

人權、供應鏈與貿易：美國與歐盟的供應鏈貿易規範發展

與地緣政治經濟意義

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摘要

全球供應鏈是企業為追求更為快速、效率和經濟的商品與服務流通而採取的經營策略。供應鏈的目的本來與保障人權、提升勞動權益或是環境保護等無涉，但因此種企業經營模式涉及到跨國合作與資源分配，使得上游企業對中下游企業具有實質影響力。供應鏈調整所牽動的勞工權益與資源流動，更引起各國政府關注到其處理跨境議題的潛力。美國與歐盟遂將人權與環境標準納入供應鏈的企業責任，且藉由貿易制裁做為執行手段，如美國於 2021 年通過《防止維吾爾族強迫勞動禁止法》，歐盟於 2024 年制定《企業永續盡職調查指令》與《禁止強迫勞動產品進口規則》，分別要求企業確保供應鏈永續性並禁止強迫勞動產品進入市場；另一方面，美國也透過自由貿易協定的原產地規則將勞動標準納入優惠待遇的判別基準。然而，這些規範存在正當性與政策一致性的疑問，包含對於企業責任的要求存在因為地域限制產生的歧視效果、及納入貿易制裁卻未涵蓋自由貿易協定勞工條款的標準範圍。有鑑於供應鏈責任規範有別於以往的貿易限制措施，本文主張貿易連結性議題為核心的分析架構已不足以解釋此一現象，建議應改以地緣經濟與政治競逐的視角理解美歐措施背後的動機。單邊供應鏈規範雖可推動人權目標，亦有助於國家重塑國際貿易規則與鞏固價值導向的政治結盟，然需審慎思考的是，這樣的規範究竟促進或是削弱了人權價值，以及此類規範在當前全球貿易秩序重構中扮演的角色。

關鍵字：強迫勞動進口禁止、供應鏈治理、企業永續盡職調查指令、地緣政治、價值結盟、國際勞工標準、自由貿易協定供應鏈條款

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Human Rights, Supply Chains, and Trade: The Evolution of Trade Controls between the U.S. and the EU and their Geo-political Economy Implications

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Abstract

Global supply chains constitute a strategic business model aimed at enhancing the efficiency and cost-effectiveness of goods and services circulation. While originally unrelated to the advancement of human rights, labor protections, or environmental sustainability, the transnational nature of supply chains shaped by cross-border operations and resource distribution has granted upstream firms considerable influence over downstream participants. As a result, supply chain restructuring has increasingly attracted governmental attention for its potential to address transnational regulatory challenges. The United States (US) and the European Union (EU) have incorporated human rights and environmental standards into supply chain governance, employing trade measures as key enforcement mechanisms. For example, the US enacted the *Uyghur Forced Labor Prevention Act* in 2021, while the EU adopted the *Corporate Sustainability Due Diligence Directive and Regulation (EU) 2024/3015 on Prohibiting Products Made with Forced Labour on the Union Market*. These instruments impose obligations on companies to ensure the sustainability of their supply chains and prohibit the importation of products associated with forced labor. However, this emerging regulatory trend centered on supply chains raises concerns regarding normative legality and policy coherence. Specific issues include the potentially discriminatory effects of corporate responsibility mandates based on the geographic origin of goods, as well as the disconnect between unilateral regulatory approaches and the labor standards embedded in free trade agreements. Given the departure of these measures from traditional trade restrictions, this paper questions the adequacy of the conventional trade-linkage framework in explaining their evolution. Instead, it suggests a geopolitical and geo-economic perspective to explore the strategic motivations underlying such initiatives. This paper argues that while unilateral supply chain

regulations may contribute to advancing human rights objectives and reshaping international trade norms and value-based regional alliances, they might risk politicizing human rights. It is therefore essential to critically review the role these regulations play in the evolving international trade order and to evaluate whether they uphold or inadvertently compromise human rights commitments.

Keywords: Forced labor import bans, supply chain governance, Corporate Sustainability Due Diligence Directive, Uyghur Forced Labor Prevention Act, geopolitics, value-oriented political alliance, international labor standards, supply chain-related clauses in free trade agreements

