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Accountability, Sustainability and Society

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**An Annotated Bibliography of the
Accountability of Multinational
Corporations: a Review of
International Human Rights Law**



Tamara Egede and
Celia Wells



About the BRASS Centre

In 2001, Cardiff University won £3.1 million in research funds from the Economic and Social Research Council to develop a Research Centre for Business Relationships, Accountability, Sustainability and Society (BRASS). The Centre is a joint venture between the University's Schools of Business, City & Regional Planning and Law. It brings together the three Schools' existing research expertise on issues of sustainability, business ethics, company law, corporate reporting and business communication.

The Centre started work in October 2001 under the leadership of Professor Ken Peattie of the Business School, Professor Terry Marsden of the Department of City and Regional Planning and Professor Bob Lee of the Law School. The funding of the Centre covers an initial five-year period, but this should just mark the beginning of BRASS' contribution to creating more sustainable and responsible businesses locally, nationally and globally.

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Context and Purpose

The accountability of multinational corporations in International Human Rights Law is the subject of an explosive growth in scholarship across a number of academic disciplines with key writings emerging from Law, Business Studies, Sociology, Politics, International Relations as well as Environmental Science. This is hardly surprising given the wide range of activities that businesses are involved in and the increased awareness of the various environmental, social and political impacts of business activities. Conducting research in this subject presents two major concerns for researchers. One is that scholarship is currently fragmented and often difficult to access in an organised way. The second is an overload of information considering the level of literature available on the subject.

Against this background, this bibliography aims to provide researchers, practitioners, policy makers and other interested persons with a comprehensive guide on the subject. It is also intended that it serve as a possible one-stop shop where details of relevant literature on the subject can be accessed in a structured manner.

Although the bibliography provides an extensive coverage of this area, it is not exhaustive and is merely intended as a guide for further research into the subject. The bibliography would be disseminated in a range of ways including the BRASS website. The bibliography would be an important resource for researchers as well as policy makers, the business world and other interested persons.

Introductory Notes

The bibliography is structured under eight broad themes:

- I. International Treaties and Documents
- II. Regional and other Multilateral Documents
- III. Home State Jurisdiction on Corporate Accountability
- IV. ATCA Judicial Cases
- V. Industry
- VI. Books and Journal Articles
- VII. NGO documents
- VIII. Internet and other electronic resources.

It begins by reviewing the principal international human rights instruments developed by the United Nations and its agencies. Consideration is also given to a number of significant instruments that have evolved from other multilateral and regional agencies. At first glance, some of these documents appear to primarily apply to state actors however, recent trends in international law confirm that non- state actors (multinational corporations included) are also vested with Human Rights responsibilities. The recent UN Human Rights Sub-Commission's Draft Norms of Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights reaffirm this position. Part of its text declares, "Within their respective spheres of influence, transnational corporations and other business enterprises have the obligation to respect, ensure respect for, prevent abuses of, and promote human rights recognised in international as well as national law."

Another approach to regulating multinational corporations is through Home State legislation and other directives. Brief comments are provided on key Home State initiatives notably the 1789 American Alien Tort Claims Act (ATCA). This piece of Federal Legislation has been instrumental to ensuring that Multinational Corporations are held accountable in their home states for extra-territorial acts that result in human rights and environmental violations. The bibliography provides guidance on the status and extent of Home State policies in countries such as the United Kingdom, Australia, Canada, Denmark and America. It also highlights key ATCA judicial cases on violations of Human Rights and environmental abuses by Multinational Corporations.

Annotated entries have also been made on relevant books and academic journal articles on the subject.

Appreciating that a lot of the data and information on the accountability of multinational corporations emanates from non-governmental organisations (NGOs), reference is made to some of the pertinent NGO reports and materials that are available.

Any review of literature on corporate accountability would be incomplete if focus is not given to the voluntary codes and other initiatives that big businesses have developed as a means of self-regulation. This bibliography highlights some of the relevant industry resources on the changing attitude of multinational corporations to human rights and other social issues.

Finally, the bibliography takes a look at some of the available electronic resources that address the Business and Human Rights debate. Several of these resources also address the wider subjects of corporate social responsibility and sustainability and may be useful for research work on these issues.

Classification

A. International Treaties and Documents	B. Regional and other Multilateral Documents	C. Home State Jurisdiction on Corporate Accountability	D. ATCA Judicial Cases	E. Industry	F. Books and Journal Articles	G. NGO documents	H. Internet and other electronic resources
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A. International Treaties and Documents

This section provides an annotated list of international human rights instruments. Although some are more specifically aimed at state actors, Multinational companies as organs of society still have an important duty to promote and secure the rights articulated in these instruments.

UN Core Documents on Human Rights

1. **Universal Declaration of Human Rights** adopted and proclaimed by [General Assembly resolution 217 A \(III\)](#) of December 10, 1948.

The major international codification of human rights. Its preamble calls on every individual and every organ of society to respect and promote the rights set out in the declaration. There is a growing consensus that multinational corporations are organs of society and should uphold the provisions of the declaration. The Business and Human Rights Resource Centre in its website www.business-humanrights.org reveals that several companies are now demonstrating more commitment to the Declaration and its objectives.

2. **The Convention on the Prevention and Punishment of the Crime of Genocide adopted by Resolution 260 (III) A of the United Nations General Assembly on December 9, 1948.** <http://www.hrweb.org/legal/genocide.html> (Last accessed, December 22, 2003)

The major convention on genocide. It classifies genocide as a crime under international law and enjoins all contracting parties to prevent and punish its commission. Genocide is a crime that is considered as *jus cogens* under international law. It is therefore enforceable against states and non-state actors alike irrespective of non-state ratification.

3. **The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. G.A. res. 39/46, [annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984)], entered into force June 26, 1987.** <http://www1.umn.edu/humanrts/instree/h2catoc.htm> (Last accessed, December 22, 2003).

The convention prohibits and criminalises torture, cruel, inhuman or degrading treatment. The prohibition of torture is also given jus cogens status in international law. It also applies to multinational corporations and other businesses as organs of society. See the ATCA section of the bibliography. Note is also taken of the Optional Protocol to this convention and adopted by the General Assembly on Dec. 18 2002 / G.A. res. A/RES/57/199.

<http://www1.umn.edu/humanrts/instree/optprotort.html> (Last accessed: December 22 2003)

- 4. The International Covenant on Economic, Social and Cultural Rights G.A. res. 2200A (XXI), 21 U.N.GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976.**
http://www.unhchr.ch/html/menu3/b/a_ceschr.htm (Last accessed: December 22 2003)

The covenant deals, inter alia, with the right of self-determination and free disposal of natural wealth and resources predicated on the principle of mutual benefit. One article of interest is article 2(3), which vests developing nations with the right to limit economic rights available to non-nationals under their economies. It raises important questions on the applicability of this convention under the current globalisation era. It is unlikely that developing nations would proactively insist on this right since the present impetus is to attract and not discourage the inflow of foreign direct investment. In addition, it includes rights to the enjoyment of favourable working conditions; to form and join trade unions; social security. It also prohibits paid employment of child labour.

5. **The International Covenant on Civil and Political Rights G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976.** http://www.unhchr.ch/html/menu3/b/a_ccpr.htm (Last accessed, December 22, 2003).

This outlines the civil and political rights of individuals and nations. It is also supported by an Optional Protocol. G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 59, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 302, entered into force March 23, 1976. <http://www1.umn.edu/humanrts/instree/b4ccprp1.htm> (Last accessed December 22, 2003).

Other Key UN Instruments and Guidelines on Accountability of Multinational Corporations

6. United Nations Draft Code of Conduct for Transnational Corporations

This document was never fully adopted. The Islamic Republic of Iran and the Kingdom of the Netherlands submitted it to the General Assembly. Its provisions advocated for mandatory regulation of the activities of transnational corporations and their relationship with Host Governments. The first draft was completed in 1983 and revised in 1990 and was eventually abandoned.

7. **The Social Responsibility of Transnational Corporations. UNCTAD 1999.** <http://www.unctad.org/en/docs/poiteiitm21.en.pdf> (Last accessed December 10, 2003)

A report prepared by UNCTAD to examine the corporate responsibility of multinational corporations particularly as it relates to sustainability of developing countries. It was originally published as a chapter of UNCTAD's 1999 World Investment Report.

8. UN Global Compact 2000

URL address : <http://www.unglobalcompact.org/Portal/Default.asp>

(Last accessed December 10, 2003)

This is an initiative of Secretary-General Kofi Annan proposed at the World Economic Forum and launched in July 2000. It is a voluntary programme seeking greater compliance of world businesses on issues relating to international human rights, labour rights and environmental standards. The Compact embodies nine universally agreed values and principles derived from UN Instruments.

9. Sub-Commission on the Promotion and Protection of Human Rights, Fifty-fifth session, Norms on the Responsibilities of Transnational Corporations and other Business Enterprises with regard to Human Rights E/CN.4/Sub.2/2003/12/Rev.2 of August 26, 2003.

<http://www1.umn.edu/humanrts/links/NormsApril2003.html> (Last accessed, December 22, 2003).

These norms are designed to be a comprehensive set of international human rights requirements specifically targeted at multinational corporations and other business entities. This is predicated on the premise that the **Universal Declaration of Human Rights of 1948** is not limited to state actors but also to non-state actors.

The document is intended to assist businesses in the implementation of human rights standards and practice in their operations. There are 23 norms in all, ranging from rights on equal opportunities, security of persons to environmental and consumer protection. Mary Robinson, former United Nations High Commissioner for Human Rights has described these norms as providing an “indication of what might eventually become the basis for international law.

10. Sub-Commission on the Promotion and Protection of Human Rights, Fifty-fifth session, Commentary on the Norms on the Responsibilities of Transnational Corporations and other Business Enterprises with regard to Human Rights E/CN.4/Sub.2/2003/38/Rev.2 of August 26, 2003.

<http://www1.umn.edu/humanrts/links/commentary-Aug2003.html>

(Last accessed December 22, 2003).

This interpretative commentary serves as a reference to aid clarification of the objectives of the draft norms. Particularly useful if read together with the draft norms.

Antecedent Documents

11. Principles relating to the Human Rights conduct of companies: Working paper prepared by Mr. David Weissbrodt, Sub-Commission on the Promotion and Protection of Human Rights, E/CN.4/Sub.2/2000/WG.2/WP.1 (2000)

12. Proposed draft Human Rights code of conduct for companies: Working paper prepared by Mr. David Weissbrodt, **Addendum; Sub-Commission on the**

Promotion and Protection of Human Rights,
E/CN.4/Sub.2/2000/WG.2/WP.1/Add.1 (2000)

13. **Proposed draft human rights code of conduct for companies: Working paper prepared by Mr. David Weissbrodt , Addendum ;** Sub-Commission on the Promotion and Protection of Human Rights,
E/CN.4/Sub.2/2000/WG.2/WP.1/Add.2 (2000)

Core Labour Standards of the International Labour Organisation (ILO)

The ILO has developed about 350 instruments collectively known as the International Labour Code. The instruments examined in this section are termed as the “eight core ILO Conventions.” Along with other UN Conventions and treaties, the ILO Conventions provide the framework for international standards of human rights.

14. **International Labour Convention (No. 29) concerning Forced or Compulsory Labour, June 28, 1930, Geneva, Switzerland, entered into force May 1, 1932.**

This convention relates to the abolition of all forms of forced and compulsory labour with the exception of labour applicable under military service, convict-labour properly supervised and in emergencies such as wars, fires and earthquakes.

15. International Labour Convention (No. 87) Concerning Freedom of Association and Protection of the Right to Organise, July 9, 1948, Geneva, Switzerland, entered into force July 4, 1950.

It provides workers and employers with the right to form and join organisations without prior authorisation. The convention is particularly useful to trade unions and other pressure groups that protect and promote workers' interests in multinational corporations and other key business entities.

16. International Labour Convention (No 98) Concerning the Application of the Principles of the Right to Organise and Bargain Collectively, July 7, 1949, Geneva, Switzerland, entered into force July 18, 1951.

Safeguards the right of collective bargaining and is particularly relevant in promoting fair negotiations between multinational corporations and their employees.

17. International Labour Convention (No 100) Concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, June 29, 1951, Geneva, Switzerland, entered into force May 23, 1953.

Provides for equal remuneration for men and women for work of equal value. The focus is to ensure that rates of remuneration are fixed without discrimination on gender basis. Particularly relevant when dealing with the approach of multinational corporations on gender issues.

18. International Labour Convention (105) concerning the Abolition of Forced Labour, July 25 1957, Geneva, Switzerland, entered into force January 17, 1959.

Elaborates on the provisions of ILO Convention 29. It calls on contracting parties to suppress the use of any form of forced or compulsory labour as a means of political coercion, education, imposed punishment on participants of strikes or as an instrument of racial, social, national and racial discrimination.

19. International Labour Convention (111) on Discrimination (Employment and Occupation), June 4th, 1958, Geneva, Switzerland, entered into force June 15, 1960.

Article 2 of this convention calls for contracting parties to formulate national policies that suppress discrimination and promote equality of opportunity and treatment in respect of employment and occupation. The convention seeks the co-operation of employers in promoting the acceptance and observance of this policy.

20. International Labour Convention (No 138) Concerning Minimum Age for Admission to Employment, June 6, 1973, Geneva, Switzerland, entered into force June 26, 1973.

The objective of this convention is to secure the formulation of national policies by contracting parties that would abolish child labour, and raise the minimum age of employment or work to a level consistent with the full mental and physical

development of young persons. Relevant to research on the use of child labour in supply chains.

21. International Labour Convention (No 182) Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour June 1, 1999, Geneva, Switzerland, entered into force November 10, 2000.

This convention calls for each member to take effective measures that would prevent the engagement of children in the worse forms of child labour and provide assistance for their removal from such labour. It also calls for the rehabilitation and integration of such children. Multinational corporations are expected to consider child labour issues that may arise in the supply chain process.

B. Other Multilateral and Regional Instruments on Accountability of Multinational Corporations

Apart from the efforts of the UN and its agencies to provide an international framework for the accountability of multinational corporations, there have also been other complementary works from multilateral and regional bodies. Annotated entries on some of the key instruments are provided below.

22. Organisation for Economic Co-operation and Development Guidelines for Multinational Enterprises. 15.I.L.M.9 (1976)

Original text of OECD guidelines advocating acceptable practice of multinational corporations. This document has been replaced by a revised 2000 text.

23. Organisation for Economic Co-operation and Development Principles of Corporate Governance, April 1998.

The OECD Principles of Corporate Governance were endorsed at a ministerial level by the OECD Council meeting on May 26 and 27 1999. They were developed in response to decisions taken at an OECD Council meeting in 1998 on standards and guidelines on good corporate governance.

24. Organisation for Economic Co-operation and Development Guidelines for Multinational Enterprises. (2000)

The Guidelines are recommendations providing voluntary standards for responsible business conduct in various areas including human rights, environment and employment and industrial relations. They were adopted at the ministerial level of the OECD's annual Council meeting in Paris on June 27, 2000.

** All OECD documents can be accessed from OECD website on http://www.oecd.org/document/58/0,2340,en_2649_34889_1954746_1_1_1_3743_9,00.html (Last accessed December 22, 2003)*

25. Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy Geneva, Switzerland. Declaration adopted by the Governing Body of the International Labour Office at its 204th Session November 1977.

The objective of this declaration is to encourage positive contribution from multinational enterprises in economic and social development, and to minimise and resolve the difficulties that may arise during and through their operations.

26. Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, 83 ILO Official Bull., Series A, No.3 (2000)

Updates and revises the original 1977 Declaration after a re-evaluation of its impact based on information received from governments and labour unions.

27. The European Parliament's Resolution for a Model Code of Conduct for European Enterprises operating in Developing Countries. Adopted January 15, 1999.

This parliamentary resolution of the European Parliament is predicated on a report by Richard Howitt. It calls for the drafting of a non-binding code defining standards of responsible behaviour required of European companies. It is presently before the European Commission. There are also proposals for the creation of a European monitoring platform that would provide a forum for complaints' mechanism and remedial action.

Researchers may also find useful the news release by Richard Howitt on May 31, 2002 captioned "**European Parliament votes to regulate Multinational Companies.**" Available at <http://www.cleanclothes.org/codes/howitt10.htm>. (Last accessed December 22, 2003.)

See also Ethical Performance's News Release "**White Paper EC Disappointing**"

Available at <http://www.cleanclothes.org/codes/02-07-16.htm> (Last accessed December 22, 2003.)

28. The North American Free Trade Agreement (NAFTA) December 17, 1992, Article. 1114.

A useful article in NAFTA recommending that companies operating in NAFTA countries should carry out operations in a manner sensitive to environmental concerns. It also calls for contracting parties not to compromise domestic health, safety and environmental measures in favour of investment.

C. Home State Jurisdiction

One major attempt of getting multinational corporations and other business entities to observe international human rights standards is through home states' legislative initiatives. Several are still at the drafting stage while some like the Australian Corporate Code of Conduct bill were never adopted. However, judicial proceedings for human rights violations have been instituted against multinational corporations in American courts under the Alien Torts Claims Act of 1789 (ATCA).

29. The Alien Tort Claims Act of 1789 (28 U.S.C#1350 (1994)(ATCA).

This US law grants jurisdiction to the US Federal Courts over any civil action for a tort only committed in violation of the law of nations or a treaty of the United

States. ATCA case law reveal that private non-state actors like multinational corporations can be held accountable for alleged violations of human rights.

30. The UK Corporate Responsibility Bill introduced before the House of Commons by Linda Perham, MP for Ilford North.

<http://www.publications.parliament.uk/pa/cm200203/cmbills/129/2003129.pdf>

(Accessed December 10, 2003)

A draft bill spearheaded by the Corporate Responsibility Coalition (CORE). Two major components of the Bill on corporate accountability are mandatory reporting and foreign direct liability. A majority of MPs across all parties support this bill. More than 300 MPs have signed an Early Day Motion supporting the Bill's objectives. However, the position of the Bill is unclear. What is presently being deliberated in the House is the Companies **(Audit, Investigations and Community Enterprise) Bill [HL]** introduced in the House of Lords on 3rd December 2003.

31. The American Corporate Code of Conduct Bill 2000 introduced before the House of Representatives by Congresswoman Cynthia McKinney.

This draft bill proposes strict guidelines for corporations in terms of labour rights; human rights and environmental protection based on US and internationally recognised standards. It recommends that compliance to the code be on a reward and penalty basis. Corporations that abide by the Corporate Code of Conduct would be given preference during the award of government contracts. In the same

vein, it advocates the withdrawal of taxpayer-financed assistance to corporations and to hold them liable in US courts if they are in violation of the Code. Position of the bill is unclear and it is yet to be adopted.

32. Corporate Code of Conduct Bill 2000 (2002) introduced to the Australian Senate by Senator Bourne.

This is a private member bill to regulate the conduct of Australian companies in other countries particularly in the areas of human rights, environment, labour and occupational health and safety. It was originally introduced September 6, 2000 and restored in Senate on February 13, 2002. To date it has not been adopted.

D. Key Judicial Cases under the Alien Tort Claims Act 1789 (ATCA)

Several of the leading ATCA cases instituted against multinational corporations for alleged violation of international standards and US Law can be accessed from American Law Sources Online, Lexis and Westlaw. Researchers should note that most of these databases are on a subscription only basis.

33. Abdullah v. Pfizer Inc. 2003 U.S. App. LEXIS 20704

An appeal from the United States District Court of Appeals relating Pfizer's use of "new untested and unproven" antibiotic on Nigerian children. The action was brought under ATCA on grounds that Pfizer had violated international norms. At the lower court, the complaint was dismissed on grounds of forum non-

conveniens. The District Court of Appeals dismissed the lower court's judgement and remanded the case for further proceedings.

34. Flores v. S. Peru Copper Corp. 2003 U.S. App. LEXIS 18098

The claimants, Peru nationals, brought personal injury claims against the defendants, a US company, for pollution arising from the copper mining, refining and smelting operations. The claim was brought under ACTA on the basis the defendant violated international customary law by infringing the claimant's fundamental human rights. At the lower court, the defendant's motion to dismiss was granted. The United States Court of Appeals for the Second Circuit affirmed the trial court's decision on the basis that the plaintiffs have failed to submit evidence sufficient to establish that intranational pollution violates customary international law.

35. Joe Doe I. v. Unocal Corp. 2002 U.S. App. LEXIS 19263.

The claimants, villagers from the Tenasserim region in Myanmar allege that the defendants directly or indirectly subjected the villagers to forced labour, murder, rape, and torture during the construction of a gas pipeline through the Tenasserim region. The proceedings were brought under ATCA and the Racketeer Influenced and Corrupt Organisations Act as well as State Law. The District Court dismissed the suit. On appeal, the Court of Appeal reversed in part and affirmed in part the District Court's ruling. It held that there were disputed questions of fact on

whether human rights violations were committed by the defendant and remanded the case for further proceedings.

36. Aquinda v. Texaco Inc. 2002 U.S. App. LEXIS 16540.

Ecuador and Peru residents brought claims against the defendants, a United States-based oil company, which, at the pertinent time, was headquartered in New York. The complainants alleged environmental and personal injuries arising out of Texaco's oil exploration and extraction operations in the Oriente region between 1964 and 1992. The Court of Appeal affirmed the dismissal order of the Lower Court, subject to the modification that the judgement be conditioned on Texaco's agreement to waive defences based on statutes of limitation for limitation periods expiring between the institution of these actions and a date one year subsequent to the final judgement of dismissal.

37. Bano v. UnionCarbide 2001 U.S. App. LEXIS 24488

In an action to seek further redress on the 1984 Bhopal disaster, the claimants instituted proceedings against the defendants under ATCA because its action preceding the disaster violated various norms of international law. The Court of Appeal affirmed lower court's dismissal of the suit under ATCA. It remanded proceedings in part relating to the claimants' common-law environmental claims.

* **Note for researchers:** By an order dated March 18, 2003 the US District Court dismissed the claimants' claims against Union Carbide on the ground that the

Company had met its obligations to clean up the contamination in and near the Bhopal plant. See *Bano v Union Carbide* 2003 U.S. Dist. LEXIS 4097,

38. *Bijio v. Coca-Cola Co* 2000 U.S. App. LEXIS 31306

The US Court of Appeal held that the courts did not have jurisdiction under ATCA, but could hear the claimants' claims based on the diversity of citizenship of the parties.

39. *Wiwa v Royal Dutch Petroleum Co* 2001 U.S. LEXIS 2488.

The claimants, Nigerian citizens, instituted ATCA proceedings against the Defendants in the US District Court alleging grave human rights violations. The District Court dismissed the claim on the grounds of forum non-conveniens ruling that on the facts England was the preferred forum. The US Court of Appeals upheld in part, reversed in part and remanded the case for further proceedings. It held that the district court should have considered the impecunious situation of the plaintiffs, and that there were sufficient grounds for the retention of jurisdiction.

* **Note for researchers:** More information on the use of ATCA against breaches of human rights allegedly committed by multinational corporations can be obtained from the following websites:

- **Lawyers Committee for Human Rights.** See sidebars on workers' rights, law, Alien Tort Claims Act and Corporate Accountability.

<http://www.lchr.org/> (Last accessed December 22, 2003)

- **The Global Policy Forum.** Note the sidebar: Alien Tort Claims Act- International Justice <http://www.globalpolicy.org/intljustice/atca/atcaindx.htm>
(Last accessed December 22, 2003)

E. Industry

The 1990s witnessed an upsurge of corporate codes of conduct. Most of these codes are concentrated in the following sectors: trade, textiles, chemicals, extractive, garments, sports, toys, retailing, forestry, oil and mining. These codes can be classified into five broad categories namely, company codes, trade association codes, multi-stakeholder codes, model codes and inter- governmental codes. The bibliography focuses mainly on corporate, model and multi-stakeholder codes.

Company Codes Providing For Human Rights Standards

Self-imposed codes also provide some means of influencing the attitude of the business world to human rights issues. Lists of multinational companies with policies that provide for human rights, health, safety and environmental standards can be found in the following websites.

40. University of Minnesota Human Rights Library

Go to treaties and other human rights instruments. Under this head click on treaties and other instruments organised by subject matter. Click on Human Rights

Guidelines for Businesses and go to self-imposed codes at <http://www1.umn.edu/humanrts/links/sicc.html> (Accessed October 28, 2003)

41. Business & Human Rights Resource Centre

Under the library section, click on companies. This site provides a list of companies that have taken the step of adopting a formal company policy statement that explicitly incorporates human rights standards. It categorises these companies into two groups. Those with human right policies that refer to the Universal Declaration of Human Rights and those that do not expressly refer to the Declaration. More information in <http://www.business-humanrights.org/Categories/Companies/Policies/Companieswithhumanrightspolicies> and <http://208.55.16.210/Company-policies-Examples.htm> (Accessed October 28, 2003)

42. Business for Social Responsibility

It provides an issues brief on codes of conduct. Leadership examples of companies that represent higher than average commitment to corporate social responsibility are cited. It also provides sample policies from selected companies. Not very comprehensive but still useful in providing an overview of the self-regulatory efforts of certain multinational corporations. Click on <http://www.bsr.org/BSRResources/IssueBriefDetail.cfm?DocumentID=199> (Accessed October 28, 2003)

43. International Labour Organisation

Has a comprehensive report on corporate codes of conduct. It is not very current since it was published in 1996. However, it is still helpful in the sense that it identifies the core labour standards that should be incorporated into voluntary codes. <http://www.itcilo.it/english/actrav/telearn/global/ilo/code/main.htm>

(Accessed October 28, 2003)

Industry Groups' Codes

These codes are developed by business associations or industry groups and reflect the negotiated position of the relevant industries on labour, human rights, health, and environmental standards. Examples of industries that have developed such codes are the clothes, toy, tea, chemical and the sporting goods industries. The links below are provided by University of Minnesota Human Rights Library at <http://www1.umn.edu/humanrts/links/icgi.html> (accessed November 5, 2003)

44. [Act Firewood Industry](#) Code of Conduct

45. [Australian Chemical Industry Council](#) Warehousing and Storage Code of Practice

46. [Clean Clothes Campaign](#), Code of Labour Practices for the Apparel Industry
Including Sportswear

47. [Cut-flowers](#): International Code of Conduct for the production of cut flowers

48. [Forest Stewardship Council](#): Principles and Criteria for Forest Stewardship
49. [Forest Stewardship Council](#): Roles, Rights and Responsibilities of FSC Players, Document 2.10 FSC Policy Paper. May 31, 1999
50. [Forest Stewardship Council](#) Statutes
51. [International Council of Toy Industries](#) Code of Business Practices revised and approved June 1, 1998
52. [IUF Code of Conduct for the Tea Sector](#), *Drafted at the IUF African tea meeting, Arusha, Tanzania, October 1995 and endorsed by the IUF global tea meeting, Coimbatore, India, October 1996*
53. [Joint Labor-Management Statement by the ICEM and signatory companies of the World Chlorine Council](#), Appendix to ICEM Update 86/98, October 20, 1998
54. [The Mining Industry](#): Principles for the Conduct of Company Operations, prepared by Australian Non-Governmental Organisations, October 1998
55. [The World Federation of the Sporting Goods Industry](#) Model Code of Conduct
56. [The Worldwide Responsible Apparel Production](#) Principles

57. Social Accountability 8000. <http://www.cepaa.org/AboutSAI/AboutSAI.htm> (Last accessed November 5, 2003)

58. The Ethical Trading Initiative Base Code

This is the code of an alliance of UK companies, non-governmental organisations and trade unions. Their objective is to promote good practice through the proper implementation of codes of labour practice. The code also seeks to ensure that labour conditions of the global supply chains that produce for the UK market meet or exceed international standards. The provisions of the code can be accessed from the website of the Ethical Trading Initiative Base Code at <http://www.ethicaltrade.org/pub/publications/purprinc/en/index.shtml>

(Last accessed November 5, 2003)

59. International Cyanide Management Code for the Manufacture, Transport and Use of Cyanide in the Production of Gold 2002 http://www.natural-resources.org/minerals/CD/docs/unep/cyanidecode/cyanide_code.pdf

(Last accessed November 5, 2003)

This is the gold mining industry's voluntary code developed under the direction of a multi-stake-holder steering committee. The major focus is to improve cyanide management and to protect workers, communities and the environment from adverse effects of cyanide. It is applied internationally in both developed and developing countries.

F. Books and Journal Articles

Books

- 60. Addo, M.K. Human rights standards and the responsibility of Transnational Corporations.** Kluwer, 1999.

A compilation of essays that examines the nature and scope of corporate responsibility to human rights, particularly as it relates to transnational corporations. It takes a look at the changing nature and role of the multinational corporation and its regulation under both domestic and international law. The essays are divided into six broad themes and provide case studies on human rights issues that may arise through commercial enterprise. The volume is the outcome of a three-day conference involving a wide range of stakeholders.

- 61. Jenkins R. et al Corporate Responsibility and Labour Rights: Codes of Conduct in the Global Economy** Earthscan, 2001.

An examination of the development and implications of voluntary codes of conduct that provide for corporate self-regulation on human rights, environmental standards and other labour issues. The book also provides a listing of key websites for research resources, practical initiatives and campaigning organisations.

- 62. Meyer, W.H Human Rights and International Political Economy in the Third World Nations: Multinational Corporations, Foreign Aid, and Repression.** Praeger 1998.

This book takes a critical look at the activities of multinational corporations in third world countries. The attendant impact that direct foreign investment has on human rights' issues in these nations is also analysed.

63. Picciotto S *Regulating International Business Beyond Liberalization* Oxfam 1999.

A volume of 14 essays with contributions from academics, non-governmental organisations, trade unions and business practitioners. It addresses the cardinal issue on whether there can be an effective regulatory framework for international business. It also provides some illuminating thoughts on the politics behind corporate accountability. Contains a useful index and glossary.

64. Sullivan R. (Ed) *Business and Human Rights: Dilemmas and Solutions.* Greenleaf Publishing 2003.

Recently published edited collection of essays. It is divided into two main sections. The first section examines the reasons why human rights have become an important consideration for companies. The second section considers how businesses have primarily responded to human rights issues. It has an illuminating sub-section on supply chains, which comprises of four case studies. It also addresses the current debate on the impact that company operations have on the rights of indigenous peoples. The book also highlights the positive contributions;

multinational corporations have had on critical human rights issues as HIV/AIDS. It has a comprehensive bibliography, index and list of abbreviations.

- 65. Weeramantry, C.G. (Ed) *The impact of technology on human rights: global case studies.* UN University Press 1993. Also available as an E-book at <http://www.unu.edu/unupress/unupbooks/uu08ie/uu08ie00.htm#Contents> (Last accessed October 15, 2003).**

A collection of essays containing case studies relating to Western Europe, Eastern Europe Latin America South-East Asia and Africa. It analyses the impact that scientific and technological advancement has had in sectors such as the energy, agriculture, firearms and the biomedical industries.

- 66. Weeramantry, C.G (Ed) *Human rights and scientific and technological advancement.* UN University Press, 1990. Also available as an E-book at <http://www.unu.edu/unupress/unupbooks/uu06he/uu06he00.htm> (Last accessed October 15, 2003.)**

Calls for an urgent need to guide and channel technology and make it an instrument for the furtherance of human rights, particularly in the developing world. Quite relevant to the debate on how best multinational corporations can be held accountable especially as it relates to their ownership and control of most of the existing global technologies.

67. Kamminga, M and Zia-Zafiri (Eds.) **The Liability of Corporations in International Law**. Kluwer 2000.

This is the seventh volume in the series titled **Studies and Materials on the Settlement of International Disputes**. It examines the duties and obligations that corporations have under international law and how they can be called to accountability for human rights and environmental breaches.

Journal Articles

Articles on Corporate Personhood

This section of the bibliography provides the researcher with useful articles on the regulation of multinational corporations. Quite a few of the articles on this subject emanate from American academic law journals.

Articles on Accountability of Multinational Corporations

68. Amann D.M **Corporate Criminal Liability for gross violations of Human Rights** (2001) 24 Hastings International & Comparative Law Review 327

A legal analysis on the concept of corporate criminal liability for gross violations of human rights by multinational corporations. Raises questions on the appropriate punishment under international law. The refusal to include corporate criminal liability in the Rome Statute of the International Criminal Court is also examined.

69. Anderson M Transnational Corporations and Environmental Damage: Is Tort Law the Answer? (2002) 41 Washburn Law Journal 399

Offers a critical look into the problems of developing environmental regulation over the cross-border activities of multinational groups of companies that contribute to environmental change.

70. Betz D Holding Multinational Corporations responsible for Human Rights abuses committed by Security Forces in conflict-ridden nations: an argument against exporting federal jurisdiction for the purposes of regulating corporate behaviour abroad (2001) 14 DePaul Business Law Journal 163

A commentary on the use of ATCA provisions by the US courts as a means of regulating the activities of multinational corporations. It argues that, present ATCA lawsuits involving multinational corporations accused of human rights abuses represents an inappropriate and unconstitutional application of US federal jurisdiction. The author calls for a legislative review of ATCA law and that its use is limited only to treaties that have been ratified by the Congress.

71. Blumberg P. Asserting Human Rights against Multinational Corporations under United States Law: Conceptual and Procedural Problems (2002) 50 American Journal of Comparative Law 493

A review of judicial cases involving American parent corporations for alleged violations of international human rights arising out of operations carried out by

their subsidiaries in developing countries. The writer examines the procedural and conceptual problems that aggrieved persons may face when progressing such claims in American courts.

72. Breed L.M. Regulating our 21st Century Ambassadors: A new approach to corporate liability for human rights violations abroad. (2002) 42 Virginia Journal of International Law 1005

It examines the range of corporate human rights violations particularly those perpetrated by American multinational corporations. It addresses the limitations of the ATCA in policing the conduct of these companies. The writer goes on to suggest the formulation of legislation similar to that of the Foreign Corrupt Practices Act (FCPA) as an effective means of regulating the overseas' activities of American multinationals.

73. Bridgeford T.A Imputing Human Rights Obligations on Multinational Corporations: the Ninth Circuit strikes again in judicial activism. (2003) 18 American University International Law Review 1009.

A case note specifically reviewing the decision of the United States Court of Appeals for the Ninth Circuit on the ATCA action brought against UNICOL, an American multinational corporation over its subsidiary company's operations in Myanmar. It questions the decision of the Court in widening the definition of slavery to include forced labour and calls for a US Supreme Court decision to

define the scope and applicability of ATCA concerning the liability of multinational corporations.

- 74. Eaton J The Nigerian Tragedy, Environmental Regulation of Transnational Corporations, and the Human Right to a Healthy Environment (1997) 15 Boston University International Law Journal 261.**

Using Nigeria as a case study, this note recommends stronger regulation of the activities of multinational corporations in developing countries. It also calls for the development of an “international human right” to a healthy environment.

- 75. Greathead S The Multinational and the “New Stakeholder”: Examining the Business Case for Human Rights. (2002) 35 Vanderbilt Journal of Transnational Law 719.**

Identifies five new stakeholders (apart from the traditional shareholders) that businesses must be concerned about, namely NGOs, consumers, socially responsible investors, the students’ movement and the Plaintiff’s lawyer. It warns that companies that choose to ignore these stakeholders and their concerns do so at their peril.

- 76. Harvard Law Review. International Criminal Law : Corporate liability for violations of International Human Rights Law: Section V (2001) 114 Harvard Law Review 1943**

A comprehensive 132 page treatise on the evolution of international criminal law. Of particular interest is Section V dealing with corporate liability for international human rights' violations. It examines the wide range of human rights breaches and identifies the existing gaps under international law. It examines the impact that domestic laws like ATCA have had on the activities of multinational corporations. It however calls for a multilateral approach for the regulation of such companies.

77. Hillemanns C UN Norms on the Responsibilities of Transnational

Corporations and other Business Enterprises with regard to Human Rights

(2003) 4(10) German Law Journal

<http://www.germanlawjournal.com/article.php?id=330> (Last accessed October 28 2003)

A review of the UN Norms on the responsibilities of transnational corporations and other business enterprises with regard to human rights. It presents an account of the history behind the drafting of the norms. It also reviews significant features of the norms and highlights aspects of the implementation mechanism. A good starting point for those who want to get a quick grasp of the norms.

78. Joseph S. Taming the Leviathians: Multinational Enterprises and Human Rights (1999) 46 Netherlands International Law Review 171.

One of the early contributions to the debate on the accountability of multinational companies based on international human rights standards.

79. Joseph S. Pharmaceutical Corporations and Access to Drugs: The ‘Fourth Wave’ of Corporate Human Rights Scrutiny (2003) 25 Human Rights Quarterly 425

A twelve-part article that examines the merits and demerits of the case for protection of pharmaceutical patents alongside international human rights standards. It provides the reader with alternative strategies for facilitating access to essential medicines for developing countries, without sacrificing the protection that pharmaceutical patents offer to the advancement of research and development.

80. Kinley D and Joseph S Multinational Corporations and Human Rights: Questions about their Relationship (2002) 27 Alternative Law Journal 7

Provides a brief summary of a three-year research project into the legal dimensions of the relationship, both present and future between corporations and human rights.

81. Picciotto S. Rights, Responsibilities and Regulation of International Business. (2003) 42 Columbia Journal of Transnational Law 131.

A paper first delivered at the First Appel Conference of the Columbia Law School. It considers the emergence of corporate codes of conduct in the 1990s and highlights some of the inadequacies of the approach of self-regulation. It

proposes the development of a framework agreement for international investment that provides binding standards for corporate social responsibility.

- 82. Muchlinski P Human rights, social responsibility and the regulation of international business: The development of international standards by inter-governmental organisations.** (2003) 3(1) Non-State Actors and International Law 123.

This paper considers the role of inter-governmental organisations in the process of developing new, human rights oriented, norms of corporate social responsibility. It develops an argument based on an identifiable distinction between at least three main ideological positions: the "hard libertarian", the "normative liberal" and the "regulatory functionalist". The paper highlights the differences in these viewpoints particularly as it relates to need for and the extent of international standard setting activity in this area. It calls for the development of an international minimum standard for good corporate behaviour.

- 83. Ramasastry A. Corporate Complicity: From Nuremberg to Rangoon: An examination of forced labour cases and their impact on the liability of Multinational Corporations** (2002) 20 Bekeley Journal of International Law 91.

This article explores the historical development of the doctrine of corporate complicity. Specifically, it focuses on the liability of multinational corporations in relation to forced labour contending that this constitutes a violation of the pre-

emptory norms under international law. The writer is particularly concerned with the investment activity of multinational corporations in developing countries, which have given rise to gross violations of local community right. Extensive case studies are provided on the notion of corporate complicity. The writer concludes that the definition of complicity should be widened and that the International Criminal Court should be vested with criminal jurisdiction over the activities of multinational corporations.

84. Ratner S. *Corporations and Human Rights: A Theory of Legal Responsibility.*

(2001) Yale Law Journal.

Considers how the international legal process might provide for the imposition of human rights obligations on corporations. The paper is laid out in six parts and advocates a law making process that involves all interested actors namely governments, businesses and human rights groups in the development of appropriate norms and enforcement mechanisms for the protection of human rights.

85. Wells C and Elias J *Catching the Conscience of the King: Corporate Players on the International Stage* in Alston (Ed) *Non State Actors in International Law*, Collected Courses of the Academy of European Law, Oxford University Press (forthcoming 2003)

The authors explore the context of the contemporary debate on the role of multinational corporations in human rights abuses. They provide an outline of

some of the strategies in place that provide for accountability of multinational corporations. The article also examines the concept of complicity in the context of international efforts to ensure higher standards of corporate social responsibility. They argue that the greatest obstacle in relation to the complicity principle lies with the difficulties of adopting the corporation as a fully accepted member of the legally responsible family.

Articles on the Rights of Corporations

Alongside the current debate on the accountability of multinational corporations under international law, arises the question on whether these entities have rights' protection under human rights laws? Here are some of the academic articles on this issue.

86.Graver D Personal Bodies: A Corporeal Theory Of Corporate Personhood

(1999) University of Chicago Law School Roundtable 235

A comment on the extent to which corporations have a right to constitutional protections cannot be established without a theory of corporate personhood. The paper points out the inadequacies of the theories of corporate personhood. The writer postulates a theory that draws upon phenomenological theories of the corporeality of subjectivity, particularly in light of the way these theories have been used recently to explain the ontology of theatrical performance. Claims are made on how the writer's theory might strengthen the arguments against the grant of broad protected-speech rights to corporations.

**87. Harvard Law Review. What We Talk About When We Talk About Persons:
The Language Of A Legal Fiction** 114 Harvard Law Review 1745

This review takes a critical look at examples under American law through which the doctrine of corporate personhood has developed. It also considers the courts' approach to the law of the person particularly in relation to human nonpersons, nonhuman persons, and borderline cases. It then goes on to reflect on the character of the law of persons expressed in these areas and suggests that present American thoughts, on this issue; reflect a basic ambivalence about the social status of the object specified and about unitary definitions of personhood and humanity

**88. Kim S Characteristics Of Soulless Persons: The Applicability Of The
Character Evidence Rule To Corporations** 2000 University of Illinois Law
Review 763

In this article, the writer argues that the ban on character evidence should not be extended to corporations. Beginning with a discussion of the various arguments for the character evidence particularly that of the Kantian conception of human autonomy, the writer suggests that this rationale would not apply with equal force to corporations. The work also focuses on the practical implications of excluding corporations from the protections afforded to individuals. It proffers the hypothesis that corporations are persons and moral actors with the capacity to possess character distinct and separate from the character of its individual members.

89. Mayer C Personalising The Impersonal: Corporations And The Bill Of

Rights 41 Hasting Law Journal 577

This article explores why, as an historical matter, the American Supreme Court only recently conferred Bill of Rights guarantees on corporations. It also examines what specific theory of the corporation that the Supreme Court has used in providing corporations with rights that are normally limited to human beings.

90. Woods S and Scharffs B Applicability of Human Rights Standards To Private

Corporations: An American Perspective 50 American Law Journal 531

This report is divided into three parts. It analyses the three competing theories of the private corporation as a person that have been influential in the United States, and describes the significance of these theories to the content and scope of the rights and duties assigned to private corporations. A useful examination into the current debate on whether artificial entities like corporations should be afforded human rights protection.

G. NGO Documents

Several non-governmental organisations (NGOs) have published a vast amount of material on the accountability of multinational corporations. Annotations on some of the key NGO documents are provided below.

91. Amnesty International. *Human Rights Principles for Companies*. 1998

Provide recommendations on the appropriate measures companies can put in place to ensure proper accountability and respect for human rights. Available at www.amnesty.org/ailib/aipub/1998/ACT/A7000198.htm (Last accessed December 23, 2003)

92. Amnesty International/The Prince of Wales Business Leaders Forum *Human Rights: Is it any of your business?* April 2000.

A useful publication outlining the agenda for responsible business. It aims to provide terms of reference to companies on how best human rights issues can be addressed in their business operations. One of its unique features is the provision of case studies that are presented from the perspective of companies featured. It also provides a resource list of various organisations and websites addressing responsible business and corporate social responsibility.

93. Avery C *Business and Human Rights in a time of change* Amnesty International February 2000

Addresses key human rights issues relating to the activities of big businesses. It takes a look at the activities of major multinational corporations and the host countries in which they operate. Subjects addressed in this publication include Sweatshops, Changes in business thinking, socially responsible investment, codes of conduct and the effect on business performance.

94. California Global Corporate Accountability. Whose Business – A Handbook on Corporate Responsibility for Human Rights and the Environment

A handbook primarily designed for North American educators, students and activists. Postulates the theory that the institutions and regulatory frameworks governing the global economy do not adequately protect human rights, environmental and labour rights. It advocated for a new paradigm of socially responsible business.

95. California Global Corporate Accountability. Dodging Dilemmas – Environmental and Social Accountability in the Global Operations of California based high tech companies May 2002

Based on case studies of operations of multinational corporations in five countries namely Taiwan, Malaysia, India, Thailand and Costa Rica, the Report identifies the shortcomings of voluntary efforts of corporations to address environmental, labour and health concerns. It concludes that industries cannot address these issues alone and recommends that effective state policy be put in place to strengthen corporate voluntary efforts.

96. Essential Action and Global Exchange Oil for Nothing: Multinational Corporations, Environmental Destruction, Death and Impunity in the Niger Delta. January 2000

This report encapsulates a ten-day field study conducted by Essential Action on multinational corporations involved in the extractive sector of the Nigerian economy. Provides summaries of interviews conducted with various communities in the Niger Delta. It concludes that the activities of multinational corporations have a negative impact on the rights and livelihood and the environment of the Niger Delta communities. Researchers should note that this report has not been updated and provides limited background information on the operations of multinational companies in developing countries.

97. Human Rights Watch *The Price of Oil: Corporate Responsibility and Human Rights Violations in Nigeria's Oil Producing Communities* January 1999

A more detailed report on the environmental degradation and human rights violations in the Niger Delta arising out of oil exploration and extraction activities of major multinational corporations in collaboration with state corporations in the Niger Delta.

98. International Council on Human Rights Policy. *Beyond Voluntarism: Human rights and the developing obligations of companies.* February 2002

A comprehensive expert report on the extent to which international rules for the protection of human rights create binding legal obligations on non-state actors like companies. Contains a useful bibliography and a list of relevant websites. A summary of this report is also available in English, French and Spanish.

99. IRENE Controlling Corporate Wrongs: The liability of Multinational Corporations. March 2000

This is the report of the IRENE seminar on corporate liability and workers' rights. It provides theoretical insights on what can be done to increase accountability of multinational corporations and ensure the implementation of the international instruments for the protection of human and environmental rights.

100. Jungk M. What is a Company's responsibility? The Danish Institute for Human Rights

A series of six working papers prepared by the Human Rights and Business Project and sponsored by the Confederation of Danish Industries, The Danish Centre for Human Rights and the Danish Industrialisation Fund for Developing Countries. Primarily designed to assist Danish companies to consider human rights issues while undertaking operations in other countries. Its broader objective is to provide business and human rights communities with a common point of reference in addressing human rights aspects of business social responsibility. The following papers are available at www.di.dk (Last accessed November 5, 2003.)

- Deciding whether to do Business in States with Bad Governments
- The Human Rights Commitment Index
- Indigenous Peoples Rights and Companies Duties
- My Company already consults its stakeholders
- My Supply Chain

- Defining the Scope of Business Responsibility for Human Rights Abroad.

H. Internet and other Electronic Resources

The following websites and electronic libraries provide an informative resource of data, news, articles and reports on multinational corporations and human rights. They also address the general subject of corporate social responsibility.

101. AccountAbility – Institute of Social and Ethical Responsibility

URL address: www.accountability.org.uk (Last accessed December 23, 2003)

Addresses broad issues on social, ethical responsibility and sustainability. Note the following documents relating to corporate accountability. **The Responsible Competitiveness Index 2003, which** explores corporate responsibility and its effect on national competitiveness. Also **The AA1000 Assurance Standard** that provides a basis for ensuring effective reporting on social, environmental and economic performance.

102. BRASS - The Centre for Business Relationships, Accountability, Sustainability and Society

URL address: www.brass.cardiff.ac.uk/Links.html (Last accessed January 14, 2004)

A comprehensive online resource of links covering the different classes of business relationships. It has useful links on Business Ethics and Human Rights. For further information on the accountability of multinational corporations under

international law, go to the icon Legal Relationships.

103. Business and Human Rights Resource Centre

URL address: www.Business-humanrights.org (Last accessed December 23, 2003)

Useful online library providing updated materials on multinational corporations. Under special resources, it provides links to the Official Commentary on the UN Norms (13 August 2003) and other correlated reports and articles.

104. Business for Social Responsibility

URL address: www.bsr.org (Last accessed December 23, 2003)

Has under the section bar “resources” a collection of extensive research, investigative tools and practical guidelines for responsible business. Some sections of this website including the labour law database are strictly by subscription. Useful resource for Environmental and Human Rights issues.

105. Clean Clothes Project

URL address: www.cleanclothes.org (Last accessed December 23, 2003)

Focuses on worker’s rights in the global garment industry. Note section on companies and codes.

106. Corporate Accountability Project

URL address: <http://www.corporations.org/> (Last accessed December 23, 2003)

Radical website providing researchers with thought-provoking information on corporate power. It also has an archive on corporate dirt and a guide to researching corporations. Last update – August 21, 2003.

107. Ethical Corporation

URL address: <http://www.ethicalcorp.com/> (Last accessed December 23, 2003)

News and analysis on global corporate governance. Resources include browse by topic tool, discussion forum, case studies and a free newsletter. Free subscriber access.

108. University of Minnesota Human Rights Library

URL address: <http://www1.umn.edu/humanrts/> (Last accessed December 23, 2003.)

Comprehensive updated database providing valuable resources on human rights issues. An effective way of searching this database is to use the International Human Rights Instruments by topic tool. Go to Human Rights Guidelines for Business.

109. International Council on Human Rights Policy

URL address: www.international-council.org (Last accessed December 23, 2003).

The crucial report **Beyond Voluntarism: Human Rights and the Developing International Legal Obligations of Companies (Jan 2002)** can be obtained from this website.

110. SOMO – Centre for Research on Multinational Corporations

URL address: <http://www.somo.nl/> (Last accessed December 23, 2003)

Bi-lingual website (Danish and English). The section bars on SOMO Projects, Companies and Sectors, Corporate Social Responsibility, Union and Labour Organisations are currently being reviewed. However, it still has a list of useful links and organisations addressing sustainable corporate behaviour.

111. World Business Council for Sustainable Development

URL address: <http://www.wbcsd.org/> (Last accessed December 23, 2003)

A very useful and comprehensive website of a coalition of 170 international companies with a commitment to sustainable development and corporate social responsibility. Presents researchers with the continuing efforts of corporations in complying with international standards of human rights, sustainability and eco-efficiency. Check side bars – key activities, cross cutting themes, publications, case studies and sector projects for more information.

Conclusion

The bibliography has identified some of the key issues relating to the accountability of multinational corporations under international human rights law. The literature reviewed in this bibliography demonstrates the current trends under international law of attributing upon multinational corporations, human rights obligations, that were traditionally the responsibility of states. However, the research reveals that the international legal and regulatory framework for imputing human rights standards on multinational corporations is still evolving. Although significant progress has been made through the formulation of the United Nations' Draft Norms of Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights, the bibliography confirms that there is still a need to elevate this into an obligatory regulatory regime of core standards for multinational corporations.

Annex 1: Sources

The bibliography has been compiled using a wide range of resources including **Lexis- Nexis** for judicial references on ATCA cases. The full text of law articles cited in the bibliography can be obtained from Lexis-Nexis on a subscription basis. The **University of Minnesota Human Rights Library** provides a comprehensive online database of all United Nations human rights instruments. In addition, it has a comprehensive compilation of the voluntary codes referred to in this bibliography.

We also referred to other existing compilations on the subject including the

International Regulation of Multinational Corporations - selected web-based

resources compiled by the Christian Aid and available from the University of

Minnesota Human Rights Library at

<http://www1.umn.edu/humanrts/bibliog/biblios.htm>

Researchers are advised to consult their libraries on how best to access and obtain copies of the listed publications.

Annex 2: Keywords & abbreviations

A list of keywords and the meaning of frequently used abbreviations used in this bibliography are provided below.

Accountability

Amnesty International

ATCA Alien Tort Claims Act

BRASS The Centre For Business Relationships, Accountability, Sustainability and Society

CCC Clean Clothes Campaign

Convention

CORE Corporate Responsibility Coalition

Core Labour Standards

European Commission

European Parliament

FCPA Foreign Corrupt Practices Act

General Assembly

Genocide

Home State

Home Government

Host State

Host Government

Human Rights

ILO International Labour Organisation

Indigenous People

IRENE International Restructuring Education Network Europe

International Criminal Code

MNC Multinational Corporation

MNE Multinational Enterprise

Multinational Enterprise Interchangeable for Multinational Corporation

NAFTA North America Free Trade Agreement

NGO Non Governmental Organisation

Non-State Actors

OECD Organisation for Economic Cooperation and Development

Official Commentary Official Commentary Draft Norms of Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights

Rome Statute

Supply Chain

State Actors

TNC Transnational Corporation

Transnational Corporation Interchangeable for Multinational Corporation

UDHR Universal Declaration of Human Rights

UN	United Nations
UNCTAD	United Nations Conference on Trade and Development
UN Global Compact 2000	
UN Norms	Draft Norms of Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights
Voluntary Codes	Comprises Company Codes; Industry Group Codes; Model Codes; Multi-Stakeholder Codes and Trade Association Codes.

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