

Bibliography

Books and Book Chapters

- Alston, Philip (ed.), *Non-State Actors and Human Rights* (Oxford University Press, 2005).
- Anderson, Sarah and John Cavanagh, *Top 200: The Rise of Global Corporate Power* (Institute of Policy Studies, Washington, 2000).
- Aust, Anthony, *Modern Treaty Law and Practice* (2nd edn, Cambridge University Press, 2007).
- Braithwaite, John and Peter Drahos, *Global Business Regulation* (Cambridge University Press, 2000).
- Brownlie, Ian (ed.), *Basic Documents in International Law* (4th edn, Oxford University Press, 1995).
- Clough, Jonathan and Carmel Mulhern, *The Prosecution of Corporations* (2002).
- Crawford, James, *The International Law Commission's Articles on State Responsibility: Introduction, Text and Commentaries* (Cambridge University Press, 2002).
- Darrow, Mac, *Between Light and Shadow: The World Bank, the IMF, and International Human Rights* (Hart Publishing, Oxford and Portland, 2003).
- Davies, Martin, A.S. Bell and P.L.G. Brereton (eds), *Nygh's Conflict of Laws in Australia* (8th edn, LexisNexis Butterworths, 2010).
- de Jonge, Alice, 'Corporate social responsibility: an international law perspective' in Gabriel G.S. Suder (ed.), *International Business under Adversity: A Role in Corporate Responsibility, Conflict Prevention and Peace* (Edward Elgar, 2008).
- de Than, Claire and Edwin Shorts, *International Criminal Law and Human Rights* (Sweet and Maxwell, 2003).
- Faure, Michael G. and Günter Heine, *Criminal Enforcement of Environmental Law in the European Union* (Kluwer Law International, 2005).
- Fawcett, James (ed.), *Declining Jurisdiction in Private International Law* (Clarendon Press, 1995).
- Flanagan, Robert J. and William B. Gould, IV (eds), *International Labor Standards: Globalization, Trade, and Public Policy* (Stanford University Press, 2003).

- Fukukawa, Kyoko (ed.), *Corporate Social Responsibility in Asia* (Routledge, 2010).
- Harris, D.J., *Cases and Materials on International Law* (6th edn, Sweet and Maxwell, 2004).
- Heller, Kevin Jon and Markus Dirk Dubber (eds), *The Handbook of Comparative Criminal Law* (Stanford University Press, 2009).
- Hepple, Bob A. QC, *Labour Laws and Global Trade* (Hart Publishing, 2005).
- Joseph, Sarah, *Corporations and Transnational Human Rights Litigation* (Hart Publishing, 2004).
- Kinley, David, *Civilising Globalisation: Human Rights and Global Economy* (Cambridge University Press, 2009).
- McBeth, Adam, *International Economic Actors and Human Rights* (Routledge, 2010).
- Muchlinski, Peter T., *Multinational Enterprises and the Law* (2nd edn, Blackwell, 1999).
- Muchlinski, Peter T., 'Attempts to extend the accountability of transnational corporations: the role of UNCTAD' in Menno T. Kamminga and Saman Zia-Zarifi (eds), *Liability of Multinational Corporations under International Law* (Kluwer Law International, 2000).
- Patel, Raj, *The Value of Nothing: How to Reshape Market Society and Redefine Democracy* (Black Inc., 2009).
- Peck, C. and R.S. Lee (eds), *Increasing the Effectiveness of the International Court of Justice: Proceedings of the ICJ/UNITAR Colloquium to Celebrate the 50th Anniversary of the Court* (Kluwer Law International, 1997).
- Sachs, Jeffrey D., *The End of Poverty: Economic Possibilities for Our Time* (Penguin Press, 2005).
- Sands, Philippe and Pierre Klein (eds), *Bowett's Law of International Institutions* (5th edn, Sweet and Maxwell, 2001).
- Sen, Amartya, *The Idea of Justice* (Harvard University Press, 2009).
- Stiglitz, Joseph E., *Globalization and its Discontents* (W.W. Norton & Co., 2002).
- Stiglitz, Joseph E., *Making Globalization Work* (W.W. Norton & Co., 2006).
- Triggs, Gillian, *International Law: Contemporary Principles and Practices* (LexisNexis Butterworths, 2006).
- Wei, Yuwa, *Comparative Corporate Governance: A Chinese Perspective* Global Trade and Finance Series, vol. 3 (Kluwer Law International, 2003).
- White, Nigel D., *The Law of International Organisations* (2nd edn, Manchester University Press, 2005).
- Woods, Ngaire, *The Globalizers: The IMF, the World Bank and their Borrowers* (Cornell Studies in Money, 2006).
- Zerk, Jennifer A., *Multinationals and Corporate Social Responsibility* (Cambridge University Press, 2006).

Journals

- Acquaah-Gaisie, Gerald, 'Enhancing corporate accountability in Australia' (2000) 11 *Australian Journal of Corporate Law* 139.
- Bebchuk, Lucian Arye and Mark J. Roe, 'A theory of path dependence in corporate ownership and governance' (1999) 52 *Stanford Law Review* 127.
- Bodansky, David, 'What's so bad about unilateral action to protect the environment' (2000) 11:2 *European Journal of International Law* 339.
- Brilmayer, L., 'International law in American courts: a modest proposal' (1991) 100 *Yale Law Journal* 2277.
- Bryer, Daniel, 'Liability under the anti-terrorism exception to the Foreign Sovereign Immunity Act: an expanding definition of "Material Support or Resources"' (2007–2008) 11:2 *Gonzaga Journal of International Law* 1.
- Burton, Bob, 'PNG law shields BHP from Ok Tedi liabilities' (2002) 6:4 *Mining Monitor* 1.
- Campagna, Julie, 'United Nations Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with regard to Human Rights: the international community asserts binding law on the global rule makers' (2004) 37:4 *John Marshall Law Review* 1205.
- Catá-Baker, Larry, 'Multinational corporations, transnational law: the United Nation's Norms on the Responsibilities of Transnational Corporations as harbinger of corporate responsibility in international law' (2005) *Columbia Human Rights Law Review* 287.
- Clapham, Andrew, 'Extending international criminal law beyond the individual to corporations and armed opposition groups' (2008) 6:5 *Journal of Criminal Justice* 899.
- Clark, Roger S., 'The International League for Human Rights and South West Africa 1947–1957: the human rights NGO as catalyst in the international legal process' (1981) 3 *Human Rights Quarterly* 101.
- Clough, Jonathan, 'Not-so innocents abroad: corporate criminal liability for human rights abuses' (2005) 11:1 *Australian Journal of Human Rights* 1.
- Clough, Jonathan, 'Punishing the parent: corporate complicity in human rights abuses' (2008) 33:3 *Brooklyn Journal of International Law* 899.
- Corbett, Angus, 'Corporate social responsibility: do we have good cause to be sceptical about it?', Michael Whincop Memorial Lecture (2008) 17:1 *Griffith Law Review* 413.
- Crook, John R., 'The United Nations Compensation Commission: a new structure to enforce state responsibility' (1993) 87:1 *American Journal of International Law* 144.
- Crook, John R. (ed.), 'Contemporary practice of the United States relating to International Law Notes, tentative settlement of ATCA human rights suits against Unocal' (2005) 99 *American Journal of International Law* 497.

- Davies, Martin, 'Just (don't) do it: ethics and international trade' (1997) 21 *Melbourne University Law Review* 601.
- Davies, Martin, 'Time to change the federal *forum non conveniens* analysis' (2002) 77 *Tulsa Law Review* 309.
- Deegan, Craig, 'The legitimising effect of social and environmental disclosures – a theoretical foundation' (2002) 15:3 *Accounting, Auditing and Accountability Journal* 282.
- Deva, Surya, 'UN's Human Rights Norms for Transnational Corporations and Other Business Enterprises: an imperfect step in the right direction?' (2004) 10 *ILSA Journal of International and Comparative Law* 493.
- Dhooge, Lucien J., 'Due diligence as a defense to corporate liability pursuant to the Alien Tort Statute' (2008) 22:2 *Emory International Law Review* 455.
- Duffy, H., 'Towards global responsibility for human rights protection: a sketch of international developments' (2006) 15 *Interights Bulletin* 104.
- Egri, Carolyn P. and David A. Ralston, 'Editorial: corporate responsibility: a review of international management research from 1998 to 2007' (2008) 14 *Journal of International Management* 319.
- Elagab, Omer Y., 'Coercive economic measures against developing countries' (1992) 41:3 *International and Comparative Law Quarterly* 682.
- Field, Andrew, 'Catching the Tasmanian Salmon Laws: how a decade of changing world trade law has tackled environmental protection' (2000) 19:2 *University of Tasmania Law Review* 237.
- Florini, Ann, 'Business and global governance: the growing role of corporate codes of conduct' (2003) 21:2 *Brookings Review* 4.
- Fortier, L. Yves QC and Stephen L. Drymer, 'Indirect expropriation in the law of international investment: I know it when I see it, or caveat investor' (2005) 13:1 *Asia Pacific Law Review* 79–110.
- Fry, James D., 'Coercion, causation and the fictional elements of indirect state responsibility' (2007) 40:3 *Vanderbilt Journal of Transnational Law* 611.
- Frynas, Jędrzej George, 'Social and environmental litigation against transnational firms in Africa' (2004) 42:3 *Journal of Modern African Studies* 363.
- Gordon, Richard K., 'On the use and abuse of standards for law: global governance and offshore financial centers' (2010) 88 *North Carolina Law Review* 501.
- Hafner, G., 'Pros and cons ensuing from fragmentation of international law' (2004) 25 *Michigan Journal of International Law* 849.
- Hawke, Neil, 'Corporate environmental crime: why shouldn't directors be liable?' (1997) 13 *London Journal of Canadian Studies* 12.
- Henley, Peter, 'Were corporate tsunami donations made legally?' (2005) 30:4 *Alternative Law Journal* 154
- Hernstadt, Owen E., 'What's missing from voluntary codes of conduct?' (2000–2001) 16 *The Labor Lawyer* 349.

- Horrigan, Bryan, 'Fault lines in the intersection between corporate governance and social responsibility' (2002) 25:2 *UNSW Law Journal* 515.
- Joseph, Sarah, 'Gay rights under the ICCPR: Commentary on *Toonen v Australia*' (1994) 13:2 *University of Tasmania Law Review* 392.
- Keiserman, Brad J., 'Profits and principles: promoting multinational corporate responsibility by amending the Alien Tort Claims Act' (1998–1999) 48 *Catholic University Law Review* 881.
- King, Hugh, 'Corporate accountability under the Alien Tort Claims Act' (2008) 9:2 *Melbourne Journal of International Law* 472.
- Kinley, David and Rachel Chambers, 'The UN Human Rights Norms for Corporations: the private implications of public international law' (2006) 6:3 *Human Rights Law Review* 447.
- Kinley, David and Justine Nolan, 'Trading and aiding human rights: corporations in the global economy' (2008) 25:4 *Nordic Journal of Human Rights* 353.
- Kinley, David, Justine Nolan and Natalie Zerial, 'The politics of corporate social responsibility: reflections on the United Nations Human Rights Norms for Corporations' (2007) 25 *Company and Securities Law Journal* 30.
- Kinley, David and Junko Tadaki, 'From talk to walk: the emergence of human rights responsibilities for corporations at international law' (2004) 44 *Virginia Journal of International Law* 931.
- Kurtz, Jurgen, 'The Doha Declaration and prospects for investment negotiations in the WTO' (2004) 1:2 *Transnational Dispute Management*.
- Kyriakakis, Joanna, 'Corporate criminal liability and the ICC Statute: the comparative law challenge' (2009) 56 *Netherlands International Law Review* 333.
- Legall, Debbie, 'Life after Copenhagen: a change of climate' (2010) 64:2 *International Bar News* 41.
- Liang, Mark, 'Green taxes and the WTO: creating certainty for the future' (2009) 10:1 *Chicago Journal of International Law* 359.
- MacDonald, Ingrid, 'The limits of corporate codes of conduct' (2002) 7:3 *Mining Monitor* 9.
- McCorquodale, Robert and P. Simons, 'Responsibility beyond borders: state responsibility for extraterritorial violations by corporations of international human rights law' (2007) 70:4 *Modern Law Review* 598.
- Monshipouri, Mahmoud, Claude Welch and Evan Kennedy, 'Multinational corporations and the ethics of global responsibility: problems and possibilities' (2003) 25 *Human Rights Quarterly* 965.
- Morvillo, Robert G., and Robert J. Anello, 'Federal RICO Statute: extraterritorial reach and other recent issues', 243:64 *New York Law Journal*, 6 April 2010.

- Muchlinski, Peter, 'Holding multinationals to account: recent developments in English litigation and the company law review' (2002) 23:6 *Company Lawyer* 168.
- Murphy, Sean, 'Taking multinational corporate codes of conduct to the next level' (2005) 43 *Columbia Journal of Transnational Law* 389.
- Nollkaemper, Andre, 'Concurrence between individual responsibility and state responsibility in international law' (2003) 52 *International and Comparative Law Quarterly* 615.
- Noyes, E. and B.D. Smith, 'State responsibility and the principle of joint and several liability' (1988) 13 *Yale Journal of International Law* 225.
- O'Neill, Igor, 'Long arm of the law may get longer for companies' (2000) 5:4 *Mining Monitor* 4.
- Patten, Dennis M., 'Intra-industry environmental disclosures in response to the Alaskan oil spill: a note on legitimacy theory' (1992) 17:5 *Accounting, Organizations and Society* 471.
- Quigley, J., 'Complicity in international law: a new direction in the law of state responsibility' (1986) 57 *British Yearbook of International Law* 77.
- Rao, P. Sreenivasa, 'Multiple international judicial forums: a reflection of the growing strength of international law or its fragmentation?' (2004) 25 *Michigan Journal of International Law* 929.
- Ratner, Steven R., 'Corporations and human rights: a theory of legal responsibility' (2001) 111 *Yale Law Journal* 443.
- Ruggie, John G., 'Business and human rights: the evolving international agenda' (2007) 101:4 *American Journal of International Law* 819.
- Sahay, A., 'Environmental reporting by Indian corporations' (2004) 11:1 *Corporate Social Responsibility and Environmental Management* 12.
- Sahni, Bindi, 'Limitations of access at the national level: *forum non conveniens*' (2006) 9 *Gonzaga Journal of International Law* 119.
- Salama, Aly, 'A note on the impact of environmental performance on financial performance' (2005) 16:3 *Structural Change and Economic Dynamics* 413.
- Sarfaty, Galit A., 'Why culture matters in international institutions: the marginality of human rights at the World Bank' (2009) 103:4 *American Journal of International Law* 647.
- Schwartz, Juli, '*Saleh v Titan Corporation*: the Alien Tort Claims Act: More Bark than Bite? Procedural limitations and the future of ATCA litigation against corporate contractors' (2006) 37 *Rutgers Law Journal* 867.
- Sethi, S. Prakash, 'Standards for corporate conduct in the international arena: challenges and opportunities for multinational corporations' (2002) 107:1 *Business and Society Review* 20.
- Shelton, Dinah, 'Righting wrongs: reparations in the Articles on State Responsibility' (2002) 96 *American Journal of International Law* 833.

- Sherman, John F. III and Amy K. Lehr, 'Human rights due diligence: is it too risky?' (2010) *CSR Journal* (January) 6.
- Spisto, Michael, 'Stakeholder interests in corporate governance: is a new model of governance a change for the better for South Africa? Part 1' (2005) 18 *Australian Journal of Corporate Law* 129.
- Spisto, Michael, 'Unitary board or two-tiered board for the new South Africa?' (2005) 1:2 *International Review of Business Research Papers* 84.
- Stephens, Beth, 'The amorality of profit: transnational corporations and human rights' (2002) 20 *Berkeley Journal of International Law* 45.
- Stephens, Tim, 'Multiple international courts and the "fragmentation" of international environmental law' (2007) 25 *Australian Yearbook of International Law* 227.
- Stout, Lynne, 'On the nature of corporations' (2004) 9:2 *Deakin Law Review* 775.
- Svantesson, Dan Jerker B., 'In defence of the doctrine of *forum non conveniens*' (2005) 35:2 *Hong Kong Law Journal* 395.
- van den Herek, Larissa, 'The difficulties of exercising extraterritorial criminal jurisdiction: the acquittal of a Dutch businessman for crimes committed in Liberia' (2009) 9 *International Criminal Law Review* 211.
- Weiler, Todd, '*Metalclad v Mexico* – a play in three parts' (2001) 2 *Journal of World Investment* 685.
- Weisbrodt, David and Maria Kruger, 'Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with regard to Human Rights' (2003) 97 *American Journal of International Law* 901.
- Wilder, Martijn and Michael Ahrens, 'Australia's implementation of the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions' (2001) *Melbourne Journal of International Law* 22.
- Wilson, Therese, 'The pursuit of profit at all costs: corporate law as a barrier to corporate social responsibility' (2005) 30:6 *Alternative Law Journal* 278.
- Young, I.M., 'Responsibility and global labor justice' (2004) 12 *Journal of Political Philosophy* 365.

Court Cases and Tribunal Decisions

- A v Australia* No 560/1993 (UN Human Rights Committee).
- Abdullah v Pfizer* 562 F 3d 163 (2nd Cir 2009).
- Aldana & Ors v Del Monte Fresh Produce Na Inc & Ors* 416 F 3d 1242; 2005 US App LEXIS 13504.
- Aleksovski* (ICTY Appeals Chamber) 24 March 2000.
- Alfred Dunhill of London Inc v Republic of Cuba* 425 US 682 (Sup Ct 1976).
- American Isuzu Motors Inc v Ntsebeza* (No 07-919, affirmed 2008 WL 117862, 76 USLW 3405 (12 May 2008)).

- Aronson v Lewis* 473 A 2d 805 (Del 1984).
- Arrest Warrant of 11 April 2000 case (Congo v Belgium)* (2001) ICJ Reports 3.
- AWB Limited v Cole (No 5)* [2006] FCA 1234.
- Banco Nacional de Cuba v Sabbatino* 193 F Supp 375; affirmed 307 F 2d 845.
- Banco Nacional de Cuba v Sabbatino* 376 US 398 (1964).
- Barcelona Traction, Light and Power Co. (Belgium v Spain)* (1970) ICJ Reports.
- Bayer Polymers Co Ltd v Industrial and Commercial Bank of China, Hong Kong Branch* [2000] 1 HKC 805.
- Bigio v Coca Cola* 239 F 3d 440 (2d Cir 2000).
- Bigio v Coca Cola* 2005 US Dist LEXIS 1587 (SD NY 3 February 2005).
- Bigio v Coca Cola* Docket No 05-2426 (2nd Cir 2006).
- Blagojevic and Jokic* (ICTY Appeals Chamber) 9 May 2007.
- Blaskic* (ICTY Appeals Chamber) 29 July 2005.
- Bodner v Banque Paribas* 114 F Supp 2d 117 (FD NY 2000).
- Bowoto v Chevron Corp* 557 F Supp 2d 1080 (ND Cal 2008).
- Bowoto v Chevron Texaco* 312 F Supp 2d 1229 (ND Cal 23 March 2004).
- Bowoto v Chevron Texaco* 2007 WL 2349536 (ND Cal 2007).
- Briggs v James Hardie & Co* (1989) 16 NSWLR 549.
- British American Tobacco (Investments) Ltd v United States*, Petition for Writ of Certiorari 08-980 (February 2010).
- Burnett v Al Baraka Inv & Dev Corp* 349 F Supp 2d 765 (DC SD NY, 18 January 2005).
- Canadian Dredge & Dock Co v The Queen* [1985] 1 SCR 662 (SCC).
- Carlos Abad et al v Bayer Corporation et al* No 08-2146 (1 May 2009).
- Certain Expenses of the United Nations (Advisory Opinion)* (1962) ICJ Reports 151.
- Columbian Communities v BHP Billiton*, available at http://oecdwatch.org/cases/Case_121.
- Connelly v RTZ* [1998] AC 854 (HL).
- Credit Suisse v United States District Court for the Central Dist of Calif* 130 F 3d 1342 (9th Cir, 1997).
- Doe v Unocal* 963 F Supp 880 (CD Cal 1997).
- Doe III v Unocal Corp* 70 F Supp 2d 1073 (CD Cal 1999).
- Dole Food Co v Patrickson* (01-593) 538 US 468 (2003), affirmed No 01-594, 251 F 3d 795.
- Dow Jones & Company Inc v Gutnick* [2002] HCA 56.
- EOC v Arabian Am Oil* 499 US 244 (1991).
- European Communities: Measures Concerning Meat and Meat Products*, WTO Doc WT/DS26/AB/R, WT/DS48/AB/R (Report of the Appellate Body, 1998).

- Filartiga v Peña-Irala* 630 F 2d 876 (2d Circuit 1980).
- Filler v Hanvit Bank* (US Ct of App 2d Cir, 6 August 2004).
- Flores v Southern Peru Copper* 253 F Supp 2d 510 (FD NY 2002).
- Flores v Southern Peru Copper* 343 F 3d 140 (2d Cir 2003).
- Forti v Suarez-Mason* 672 F Supp 1531 (ND Cal 1987).
- Furundžija* (ICTY Trial Chamber) 10 December 1998.
- Gargarimabu v BHP Ok Tedi* [2001] VSC 304 (27 August 2001).
- Gagarimabu v Broken Hill Proprietary Co. Ltd & Anor* [2001] VSC 517 (21 December 2001).
- Greenhalgh v Ardene Cinemas* [1945] 2 All ER 719.
- Grobow v Perot* 539 A 2d 180 (Del 1988).
- Gulf Oil Corp v Gilbert* 330 US 501, 67 S Ct 839 (1947).
- Henry v Henry* (1996) 185 CLR 571.
- Hilton v Guyot* 159 US 113 (1895).
- Holder v Humanitarian Law Project* No 08-1498, US Sup Ct (decided 21 June 2010).
- In re Holocaust Victim Assets Litigation* 105 F Supp 2d 139 (ED NY 2000).
- In re Krauch and Others (IG Farben Trial)* (1948) 15 ILR 668.
- In re South African Apartheid* 617 F Supp 2d 228.
- In re South African Apartheid Litigation* 633 F Supp 2d 117 (SD NY 2009).
- Indonesia-Autos case*, Report of the Panel, WTO Doc WT/DS54/R, WT/DS64/R, adopted 23 July 1998.
- Industrial Equity v Blackman* (1977) CLR 567.
- Industrial Pioneer Concrete Services Ltd v Yelnah Pty Ltd* (1987) 5 ACLC 467.
- International Military Tribunal for the Trial of Major War Criminals, judgment of 1 October 1946*, reprinted in (1947) 41 *American Journal of International Law* 172.
- Iwanowa v Ford Motor Co* F Supp 2d 424 (DNJ 1999).
- John Doe et al v Exxon Mobil Corp et al* 573 Supp 2d 16 (DDC 2008).
- John Doe I v Unocal Corp* 2002 US App LEXIS 19263 (9th Cir 2002).
- Jones v Lipman* [1962] 1 All ER 442.
- Kadic v Karadzic* 70 F 3d 232 (2d Cir 1995).
- Khulumani et. al. v Barclay National Bank et. al.*, filed as Case CV 25952 (ED NY 2002).
- Khulumani et al v Barclay National Bank et al*, 504 F. 3d 254 (2nd Cir 2007). US Court of Appeals 12 October 2007; available at <http://www.ca2.uscourts.gov/>.
- Khulumani*, 2009 WL 960078.
- King v Cessna Aircraft* (CA 11th Cir, 27 March 2009).
- Kinsela v Russel Kinsela Pty Ltd (in Liq)* (1986) 4 NSWLR 722.
- Koster v American Lumbermens Mutual Casualty Co* 330 US 518, 67 S Ct 828 (1947).

- Laker Airways v Sabena, Belgian World Airlines* 731 F 2d 909 (DC Cir 1984).
Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) Notwithstanding Security Council Resolution 276 (Advisory Opinion) (1971) ICJ Reports 16.
Legality of the Threat or Use of Nuclear Weapons (Advisory Opinion) (1996) ICJ 226; (1997) 35 ILM 809.
Legality of the Use by a State of Nuclear Weapons in Armed Conflict (Advisory Opinion) (1996) ICJ Reports 66.
Lotus Case, The (France v Turkey) (1927) PCIJ Reports, Series A, No 10.
Lubbe v Cape Plc (No 2) [2000] 4 All ER 268 (HL).
Metalclad Corporation v United Mexican States, ICSID Case No. ARB (AF)/97/1, Award (30 August 2000), reprinted in (2001) ICSID Rev 1 (Arbitrators: Sir Elihu Lauterpacht, Benjamin R. Civilette & Jose Luis Siqueiros), available at <http://www.worldbank.org/icsid/cases/mm-award-e.pdf>.
North Sea Continental Shelf cases (FRG v Denmark); (FRG v The Netherlands) (1969) ICJ Reports 3; 41 ILR 29.
Ntagerura (ICTY Appeals Chamber) 7 July 2006.
Nuclear Tests case (Australia v France) (New Zealand v France) (Judgment of 20 December 1974).
Oceanic Sun Line Special Shipping Co v Fay (1988) 165 CLR 197.
Oppenheimer v Cattermole [1976] AC 249 (HL).
Peoples Department Stores Inc (Trustee of) v Wise (2004) 3 SCR 461, 2004 SCC 68.
Piper Aircraft Co v Reyno 454 US 235 (1981).
Pobal Chill Chomain Community et al vs Shell, available at http://oecdwatch.org/cases/Case_146.
Poller v Columbia Broad Sys Inc (1960) 284 F 2d 599 (DC Circuit).
Presbyterian Church of Sudan v Talisman Energy 244 F Supp 2d 289 (SD NY 2003).
Presbyterian Church of Sudan v Talisman Energy 374 F Supp 2d 331 (SD NY 2005).
Presbyterian Church of Sudan v Talisman Energy 453 F Supp 2d 633 (SD NY 2006).
Presbyterian Church of Sudan v Talisman Energy 582 F 3d 244 (2d Cir 2009).
Prosecutor v Blaskic Case IT-95-14-AR (1997) 101 ILR 698.
Prosecutor v Musema (Judgment) Case No ICTR-96-13-A (27 January 2000).
Prosecutor v Tadic (Judgment) Case No IT-94-1-A (15 July 1999) ICTY Appeals Chamber).
Pulp Mills on the River Uruguay (Argentina v Uruguay) (Judgment of 20 April 2010).
Puttick v Tenon Ltd (2008) 250 ALR 482.

- Regie Nationale de Usines Renault SA v Zhang* (2002) 210 CLR 491.
- Reparations for Injuries Suffered in the Service of the United Nations (Advisory Opinion)* (1949) ICJ Reports 174.
- Request for an Examination of the Situation in Accordance with the Court's Judgment in the Nuclear Tests case* (1995) ICJ Reports 288.
- Rodolfo Flores & Ors v Southern Peru Copper Corporation* F 2d (2d Circuit 29 August 2003).
- Saleh v Titan Corporation* 361 F Supp 2d 1152 (SD Cal 2005).
- Saleh v Titan Corporation*, Case 08-7008, Document 1205678 (11 September 2009).
- Salomon v A Salomon & Co Ltd* [1897] AC 22.
- Sarei & Ors v Rio Tinto plc & Rio Tinto Ltd* 221 F Supp 2d 1116 (CD Cal 9 July 2002); 2002 US Dist LEXIS 16235.
- Sarei v Rio Tinto* 487 F 3d 1193 (9th Cir 2007).
- Sarei v Rio Tinto* 550 F 3d 822 (9th Cir 2008).
- Simić* (ICTY Appeals Chamber) 28 November 2006.
- Sinaltrainal v Coca Cola* 256 F Supp 2d 1345 (SD Fla 2003).
- Sosa v Alvarez-Machain* 542 US 692 (2004).
- Spiliada Maritime Corporation v Cansulex Ltd* [1987] AC 460.
- Status of Eastern Carelia (Advisory Opinion)* (1923) PCIJ Ser B, No 5.
- United Kingdom v Iran (Preliminary Objections)* (1952) ICJ Reports 89; 19 ILR 507.
- United States v Philip Morris* 566 F 3d 1095 (DC Cir 2009).
- United States: Import Prohibition of Certain Shrimp and Shrimp Products* WTO Doc WT/DS58/AB/R (Appellate Body Report, 1998).
- United States: Restrictions on Imports of Tuna*, GATT Doc DS21/R (1991).
- United States: Restrictions on Imports of Tuna*, GATT Doc DS29/R (1994).
- Vasiljevic* (ICTY Appeals Chamber) 25 February 2004.
- Vietnam Association for Victims of Agent Orange/ Dioxin v Dow Chemical et. al.*, United States Court of Appeals, 2nd Circuit, 22 February 2008, available at <http://www.ca2.uscourts.gov/>.
- West Rand Central Gold Mining Co* [1905] 2 KB 391.
- Wiwa v Shell* No 96 Civ 8386, US Dist LEXIS 3293 (SD NY) 22 February 2002.
- Wiwa & Ors v Shell Petroleum Development Company of Nigeria Limited*, United States Court of Appeals, 2nd Circuit, 3 June 2009; No. 08-1803-cv.
- WS Kirkpatrick & Co v Environmental Tectonics Corp International* 493 US 400 (1990).
- Xuncax v Gramajo* 886 F Supp 162 (D Mass 1995).
- Zyklon B case Trial of Bruno Tesch and two others, The*, Law Reports of Trials of War Criminals, vol 1, 95.

Legislation and Guidelines

- Age Discrimination in Employment Act*, 29 USC.
- Alien Tort Claims Act* (1789) 28 USC 1350.
- American Restatement (Third) of the Law of Agency*.
- Australian Securities Commission, Corporate Governance Council, *Principles of Good Corporate Governance and Best Practice Recommendations* (31 March 2003). The Principles were revised in 2006–2007 and on 2 August 2007 the Australian Securities Commission released the *Corporate Governance Principles and Recommendations* (2nd ed, August 2007). Available at the ASX website <http://www.asx.com.au/>.
- Bribery Act* (2010) (UK).
- Canada Business Corporations Act* RSC (1985) c C-44.
- Canadian Criminal Code* RSC (1985) c-46.
- Companies Act* 2006 (UK).
- Corporations Act* 2001 (Cth) (Australia).
- Corporations Law (Companies Act)* (Japan) enacted in 2005, entered into effect on 1 May 2006; translation available at <http://www.japanlaw.info/law/contents.htm>.
- Criminal Code Act* 1995 (Cth) (Australia).
- Crimes Against Humanity and War Crimes Act* (24 June 2000) (Canada).
- Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing, as amended by Directive 2008/20/EC of the European Parliament and of the Council of 11 March 2008*.
- EU, Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector.
- EU, Council Framework Decision 2004/68/JHA of 22 December 2003 on combating the sexual exploitation of children and child pornography.
- EU, Council Framework Decision 2005/222/JHA of 24 February 2005 on attacks against information systems.
- European Corporate Governance Institute, Index of codes, available at http://www.ecgi.org/codes/all_codes.php.
- §1331 *Federal question*, US Code Title 28, Part IV, Chapter 85.
- Foreign Corrupt Practices Act* 1977 15 USC §§ 78dd-1 et seq.
- Foreign Sovereign Immunities Act* 1976 USC Title 28 §§ 1330, 1332, 1391(f), 1441(d) and 1602–1611.
- Foreign States Immunities Act* 1985 (Cth) (Australia).
- Implementation of the Rome Statute of the International Criminal Court Act* No 27 of 2002 (18 July 2002) (South Africa).
- Indian Penal Code* 1860.

- International Anti-Bribery and Fair Competition Act* 1998 Pub L No 105-366, 112 Stat 3302.
- International Crimes Act* 2003 (effective 1 October 2003) (The Netherlands).
- International Crimes and International Criminal Court Act* (2000) (commenced 1 October 2000) (New Zealand).
- International Criminal Court Act* 2001 (c 17) (United Kingdom).
- International Money Laundering Abatement and Financial Anti-Terrorism Act*, Title III of the *US Patriot Act* of 2001, Pub L 107-56 (26 October 2001).
- Law Concerning Environmental Management* (Law No 23 of 1997); as amended by *Law on Environmental Protection and Management* (Law No 32 of 2010) (Indonesia).
- Ministry of Corporate Affairs, Government of India, *Corporate Governance Voluntary Guidelines 2009*, available at http://www.mca.gov.in/Ministry/latestnews/CG_Voluntary_Guidelines_24dec2009.pdf.
- Ministry of Corporate Affairs, Government of India, *Corporate Social Responsibility Voluntary Guidelines 2009*, available at http://www.mca.gov.in/Ministry/latestnews/CSR_Voluntary_Guidelines_24dec2009.pdf.
- Ministry of Enterprise, Energy and Communications (Sweden), *Guidelines for external reporting by state-owned companies* (11 December 2007).
- Ministry of Finance Norway, 'Ethical Guidelines for the Government Pension Fund – Global', available at <http://www.regjeringen.no/en/dep/fin/Selected-topics/the-government-pension-fund.html?id=1441>.
- OECD Guidelines for Multinational Enterprises*, DAFFE/IME/WPG (2000)15/FINAL (31 October 2001).
- OECD, *Implementation Procedures of the OECD Guidelines for Multinational Enterprises* (June 2000).
- OECD, *Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones* (2006).
- OECD, *2009 Annual Meeting of the National Contact Points, Report by the Chair*, 16–17 June 2009.
- OECD Council, *Revised Recommendations of the Council on Bribery in International Business Transactions*, adopted on 23 May 1997 as [C(97)123/FINAL].
- OECD Council, *Recommendation of the Council for Further Combating Bribery of Foreign Public Officials in International Business Transactions*, adopted by the Council on 26 November 2009, as amended in 2010 to reflect the inclusion of Annex II, *Good Practice Guidance on Internal Controls, Ethics and Compliance*.
- Organized Crime Control Act*, Pub L 91-452, 84 Stat 922 (15 October 1970).
- PRC Company Law* (Amended) [2330/05.10.27] PRC President's Order No 42. Promulgated on 27 October 2005 and effective as of 1 January 2006. Translated in Dec 2005/ Jan 2006 19:10 *China Law and Practice* 21–71.

- Racketeer Influenced and Corrupt Organizations Act (RICO)* US Code Title 18 Chapter 96 §§ 1961–1968.
- Restatement (Third) of the Foreign Relations Law of the United States* (2005) §403(1).
- South African Truth and Reconciliation Commission, *Final Report 1998 Vol 4. Spanish Penal Code.*
- State Immunity Act* RSC 1985, c S-18 (Canada).
- Terrorism exception to the jurisdictional immunity of a foreign state* USC Title 28 §1605A.
- Torture Victim Protection Act* of 1991, Pub L 102-256, 12 March 1992, 106 Stat 73. USC Title 28, Part IV, Chapter 85, §1350.
- Trans-Tasman Proceedings Act* 2010 (Cth) (Australia).
- Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (US Patriot Act)* of 2001.

UN Documents

- Crawford, James, *First Report on State Responsibility*, ILC 50th Sess., UN Doc. A/CN.4/490/Add.3 (11 May 1998).
- Independent Inquiry Committee, *Final Report of the Independent Inquiry Committee into the United Nations Oil-for-Food Programme* (27 October 2005), available at <http://www.iic-offp.org/story27oct05.htm>.
- International Labour Organization, *Eighth Survey on the Effect given to the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy*, '(a) Introduction' and '(b) Summary of reports submitted by governments and by employers' and workers' organizations (Part II)', ILO Governing Body Subcommittee on Multinational Enterprises, 294th Sess. GB. 294/MNE/1/1 (November 2005) and GB. 294/MNE/1/2 (November 2005).
- International Labour Organization, *Follow-up to and Promotion of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy*, '(a) Eighth Survey on the effect given to the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy: analytical reports of the Working Group on the Reports submitted by governments and by employers' and workers' organizations (Part I)', ILO Governing Body Subcommittee on Multinational Enterprises, 295th Sess., GB. 295/MNE/1/1 (March 2006).
- International Law Commission, *Report of the International Law Commission on the Work of its 31st Session*, UN Doc. A/34/10, Supp. No. 10 (1979).
- International Law Commission, *Report of the International Law Commission on the Work of its 48th Session*, UN Doc. A/CN.4/SER.A/1996/Add 1 (Part 2) (A/51/10) 1996.

- International Law Commission, *Report of the Study Group on Fragmentation of International Law: Difficulties Arising from the Diversification and Expansion of International Law*, UN Doc. A/CN.4/L676 (2005).
- Ruggie, John G., *Interim Report of the Secretary-General's Special Representative on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises*, UN Doc. E/CN.4/2006/97 (22 February 2006), available at www2.ohchr.org/english/issues/trans_corporations/reports.htm.
- Ruggie, John G., *Report of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises: Business and Human Rights: Mapping International Standards of Responsibility and Accountability for Corporate Acts*, UN Doc. A/HRC/4/035 (9 February 2007), available at www.business-humanrights.org/Documents/SRSG-report-Human-Rights-Council-19Feb-2007.pdf.
- Ruggie, John G., *Protect, Respect and Remedy: A Framework for Business and Human Rights: United Nations Human Rights Council Report of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises*, UN Doc. A/HRC/8/5 (7 April 2008).
- Ruggie, John G., *Clarifying the Concepts of 'Sphere of Influence' and 'Complicity', Report of the SSRG to the Human Rights Council*, UN Doc. A/HRC/8/16 (15 May 2008).
- Ruggie, John G., *Protect, Respect and Remedy: A Framework for Business and Human Rights: Addendum 2: Survey of Scope and Patterns of Alleged Corporate-related Human Rights Abuses, United Nations Human Rights Council Report of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises*, UN Doc. A/HRC/8/5/Add.2 (23 May 2008).
- Ruggie, John G., *Business and Human Rights: Towards Operationalizing the "Protect, Respect and Remedy" Framework: Report of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises*, UN Doc. A/HRC/11/13 (22 April 2009).
- Ruggie, John G., *Business and Human Rights: Further Steps Towards the Operationalization of the 'Protect, Respect and Remedy' Framework, Report of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises*, GA HRC 14th Sess., UN Doc. A/HRC/14/27 (9 April 2010).
- Ruggie, John G., *Report of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises*, UN Doc. A/65/310 (19 August 2010), available

- at <http://www.business-humanrights.org/media/documents/ruggie-report-to-un-gen-assembly-19-aug-2010.pdf>.
- Ruggie, John G. and OHCHR, *State Responsibilities to Regulate and Adjudicate Corporate Activities under the United Nations' Core Human Rights Treaties: Individual Report on the International Covenant on Economic, Social and Cultural Rights* (Report No 2, May 2007), available at www.reports-and-materials.org/Ruggie-report-ICESCR-May-2007.pdf.
- Ruggie, John G. and OHCHR, *State Responsibilities to Regulate and Adjudicate Corporate Activities under the United Nations' Core Human Rights Treaties: Individual Report on the International Covenant on Civil and Political Rights* (Report No. 3, June 2007), available at www.reports-and-materials.org/Ruggie-report-ICCPR-Jun-2007.pdf.
- United Nations Conference on Trade and Development, *World Investment Report 2009*, vol. I, *Transnational Corporations, Agricultural Production and Development*, available at www.unctad.org/en/docs/wir2009_en.pdf.
- UNHCR, *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 (15 February 2005).
- UN Secretary-General, *In Larger Freedom: Towards Development, Security and Human Rights for All, Report of the Secretary-General*, UN GA 59th Sess., UN Doc. A/59/2005 (21 March 2005).

Other Treaties and Declarations

- African Charter on Human and Peoples' Rights* establishing an African Court of Human and Peoples' Rights, entry into force 25 January 2004, available at http://www.achpr.org/english/_info/court_en.html.
- American Convention on Human Rights*, entry into force 18 July 1978, available at <http://www1.umn.edu/humanrts/iachr/iachr.html>.
- Australia–New Zealand Agreement on Trans-Tasman Court Proceedings and Regulatory Enforcement*, signed on 24 July 2008.
- Australia–United States Free Trade Agreement*, entry into force 1 January 2005, available at <http://www.austrade.gov.au/AUSFTA8310/default.aspx>.
- Charter of the United Nations*, signed on 26 June 1945 at San Francisco, entered into force on 24 October 1945. The *Statute of the International Court of Justice* is an integral part of the *Charter*.
- Civil Law Convention on Corruption*, CETS No 174, open for signature Strasbourg 4 November 1999 (entered into force 1 November 2003).
- Convention Establishing the Multilateral Investment Guarantee Agency*, opened for signature 11 October 1985, 1508 UNTS 99 (entered into force 12 April 1988).

- Convention concerning Indigenous and Tribal Peoples in Independent Countries*, General Conference of the ILO 76th Session, adopted 27 June 1989 (entered into force 5 September 1991).
- Convention on the Settlement of Investment Disputes between States and Nationals of Other States*, opened for signature 18 March 1965, 575 UNTS 159 (entered into force 14 October 1966).
- EU, *Criminal Law Convention on Corruption* CETS No 173.
- European Convention for the Protection of Human Rights and Fundamental Freedoms*, entry into force 21 September 1970, as amended by various protocols, available at <http://www.echr.coe.int/ECHR/en>.
- International Convention on Civil Liability for Oil Pollution Damage* (1969), (1975) UKTS, Cmnd 6183; 973 UNTS 3; (1970) *International Legal Materials* 45. Signed in Brussels 29 November 1969. In force 1975 with 46 parties. Available at <http://sedac.ciesin.org/entri/texts/civil.liability.oil.pollution.damage.1969.html>. 1992 Protocol available at <http://www.jus.uio.no/lm.imo.civil.liability.oil.pollution.damage.protocol.1992/doc>.
- International Covenant on Civil and Political Rights*, opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976).
- International Covenant on Civil and Political Rights, First Optional Protocol*, adopted and opened for signature in New York by GA Res 2200A (XXI) of 16 December 1966; UNTS Vol 999, 171 (entered into force on 23 March 1976).
- International Covenant on Economic, Social and Cultural Rights*, opened for signature 16 December 1966, UNTS 3 (entered into force 3 January 1976).
- North American Agreement on Environmental Cooperation* (USA, Canada and Mexico). Entry into force 1 January 1994.
- North American Agreement on Labor Cooperation* (USA, Canada and Mexico). Entry into force 1 January 1994.
- North American Free Trade Agreement* (USA, Canada and Mexico). Entry into force 1 January 1994, available at <http://www.nafta-sec-alena.org/en/view.aspx?x=343>.
- OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions*, opened for signature 17 December 1997 (entered into force 15 February 1999).
- Rio Declaration on Environment and Development* (UN Conference on Environment and Development, Rio de Janeiro, Brazil, 3–14 June 1992) (1992) ILM 874.
- Rome Convention of the International Criminal Court*, opened for signature 17 July 1998. UN Doc A/CONF 183/9 (entered into force on 1 July 2002). Available at <http://www.icc-cpi.int/Menus/ICC>.
- UNCITRAL Model Law on International Commercial Arbitration*, adopted by the International Commission on International Trade Law on 21 June 1985.

- United Nations (1948), *The Universal Declaration of Human Rights*, adopted by the General Assembly on 10 December 1948: UN Doc. A/811.
- United Nations (1992), *Rio Declaration on Environment and Development* (1992) *International Legal Materials* 874. Results of the United Nations Conference on Environment and Development, Rio de Janeiro, Brazil, 3–14 June 1992.
- United Nations Convention against Corruption*, UN Doc A/58/422, GA Res 58/4 (31 October 2003), entered into force 14 December 2005, available at <http://www.unodc.org/unodc/en/treaties/CAC/index.html>.
- United Nations Convention Against Corruption* UN Doc A/58/422 (31 October 2003), entered into force 14 December 2005.
- United Nations Convention against Transnational Organized Crime*, opened for signature on 15 December 2000, UN Doc A/Res/55/25 (entered into force 8 January 2001).
- United Nations Convention on the Law of the Sea* UN Doc A/Conf 62/122; (1982) 21 ILM 1261 (entered into force 16 November 1994).
- United Nations Convention on the Rights of the Child*, adopted by the General Assembly and opened for signature on 20 November 1989; entry into force on 2 September 1990. Two optional protocols were adopted on 25 May 2000. The first restricts the involvement of children in military conflicts, and the second prohibits the sale of children, child prostitution and child pornography.
- United Nations Convention on the Rights of Persons with Disabilities*, adopted by the UN General Assembly on 13 December 2006 and opened for signature on 30 March 2007 (entry into force on 3 May 2008).
- United Nations General Assembly, *Charter of the Economic Rights and Duties of States* (GA Res 3281, 29 UN GAOR Supp No 31).
- United Nations General Assembly (1969), *Declaration on Social Progress and Development*, GA Res. 2542 (XXIV), 11 December 1969.
- United Nations General Assembly, *Declaration on Permanent Sovereignty over Natural Resources*, GA Res 1803 (XVII) GAOR 17th Sess, Supp 17.
- United Nations General Assembly, *Declaration against Corruption and Bribery in International Commercial Transactions* GA Res 51/191, UN GAOR, 86th plen mtg, UN Doc A/Res/51/191 (16 December 1996).
- United States-Singapore Free Trade Agreement*, entry into force 1 January 2004, available at <http://www.ustr.gov/trade-agreements/free-trade-agreements/singapore-fta/final-text>.
- Universal Declaration of Human Rights*, adopted by the UN GA 10 December 1948 UN Doc A/811.
- Vienna Convention on the Law of Treaties*, opened for signature 23 May 1969, 1155 UNTS 331 (entered into force 27 January 1980).
- WTO, Agreement on the Application of Sanitary and Phytosanitary Measures

1994, in *The Results of the Uruguay Round of Multilateral Trade Negotiations: The Legal Texts* (GATT Secretariat, 1994).

WTO, *General Agreement on Tariffs and Trade 1994*, in *The Results of the Uruguay Round of Multilateral Trade Negotiations: The Legal Texts* (GATT Secretariat, 1994).

Government Reports and Records

Aurora Institute, *Submission to the Canadian Democracy and Corporate Accountability Commission* (17 June 2001), available at www.aurora.ca/docs/AccountabilityCommSubmission.pdf.

Australian Royal Commission (Cole Commission), *Inquiry into Certain Australian Companies in relation to the UN Oil-for-Food Program* (24 November 2006), available at www.ag.gov.au/agd/www/UNoilforfoodinquiry.nsf.

Corporate Governance Committee, Corporate Governance Forum of Japan, *Corporate Governance Principles: A Japanese View* (30 October 1997).

Corporations and Markets Advisory Committee (Australia), *Report: Social Responsibility of Corporations* (December 2006), available at [www.camac.gov.au/camac/camac.nsf/byHeadline/PDFFinal+Reports+2006/\\$file/CSR_Report.pdf](http://www.camac.gov.au/camac/camac.nsf/byHeadline/PDFFinal+Reports+2006/$file/CSR_Report.pdf).

Department of Trade and Industry (United Kingdom), *Modern Company Law for a Competitive Economy: Final Report* (London, 2001).

Filatotchev, Igor, Howard Gospel and Gregory Jackson, *Key Drivers of Good Corporate Governance and the Appropriateness of UK Policy Responses: Final Report to the Department of Trade and Industry* (January 2007).

Jackson, D., *Report of the Special Commission of Inquiry into the Medical Research Fund and Compensation Foundation* (The Cabinet Office, Sydney, 2004).

Joint Committee on Corporations and Financial Services (Parliament of Australia), *Corporate Responsibility: Managing Risk and Creating Value* (21 June 2006).

US Senate Permanent Subcommittee on Investigations, Committee on Governmental Affairs, *Money Laundering and Foreign Corruption: Enforcement and Effectiveness of the PATRIOT Act: Case Study involving Riggs Bank* (released in conjunction with the Permanent Subcommittee on Investigations hearing on 15 July 2004).

Industry and Corporate Documents

IOE, ICC and BIAC, 'Joint views of the International Organisation of Employers,

- the International Chamber of Commerce and the Business and Industry Advisory Committee to the OECD to the Special Representative of the UN Secretary-General on business and human rights', available at www.reports-and-materials.org/Joint-views-of-IOE-ICC-BIAC-to-Ruggie-Mar-2009.pdf.
- International Bar Association, IBA Working Group on the OECD Guidelines, *Response to the OECD Consultation on an Update of the OECD Guidelines for Multinational Enterprises* (31 January 2010).
- Minerals Council of Australia, *Enduring Value: The Australian Minerals Energy Framework for Sustainable Development*, available at <http://minerals.org.au/environment/code/>.
- Newmont Mining Corporation, *Annual Report 2008*.
- UNOCAL, 'Human rights and Unocal: our position', available at www.unocal.com/responsibility/humanrights/hrl.htm.

News and Press Releases

- Amnesty International Press Release, 'Establishing an African Court on Human Rights' (26 January 2004), available at www.scoop.co.nz/.
- Anaba, Innocent, 'African Human Rights Court judges sworn in' (17 July 2006), available at <http://vanguardngr.com/>.
- AP DIGITAL, 'ASEAN members finalising rights charter', *The Age* (Melbourne) 19 November 2007, available at www.theage.com.au/news/WORLD/ASEAN-members-finalising-rights-charter/2007/11/19/1195321688151.html.
- Bhopal Medical Appeal and Sambhavna Trust, 'What happened in Bhopal', available at www.bhopal.org/whathappened.html.
- Boyle, Catherine, 'Portrait: Ken Saro-Wiwa', *The Sunday Times*, 26 May 2009.
- Field, Andrew, 'Nuremburg defence doesn't make the grade for suspect corporate citizens', *The Age* (Melbourne), 18 January 2006.
- Gilligan, Andrew, 'Copenhagen climate summit: 1,200 limos, 140 private planes and caviar wedges', *Telegraph.co.uk*, 5 December 2009.
- ICJ Press Release 541, 'New Zealand's request for examination of issue related to 1974 judgment in Nuclear Tests case is denied by World Court' (22 September 1995).
- Kandar, Fadjar and Deny Sidharta, 'New environmental law: better protection or more legal hurdles for industry', *ALB Legal News*, 31 May 2010.
- Kaye, Tony, 'Jurists condemn OK Tedi draft bill', *The Age*, 14 September 1995.
- O'Hara, Terence, 'Allbrittons, Riggs to pay victims of Pinochet', *Washington Post*, 26 February 2005.
- United Nations Press Release, 'Global leadership group to advise on business and human rights' (22 September 2008).

Other Materials

- Bekker, Pieter H.F., 'Argentina-Uruguay environmental border dispute before the World Court' (2006), 10:11 *ASIL Insight* (16 May).
- Catá Backer, Larry, *Law at the End of the Day*, Part II, *The OECD, Vedanta, and the Indian Supreme Court: Polycentricity, Transnational Corporate Governance and John Ruggie's Protect/Respect Framework* (3 November 2009), available at <http://bit.ly/4Jzc8x>.
- Cobb, John B. Jr, 'What is free about free trade?' (August 1991), available at www.religion-online.org/showarticle.asp?title=102.
- de Schutter, Olivier, 'Extraterritorial jurisdiction as a tool for improving the human rights accountability of transnational corporations' (December 2006), available at www.reports-and-materials.org/Olivier-de-Schutter-report-for-SRSG-re-extraterritorial-jurisdiction-Dec-2006.pdf.
- eStandardsForum, *Anti-Money Laundering/ Combating Terrorist Financing Standard: Spain, Report of the Financial Action Task Force* (September 2008).
- Fafo Institute and International Peace Academy, *Business and International Crimes: Assessing the Liability of Business Entities for Grave Violations of International Law* (2003), available at www.fafo.no/liabilities/467.pdf.
- Global Reporting Initiative, *The 9 UN Global Compact Principles and Selected 2002 GRI Sustainability Reporting Guidelines Core Performance Indicators* (19 January 2004), available at <http://commdev.org/content/document/detail/768/>.
- Global Reporting Initiative, *Synergies between the OECD Guidelines for Multinational Enterprises and the GRI 2002 Sustainability Reporting Guidelines* (June 2004), available at www.oecd.org/dataoecd/25/26/35150230.pdf.
- Global Witness, *Undue Diligence: How Banks Do Business with Corrupt Regimes* (March 2009).
- Guachalla, Laura, 'World tribunal would police climate "crimes"', *Science and Development Network* (28 April 2010).
- Gumley, Wayne, 'Can corporations law reform save the planet: seeking a missing link between environmental and economic policies' in Gerald Acquaaah-Gaisie and Val Clulow (eds), *Enhancing Corporate Accountability: Prospects and Challenges Conference Proceedings, 8–9 February 2006, Melbourne* (Monash University, 2006), 239.
- Higgins, Judge Rosalyn, *President of the International Court of Justice, Speech to the General Assembly of the United Nations*, 26 October 2006.
- International Finance Corporation, *Gaining Ground: Sustainability Investment Rising in Emerging Markets* (March 2009), available at

- [www.ifc.org/ifcext/sustainability.nsf/AttachmentsByTitle/p_SI_GainingGround_Mercer/\\$FILE/270309MIC9080_IFC+REPORT_web+secured.pdf](http://www.ifc.org/ifcext/sustainability.nsf/AttachmentsByTitle/p_SI_GainingGround_Mercer/$FILE/270309MIC9080_IFC+REPORT_web+secured.pdf).
- International Finance Corporation, *Sustainable Investment in India 2009* (May 2009), available at www.ifc.org/ifcext/sustainability.nsf/Content/Publications_Report_SIIinIndia.
- International Finance Corporation, *Sustainable Investing in Emerging Markets: Unscathed by the Financial Crisis* (July 2009), available at www.ifc.org/ifcext/sustainability.nsf/Content/Publications_Report_SIEmergingMarkets.
- International Finance Corporation and World Resources Institute, *Undisclosed Risk: Corporate Environmental and Social Responsibility in Emerging Asia* (April 2009), available at http://www.ifc.org/ifcext/sustainability.nsf/Content/Publications_Report_UndisclosedRisk.
- International Standards Organisation, *ISO 26000 (CSR Guidance)* (May 2010), available at <http://iisd.org/standards/csr.asp>.
- Jarron, Christine, 'The Social Control of Business' in Gerald Acquaaah-Gaisie and Val Clulow (eds), *Enhancing Corporate Accountability: Prospects and Challenges, Conference Proceedings, 8–9 February 2006* (Monash University, 2006), 168.
- Kinley, David and Justine Nolan, *Trading and Aiding Human Rights: Corporations in the Global Economy*, Sydney Law School Legal Studies Research Paper No. 08/13 (January 2008), available at <http://ssrn.com/abstract=1080427>.
- Lang, Andrew, *Trade Agreements, Business and Human Rights: The Case of Export Processing Zones*, Working Paper No. 57 of the Corporate Social Responsibility Initiative (April 2010).
- Mendes, E.P. and J.A. Clark, 'The five generations of corporate codes of conduct and their impact on corporate social responsibility' (18 September 1996), available at www.uottawa.ca/hrrec/publicat/five.html.
- Menéndez, Uria, *Criminal Liability of Companies Survey: Spain* (Lex Mundi, 2008).
- Nolan, Justine, 'Corporate accountability and triple bottom line reporting: determining the material issues for disclosure' in Gerald Acquaaah-Gaisie and Val Clulow (eds), *Enhancing Corporate Accountability: Prospects and Challenges, Conference Proceedings, 8–9 February 2006* (Monash University, 2006), 196.
- Nowak, Manfred, 'A World Court of Human Rights: how would it work?', Speech delivered at the Sydney Ideas Series, University of Sydney, 13 May 2010.
- OECD Watch, *Five Years On: A Review of the OECD Guidelines and National Contact Points* (2005).
- Payne, Cymie R., 'Pulp Mills on the River Uruguay: the International Court of

- Justice recognizes environmental impact assessment as a duty under international law' (2010)14:9 *ASIL Insight* (22 April).
- Prince of Wales Business Leaders Forum and Amnesty International, *Human Rights: Is It Any of Your Business?* (2000).
- Ramasastri, Anita and Robert C. Thompson, *Commerce, Crime and Conflict: Legal Remedies for Private Sector Liability for Grave Breaches of International Law: A Survey of Sixteen Countries*, Fafo Report 536 (September 2006), available at www.fafo.no/pub/rapp/536/536.pdf.
- Richter, Judith, *Holding Corporations Accountable: Corporate Conduct, International Codes and Citizen Action* (UNICEF, 2001).
- Sadat, Leila Nadya, 'The International Criminal Court Treaty enters into force' (2002) 86 *ASIL Insight* (April), available at www.asil.org/insights/insigh86.htm.
- Social Investment Forum, *Sustainability Reporting in Emerging Markets: An Analysis of the Sustainability Reporting in Selected Sectors of the Seven Emerging Market Countries* (January 2008), available at www.socialinvest.org/resources/research/documents/SIF-SIRAN-KLDReportforEMTransparency2008.pdf.
- South African Institute for Advanced Constitutional, Public, Human Rights and International Law, *The State Duty to Protect, Corporate Obligations and Extra-territorial Application in the African Regional Human Rights System* (17 February 2010).
- Strine, Leo. Lawrence Hamermesh, R. Franklin Balotti and Jeffrey Gorris, *Loyalty's Core Demand: The Defining Role of Good Faith in Corporation Law*, Harvard Joh M. Olin Discussion Paper No. 630, Harvard Law School 3/2009 (26 February 2009), available at <http://ssrn.com/abstract=1349971>.
- Taylor, Phil, 'UK Bribery Bill: The long arm of the Crown' February 2010) *China Law and Practice*.
- Weiler, Joseph, Antonio Cassese and Marina Spinedi (eds), *International Crimes of States: A Critical Analysis of the ILC's Draft Article 19 on State Responsibility* (Walter de Gruyter, 1989).
- Wuerth, Ingrid, 'Wiwa v Shell: the \$15.5 Million Settlement' (2009) 13:14 *ASIL Insight* (9 September).
- Zerk, Jennifer A., *Extraterritorial Jurisdiction: Lessons for the Business and Human Rights Sphere from Six Regulatory Areas*, Working Paper No. 59 of the Corporate Social Responsibility Initiative (June 2010).