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Political activities by transnational corporations: bright lines versus grey boundaries

John M. Kline *

Well-intentioned calls for greater social responsibility by transnational corporations paradoxically may imperil the long-standing admonition against corporate interference in domestic political activities. Contemporary international society lacks a specific standard, or even a general consensus, regarding the permissible nature and extent of the political involvement of transnational corporations. Although intergovernmental documents generally proscribe the interference of transnational corporations in political matters, civil society groups increasingly urge corporate actions that often constitute political activity, sometimes in direct conflict with national government policies. Governmental failure to forge international legal mechanisms for emergent norms on human rights shifts onto firms expanded corporate social responsibilities. Absent agreed “bright line” rules, transnational corporations test the “grey boundaries” of permissible political involvements, often relying on process-oriented guidelines involving voluntary codes, reporting and dialogue with civil society groups. New principles and processes are needed to guide the actions of corporations on human rights issues that would override traditional admonitions against corporate involvement in internal political affairs.

Key words: corporate social responsibility; human rights; civil society; national sovereignty; TNC political activities; codes of conduct; supply chain responsibilities.

Introduction

This article traces the evolution of international standards and guidelines utilized by the international community to address the involvement of transnational corporations (TNCs) in political

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activities. What historically appeared to be a narrow “bright line” across which TNCs should not step into a nation’s political activities has faded into a broader “grey boundary” where the justifications and limits on corporate actions become blurred. The traditionally dominant dictates of national sovereignty are challenged by an array of competing but unconsolidated international standards promoted by the activities of an internationally organized civil society. Marketplace pressures orchestrated by issue advocacy groups spur changing social expectations regarding TNC actions that race ahead of national or international legal directives. These shifts alter both the normative basis for TNC standards and the scope of potentially affected enterprises.

Concern over TNCs causing harm is being supplemented, if not supplanted, by a focus on a firm’s capability to influence outcomes, whether or not an enterprise is proximate or causally linked to a problem. This new focus on capability over causality enlarges the scope of enterprises addressed and broadens the range of potential actions expected. The relatively new concept of supply chain responsibilities reflects the extended scope of social responsibility, encompassing many corporations that lack traditional TNC investment or other direct connections to overseas circumstances. Notions about “spheres of corporate involvement” provide uncertain guidance regarding which corporations should act to influence geographically and politically distant events. The range of expected business actions is similarly problematic. A heightened emphasis on outcomes rather than process obscures historical warnings against political involvements without providing clear new guidelines for business decisions.

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