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THE AFFIRMATIVE LEGAL DUTIES OF CORPORATIONS IN THE CURRENT SYRIAN REFUGEE CRISIS IN EUROPE: A CALL FOR THE ADOPTION OF A EUROPEAN MULTINATIONAL CORPORATE CODE OF CONDUCT.

By Kaitlin Silletti

I. INTRODUCTION

For Syrian refugees, life has stopped. Every day, we have hope that things will get better, but it gets worse. Life is very hard here ... We haven't been able to work. The Syrian people have lost a lot, states Yahya, a Syrian refugee.¹

More than eleven million Syrians², like Yahya, have risked their lives to seek asylum in order to escape the Syrian civil war, which has been labeled appropriately “the worst humanitarian crisis of our time.”³ The Syrian civil war has led to mass destruction of property and has provoked war crimes such as rape, torture, murder, and starvation, water

*The purpose of this note is limited to encourage European multinational corporations to recognize their international legal duty to help in the Syrian Refugee Crisis, which resulted as a mass migration in Europe, by adopting a corporate code of conduct. However, the solution of this note, and the participation of corporations in upholding their social responsibility obligations can broadly apply to any mass migration or crisis compelling humans to become refugees. As of December 2016, it has been predicted that the current climate change will greatly affect the current refugee crisis by making the mass migration the “new norm.” It has been estimated that the sea level rise twenty percent causing flooding, and the mass migration of above thirty million people. Senior United States military and security experts have stated that the number of refugees forced from their homes due to the climate change will “dwarf” the number of refugees who have fled as a result of the Syrian Civil war. A report made by the Senior United States military stated that “[i]n our rapidly changing world climate change – and its potential to trigger both violent conflict and mass migration – needs to be considered as an urgent priority for policy makers and business leaders alike.” Damian Carrington, *Climate Change Will Stir ‘unimaginable’ Refugee Crisis, says Military* the guardian (Dec. 1, 2016), <https://www.theguardian.com/environment/2016/dec/01/climate-change-trigger-unimaginable-refugee-crisis-senior-military>; Matthew Taylor, *Climate Change ‘Will Create World’s Biggest Refugee Crisis’* THE GUARDIAN (Nov. 2, 2017), <https://www.theguardian.com/environment/2017/nov/02/climate-change-will-create-worlds-biggest-refugee-crisis>.

¹ Interview by Scott Simon with Alice Fordham, NPR (April 5, 2014), <http://www.npr.org/2014/04/05/299352278/for-syrian-refugees-life-has-stopped> (including a statement by Yahya, a Syrian Refugee).

² *Quick Facts: What You Need to Know About the Syria Crisis*, MERCY CORPS <https://www.mercycorps.org/articles/iraq-jordan-lebanon-syria-turkey/quick-facts-what-you-need-know-about-syria-crisis> (last visited Mar. 09, 2018).

³ *Id.*

shortages, and lack of health services.⁴ The constant violence and turmoil resulting from the Syrian civil war has fueled a mass migration of refugees into Europe.⁵

The fundamental international human right to asylum⁶ provides refugees the legal right to seek asylum in a foreign state if the refugee is in fear of persecution for reasons of race, religion, nationality, or political opinion.⁷ The right to asylum to be meaningful must also accord a realistic prospect to refugees in a host country of a stable and secure life consistent with other complimentary universal fundamental human rights, such as the right to work, education and an adequate standard of living.⁸ Once a refugee is granted asylum in a state, refugees need to integrated into society to be productive members of society, and to adequately support themselves and their families. As for the Syrians who have stayed in Syria, and who continue to live in the violence of the war, “every day decisions – whether to visit a neighbor, to go out to buy bread – have become, potentially, decisions about life and death.”⁹

The Syrian Refugee Crisis has resulted in an ongoing mass migration of Syrians into Europe. This unexpected mass migration has created substantial challenges for European Union member states to successfully integrate refugees into national societies in a uniform way. Upon the grant of asylum, and acceptance to a host member state, refugees are unfortunately often grouped together and placed in locales and refugee camps that are isolated from domestic society, making integration difficult.¹⁰ A critical part of integrating refugees into society is

⁴ Lucy Rodgers, David Gritten, James Offer & Patrick Asare, *Syria: The Story of the Conflict*, BBC NEWS (Mar. 11, 2016), <http://www.bbc.com/news/world-middle-east-26116868>.

⁵ David Williams, *The ‘Calamity of the century’: Syrian Civil War Prompts World’s Biggest Refugee Crisis as Two Million People Have Fled Fighting*, DAILY MAIL (Sept. 3, 2013), <http://www.dailymail.co.uk/news/article-2409632/Syria-civil-war-worlds-biggest-refugee-crisis-2m-people-forced-flee.html>.

⁶ G.A. Res. 217 A, Universal Declaration of Human Rights (Dec. 1948).

⁷ *Convention and Protocol Relating to the Status of Refugees*, UNHCR (Oct. 4, 1967), <http://www.unhcr.org/en-us/protection/basic/3b66c2aa10/convention-protocol-relating-status-refugees.html>.

⁸ Danuta Kean, *‘I Dream of Being an Account’: Wall of Dreams Shines Refugees’ Hopes Over London*, THE GUARDIAN (Oct. 13, 2017), <https://www.theguardian.com/books/2017/oct/13/i-dream-of-being-an-accountant-wall-of-dreams-shines-refugees-hopes-over-london> (“The Wall of Dreams, by Danish artist, Morten Sondergaard, is artwork projection onto various buildings of refugees’ quotes in regard to a new life; for example, ‘I dream of being an accountant,’ and ‘I dream of peace in my father’s homeland.’”).

⁹ Karen Yourish, K.K. Rebecca & Derek Watkins, *Death in Syria*, N.Y. TIMES (Sept. 14, 2015), <https://www.nytimes.com/interactive/2015/09/14/world/middleeast/syria-war-deaths.html>.

¹⁰ Luk N. Van Wassenhove, *What’s Europe’s Long-Term Plan For Integrating Refugees?*, HARV. BUS. REV. (Sept. 2015), <https://hbr.org/2015/09/whats-europes-long-term-plan-for-integrating-refugees>.

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the refugees ability to find adequate employment.¹¹ A refugee's ability to be employed in a member state is essential to asylum status since employment, more often than not, will determine a refugee's ability to support himself or herself, and their families. Without employment it is also nearly impossible for a refugee to contribute to host state society.¹² Without meaningful assistance from host nations, and international entities, refugees will be unable to support themselves, unable to work, and unable to receive job training, with all of the negative implications for both the refugees and the host countries.

Assisting large numbers of refugees to successfully integrate into the work force is a formidable challenge that requires a collective effort among many public and private entities. For example, international organizations, such as the United Nations, non-governmental organizations ("NGOs"), charities, and aid agencies all may need to devote considerable resources to provide comprehensively adequate food, health care, educational programs, and temporary homes for the refugees.¹³ In addition, domestic governments and local and private entities must also make special efforts to integrate and assimilate refugee populations. Gainful employment of Refugees can help significantly reduce the burden on all concerned to integrate refugees and conserve aid resources.

A key player in the private sector that is essential to effectively integrate refugees into the work force is the multinational corporation ("MNC") which can provide salaries, training, and internship opportunities throughout the European Union member states where MNCs operate. The participation of private MNCs in integrating Syrian refugees into the work force reciprocally may benefit MNCs, in terms of the expanding the potential worker pool, and enhancing public perceptions of corporations as good citizens.

¹¹ Leah Eichler, *Syrian Refugees are arriving: Where will they work?*, THE GLOBE AND MAIL (Dec. 7, 2016), <https://www.theglobeandmail.com/report-on-business/careers/career-advice/life-at-work/syrian-refugees-are-arriving-where-will-they-work/article27858492/>.

¹² See generally Jessica Hume, *Meaningful employment for refugees*, TRIEC (Jan. 7, 2016), <http://triec.ca/meaningful-employment-for-refugees/>.

¹³ Lisa O'Carroll, *Donate Cash if You Want to Help Syrian Refugees, Aid Groups Say*, THE GUARDIAN (Sept. 8, 2015), <https://www.theguardian.com/world/2015/sep/08/donate-cash-help-syrian-refugees-aid-groups-unicef-wfp-say> (defining a NGO, non-governmental organization, as "a non-profit, citizen-based group that functions independently of government"); Jean Folger, *What is an NGO (non-governmental organization)?*, INVESTOPEDIA (Jan. 8, 2018), <https://www.investopedia.com/ask/answers/13/what-is-non-government-organization.asp>.

“The crisis is not over.”¹⁴ The European Union has yet to develop a uniform solution to aid the refugees in their allocation and integration into the host countries, nor has the European Union developed a comprehensive plan to successfully manage the mass migration of refugees.¹⁵ For example, the European Union shut land borders and refugees were trapped in Greek refugee camps, awaiting entry into a European country whose quota would allow them to grant asylum to the refugees.¹⁶ This measure, called the “relocation program,” put refugees in a constant state of distress and agitation as they were being shuttled among a series of camps and shelters.¹⁷ This program not only places refugees in a state of fear, but it has also been shown to be largely ineffective.¹⁸ Generally, refugees who are placed in European host countries based on the country’s quota have fled from the host country for numerous reasons such as the host countries’ economy and negative attitude toward integration.¹⁹

In developing a plan to successfully integrate refugees into the host country, the European Union, and other national governments, should think long-term.²⁰ In order to successfully integrate refugees into their host country, the host country needs to provide employment opportunities to the refugee.²¹ Experts agree that the employment of a refugee is the “single most important step to a successful integration into host societies. . .”²²

Unfortunately, it has been estimated that seventy-five percent of refugees who sought asylum in Germany will be unemployed for the next five years.²³ As for the refugees who seek asylum in Germany over the next five years beginning in 2017, many of them will be unemployed for the next ten years.²⁴ On average, within the first five years of being granted asylum into a host country, only one in four refugees will be

¹⁴ Aryn Baker, *These Syrian Refugees Made It to Europe. But There Still Isn't an Answer to the Crisis*, TIME (Dec. 18, 2017), <http://time.com/5068549/finding-home-crisis/>.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ Amy West, *Syrian refugees need more than food*, ALJAZEERA AMERICA (Mar. 9, 2014), <http://america.aljazeera.com/opinions/2014/3/education-for-syrianrefugeesinsufficient.html>.

²² Regine Konle-Seidl & Greg Boltis, *Labour Market Integration of Refugees: Strategies and good practices*, EUR. PARL. DOC. (Mar. 2016), [http://www.europarl.europa.eu/RegData/etudes/STUD/2016/578956/IPOL_STU\(2016\)578956_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/578956/IPOL_STU(2016)578956_EN.pdf).

²³ Guy Chazan, *Most Refugees to be Jobless for Years, German Minister Warns*, FINANCIAL TIMES (Jun. 22, 2017), <https://www.ft.com/content/022de0a4-54f4-11e7-9fed-c19e2700005f>.

²⁴ *Id.*

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employed.²⁵ After 10 years of residing in the host country, the refugee's employment rate will reach fifty-six percent, which is still below the employment rate of a native citizen in that country.²⁶ With the help of MNC's, refugees can be provided with training programs to assist in their qualification to be employed, as well as opening up greater employment opportunities.²⁷ "The private sector must not overlook the role it can play in helping to stabilize and support economic growth"²⁸

The purpose of this note is to establish that the European MNCs that participate in international business transactions have a heightened, affirmative legal duty to help Syrian Refugees' realize their fundamental human rights to work. Specifically, this note in Section II lays out the relevant factual background of the refugee crisis in Europe and the challenges posed to integrate refugees into the labor market. Section III establishes that fundamental international human rights law imposes on European MNCs a heightened, affirmative duty to help integrate Syrian refugees into the work force including realization of associated human rights to work, to education and to an adequate standard of living. Section IV calls for the adoption of a European MNC code of conduct for the participation of MNCs in the successful integration of Syrian refugees into the work force constituent with fundamental international human rights law. Section V concludes that European MNCs should embrace their international duty to help fulfill refugees' human right to asylum by helping them to realize their right to work, job training, and adequate standard of living. This is essential in the integration of refugees into the European work force. If corporations ignore this responsibility, the substantial burden on European Union member states to integrate the refugees will continue to be problematic, and the lives of the refugees will not be improved meaningfully from their former condition, and their human right to asylum will be greatly diminished.

**II. THE SYRIAN REFUGEE CRISIS IN EUROPE POSES
CHALLENGES AND OPPORTUNITIES TO EUROPEAN
MEMBER STATES AND PRIVATE CORPORATIONS IN
INTEGRATING REFUGEES INTO THE WORK FORCE.**

The Syrian civil war has resulted in more people fleeing their homes as a result of conflict and crisis than at any time in history with the

²⁵ *How are Refugees Faring on the Labour Market in Europe*, OECD (Jan. 2016), <https://publications.europa.eu/en/publication-detail/-/publication/87a8f92d-9aa8-11e6-868c-01aa75ed71a1/language-en>.

²⁶ *Id.*

²⁷ Khalid Koser, *What can Business do to Help Refugees?*, WORLD ECONOMIC FORUM (Oct. 28, 2015), <https://www.weforum.org/agenda/2015/10/what-can-business-do-to-help-refugees/>.

²⁸ *Id.*

exception of World War II.²⁹ More than eleven million Syrians have fled Syria since the beginning of the Syrian war in March 2011.³⁰ Because of the large-scale migration, members of the European Union, more than any other groups of nations, are faced with many substantial and daunting challenges in accepting, allocating and integrating refugees into European life and member states societies.³¹

A. A Substantial Problem in the European Union's Treatment of Syrian Refugees is the Lack of Uniformity in the Integration of Refugees into Member States.

A major problem pertaining to the Syrian crisis is the lack of uniformity in the treatment of refugees in Europe. In 2013, the Netherlands became the first country to deport refugees back to their place of origin.³² For example, The Netherlands has the strictest laws on asylum in the European Union³³. Two out of three asylum applications are rejected.³⁴ Once rejected, an individual has only twenty-eight days to leave the country.³⁵ By contrast, Sweden accepts a large number of refugees, making it a desirable destination for asylum seekers.³⁶ Sweden's government, thus far, integrates refugees into the work force as quickly as possible.³⁷ To achieve this, Sweden has language and cultural training workshops, as well as internships that provide refugees with experience before entering the labor market.³⁸ However, because of the growth of the anti-immigration party in Sweden, the government's present efforts to efficiently integrate refugees in danger of curtailment.³⁹ Polls indicate that the number of individuals in Sweden who would "definitely" assist refugees have decreased from 54% in 2015 to 30% in 2016.⁴⁰

²⁹ *Refugee Crisis: Europe & Middle East*, RESCUE.COM, <https://www.rescue.org/topic/refugee-crisis-europe-middle-east#> (last visited Apr. 20, 2018).

³⁰ *Syrian Refugees: A Snapchat of the Crisis – In the Middle East and Europe*, SYRIAN REFUGEES (Sept. 2016), <http://syrianrefugees.eu/>.

³¹ See generally *Refugee Crisis: Europe & Middle East*, *supra* note 29.

³² Sabrina Pabst, *How EU Countries Handle the Refugee Crisis*, DW (Dec. 8, 2015), <http://www.dw.com/en/how-eu-countries-handle-the-refugee-crisis/a-18646316>.

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ Aamna Mohdin, *The Most Refugee-Friendly Country in Europe is Growing Weary*, QUARTZ (Sept. 7, 2016), <https://qz.com/774427/the-most-refugee-friendly-country-in-europe-is-growing-weary/>.

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In 2015, Poland refused to honor the European Commission's request to accept 3,700 refugees.⁴¹ The state reluctantly only accepts a low number of refugees.⁴² Poland's treatment of refugees has also been under the scrutiny of human rights organizations because Poland houses the accepted asylum seekers in former army barracks located in an isolated area, far away from civilization.⁴³ A 2015 poll concluded that 70% of Poland's citizens wanted to reject Muslim or African refugees in Poland, while Christian refugees were largely welcomed.⁴⁴

In early 2016, the German government reformed asylum regulations to include a rule that grants refugees from Syria "subsidiary protection" instead of asylum.⁴⁵ Subsidiary protection applies to refugees who do not fall within the requirements set forth by the Refugee Convention, but who still need a measure of international protection.⁴⁶ Subsidiary protection, unlike asylum does not protect refugees who are fleeing their home country for general collective reasons, such as war.⁴⁷ This means that Syrian refugees fleeing Syria as a result of the civil war are only granted subsidiary protection, which requires refugees to reapply annually to review their protection status and prohibits refugees from bringing family members to Germany for two years after being granted subsidiary protection.⁴⁸

Out of the 268,866 Syrian asylum applications received in 2016, approximately 121,562 were granted subsidiary protection and 166,520 were granted asylum.⁴⁹ In Poland, out of the 47 Syrian applications for asylum, 40 were granted asylum and only 3 were granted subsidiary protection.⁵⁰ In Sweden, 42,349 asylum seekers were granted subsidiary protection, and only 2,619 were granted asylum.⁵¹ The inconsistently among European states who grant subsidiary protection more so than

⁴¹ Matt Chase, *Poland Shouldn't Shut Out Refugees*, N.Y. TIMES (Sept. 9, 2015), <https://www.nytimes.com/2015/09/10/opinion/poland-shouldnt-shut-out-refugees.html>.

⁴² *Id.*

⁴³ *These Syrian Refugees Made It to Europe. But There Still Isn't an Answer to the Crisis*, *supra* note 14.

⁴⁴ *Id.*

⁴⁵ Carla Bleiker, *Thousands of Refugees are Suing Germany*, DW (Apr. 1, 2017), <http://www.dw.com/en/thousands-of-refugees-are-suing-germany/a-37004504>.

⁴⁶ Birgit Laubach, *Subsidiary Protection instead of Full Refugee Status Complicates Family Reunification*, LEGAL DIALOGUE (Nov. 24, 2016), <http://legal-dialogue.org/subsidiary-protection-instead-full-refugee-status-complicates-family-reunification>.

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ Michael Kalkmann, *Country Report: Germany*, ASYLUM INFORMATION DATABASE [AIDA] (2016).

⁵⁰ Karolina Rusilowicz, *Country Report: Poland*, ASYLUM INFORMATION DATABASE [AIDA] (2016).

⁵¹ George Joseph, *Country Report: Sweden*, ASYLUM INFORMATION DATABASE [AIDA] (2016).

other states illustrates the political challenges of relying on the European Union's action alone, given the variations in policies and procedures among individual European states.⁵² The differences in procedures require a unified reform among the member states. Laura Boldrini, Italy's president of Chamber of Deputies, argues that in order for Europe to successfully overcome the challenges it faces in the mass migration of refugees, Europe must share its sovereignty in a uniform manner.⁵³ Boldrini argues that a united Europe will be better equipped to handle a large migration of asylum seekers if there is a single uniform immigration policy that all member states must follow, and a coordinated asylum system.⁵⁴ Implicit in such arguments is that there is also consistency in the ability of refugees to be uniformly integrated into the workforces of the member states.

B. The Current Job Market for Syrian Refugees is Not Acceptable.

A successful integration of refugees into European states depends in large part on the ability to integrate refugees into the work force, and to have employment opportunities available to the refugees.⁵⁵ To better discern the challenges employers face in employing refugees, the Organization for Economic Cooperation and Development ("OECD"), and the United Nations High Commissioner for Refugees ("UNHCR") conducted a series of consultations with employers.⁵⁶ The consultations concluded that employers, unfortunately, are very often hesitant to hire refugees because they are uncertain about a refugees' qualifications and skills. Employers also often are unaware of the rules governing the legal framework and conditions for employment of refugees. The overall

⁵² *Commission of the European Communities, Regulation of the European Parliament and of the Council*, COM 466 final (Sept. 2016), https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160713/proposal_on_beneficiaries_of_international_protection_-_subsidiary_protection_eligibility_-_protection_granted_en.pdf.

⁵³ Sebastian Rotella, *Q&A: Can a Divided Europe Handle the Refugee Crisis?*, PROREPUBLICA (Sept. 14, 2015), <https://www.propublica.org/article/q-and-a-can-a-divided-europe-handle-the-refugee-crisis>.

⁵⁴ *Id.*

⁵⁵ Dagmar Breitenbach, *The Challenge of Finding Jobs for Refugees in Germany*, DW (Nov. 29, 2016), <http://www.dw.com/en/the-challenge-of-finding-jobs-for-refugees-in-germany/a-36574268>.

⁵⁶ 10 Migration Policy Deb., OECD (Sept. 2016), <http://www.oecd.org/els/mig/migration-policy-debates-10.pdf>; *About the OECD*, OECD, www.oecd.org/about/ (last visited Apr. 23, 2018) (describing the OECD as an organization that promotes ethical conduct and well-being of people; the OECD provides a forum for governments to communicate and collaborate on solutions for economic, social and environmental problems).

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negative perception to employing a refugee presently appears to be negative.⁵⁷

These negative employer perceptions can be overcome according to the OECD and the UNHCR.⁵⁸ For example, an employer's confusion concerning refugees' qualifications and skills is a result of the lack of a comprehensive uniform assessment.⁵⁹ If the European host countries implement a simple uniform assessment test to determine a refugees' qualifications and skills, the employer would be able to discern refugee employment opportunities and the employer would have less reason to deny a well-qualified refugee employment.⁶⁰

In addition, as a result of the lack of information about hiring procedures, employers tend to over-estimate the difficulties and underestimate the benefits of employment and as a result, tend to disregard refugees' applications for employment.⁶¹ This can be addressed by providing the correct comprehensive information to employers. For example, there is a Danish phone service for employers to locate refugees to hire.⁶² The phone service provides the employer with the refugee's skills, which helps to remove confusion the employer may have about a refugee's skills and qualifications.⁶³ A phone service, such as this, is also be beneficial if it provides employers with legal advice on the procedural aspects of refugee hiring.

Negative employer opinions of a refugees also may be offset by sharing with employers the substantial evidence of the potential benefits of employing refugees.⁶⁴ In 2014, Alexander Betts, the Director of the Humanitarian Innovation Project⁶⁵, concluded that refugees significantly benefit local economies:⁶⁶

Refugees around the world engage with markets.
Even in the most restricted circumstances of closed refugee

⁵⁷ *Id.* (discussing additional arguments, which include the refugees limited language skills in the host country, however, many employers argue that on-the-job language training is extremely effective and should eliminate the reason to deny refugees employment because of a language discrepancy).

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *See generally Id.*

⁶¹ *Id.*

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ *Supporting the Economic Inclusion of Refugees*, REFUGEE ECONOMIES, <http://www.oxhip.org/about> (last visited Apr. 23, 2018) (explaining that the Humanitarian Innovation Project focuses on improving the role of, among others, the private sector in assisting refugees).

⁶⁶ Elizabeth Matsangou, *Refugees are an Economic Benefit, Not Burden, to Europe*, WORLD FINANCE (Nov. 02, 2015), <https://www.worldfinance.com/infrastructure-investment/government-policy/refugees-are-an-economic-benefit-not-burden-to-europe>.

camps and without the right to work, economic activity can be observed. Refugees engage in consumption, production, exchange, entrepreneurship and the development of capital markets. Much of our research suggests that whether refugees are a benefit or a burden depends not just on who the refugees are, but also on the policies of the host states.

When they are given the right to work, access to capital, and educational opportunities, they are likely to have the greatest impact.⁶⁷

If employers are informed of these benefits to the employment of refugees', it will also benefit their specific businesses, and enhance the general economic outlook for corporate success.⁶⁸ A corporate awareness of a refugee's motivation to work and to be a part of society also creates opportunities for MNCs to be viewed as a good corporate citizen of the European Union member states.⁶⁹ However, while 75% of refugees who arrived in Germany in 2013 stated they "certainly" wanted a job, they remain largely unemployed.⁷⁰ Of the refugees that arrived in Germany within the last two years, only 13% are employed.⁷¹

Not only do most refugees want to contribute to society and be financially independent, many of them are also highly qualified to do so. Many refugees who have arrived in European Union countries, such as Germany, are well-educated and skilled.⁷² Many are engineers, or have previous experience as employees of corporations in Syria.⁷³ More problematic refugees have poor qualifications and no more than a primary school level education.⁷⁴ Poorly educated Syrian refugees are largely a product of the social and economic challenges in Syria.⁷⁵ To prepare

⁶⁷ Alexander Betts, Louise Bloom, Josiah Kaplan & Naohiko Omata, *Refugee Economies: Rethinking Popular Assumptions*, HUMANITARIAN INNOVATION PROJECT (Jun. 2014), <https://www.rsc.ox.ac.uk/files/files-1/refugee-economies-2014.pdf>.

⁶⁸ See generally Rusilowicz, *supra* note 50.

⁶⁹ *Id.*

⁷⁰ Michelle Martin, *Only 13 Percent of Recent Refugees in Germany have Found Work: Survey*, REUTERS (Nov. 15, 2016), <https://www.reuters.com/article/us-europe-migrants-germany-survey/only-13-percent-of-recent-refugees-in-germany-have-found-work-survey-idUSKBN13A22F>.

⁷¹ *Id.*

⁷² Ben Knight, *Refugees in Germany 'Better Educated than Expected*, DW (Nov. 11, 2016), <http://www.dw.com/en/refugees-in-germany-better-educated-than-expected/a-36388835>.

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ Judith Cochran, *The Education of Syrian Refugee Children*, MIDDLE EAST INSTITUTE (Aug. 20, 2014), <http://www.mei.edu/content/at/education-syrian-refugee-children> (explaining prior to the Syrian civil war, which resulted in the refugee crisis, Syria experienced an extreme drought which forced many people into poverty which contributes to the diversity in receiving a useful education; once the war began, the

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refugees for integration into the work force, literacy education and occupational training is crucial and needs to be provided or made easily accessible. Ultimately, this requires affirmative efforts by European MNCs.

Even if the European host country provides an opportunity for adequate education, the refugees still need to be integrated into the labor market. There are many differences in the treatment of refugees throughout European countries, while only 8% of refugees are hired as qualified, skilled employees, there is a beginning trend of refugees being employed by governments and corporations as interns or apprentices.⁷⁶ However, for the refugees who sought internship training programs, only 6,500 were enrolled out of 12,000 that applied.⁷⁷

Some refugees who are skilled refugees often encounter difficulties because of their perceived negative social status. Aydan Özoğuz, Commissioner for Immigration, Refugees and Integration, stated that in assessing a refugee's qualifications for employment, the only criterion should be to help people fleeing from war and persecution.⁷⁸

C. MNCs Participation in the Employment of Syrian Refugees is Essential to Realizing a Full Right to Asylum, Including the Complimentary Right to Work, Education and An Adequate Standard of Living.

To promote the integration of refugees into the labor market, European countries need assistance from business corporations to hire refugee employees, and to implement uniform procedures for worker integration. Successful governmental policies to integrate Syrian refugees into European society can only be improved on a large scale with the participation of MNCs. MNCs are powerful entities in the international field and provide many benefits to their host countries.⁷⁹ MNCs form business relationships between countries with different economic characteristics. As for-profit entities, they have international power, influence, capital, and a wide range of resources.⁸⁰ Thus, their hiring practices, employee training, and overall general policies and procedures, tend to be somewhat uniform throughout Europe and if they voluntarily

Syrian educational system was destroyed, and many of Syrians were forced to neighboring countries, where the educational system was not better).

⁷⁶ Guy Chazan, *Most Refugees to be Jobless for Years, German Minister Warns*, FINANCIAL TIMES (June 22, 2017), <https://www.ft.com/content/022de0a4-54f4-11e7-9fed-c19e2700005f?mhq5j=e7>.

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ Evren Koksall, *The Impact of Multinational Corporations on International Relations – A Study of American Multinationals*, (Dec. 2006), <http://citeseerx.ist.psu.edu/viewdoc/download;jsessionid=AF50951F32E856AF9B5DF084360711DA?doi=10.1.1.633.5124&rep=rep1&type=pdf>.

⁸⁰ *Id.*

participate in the refugee integration, they can help unify integration efforts in Europe.⁸¹

MNCs help to increase employment levels, have advanced technologies – many of which are imported from foreign, more advanced countries. This creates a business relationship between nations.⁸² MNCs provide increased business opportunities to the host countries traders and markets due to the corporate form.⁸³

MNCs also benefit the citizen of the host country because they tend to pay their employees 40% more than the average wages of purely local domestic businesses.⁸⁴ On the whole, MNCs employ more workers than local businesses, which gives the citizens of the host country increased employment opportunities and higher wages and thus refugee integration into the work force is not a realistic goal without MNC participation.⁸⁵

In 2016, a Forbes study concluded that 463 European companies had a combined total of \$9.7 trillion in revenue and \$493 billion in profits during the past year.⁸⁶ Allianz, a MNC headquartered in Munich, Germany, for example, has 140,253 employees and has a market capital of \$83.7 billion.⁸⁷ Some MNCs familiar in the United States include: Volkswagen Group, a MNC operating in the manufacturing of automobiles, has 626,715 employees and a market capital of \$72.9 billion;⁸⁸ Walmart has an annual revenue of \$486 billion and employees 2.2 million individuals – which is more than the population of Slovenia; and McDonalds, a fast food restaurant that has more than 36,000 restaurants in more than 100 countries and has a revenue of \$25 billion.⁸⁹

Unfortunately, while agencies of international organizations like the UNHCR, and NGOs like the International Rescue Committee, and European domestic national governments and domestic private charities

⁸¹ See generally *Id.*

⁸² Shyam Soni, *What are the Advantages and Disadvantages of Multinational Corporations?*, PRESERVE ARTICLES <http://www.preservearticles.com/2012010319694/what-are-the-advantages-and-disadvantages-of-multinational-corporations.html> (last visited Apr. 20, 2018).

⁸³ *Id.*

⁸⁴ Rotella, *supra* note 53.

⁸⁵ Lapko Kristina, *The role of transnational corporations in the world economy*, LINKEDIN (Jan. 20, 2015), <https://www.linkedin.com/pulse/role-transnational-corporations-world-economy-krystsina-lapko>.

⁸⁶ Shreya Agarwal, *Global 2000: Europe's Largest Companies*, FORBES (May 25, 2016, 6:45 am), <https://www.forbes.com/sites/shreyaagarwal/2016/05/25/global-2000-europes-largest-companies/#31740b1b5232>.

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ Parag Khanna, *These 25 Companies Are More Powerful Than Many Countries: Going stateless to maximize profits, multinational companies are vying with governments for global power: Who is winning?* FOREIGN POLICY, (last visited Apr. 20, 2016), <http://foreignpolicy.com/2016/03/15/these-25-companies-are-more-powerful-than-many-countries-multinational-corporate-wealth-power/>.

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all have proposed policy reforms to address the mass migration and integration of refugees into Europe, MNCs in Europe have yet to participate in a coordinated meaningful way.⁹⁰ Many treat the Syrian Refugee Crisis as a purely political, non-economic, problem beyond corporate responsibility.⁹¹ However, MNCs, as powerful and productive as powerful entities, have the ability to provide refugees with skills and training needed for employment within the host countries.⁹² They also are key to any significant employment opportunities for the refugees on a large scale.

European MNCs are more powerful now than they have ever been, and have the resources and capacity to work with governments and policy makers to share the responsibility of assisting refugees' integration into the labor markets. MNCs can benefit from the employment and integration of refugees into the labor market since a large number of refugees are young, well-educated and eager to learn.⁹³ Once the refugees have been trained and are able to be employed, the labor pool available to MNCs necessarily expands. This also helps produce a lasting and mutually profitable employer-employee relationship between the MNCs and the refugee once they receive job training and education.

**III. FUNDAMENTAL INTERNATIONAL HUMAN RIGHTS LAW
IMPOSES ON EUROPEAN CORPORATIONS A HEIGHTENED,
AFFIRMATIVE DUTY TO HELP SYRIAN REFUGEES REALIZE
THEIR HUMAN RIGHT TO WORK.**

European MNCs have heightened international law duties as legal personalities to facilitate the integration of refugees entitled by international law to asylum and protection in the European Union. The more that MNCs embrace their human legal duties, the easier it should be for corporations to play a meaningful role in integrating refugees into European life.

This section establishes both that Syrian Refugees have the fundamental, universal, complimentary human rights to asylum, to work, to education, such as job training, and to an adequate standard of living, and that European MNC's have a legal duty to act affirmatively and consistently with those human rights in the integration of Syrian refugees into the work force of Europe.

⁹⁰ Lucy Marcus, *Europes Refugee Crisis is a Major Opportunity for Businesses*, THE GUARDIAN (Sept. 11, 2015), <https://www.theguardian.com/business/2015/sep/11/europes-refugee-crisis-is-a-major-opportunity-for-businesses>.

⁹¹ *Id.*

⁹² Knight, *supra* note 74.

⁹³ *Id.*

A. Syrian Refugees have the Universal Competently Human Rights to Asylum, to Work, to Education, and to an Adequate Standard of Living.

The fundamental competently universal rights of Syrian refugees to asylum, to work, to education, and to an adequate standard of living are well established in basic soft law and hard law legal instruments of international human rights law.⁹⁴ The Universal Declaration of Human Rights, the Convention Relating to the Status of Refugees, the International Covenant on Economic, Social, and Cultural Rights, the International Covenant on Civil and Political Rights, the International Labor Organization, the Employment Policy Convention No.122, the International Convention on the Elimination of all Forms of Racial Discrimination, and the European Social Charter.⁹⁵

1. The Universal Declaration of Human Rights.

The Universal Declaration of Human Rights (“UD”) was adopted by the United Nations General Assembly to define the human rights included in articles 55 and 56 of the United Nations Charter and to recognize and promote “the inherent dignity and of the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world.”⁹⁶ The UD defines specific civil, political, economic, social and cultural fundamental human rights.⁹⁷ Many of its provisions of the today reflect customary international law and are included in many international human right treaties.⁹⁸ Several provisions of the Universal Declaration of Human Rights related directly to the rights of Syrian refugees and their integration into the European work force.⁹⁹

⁹⁴ *International Human Rights Law in U.S. Courts: Sources of International Human Rights Law*, UNIV. OF MISSOURI (May 27, 2016, 9:22am), <http://libraryguides.missouri.edu/c.php?g=28626&p=176587> (discussing the international human right to work and to education apply to refugees in their human right to be employed, and obtain job training in order to be employed; the refugees human right to an adequate standard of living applies to their housing situation upon arrival in Europe and many refugees are placed in refugee camps that are unsanitary and dangerous); See Rachel Banning-Lover, *Greek Refugee Camps Remain Dangerous and Inadequate, Say Aid Workers*, THE GUARDIAN WEEKLY (Feb. 10, 2017, 7:07am), <https://www.theguardian.com/global-development-professionals-network/2017/feb/10/greek-refugee-camps-dangerous-inadequate-aid-workers>.

⁹⁵ See generally *Id.*

⁹⁶ G.A. Res. 217 (III) A, Universal Declaration of Human Rights (Dec. 10, 1948).

⁹⁷ *Id.*

⁹⁸ *International Human Rights Law*, UNITED NATIONS HUMAN RIGHTS <http://www.ohchr.org/EN/ProfessionalInterest/Pages/InternationalLaw.aspx> (last visited Apr. 22, 2018); See also Ferreira, Carvalho, Machry & Rigon, *Formation and Evidence of Customary International Law*, 1 UFRGS MODEL UNITED NATIONS JOURNAL 182 (2013), <https://www.ufrgs.br/ufrgsmun/2013/wp-content/uploads/2013/10/Formation-and-Evidence-of-Customary-International-Law.pdf>.

⁹⁹ G.A. Res. 217 (III) A, *supra* note 96.

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Article 14 sets forth the right to seek asylum.¹⁰⁰ This applies directly to the Syrian refugees who have sought, and continue to seek, asylum in Europe. Article 14 states:

Everyone has the right to seek and to enjoy in other countries asylum from persecution.¹⁰¹

The right to work is specifically addressed in Article 23:

Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. Everyone, without any discrimination, has the right to equal pay for equal work. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by means of social protection. Everyone has the right to form and to join trade unions for the protection of his interests.¹⁰²

This fundamental human right is universal and it applies to every human being, including refugees who seek asylum in a host country.¹⁰³ The host country, subject to international law, must respect a refugee's fundamental human right to work.¹⁰⁴

Article 25 of the UD establishes the right to an adequate standard of living:

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.¹⁰⁵

This right, of course, depends in almost every case on a refugee having a job at an adequate wage. Finally, Article 26(1) of the UD establishes the human right to education.¹⁰⁶ Surely, this would apply to job training, language, education for Syrian refugees. Article 26 states:

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

¹⁰² *Id.*

¹⁰³ *Id.*

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

¹⁰⁶ *Id.*

and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.¹⁰⁷

This right to education includes vocational and job training, and it also complements significantly the right to asylum, to work, and to an adequate standard of living.¹⁰⁸

2. The 1951 Convention Relating to the Status of Refugees.

The 1951 Convention Relating to the Status of Refugees protects a refugee's right to work, and to be free from discrimination in employment opportunities.¹⁰⁹ Article 17 provides:

The Contracting State shall accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country in the same circumstances, as regards to engage in wage-earning employment.¹¹⁰

The Contracting States shall give sympathetic consideration to assimilating the rights of all refugees with regard to wage-earning employment to those of nationals, and in particular of those refugees who have entered their territory pursuant to programmes of labour recruitment or under immigration schemes.¹¹¹

And, Article 18 states:

The Contracting States shall accord to a refugee lawfully in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstance, as regards the right to engage on his own account in agriculture, industry, handicrafts and commerce and to establish commercial and industrial companies.¹¹²

In addition to according refugees a higher degree of protection, and state respect for the right to work, Article 24 provides that refugees be treated the same as nationals with respect to employment:¹¹³

The Contracting States shall accord refugees lawfully staying in their territory the same treatment as is accorded to nationals in respect to the following matters. . .

(a) In so far as such matters are governed by laws or regulations or are subject to the control of administrative authorities: remuneration, including family allowances

¹⁰⁷ *Id.*

¹⁰⁸ *See generally Id.*

¹⁰⁹ Convention Relating to the Status of Refugees, Jul. 1951, 189 U.N.T.S. 137, <http://www.unhcr.org/3b66c2aa10.html>.

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² *Id.*

¹¹³ *Id.*

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where these form of remuneration, hours of work, overtime arrangements, holidays with pay, restrictions on home work, minimum age of employment, apprenticeship and training, women's work and the work of young persons, and the enjoyment of the benefits of collective bargaining.¹¹⁴

Article 22 of the 1951 Convention Relating to Refugees provides refugees with the right to education higher than elementary education, which would include job training, and vocational training:

The Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education.

The Contracting States shall accord to refugees treatment as favourable as possible, and in any event, not less favourable than that accorded to aliens generally in the same circumstances, with respect to education other than elementary education and, in particular, as regards to access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships.¹¹⁵

3. The International Covenant on Economic, Social, and Cultural Rights.

The International Covenant on Economic, Social, and Cultural Rights ("ICESCR") was adopted by the United Nations General Assembly on December 16, 1966, and enforced in 1976.¹¹⁶ The Covenant imposes an obligation on states to accept a universal right to work and to job training.¹¹⁷ Article 6 of the ICESCR provides:

(1) The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard his right.¹¹⁸

(2) The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational training

¹¹⁴ *Id.*

¹¹⁵ *Id.*

¹¹⁶ G.A. Res. 2200A (XXI), International Covenant on Economic, Social, and Cultural Rights (Dec. 16, 1966),

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>.

¹¹⁷ *Introductory Note: International Covenant on Economic, Social, and Cultural Rights*, AUDIOVISUAL LIBRARY OF INTERNATIONAL LAW, (forthcoming)

<http://legal.un.org/avl/ha/icescr/icescr.html>.

¹¹⁸ *The Charter in Four Steps*, COUNCIL OF EUROPE PORTAL, <https://www.coe.int/en/web/turin-european-social-charter/about-the-charter> (last visited Apr. 22, 2018).

programmes, policies and techniques to achieve steady economic, social and cultural development and full productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.¹¹⁹

Article 6 (2) provides articulates of ways to promote an individual's international human right to work.¹²⁰ With the influx of Syrian refugees entering Europe, some EU member states have provided internships and vocational training.¹²¹ Article 11 sets forth the international human right to an adequate standard of living:

The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.¹²²

Article 13 sets forth the principle of the international human right to education that is available for all individuals, including refugees. Article 13 states:

The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.¹²³

Article 13 also states that primary education shall be compulsory and available to everyone, secondary education, such as vocational education, must be made available to all by reasonable means.¹²⁴ This applies that refugees have a right to receive vocational training in their European host country, which will allow the refugees to learn the

¹¹⁹ *Id.*

¹²⁰ *Id.*

¹²¹ Salesian Missions, *Germany: Salesian Programs Assist Young Refugees with Education and Integration*, RELIEF WEB (Oct. 28, 2017), <https://reliefweb.int/report/germany/germany-salesian-programs-assist-young-refugees-education-and-integration>.

¹²² *Introductory Note: International Covenant on Economic, Social, and Cultural Rights*, *supra* note 117.

¹²³ *Id.*

¹²⁴ *Id.*

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countries native language, obtain job skills and thus help to realize an opportunity to and thus obtain meaningful employment.¹²⁵

4. International Covenant on Civil and Political Rights.

The International Covenant on Civil and Political Rights (“ICCPR”), which entered into force in 1976 assumes that all humans are to be treated without discrimination and be protected by equal protection of the law. This applies to prevent discrimination under employment, in housing and in educational domestic laws and regulations.¹²⁶ It provides principles that support a refugee’s civil, and political rights.¹²⁷

5. ILO Employment Policy Convention, No. 122.

The International Labor Organization (“ILO”) was created in 1919 to promote recognition of human and labor rights.¹²⁸ Over its history, it has produced and adopted several conventions related to the right to work, including the ILO Employment Policy Convention No.122, which entered into force in 1964.¹²⁹ Article 1 of the Convention addresses specifically the right to work:¹³⁰

1. With a view to stimulating economic growth and development, raising levels of living, meeting manpower requirements and overcoming unemployment, each Member shall declare and pursue, as a major goal, an active policy designed to promote full, productive and freely chosen employment.

2. The said policy shall aim at ensuring that –

(a) there is work for all who are available for and seeking work;

(b) such work is as productive as possible;

(c) there is freedom of choice of employment and the fullest possible opportunity for each worker to qualify for, and to use his skills and endowments in, a job for which he is well suited, irrespective of race, colour, sex, religion, political opinion, national extraction or social origin.

¹²⁵ *Id.*

¹²⁶ G.A. Res. 2200 (XXI) A, The International Covenant on Civil and Political Rights (Dec. 16, 1966), <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>.

¹²⁷ *Id.*

¹²⁸ See generally *About the ILO*, INTERNATIONAL LABOUR ORGANIZATION, <http://www.ilo.org/global/about-the-ilo/lang--en/index.htm> (last visited Apr. 22, 2018).

¹²⁹ ILO Convention No. 122 Employment Policy Convention, 1964, DATABASE OF LABOUR LEGISLATION, http://blue.lim.ilo.org/cariblex/conventions_16.shtml.

¹³⁰ *Id.*

3. The said policy shall take due account of the stage and level of economic development and the mutual relationships between employment objectives and other economic and social objectives, and shall be pursued by methods that are appropriate to national conditions and practices.¹³¹

Thus, the ILO and Convention No. 122 declares a policy to promote “full productive and freely chosen employment” which should include Syrian refugee employment.¹³² It advocates for productive work for all who are available for work and the “fullest possible opportunity” for a job.¹³³ The ILO was created to promote uniform, non-discriminatory, international human and labor and employment rights.¹³⁴

6. The International Convention on the Elimination of All Forms of Racial Discrimination.

The United Nations International Convention on the Elimination of All Forms of Racial Discrimination, adopted by General Assembly in December 21, 1965 and entered into force on January 4, 1969. It created to further international law’s purpose to promote equality in the treatment of all human beings, including refugees.¹³⁵ Article 5 of the Convention addresses discrimination as it applies to work and employment and prohibits discrimination based on “national ethnic origin” and specifically to work and wages as follows:¹³⁶

(i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, [and] to just and favourable remuneration¹³⁷

Thus, Syrian refugees on the basis of nationality and ethnicity are entitled to non-discrimination in seeking employment opportunities at fair wages.¹³⁸

¹³¹ *Id.*

¹³² *Id.*

¹³³ *Id.*

¹³⁴ *Mission and Impact of the ILO*, INTERNATIONAL LABOUR ORGANIZATION, <http://www.ilo.org/global/about-the-ilo/mission-and-objectives/lang--en/index.htm> (last visited Apr. 22, 2018).

¹³⁵ G.A. Res. 2106 (XX), International Convention on the Elimination of All Forms of Racial Discrimination (Dec. 21, 1965),

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx/>.

¹³⁶ *Id.*

¹³⁷ *Id.*

¹³⁸ *Id.*

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7. The European Social Charter.

The European Social Charter ("Charter"), adopted in 1961, and revised in 1996, set forth human rights obligations for European states and specifically, in relation to employment, to education and to health.¹³⁹ Currently, the Charter is the most widely adopted source of human rights within the Council of Europe.¹⁴⁰ Part II of Article I of the Charter establishes the human right to work as follows:

With a view to ensuring the effective exercise of the right to work, the Parties undertake: (1) to accept as one of their primary aims and responsibilities and maintenance of as high and stable a level of employment as possible, with a view to the attainment of full employment, (2) to protect effectively the right of the worker to earn his living in an occupation freely entered upon, (3) to establish or maintain free employment services for all workers, [and] (4) to provide or promote appropriate vocational guidance, training and rehabilitation.¹⁴¹

Significantly, Article 1 ties programs, training, and vocational guidance programs specifically, to the human right to work.¹⁴² This article creates additional protection for those individuals who may not speak the language of the host country and who may need language or vocational training in order to work.¹⁴³ Essentially, it prevents employers from discriminating against individuals who need language training in order to be employed.¹⁴⁴ This protection is essential for Syrian refugees searching for employment in an European host country for the successful integration of Syrian refugees.¹⁴⁵

Taken together, these fundamental human rights instruments clearly articulate that establishing the international human right to work, education, and an adequate standard of living for all individuals, includes Syrian refugees and treats these rights as competent rights.¹⁴⁶

¹³⁹ European Social Charter, art. 1, May 3, 1996, ETS No. 163, <http://www.refworld.org/pdfid/3ae6b3678.pdf>.

¹⁴⁰ *Id.*

¹⁴¹ *Id.*

¹⁴² *Id.*

¹⁴³ *Id.*

¹⁴⁴ *Id.*

¹⁴⁵ See generally Marcus, *supra* note 90.

¹⁴⁶ *Id.*

B. European MNC's have an affirmative duty to act consistently with the Syrian Refugees fundamental human rights by actively participating in the integration of Syrian refugees into the work force.

The issue of corporate responsibility of European MNC's to affirmatively participate in the integration of Syrian refugees is significant for several reasons. First, European MNC's influence foreign policy, public opinion, and legislation through their ability to conduct business and form business relationships on an international level.¹⁴⁷ Second, European MNC's, taken together, have the greatest number and variety of job opportunities for Syrian refugees.¹⁴⁸ Governments alone cannot assure successful Syrian refugee integration without the job opportunities available through European MNCs.¹⁴⁹ Third, European MNCs operate across member state borders, often with offices, factories, stores and facilities in most EU member states.¹⁵⁰ Thus, their employment policies and efforts bring a needed uniformity across Europe that is missing at the EU governmental level. Fourth, European MNCs have the resources in terms of human resources departments, job training expertise, and vocational guidance capabilities to achieve meaningful integration of Syrian refugees into Europe.¹⁵¹ This section first makes a legal case that European MNCs have international legal personality with rights, and most importantly, correlative duties on the European international law stage as a general matter. Second, it argues that European MNCs have an affirmative legal duty to participate meaningfully in the integration of Syrian refugees into the European workforce consistent with their fundamental human rights.

1. European MNC's are increasing accepted as international legal personalities with corporate responsibilities on the international stage.

Many Western jurists today increasingly accept that States, international organizations, private individuals, and MNCs, all are subjects of international law notably with legal rights and legal duties of international law. Subjects of international legal personality possess rights and obligations under international law.¹⁵² Generally, entities with

¹⁴⁷ *U.S. Foreign Relations And Multinational Corporations: What's the Connection?*, Report to Congress by Comptroller General (Aug. 23, 1976), <https://www.gao.gov/assets/130/123830.pdf>.

¹⁴⁸ *Id.*

¹⁴⁹ *Why is EU struggling with migrants and asylum?*, BBC NEWS (Mar. 3, 2016), <http://www.bbc.com/news/world-europe-24583286>.

¹⁵⁰ *See generally* Marcus, *supra* note 90.

¹⁵¹ *Id.*

¹⁵² Oleg I. Tiunov, *The International Legal Personality of States: Problems and Solutions*, 37 ST. LOUIS U.L.J. 323, 336 (1993).

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international legal personalities have the ability to conduct international relationships, and, corporations especially, are involved in the international economy.¹⁵³

MNCs in particular are increasingly being treated as international legal personalities with responsibilities and duties specifically with regard and respect for fundamental international human rights by MNCs themselves, by states and by international organizations.¹⁵⁴ For example, Jordan Ahli Bank, implemented CSR by providing Syrian refugees with prepaid debit cards in order to purchase necessities, such as food.¹⁵⁵ Other corporations, such as Deutsche, Telekom and Siemens, have plans to conduct internship programs for refugees.¹⁵⁶ Google has communicated with Mercy Corps and the International Rescue Committee to develop and program for refugee that provides them with information logistical, contact and other useful information, regarding refugees' arrivals in Greece.¹⁵⁷ This is beneficial for the refugees because it provides refugees with information upon arrival. IKEA, an international MNC furniture and home decorations company, has been participating in the Syrian refugee crisis since 2010.¹⁵⁸ Currently, IKEA is working with the UNHCR to improve shelter and housing conditions for refugee camps.¹⁵⁹

The Partnership for Refugees initiative through the U.S. Department of State, multinational states has developed with UNHCR, and Accenture, to encourage and direct the private businesses participation in assisting the needs of refugees.¹⁶⁰ The Partnership was created to help refugees, and increase the services provided by the private sector such as financial support and employment opportunities.¹⁶¹ The initiative has secured commitments from MNCs that plan to help support refugees.¹⁶² This initiative shows that the private sector, such as MNC's, have the means to assist refugees in their allocation into the host countries labor market by providing employment opportunities, and in funding to support their needs such as transportation to and from employment.¹⁶³ While, the initiative is not legally binding on the private sector, it

¹⁵³ *Id.*

¹⁵⁴ See generally John Kluge, *Over 50 US Businesses Step Up for Refugees*, FORBES (Sept. 16, 2016), <https://www.forbes.com/sites/johnkluge/2016/09/20/u-s-businesses-step-up-for-refugees/#35e370983a9e>.

¹⁵⁵ *Id.*

¹⁵⁶ *Id.*

¹⁵⁷ *Id.*

¹⁵⁸ *Id.*

¹⁵⁹ *Id.*

¹⁶⁰ *Id.*

¹⁶¹ *A Platform for Greater Good*, ACCENTURE CONSULTING

<https://www.accenture.com/us-en/success-partnership-refugees> (last visited Apr. 22, 2018).

¹⁶² *Id.*

¹⁶³ *Id.*

highlights forcefully that all concerned accept that MNCs have both a role and responsibility regarding refugee human rights.¹⁶⁴

As MNCs become increasingly involved with the integration of refugees into the workforce, it helps refugees to find and maintain employment, and helps reduce poverty among the refugee. It also helps shape positive societal attitudes, and facilitates strategies which allow for the most efficient integration that will benefit governments, societies, and the corporations.¹⁶⁵

2. International Organizations like the United Nations (“UN”) and the Organization for Co-operation and Development (“OECD”) have created guidelines and principles for MNCs to follow to carry out their human rights and other international corporate responsibilities.

The OECD created the Declaration on International Investment and Multinational Enterprises (“Declaration”) in consideration and recognition of the important role that MNCs have in economic and social progress on an international level.¹⁶⁶ The Declaration contains voluntary guidelines provided by the government to MNCs to help ensure, among other things, that MNCs act in “good business conduct” and are “good corporate citizen.”¹⁶⁷ Specifically, the Declaration states that enterprises shall “[r]espect the human rights of those affected by their activities consistent with the host government’s international obligations and commitments.”¹⁶⁸ The Declaration also enforces the principles set forth by the ILO, such as fair employment, training, and the OECD’s principles on good corporate behavior.¹⁶⁹

The United Nations Global Compact (“Compact”) provides practices, resources, and principles for businesses on how to conduct business responsibly, and to encourage businesses to act as a respectable manner in the international community.¹⁷⁰ The principles set forth in the Compact are influenced and consistent with international sources such as

¹⁶⁴ *Id.*

¹⁶⁵ Alexander Baic, *How did 2,500 refugees find work with 300 German companies*, CENTRE FOR PUBLIC IMPACT (Aug. 10, 2017), <https://www.centreforpublicimpact.org/refugees-find-work-300-german-companies/>.

¹⁶⁶ *Declaration on International Investment and Multinational Enterprises*, OECD (Jun. 27, 2000), <http://www.oecd.org/investment/mne/1922428.pdf>.

¹⁶⁷ *Id.*

¹⁶⁸ *Id.*

¹⁶⁹ *Id.*

¹⁷⁰ Joan Bitanga & Larry Bridwell, *Corporate Social Responsibility and The United Nations Global Compact*, <http://larrybridwell.com/Corporate%20Social%20Responsibility%20and%20UN%20Global%20CompactBitangaBridwell.pdf>.

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the Universal Declaration of Human Rights.¹⁷¹ Principles One and Two set forth Human Rights obligations for businesses. The Principles state:

Principle 1: Businesses should support and respect
the protection of internationally proclaimed human rights;
and

Principle 2: make sure that they are not complicit in
human rights abuses.¹⁷²

If MNCs participated in the process of Syrian refugee integration into the European workforce by employing refugees and providing job training it would fulfill Principles 1 and 2.

It has also been reported that:

While governments, charities, and donor organisations actively discuss how to share responsibility for refugees on all steps of their journey . . . European business has been strangely silent. But, at a time when business is more powerful than ever, with multinational corporations stretching around the world, the private sector must work with governments and NGOs to help address the short-term and long-term challenges posed by the massive refugee inflows.¹⁷³

MNCs increased participation in the integration of refugees into the workforce is consistent with the goals set forth by the concept of corporate social responsibility (“CSR”). CSR is a doctrine that resets the idea that corporations are a separate, isolated actor immune from affirmative social responsibilities. Instead, CSR promotes the idea that corporations are a part of international society.¹⁷⁴ CSR is a management approach for MNCs to integrate social concerns including labor standards and working conditions into corporate conduct.¹⁷⁵ CSR encourages corporations to conduct business in a way that will not harm, but work to improve, the economy, environment and social imperatives.¹⁷⁶ For corporations to conduct business in accordance with CSR, the corporation adopts a business practice that promotes the benefit of the community, working conditions, and human rights.¹⁷⁷ CSR follows the concept that

¹⁷¹ *The Ten Principles of the UN Global Compact*, UNITED NATIONS GLOBAL COMPACT, <https://www.unglobalcompact.org/what-is-gc/mission/principles> (last visited Apr 22, 2018).

¹⁷² *Id.*

¹⁷³ Marcus, *supra* note 90.

¹⁷⁴ *Corporate Social Responsibility (CSR)*, BSD GLOBAL, <https://www.iisd.org/business/issues/sr.aspx> (last visited Apr. 22, 2018).

¹⁷⁵ *Advancing Economic Competitiveness*, UNIDO <https://www.unido.org/our-focus/advancing-economic-competitiveness> (last visited Apr. 22, 2018).

¹⁷⁶ *What is CSR?*, UNIDO <https://www.unido.org/our-focus/advancing-economic-competitiveness/competitive-trade-capacities-and-corporate-responsibility/corporate-social-responsibility-market-integration/what-csr> (last visited Apr. 22, 2018).

¹⁷⁷ *Id.*

since MNCs conduct international business, and depend on the global economy, it is in the MNCs best interest to contribute to the well-being of the economy and community to promote social growth and “improve the state of the world.”¹⁷⁸

Corporate codes of conduct have gained a prominent role as self-regulatory tools that enable companies to comply with their corporate responsibilities, which are becoming increasingly important in the context of globalization.¹⁷⁹

Increasingly, MNCs have adopted and committed to corporate codes of conduct in recognition of the substantial impact they have on the economy, the environment, and all human beings.¹⁸⁰ Corporate codes reflect moral values, societal norms and rules that govern good corporate behavior.¹⁸¹ These codes typically include CSR guidelines.¹⁸² A study conducted regarding MNCs in the United Kingdom and their international corporate codes, the study found that eighty-five percent of the codes to include a mandatory element, and fourteen percent are simply voluntary.¹⁸³ The study also found a correlation between the mandatory corporate codes and larger MNCs.¹⁸⁴ Typically, the larger the MNC the more likely it is to enforce a mandatory corporate code that includes CSR.¹⁸⁵ However, European MNCs, in countries such as France, Germany and the Netherlands, are less likely to have CSR corporate codes than MNC’s in the United Kingdom and the United States.¹⁸⁶

European MNCs should be influenced by other nation’s MNCs and increase their participation in creating and enforcing CSR mandatory corporate codes. By enforcing corporate codes that abide by international human rights law, and CSR, MNCs will be able to effectively assist

¹⁷⁸ Aleksandra Kaplun, *Global Corporate Social Responsibility: A Corporate Response to the Syrian Refugee Crisis*, RUTGERS CENTER FOR CORPORATE LAW AND GOVERNANCE <https://cclg.rutgers.edu/blog/global-corporate-social-responsibility-a-corporate-response-to-the-syrian-refugee-crisis/> (last visited Apr. 22, 2018).

¹⁷⁹ Jan Eijbsbouts, *Corporate Codes as Private Co-Regulatory Instruments in Corporate Governance and Responsibility and Their Enforcement*, 24 IND. J. GLOBAL LEGAL STUD. 181 (2017).

¹⁸⁰ Tony Edwards, Paul Marginson, Paul Edwards, Anthony Ferner & Olga Tregaskis, *Corporate Social Responsibility in Multinational Companies: Management Initiatives or Negotiated Agreements?* INTERNATIONAL INSTITUTE FOR LABOUR STUDIES GENEVA (2007), https://www.cbs.dk/files/cbs.dk/corporate_social_responsibility_in_multinational_companies_-_management_initiatives_or_negotiated_agreements.pdf.

¹⁸¹ *Id.* at 181.

¹⁸² *Id.*

¹⁸³ Eijbsbouts, *supra* note 179.

¹⁸⁴ *Id.*

¹⁸⁵ *Id.*

¹⁸⁶ *Id.* (stating that the reason European MNC’s are less likely to have a CSR corporate code is because their system of corporate governance accords rights to other stakeholders, instead of only their shareholders)

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Syrian refugees in finding meaningful employment, education and obtaining an adequate standard of living.

MNCs, being international actors with emerging international legal personality, should specifically recognize the human right to work of Syrian refugees and accept their corporate correlative duty to act affirmatively to help in the realization of that right. MNCs play substantial roles in the international marketplace.¹⁸⁷ MNCs can fulfill this affirmative legal duty by assisting Syrian refugees in their search for meaningful employment. If MNCs accept obligations and respect to human rights under international law, then they can possibly assert entitlement to other benefits for assisting in the integration of Syrian refugees.

If MNCs became increasingly involved with the integration of refugees into the workforce, not only would it help refugees find and maintain employment, it would help reduce poverty among the refugees, help shape societal attitudes, and create strategies which allow for the most efficient integration that will benefit governments, societies, and the corporations.¹⁸⁸

Corporate codes of conduct have gained a prominent role as self-regulatory tools that enable companies to comply with their corporate responsibilities, which are becoming increasingly important in the context of globalization.¹⁸⁹

Increasingly, MNCs have established and enforced corporate codes as a result of their recognition of the substantial impact they have on the economy and environment.¹⁹⁰ Corporate codes include moral values, societal norms and rules that govern good corporate behavior.¹⁹¹ These codes typically include CSR guidelines.¹⁹² In a study conducted regarding MNCs in the United Kingdom and their international corporate codes, the study found that eighty-five percent of the codes to include a mandatory element, and fourteen percent are simply voluntary.¹⁹³ The study also found a correlation between the mandatory corporate codes and larger MNCs; typically, the larger the MNC the more likely it is to enforce a mandatory corporate code that includes CSR.¹⁹⁴ However, European MNCs, in countries such as France, Germany and the Netherlands, are

¹⁸⁷ European Social Charter, art. 1, *supra* note 139.

¹⁸⁸ *The Ten Principles of the UN Global Compact*, *supra* note 171.

¹⁸⁹ Eijssbouts, *supra* note 179.

¹⁹⁰ Edwards, Marginson, Edwards, Ferner &, Tregaskis, *supra* note 180.

¹⁹¹ *The Ten Principles of the UN Global Compact*, *supra* note 17.

¹⁹² *Id.*

¹⁹³ Eijssbouts, *supra* note 179.

¹⁹⁴ *Id.*

less likely to have CSR corporate codes than MNCs in the United Kingdom and the United States.¹⁹⁵

IV. EUROPEAN MNCS SHOULD ADOPT A CORPORATE CODE OF CONDUCT TO FULFILL THEIR AFFIRMATIVE LEGAL DUTY TO INTEGRATE SYRIAN REFUGEES INTO THE WORKPLACE CONSISTENT WITH THEIR FUNDAMENTAL HUMAN RIGHTS.

Corporations voluntarily develop such codes to inform consumers about the principles that they follow in the production of goods and services they manufacture or sell. Corporate codes of conduct usually addressed many workplace issues – including child labor – and, according to some observers, are part of a broader movement toward social responsibility.¹⁹⁶

During the late 20th century, and early 21st century, there have been many global developments that have influenced corporations to establish corporate codes of conduct.¹⁹⁷ Among these changes have been an increased dependency of states on the international markets for goods and finance, and increased participation in the economy.¹⁹⁸ Since MNC's have a substantial impact on the international market and economy, it was sensible for MNCs to create corporate codes of conduct in order to address in writing their social responsibility to consumers, markets, shareholders, and to governments.¹⁹⁹

A corporate code of conduct, not only helps to enhance an MNC's participation in ethical business practices and social responsibilities, but also provides for a uniform articulated guidance in which all European MNCs can follow.²⁰⁰ A uniform corporate code of conduct is useful because it articulates a single policy for MNCs to conduct ethical

¹⁹⁵ *Id.* (stating that the reason European MNCs are less likely to have a CSR corporate code is because their system of corporate governance accords rights to other stakeholders, instead of only their shareholders)

¹⁹⁶ Marisa Anne Pagnattaro & Ellen R. Peirce, *Between a Rock and a Hard Place: The Conflict between U.S Corporate Codes of Conduct and European Privacy and Work Laws*, 28 BERKELEY J. EMP. & LAB. L. 375 (2017).

¹⁹⁷ *Id.*

¹⁹⁸ *Id.*

¹⁹⁹ *Id.* (disusing why it is currently easy for the public, such as consumers, shareholders and directors, to identify and report abuses by MNCs because of increased global communication and the current public attitude is to notice and report ethical and environmental abuses; a corporate code of conduct will influence MNCs to conduct ethical practices).

²⁰⁰ *Id.*

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practices and abide by international human rights law during a mass migration, such as the Syrian refugee crisis.²⁰¹

Generally, a European MNC code of conduct would acknowledge that the Syrian Refugee Crisis in Europe is the responsibility not only of international agencies, institutions and national governments, but also of the private sector including European MNCs. It would state that MNCs are committed to participate affirmatively in finding solutions to the crisis. It would also state that MNCs accept a responsibility to act consistently with the Syrian Refugees competently human rights to asylum, to work, to education and to an adequate standard of living.

In addition to those general commitments, and MNC code of conduct would list specific measures for European MNCs to carry out those commitments. That is, MNCs would pledge to undertake programs and mentorships for Syrian refugees that provide refugee job and vocational training, to donate a certain percentage of their profits to Syrian refugee integration efforts, and to pledge to cooperate in integrating Syrian refugees into the workforce.

1. MNCs would pledge to commit resources to establish and to operate Syrian Refugee internship and mentorship programs.

MNCs can establish training mechanisms to better prepare Syrian refugees for employment the host countries throughout Europe. Programs, such as vocational programs, internship and mentorship programs, are extremely important for Syrian refugees in their integration into the labor market.²⁰² These programs would provide refugees with the opportunity to gain vocational education, work experience, and job skills required for gainful employment.²⁰³ For example, in Germany, Mercedes-Benz has created an internship program for refugees.²⁰⁴ The internship program lasts fourteen weeks and its purpose is to provide refugees with the basic skills necessary for work in industrial production.²⁰⁵ The internship also teaches refugees how to speak German and how to complete job applications.²⁰⁶

²⁰¹ See generally Sebastian Rotella, *Q&S: Can a Divided Europe Handle the Refugee Crisis?* PROREPUBLICA (Sept. 14, 2015), <https://www.propublica.org/article/q-and-a-can-a-divided-europe-handle-the-refugee-crisis>.

²⁰² Jena McGregor, *What businesses leaders are doing about the refugee crisis*, THE WASHINGTON POST (Sept. 8, 2015), https://www.washingtonpost.com/news/on-leadership/wp/2015/09/08/what-business-leaders-are-doing-about-the-refugee-crisis/?utm_term=.a3964764c7ee.

²⁰³ See generally *Id.*

²⁰⁴ Kritika Sethi, *Mercedes-Benz Commences Internship Program For Refugees in Germany*, CAR AND BIKE (Nov. 10, 2015), <https://auto.ndtv.com/news/mercedes-benz-commences-internship-program-for-refugees-in-germany-1242099>.

²⁰⁵ *Id.*

²⁰⁶ *Id.*

MNCs, being powerful international entities that conduct transactions between countries, have the means, power, and ability to provide internships to refugees through which they teach refugees the skills necessary to be active participants in the labor market.²⁰⁷ Similar to Mercedes-Benz, internship programs provided by MNCs can teach refugees through hands-on experience, business ethics and office training, vocational training, and skills required to find employment in the labor market.²⁰⁸

2. MNCs can commit to employ refugees, and/or help refugees find employment.

In September 2016, German Chancellor Angela Merkel held a summit where she requested that Germany's companies hire refugees.²⁰⁹ The impetus to request German companies to hire refugees was in response to a report stating that the biggest companies in Germany only employed fifty-four out of the one million refugees that have arrived in Germany in the past year.²¹⁰ The companies argued that their lack in involvement in hiring refugees was due to the refugees' language barrier and skills required for employment. However, if the refugees are provided with vocational training and internships by corporations they will be better equipped for employment.²¹¹

MNCs operate transnationally and employ large numbers of people. They uniquely have many different jobs available for employees and they have the resources to employ a larger number of refugees than smaller, local businesses. For example, Wal-Mart Stores Inc., the world's largest employer, employs about 2.2 million people,²¹² and Volkswagen, a top car manufacturer, employs about half a million individuals globally.²¹³ The of the variety of jobs available in MNC's, the corporations can hire refugees who have different levels of skill and education. For example,

²⁰⁷ *The Growing Power of Multinational Corporations*, BRIGHAM YOUNG UNIVERSITY (Sept. 20, 2013) <http://jur.byu.edu/?p=6205>.

²⁰⁸ *Supra* at 203.

²⁰⁹ *Merkel to Urge Chiefs of Big Companies to Hire Refugees*, FORTUNE (Aug. 13, 2016), fortune.com/2016/08/13/merkel-urges-refugee-hires/.

²¹⁰ Katie Mansfield, *Germany's Biggest Companies Hire Just 54 of Country's Recently Arrived Million Migrants*, SUNDAY EXPRESS (Aug. 15, 2016), <https://www.express.co.uk/news/world/700049/Germany-biggest-companies-hire-54-of-recently-arrived-million-migrants-Merkel>.

²¹¹ *Angela Merkel urges company chiefs to hire more refugees to reduce the number relying on German state handouts*, REUTERS (Aug. 14, 2016), www.dailymail.co.uk/news/article-3738732/Merkel-urge-chiefs-big-companies-hire-refugees-Bild-reports.html.

²¹² Alexander E.M. Hess & Robert Serenbetz, *15 Biggest Employers in the World*, USA TODAY (Aug. 24, 2014), <https://www.usatoday.com/story/money/business/2014/08/24/24-7-wall-st-biggest-employers/14443001/>.

²¹³ *Id.*

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Mercedes-Benz's internship programs teach Syrian refugees the manual labor tasks involved in the industrial manufacturing of vehicles.²¹⁴ This is especially beneficial to refugees who may have minimal education. Multinational corporations also employ managers, office workers such as secretaries or receptionists, and labor workers. Therefore, refugees who are employed by corporations can be placed in appropriate departments according to their skill set and ability to learn through vocational training and internships.

Some corporations, such as Starbucks, have announced plans to hire a certain number of Syrian refugees in Europe.²¹⁵ In June 2017, Starbucks announced that eight of their European locations, such as France, Spain, Germany, and Austria, will hire 2,500 refugees by 2022.²¹⁶ Although the number of refugees Starbucks plans to hire is minimal compared to the number of Syrian refugees flooding Europe, it is designed to be an inspiration to other European corporations to take the same initiative in hiring refugees.²¹⁷

3. MNC's can pledge to donate a certain percentage of their profits to Syrian refugee integration efforts.

When refugees flee Syria, they often leave everything behind.²¹⁸ When refugees arrive in their host state, they need necessities such as food, clothing, shelter and medical care.²¹⁹ To supply refugees with the basics they need, MNCs can commit to donate some of their profits to organizations and governments that assist in providing necessities to the refugees. Some of the world's largest companies have a combined total \$36 trillion in revenue, and \$2.64 trillion in profits.²²⁰ According to Forbes, these Global 2000 companies employ eighty-three million people.²²¹ Since MNCs have high net profits, they are better able to contribute funds to Syrian refugees than smaller, local businesses or throughout tax burdens on citizens.

These donated monies could be used to sustain vocational training, internship and mentorship programs, housing, emergency services and

²¹⁴ McGregor *supra* note 202.

²¹⁵ Phineas Reuckert, *Starbucks Will Hire 2,500 Refugees in Europe by 2022*, GLOBAL CITIZEN (June 21, 2017), <https://www.globalcitizen.org/en/content/starbucks-to-hire-2500-refugees-in-europe-by-2022/>.

²¹⁶ *Id.*

²¹⁷ *Id.*

²¹⁸ *Syrian Refugee Crisis: Facts, FAQs, and How to Help*, WORLD VISION (Jul. 13, 2017), <https://www.worldvision.org/refugees-news-stories/syrian-refugee-crisis-facts>.

²¹⁹ *Id.*

²²⁰ Scott Decarlo, *The World's Biggest Companies*, FORBES (Apr. 18, 2012), <https://www.forbes.com/sites/scottdecarlo/2012/04/18/the-worlds-biggest-companies/#51f336131486>.

²²¹ *Id.*

transportation for refugees to travel to work. Some individual corporations have already donated funds to organizations that help Syrian refugees. For example, Goldman Sachs donated \$3 million to the United Nations High Commissioner for Refugees.²²² Uber, a car service, offered to send drivers to collect donations for charity in twenty European countries.²²³ These donations include clothes and toys, provided through a children's foundation.²²⁴ Audi, the international German car manufacturer, has donated \$1.1 million to local emergency aid programs for refugees.²²⁵ These donations help to fund non-governmental organizations and agencies, such as Islamic Relief USA, which provides food, clothing, and medicine, helping Syrian refugees in their host country by providing necessities.²²⁶

5. European MNCs should pledge to cooperate in integrating Syrian refugees into the labor market.

Since MNCs tend to have locations throughout the member states of the EU, they are able to efficiently conduct business between states, MNC's can shift production from states with an increased cost to states with low costs, which changes the economy of the states.²²⁷ Therefore, because MNC's can control the economy in a state, they also have a major impact on the level of employment within a state.²²⁸ This brings a needed measure of uniformity to integration efforts that has been a problem for European governments.²²⁹

MNCs, because of their international ability to influence the economy and employment rates, can hire individuals for numerous different positions within the corporation. For example, McDonalds, a worldwide fast food chain restaurant, employs individuals to work at their restaurant locations as cashiers, cooks and cleaners, as well as in their corporate sector as part of their marketing, digital, accounting, and

²²² Ivana Kottasova, *Google, Goldman Sachs donate million to help refugees*, CNN (Sept. 11, 2015), <http://money.cnn.com/2015/09/11/news/refugee-crisis-corporate-donations/index.html>.

²²³ *Id.*

²²⁴ *Id.*

²²⁵ *Id.* (explaining that the corporations would benefit by committing to donate monies to Syrian refugee integration efforts by receiving positive press and recognition for doing so).

²²⁶ Yasmin Nough, *6 Organizations Helping Syrian Refugees That You Might Not Have Heard Of*, HUFFPOST (Dec. 15, 2016), https://www.huffingtonpost.com/yasmin-nough/syrian-refugee-relief-organizations_b_8142492.html.

²²⁷ *The Growing Power of Multinational Corporations*, *supra* note 207.

²²⁸ *Id.*

²²⁹ Gilbert Kreiger & Till Hoppe, *Merkel's Unsolved Refugee Question*, HANDELSBLATT GLOBAL (Sept. 26, 2017, 6:59pm), <https://global.handelsblatt.com/politics/merkels-unsolved-refugee-question-2-832614>.

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information technology teams.²³⁰ If a refugee has, say, an accounting background, but is unable to speak the language of the host country, the MNC can provide vocational training and an internship or mentorship in their accounting department.

However, if the MNC does not have the means to employ a refugee to one of their departments, they can contact a subsidiary, or a sister MNC to more efficiently place the refugee in a position that would benefit both the MNC and the refugee. Corporate relations connections between MNCs reflected in a corporate code that has a commitment to work together in times of mass migration in order to efficiently integrate refugees into the labor market. This can help the MNCs find employees if they are in need, and it will help the refugees find employment.

V. CONCLUSION

The Syrian Refugee Crisis, does not show signs of ending soon, and its effects are felt throughout Europe.²³¹ The Syrian Civil war is continuous, and everyday more and more Syrians flee to Europe with little hope of returning home.²³² Because of the large number of refugees seeking asylum in Europe, unemployment rates have risen, and there is growing concern regarding the ability of humanitarian organizations to assist refugees.²³³

... [T]he international community must help create new job and livelihoods opportunities throughout the region, thereby allowing the refugees to support themselves and live in harmony with local communities. So far, the world's financial institutions, banks, development actors, donor states and private sector companies have not pursued these objectives with sufficient vigour.²³⁴

This note shows that the Syrian Refugee Crisis has posed for Europe, a serious challenge in integrating asylum seeking refugees. It has established that Syrian refugees have competently international human rights such as the right to asylum, to work, and an adequate standard of living. If MNCs continue to ignore this affirmative international legal duty to assist refugees into the labor market, the burden on Europe's economy will continue to grow, and the millions of refugees residing in Europe will

²³⁰ *Careers*, MCDONALD'S <http://careers.mcdonalds.com/corporate/functions.jsp> (last visited Apr. 22, 2018).

²³¹ Jeff Crisp, *Syria's Refugees: A Global Responsibility*, OPEN DEMOCRACY (June 29, 2015), <https://www.opendemocracy.net/jeff-crisp/syria's-refugees-global-responsibility>.

²³² Partick Kingsley, Mark Rice-Oxley & Alberto Nardelli, *Syrian Refugee Crisis: Why has it become so bad?*, THE GUARDIAN (Sept. 4, 2015), <https://www.theguardian.com/world/2015/sep/04/syrian-refugee-crisis-why-has-it-become-so-bad>.

²³³ *Id.*

²³⁴ *Id.*

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continue to be unemployed, and therefore, unable to support themselves and their families. This may lead to refugees resorting to illegal means in order to support themselves, or it may cause refugees to return to Syria, and try to cope with the violence of the Syrian Civil War.

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