

Committee: UNITED NATIONS HUMAN RIGHTS COUNCIL (UNHRC)

**Agenda: Safeguarding Human Rights During the Development of
Emerging Nations**

Country: Republic of India



An emerging nation is a country that is developing towards becoming an industrialized nation. India, one of the fastest-growing major economies is one of many such emerging nations in the world. Emerging nations are often characterized by rapid industrialization and significant foreign investment in the industry. With the globalization of trade and commerce Transnational companies have also expanded manufacturing to such nations for cheaper manpower and lesser cost of production. Ever since the liberalization of the Indian economy in 1991, India has seen a huge increase in its foreign direct investment, and paired with the tech revolution, this has made India one of the popular locations for transnational companies and other forms of foreign investment. The foreign investment in India has helped in the rapid growth of the Indian economy and brought immense development to the nation.

But, as seen in many circumstances, such rapid industrialization, growth of transnational companies, and international operations are sometimes accompanied by human rights violations in many forms either directly or indirectly through third-party contractors. It is often seen that Multinational companies aim for higher profits and quick returns in investments which have a negative bearing on the labour rights to an extent even in nations like India where labour rights are protected by the Constitution. Secondly, the processes of land procurement and the establishment of manufacturing units sometimes lead to violations of the human rights of the inhabitants. Even though the Government of India has always tried to protect the rights of its citizens and indigenous groups, in some cases, the government is on a backfoot and often has to bargain balancing the development of the countries against the rights of the citizens in negotiations. Thirdly, even though the transfer of technology has helped India achieve self-sufficiency in manufacturing, in some cases, the technology supplied by the transnational companies are obsolete, of inferior quality, untested, or in some cases Hazardous and can cause serious disasters and threats to the well-being of the surrounding citizens and the employees, indirectly impugning their right to life. This was demonstrated clearly in the Bhopal gas tragedy of 1984 where obsolete and inferior technology and safety mechanisms caused one of the biggest industrial disasters in the history of the nation. Even the non-adherence of the transnational companies to the environmental laws of the host nations due to the absence or lax enforcement of the laws in developing nations including India cause immense harm to both the ecology and the well-being of the citizens living around such manufacturing units.

India strongly supports foreign investment and globalization of trade and commerce to bring prosperity to the nations all around the world and has itself engaged in such investments in the Southeast Asian and African nations, But India also strongly believes in the creation of a transparent and fair system of investment and operations of Transnational companies, to ensure such development is not at the price of the rights of the citizens of Host nations. India also recognizes the need for international and regional cooperation among the developing nations to safeguard and aid each other's interests and to strengthen the negotiating position of all developing and underdeveloped nations across the world. India believes that international forums like the UNHRC, ILO, UNICEF, and NGOs, and human rights watch groups can play a vital role in ensuring prosperity without compromising human rights. India also supports the creation of legislative structures to ensure accountability and transparency in the transnational, national, and regional corporations. India Recognizes and appreciates the steps taken by the UNHRC and the UN towards forming both legally binding non-legally binding policies like the UNGPs and the instruments proposed by the OEIGWG. India supports the UNGPs and the importance given to the conduction of HRDD by the corporations to identify human rights risks and to develop ways of mitigating them and believes that conducting such due diligence by transnational companies should be made more legally binding to ensure compliance and proper mitigation. But India also finds itself conflicted as in the current scenario, creating legally binding instruments by any developing nation in isolation would lead to the relocation of the foreign investment

which would ultimately harm the development of the nation. India agrees on the topic of providing access to remedy for those whose rights have been violated and has worked significantly in the direction but again is hindered by a weaker negotiating position with the MNCs, Overburdened judiciary, and by the fear of relocation and discontinuation of foreign investment.

Internationally, ever since independence, India has always supported the international community in safeguarding human rights, and in the case of rights violations in emerging nations, it has supported and voted in favour of creating the Open-ended Intergovernmental Working Group with the responsibility to elaborate an international legally binding instrument to regulate, in international human rights law, the activities of transnational corporation and other business activities. Additionally, it has also been supportive of any UNHRC decisions in this matter and has voiced its support for the UNGPs and the SDG developed by the UNDP. In 2018 India also formulated the zero draft of the National Action Plans (NAPs) following the UNGP which lays down current and future plans for Business and Human Rights. India has always reached out to other developing nations through various organisations like SAARC, and ASEAN and other initiatives like the Act in East Initiative. Domestically, India has enacted a lot of legislation to enhance and enforce HRDD, BHR, and CSR among transnational, National, and regional corporations. India was one of the first countries to have regulated and mandated CSR for some select categories of companies registered under the CA 2013. India has also launched statutory measures like the 2011 NVG and 2018 NGRBC to ensure the safeguard of human rights and to recognise HRDD as an essential component. India has also established committees and legislation to enhance compliance in Environmental and financial aspects. India is in the process of consolidating the Labour codes to plug the loopholes and make them more effective and fool proof. India has also established the Securities and Exchange Board of India (SEBI) to look into HRDD, human rights violations, gender equality, and other factors in corporations. Child labour is banned in India and multiple acts are safeguarding the rights of children in the nation. The ministry of corporate affairs and the government has also created multiple grievance reporting mechanisms both in the online as well as physical forms, to ensure higher transparency. The Right to Information Act is a cornerstone of transparency in governments and corporations in India and India is actively working of strengthening such acts. India has also created special courts and tribunals to de-clutter the Judiciary and to ensure quick judicial remedy to the victims and the community.

The delegate of India believes that development in emerging nations can be achieved without sacrificing the human rights of the citizens, and to this end, the delegation proposes the following solutions: -

- Development of Legally binding Instruments by international agencies
- Increased development of National Action plans especially by emerging nations
- Consolidation and establishment of legal and statutory measures to encourage CSR, enhance BHR and ensure HRDD in Transnational, National, and regional corporations.
- Consolidation of Judicial system and creating Additional judicial bodies to ensure quick remedy
- Clarification of the principles and procedures of Human Rights Due Diligence at the International stage
- International Judicial support to developing nations and nations facing unforeseen adverse circumstances due to which they may be unable to provide a judicial remedy.
- Establishment of minimum criteria in terms of human rights, environmental laws, and CSR policies to ensure uniformity among nations to avoid relocation or discontinuation of foreign investment.
- Establishment of guidelines to ensure Equitable growth and investment in sectors such as Healthcare, Education, and infrastructure both by corporations and the host nation.
- Bilateral, Regional, Multilateral, and global cooperation between the emerging nations as well as between emerging, Developed, and underdeveloped nations to ensure fair negotiations and better bargaining position on part of the emerging nations.

References

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