productivity) and finally construction, operation and assignment contracts which are a special type It is used from supply and concession contracts; The strong need of societies and countries to accelerate economic growth and the vast amount of financial and operational power of multinational companies has caused its emergence.

Al-Kajbaf et al. (2013) also investigated the necessity of respecting human rights by multinational companies in a research. The results of their research show that multinational companies are among the private entities of international law and are not considered the main subjects of international law like governments. Therefore, with their private nature, they are free from international obligations.

Abouye and Khodadai (2014) investigated the legal aspects of multinational companies in their research. The results of this research show that many economic experts consider the future economic development of the world to be influenced by the activities of multinational companies, considering that they play a significant role in global growth in international markets, attracting the attention of many economists and lawyers. has done. They influence the volume and size of world trade and are primarily responsible for the rapid increase in foreign direct investment.

In another study, Salehi Mazandarani and Zakarinia (2014) investigated the legal personality of multinational companies and their effects. Their findings indicate that the most common structural model for a multinational organization is the "pyramid" model, in which a parent company is placed at the top of the pyramid and the subsidiary companies are formed under the ownership and control of the parent company. In multinational companies, the parent (main) company of the nationality of the country of its registration; and subsidiary companies, each of them has the nationality of the country where they are registered. A multinational company has civil and criminal liability for damages caused to third parties. Also, the intertwining of the

management of subsidiary companies and the parent company, and the placement of the subsidiary company in the administrative and managerial hierarchy of the organization pyramid, requires the responsibility of the parent company for the actions of the subsidiary companies.

Research Literature

• Multinational Companies

David Lilienthal (1960) defines multinational companies as: "a company that is formed in one country but operates under the regulations of other countries". Based on this definition, a multinational company, like any other company, is established under the laws of a specific country, and then, for some reason, engages in economic activity in other countries. But even at the same time, there were companies that were considered multinational companies but were not included in the above definition, a company like Royal Dutch Shell, which was established from the beginning under the laws of England and the Netherlands, was undoubtedly a multinational company. Mosfa and Heydari, 135:2010).

Therefore, other definitions were presented that paid more attention to the field of the company's activity than the place of its formation. According to one definition, any company that has control and management of assets in more than one country in order to earn income is considered a multinational company. In this way, the place of establishment of the company or the nationality of the owners of the company is not relevant. On the other hand, simply having economic presence or having property in different countries is not the criterion of being multinational, and for example, if a company has property in other countries through, for example, buying shares of companies without necessarily leading to interference in the management of the company, it is necessarily considered a multinational company. But when a company takes control and management of an economic activity in other countries (for example, through the formation of a joint venture with the participation of domestic investors), it can be considered a multinational company. So in a simple definition, a multinational company is a company that makes direct foreign investment. A multinational company is a company that establishes satellite companies (Pertoi and Akhiani, 206: 2006).

Emphasis on the field of activity element (as opposed to the place of incorporation or the nationality of the company owners) is also observed in the United Nations literature. When the United Nations Economic and Social Council discussed the development of regulations for multinational companies, representatives of some countries argued that the term "multinational companies" should be used for companies that are founded and managed by people of different nationalities. Therefore, the term cross-border companies was used to refer to companies that operate directly in different countries (naturally, these companies were targeted by the United Nations). Even today, in the United Nations and related institutions, they usually use the term cross-border companies to refer to what are generally called multinational companies (Sabak Roo and Ghaffari, 2014).

According to many experts, the emergence of multinational companies is a logical result of the capitalist development process. A process that led capitalists in the framework of free competition to use cheap resources, raw materials and labor as well as the consumer market of underdeveloped countries; and also through the concentration and concentration of capital, to monopoly capitalism whose basic feature is "capital issuance" was led. Therefore, the development of multinational companies was actually nothing but the result of the completion of the capital accumulation process and the concentration of this capital process due to the continuous growth that was considered an inherent characteristic of capitalism. This process of growth and expansion first led to the concentration and concentration of capital at the national level. Consolidation caused the number of different capitals that competed with each other to be fundamentally reduced to the point where all branches of the industry came under the domination of a few companies and monopolies, and as a result, the tendency to compete and the expansion of the domestic market were limited. The order fueled the creation of capital surplus and its increasing export (Mosfa and Heydari, 2019: 270).

In addition to the problem of excess capital, which from the point of view of some thinkers is considered one of the main reasons for the necessity of capital outflow from the mother country and as a result of the formation of multinational activities, the "downward trend of interest rate" has also been introduced as one of the factors that make capitalists inevitably seek Invest to find more suitable opportunities. The downward trend of the profit rate, which is caused by the increase in the organic composition of capital (due to the increase in the amount of fixed capital compared to variable capital), forced capitalists to turn to areas where the organic composition of capital is lower in order to lower the organic composition of capital. The ratio should be lower. Finally, another group has searched for the reason for the issuance of capital and the formation of multinational companies in the monopolization of the industry and they state that capital is automatically attracted to wherever there are more profitable opportunities. Anyway, according to all these views, the emergence of multinational companies goes back to the presupposition and internal logic of the global capitalist system (Sabak Roo and Ghaffari, 2014).

In this way, although some companies such as the East India Company engaged in trade with the distant regions of America, Africa and Asia from the trading period, but such companies and commercial, mining, and agricultural companies cannot be considered as the pioneers of multinational companies. knew Such economic

enterprises consolidated the foundations of the industrial revolution, but the pioneers of today's multinational companies should be found among small workshops that were managed by the capitalist class. The transformation of these small workshops into family businesses was the next step in the evolution of the economic organization of capitalist societies. Parallel to the accumulation of the total capital, the accumulation and concentration of the individual capitals that make up it also increased continuously, and the vertical division of labor also increased. This is how the corporate economy evolved. Until the beginning of the 20th century, the rapid growth of the corporate economy and the movement of corporate mergers caused many small companies to merge into huge national companies that were engaged in diverse activities in different regions. This new way of production, continental marketing and general integration required the construction of a new management. As a result, the family business, which was under the strict supervision of a few people, gave its place to the corporate management pyramid. Capital acquired new power and field of action, and the field of conscious coordination expanded and the field of market-based division of labor was limited. Soon this move towards increasing the vertical division of labor in management operations became a model. For new national companies that were faced with the same problem of coordinating very scattered workshops. Commerce established an organic management system and a new company was born. As a result, new possibilities were provided to rationalize production and regular use of natural and social science advances in economic activities (Javid et al., 2018).

Strategic Options in Multinational Management

Multinational and global managers to work in multicultural environments can choose one of the following options as the company's strategy in facing different cultures:

- ***Cultural Domination***

In this way, the work continues in the host country in the same way as in the country of origin. This method is usually applied by organizations that have more power than their peers and are in a superior position in terms of scope, size, technological complexity, financial facilities, etc.

- ***Cultural Integration***

In this way, managers try to use the methods of the host country in addition to the methods of the country of origin and combine their culture with the culture of the host country. In this way, the local managers employed in the multinational company continue their work easily and in a normal way.

- ***Cultural Compromise***

This method is the result of the previous two methods. Both sides of the host country and the guest give concessions to the other side so that they can continue their work.

- ***Cultural avoidance***

In this way, the parties try to avoid conflict and friction and act as if there is no conflict of interest or conflict. In this way, both sides avoid confronting the issues that are inherently conflicting.

- ***Cultural Synergy***

In this way, while respecting cultural differences, they provide new solutions for problems, which do not merely represent the desired path of one side, and represent the perspectives of both sides. (Latfi et al., 2018).

Multinational Companies and Human Rights

- ***Globalization, Development and Human Rights***

Globalization is the creation of changes in society, which occurs as a result of the increase in trade, investment, travel and the expansion of computer networks between the countries of the world; Globalization will intensify the influence of cultures on each other and can make the management practices of organizations in different countries similar and identical to a large extent. It is expected that due to the wave of globalization, the importance of the geographical borders of countries to control capital, technology and labor will decrease. When countries get closer and trade and cultural relations increase between them, they inevitably have to look for laws that solve their problems. Therefore, laws also tend towards organization and integration, and cultures become closer to each other. With the development of relations between countries, domestic companies develop and the scope of their activities exceeds domestic borders and enter global markets. In this sense, the increase of multinational companies seems to be mandatory and thus, global economic enterprises are developing day by day (Moradnejad et al., 2014).

Today, in order to enter global markets, it is necessary to pay close attention to the three factors of transnational thinking, global standards and competitive production. Under these conditions, the famous sentence of "McLuhan", a famous Canadian sociologist, finds an example that the world has become a global village. Accordingly, the development and existence of multinational companies is a way of globalization, even if the dominant image is Globalization is the same as "economy". The issue of globalization, development and human rights is well expressed in the speech of the former Secretary General of the United Nations, Mr. Kofi Annan. In his opinion, the combination of underdevelopment, globalization and its rapid changes have brought more special challenges to international human rights. But pursuing development issues, participation in globalization and change management should all be motivations in the service of human rights. These issues shift the

traditional focus on human rights to issues such as trade, development cooperation, monetary and fiscal policies, foreign debt, multinational corporations, and the environment. In this direction, economic analysis should be complementary to political and legal analysis. In addition, the traditional state-centered framework gives way to the human rights responsibility of other actors (Javid et al., 2018).

• ***The Impact of Globalization on Human Rights Norms***

Globalization can be examined from several perspectives. Shahid Yusuf believes that since the birth of the modern nation-state, countries have fluctuated between greater integration with the rest of the world (globalization) and isolationism and protectionism and giving more authority to local groups (localism or localization). Despite this long history, the effects of globalization and localism have been weak. In the 20th century, the process of globalization and localization gained significant speed; in a way that made this period different from the previous period. According to Shahid Youssef, globalization and localism have provided multifaceted answers, but in any case, institutions have played an essential role in realizing sustainable development at many levels; Globalization and localism strengthened the prospects for sustainable and rapid growth in developing countries. Increased resources and greater resource efficiency, freer circulation of knowledge, freer and more competitive socio-cultural environment, and improved governance can all contribute to faster growth. But there are also risks. Globalization can lead to capital instability; Decentralization also brings the possibility of instability. In addition, although the concentration of industries and skills in growing urban areas can lead to an increase in living standards, but in the absence of appropriate national policies, we will probably see the spread of poverty, violence, and misery (Moradnejad and colleagues, 2014).

Harold Hongju Ku believes that in the new millennium, there are at least three international languages: money, the Internet, and democracy and human rights. According to him, the third globalization means the growth of the transnational network of human rights with private and public actors, has contributed to the development of international civil society as an ability to promote democracy and human rights standards. According to Harold, today we are rapidly moving towards a global network of actors with a shared commitment to democracy, the universality of human rights and respect for the rule of law. Mary Robinson to "Development Architecture, International Trade and Finance" with an emphasis on its human rights aspect will pay. In his opinion, the design of the international financial system after World War II was based on the idea that in exchange for economic liberalization at the international level, national governments provide social welfare needs for their citizens. But in recent years, the concern about the negative human effects of some economic policies has increased. These concerns have been strengthened by the recent financial crises and have led to the insistence on observing human effects in adopting financial policies and measures. Ms. Robinson recommends four solutions to help ensure economic, cultural and social rights for all in designing development strategies:

A) Adopting a development strategy in the path of achieving extensive social changes, strengthening participation and ownership, welcoming the role of private and public sectors, society, families and individuals, as well as putting human beings and human rights goals at the center of the development paradigm.

b) Observance of human aspects and human rights in playing the role of international commercial, economic and financial institutions.

c) Help to solve the problem of debts, especially in the case of very poor countries, as an obstacle in strengthening the human rights of the citizens of debtor countries.

d) Attention to human rights issues in the activities of the private sector due to its very powerful role (Latifian, 2011: 53).

• ***The Concept of the Right to Development***

In a world of inequality among nations, the question arises as to what the international community should do to help governments that do not have sufficient resources to guarantee the human rights of their citizens, or to provide direct assistance to people who are in dire straits. Does he have any responsibilities? Since 1977, such discussions were followed under the title of "right to development" and various thinkers presented works in this field. Amartya Sen is one of the thinkers who wrote about development and wrote a book called "Development as Freedom". He distinguishes between two trends in development: one trend sees development as a ruthless process that ignores many concerns in supporting social security and supporting poor people. From this point of view, such concerns can be examined only after the maturity of the development process. The second trend sees development as a fundamentally friendly process (Abouye and Khodadai, 2014).

According to Amartya Sen, freedom has two formative and instrumental roles in development. The formative role of freedom in development is related to the enrichment of human life. From this perspective, development leads to the expansion of basic freedoms such as avoiding deprivations such as hunger and malnutrition and enjoying rights such as political participation. The instrumental role of freedom deals with different types of rights, opportunities and benefits related to human freedoms and promotion of development. The effectiveness of freedom as a tool lies in the fact that freedom of one kind contributes greatly to the promotion of freedom of other kinds. Hence, the role of freedom in development is connected with empirical communication. In his book "Development as Freedom", he lists five types of instrumental freedom as follows: political freedoms; economic facilities; social opportunities; ensuring transparency; and supportive security.

These instrumental freedoms play a big role in empowering people to live a more free life, and at the same time, each of these freedoms helps to complete another type of freedom (Latifian, 2011: 40).

According to George Abi Saab, different rights bases can be considered for the right to development as a collective right. The first possibility is to consider the right to development as a group of cultural, social and economic rights of all people forming a community. In the light of this perspective, the rights of individuals and the rights of society can be linked together. Another way is to adopt a collective perspective and consider the right to development as an economic aspect of the right to self-determination or as a right parallel to the right to self-determination. From this perspective, in the same way that without the right to self-determination, it is not possible to imagine that the civil and political rights of the members of a society will be realized, the right to development can also be said to be a necessary precondition for the realization of the economic and social rights of individuals. . From Mohammad Bedjaoui's point of view, the right to development is a fundamental right; Prerequisite for freedom, progress and justice; And it is the central core of human rights, and the international aspect of the right to development is to have an equal share of social and economic wealth. The right to development derives from the right to self-determination and has the same nature as it. Bedjaoui identifies the establishment of the right to development based on international solidarity in three stages:

- 1) Interdependence as a result of the global nature of the world economy.
- 2) The international duty of every government in the development of the world economy.
- 3) Maintaining and supporting people as the foundations of the right to development.

The second meaning of the right to development is that governments deserve a fair share of what belongs to everyone (Agha Hosseini, 2017: 177).

But according to Jack Donnelly, the right to development in its broad sense cannot be derived from the right to self-determination. The right to self-determination does not include the right to live in a developing society and does not express individual rights by focusing on people's rights. In his opinion, since development is necessary for the right to self-determination, therefore, development itself is among human rights. Philip Alston and Gerard Quinn explore the issue of the right to development in the International Covenant on Economic, Social and Cultural Rights. According to their findings, this covenant creates commitments in three topics to help richer states to poorer states. The first topic can be seen in "paragraph one, article two" of the covenant, where the phrase "individually and through international cooperation and cooperation, especially in technical and economic aspects" is stated. The second case is found in "Article 11" of the Covenant, which states that the member states agree to take appropriate steps to ensure the realization of the right to benefit from adequate living standards and to turn to international cooperation in this field with full satisfaction. In "paragraph two of the eleventh article", the member states undertake to take measures related to the right to freedom from hunger individually and through international cooperation. At the time of the initial discussions for the formulation of the international covenant of economic, social and cultural rights, strong obligations were imposed on developed countries with resistance, but raising the issue of interdependence created less tension (Latifian, 2012: 101).

Discussion and Review

• *Economic Development and Political Reforms*

The connection between economic development and political reforms is not accidental. In theory and practice, economic freedom and political freedom mutually reinforce each other. Political philosophers, from Aristotle to Samuel Huntington, have noted that economic development and the growth of the middle class pave the way for democracy. Trade and globalization fuel political reform by expanding people's freedom to exercise more control over their daily lives. In less developed countries, market development means that people no longer need to bribe or beg government officials to import television sets or tractor spare parts. Control over foreign currency will no longer prevent them from traveling abroad. They can easily purchase and provide communication devices such as mobile phones, Internet access, satellite TV, and fax machines. People in freer countries, as employees, workers and producers, are less dependent on government agencies for their livelihood. For example, in an open society whose economy revolves around the market, the government cannot prevent the publication of newspapers whose news is not satisfactory to the government leaders. In an open society that enjoys more economic freedom, "the influence of global media and the attention of consumers prevents the exploitation of workers" (Bigzadeh and Salehi, 2014).

Economic freedom and rising incomes are helping to foster an educated middle class that is also more politically aware. Elevating a high-income class and an empowered civil society leads to the emergence of leaders and centers of influence of the civil society independent of the government. People who are economically free will expect to be able to benefit from political and civil rights as time goes by. And on the other hand, a government that is able to isolate its citizens from the rest of the world, can easily control them and deprive them of the resources and information that can challenge the power centers. In the last two decades, a number of countries have achieved political reforms by pursuing economic and commercial reforms. Until the 1980s, South

Korea and Taiwan were under authoritarian regimes that did not allow the expression of different opinions. Today, after years of extensive trade and enjoying rising incomes, both countries have become multi-party democracies with full political and civil liberties. Among the other countries that have implemented these dual reforms are Chile, Ghana, Hungary, Mexico, Nicaragua, Paraguay, Portugal, and Tanzania (Etamadi Far and Hesami Azizi, 2016).

In other words, the countries that give freedom to their citizens in international trade, cannot deprive them of political and civil liberties, while the governments that create customs barriers, tariffs and other problems to their citizens. they "support" so-called, it is easier for them to avoid the burden of granting other freedoms. Of course, the relationship between having an open economy and political freedoms is not the same in all countries, but it cannot be denied in general terms. In China, for example, economic reforms and globalization give hope for political reforms as well. After 25 years of reforms and rapid economic growth, the middle class is emerging and expanding, this class is for the first time tasting the independence of home ownership, traveling abroad, and economic cooperation without government interference. In the last ten years, the number of telephone lines and mobile phones and the number of Internet users have increased dramatically. Millions of Chinese students and tourists travel abroad every year. Of course, this comes at the expense of individual freedoms and at the cost of creating more problems for the government.

Free trade and globalization can also play an effective role in establishing democracy and human rights in the Middle East. In one of his speeches in May 2003, George Bush said, "The Arab world has a great cultural tradition, but unfortunately it ignores the economic developments of the time. Markets and trade Azad has caused poverty to disappear everywhere in the world, and has taught men and women the ways and customs of freedom (Latifian, 2012:198).

Economic stagnation in the Middle East causes terrorism to take hold, not only because of poverty, but also because of the lack of opportunities and hope for a better future, especially among the young generation. Young people who are unable to find jobs that satisfy them, and on the other hand, cannot participate in the political process, are targeted by religious fanatics and terrorist recruitment agents. Any effort to promote freedom in the Middle East must be accompanied by a plan to promote open trade. At the level of multilateral relations, reaching agreements through the World Trade Organization creates a more cordial atmosphere for democracy and human rights in the world. Less advanced countries, by opening their markets and gaining more access to the market of richer countries, can face more growth and provide more growth for their middle class, which is the backbone of democratic governments. One of the successful results of the Doha round of trade negotiations, which began in 2001, was the strengthening of the globalization process and the development of political and civil liberties, which in the last thirty years have been indicative of deep reforms in many countries. Failure in these negotiations may lead to the postponement and suppression of progress on both commercial fronts and civil liberties for millions of people around the world (Chaharborji Hatfi, 2015).

In the last three decades, globalization, human rights, and democracy have moved forward in parallel and together, not completely or step by step, and not everywhere in the same way, but in a way that this phenomenon has shown. are closely related to each other. By encouraging the globalization of less advanced societies, it has not only helped to increase incomes, raise standards, and provide food, clothing, and housing for the poor, but also expanded political and civil freedom (Javid et al., 2018).

Multinational Companies and Development

• *The Role of Multinational Companies in Development*

The role of multinational companies can be listed as follows:

1. Multinational companies are the arms of industrialized and advanced countries and they try to make developing countries dependent.
2. The investment of these companies is such that they always use capital technology and therefore play a positive role in creating employment.
3. Since the imported technology is not planned according to the requirements of the host country, the products manufactured by these companies are always more expensive than similar products produced in the developing country, and therefore they do not have the power to compete.
4. Due to the dependence of the industry in the developing country, the goods manufactured by the multinational companies are produced in poor quality, so as not to harm the foreign market of similar goods.
5. Multinational companies in the host country never think of producing industrial goods to be used for export, and with the passage of time, the dependence increases and the amount of imports from advanced industrial countries increases (Latfi et al., 2013).

• *The Relationship between Multinational Companies and Human Rights*

Today's theory of human rights arose historically from the war between property owners and the autocratic kingdom, so naturally the first human right that arose was the right to private property. At the same time, the recognition of this human right in some cases has led to the accumulation of capital in such a way that with the passage of time and the increasing prosperity of trade and the expansion of international communications,

domestic companies have crossed national borders and started doing business in various forms. internationalized and formed multinational companies (Latifian, 2012: 89).

In recent years, there has been an unprecedented concern regarding the relationship between multinational companies and human rights. A number of important cases regarding collusion and complicity between these companies and the host government in the gross violation of human rights have been registered, and this issue has been brought to the media by individuals and groups, including non-governmental groups. One of the most famous of these cases is the case of Shell or Ogoni companies in Nigeria or another company in Myanmar. Although the protection of human rights is not traditionally considered as a duty for companies and the domestic laws of many countries have failed to impose human rights duties and obligations on them, however, it is clear at the first glance that There is a problem, and that is that multinational companies can also violate human rights. Of course, it must be acknowledged that such violations are not new, but the fact that, for example, the complicity of multinational companies with business actors of the host country in violating human rights can be seen in the apartheid regime of South Africa. Now the question is, what new issue has arisen in the relationship between human rights and multinational companies? It must be said that today this traditional concept that only governments and their agents can be held responsible for human rights deficiencies is the result of the emergence and increase of power. Economic, social and political multinational companies have been seriously challenged. In addition, these companies interact closely with many governments and even influence their decisions (Al Kajbaf et al., 2019).

Here, there is a difference of opinion between two groups of jurists, some of them believe that it is not possible to extend human rights obligations and duties to these companies, and others have the opposite opinion. Therefore, the purpose of this section is to examine whether it is possible to extend human rights responsibilities and commitments to these companies or not? It is necessary to examine this matter because, according to some people, only the main subjects of international law, i.e. governments and international organizations, can violate human rights, and as a result, only these will be responsible for such violations. For this purpose, in the first part, we will examine the reasons of the opponents of the need to respect human rights by these companies, and in the second part, we will examine the reasons of the supporters.

The Duty of Multinational Companies to Respect Human Rights

The duty of multinational companies to respect human rights One of the issues that is raised today in international investment law is the level of responsibility of multinational companies in respecting the concepts of human rights. The basic question is whether, in principle, multinational companies that operate as investors in other countries have a duty to respect human rights. Today, the tendency is to accept this responsibility, although there is no agreement in this field. The issue is still controversial and full of complexities of law that require detailed theoretical discussions.

• The Scope of Corporate Responsibility

It is said that multinational companies, like other commercial companies, are created with the aim of making profit, and the only duty of these companies is to make profit for their shareholders, and therefore, we should not expect more from these companies. But on the other hand, it has been argued that the concept of corporate social responsibility has been recognized and accepted today. Companies are responsible to various stakeholder groups: employees, consumers, contractors, non-governmental organizations, etc. Therefore, the idea of responsibility in the field of human rights is not far from the mind of companies (Abassi et al., 2015).

• The Legal Personality of Companies in International Law and the Nature of Human Rights

Perhaps the most important discussion that should be addressed is the position of companies in public international law. Traditionally, it has been said that the functions of international law are only governments and international organizations. Companies do not have legal personality in international law, so rights or duties in this field should not be considered for them. In addition, basically, human rights are a concept that is defined against the power of governments, and private individuals cannot be considered responsible for this. This argument seems strong, however, there are arguments against it, arguments that sometimes seek to move the boundaries of international law. For example, it is said that today the nature and concentration of power in the international arena has changed and especially the power of non-state actors (such as multinational companies) has increased a lot. This fact has made the traditional separation between public and private spheres ineffective in international law. In this way, the traditional understanding of the role of multinational companies as individuals with private rights has changed and it is necessary to accept the responsibility of these companies along with the responsibility of governments in order to ensure compliance with the principles of human rights (Javid et al., 2014).

• area of authority

Human rights have a wide range and commercial companies cannot be expected to play a large role in this field. To what extent companies are responsible and which examples of human rights can be applied to them is another topic. For example, companies can be considered obligated to respect the basic rights of their employees, but it is unlikely to hold them responsible for political rights and freedoms.

Financial and Business Consequences

Some have argued that requiring companies to comply with human rights principles creates additional costs for companies, as a result of which companies that are required to comply with these principles lose their comparative advantage compared to other companies. Of course, on the other hand, we can point to the benefits that respect for human rights creates for companies. In addition to the satisfaction of employees and other interested parties, maintaining credit and business reputation is one of the factors that have made many companies voluntarily act in this field. Globalization has progressed in part because of the central and increasing role of multinational corporations in the domestic and international economy. For human rights advocates, the question arises as to how the activities of such companies are guaranteed in accordance with human rights standards and how the element of accountability is guaranteed. In principle, the answer to this question is simple. The human rights obligations of any government require that all appropriate means be used for the actions of actors under citizenship within the framework of the law. However, several problems arise:

- 1) Governments often avoid taking the necessary measures to comply with multinational companies, especially in relation to labor issues.
- 2) Such measures are costly and beyond the capacity of government resources in developing countries.
- 3) In the conditions of global capital mobility, the competition between potential hosts causes plans that increase labor costs and thus reduce the attractiveness of that country to be abandoned.
- 4) Multinational complexity of production and related arrangements in the era of globalization makes it very difficult to identify responsibility for activities.
- 5) Especially in the field of labor, difficult issues are raised regarding different levels of acceptable minimum standards from one country to another.

Such issues make it necessary to discuss multinational companies in relation to human rights, globalization and development (Asgarkhani et al., 2016).

Human Rights Principles for Multinational Companies

Various personalities and institutions have tried to provide principles of human rights behavior for multinational companies. Among others, Amnesty International has done so. From Amnesty International's point of view, multinational companies are responsible for the promotion and protection of human rights. In the globalized world, the decisions and actions of these companies have a direct impact on government policies and the enjoyment of human rights. The Universal Declaration of Human Rights requires all individuals and institutions of society to play their role in ensuring international observance of human rights. All companies have a direct responsibility for respecting human rights in their field of activity. The employees of these companies and the people who work with these companies deserve rights such as freedom from discrimination, the right to life and security, freedom from slavery, freedom to form associations, including the right to form trade unions, and fair working conditions. Amnesty International believes that multinational companies have a greater moral and legal responsibility to use their influence to promote human rights and prevent human rights violations. The principles of human rights that Amnesty International lists for companies are divided into three groups:

- The responsibility of the companies' own performance in terms of personnel policies and procedures and security arrangements.
- Responsible for promoting human rights standards through the development of a clear company policy on human rights, providing effective training for company managers and employees, consulting with non-governmental organizations, and creating a transparent framework for evaluating the potential impacts on human rights issues of the company's activities.
- Implementation and monitoring: Although the primary responsibility for monitoring the company's policies and procedures rests with the company itself, all monitoring systems such as human rights reports of non-governmental organizations or independent labor associations should also be included in the evaluation of the company's activities be considered with human rights (Latfi et al., 2018).

Methods of Applying Human Rights Obligations

Nicole Jagers (1998) believes that just as rights and privileges such as compensation for expropriation have been considered for multinational companies in international law, duties should be applied to them because rights and duties are like a double-edged sword. Only one of them benefited. The biggest problem in international law is the lack of guarantee of effective implementation, which is the issue of human rights. This weakness becomes even more colorful in the discussion of indirect application of human rights, because countries are responsible for the implementation, support and respect of human rights, forcing the country to protect the people by preventing private individuals from abusing human rights. The existing solution is that prominent and skilled international lawyers integrate the international laws of the obligations of governments, the laws and regulations of companies and provide the appropriate mechanism to respect human rights in the international context. Considering the separate structure of companies. Governments need appropriate national laws for indirect supervision and control of companies, which has two forms:

- Ensuring that international treaty rights are implemented in these national laws along with a workable legal system.
- Ensuring the enforceability of the legal system.

The main purpose of this monitoring and these laws is that countries do not encourage and allow private and multinational companies to violate human rights. This issue is not only possible with the simple translation of international laws and agreements and treaties in the local language, but also requires an understanding of the cooperation mechanism that will make multinational companies incapable of evading human rights.

Therefore, although the international legal structure for the direct responsibility of multinational companies is in the early stages of development, but the content of duties that may be directly applied to companies in the discussion of human rights or, more likely, should be imposed by countries, there may be clues with Give a value in line with the norms based on the international theory of human rights. The direct effects of human rights on multinational companies are: 1. Non-discrimination 2. Women's rights 3. Freedom and physical integrity of the individual 4. Rights of employees 5. Child labor 6. Slavery and forced labor 7. Right to food, health, education and housing 8. environmental rights. In order to examine the relationship between human rights and multinational companies, it is necessary to check compliance and attention to the above items in the performance of multinational companies, because human rights is a complete set that was mentioned above, and its compliance or non-compliance depends on the above items.

Conclusion

According to the topic of the present research, which is to examine the position of human rights in the development of transnational economy with the approach of studying multinational companies, therefore, the findings show that there is a possibility of spreading and expanding human rights obligations to multinational companies, and even such a thing It is necessary. It must be said that the reason why human rights violations by these companies remain unpunished is very simple. Because, from the traditional point of view, international law addresses governments and considers them responsible; Even when international law exceptionally imposes obligations on natural persons and private legal entities directly, the responsibility of companies will depend on the special procedure established by the governments and because adequate mechanisms in the order There is no international law to impose such obligations on these companies. Of course, countries, in addition to being responsible for observing human rights, must also protect these rights from violation and encroachment by private individuals over whom they have control. It can be said that the commitment to protect human rights is not only the responsibility of the host government, but the source government also has such a commitment because the multinational company has its nationality and this government can exercise effective control over this company. In the end, it should be said that although there is no record of recognizing the direct responsibility of human rights violations for these companies, at least we should recognize the indirect responsibility of human rights violations for them, and thus prevent human rights violations by these companies and pay the cost of it. let's raise.

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There are governments (countries), international organizations and individuals subject to international law, about which the necessary discussions and talks have been conducted and the laws and regulations related to them have been more or less compiled. But in the case of multinational companies, despite their colorful presence in the international community, they are still not recognized as members of the international community, which has caused that, first of all, comprehensive and complete laws and regulations suitable for the society and complete There is no international law. Secondly, these companies took advantage of this and operated without the presence of rules and regulations that controlled their performance and moved towards their goals and became bigger every day and made huge profits, although through correct and legal ways. to get.

Research Proposals

- Considering multinational companies as one of the main actors of the international community, so that more discussion and study can be done about them and their performance is carefully examined.
- Compilation of the necessary rules and regulations for the control of multinational companies.
- It seems that the existence of strong international regulatory levers and the formulation of appropriate international laws both regarding multinational companies and foreign investment and more importantly human rights are the needs of the international community today.
- Enact laws that aim to monitor the activities of multinational companies, especially in terms of human rights, and have effective monitoring of their performance.

References

- Abbasi Abdullah, Rezaei Mohammad Taghi, Jarfi Abdul Amir. (2015). *Human rights regulations and responsibility of multinational companies*. International Conference on New Researches in Management, Economics and Human Sciences. [Google Scholar] [Publisher]
- Abouye Fakhreddin, Khodadadi Ashraf. (2014). *Legal dimensions of multinational companies*. The fourth national accounting, financial management and investment conference [Publisher]
- Agha Hosseini Ali. (2016). *The necessity of observing human rights by multinational companies*. The rights of nations. 177. [Publisher]
- Akhter, Saed H (2000). "Foreign Direct Investment in Developing Countries: The Openness Hypothesis and Policy Implications", the International Trade Journal, Vol. 7, PP: 655-72. [Google Scholar] [Publisher] <https://doi.org/10.1080/08853909308523785>
- Al Kajbaf Hossein, Arfa Niya Behshid, Rozhin Brotherhood. (2010). *The necessity of observing human rights by multinational companies*. Islamic Azad University - Islamic Azad University, Central Tehran Branch - Faculty of Law. [Publisher]
- Alavi, Mustafa (2001). *Multinational and third world companies*, no13. [Publisher]
- Asgarkhani Abu Mohammad, Shirkhani Mohammad Ali, Masoudi Heydar Ali.(2016). *Global governance and multinational companies (with a focus on human rights)*. Ministry of Science, Research and Technology - University of Tehran - Faculty of Law and Political Sciences. [Publisher]
- Asiedu, E (2002). "On the Determinants of Foreign Direct Investment to Developing Countries: Is Africa Different? World Development, Vol. 30(1), PP: 107-119. [Google Scholar] [Publisher] [https://doi.org/10.1016/S0305-750X\(01\)00100-0](https://doi.org/10.1016/S0305-750X(01)00100-0)
- Avery, Christopher (2017). *Why all companies should address human rights and how the business and human rights resource center can help*, available at: www.business-humanrights.org. [Google Scholar] [Publisher] <https://doi.org/10.1002/9781119202110.ch4>
- Behkish, Muhammad Ali (2006). *Economy and globalization*, Tehran, Saadi Publishing House, first edition. [Publisher]
- Davoudi, Akbar and Shahmoradi, Parviz (2013). *Identifying factors affecting the attraction of foreign direct investment in Iran's economy*, Iranian Economic Research Quarterly, No. 20. [Google Scholar] [Publisher]
- Elahi, Homayun (2012). *Multinational cartels and underdevelopment*, Tehran, Qoms Publishing House, first edition. [Publisher]
- Etamadi Far Amir, Hosami Azizi Bagher. (2016). *Investigating the dimensions of how multinational companies dominate the global economy*. The first international conference on management patterns in the era of progress. [Publisher]
- Evans, Kimberly (2002). *Foreign portfolio investment and Direct investment*, Retrieved from www.OECD.org. [Publisher]
- Hatfi Chaharbarj Alireza (2015). *Human rights requirements of multinational companies*. World conference of psychology and educational sciences, law and social sciences at the beginning of the third millennium. [Publisher]
- Hosseinzadeh Bahraini, Mohammad Hossein (2012). *Factors affecting the security of investment in Iran*, two quarterly economic essays, number two. [Google Scholar] [Publisher]
- J.J.Servan Schreiber (2010). *American challenge*, Business week, No177. [Publisher]
- Jackson, jin (2008). *International chamber of commerce, ice views on business and human rights*, available at: www.iccwbo.org [Publisher]
- Janet, Dine (2013). *Human Rights and Multi National companies*. Journal of Lower Genital Tract Disease. [Publisher]
- Javaid Mohammad Javad, Rangchian Arzoo, Behzadafshar Panthea (2018). *Laws of multinational companies and codes of conduct*. Pleasure. [Publisher]
- Joseph, Sarah (2002). Kinley, David, *Multinational corporations and human rights: Question about their relationship*, available at: www.law.monash.edu.au [Google Scholar] [Publisher] <https://doi.org/10.1177/1037969X0202700102>
- Latifian Mohammad Hossein. (2011). *Multinational companies and human rights restrictions*. Legal research. 198-0. [Google Scholar] [Publisher]
- Mathews, John A (2006). "Dragon Multinationals; New players in 21th century globalization" , Asia Pacific J Manage, 23: 5-27. [Google Scholar] [Publisher]
- Mathews, John A (2008). *China, India and Brazil: Tiger technologies, dragon multinationals and the building of national system of economic learning*. Journal of Lower Genital Tract Disease. [Google Scholar] [Publisher]

- Meyer, Klaus E (2004). " *Perspectives on Multinational Enterprises in Emerging Economies*", Journal of International Business Studies 34, no. 4, p. 259-277. [\[Google Scholar\]](#) [\[Publisher\]](#)
- Moradanjadsarai Solmaz, Horazi Yahya, Sai Ahmed, Tohidfam Mohammad. (2014). *The position of multinational companies in the international economy and future prospects*. The second international conference on Iranian Islamic economy, management and culture. [\[Publisher\]](#)
- Muchlinski, Peter T (2007). *Multinational enterprises and the law*, Oxford university press. Journal of Lower Genital Tract Disease. [\[Publisher\]](#) <https://doi.org/10.1093/law:iic/9780199227969.book.1>
- Najafi, Behzad (2009). *Multinational companies and consumer rights, examining the legal and ethical issues of the actions of multinational companies in the health sector*, Tabriz, Akhtar Publications, second edition. [\[Publisher\]](#)
- Onyeiwu, Steve (2002). "Analysis of FDI Flows to Developing Countries: Is the MENA Region Different? Allegheny College. Pennsylvania 16335, USA. [\[Google Scholar\]](#) [\[Publisher\]](#)
- Poulos, Angelo (1979). *The third world against rich countries*, translated by Amir Hossein Jahanbeglu, Khwarazmi Publications. [\[Publisher\]](#)
- Rahnama, Saeed (1979). *Multinational companies and underdeveloped countries*, Tehran, Baharan Publications. [\[Publisher\]](#)
- Salehi Mazandarani Mohammad, Zakari Nia Haniyeh. (2012). *Legal personality of multinational companies and its effects*. Useful letter 97. 145. [\[Publisher\]](#)
- Schoten, M.J (2007). *Defining the corporate social responsibility of business from international law*. available at: www.emeraldinsight.com [\[Google Scholar\]](#) [\[Publisher\]](#) <http://dx.doi.org/10.1108/03090550710759658>
- www.arcagas.com
- www.bp.com
- www.cokewatch.org
- www.indiaresource.org
- www.killercoke.org/Multinational-corporation
- www.wikipedia.org/wiki/bombardier
- Yamin, M. & Sinkovics, R. R (2009). "Infrastructure or foreign direct investment? An examination of the implications of MNE strategy for economic development". Journal of World Business, 144-1158. [\[Google Scholar\]](#) [\[Publisher\]](#) <https://doi.org/10.1016/j.jwb.2008.05.004>
- Zahedi, Shams al-Sadat (2007). *Transnational and global management*, Tehran, Semt Publications, 6th edition. [\[Publisher\]](#)
- Ziai Begdali, Mohammad Reza (2004). *Public International Law*, Tehran, Ganj Danesh Publications. [\[Publisher\]](#)