

講義では、以下の文書を時系列的に読んで、それぞれの時点でどういうことがどのように問題とされていたかを考える。資料には講義までに目を通しておくこと。

1972 年 [経済社会理事会決議 1721\(LIII\)](#) (リンク先 3 頁以下)

- respect for the principles of equal rights and self-determination of peoples
- [multinational corporations'] role is sometimes viewed with awe, since their size and power surpass the host country's entire economy
- *requests* the Secretary-General to submit the report of the study group

1974 年 「賢人会議」報告書 [U.N. Doc. E/5500/Rev.1](#)

- The Group recommends that home and host countries should ensure, through appropriate actions, that multinational corporations do not violate sanctions imposed by the United Nations Security Council, for example, on countries suppressing human rights and following racist policies. (p. 50)
- Proposed terms of reference of the commission on multinational corporations [...]  
(e) Evolve a set of recommendations which, taken together, would represent a code of conduct for Governments and multinational corporations to be considered and adopted by the Council, and review in the light of experience the effective application and continuing applicability of such recommendations.

1974 年 [経済社会理事会決議 1908\(LVII\)](#) (リンク先 3 頁以下)

- *Desirous* of establishing effective machinery for dealing with the full range of issues relating to the activities of transnational corporations in order, inter alia, to recommend to the Economic and Social Council a detailed programme of work for formulating policies
- 1. *Decides* to establish an intergovernmental Commission on Transnational Corporations as an advisory body to the Economic and Social Council
- 3. [...] (f) Undertaking work which may assist the Economic and Social Council in considering possible arrangements or agreements on specific aspects relating to transnational corporations with a view to studying the feasibility of formulating a general agreement and, on the basis of a decision of the Council, to consolidating them into a general agreement at a future date

1983 年 [Draft United Nations Code of Conduct on Transnational Corporations](#)

- 13. Transnational corporations should/shall respect human rights and fundamental freedoms in the countries in which they operate. In their social and industrial relations, transnational corporations should/shall not discriminate on the basis of race, colour, sex, religion, language, social, national and ethnic origin or political or other opinion. Transnational corporations should/shall conform to government policies designed to extend equality of opportunity and treatment.

→しかしこのプロジェクトはその後立ち消え

(1984 年 ボパール事故<sup>1)</sup>)

1998 年 国連人権委員会小委員会決議 [U.N. Doc. E/CN.4/Sub.2/RES/1998/8](https://www.unhcr.org/refugees/doc/4a684000.html)

- 4. Decides to establish, for a three-year period, a sessional working group of the Sub-Commission, composed of five of its members, taking into account the principle of equitable geographical distribution, to examine the working methods and activities of transnational corporations, with the following mandate:  
[...]  
(d) To make recommendations and proposals relating to the methods of work and activities of transnational corporations in order to ensure that such methods and activities are in keeping with the economic and social objectives of the countries in which they operate, and to promote the enjoyment of economic, social and cultural rights and the right to development, as well as of civil and political rights;

1999 年 国連人権委員会小委員会報告書 [U.N. Doc. E/CN.4/Sub.2/1999/9](https://www.unhcr.org/refugees/doc/4a684000.html)

- 32. The working group intends to consider developing a code of conduct for TNCs based on the human rights standards. Such a code would attempt to involve in a constructive manner the relevant business community and NGOs. Mr. Weissbrodt volunteered to prepare such a code of conduct in cooperation with NGOs having expertise on the subject.
- 35. NGOs and other interested parties were invited to submit relevant background materials to the working group at its next session, especially those relating to item 3 of the agenda.

2003 年 Norms on the responsibilities of transnational corporations and other business enterprises with regard to human rights, [U.N. Doc. E/CN.4/Sub.2/2003/12/Rev.2](https://www.unhcr.org/refugees/doc/4a684000.html)

- 1. [...] Within their respective spheres of activity and influence, transnational corporations and other business enterprises have the obligation to promote, secure the fulfilment of, respect, ensure respect of and protect human rights recognized in international as well as national law, [...].

←この文書については全体を見る。

2004 年 国連人権委員会決定 [U.N. Doc. E/CN.4/DEC/2004/116](https://www.unhcr.org/refugees/doc/4a684000.html)

- (c) Affirm that document E/CN.4/Sub.2/2003/12/Rev.2 has not been requested by the Commission and, as a draft proposal, has no legal standing,

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<sup>1</sup> 村瀬信也ほか『現代国際法の指標』（有斐閣、1996 年（補訂版））75-76 頁、新美育文「インド・ボパールのガス漏出事故と被害者救済」[ジュリスト](#) 936 号（1989 年）84-87 頁、安田信之「ボパール事件ジャバルプル高裁判決の概要」[国際商事法務](#) 16 巻 7 号（1988 年）556-562 頁。

and that the Sub Commission should not perform any monitoring function in this regard.

2005 年 国連人権委員会決議 [U.N. Doc. E/CN.4/RES/2005/69](#)

- 1. Requests the Secretary-General to appoint a special representative on the issue of human rights and transnational corporations and other business enterprises [...] with the following mandate:
  - (a) To identify and clarify standards of corporate responsibility and accountability for transnational corporations and other business enterprises with regard to human rights;

2007 年 事務総長特別代表 (Ruggie) 報告 [U.N. Doc. A/HRC/4/35](#)

- 44. In conclusion, it does not seem that the international human rights instruments discussed here currently impose direct legal responsibilities on corporations. Even so, corporations are under growing scrutiny by the international human rights mechanisms. And while States have been unwilling to adopt binding international human rights standards for corporations, together with business and civil society they have drawn on some of these instruments in establishing soft law standards and initiatives. It seems likely, therefore, that these instruments will play a key role in any future development of defining corporate responsibility for human rights.

2011 年 指導原則 [U.N. Doc. A/HRC/17/31](#) (6 頁以下の Annex) <sup>2</sup>

← [この文書については全体を見る。](#)

以上

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<sup>2</sup> 逐条解説として、Barnali Choudhury ed., [The UN Guiding Principles on Business and Human Rights: A Commentary](#), Elgar, 2023.