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COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion
and Protection of Human Rights
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ECONOMIC, SOCIAL AND CULTURAL RIGHTS

**Mr. Alfonso Martínez, Mr. Bengoa, Ms. Daes, Mr. Eide, Mr. Goonesekere,
Mr. Guissé, Ms. Hampson, Mr. van Hoof, Mr. Joinet, Mr. Kartashkin,
Ms. Motoc, Mr. Ogurtsov, Mr. Oloka-Onyango, Mr. Park, Mr. Pinheiro,
Mr. Rodríguez-Cuadros, Mr. Sik Yuen, Ms. Warzazi, Mr. Yimer,
Mr. Yokota and Ms. Zerrougui: draft resolution**

**2001/... The effects of the working methods and activities of transnational
corporations on the enjoyment of human rights**

The Sub-Commission on the Promotion and Protection of Human Rights,

*Recalling that, under the Charter of the United Nations, one of the purposes of the
United Nations is to achieve international cooperation in solving international problems of an
economic, social, cultural or humanitarian character, and in promoting and encouraging respect
for human rights for all,*

Reaffirming the Declaration on Social Progress and Development proclaimed by the General Assembly in its resolution 2542 (XXIV) of 11 December 1969, the Declaration and Programme of Action on the Establishment of a New International Economic Order proclaimed by the General Assembly in its resolutions 3201 (S-VI) and 3202 (S-VI) of 1 May 1974, the Charter of Economic Rights and Duties of States adopted by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, the Declaration of the Principles of International Cultural Cooperation proclaimed by the General Conference of the United Nations Educational, Scientific and Cultural Organization in 1966, General Assembly resolution 1803 (XVII) of 14 December 1962, entitled “Permanent sovereignty over natural resources”, and General Assembly resolution 2625 (XXV) of 24 October 1970, entitled “Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations”,

Mindful that, in the Vienna Declaration and Programme of Action, the World Conference on Human Rights reaffirmed the right to development as a universal and inalienable right and an integral part of all fundamental human rights, reaffirmed that the human person was the central subject of development and underlined the need for a concerted effort to ensure recognition of economic, social and cultural rights at the national, regional and international levels,

Noting that lasting progress towards the implementation of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level,

Deeply concerned at the preponderance of the transnational corporations in all spheres of life and at the impact of their activities and working methods on human rights,

Bearing in mind the Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy adopted by the Governing Body of the International Labour Organization in November 1977,

Recognizing that the activities of the various organizations in the United Nations system should be closely interrelated and that it is necessary to draw on all the efforts made in the various disciplines relating to the human person in order to promote all human rights effectively,

Recalling in particular its resolution 1998/8 of 20 August 1998,

Recalling Commission on Human Rights resolutions 1989/15 of 2 March 1989, 1990/17 and 1990/18 of 23 February 1990, 1991/13 of 22 February 1991, 1992/9 of 21 February 1992, 1993/12 of 26 February 1993, 1994/11 of 25 February 1994, 1995/13 of 25 February 1995,

1996/15 of 11 April 1996, 1997/9 of 3 April 1997, 1998/24 of 17 April 1998, 1998/72 of 22 April 1998, 1999/22 of 23 April 1999, 1999/79 of 28 April 1999, 2000/5 of 13 April 2000, 2000/82 of 26 April 2000, 2001/25 and 2001/27 of 20 April 2001, and 2001/32, 2001/33 and 2001/35 of 23 April 2001 concerning the right to development and economic, social and cultural rights,

Taking into account the background document (E/CN.4/Sub.2/1995/11), the report (E/CN.4/Sub.2/1996/12 and Corr.1) submitted by the Secretary-General in accordance with its resolution 1995/31 of 24 August 1995, and the background document (E/CN.4/Sub.2/1998/6) prepared by Mr. El-Hadji Guissé in accordance with its resolution 1997/11 concerning transnational corporations,

1. *Thanks* the Chairman of the sessional working group on the working methods and activities of transnational corporations, Mr. El-Hadji Guissé, for his report on the third session of the working group (E/CN.4/Sub.2/2001/9);

2. *Also thanks* Mr. Asbjørn Eide and Mr. David Weissbrodt for the important work they have done and requests them to continue their research and submit their research documents to the working group and the Sub-Commission, taking into account the comments and contributions from experts and any other sources, particularly the specialized agencies of the United Nations system, including the International Labour Office, the World Health Organization and the United Nations Educational, Scientific and Cultural Organization, so that a mandatory instrument can be drafted;

3. *Supports* the Declaration on the Right to Development and underlines the multidimensional, integrated and dynamic character of this right which favours a partnership for development and constitutes a relevant framework for international cooperation and national action aiming at universal and effective respect for all human rights in their universality, indivisibility and interdependence;

4. *Decides* to extend, for a three-year period, the mandate of the sessional working group of the Sub-Commission established to examine the working methods and activities of transnational corporations, so that it can fulfil its mandate, in particular:

(a) Examine, receive and gather information on the effects of the working methods and activities of transnational corporations on the enjoyment of economic, social and cultural rights and the right to development, as well as of civil and political rights;

- (b) Compile a list of the various relevant instruments and legal rules concerning human rights and international cooperation that are applicable to transnational corporations;
- (c) Contribute to the drafting of relevant legal rules concerning human rights and transnational corporations and other economic units whose activities have an impact on human rights;
- (d) Analyse the possibility of establishing a monitoring mechanism in order to apply sanctions and obtain compensation for infringements committed and damage caused by transnational corporations, and contribute to the drafting of mandatory legal rules for that purpose;
- (e) Compile a list of the various existing regional and international agreements on investment, agriculture, trade and services, in relation to the activities of transnational corporations, and their impact on human rights, and analyse their compatibility with the various international human rights instruments;
- (f) Study the effects of competition among transnational corporations, such as mergers, purchase and resale of companies, and the oligopoly system, on the enjoyment of human rights and on the development choice of peoples, together with their compatibility with international human rights law, particularly with regard to the sovereignty of States and the right to development;
- (g) Request the secretariat to prepare each year a list of countries and transnational corporations, indicating, in United States dollars, their gross national product and financial turnover, respectively;
- (h) Consider the scope of the obligation of States to regulate the activities of transnational corporations, where their activities have or are likely to have a significant impact on the enjoyment of economic, social and cultural rights and the right to development, as well as of civil and political rights of all persons within their jurisdiction;

5. *Requests* the working group to submit its report on its fourth session to the Sub-Commission at its fifty-fourth session.
