

РОЗДІЛ 4

МІЖНАРОДНЕ ЕКОНОМІЧНЕ ПРАВО ТА ПРАВО РОЗВИТКУ

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TO THE QUESTION ABOUT INTERNATIONAL LEGAL REGULATION OF TRANSNATIONAL CORPORATION ACTIVITIES

The Commission on Human Rights of the United Nations Organization adopted the project of convention imposing additional duties and restrictions on the transnational corporations. The UNO's experts consider it's necessary to introduce the procedure of control over big business activities similar to that one which exists towards the states as the transnational corporations influence considerably has been growing because of globalization of economy. The organizations representing big company interests have already come out against these innovations. However, investing the UNO's proposals into the proper juridical form (multilateral international treaty) can be considered as the problem to be solved positively even in distant future.

It can be seen from the project of the convention that the proposed measures are intended first of all for stronger control over transnational corporation activities in the so called the third world countries. In any case the UNO is going to investigate such questions as the labour conditions of transnational corporation employees in the developing countries or the application of forced methods to build new plants, oil-pipe-line or gas-pip-lines on their territory. Thought, there are not the whole range of the UNO's proposals. If the adopted project becomes multilateral international treaty, transnational corporations will have to abstain from environmental pollution and violation of human rights; to follow straight sealing in business, marketing and advertisement; to ensure security for customers and guarantee high quality of their production and services.

Besides transnational corporations will be prohibited to have benefits from the crimes against humanity, genocide, tortures, forced labour and other violations of international laws. They will have to prevent infringements of human rights from using their production. Finally, the corporations will be personally banned from bribing and accepting bribes.

According to the UNO's plan transnational corporations must immediately correct their own internal regulations and make their subcontractors, suppliers, factories producing parts for use by another and distributors follow the established order. The transnational corporations are supposed to report back to the UNO how they follow the order and the UNO in its turn will constantly be monitoring their activities in cooperation with other international and national authorities. At the same time the special group on Human Rights will be given the right to get information from government groups and private persons about probable negative influence on international corporations and other companies on human right guarantees. Not only the UNO will make companies to fulfil their obligations but also the state governments will. The previous ones are proposed to create and strengthen all necessary legal and administrative structures. It is also suggested that the arguments about implementing of the fixed rules will be subordinated to the international juridical authority.

Transnational corporations by themselves have reacted to the initiatives of the UNO's experts with great restraint. In particular, they consider it's opinions, the mechanisms based on free will work more effectively. Another serious remark is based on the point that the UNO's project doesn't take into consideration any national peculiarities of doing business. «These norms inevitably will conflict with companies policy based on history, culture, philosophy and laws of other countries where they work», thinks Stefano Bertazi, the expert of International Chamber of Trade. He apprehends the governments will pay too much attention to the fight with transnational corporations. Some probable danger for transnational corporations is hidden in the fact that the project of convention doesn't determine clearly the duties of transnational corporations.

However, despite these faults there is no other way than to adopt multilateral international treaty as the possibility to regulate international and legal activities of transnational corporations.