

Global Corporate Social Responsibility: A Corporate Response to the Syrian Refugee Crisis  
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The Syrian refugee crisis, now in its sixth year, is an on-going emergency that has reached unprecedented levels in scale and in nature,<sup>1</sup> and has “set off the largest migration of people in Europe since World War II.”<sup>2</sup> The conflict in Syria, which began in 2011, stems from years of political oppression and various human rights abuses committed by the Syrian government, and has since escalated into a destructive civil war that is killing the country’s people and destroying its infrastructure.<sup>3</sup> Faced with constant turmoil, Syrian citizens have been forced out of their homeland or are otherwise suffering in very dire straits.<sup>4</sup>

Although there are currently 4,597,436 registered Syrian refugees,<sup>5</sup> the United Nations (“UN”) estimates that “7.6 million people have been displaced by this conflict,” while “12.2 million people remain in need of humanitarian assistance.”<sup>6</sup> With over 80% of the refugee population living in host communities,<sup>7</sup> the need for humanitarian assistance extends far beyond the Syrian border, as host countries are no longer able to keep up with the influx of refugees in need of shelter, food, water and other basic necessities. Most displaced Syrians are currently located in neighboring Lebanon, Turkey, Jordan, Iraq and Egypt,<sup>8</sup> while some have sought refuge

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<sup>1</sup> See Harriet Grant, *UN agencies 'broke and failing' in face of ever-growing refugee crisis*, THE GUARDIAN (Sept. 6, 2015), <http://www.theguardian.com/world/2015/sep/06/refugee-crisis-un-agencies-broke-failing>.

<sup>2</sup> Peter Gasca, *How Businesses Can Help With the Syrian Refugee Crisis*, ENTREPRENEUR (Nov. 19, 2015), <http://www.entrepreneur.com/article/252995>.

<sup>3</sup> See E. Tendayi Achiume, *Syria, Cost-Sharing, and the Responsibility to Protect Refugees*, 100 MINN. L. REV. 687 (2015).

<sup>4</sup> A 2015 UN study has estimated that 80% of Syrian citizens in 2014 lived in poverty, with about 30% living in abject poverty without the ability to meet basic household needs. UNITED NATIONS DEVELOPMENT PROGRAM, ALIENATION AND VIOLENCE: IMPACT OF SYRIA CRISIS REPORT 2014 (March 2015), [http://www.unrwa.org/sites/default/files/alienation\\_and\\_violence\\_impact\\_of\\_the\\_syria\\_crisis\\_in\\_2014\\_eng.pdf](http://www.unrwa.org/sites/default/files/alienation_and_violence_impact_of_the_syria_crisis_in_2014_eng.pdf).

<sup>5</sup> United Nations High Commissioner for Refugees, *Syria Regional Refugee Response* (Jan. 19, 2016), <http://data.unhcr.org/syrianrefugees/regional.php>.

<sup>6</sup> United Nations Office for the Coordination of Humanitarian Affairs, *About the Crisis* <http://www.unocha.org/syrian-arab-republic/syria-country-profile/about-crisis> (last visited Feb. 12, 2016)..

<sup>7</sup> See Achiume, *supra* note 3.

<sup>8</sup> See Achiume, *supra* note 3.

in Germany, Sweden, Greece and other European countries.<sup>9</sup> As of November 2015, there were 2,184 Syrian refugees settled in the United States.<sup>10</sup> In other words, the Syrian refugee crisis is essentially a misnomer; the crisis is very much a global one.

The common understanding and accepted practice in today's international society is that governments and intergovernmental organizations, such as the UN, bear the responsibility of responding to problems that effect the global community. "Working alongside regional states, the United Nations has played the lead role in coordinating the response to the [Syrian] refugee crisis at the national, regional, and international levels."<sup>11</sup> Additionally, countries across the world have stepped up and together have pledged over \$6 billion to provide humanitarian assistance in both Syria and other affected areas.<sup>12</sup> The United States, the largest governmental donor, has reportedly provided \$4.5 billion in aid, with plans to increase that amount by \$1.6 billion in 2016.<sup>13</sup>

However, focusing solely on public and governmental authorities as the responsible actors to address global crises misses an important, and potentially more powerful, source of aid: the private corporate sector. In fact, corporations across the world have donated millions of dollars to the UN and other organizations that provide humanitarian assistance in response to the Syrian refugee crisis. Of the American-based corporate donors, Google has provided \$1.1 million in aid

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<sup>9</sup> See European Union, *Syrian Refugees: A Snapshot of the Crisis in Middle East and Europe*, [http://syrianrefugees.eu/?page\\_id=10](http://syrianrefugees.eu/?page_id=10).

<sup>10</sup> See Patrick Goodenough, *So Far: Syrian Refugees in U.S. Include 2,098 Muslims, 53 Christians*, CNS NEWS (Nov. 17, 2015), <http://www.cnsnews.com/news/article/patrick-goodenough/syrian-christians-are-greatest-peril-least-likely-be-admitted>.

<sup>11</sup> Achiume, *supra* note 3.

<sup>12</sup> United Nations High Commissioner for Refugees, *Donors pledge more than \$6 billion for Syrians* (Feb. 4, 2016), <http://www.unhcr.org/56b3902c6.html>.

<sup>13</sup> See Christopher M. Blanchard et al., *ARMED CONFLICT IN SYRIA: OVERVIEW AND U.S. RESPONSE*, CONGRESSIONAL RESEARCH SERVICE, Doc. No. 7-5700 (Oct. 9, 2015), <https://www.fas.org/spp/crs/mideast/RL33487.pdf>.

and offered to match employee donations up to \$5.5 million.<sup>14</sup> Apple's CEO Tim Cook announced plans to make "a substantial donation to relief agencies which provide humanitarian aid to refugees" and also vowed to match any employee donations.<sup>15</sup> Goldman Sachs donated \$3 million to the United Nations High Commissioner for Refugees.<sup>16</sup> Uber has offered to send drivers to collect private donations of clothes and food in twenty European countries.<sup>17</sup>

Whether intentionally or not, these American transnational corporations are exercising a form of corporate social responsibility. Although corporate social responsibility is a fluid concept susceptible to different interpretations, it is generally upheld by the belief that, in today's globalized marketplace, corporations have certain obligations to ensure the welfare of the global community in which it operates.<sup>18</sup> For some proponents, corporate social responsibility means that corporations have an obligation to act responsibly in conducting their business practices (i.e., implementing safe labor practices). For others, it's a more proactive responsibility that includes an "obligation to positively better the environment, to increase the wealth of the inhabitants in places where corporations operate, to develop economically depressed neighborhoods, or to pressure other institutions (like banks or government) to change their social or regulatory practices."<sup>19</sup>

Although corporate social responsibility seems solely like a moralistic venture, it actually makes business sense, as well. "Since companies depend on global development, which in turn

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<sup>14</sup> Ryan Scott, *Do Companies Have An Obligation To Help Syrian Refugees?*, FORBES (Oct. 2, 2015), <http://www.forbes.com/sites/causeintegration/2015/10/02/do-companies-have-an-obligation-to-help-syrian-refugees/#41b071b54648>.

<sup>15</sup> Rhiannon Williams, *Tim Cook: 'Our hearts go out to these refugees,'* THE TELEGRAPH (Sept. 18, 2015), <http://www.telegraph.co.uk/technology/apple/11874717/Tim-Cook-Our-hearts-go-out-to-these-refugees.html>.

<sup>16</sup> Scott *supra* note 14.

<sup>17</sup> *Id.*

<sup>18</sup> See CHAPTER 1A. CORPORATE SOCIAL RESPONSIBILITY AND CONTEMPORARY ENFORCEMENT OF CSR NORMS, THE LAW OF TRANSNATIONAL BUSINESS TRANSACTIONS, 1 TRANSNATIONAL BUSINESS TRANSACTIONS § 1A:1 (2015).

<sup>19</sup> Lara Cata Backer, *Multinational Corporations, Transnational Law: The United Nations' Norms on the Responsibilities of Transnational Corporations as a Harbinger of Corporate Social Responsibility in International Law*, 37 COLUM. HUM. RTS. L. REV. 287 (2006).

relies on stability and increased prosperity, it is in [companies'] direct interest to help improve the state of the world."<sup>20</sup> For example, economists believe that the influx of Syrian refugees may actually contribute to economic growth in European countries by helping to resolve the shortage of unskilled labor.<sup>21</sup> Therefore, it may be in the economic interest of American transnational corporations who operate in or sell to European countries experiencing increased Syrian refugee settlement to help facilitate refugee integration into their host countries so that the refugees can more readily enter the labor market and, ultimately, the consumer market.

An added benefit of private corporate assistance is that, unlike government entities, corporations may have the ability to provide non-monetary, but equally effective aid. One example is the collaboration between Jordan Ahli Bank and the World Food Program ("WFP") whereby Jordan Ahli Bank, as part of its corporate social responsibility efforts, provides Syrian refugees in Jordan with reloadable prepaid debit cards, replacing food vouchers, funded by the WFP.<sup>22</sup> The new card system is significantly more efficient for both the WFP and the refugee recipients, who no longer have to travel long distances to obtain physical vouchers each month.<sup>23</sup> Other corporations, in lieu of monetary donations, have focused on providing refugees with employment opportunities. Siemens, Deutsche Telekom, Continental and Daimler all plan to open up their training and internship programs to refugees.<sup>24</sup>

With the benefits of socially-minded corporate action becoming increasingly apparent, is it feasible for the United States to implement regulations that encourage transnational

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<sup>20</sup> KLAUS SCHWAB, WORLD ECONOMIC FORUM, GLOBAL CORPORATE CITIZENSHIP (2008).

<sup>21</sup> See Ali Fakih and Walid Marrouch, *The Economic Impacts of Syrian Refugees: Challenges and Opportunities in Host Countries*, GEORGETOWN JOURNAL OF INTERNATIONAL AFFAIRS (Nov. 10, 2015), <http://journal.georgetown.edu/the-economic-impacts-of-syrian-refugees-challenges-and-opportunities-in-host-countries/>.

<sup>22</sup> See Jane Hosking, *Refugee Relief: Business on Board*, VENTURE MAGAZINE (October 28, 2014), <http://www.venturemagazine.me/2014/10/bringing-business-board/>.

<sup>23</sup> See *id.*

<sup>24</sup> See Scott *supra* note 14.

corporations to dedicate corporate resources for addressing not only the Syrian refugee crisis, but any other issues with a global reach?

In the United States, mandating and enforcing global corporate social responsibility has not received favorable consideration. “[T]he domestic law framing of the issue of corporate social responsibility – the extent to which the corporation may or must take into account the effects of its actions on others, and the fundamental limitation of ultimate corporate purpose to shareholders – is increasingly rejected.”<sup>25</sup> More problematically, however, is the fact that corporations in the United States are state entities and are governed primarily by the corporate code of their state of incorporation, making passing corporate social responsibility statutes in all fifty states nearly impossible. However, the existence and recognition of Benefit Corporations, or B Corps for short, in 30 states (and counting) is a promising start. B Corp legislation allows companies to include in their corporate charters any environmental or social purposes, and, as a result, the corporation can use corporate resources to meet those purposes without violating any fiduciary duties to investors or shareholders. New Jersey passed its B Corp legislation, codified at N.J.S.A. § 14A:18, in 2011.

Although it may seem legally infeasible to enforce mandatory corporate social responsibility regulations in the United States, creating incentives for transnational corporations to recognize a global corporate social responsibility is a much more likely alternative. The most popular and effective way to incentivize corporate behavior is through tax credits and deductions, which, in this case, would involve passing federal tax laws that provide these tax benefits to corporations that exercise their corporate social responsibility on a global scale. In any event, the Syrian refugee crisis has brought to light the various ways in which the private corporate sector can, and should, be part of the solution to a worldwide crisis. When it comes to global issues, the United States government should therefore look to transnational corporations within its own

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<sup>25</sup> Backer *supra* note 19.

borders as partners with some real skin in the game and encourage, instead of ignore, the exercise of global corporate social responsibility.