

## Can the United Nations' Universal Declaration of Human Rights be Used to Form Business Strategy?

Cynthia M. Nicola, Ed.D.  
Assistant Professor, Carlow College, USA

This research investigates the use of the "Universal Declaration of Human Rights" as a strategic planning tool. It investigates briefly the history of the United Nations as an organization and the history of the development of the International Bill of Rights, of which the "Declaration" is part. It then discusses application of the document to strategic planning processes and finally discusses an example of multinational ethics in practice.

This paper is not to be considered a political or legal discussion and considers that the "Universal Declaration of Human Rights", although fifty years old, is still considered by some as international rhetoric. It is the premise of the author that the document has worth within the area of strategic planning in the confines of the multinational corporation.

### History of the United Nations

The United Nations is a peacekeeping body that is the successor of the League of Nations which failed to maintain peace and which was unable to prevent World War II (Urquhart, 1995). The United Nations charter was drawn up by the representatives of 50 countries at the United Nations Conference on International Organizations (UNCIO) which was held in San Francisco in 1945. The original charter consisted of 111 Articles and was signed on June 26, 1945 (Encarta, 1996; New York Public Library Desk Reference, 1989; Mower, 1979).

As a body, the U.N. now consists of over 185 members and is devoted to the following functions: promoting development, peacekeeping, international problem-solving, international security, promoting human rights, judicial settlements, and providing humanitarian aid. It consists of 6 organs: the General Assembly, the Security Council, the Economic and Social Council, the Trusteeship Council, the International Court of Justice, and the Secretariat (United Nations, 1996). Each of these has specific duties and functions which shall be defined (Encarta, 1996):

**General Assembly:** All members are represented here. It is the main deliberative body of the United Nations. It establishes agencies and programs to carry out its recommendations but has no enforcement authority. It approves U.N. budget.

**Security Council:** This organ has 15 members and is the central organ to maintain peace. Its main concerns are peace and security and it has five permanent members (United Nations, 1968).

**Economic and Social Council:** Consists of 54 members. It coordinates social and economic activities of the United Nations and recommends actions concerned with medical aid, education, economic and social issues.

**Trusteeship Council:** This organ was originally established to oversee and supervise eleven territories placed under international trust after World War II. It is currently inactive since all eleven territories have been dissolved: Cameroons-British, Togoland-

2

British, Tanganyika, Cameroons-French, Togoland-French, Ruanda Urundi, Nauru, New Guinea, Somaliland, West Samoa, North Pacific Islands (Goodrich, 1959, p.311).

**International Court of Justice:** The International Court of Justice is the judicial body of the U.N. It hears cases referred to it by the General Assembly and renders advisory opinions.

**Secretariat:** This body is headed by the Secretary General of the U.N. and serves the other five organs by doing administrative tasks.

### History of the Universal Declaration of Human Rights

As a result of the atrocities of World War II, the United Nations set up a Commission on Human Rights in 1946 with 18 different countries represented. The Commission's priority, under the leadership of Eleanor Roosevelt of the United States, was to draft an international bill of rights which would hold up under

universal interpretation. The committee to draft the bill consisted of eight members: Eleanor Roosevelt (USA), Dr. Chang Peng-Chung (China), Dr. Charles Malik (USA), and representatives from Australia, Chile, France, United Kingdom, and the Soviet Union (Mower, 1979).

The document was difficult to write because of barriers across cultures, such as political differences, economic differences, cultural differences, religious differences, gender differences, class and race differences. Also causing difficulty were communications differences, such as terminology and interpretation difficulties.

To suppress differences as much as possible, Eleanor Roosevelt proposed that the committee work with four basic categories of “rights” (Carter, 1981):

1. personal: this includes freedom of speech, religion, and property
2. procedural: this includes safeguards for those accused of crimes
3. social rights: this includes the right to employment
4. political rights: this includes the right to actively participate in government

Also, because of the enormity of the task of writing an International Bill on Human Rights, the committee proposed that it be broken into three distinct parts: the Declaration of Human Rights, the Covenant, and the Machinery to Implement. Each will be discussed separately (Carter, 1981).

### Declaration of Human Rights

Thirty articles were developed as global standards or principles which are called: “The Universal Declaration of Human Rights”. It was voted on in Paris in 1948 and adopted by a vote of 48 to 0 with 8 countries abstaining from approval: Poland, Byelorussia, Czechoslovakia, Ukraine, Yugoslavia, South Africa, Saudi Arabia, and the Soviet Union (Carter, 1981; Roosevelt, 1953).

Sources of conflict in adopting the document included: difficulty in interpreting language and terminology, debate on whether the document was antiquated in philosophy or too future-thinking, fear of losing individual state power or control, debate on whether the document included enough stress on economic and social rights, and debate on whether to include religious rights as part of a universal document (Roosevelt and DeWitt, 1958).

3

While the Declaration is a non-binding resolution, it has become “the moral touchstone for all claims at the international level...” (Franck, 1985, p. 232). It also does not make any provision for monitoring or enforcing national compliance.

### Covenant

The Covenant deals with the legal and economic issues and obligations of accepting states. In 1951, the first draft was written by the Social and Economic Council of the U.N. and had more than two times the number of nations involved in its writing than the original “Declaration...” (Carter, 1981). The main area of disagreement centered on whether to include economic obligations in the document. As a compromise, two documents were drafted:

1. Civil and Political Rights document: This entails standards on what the government of any state should NOT do TO their people. It includes freedoms of: thought, religion, opinion, expression, and freedom from cruel treatment.

2. Economic, Social and Cultural document: This entails what a government MUST DO for their people. It recognizes government as a servant of its people. It includes such freedoms as: the right to join unions, motherhood and childhood entitlements, and child labor limits.

The Covenants were not accepted by the U.N. Assembly until 18 years after drafted, in 1966. They have been approved by more than 100 countries (Carter, 1981).

### Machinery to Implement

The Covenants were only binding in those states that ratified them via a different process. Article 41 of the Civil and Political Covenant set up mechanisms by which “ states could complain against other states and individuals could complain against their government” (Carter, 1981, p. 37; Goodrich, 1974). This was also only binding by states who choose to adhere to it.

At best, it is up to the individual state to recommend ratification and adherence because of the peacekeeping nature of the United Nations itself.

Eleanor Roosevelt resigned in 1953 and her great unifying and visionary techniques were a loss to the United Nations' efforts (Roosevelt, 1953).

#### Overview of the Universal Declaration

Now, discussion will be centered on the "Universal Declaration of Human Rights", its spirit and value as a global document. It sets forth the basic rights and freedoms of all men and women the world over. The Declaration's 30 articles include: the right to life, liberty, and security of person; freedom from slavery; freedom from arbitrary arrest; freedom of movement and residence; right to be innocent until proven guilty; right to marry and found a family; freedom of expression; right to work; and the right to a reasonable standard of living (Barros, 1972, p. 79).

The beauty of the "Declaration..." is that:

1. It was done by a culturally diverse team.
2. It stresses commonalities of cultures.
3. It transcends national, social, and cultural barriers.
4. It is universal in form, content and purpose.
5. Its acceptance is a start for action.
6. It includes the measure of ethical decision making.
7. It is the first important step towards organizing the world community.
8. Its principles can be applied to the global business environment.

4

#### Implications for Business Strategy

It should be noted that while suggestions will be made on how to use the document in the realm of business, businesses should be cautious in exactly how it approaches the Declaration's use. When doing business on an international level, the social, political, religious, economic, and cultural beliefs of another country might not actively support the "Universal Declaration of Human Rights". However, even though the "Declaration..." is principally a political document, it can be used by multinational corporations as part of their corporate strategic planning process. Below are thirteen different ways to integrate the articles into strategy. Care should also be taken to carefully choose which articles may be incorporated so as to insure not only reasonable success but a tolerance for diverse opinion as well.

To actively apply the "Universal Declaration of Human Rights", companies should first carefully read and interpret the document using a focus group of individuals. Ideally, this group should be composed of top management and representatives from each of the countries with which international business is conducted. Once it is decided how the document fits the company's value system, it then must be decided which of the articles can be integrated. The following are practical applications for integrating the document:

1. mission statements: Mission statements are the essence of any organization. They explain its reason for existence, its core values and beliefs.
2. vision statements: Vision statements detail the philosophy of how the mission will be achieved.
3. superordinate goals: Superordinate goals are goals that supersede any others of the corporation. They are established to pull employees together so that they can see the stake they all have in achieving the goal.
4. human resource strategy: Practices here include integrating the document as a means of training and development, evaluation, compensation, and recruitment (Talbot, 1996; Solomon, 1996).
5. global marketing strategy: Humanitarian choices can be made with suppliers, distributors, manufacturing processes (Solomon, 1996), quality, and advertising according to universal needs.
6. Codes of Ethics: These are formal codes of conduct that require employees to adhere. They express values and beliefs of the organization and cover policies on items such as bribery, gift-giving, and the handling of corporate information (Solomon, 1996).
7. Expatriate selection and training: Expatriate selection can be made among candidates who have extensive travel and language experience and a sensitivity to diverse

5

cultural beliefs (Talbot, 1996). The document can be used to highlight cultural similarities as well as differences.

8. Philanthropic giving: Companies who are unable to integrate the document on an active basis because of country restrictions can engage in charitable pursuits such as engagement with educational partnerships.

9. S.W.O.T. analysis: An important part of the strategic planning process is analyzing strengths, weaknesses, opportunities, and threats in the competitive environment. The "Universal Declaration..." can be used to determine if the international environment is conducive to universal principles.

10. Model for Corporate Culture: Beyond a formal written Code of Ethics is the informal system of values and beliefs in the corporation. The Declaration can be used as an educational tool to create cross-cultural sensitivity and expectations.

11. Corporate Mindset: Discussion of the Universal Declaration can help to establish an appropriate "mindset" for global planning and decision making. It can build a "globally aware" workforce (Talbot, 1996) leading to integrated planning and research.

12. "Principled Reasoning Approach": This is a decision-making, problem-solving process that can serve as a backdrop to the integration of the Universal Declaration.

It is a process that involves the thoughtful evaluation of ethical principles into corporate decisions and behavior (Solomon, 1996).

13. Stakeholder Identification: Stakeholders are anyone who stand to be affected by the decisions of a corporation. The document can be used as a basis for determining who will be affected by any international dilemma.

Again, it should be emphasized that corporations should carefully consider the climate in which they will be operating to determine the extent to which this integrated strategy would be accepted. Special interest should be given to Articles: 1, 2, 13, 18, 23-7 in the "Declaration" (Encarta, 1996). Now discussion will center on examples of corporations who have used ethical guidelines when operating in other countries.

Examples of Global Ethics:

Several companies are lauded for their efforts to integrate an ethical approach to multinational operations. While none have been specific in stating that they have used the "Universal Declaration of Human Rights" developed by the United Nations, it is not difficult to see that its incorporation is possible.

IBM, Shell Oil, Honeywell, Digital Equipment, H.B. Fuller, General Motors, Xerox and Levi Strauss are all recognized for establishing internal "Codes of Conduct" that reflect a stance and commitment to global ethics (Solomon, 1996). In the interest of time, Levi Strauss will be discussed in detail.

When Levi Strauss first considered moving into South Africa, a focus group composed of managers and expatriates from marketing, operations, finance, and community affairs.

This group researched, over a period of months, the history of apartheid and business movement within and out of the country. They also went into South Africa and

6

interviewed government members, members of community organizations, and representatives of multinationals already working in South Africa. They also identified stakeholders who stand to lose or gain from business operations. Their conclusions were not to enter the South African marketplace until conditions were more conducive, such as the change to hold free elections. When that change occurred, the next step was to establish operating guidelines, which cover issues such as: environmental concerns, health and safety issues, wages, child labor, and discrimination. Since free elections have occurred in South Africa, the company opened both marketing and manufacturing facilities there which include multiracial, multicultural management teams and an active social investment program of charitable contributions to the community. Levi Strauss is actually helping the country grow in its transition (Solomon, 1996).

This company also used global ethics in its strategy for operations in Bangladesh. Two of its contractors were using children in their factories who appeared to be under the age of fourteen, an international standard. Apparently, when questioned, the contractors told management that there were no birth certificates to use to establish age. Also of consideration was the significant economic contribution of

these working children to their families. If fired, they might be forced to consider begging and prostitution as a means to make a living (Solomon, 1996).

After much discussion, the contractors agreed not to hire any more children under the age of 14. To determine age, the company hired a physician to examine the children using growth charts developed by the World Health Organization, a specialized agency of the United Nations (United Nations, 1996). Levi Strauss then negotiated for these contractors to remove the current under-14 workers from production lines and continue to pay them as if they were working. Levi Strauss covered the cost of uniforms, tuition, and books so they could attend school. When these children reached the age of 14, they would be offered back their original jobs in the factory. According to Solomon (1996), if the contractors would not have complied, they would have lost the contract.

It is important to note that Levi Strauss could not control the external environment in which it operated by taking a stance not to hire any new under-14 workers. This was identified by the company as a social condition in the country under which it had no control.

Globally, Levi Strauss credits its ethical guidelines as responsible for impacting on suppliers around the globe. They have been instrumental in bringing about shorter work hours, improved health and safety conditions, and improved environmental standards (Solomon, 1996).

While this is just one example of where a company has developed a strong ethical and socially responsible mindset, there are many others which can be used as benchmarks. As you can see, the “Universal Declaration of Human Rights” can be used as a tool to create better corporate working environments around the globe. If the task seems insurmountable, perhaps the following quote from Eleanor Roosevelt will give hope and guidance:

Where, after all, do universal human rights begin? In small places, close to home--so close and small that they cannot be seen on any map of the world.

7

Yet they are the world of the individual person: the neighborhood he lives in; the school or college he attends; the factory, farm, or office where he works. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world. (Center for Resource Solutions, Internet, 1977; Carter, 1981).

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8

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