# Contents

<table>
<thead>
<tr>
<th>Chapter - I</th>
<th>INTRODUCTION</th>
<th>PAGES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter - II</td>
<td>ORIGIN AND DEVELOPMENT OF MULTINATIONAL CORPORATION :</td>
<td>25-75</td>
</tr>
<tr>
<td>A. Multinational Corporation : A Universal Phenomenon</td>
<td>25-27</td>
<td></td>
</tr>
<tr>
<td>B. Multinational Corporation : Meaning and Perspective</td>
<td>27-34</td>
<td></td>
</tr>
<tr>
<td>C. Growth of Multinational Corporations</td>
<td>34-42</td>
<td></td>
</tr>
<tr>
<td>D. Classification &amp; Legal Structure of Multinational Corporations</td>
<td>42-46</td>
<td></td>
</tr>
<tr>
<td>E. Host Country Attitudes regarding the activities of Multinational Corporations</td>
<td>46-49</td>
<td></td>
</tr>
<tr>
<td>F. Jurisdiction of National Courts against Multinational Corporations</td>
<td>49-52</td>
<td></td>
</tr>
<tr>
<td>(i) The Brussels Regulation</td>
<td>49-50</td>
<td></td>
</tr>
<tr>
<td>(ii) UK Companies Act 1985 and UK Civil Jurisdiction and Judgements Act 1982</td>
<td>50-51</td>
<td></td>
</tr>
<tr>
<td>(iii) Federal Civil Procedure Rules</td>
<td>51-52</td>
<td></td>
</tr>
<tr>
<td>G. Regulations on Multinational Corporations</td>
<td>52-75</td>
<td></td>
</tr>
<tr>
<td>(i) Extraterritorial Regulations on Multinational Corporation</td>
<td>52-58</td>
<td></td>
</tr>
<tr>
<td>Chapter - III</td>
<td>MULTILATERAL AGREEMENTS UNDER WTO : AN OVERVIEW :</td>
<td></td>
</tr>
<tr>
<td>------------</td>
<td>--------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>A.</td>
<td>GATT to WTO : Historical Review</td>
<td></td>
</tr>
<tr>
<td>B.</td>
<td>The Agreement on Agriculture</td>
<td></td>
</tr>
<tr>
<td>(i)</td>
<td>Historical Background</td>
<td></td>
</tr>
<tr>
<td>(ii)</td>
<td>The Major Provisions of the Agreement</td>
<td></td>
</tr>
<tr>
<td>C.</td>
<td>The Agreement on the Application of Sanitary and Phytosanitary</td>
<td></td>
</tr>
<tr>
<td>(i)</td>
<td>International Trade and SPS Measures</td>
<td></td>
</tr>
<tr>
<td>(ii)</td>
<td>Substantive Provisions of the SPS Agreement</td>
<td></td>
</tr>
<tr>
<td>(iii)</td>
<td>Institutional and Procedural Provisions of the SPS Agreement</td>
<td></td>
</tr>
<tr>
<td>(iv)</td>
<td>Developing Countries and SPS Agreement</td>
<td></td>
</tr>
<tr>
<td>D.</td>
<td>The Agreement on Technical Barriers in Trade</td>
<td></td>
</tr>
<tr>
<td>(i)</td>
<td>Scope, Structure and Technology</td>
<td></td>
</tr>
<tr>
<td>(ii)</td>
<td>Application of the TBT Agreement</td>
<td></td>
</tr>
<tr>
<td>(iii)</td>
<td>Major Principles of TBT Agreement</td>
<td></td>
</tr>
<tr>
<td>E.</td>
<td>The Agreement on Textiles and Clothing</td>
<td></td>
</tr>
<tr>
<td>(i)</td>
<td>Nature and Contents</td>
<td></td>
</tr>
<tr>
<td>(ii)</td>
<td>Development of Systemic Principles</td>
<td></td>
</tr>
<tr>
<td>(iii)</td>
<td>Trade in Textiles and Clothing under WTO</td>
<td></td>
</tr>
</tbody>
</table>
F. The Agreement on Trade Related Investment Measures (TRIM) 99-103
   (i) Legal Background 100
   (ii) Nature and Scope 101-102
   (iii) Dispute Settlement Cases 102-103

G. The Anti-Dumping Agreement 104-108
   (i) Background 104-106
   (ii) Substantive Provisions 106-108
   (iii) The Doha Development Agenda 108

H. The Agreement on Customs Valuation 108-113
   (i) Overview of the Agreement 108-110
   (ii) Methods of Customs Valuation 110-111
   (iii) Basic Customs Valuation Disciplines 111-112
   (iv) Impact on Developing Countries 112-113

I. The Agreement on Perishment Inspection 113-119
   (i) Background 113-114
   (ii) Nature and Contents 114-118
   (iii) Impact on Trade 118-119

J. The Agreement on Import Licensing Procedures 119-124
   (i) An Overview 119-120
   (ii) GATT Article XIII and AILP 120-123
   (iii) Recommendation for Change 123-124

K. The Agreement on Rules of Origin 124-129
   (i) An Overview 124-126
   (ii) Contents of the Agreement 126-128
   (iii) Importance of Rules of Origin 128-129
L. The Agreement on Subsidies and Countervailing Measures
   (i) An Overview 129-131
   (ii) Contents of Agreement 131-138
   (iii) Calculation of the amount of subsidy 138-141

M. The Agreement on Safeguards 141-143
   (i) Political and Economic Aspects 141
   (ii) Trade Promotion and Safeguard Measures 142-143

THE MULTILATERAL TRADING SYSTEM & THE LEAST DEVELOPED COUNTRIES:
A. Historical Background of the Least Developed Countries 144-149
   (i) The Post War Period 145-146
   (ii) The Uruguay Round 146-147
   (iii) First WTO Ministerial Conference 147-148
   (iv) The High Level Meeting 149
   (v) The Second Ministerial Conference 149

B. Weakness of the Least Developed Countries 149-156
   (i) Lack of Competitive ability 149-150
   (ii) Lack of supply side constraints 150-151
   (iii) Lack of high exports concentration ratio 151-152
   (iv) Lack of implementation of WTO Agreement 152-153
   (v) Lack of Capacity 153
   (vi) Lack of Knowledge-based Economy 153-155
   (vii) Other weakness 155-156
Chapter – V

AGREEMENT, ANTI-DUMPING MEASURES & THE DEVELOPING COUNTRIES:

A. Background of TRIPS Agreement 171-173

B. TRIPS Cases & Principles of interpretation 174-179
   (i) TRIPS Cases 174-177
   (ii) TRIPS Principle of Interpretation 177-179

C. Some Contentious issues of TRIPS and exceptions to Patent Rights 179-183

D. Public Health & Doha Declaration 184-187

E. Background of Textile Agreement 187-191
   (i) Restriction on Textiles and Clothing 188-189
   (ii) The Uruguay Round and Beyond 189-191

F. Prior to GATT, Agreement on Textiles and Clothing 191-197
   (i) The Short-term Agreement 193-194
   (ii) The Long-term Agreement 194-195
(iii) The Multi-fiber Agreement

G. Policies or Principles of the Agreement on Textiles and Clothing

(i) Punta del Este Preparations

(ii) The Uruguay Round Negotiations

(iii) The Agreement on Textile and Clothing

H. Disputes Relating to textile and Clothing

(i) United States – Shirts and Blouses

(ii) EC-Bed linen

(iii) United States – Underwear

(iv) United States – Cotton Yarn

I. Concept of Dumping

J. GATT & WTO Laws on Dumping

K. Anti-dumping measures

L. Possible reforms for Anti-dumping action under WTO

WTO & THE THIRD WORLD : HUMAN RIGHTS PERSPECTIVE :

A. Issues on Environment

B. Standard Relating to Environment on WTO Agreement

(i) The Marrakesh Agreement

(ii) The General Agreement on Tariffs and Trade (GATT)

(iii) The Agreement on Technical Barriers to Trade (TBT)
(iv) The Agreement on Sanitary and Psytosanitary Measures (SPS) 227
(v) The Agreement on Subsidies and Countervailing Measures (SCM) 228
(vi) The Agreement on Agriculture 228
(vii) The General Agreement on Trade in Service (GATS) 229
(viii) The Agreement on Trade-Related Aspect of Intellectual Property (TRIPS) 229
(ix) Rules and Procedures Governing the Settlement of Disputes (DSU) 230
C. Environmental Disputes under WTO 230-236
   (i) United States – Gasoline 230-231
   (ii) United States – Shrimp 231-232
   (iii) United States – Shrimp 21.5 232-233
   (iv) The SPS "Trilogy" 233-235
   (v) EC – Asbestos 235-236
D. WTO's Committee and Forth Ministerial (Doha) 237-241
   (i) Committee on Trade and Environment (CTE) 237-238
   (ii) Forth Ministerial Mandate on Trade and Environment
E. Issues on Human Rights 241-244
F. Human Rights Obligations of WTO Members for the Interpretation of WTO Rules 244-252
(i) WTO Jurisdiction and Customary International Law 245-247

(ii) Human Rights as Constitutional Primacy 247-248

(iii) Obligation by Governments and intergovernmental Organization to Respect, Protect and Promote Human Rights 248-250

(iv) Principles for the Mutual Balancing of Human Rights : Non-Discrimination, Rule of Law and Necessity Principles 250

(v) Human Rights as Institutional and constitutional Guarantees : Right to Health 251-252

G. Human Right to Health and Access to Medicines 252-256

(i) General comment No.14 253

(ii) WTO Practice on Access to Medicines 254-256

H. WTO Promotion of Human Rights Relating to Trade and Environment in Legal Domestic System 256-262

(i) WTO Guarantees of Freedom, Non-Discriminatory Conditions of Competition, Necessity and Proportionality 257-258

(ii) WTO Guarantee for Protection of Health and Environment 258-262

I. Issues on Labour Rights 262-265

J. Link between Labour Rights and Trade 265-268

(i) Impact of Globalisation 266-267

(ii) Attempt taken by ILO, GATT and Unilateral State Practice 267-268
K. Labour Rights and Trade in GATT Practice
   (i) Unfair Labour Standards 268-269
   (ii) Attempt by United States for "Workers Right" on GATT Agenda 269-270
   (iii) Deliberations in GATT Councils for labour standards 270-272

L. Standard setting for Labour Rights and Trade 272-275
   (i) Merits and Demerits of the Incorporation of standards 272-273
   (ii) Selection of standards for a social clause 273-274
   (iii) Supervision of Compliance 274-275

M. Multilateral and Bilateral Agreements as a Model for WTO Action 275-280

MULTINATIONAL CORPORATION & THE THIRD WORLD : A SELECT CASE STUDY :

A. The Shwe Natural Gas Pipeline Project Case 281-289
   (i) Background 281-284
   (ii) Comparison between Shwe Project and Yadana Pipeline Project 284-285
   (iii) Human Rights Perspective 285-287
   (iv) Environmental Perspective 287-289

B. Yadana Gas Pipeline Case 289-300
   (i) UNOCAL Corporation and Human Rights Violation 289-292
   (ii) Yadana Gas Pipeline Project 292-293
   (iii) The Lawsuit 293
   (iv) The Alien Tort Claims Act 294
<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>(v) Foreign Sovereign Immunities Act</td>
<td>295</td>
</tr>
<tr>
<td>(vi) Subject Matter Jurisdiction under the Alien Tort Claims Act</td>
<td>296-297</td>
</tr>
<tr>
<td>(vii) Landmark Decision of the Court</td>
<td>297-300</td>
</tr>
<tr>
<td>C. Angolan Government and Human Rights Issue</td>
<td>300-307</td>
</tr>
<tr>
<td>(i) Brief Overview</td>
<td>300-301</td>
</tr>
<tr>
<td>(ii) International Monetary Fund (IMF) and Angolan Government</td>
<td>302-303</td>
</tr>
<tr>
<td>(iii) The Soros Announcement: A Positive Step</td>
<td>303-305</td>
</tr>
<tr>
<td>(iv) Human Rights Perspectives</td>
<td>305-306</td>
</tr>
<tr>
<td>(v) Limitations of Monitoring Agreement</td>
<td>307</td>
</tr>
<tr>
<td>D. Human Rights Violations in Nigeria</td>
<td>307-316</td>
</tr>
<tr>
<td>(i) A Brief Overview</td>
<td>307-311</td>
</tr>
<tr>
<td>(ii) Human Rights Perspective</td>
<td>311-314</td>
</tr>
<tr>
<td>(iii) Corporate Social Responsibility and Shell</td>
<td>314-316</td>
</tr>
<tr>
<td>E. Human Rights abuse in Colombia</td>
<td>316-318</td>
</tr>
<tr>
<td>F. The Bhopal Gas Tragedy</td>
<td>318</td>
</tr>
<tr>
<td>(i) A Brief Overview</td>
<td>318-320</td>
</tr>
<tr>
<td>(ii) The Bhopal Disaster : Hiroshima of the Chemical Industry</td>
<td>321-326</td>
</tr>
<tr>
<td>(iii) Corporate Social Responsibility</td>
<td>326-328</td>
</tr>
<tr>
<td>Chapter - VIII CONCLUSION AND SUGGESTIONS :</td>
<td>329-355</td>
</tr>
<tr>
<td>BIBLIOGRAPHY</td>
<td>356-365</td>
</tr>
<tr>
<td>TABLE OF CASES</td>
<td>366-367</td>
</tr>
</tbody>
</table>