

While the role of multinationals in human rights situations have not always achieved important considerations, the changing nature of the international system and the growth of a global society, renders international business enterprises important actors in conflict and humanitarian efforts. There are two basic components of humanitarian action in conflict situations: the first is emergency and rehabilitation assistance to affected populations, and the other is protection measures to prevent abuses of human rights. Human rights protection can include monitoring and publicizing of violations, lobbying governments, and nurturing broad support in efforts to prevent human rights abuses before, during and after conflict situations.¹⁸ In recent years it has become increasingly acknowledged that MNCs have an ethical responsibility with respect to the second component of humanitarian action. Human rights laws may be applicable and binding upon states, however, multinationals have moral responsibilities with regard to the promotion and protection of human rights, as well as the obligation not to be complicitous in states' violations of human rights. While multinationals have taken the stance of non-intervention in current situations that are political and absolute neutrality in matters of internal politics of host countries, the overwhelming role of corporations in these states, their significant power, and the intertwining of political and economic issues does not always enable MNCs to remain apolitical. This cosmopolitanist claim that our identity as citizens does not exhaust our obligations as collective subjects of humanity is a departure from the legitimacy of humanitarian efforts deriving from traditional political theory that assumes the state as the provider for security and welfare of its citizens.¹⁹ The operations of business enterprises may in the long-run enhance respect for rights, however, in the short-term, due to the nature of conflicts corporations need to take substantive measures and implement proactive steps to achieve the ends of respect for human rights.

The formal international regime of human rights is predominantly limited to state parties, the basis of which rests in two international covenants, subsequent specific conventions, and various bilateral and multilateral agreements. Traditional realist conceptions of international relations conceived of a system structured around states with exclusive jurisdiction over their territory, occupants, and resources. The basic norms, rules and practices of international relations were predicated (and arguable to some extent are still based) on the principles of state sovereignty and non-intervention, the duty correlative to the right of sovereignty.²⁰ The choice of sovereignty as the ordering principle is based on the anarchic nature of the international system, the absence of a hierarchical rule that would regulate relations amongst states. The nation-state is conceptualized as a central and unitary actor in international relations, pursuing goals associated with power and the general interest of society.²¹ While international human rights law

¹⁸ Minear, Larry, Colin Scott and Thomas G. Weiss. The News Media, Civil War, and Humanitarian Action. (Boulder: Lynne Rienner Publishers, 1994), pg. 6.

¹⁹ Wheeler, Nicholas J. and Justin Morris, "Humanitarian Intervention and State Practice at the End of the Cold War," in Rick Fawn and Jeremy Larkins. International Society after the Cold War. (London: MacMillan Press, 1996), pg. 140.

²⁰ Donnelly, International Human Rights. Pg. 27.

²¹ Holsti, Ole R., "Theories of International Relations and Foreign Policy: Realism and Its Challengers," in Charles W. Kegley, eds., Controversies in International Relations Theory: Realism and the Neoliberal Challenge. (New