Introduction

The Essex Business and Human Rights Project has the objective of applying university resources in research and consultancy to the demands of human rights on business activity. Its mandate covers national and international standards and business activity, and includes those areas of environmental protection related to human rights.

The period since the last newsletter in June has been an active one, during which there have been the following developments:

Analysis of impacts of business activity

- Amnesty International UK has commissioned the EBHR to produce a comprehensive analysis of the legal liabilities of oil companies in the Niger Delta. The analysis will contribute to Amnesty’s guidelines for investors concerned about actual and potential damages to pay. The first stages of this project have been completed. A team of ten contributors, some in Nigeria and the others in Europe, has been assembled for the project. The work will be completed by the end of July, 2011.

- Sheldon Leader chaired a committee of experts convened by the OECD on 25 January 2011, which advised on an expanded set of human rights provisions within the OECD Guidelines for Multinational Enterprises. On 1 March, 2011 Leader addressed a meeting organized by the International Business Leaders Forum on the State Duty to Protect in the work of John Ruggie, UN Special Representative on the issue of human rights and transnational corporations and other business enterprises.

- The EBHR has been selected by the London based NGO, Interights to be on its panel of legal consultants.

- EBHR continues as the academic partner of the coalition of NGO’s, the Corporate Responsibility Coalition (CORE). CORE’s aim is to campaign for the establishment of a UK
Commission on Business and Human Rights: a body which would permit disputes to be brought before a non-judicial body, allowing for less formal and costly means of trying to resolve issues. The Commission would also issue codes of practice and other policy advice. EBHR, together with the University of Melbourne, is working on research into several distinct components of the Commission’s function.

- Steffen Boehm is coordinating a team in the EBHR working with NGOs in Sierra Leone to provide analysis of the terms on which the Swiss based multinational, Addax, is investing in the Makeni Biofuels Project. This will involve legal, financial, and social impact studies.

- Analysis of impacts of investment agreement between Chinese companies and Democratic Republic of Congo. The NGO Global Witness will publish next month a report on the human rights and environmental impacts of investment by Chinese enterprises in the DRC based in part on an analysis carried out by three members of the EBHR: Judith Schoensteiner, Rasmiya Kazimova, and Sheldon Leader.

Research

As reported in the previous newsletter, members of the EBHR are partnered with the Organization for Security and Cooperation in Europe (OSCE) in order to carry out research into the impact of infrastructure investment on the interests of minority communities in Kosovo. A pilot study was carried out, and report made to the OSCE in July. Funding for the larger project, which involves case studies, is being applied for, and the project is due to last a year.

Project with University of Melbourne: This research concerns the use of non-judicial remedies for wrongs committed by transnational business. It is designed to complement the EBHR’s work with the Corporate Responsibility Coalition (CORE), described above.

Visits to potential collaborators

Japan and Chile

Sheldon Leader gave talks in Tokyo on business and human rights to the University of Waseda, and to the NGO ‘Human Rights Now’ in January,
2011. This was an event organized by the Essex Centre for Human Rights. Leader also gave talks in Chile in October, 2010 to the UK-Chile Chamber of Commerce, to Sustantank Consultants, and to the University of Diego Portalis in Santiago.

**Activity for Essex University students: the Human Rights Law Clinic**

Students following human rights masters’ degrees are able to gain practical experience by work with the newly established Human Rights Law Clinic. The EBHR coordinates work on the issue of relations between parent and subsidiary companies in a transnational setting. It is drawing on practicing lawyers for issues on which they wish assistance, and is also allocating the Clinic some of the background research into the Niger Delta project with Amnesty (above).

**Development of simulation exercise**

The EBHR has begun discussions with companies interested in providing the technology for the creation of a simulation exercise designed to train individuals in the strategic issues raised by business and human rights.

**Legal brief**

Members are working on a second amicus brief. This is designed to provide arguments for a possible further stage in litigation following the recent decision in the case of *Kiobel v Shell Petroleum* 621 F.3d 111. This decision threatens to seriously weaken the ability of plaintiffs to bring actions against companies for violation of the US Alien Tort Claims Act, a development of worldwide significance.

**Events**

*18 May 2011: event in London organised by EBHR and Law Society of England and Wales*

The Human Rights Committee of the Law Society and the EBHR are organizing a conference on the theme of financial governance and human rights. The meeting will be held at the Law Society’s premises in Chancery Lane, London, on 18 May at 6:30 PM. There will be a drinks reception after the discussion. A formal announcement will be posted.

*EBHR Seminar series*
A seminar series is taking place with a combination of internal and outside speakers. The talks cover the following topics:


Seminar on 24 November 2010: ‘Global Finance: A New Frontier for Human Rights’ Mary Dowell-Jones (University of Nottingham)

Seminar on 07 December 2010: ‘When the rights of workers and firms do not collide’ Brian Langille (University of Toronto)

Seminar on 26 January 2011: ‘The Gates Effect: the anti-politics of new philanthropic movements’ Linsey McGoey (Sociology Department, University of Essex)

Seminar on 16 February 2011: ‘Nanotechnology – should consumers be concerned?’ Ian Colbeck (Department of Biological Sciences, University of Essex)


Seminar on 17 March 2011: 'The UN Special Representative's Guiding Principles on Business and Human Rights - a framework for the willing?' Peter Frankenthal (Business Group Amnesty International UK)

Seminar on 23 March 2011: 'The corporate responsibility to respect human rights in the UN framework on business and human rights: a voluntary commitment or the start of a binding duty of care?' Peter Muchlinski (School of Oriental and African Studies London)

**Project website**

The web-site of the Project, to be found at [http://www.essex.ac.uk/ebhr/](http://www.essex.ac.uk/ebhr/), is constantly updated and will gradually be extended.

The Project will continue to offer a series of high-profile speakers on a variety of topics analysing themes of Business and Human Rights from different angles. Details will be found on the web-site.

A special issue of the Essex Human Rights Review on Business and Human Rights is planned.
Collaborating centres within the University of Essex includes the Institute for Democracy and Conflict Resolution, the Human Rights Clinic, and the Essex Human Rights Centre.

**Project Staff and Associates**

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