



**Economic and Social
Council**

Distr.
LIMITED

E/CN.4/Sub.2/2005/L.22
4 August 2005

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-seventh session
Agenda item 4

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

**Mr. Bengoa, Mr. Bíró, Mr. Cherif, Ms. Chung, Mr. Dos Santos, Ms. Mbonu,
Ms. Motoc, Ms. O'Connor, Ms. Rakotoarisoa, Mr. Salama, Mr. Sattar,
Mr. Tuñón Veilles, Ms. Warzazi and Mr. Yokota: draft resolution**

**2005/... 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 adopted 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 adopted 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 proclaimed by the General Assembly in its

resolution 3281 (XXIX) of 12 December 1974, the Declaration of the Principles of International Cultural Cooperation adopted 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 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 United Nations organizations 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 previous resolutions on the subject, the most recent being resolution 2004/16 of 12 August 2004,

Recalling the relevant resolutions of the Commission on Human Rights concerning the right to development and economic, social and cultural rights, the most recent being resolution 2005/4 of 12 April 2005 and resolution 2005/22 of 15 April 2005,

Recognizing the work done by the sessional working group on the effects of the working methods and activities of transnational corporations on the enjoyment of human rights and by the Sub-Commission, including its draft "Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with regard to Human Rights" (E/CN.4/Sub.2/2003/12/Rev.2),

Taking note of Commission resolution 2005/69 of 20 April 2005 on human rights and transnational corporations and other business enterprises,

Taking note also of the report of the United Nations High Commissioner on Human Rights on the responsibilities of transnational corporations and related business enterprises with regard to human rights (E/CN.4/2005/91),

Noting with appreciation the appointment by the Secretary-General of John Ruggie as his Special Representative on the issue of human rights and transnational corporations and other business enterprises,

Taking into account the background document prepared by the Secretary-General (E/CN.4/Sub.2/1995/11), the report of the Secretary-General (E/CN.4/Sub.2/1996/12 and Corr.1) and the background document prepared by El Hadji Guissé (E/CN.4/Sub.2/1998/6) concerning transnational corporations and the draft "Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with regard to Human Rights".

1. *Thanks* the Chairperson of the seventh session of the sessional working group on the working methods and activities of transnational corporations, Halima Embarek Warzazi;
2. *Invites* members of the working group and of the Sub-Commission to prepare working papers for submission to the Sub-Commission at its fifty-eighth session and to the working group at its eighth session, as follows:

(a) Gáspár Bíró: a working paper on the role of States in the guarantee of human rights with reference to the activities of transnational corporations and other business enterprises;

(b) Chin-Sung Chung and Florizelle O'Connor: a working paper on bilateral and multilateral economic agreements and their impact on the human rights of the beneficiaries;

3. *Decides*, in view of the discussions that will take place at the first meeting of the working group during the fifty-eighth session of the Sub-Commission to invite the International Monetary Fund, the World Bank, the World Trade Organization, the United Nations Conference on Trade and Development, the United Nations Development Programme, the International Labour Organization, the United Nations Research Institute for Social Development and other relevant agencies to participate;

4. *Decides* that the agenda of the eighth session of the working group will be the following:

(a) Review of developments related to the responsibilities of business with regard to human rights;

(b) Consideration of possible situations where business may facilitate or generate human rights violations in different kinds of societies;

(c) Consideration of possible ways and means of protecting individuals or groups from harm caused by business activities; and

(d) Identification of appropriate responses in the case of specific violations of human rights;

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