

Beyond the Audit: Multi-stakeholder Initiatives and the Challenges of Human Rights Protection

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Complex global supply chains have become a central feature of today's globalized manufacturing industry. Marked by a shift in production from industrialized to developing countries and increasingly fragmented networks, this business model has had profound human rights impacts on workers in the developing world. In particular, weak regulations in host States, limited extraterritorial obligations, and the lack of binding obligations under international law have created a permissive global regulatory environment where human rights violations are able to occur largely unchecked.

Faced with increasing public pressure, many corporations have sought to address these challenges through a relatively recent experiment in private transnational regulation: the multi-stakeholder initiative (**MSI**). Defined at a high level, an MSI is a voluntary initiative involving a group of networked stakeholders working together to address the social and environmental impacts of transnational business. Often seen as an 'evolution' of CSR, MSIs seek to respond to global governance gaps and the limits of self-regulation through a combination of varying tools and mechanisms, including more standardized codes, strengthened and more independent systems of monitoring and verification, greater levels of disclosure, broader participation by civil society and opportunities for learning and information sharing.

However, two decades since their emergence, evidence suggests that MSIs have had only a limited impact on human rights protection, while allegations of egregious human rights abuses in supply chains continue to make headlines.

This thesis focuses on the specific case of MSIs seeking to enforce human rights standards within supply chains in the apparel and electronics sectors. Significantly, MSIs in these sectors have, to date, relied predominantly on social auditing to enforce human rights standards. Yet there is now a strong body of evidence indicating that social auditing, in and of itself, simply not a powerful enough tool to implement meaningful and consistent change. In particular, social auditing is not capable of addressing broader systemic rights, or broader systemic issues such as power relations, market pressures and buying practices, all of which have a significant downstream impact on human rights.

The central goal of this thesis is thus to investigate how MSIs can move beyond the social audit model in order to improve human rights enforcement within supply chains. It will do so by undertaking a legal analysis of the manner in which global supply chains are currently regulated (using both a doctrinal and 'law in context' approach), applying relevant regulatory theories and undertaking empirical research. Arguably, MSIs have the potential to play an important and ongoing role in ensuring the protection of human rights in manufacturing supply chains. However, to remain relevant, MSIs must acknowledge the limits of existing strategies and evolve accordingly.