



DIRECTORATE FOR FINANCIAL, FISCAL AND ENTERPRISE AFFAIRS

**OECD Guidelines for Multinational Enterprises:
Statements made on the adoption of the Review 2000**

**Principes directeurs de l'OCDE à l'intention des entreprises multinationales :
Déclarations faites à l'occasion de l'adoption du Réexamen 2000**

27 June 2000

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This document reproduces the text of some of the declarations made concerning the Review of OECD Guidelines for Multinational Enterprises on the occasion of the OECD Council meeting at Ministerial level on 26-27 June 2000.

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Ce document reproduit le texte de certaines des déclarations faites concernant le Réexamen des Principes directeurs de l'OCDE à l'intention des entreprises multinationales à l'occasion de la réunion du Conseil de l'OCDE au niveau ministériel les 26-27 juin 2000.

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Statement by the Chair of the Ministerial

Over the past two years, OECD has conducted a major review of its *Guidelines for Multinational Enterprises* to ensure their continued relevance and effectiveness in the rapidly changing global economy. I am pleased to announce that, today, the governments of 29 member countries and four non-members -- Argentina, Brazil, Chile and the Slovak Republic – have adopted a new set of *Guidelines* and enhanced implementation procedures.

The *Guidelines* are recommendations on responsible business conduct addressed by governments to multinational enterprises operating in or from the 33 adhering countries. While many businesses have developed their own codes of conduct in recent years, the OECD *Guidelines* are the only multilaterally endorsed and comprehensive code that governments are committed to promoting. The *Guidelines* express the shared values of the governments of countries that are the source of most of the world's direct investment flows and home to most multinational enterprises. They apply to business operations world-wide.

This initiative is very timely. It is widely recognised that foreign investment is important for economic growth and that multinational enterprises contribute to economic, social and environmental progress. At the same time, public concerns remain about the impact of their activities on home and host countries. The new *Guidelines* represent an important step in responding to some of these concerns while improving the climate for international investment. The basic premise of the *Guidelines* is that principles agreed internationally can help prevent conflict and to build an atmosphere of confidence between multinational enterprises and the societies in which they operate.

The *Guidelines* are not a substitute for, nor do they override, applicable law. They represent standards of behaviour supplemental to applicable law and, as such, do not create conflicting requirements.

The new text of the *Guidelines* contains far-reaching changes that reinforce the economic, social and environmental elements of the sustainable development agenda. Recommendations have been added on the elimination of child labour and forced labour, so they now cover all internationally recognised core labour standards. A recommendation on human rights has been introduced, and new chapters on combating corruption and consumer protection have been added. The environment section now encourages multinational enterprises to raise their environmental performance through improved internal environmental management and better contingency planning for environmental impacts. The chapter on disclosure and transparency has been updated to reflect the *OECD Principles on Corporate Governance* and to encourage social and environmental accountability.

Implementation procedures have been significantly improved. While the *Guidelines'* recommendations are addressed to business, governments through their network of National Contact Points are responsible for promoting the *Guidelines*, handling enquiries and helping to resolve issues that arise in specific instances. The Review has provided considerable guidance to help National Contact Points to carry out their duties and it has established mechanisms for promoting transparency, accountability and best practice. The OECD Committee on International Investment and Multinational Enterprises (CIME) remains the responsible body for clarifying the meaning of the *Guidelines* and overseeing their effectiveness.

The review process itself deserves special mention. The CIME conducted an extensive series of consultations with the business community, labour representatives, non-governmental organisations and non-member countries. Opportunities for public comment were offered via the Internet. This effort

towards increased transparency and openness provided essential inputs for the Review and reflects an important evolution in the way OECD goes about its business.

For decades, the OECD has promoted co-operation on international investment through its Declaration on International Investment and Multinational Enterprises. The Declaration sets forth non-binding principles and standards addressed both to governments and to enterprises. The *Guidelines*, which are addressed to enterprises, remain an important part of this balanced package and contribute to a favourable investment climate. The other elements of the package contain commitments by governments to provide national treatment for foreign-controlled enterprises, to avoid imposing conflicting requirements on enterprises and to co-operate regarding investment incentives and disincentives. Non OECD Members are encouraged to adhere to this Declaration.

As a final point, I would like to emphasise that the task of making the Guidelines a meaningful instrument for the international business community has only just begun. The ongoing support and involvement of the business community, labour representatives and non-governmental organisations will be crucial if the revised *Guidelines* are to be a useful reference point and tool for promoting corporate social responsibility. Non-adhering governments too have an important contribution to make. Ultimately, the success and effectiveness of the *Guidelines* will depend on the responsibility and good faith of all parties involved with their promotion and implementation.

*The Honourable Peter Costello, M.P.,
Treasurer of the Commonwealth of Australia*

Déclaration par le Président de la réunion ministérielle

Durant les deux dernières années, l'OCDE a mené un réexamen majeur des *Principes directeurs à l'intention des entreprises multinationales* afin de garantir leur pertinence et leur effectivité continues dans une économie globale qui évolue rapidement. J'ai le plaisir d'annoncer qu'aujourd'hui les gouvernements de 29 pays membres et quatre non membres -- l'Argentine, le Brésil, le Chili et la République slovaque -- ont adopté un nouvel ensemble de *Principes directeurs* et des procédures de mise en œuvre améliorées.

Les *Principes directeurs* sont des recommandations concernant une conduite responsable des affaires adressées par les gouvernements aux entreprises multinationales opérant dans ou depuis les 33 pays qui ont souscrit aux *Principes directeurs*. Si de nombreuses entreprises ont développé leur propre code de conduite ces dernières années, les *Principes directeurs* de l'OCDE constituent le seul code complet et approuvé au niveau multilatéral que les gouvernements s'engagent à promouvoir. Les *Principes directeurs* expriment les valeurs que partagent les gouvernements des pays qui sont source de la plupart des flux d'investissement directs et dont la majorité des entreprises multinationales sont originaires. Ils s'appliquent aux opérations des entreprises à travers le monde.

Cette initiative arrive à point nommé. Il est largement reconnu que l'investissement étranger est important pour la croissance économique et que les entreprises multinationales contribuent au progrès économique, social et environnemental. En même temps, des préoccupations persistent de la part du public concernant les effets de leurs activités dans les pays d'origine et les pays d'accueil. Les nouveaux *Principes directeurs* représentent une étape importante en réponse à certaines de ces préoccupations tout en améliorant l'environnement de l'investissement international. Selon l'idée fondatrice des *Principes directeurs*, des principes approuvés au niveau international peuvent contribuer à prévenir les conflits et à construire un environnement de confiance entre les entreprises multinationales et les sociétés dans lesquelles elles opèrent.

Les *Principes directeurs* ne sont ni un substitut, ni supérieurs au droit applicable. Ils représentent des normes de conduite qui complètent le droit applicable et, ainsi, ne créent pas d'obligations contradictoires.

Le nouveau texte des *Principes directeurs* comporte des changements d'une grande portée qui renforcent les éléments économiques, sociaux et environnementaux du programme d'action à l'appui du développement durable. Des recommandations relatives à la suppression du travail des enfants et du travail forcé ont été ajoutées, toutes les normes fondamentales du travail reconnues au niveau international étant désormais couvertes par les Principes directeurs. Une recommandation sur les droits de l'homme a été introduite et de nouveaux chapitres sur la lutte contre la corruption et la protection des consommateurs ont été ajoutés. La section sur l'environnement encourage désormais les entreprises multinationales à améliorer leur comportement du point de vue de l'environnement par une meilleure gestion environnementale interne et des dispositifs d'intervention plus efficaces concernant les effets sur l'environnement. Le chapitre sur la publication d'informations et la transparence a été réactualisé afin de refléter les *Principes de gouvernement d'entreprise de l'OCDE*, et d'encourager la responsabilité en matière sociale et environnementale.

Les procédures de mise en œuvre ont été améliorées de manière significative. Si les *Principes directeurs* s'adressent aux entreprises, les gouvernements, à travers leur réseau de Points de contact nationaux, sont responsables de la promotion des *Principes directeurs*, de la gestion des demandes de renseignement et de l'assistance en matière de résolution de questions soulevées dans des circonstances spécifiques. Le Réexamen offre aux Points de contact nationaux de nombreux conseils pour l'accomplissement de leur tâches et a mis en place des mécanismes qui promeuvent la transparence, la

responsabilité et les meilleures pratiques. Le Comité OCDE de l'investissement international et des entreprises multinationales (CIME) reste l'organe responsable pour clarifier la signification de *Principes directeurs* et superviser leur effectivité.

Le processus de réexamen lui-même mérite d'être signalé. Le CIME a mené plusieurs séries de consultations avec les milieux d'affaires, les représentants syndicaux, les organisations non gouvernementales et les pays non membres. Des invitations ont été faites au public sur Internet de présenter des commentaires. Cet effort de transparence et d'ouverture accrues a permis de recueillir des contributions essentielles au Réexamen et reflète une évolution importante dans la manière dont l'OCDE fonctionne.

Durant des décennies, l'OCDE a promu la coopération dans le domaine de l'investissement international à travers sa Déclaration sur l'investissement international et les entreprises multinationales. Cette Déclaration établit des principes et des normes non contraignants qui s'adressent à la fois aux gouvernements et aux entreprises. Les *Principes directeurs*, qui s'adressent aux entreprises, restent une partie importante de cet ensemble équilibré et contribuent à un environnement favorable à l'investissement. Les autres éléments de cet ensemble comprennent des engagements des gouvernements d'offrir aux entreprises sous contrôle étranger un traitement national, d'éviter d'imposer des obligations contradictoires aux entreprises, et de coopérer en matière de stimulants et obstacles à l'investissement. Les pays non membres de l'OCDE sont encouragés à souscrire à cette Déclaration.

Enfin, je souhaiterais souligner que la tâche qui consiste à faire des *Principes directeurs* un instrument d'importance pour les milieux d'affaires internationaux ne fait que commencer. Le soutien et l'implication constants des milieux d'affaires, des représentants syndicaux et des organisations non gouvernementales seront d'une importance cruciale pour faire des *Principes directeurs* un point de référence et un outil de promotion de la responsabilité sociale des entreprises. Les gouvernements qui ne souscrivent pas aux *Principes directeurs* ont eux aussi un rôle important à jouer. En définitive, le succès et l'effectivité des *Principes directeurs* dépendra de la responsabilité et de la bonne foi de toutes les parties impliquées dans leur promotion et leur mise en œuvre.

M. Peter Costello
Ministre des finances de l'Australie

Belgique : Déclaration sur les Principes Directeurs

Par Monsieur le Ministre Charles PIQUE

La Belgique est un pays dont la structure économique est extrêmement ouverte sur le reste du monde.

Elle a, de ce fait, toujours été caractérisée par la présence d'un grand nombre d'entreprises multinationales sur son territoire.

Les rapports, qui se sont de la sorte noués entre les autorités officielles belges et les dirigeants de ces sociétés, ont dans l'ensemble été constructifs.

L'augmentation des échanges et l'élargissement de l'Union européenne ont amené mes prédécesseurs à attacher une importance toute particulière à la réglementation du monde des affaires.

C'est pourquoi, la résolution prise au cours de l'année 1974 d'élaborer un « code de bonne conduite » à l'égard des multinationales a tout de suite été adoptée par la Belgique.

Cette initiative a été soutenue par d'autres pays et a débouché, en 1976, sur les Principes directeurs de l'OCDE à l'intention des entreprises multinationales.

Au cours de ses vingt premières années d'existence, les Principes ont fait l'objet d'adaptations limitées.

Cependant, la profonde évolution de l'économie mondiale nous a rapidement imposé une modernisation des Principes directeurs plus sérieuse.

Confrontés à des situations de commerce inédites, il s'est avéré nécessaire de considérer des solutions nouvelles.

Avec la France, nous avons dès lors demandée au Comité spécialisé de l'OCDE d'œuvrer à une révision des Principes directeurs.

Je suis dès lors particulièrement heureux de pouvoir participer à cette Conférence ministérielle où l'on adopte des Principes directeurs, mieux adaptés aux circonstances actuelles.

Je tiens spécialement à souligner les efforts remarquables consentis par le CIME et le Secrétariat de l'OCDE.

Ils ont fourni une version enrichie des Principes et ce, malgré des divergences de vue particulièrement importantes entre les Etats participants à cette mise à niveau.

\Cette version actualisée constitue, indéniablement, une base solide pour permettre un encadrement à la mondialisation des échanges.

Dès lors, je ne peux que souhaiter un démarrage rapide et constructif des principes actualisés lors de la prochaine réunion du CIME.

Je tiens, également, à souligner l'importance que j'attache à l'action qui doit être menée par les Points de contact nationaux en collaboration avec l'OCDE.

Le rôle plus important donné aux Points de contact nationaux permettra, je le pense, de remédier aux agissements de certaines multinationales et de certains pays.

La Belgique aurait souhaité donner un caractère plus strict au respect des Principes directeurs.

Elle peut, néanmoins, comprendre que d'autres participants ne partagent pas son point de vue.

La Belgique ne peut qu'espérer être rejointe, par l'ensemble des Etats membres de l'OCDE, dans sa volonté d'inscrire l'ensemble de ces Principes dans sa législation nationale.

Quoi qu'il en soit, je tiens à remercier tous ceux qui ont collaboré à ce travail en profondeur.

Brazil: Statement by on the Guidelines for Multinational Enterprises

By H.E. Mr. Luiz Felipe de Seixas Corrêa
Secretary-General of the Ministry of Foreign Relations of Brazil

The OECD Guidelines for Multinational Enterprises should be viewed as a major addition to the various governance initiatives successfully undertaken by the OECD in the past few years. The Guidelines should help to restore trust in international business and investment and to highlight the fact, often alluded to in the course of the negotiations by the Brazilian delegation, that multinational enterprises can be capable of good corporate citizenship.

Multinational enterprises can do a great deal to foster a pro-competitive international business environment. They can also contribute to improving the quality of life in host communities and thereby to promote sustainable economic and social development.

In many ways, however, multinational enterprises operate outside the limits of national legislation, in a kind of legal no man's land. Some multinationals try to benefit from this peculiar situation. Effective legislation is thus required to curb abuses.

The text before us is more than a mere revision of the 1976 Guidelines. It represents a significant departure from the limited approach adopted in the mid seventies, as it reflects issues that were still of little concern to the international community. The chapters on industrial relations and the environment are a case in point. These chapters should be instrumental in ensuring that the affiliates of multinational enterprises abide by the same principles and apply the same standards in host countries as they do at home.

It is our understanding that these chapters should not prejudice in any way the ongoing discussion of related issues at other forums. It seems obvious that they should not be considered in any way as supportive of investment-distorting policies, under the guise of concern for core labour standards or environmental stewardship.

It is incumbent upon host governments to ensure compliance with national legislation by all multinationals; with the adoption of the OECD Guidelines, most countries will be in a better position to do so.

It is our understanding that primary responsibility for dealing with issues of labour standards, the environment and sustainable development lies with national governments and specifically-mandated international organisations such as the International Labour Organisation or the United Nations Commission on Sustainable Development. These issues fall within the competence of the OECD only to the extent that, as the custodian of the Guidelines, the Organisation may monitor compliance with their provisions.

We have also striven to be aspirational. I could mention the recommendation that multinational enterprises neither solicit nor offer bribes to foreign officials. We have thus gone beyond what is required by the OECD bribery convention itself, in an attempt to tackle the demand as well as the supply-side of bribery. I could also mention the recommendation that multinational enterprises apply the precautionary principle, hitherto the sole responsibility of governments, in order to avoid potential risks to the environment resulting from their operations.

Consumer interests are another vital issue we sought to address in the revised Guidelines. There is need for a prompt, efficient and transparent response by foreign multinationals in the event of serious threats to public health and safety arising out of the consumption or use of their products. There is also need for full co-operation with host country authorities in dealing in a speedy and efficient manner with such threats.

Consumer interests are at the forefront of ongoing work on governance and corporate citizenship and merit further analytical work by the OECD. It might be desirable at some point for the OECD to draft a comprehensive code of best practices in the field of consumer protection.

In light of the foregoing, I am prepared to confirm that the Brazilian Government shall take the necessary steps, in accordance with its constitutional requirements, to incorporate the present Guidelines, as appropriate, within the framework of national treatment of multinational enterprises.

Thank you.

Canada: Statement by on the Guidelines for Multinational Enterprises

Good morning fellow Ministers,

Canada welcomes the OECD's adoption of the revised Guidelines for Multinational Enterprises. Much work went into negotiating the right balance: preserving the voluntary nature of the instrument while at the same time making it more effective. We believe this has been achieved.

We are also pleased with the very constructive consultative process, which enjoyed excellent participation by the business, labour and NGO communities.

Through Canada's work in international organizations such as the OECD, and through our domestic initiatives, we have long encouraged our corporations to carry out their operations responsibly throughout the world. Corporations make an important contribution to economic growth and development by creating much-needed employment, income and wealth.

Their foreign investment activities bring technical innovation, new management skills and enhance the environment for competition. But the benefits of their operations go beyond the economic sphere. Today, there is greater recognition of the important contribution corporations can make to the social and environmental aspects of governance. Indeed, societies are calling on them to pay greater attention to these issues.

So, we are seeing the issue of corporate social responsibility taking on greater importance. Integration of market-oriented economies and rapid technological change have focussed attention on the role and impact of international business activity.

Indeed, events of recent months have highlighted for us just how important it is to civil society that governments find the right balance of economic, social and environmental policies. Equally important, international institutions, of which we are members, are being called on to cooperate more closely.

The key challenge for the international community, therefore, is to build a framework of policy and institutional coherence: we must ensure that social and environmental concerns are addressed alongside economic development. Government, businesses, labour and other interested groups must work together to build bridges internationally, as well as at home.

The newly revised OECD Guidelines for MNEs are a concrete step forward in making this happen. They have been updated to address important issues such as human rights, consumer protection and anti-corruption, and their coverage of environmental protection and labour standards has been strengthened. Moreover, they provide a mechanism by which governments can assist businesses, labour groups and other interested parties, such as NGOs, in addressing difficult issues.

The Guidelines will become an increasingly important element of my Government's approach to corporate social responsibility, and we plan to cooperate closely with our business community and other interest groups in promoting them. We also look forward to good cooperation with all Members and non-Members that have adopted the Guidelines.

In Canada, and elsewhere, our corporations are already making an important contribution to corporate social responsibility through their increasing use of codes of conduct. Through the voluntary approach Canada has adopted, including our adherence to the Guidelines, we are building on the initiatives of the business community.

Now that the review of the Guidelines is completed, where do we go from here? There is much more to be learned about corporate social responsibility. The very interesting analysis that the OECD has carried out on corporate codes of conduct is significant. The role that codes will play in business' implementation of the Guidelines is an important area for further study. A greater understanding is also needed of the relationship between corporate codes of conduct and the multilateral trading system. I urge all Members to join us in ensuring that the OECD continues its good work on codes of conduct.

Canada : Déclaration sur les Principes Directeurs

Bonjour, chers collègues ministres

Le Canada se félicite de l'adoption par l'OCDE des Principes directeurs révisés à l'intention des entreprises multinationales. Fruit d'efforts intenses, les négociations ont permis d'en arriver à un juste équilibre qui permette à la fois de préserver le caractère volontaire du document tout en améliorant son efficacité. Nous croyons avoir réussi à relever le défi.

Nous sommes également heureux du processus de consultation lui-même qui s'est avéré très constructif et qui a bénéficié d'une excellente participation des milieux d'affaires, des syndicats et des organisations non gouvernementales.

Grâce aux efforts qu'il déploie au sein d'institutions internationales comme l'OCDE et à ses initiatives nationales, le Canada encourage depuis longtemps ses entreprises à se montrer responsables dans la gestion de leurs affaires à travers le monde. Ces entreprises contribuent d'ailleurs dans une large mesure à la croissance et au développement économiques en créant des emplois, des revenus et des richesses dont nous avons grand besoin.

Leurs investissements étrangers suscitent des innovations techniques et de nouvelles compétences de gestion tout en améliorant la compétitivité. Mieux encore, les avantages de leurs activités dépassent la simple sphère économique. Aujourd'hui, tous reconnaissent de plus en plus la contribution importante que les entreprises peuvent apporter au cadre social et environnemental de *gouvernance*. En effet, les citoyens réclament désormais que les entreprises accordent plus d'attention à ces questions.

Nous voyons donc que le débat sur la responsabilité sociale des entreprises connaît une importance croissante. L'intégration des économies de marché et la rapidité de l'évolution technologique ont mis l'accent sur le rôle et l'impact du commerce international.

Nous avons pu ainsi constater au cours des derniers mois à quel point les sociétés civiles tiennent beaucoup à ce que les gouvernements trouvent un juste équilibre entre les politiques économiques, sociales et environnementales. Fait tout aussi marquant, les institutions internationales dont nous faisons partie sont aussi sollicitées en vue d'une coopération plus étroite.

Le défi majeur de la collectivité internationale est donc d'établir un cadre cohérent pour ses politiques et ses institutions : nous devons nous assurer que les préoccupations sociales et environnementales sont abordées en même temps que le développement économique. Le gouvernement, les milieux d'affaires, les syndicats et les autres groupes intéressés doivent travailler de concert pour construire des " ponts " aussi bien à l'échelle internationale que nationale.

Les nouveaux Principes directeurs révisés de l'OCDE à l'intention des entreprises multinationales représentent une mesure concrète en ce sens. Ils ont été mis à jour non seulement pour tenir compte de questions importantes comme les droits de la personne, la protection des consommateurs et la lutte contre la corruption, mais aussi pour renforcer les mesures visant la protection de l'environnement et les normes de travail. En outre, ils offrent un outil qui pourra servir aux gouvernements à prêter secours aux milieux d'affaires, aux syndicats et aux autres parties intéressées, comme les organisations non gouvernementales, pour aborder ces questions difficiles.

Les Principes directeurs sont appelés à devenir un élément de plus en plus important dans la démarche adoptée par mon gouvernement en ce qui concerne la responsabilité sociale des entreprises, et nous

comptons collaborer étroitement avec nos milieux d'affaires et les autres groupes d'intérêt concernés pour mieux les faire connaître. Nous nous réjouissons aussi à l'avance des liens fructueux de coopération que nous établirons avec tous les pays Membres et non membres qui ont adopté les Principes directeurs.

Tant au Canada qu'ailleurs, nos entreprises contribuent déjà largement à la responsabilité sociale des entreprises en appliquant de plus en plus des codes de déontologie. Par la démarche volontaire qu'il a adoptée, notamment en adhérant aux Principes directeurs, le Canada ne fait que renchérir sur les initiatives de ses milieux d'affaires.

Maintenant que les Principes directeurs sont révisés, vers quoi nous orienterons-nous? Il reste encore beaucoup de choses à apprendre à propos de la responsabilité sociale des entreprises. L'analyse très intéressante que l'OCDE a réalisée sur les codes de déontologie des entreprises est d'une importance capitale. Le rôle que ces codes joueront dans la mise en oeuvre des Principes directeurs au sein même des entreprises se prêterait fort bien à une étude plus approfondie. Nous avons également besoin de mieux comprendre les liens qui existent entre les codes de déontologie et le système commercial multilatéral. J'incite donc tous les pays Membres à emboîter le pas pour faire en sorte que l'OCDE poursuive le bon travail qu'elle accomplit sur les codes de déontologie.

France : Déclaration sur les Principes Directeurs

La maîtrise de la mondialisation est un sujet essentiel pour le gouvernement français. Nous ne pouvons pas laisser l'économie internationale se développer de manière anarchique et sans règles : nous devons au contraire assurer son développement équilibré.

La régulation de la mondialisation, à l'initiative de la France et de l'Union européenne a été inscrite sur l'agenda de toutes les organisations internationales. Elle est l'enjeu majeur de l'Organisation Mondiale du Commerce. Elle l'est aujourd'hui également à l'OCDE, avec la révision des Principes directeurs à l'attention des entreprises multinationales.

La négociation a été très difficile. Ceci prouve la qualité et l'exigence du texte, qui ont pu susciter des difficultés pour certains pays de l'OCDE. Je suis heureux que nous ayons pu conclure ce matin.

J'apprécie les progrès très significatifs accomplis dans la négociation. Les principes directeurs présentent une amélioration incontestable par rapport aux textes de droit international existants :

- C'est le seul texte global visant à définir ce que les entreprises multinationales devraient ou ne devraient pas faire. En particulier, dans le domaine social, il introduit des dispositions sur les principes fondamentaux de l'homme au travail tels qu'ils sont reconnus par l'Organisation Internationale du Travail : liberté syndicale et droit de représentation, interdiction du travail forcé, abolition du travail des enfants, non-discrimination. Il édicte des recommandations sur la lutte contre la corruption. Il pose également le principe de précaution dans le domaine de l'environnement et de la santé humaine.
- Ce sont des recommandations qui sont adressées par les pays de l'OCDE à leurs entreprises pour leurs activités dans le monde entier, et non pas seulement sur leur territoire national. Il s'agit de promouvoir la diffusion par les entreprises multinationales des normes fondamentales et universelles, notamment en matière sociale et environnementale, dans tous leurs pays d'implantation.
- Mais surtout, un mécanisme de mise en œuvre des recommandations a été créé. Ce mécanisme est une innovation majeure. Il permet de rendre public les comportements dommageables des entreprises. Il crée ainsi une pression forte susceptible de corriger ces comportements. L'expérience l'a déjà prouvé.

La France s'est fortement impliquée dans cette négociation. Certes, elle aurait aimé aller plus loin. Elle aurait notamment souhaité explorer l'idée d'un mécanisme de certification du comportement des entreprises. Nous souhaitons que cette idée puisse être approfondie dans le cadre des travaux futurs de l'OCDE.

En conclusion, cet instrument ainsi rénové présente des caractéristiques uniques au niveau multilatéral. Il montre que les négociations internationales peuvent aussi créer des devoirs, et pas seulement des droits, pour les entreprises multinationales. Il est une nouvelle illustration que la volonté politique permet d'œuvrer en faveur d'une mondialisation mieux régulée et plus juste.

France: Statement on the Guidelines for Multinational Enterprises

Keeping globalisation under control is a fundamental concern of the French Government. We cannot allow the international economy to develop in an anarchistic manner and without rules; on the contrary, we have an obligation to ensure that its development is balanced.

At the initiative of France and the European Union, the regulation of globalisation has been put on the agenda of all international organisations. It is the primary focus of the World Trade Organization, as it is today for the OECD as well, with this revision of the Guidelines for Multinational Enterprises.

The negotiations were very difficult. This proves the quality and exacting nature of the document, which may have raised problems for some of the OECD countries. I am happy that we were able to complete this task this morning.

I appreciate the very significant strides that were made during the negotiations. The Guidelines unquestionably represent an improvement over existing international law:

- This is the only comprehensive document that sets out to define what multinational enterprises should or should not do. In the area of labour relations, for example, it introduces provisions regarding fundamental workers' rights, as recognised by the International Labour Organization: freedom of association and collective bargaining; prohibition of forced labour; abolition of child labour; and non-discrimination. It issues recommendations for fighting corruption. It also lays down the precautionary principle in matters involving the environment and human health.
- These are recommendations made by the OECD countries to their enterprises in respect of the firms' activities throughout the world, and not just at home. The aim is to promote the dissemination by multinational enterprises of fundamental and universal standards—especially in social and environmental matters—in all of the countries in which they operate.
- Above all, however, a mechanism has been created to implement these recommendations. This mechanism is a major innovation. Through it, harmful conduct on the part of business enterprises can be made public. It therefore applies strong pressure which is capable of altering such conduct. Experience has already proven this.

France was heavily involved in these negotiations. Clearly, France would have liked to go farther. In particular, it would have liked to explore the idea of a mechanism to certify corporate behaviour. We would like this idea to be examined in greater depth as part of the OECD's future work.

In conclusion, this revised instrument offers unique features at the multilateral level. It shows that international negotiations can also result in obligations, and not just rights, for multinational enterprises. It is a further illustration of the fact that political determination can be harnessed to make globalisation better regulated and more just.

Sweden: Statement on the OECD Guidelines for Multinational Enterprises

By Leif Pagrotsky, Minister of Trade

I ask for your support on this.

We should mark that we do not accept the possibility that globalisation produces a race to the bottom. We should effectively put that suspicion to rest. And we can take a first step towards doing that here today. We should prove that politicians can take charge over the direction of globalisation, and that big global companies are not the only drivers of this process.

Mr. Lamy said that time is not on our side, as opposition to trade and globalisation is on the rise.

That is exactly why we should use this organisation to make use of our time.

Our decision this morning on Guidelines for Multinational Enterprises is a good example of how we should work. How we as politicians address the new challenges of the globalised economy.

Another good example is the measures we took yesterday on the Report on Harmful Tax Competition.

Yet another such credibility raising activity would be to provide enough funding to make OECD work against corruption continue to produce good results.

We need to keep the aim of bridging the credibility gap in mind when we determine the agenda for work in the OECD this coming year.

We can show by our actions that we are serious about trade and investment liberalisation being fair and on our terms. Let us do that. Let us show that we are working on globalisation with a human face, not only talking about it.

Thank you.

United Kingdom: Statement on the OECD Guidelines for Multinational Enterprises

Extract from Statement by the Right Honourable Richard Caborn MP,
Minister for Trade, at OECD Ministerial Conference: 27 June 2000:

"We believe the revised guidelines can have a strong positive impact on Multinational Enterprises' (MNEs) contributions to economic, environmental and social progress. This agreement will help ensure that the benefits of foreign investment are felt more widely, particularly in developing countries. The guidelines are the only multilaterally endorsed and comprehensive code of conduct for business that governments are committed to promoting. The guidelines express the shared values of OECD members which are the source of most of the world's direct investment flows and home to most MNEs. The revised guidelines will complement and reinforce private sector efforts to define and implement responsible business conduct.

The UK is particularly pleased that, as a result of the review, the guidelines have been widened in scope to reinforce the core elements of the sustainable development agenda. We particularly welcome new elements covering the elimination of child and forced labour, promotion of human rights (a key UK objective), and the raising of MNE's environmental performance.

The UK will primarily promote the guidelines through the UK National Contact Point (NCP), the clarified role of NCPs defined in the revised guidelines will assist our efforts. The UK will actively participate in future OECD discussions to promote best practice in NCPs."

United States: Statement on the Guidelines for Multinational Enterprises

By Alan P. Larson

Under Secretary of State for Economic, Business, and Agricultural Affairs

Globalisation and foreign direct investment are powerful forces for good and can raise living standards by spreading the benefits of increased economic opportunity throughout the world. Promoting broad standards of appropriate corporate behaviour will enhance the investment climate. For societies to benefit fully from this improved investment climate, we need to raise standards in important areas of social concern. OECD and U.S. companies are world leaders in good corporate citizenship and take their commitment to high standards with them around the world in their everyday operations. The adoption of these Guidelines will help ensure that others match our standards and will promote a form of globalisation that not only generates wealth, but also raises standards on social, labour, environmental, and human rights issues.

While their voluntary character has been retained, the Guidelines have been improved by: expanding the labour chapter to include all four internationally recognised core labour standards (provisions on the right to organise and bargain collectively, promotion of non-discrimination, effective abolition of child labour, and elimination of forced labour); updating the environment chapter; adding a bribery chapter taking account of the recent OECD Convention; introducing respect for human rights; and encouraging observance of standards compatible with the Guidelines by suppliers and sub-contractors.

The Guidelines are voluntary and based on observance of national law and thus do not raise issues of conflicting requirements. The Guidelines remain an important element of the 1976 Declaration on International Investment, along with the other instruments, including that on national treatment. These Guidelines were developed twenty-five years ago in partnership with business and labour. The current review strengthened that partnership, with its emphasis on the active participation of the business, labour, and NGO communities. And that partnership needs to continue into the future, as all parties look to promoting the results of this revision.

As the statements of the representatives of business, labour, and NGOs indicate, how we proceed in implementing these Guidelines will determine the true value of what we have achieved.

All agree that the success of the Guidelines in reinforcing the responsible behaviour of the majority of our multinational enterprises and extending it to firms from other non-Member countries will depend on the good faith and responsible behaviour by all parties: governments, business, labour, and NGOs.

We are committed to the effective use of the Guidelines. The United States will not shrink from our responsibility to continue to encourage the observance of high standards of conduct where it is lacking. Nor will we allow these Guidelines to become a vehicle for unfairly tarnishing the reputation of good corporate citizens. Should our expectations of responsible use of the Guidelines not be met, we will not hesitate to withdraw our support.

If all OECD Members, as well as other countries which we encourage to adhere to the Declaration, share our commitment, I am confident the OECD Guidelines will become a global benchmark for corporate responsibility and continue to reinforce high standards of corporate behaviour. Our adoption today of the revised Guidelines demonstrates how globalisation can work for the betterment of societies around the world. It represents an important step in the governance of the global economy.

BIAC* : Statement on the Guidelines for Multinational Enterprises

Mister Chairman, Ministers and distinguished Ambassadors,

In 1976, a balanced arrangement was struck between government and business, in the full realisation that the OECD Declaration on International Investment and Guidelines for Multinational Enterprises was and is aimed at improving the climate for foreign direct investment and encouraging the positive contribution that multinational enterprises can make.

The Guidelines were and are voluntary in fact and effect and this has been confirmed in the new texts. What is expected from multinational companies is good corporate citizenship, leadership by example to promote the effective use of the Guidelines as a tool.

The new text and commentary are far from ideal or "user friendly", as we might say. Your Decision today will be interpreted on the basis of the assurances that you have given us, in text and word, that the Guidelines will be implemented in the context of the Declaration, in good faith and without prejudice.

While BIAC has addressed you separately by letter with regard to the Guidelines, I do wish to emphasise here the remarkable responsibility that is being assumed by government in the proposed implementation of these revised Guidelines.

A governmental process, the management of the National Contact Point, will be thrust into a milieu of opinions and value judgements, many of them not reflected in the political conviction of law and regulation. For that process to be fair there must be a political conviction among you to keep it that way and see that it is not abused.

For BIAC, the task at hand is to take this now completed project to our broad membership, country by country, member organisation by member organisation. This will require not the nod of a few heads but will involve the interests of thousands of companies which can be defined as multinational enterprises.

We will set about that task. Thank you.

* Business and Industry Advisory Committee to the OECD

TUAC* : Press Release

*ACTION REQUIRED NOW TO IMPLEMENT THE REVISED
OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES*

TUAC today welcomed the agreement by OECD governments to reinvigorate the process of establishing Guidelines covering the conduct of multinational enterprises. This decision is a recognition that the business as usual approach to globalisation has failed, and that there is a need to establish new global rules covering labour, social, environmental and other issues, if globalisation is to work for Main Street as well, as Wall Street. The Guidelines have the potential to be a key part of this emerging global architecture.

However useful the outcome of the Review is, the real work must start from today. Governments have to commit themselves to working with trade unions at the national and international levels, both within and beyond the OECD area, so as to ensure that the Guidelines are implemented and enforced in practice. For our part we are ready to work with those progressive governments, businesses and NGOs that share our commitment to making the Guidelines work, and where necessary we will use the new and expanded implementation procedures of the Guidelines to hold multinationals to a high standard of conduct wherever they operate.

* Trade Union Advisory Committee to the OECD

NGOs: Statement to Governments adhering to the OECD Multinational Enterprise Guidelines

The undersigned Environment, Development, Consumer and Human Rights Non-Governmental Organisations (NGOs) thank the OECD for this opportunity to express our views on the current review of the OECD Guidelines for Multinational Enterprises (the Guidelines). We applaud the efforts made by the Chair of the Working Party on the Guidelines, Mr. Marinus Sikkel, to encourage civil society participation in the review, and urge the OECD to further develop open and accountable procedures, which enable wider civil society participation.

The latest review sets new and explicit standards for Multinational Enterprises (MNEs) to observe both within and outside the OECD area. We welcome the incorporation of measures such as the elimination of forced- and child labour, whistleblower protection, and implementation of the precautionary principle. The Guidelines make clear that MNEs have a shared responsibility to contribute to the promotion of and respect for international human rights and sustainable development. We explicitly welcome references in the commentary to the Guidelines to key international standards such as the Universal Declaration of Human Rights, the Rio Declaration, the Århus Convention on Access to Information and Public Participation in Decision Making and the International Labour Organisation Declaration on Fundamental Principles and Rights at Work.

We have also been encouraged by some positive steps taken by the Working Party to improve the implementation procedures of the Guidelines by clarifying global coverage, introducing some transparency and extending participation. In these ways they extend a possibility of increased accountability of MNEs to civil society both in the countries where the companies are registered and where they engage in business activities.

Despite such positive steps, we retain serious concerns regarding both the content and proposed implementation of the Guidelines. The revised Guidelines still fail to fully reflect or respond to public experience of the impacts of MNEs. Whilst we would prefer to see the text strengthened further, the key test of the Guidelines is their implementation. If adhering Governments fail to implement the Guidelines vigorously, transparently and effectively world-wide, then NGOs will be left with no option but to actively and publicly oppose the Guidelines.

We are disappointed that the OECD Governments chose a combination of voluntary low level standards with a weak implementation mechanism, which in some ways offers the worst of both worlds. Any weakening of the revised text would undermine the potential effectiveness of the Guidelines and could render them irrelevant. The weak text already risks the marginalisation of the OECD as a standard-setter for MNE behaviour. Unless implementation is conducted in good faith there is a real risk that the Guidelines will be used to justify behaviour and practices by multinational enterprises which undermine sustainability.

The adequacy of the proposed implementation procedure relies almost entirely on the will of Governments - through their National Contact Points (NCPs) - to deal openly and effectively with specific cases. Will complaints from NGOs or members of the interested public lead to improvements in corporate practice, through a real risk to their public reputation? Or will complaints be ignored or bogged down in secretive procedures leading to meaningless ambiguous statements? Too much is left to the discretion of individual NCPs in these respects, especially in the content of reporting on specific instances. And, should an NCP fail to interpret the guidelines in a consistent manner we are concerned that NGOs and the interested public have no opportunity to make representations to the relevant OECD committee. The result of this discretion, at worst, would be inappropriate and potentially wide-ranging variation in the standards of application of the guidelines in different countries.

The key to effective implementation is a presumption of transparency of procedures as well as outcomes, with strictly limited grounds for confidentiality. NGOs intend to observe and where possible, participate in the implementation of the Guidelines - especially by bringing forward specific instances of grave concern. We urge adhering Governments to adopt implementation mechanisms that guarantee global application and implementation of the Guidelines, involve a presumption of transparency in both procedures and outcomes and are open – at all levels – to NGOs and the interested public.

Governments have accepted the argument put forcefully by business during the review that the Guidelines should not be ‘mandatory in fact or effect’. The undersigned NGOs believe that this concession is fundamentally out of step with the experience and expectations of many communities around the world who face enormous obstacles and even dangers in holding multinationals to account for their damaging acts or omissions. As a result, NGOs will continue to call for a binding international instrument to regulate the conduct of multinational corporations.

In conclusion, we urge adhering Governments to treat these Guidelines as only a first step in the right direction of establishing true corporate accountability and responsibility in the interests of achieving sustainability, and to take the following steps, collectively and individually:

- a) To further improve, or as an absolute minimum, maintain the standards and recommendations set out in the current text;
- b) To adopt implementation mechanisms which guarantee global application and implementation of the Guidelines; involve a presumption of transparency in both procedures and outcomes and are open - at all levels - to NGOs and the interested public;
- c) To ensure the vigorous implementation of the Guidelines in a universal, transparent and inclusive manner, and not to allow the discretion of NCPs to lead to damaging variation in standards of application; and
- d) Given escalating public concern over MNEs, to agree to conduct a further review within three years.

In our view, these recommendations constitute a test of whether Governments are serious about this undertaking. If so, the undersigned NGOs will be prepared to work with them in the hope of continuously improving the effectiveness of these Guidelines. If not, civil society will not be prepared to tolerate what would then be an insufficient approach to a matter of such global significance.

Signed by:

Action for World Development NSW Inc - Australia

Actionaid Ireland - Ireland

Ágora - Global Forum On Sustainable Food And Nutritional Security - Brasil

American Lands Alliance - United States

Amnesty International Dutch Section - The Netherlands

Amnesty International UK Business Group- United Kingdom

ANPED, the Northern Alliance for Sustainability - International

APHEDA, Union Aid Abroad - Australia

Asia-Pacific Environmental Exchange - United States

Australian Consumers' Association - Australia

Australian Council for Human Rights - Australia

Bangladesh Campaign to Ban Landmines (BCBL) - Bangladesh
Centre for International Environmental Law (CIEL) - International
Centre for Science and Environment - India
Centro Peruano de Estudios Sociales - CEPES - Peru
Clean Air Action Group - Hungary
Communauté de travail - Swiss Coalition (Swissaid/Action de carême/Pain pour le prochain/Helvetas/Caritas) - Switzerland
Consumer Unity and Trust Society (CUTS) - India
Danchurch Aid - Denmark
Defenders of Wildlife - United States
Earthlife Africa - South Africa
Eco Accord - Russia
Ecological society "Green Osijek"-Croatia
Environmental Youth Club "Terra" - Bulgaria
European Public Health Alliance - International
Forum for Protection of Public Interest (PRO PUBLIC) - Nepal
Friends of the Earth - United States
Friends of the Earth- England, Wales, and Northern Ireland
Friends of the Earth Finland - Finland
Friends of the Earth Greece/ "Nea Ecologia" - Greece
Friends of the Earth International - International
Friends of the Earth Macedonia/DEM - Macedonia
German Forum for Environment and Development - Germany
Global Response - United States
Government Accountability Project- United States
Green Action - Croatia
Humanitarian Group for Social Development - Lebanon
Ibis - Denmark
ICA - Ghana
India Committee of the Netherlands (ICN) - the Netherlands
Integrative Strategies Forum - United States
Intermon - Spain
International Friends of Nature - International
International Society for the Preservation of the Tropical Rainforest, ISPTR - United States
Jesuit Center for Theological Reflection - Zambia,
KULU - Women and Development - Denmark
MS - Denmark
Natural Resource Defence Council - United States
NC -IUCN -The Netherlands
NCOS/11.11.11. - Belgium
Network for Environmental and Economic Responsibility of the United Church of Christ - United States
New Economics Foundation - United Kingdom
Norwegian Church Aid - Norway
Oxfam - Ireland
Oxfam - United Kingdom
Oxfam Belgique - Belgium
Oxfam Ireland - Ireland
Sierra Club (including Sierra Club du Canada)- International
SOMO - Netherlands
StopMAI Coalition - Australia
Swindon Friends of the Earth - United Kingdom

Teesside One World Centre - United Kingdom
The Cornerhouse - UK
The Edmonds Institute - United States
The Forest Peoples Programme - International
The Gaia Trust, Lincolnshire - United Kingdom
The Save the Children Fund - United Kingdom
Tools for Transition -the Netherlands
Traidcraft Exchange- United Kingdom
World Economy, Ecology & Development Assoc. (WEED) - Germany
World Vision partnership of NGOs - International
WtwatchACT - Australia
WWF - International
WWF - United Kingdom
Youth Approach for Development & Cooperation (YADC) - Bangladesh

Also endorsed by:

Dr Caroline Lucas, Green Member of the European Parliament
Glenn Lockitch, member of the Australian Free Trade and Investment Network (AFTINET) - Australia
Iain Beath, The Old Forge, United Kingdom
John Braithwaite, Professor and Chair, Regulatory Institutions Network, Australian National University - Australia
Prof. Mikhail Tokarev - The Ecologist Movement of Macedonia.
Prof. P.T.Muchlinski, Drapers' Professor of Law, Queen Mary and Westfield College, University of London.
Titus Alexander, Chair, Westminster UNA and Charter 99