

Index

Abbreviations used:

- NGO non-governmental organisations
OECD Organisation for Economic
Co-operation and Development
TNC transnational corporations

Abad v Bayer Corp. (2009)(US) 108

act of state doctrine 114–16

actus reus

- for aiding and abetting 103–4, 153
- and corporate criminal responsibility 129

Administrative Offences Act (Germany) 128

African Court on Human and Peoples' Rights 175

Afrimex case (2008)(UK) 50–51

Agreement on Trade-Related Investment Measures (TRIMs)(1995)(WTO) 74

aiding and abetting 101, 103–4

- act or omission, and causation 153–4
- complicity 152–3
- and corporate criminal responsibility 101, 103–5, 129, 153–4
- evidence of, and due diligence 105

Aldana v Del Monte Fresh Produce (2005)(US) 102

Alien Tort Claims Act 1789 (US) 95, 99–106

- class actions under 101
- and comity 117
- command responsibility 100–101, 160
- and knowledge or intent 104–5
- law of nations, violation of 101–2
- and liabilities of states and individuals 105–6
- and state action, requirement of 103–4
- and sovereign immunity 111–12
- and US treaties, violation of 102–3

Alston, Philip 38

American Convention on Human Rights 174–5

Anglo-Iranian Oil Company (1951)(ICJ) 194

anti-corruption/ bribery measures 117

- in Europe 136–7
- extra-territorial legislation on 98–9, 136–8
- and International Criminal Court (ICC) 133, 138–9
- in US 129–30, 137–8

anti-money laundering measures

- in EU 134–5
- in Spain 134–6
- in US 133–4

apartheid 101–5

Argentina, corporate criminal responsibility 128, 139

ASEAN Intergovernmental Commission on Human Rights (AICHR) 175

Australia

Australian Corporate Responsibility Network 7–8

Australian Minerals Industry Framework for Sustainable Development 23

AWB Ltd, conflicts of interest concerning 48

BHP/ Papua New Guinea case 77–9, 173–4

'clearly inappropriate forum' test (*forum non conveniens*) 110

corporate criminal responsibility 128–9, 139

corporate governance 7–8

corporate social responsibility 7–8
James Hardie Group asbestos case 80–85

OECD National Contact Point, actions by 171, 173

- Parliamentary Joint Committee on Corporation and Financial Services (JCCFS) 7–8
- Banco Nacional de Cuba v Sabbatino* (1964)(US) 114–15
- Belgium, corporate criminal responsibility 128, 139
- bilateral investment treaties (BITs) 1, 3 and investor protection 75–6
TNC role in, potential benefits of 4, 193–6
- Bodner v Banque Paribas* (2000)(US) 107
- Bowoto v Chevron Texaco* (2007)(US) 95, 97–101, 108
- bribery *see* anti-corruption/ bribery
- Bribery Act 2010 (UK) 136
- Burnett v Al Baraka Inv. and Dev. Corp* (2003)(US) 113
- Business and Society Exploring Solutions – A Dispute Resolution Community (BASESwiki) 168–9
- Business in the Community (UK) 7–8
- Business Leaders Initiative on Human Rights 33
- Canada
comity 116–17
corporate criminal responsibility 128, 139
international enterprise liability in 98
- causation
and act or omission, in international crime 153–4
and sphere of influence 36–40
in US Alien Tort Claims Act cases 103–5
- Chambers, Rachel 35
- China
corporate governance 9
corporate social responsibility 11
- civil cases against TNCs *see also* extra-territorial legislation
NGO role in 93–4
agency cases 97–8
success rates of 117
tort and negligence claims 94–7
- Civilizing Globalization 2*
- Civil Law Convention on Corruption (1999)(Council of Europe) 98–9
- Clark, J.A. 22
- Climate and Environmental Justice Tribunal, proposed 196
- Clough, Jonathan 83, 137–8
- coercion 152–3
- comity 116–17
- command responsibility 100–101, 160
- Companies Act 2006 (UK) 6–7
- complementarity principle, of International Criminal Court (ICC) 138–9
- complicity, concept of 152–3, 155
- Connelly v RTZ* (1998)(UK) 95
- Convention against Corruption (2003)(UN) 137
- Convention against Transnational Organized Crime (CATOC)(2000)(UN) 133
- Convention on Civil Liability for Oil Pollution Damage (1969)(IMO) 149
- Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (1997)(OECD) 136–7
- Convention on the Law of Treaties (1969)(Vienna Convention) 150, 157, 194
- Convention on the Settlement of Investment Disputes between States and Nationals of other States (ICSID)(1966) 74–5, 188
- Corporate Code of Conduct Bill 2000 (Aust) 8
- corporate criminal responsibility 3, 4–5
act or omission, and causation 153–4
actus reus and *mens rea* (action and intent) 128–9, 153
aiding and abetting 101, 103–5, 129, 153–4
basis for international law on 151–2
bribery and corruption 136–8
command responsibility 100–101, 160
complicity 152–3, 155
concept, historical development of 127
and corporate mobility 80–85
and criminal sanctions 155–7

- and international treaties 133–8
- joint criminal enterprise 160
- knowledge requirement 104–5, 154
- money laundering 133–6
- Racketeer Influenced and Corrupt Organizations (RICO) Act (1970)(US) 129–30
- and state responsibility, overlap between 47–8, 73–85
- of subsidiaries 80–85
- corporate governance *see also* corporate social responsibility
- in civil law systems 8–10
- codes of conduct, development trends 22–3
- in common law systems 6–8
- self regulation and voluntary codes 3, 11–14, 23–7, 55
- corporate social responsibility 2
- in civil law systems 8–10
- in common law systems 6–8
- employee share ownership schemes 9
- and ethical investments 22–3, 54–8, 149
- focus of, trends in 21–3
- global standards for
 - Global Reporting Initiative 28
 - ILO Tripartite Declaration (1977) 29–31, 182
 - ISO 26000 Guidance on Social Responsibility (Draft) 43–6
 - need for 27–8
 - OECD Guidelines for Multinational Enterprises (1976) 41–3
 - UN Draft Code of Conduct for Transnational Corporations (1990) 14, 28–9
 - UN Global Compact 3–4, 8, 28, 31–3, 36–40
- industry-wide codes of conduct 23–6
- national reporting requirements 11
- value of 21, 54–5
- voluntary codes 11–14, 23–7, 55, 180
- Corporate Social Responsibility Voluntary Guidance (CSRVG)(India) 12–13
- Corporations Act 2001 (Aust) 7
- corruption *see* anti-corruption
- Crawford, James 155–6
- Criminal Law Convention on Corruption (1999) (Council of Europe) (proposed) 137
- Declaration Against Corruption and Bribery in International Commercial Transactions (1996)(UN) 136
- Denmark, corporate social responsibility 11
- dispute resolution, international conventions and agencies for 74–6, 188, 204
- Doe v Unocal* (1997)(US) 95, 99–100, 105
- Dole Food Co. v Patrickson* (2003)(US) 113
- Dow Jones Sustainability World Index 55, 149
- Draft Articles on the Responsibility of States for Internationally Wrongful Acts (2001)(ILC) 4–5, 47–8, 151–3
 - on complicity 152–3
 - and criminal sanctions 155–7
 - and reparation 157–8
- Draft Code of Conduct for Transnational Corporations (UN)(1990) 14, 28–9
- Draft Code of Crimes Against the Peace and Security of Mankind (1996)(ILC) 153
- Draft Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises (UN)(2003) 3, 14
 - background 34
 - basic provisions 34–5
 - innovative aspects of 35–6
 - and non-state parties 35–6
 - remedies under 157
 - status of 41
- due diligence
 - as evidence, in aiding and abetting cases 105
 - and human rights, respect for 3, 46, 48–51, 96–7
 - and sphere of influence concept 49–51, 96–7
 - and supply chains 52–3, 96–7

- Eastern Carelia, Status of* (Advisory Opinion) (1923)(ICJ) 203
- employee rights, codes of conduct on 22, 26–7
- employee share ownership schemes 9
- environmental law
- dispute resolution 188–9
 - ICJ role 195–8
 - non-state access to 195–8
 - and international trade, conflicts between 189–93
 - and *jus cogens* 187
- TNC responsibilities concerning 5, 130–32
- Cerrejon coal mine case 173–4
 - Corrib gas field case 172–3
 - Union Carbide/ Bhopal case 79–80, 84–5
- treaties and agreements concerning 149, 187–8
- conflicts between 188–93
 - increased TNC role in, implications of 191–6
 - tribunals concerning 188–91
- Equator Principles 24–6, 55, 180
- ethical behaviour *see* corporate social responsibility
- European Convention on State Immunity (1972)(Council of Europe) 112
- European Court of Human Rights 174
- European Union, anti-money laundering measures 134–5
- Extractive Industries Transparency Initiative (EITI) 24
- extra-territorial legislation, use of
- Alien Tort Claims Act 1789 (US) 95, 99–106
 - and comity 117
 - command responsibility 100–101, 160
 - and knowledge or intent 104–5
 - law of nations, violation of 101–2
 - and liabilities of states and individuals 105–6
 - and state action, requirement of 103–4
 - and sovereign immunity 111–12
 - and US treaties, violation of 102–3
- barriers to 91
- act of state doctrine 114–16
 - comity 116–17
 - forum non conveniens* 95, 108–11
 - political question doctrine 116
 - sovereign immunity 111–13
 - on corruption 98–9, 117, 136–8
 - extra-territoriality matrix 92–3
 - and *jus cogens* 4, 150, 157, 175, 187
 - nationality principle 92
 - territorial principle 92
 - Torture Victim Protection Act 1991 (US) 107–8
 - treaties, applicability to TNCs 178–9, 193–6
 - universal principle 92
- Fafo Institute, survey on applicability of criminal offences to non persons (2006) 127–9, 139
- Field, Andrew 159
- Filartiga v Peña-Irala* (1980)(US) 100–101
- financial services sector, voluntary codes of conduct 24–6, 55
- Fitzmaurice, Malgosia 202–3, 206–7
- Foreign Corrupt Practices Act 1977 (US) 137–8
- Foreign Sovereign Immunities Act 1976 (US) 112
- forum non conveniens* 95, 108–11
- Australian ‘clearly inappropriate forum’ test 110
 - in US courts 110–11
- Framework Convention on Tobacco Control (WHO) 57
- France
- corporate criminal responsibility 128
 - corporate social responsibility 11
- Fraser, Malcolm 73
- Frynas, Jędrzej 94
- FTSE4Good Index 55, 149
- General Agreement on Tariffs and Trade (GATT)(1994)(WTO)
- and environmental protection, conflicts between 189–93
 - most favoured nation rule 189
 - national treatment rule 189

- Germany
 corporate criminal responsibility 128, 139
 corporate governance 9
- Global Compact *see under* United Nations
- Global Reporting Initiative 28
- Global Solutions Limited (Aust) 42–3
- Google 40
- Gordon, Richard 210
- Guide for Integrating Human Rights into Business Management (BLIHR)* 33
- Guidelines for Multinational Enterprises (1976)(OECD) 41–3
- Gulf Oil Corp. v Gilbert* (1947)(US) 111
- Hall, John 13–14
- Henley, Peter 21
- Hilao v Estate of Marcos* (1996)(US) 106
- Hockman, Stephen 196
- Horrigan, Bryan 10
- human rights
 2008 Survey of human rights abuses (OHCHR) 103
 institutions concerning 174–9
ius cogens, applicability to TNCs 175
 OECD Guidelines for Multinational Enterprises on (1976) 54
 TNCs responsibility to act within 2, 48–51, 54
 and due diligence 3, 46, 48–51, 96–7
 enforcement mechanisms 174–9
 and supply chains 52–3, 96–7
- Human Rights Council (UN) 176–9
- India
 corporate criminal responsibility 128
 corporate social responsibility 11–13
 Union Carbide/Bhopal case 79–80, 84–5
- Indigenous and Tribal Peoples
 Convention (1989)(ILO) 78–9
- Indonesia
 companies legislation 9
 corporate criminal responsibility 127
 for environmental damage 130–32
 corporate social responsibility 85
- In Larger Freedom: Towards Development, Security and Human Rights for All* (2005)(UN) 187–8
- intent (*mens rea*)
 and corporate criminal responsibility 128–9, 153
 and US Alien Tort Claims Act 104–5
- Inter-American Commission on Human Rights 174–5
- Inter-American Court of Human Rights 174–5
- International Bar Association, Working Group on OECD Guidelines for Multinational Enterprises 52–4, 171, 174
- International Centre for the Settlement of Investment Disputes (ICSID) 74–5, 188, 204
- International Chamber of Commerce 195
- International Court for the Environmental Coalition (ICE Coalition), proposed 196
- International Court of Justice (ICJ)
 Advisory Opinions from, potential role of 202–5
 contentious proceedings in 205–6
 and environmental disputes, role in 195–8
 as global court of appeal, potential benefits of 202, 206–7
 jurisdiction, countries declining 147
- International Criminal Court (ICC)
 and anti-money laundering/
 anti-corruption legislation 133, 138–9
 and claims against individuals 148
 on command responsibility 160
 complementarity principle 138–9
 on joint criminal enterprise 160–61
 and national legislation, on criminal responsibility 127
 as possible forum for TNC cases 4–5, 158–62
 arguments for and against 161–2
- international enterprise liability 98
- International Finance Corporation (IFC) 13

- Equator Principles 24–6, 55, 180
- international financial institutions
 - enforcement role of 179–81
 - Equator Principles 24–6, 55, 180
- International Labour Organization (ILO)
 - Indigenous and Tribal Peoples Convention (1989) 78–9
 - and remedies against TNCs, role in enforcement 182, 204
 - Tripartite Declaration on Principles concerning Multinational Enterprises and Social Policy (1977) 29–31, 182
- International Law Commission (ILC)
 - Draft Articles on the Responsibility of States for Internationally Wrongful Acts (2001) 4–5, 47–8, 151–3
 - on complicity 152–3
 - and criminal sanctions 155–7
 - and reparation 157–8
 - Draft Code of Crimes Against the Peace and Security of Mankind (1996) 153
- international law, generally
 - absence of, consequences 103–4
 - and *jus cogens* 4, 157, 175, 187
 - sources of 150–51
- International Monetary Fund
 - enforcement role of 179–81
 - Equator Principles 24–6, 55, 180
- International Money Laundering
 - Abatement and Financial Anti-Terrorism Act 2001 (Patriot Act) (US) 133–4
- International Organization for Standardization (ISO)
 - ISO 26000 Guidance on Social Responsibility (Draft) 43–6
- investments
 - bilateral investment treaties (BITs) 1, 3
 - and investor protection 75–6
 - TNC role in, potential benefits 4, 193–6
 - dispute resolution concerning 74–5, 188
 - ethical/socially responsible 54–8
 - value of 21, 54–5
 - and investor protection 74–6
 - and local communities, protection of 76–85
- ISO 26000 Guidance on Social Responsibility (Draft) 43–6
- Iwanowa v Ford Motor Co* (1999)(US) 116
- Jackson, David 82
- James Hardie Group asbestos case 80–85
- Japan
 - corporate criminal responsibility 128, 139
 - corporate governance 10
 - joint criminal enterprise 160
 - jurisdiction, of international law over TNCs *see* extra-territorial legislation
 - jus cogens*, applicability to TNCs 4
 - and Convention on Law of Treaties 150, 157
 - and environmental law 187
 - and human rights 175
- Kadic v Karadzic* (1995)(US) 100
- Keitner, Chimène 106
- Khulumani v Barclay National Bank* (2007)(US) 101–3
- Kimberley Process Certification Scheme 24
- Kinley, David 2, 35, 175, 180–81, 354
- Kiobel v Royal Dutch Petroleum* (2010)(US) 105–8
- knowledge requirement
 - under international criminal law 154
 - and US Alien Tort Claims Act 104–5
- law of nations, and US Alien Tort Claims Act 101–2
- Law on Economic Crimes (1955)(Indonesia) 131
- Law on Environmental Protection and Management 2009 (Indonesia) 132
- Law on the Environmental 1997 (Indonesia) 131–2
- Leary, Virginia 182
- legal personality, of corporations 1–2, 80–84
 - and limited liability 83–4, 94

- status in international law 147–50
and status of individuals 147–8
- Lubbe v Cape plc* (2004) (UK) 95
- McBeth, Adam 149, 177, 181
- McCorquodale, Robert 47, 148–9
- MacDonald, Donald 56
- Malaysia, corporate social responsibility
11
- Mendes, E.P. 22
- mens rea* (intent)
and corporate criminal responsibility
128–9, 153
and US Alien Tort Claims Act
104–5
- Metalclad Corp. v United Mexican
States* (2004)(ICSID) 75–6
- mining sector, voluntary codes of
conduct 23–4
- money laundering *see* anti-money
laundering
- Multilateral Investment Guarantee
Agency (MIGA) 74
- multilateral investment treaties (MITs)
75–6 *see also* bilateral investment
treaties (BITs)
- multinational enterprise liability 98
- National Contact Points, under OECD
Guidelines for Multinational
Enterprises 41–3, 50–51, 168
cooperation between, importance of
172–4
and remedies for wrongful acts of
TNCs, role in obtaining
170–74
- nationality principle, of extra-territorial
jurisdiction 92
- nations, law of, and US Alien Tort
Claims Act 101–2
- negligence claims, against TNCs 94–7
agency cases 97–8
- Ness, Richard 131–2
- Netherlands
corporate criminal responsibility 128,
139
corporate social responsibility 11,
57
OECD National Contact Point,
actions by 171–2
- New Zealand, corporate criminal
responsibility 139
- Nolan, Justine 26
- non-government organisations (NGOs),
role in civil cases against TNCs
93–4
- North American Free Trade Agreement
(NAFTA) 75–6
- Norway
corporate criminal responsibility 128,
139
corporate social responsibility 56–7
OECD National Contact Point,
actions by 172–3
- Norwegian Government Pension Fund
Global 56–7
- nuclear weapons* cases (1996)(ICJ)
197–8, 205
- Nuremberg Tribunal, on liability of
states and individuals 106, 159–60
- OECD
Convention on Combating Bribery of
Foreign Public Officials in
International Business
Transactions (1997) 136–7
Guidelines for Multinational
Enterprises (1976) 41–3
amendments 51–4
on human rights 54
International Bar Association
Working Group on 51–4,
171, 174
National Contact Points, role of
41–3, 50–51, 168, 170–74
on supply chains 52–3
Multilateral Agreement on
Investment (MAI) 74
Risk Awareness Tool for
Multinational Enterprises in
Weak Governance Zones 50,
85
Office of the High Commissioner for
Human Rights, 2008 Survey 103
- Ok Tedi Mine case (Papua New Guinea)
77–9, 193
- Papua New Guinea, BHP/ Ok Tedi Mine
case 77–9, 193
- Patel, Raj 27

- Patriot Act 2001 (US) 133–4
- Permanent Court of International Justice 127
- Pinochet, Augusto 134–5
- political question doctrine 116
- Posner, Michael 26
- Presbyterian Church of Sudan v Talisman Energy* (2009)(US) 105, 115–17
- Principles for Responsible Investment (RPI)(UN)(2006) 56
- Protect, Respect and Remedy Framework for business and human rights (UN) 3–5, 210
on corporate due diligence 48–51, 96–7
- PT Newmont Mining (Indonesia) 131–2
- Pulp Mills on the River Uruguay (Argentina v Uruguay)* (2010) (ICJ) 196–8
- Racketeer Influenced and Corrupt Organizations Act 1970 (RICO)(US) 129–30
- Regie Nationale de Usines Renault SA v Zhang* (2002)(Aust) 111
- remedies, for TNCs wrongful acts
barriers to 167–9, 209
human rights enforcement mechanisms 174–9
need for 146–7, 157–8, 167–70
OECD National Contact Points, enforcement role 41–3, 50–51, 168, 170–74
reparation 157–8
trade sanctions, dangers of 181–2
- Reparation for Injuries Suffered in the Service of the United Nations* (Advisory Opinion) (1949)(ICJ) 149
- Riggs Bank* cases (2004)(Spain) 134–5
- Rodolfo Flores v Southern Peru Copper Corp.* (2003)(US) 101–2
- Rodriguez v Drummond Coal* (2007)(US) 99
- Ruggie, John 38–41
BASESwiki, establishment of 168–9
extra-territoriality matrix 92–3
- Framework report of 3–5, 48–51, 96–7, 210
on need for judicial mechanisms, against TNCs for wrongful acts 167–70
necessary principles for 169–70
and role of OECD National Contact Points 170–74
- Saleh v Titan Corp.* (2005)(US) 102
- Salomon v Salomon & Co Ltd* (1897) (UK) 21
- Sarei v Rio Tinto* (2002)(US) 114–16
- Sen, Amartya 210
- Simons, P. 47
- Sinaltrainal v Coca Cola* (2003)(US) 96–7
- Social Accountability International (SAI), accreditation standards 41, 54–5
- Social Investment Forum (SIF) 13
- Sosa v Alvarez-Machain* (2004)(US) 101, 116
- South Africa
corporate criminal responsibility 128, 139
corporate social responsibility 11–12
- South African Truth and Reconciliation Commission 154
- In re South African Apartheid Litigation* (2009)(US) 97, 104–5
- South West Africa Proceedings* (1970)(ICJ) 205
- sovereign immunity, and extra-territorial jurisdiction 111–13
multilateral treaties concerning 112–13
restrictive approach to 112
- Spain
anti-money laundering legislation 134–6
corporate criminal responsibility 128, 139
- Special Representative of the Secretary-General on Business and Human Rights (UN) *see* Ruggie, John
- sphere of influence, concept of 3, 36–40
and due diligence 49–51, 96–7
and supply chains 52–3

- Spiliada Maritime Corp. v Cansulex Ltd* (1986)(UK) 108–10
- State Immunity Act 1978 (UK) 112
- state responsibility
- act of state doctrine 114–16
 - home state, definition 14
 - host state, definition 14
 - and TNCs, relationship between 73–4
 - Australian BHP/ Papua New Guinea case 77–9
 - ILC Draft Articles on (2001) 4–5, 47–8, 151–8
 - and protection of local communities 76–85
 - Union Carbide/ Bhopal case 79–80, 84–5
- Stephens, Tim 188–90
- supply chains
- complicity 152–3
 - and due diligence 52–3, 96–7
- Sweden, corporate social responsibility 11–12, 57
- Tadaki, Junko 175, 180–81
- territorial principle, of extra-territorial jurisdiction 92
- TNCs, generally *see also* corporate criminal responsibility; corporate social responsibility; environmental law; human rights accountability vacuum 5, 146–7
- civil cases against
 - agency cases 97–8
 - NGO role in 93–4
 - tort and negligence claims 94–7
 - definition, of corporation 1–2, 14
 - and global economy, role/ place in 1–2, 73, 146–7
 - goals of, conflicts over 2–3, 6–10
 - and international treaties
 - applicability to 178–9
 - increased role in, potential benefits of 191–6
 - and investor protection 74–6
 - jus cogens*, applicability of 4, 150, 154, 157
 - legal personality of 1–2
 - corporate mobility 80–85
 - and individuals, status of 147–8
 - and limited liability 83–4, 94
 - status, under international law 147–50
 - models for
 - in civil law 8–10
 - in common law 6–8
 - self regulation and voluntary codes 3, 11–14, 23–7, 55, 180
 - and state responsibility, relationship between 4–5, 47–8, 73–4, 77–85, 151–8
- tort claims, against TNCs 94–7
- and agency cases 97–8
- Torture Victim Protection Act 1991 (US) 107–8
- treaties
- and TNCs
 - applicability to 178–9
 - increased role in, potential benefits of 191–6
 - and US treaties violations, and Alien Tort Claims Act 102–3
 - Vienna Convention on the Law of 150, 157, 194
- Tuna, United States Restrictions on Imports of* (1994)(GATT Decision) 190–91
- Ukraine, corporate criminal responsibility 128, 139
- Union Carbide/ Bhopal case 79–80, 84–5
- United Kingdom
- and act of state doctrine 115
 - Bribery Act 2010 136
 - corporate criminal responsibility 128, 139
 - corporate governance 6–7
 - corporate social responsibility 6–7
 - negligence cases, against TNCs 95
 - OECD National Contact Point, actions by 171–2
 - State Immunity Act 1978 112
- United Nations
- Convention against Corruption (2003) 137
 - Convention against Transnational Organized Crime (CATOC) (2000) 133

- Convention on Jurisdictional Immunities of States and Their Property (2004) 112–13
- Declaration Against Corruption and Bribery in International Commercial Transactions (1996) 136
- Draft Code of Conduct for Transnational Corporations (1990) 14, 28–9
- Draft Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises (2003) 3, 14
 background 34
 basic principles 34–5
 innovative aspects of 35–6
 and non-state parties 35–6
 remedies under 157
 status of 41
- Global Compact 3–4, 28
 incorporation, views on 8
 Integrity Measures 32–3
 role of 32–3
 signatories to 33
 sphere of influence concept 3, 36–40
 ten principles of 31
- Human Rights Council 176–9
- Principles for Responsible Investment (RPI)(2006) 56
- Protect, Respect and Remedy Framework for business and human rights 3–5, 48–51, 96–7, 210
- Special Representative of the Secretary-General on Business and Human Rights (*see* Ruggie, John)
- United Nations Conference on Trade and Development (UNCTAD), World Investment Report 2009 1
- United States
 and act of state doctrine 114–15
 Alien Tort Claims Act 1789 95, 99–106, 111–12
 and comity 117
 command responsibility 100–101, 160
 and knowledge or intent 104–5
 and law of nations, violation of 101–2
 and liabilities of states and individuals 105–6
 and state action, requirement of 103–4
 and sovereign immunity 111–12
 and US treaties, violation of 102–3
 anti-corruption measures 137–8
 anti-money laundering measures 133–4
 corporate criminal responsibility 128, 139
 corporate social responsibility 8
 Federal jurisdiction, overlap with international law 107–8
 Foreign Corrupt Practices Act 1977 137–8
 Foreign Sovereign Immunities Act 1976 (US) 112
 and *forum non conveniens* 110–11
 negligence cases, against TNCs 95
 OECD National Contact Point, actions by 172–3
 Patriot Act 2001 133–4
 Racketeer Influenced and Corrupt Organizations Act 1970 (RICO) 129–30
 Torture Victim Protection Act 1991 107–8
United States v Philip Morris (2009)(US) 130
 universal principle, of extra-territorial jurisdiction 92
 Voluntary Principles on Security and Human Rights (VPs) 23–4
Voth v Manildra Flour Mills Pty Ltd (1990) (Aust) 110
 Wal-Mart 57
Wiwa v Royal Dutch Petroleum and Shell (2002) (US) 99–100, 102–3, 117, 130
 Works Constitution Act 1972 (Germany) 9
 World Bank 180

- World Investment Report 2009
(UNCTAD) 1
- World Trade Organization (WTO)
Agreement on Trade-Related
Investment Measures
(TRIMs)(1995) 74
- enforcement role, against TNCs
181–2
- General Agreement on Tariffs and
Trade (1994)(GATT)
and environmental protection,
conflicts between
189–93
- Xuncax v Gramajo* (1995)(US) 100

