INTRODUCTION

The Essex Business and Human Rights Project (EBHR) has the objective of bringing university resources to bear on the contemporary problems arising from the intersection of business with the demands of human rights, as well as with those areas of environmental protection related to human rights. We collaborate with a full range of non-academic bodies as well as other universities in research, training, consultancy, and policy analysis. Student involvement is encouraged and forms a key part of the Project.

The past year has been an active one for the EBHR:

1. Research and Knowledge Transfer

a) **Niger Delta**: The EBHR will soon be publishing its report on the activities of companies in the Shell Group in the Niger Delta, focusing on environmental issues as well as the possible liabilities of the parent company alongside its Nigerian subsidiary. The report explores the possibility of taking claims in fora other than Nigeria, principally the UK, Netherlands and USA, including a consideration of the impact of developments in EU law. The final report will soon be available on the EBHR website.

b) **Sierra Leone**: Members of the EBHR from the Essex Business School have examined the financial aspects of an investment in sugar cane for use in the EU as a bio fuel by a Swiss based company, Addax.

c) **Uganda**: The EBHR has been working with the Westminster Foundation for Democracy on a project concerning the human rights/environmental aspects of the Ugandan petroleum industry, particularly on the new Petroleum Law progressing through the Ugandan Parliament. The legislation has been tabled but has not yet been enacted into legislation. As well as significant research, in
January 2012, members of the EBHR travelled to Kampala to conduct training for Ugandan MPs on the theme of legislative oversight of the extractive industries. The project will carry on providing elements in support of Parliament as it considers several pieces of legislation concerning the growing oil and gas industry in the country.

d) **Australia:** The EBHR is an academic partner with the University of Melbourne in a three-year project analysing non-judicial dispute settlement methods for business and human rights issues. It aims to provide analysis that focuses on trans-national dispute settlement, providing a framework for consideration of case studies of victims’ claims against multinational companies with subsidiaries in India and Indonesia. In March 2012, the EBHR hosted a series of instructive meetings at the University of Essex between the project, representatives from the University of Melbourne and from the Corporate Responsibility Coalition (CORE), with further meetings planned for June and July 2012. So far the EBHR has, prepared case study summaries of several dispute settlement mechanisms and are planning interviews with various actors, such as NGOs, public servants, and business leaders, who are involved with and experienced in these mechanisms. Also currently underway is work on academic research papers, exploring topics such as the efficacy of the Equator Principles, limitations of inter-governmental mechanisms, and an analysis of whether mining companies in Australia and the UK engage with voluntary mechanisms, among other topics. A final report is due to be published in 2014.

e) **Brazil:** The EBHR has formalised links with the Prosecutor’s Office in Rio de Janeiro and the Federal University of Juiz de Fora, Brazil in order to commence a training and research partnership. Representatives the Prosecutor’s Office and the Federal University spent some time at Essex University, working with the EBHR over the spring term 2012. The partnership will involve analysing the potential liabilities of members of the Thyssen-Krupp group of companies, arising out of the latter’s construction and operation of a steel mill in the environs of Rio de Janeiro.

f) **UK:** The EBHR was invited to organise the academic input into a series of meetings convened by the UK Foreign and Commonwealth office and the Arts and Humanities Research Board. The meetings were focused on the UK’s implementation of
the UN Guiding Principles on Human Rights responsibility of Transnational Enterprises – the ‘Ruggie’ Principles. A preliminary report will be published by the FCO in June 2012.

g) Canada: In April 2012 the EBHR, with the Essex University Human Rights Clinic (consisting of graduate students), petitioned the Supreme Court of Canada to be granted intervener status in the case of ACCI v. Anvil Mining Ltd currently pending before the Court. The case concerns an attempt to hold Anvil Mining Ltd to account in Quebec for its alleged conduct in the Congo.

2. STUDENT INVOLVEMENT

The EBHR has been keen to foster student involvement in its activities and in business and human rights more generally. There has been significant student involvement through the Essex Human Rights Clinic, which comprises graduate student volunteers. A sub-group of the Clinic, the Corporate Veil Project (recently renamed the Corporate Accountability Unit) operates exclusively in the field of business and human rights, with Marios Kotsias, of the School of Law, acting as its academic supervisor. This year Clinic students produced a country report on the Uganda, focusing on its oil and gas industry and legal framework to assist the EBHR in its activities in Uganda. Additionally, Clinic students conducted substantial research pursuant to joint intervention with the EBHR in the aforementioned Anvil Mining case pending before the Supreme Court of Canada.

Outside of the Clinic, there has been considerable involvement from the wider graduate human rights community at Essex, particularly those LLM students taking the economic relations specialisation. A number of students assisted the EBHR in its involvement with the aforementioned FCO meetings, with two students attending the final meeting. Further to this, the EBHR’s work in its partnership with the University of Melbourne has seen a group of students produce several of the necessary mechanism case studies and joint student and academic participation on the research papers currently being produced.

3. STAFF SPEAKING ENGAGEMENTS:

EBHR staff regularly present research at conferences and speak on business and human rights issues. Some examples of the many staff engagements this year have been:
a) **Professor Sheldon Leader:**


- “The Duty of the EU and Member States to Protect, Regulate Business and Provide Remedies: An Insight into the UN Framework ‘Respect, Protect and Remedy and Guiding Principles’” at Round Table hosted by Richard Howitt MEP, European Parliament Rapporteur on CSR in cooperation with FIDH, ECCJ and FORE: “Reconciling EU Policies in the Fields of Trade, Business and Human Rights”, at European Parliament in Brussels, Belgium (13 July 2011)

- “The implications of the UK Bribery Act” at Global Compact Network UK 3rd Quarterly Meeting hosted by HSBC London (6 October 2011)


- Panel Debate at Institute for Democracy and Conflict Resolution (IDCR) and Hamilton Group event on “The Ecocide: The Sentence”, at The University of Essex, Colchester, UK (31 March 2012)

- Professor Leader will also be attending speaking engagements in Peru and Brazil in the near future.

b) **Ms. Sylvia Meichsner**

- “Jo Negociatia: Pondering the Use of Visual Methods in Consultancy Work” at “Second International Visual Research
Methods Conference” in Milton Keynes, UK (13-15 September 2011)

c) Ms. Tara Van Ho
• Delegate of the American Society of International Law to the “Fourth Conference of States Parties to the UN Convention Against Corruption” in Marrakesh, Morocco (14-28 October 2011)

• Presented paper on applying the Ruggie Framework in Transitional States to the “Academy of Global Governance Doctoral School” at the European University Institute in Florence, Italy (2-3 December)

4. SPEAKER SERIES
The EBHR hosted a short speaker series over the 2012 spring term with several renowned experts in the field of business and human rights holding seminars which were very well received by students and staff:

February 15th 2012:
Peter Frankental (Economic Relations Programme Director, Amnesty International UK)

“Holding Transnational Corporations Accountable for Human Rights – Is the Tide Beginning to Turn?”

Exploring most recent trends and developments in the quest to hold companies accountable for their human rights impact – both inter-governmental initiatives and national civil and criminal mechanisms.

February 23rd 2012:
Antony Crockett (Senior Associate, Clifford Chance LLP (London))

“Human Rights and the Oil and Gas Industry”

Overview of Clifford Chance’s research exploring the implications of the UN Guiding Principles in the Oil and Gas sector.
February 29th 2012:

**Nick Hildyard (Director, The Corner House)**

“Human Rights Implications of Investor-State Agreements”

March 21st 2012:

**John Morrison (Executive Director, Institute for Human Rights and Business)**

“Applying Business and Human Rights in Wider Systemic Issues” Focusing on areas such as water use and management, land appropriation and restitution, conflict, migrant rights and recruitment agencies

June 20th 2012:

**Documentary Screening and Presentation by Dr. Sumohon Matilal (Business School, University of Essex)**

“The Tragedy in Bhopal: The Significance of the Victims Fight for Justice, Today”

5. **FORTHCOMING SPEAKER SERIES**

Preparations are already underway for the 2012/2013 academic speaker series. As of July 2012 there is a full list of speakers including:

- Richard Meeran (Leigh Day & Co)
- Nick Hildyard (The Corner House)
- John Morrison (Institute for Human Rights and Business)
- Peter Frankental (Amnesty International UK)
- Tom Kennedy (UK Foreign and Commonwealth Office)
- Dr. Michael Addo (University of Exeter, and UN Working Group)
- Louise Rouse (Fair Pensions)
- Peter Muchlinski (SOAS)
For a full list of names and dates please see our website (http://www.essex.ac.uk/ebhr/) which will be continue to be updated with details of the 2012/2013 speaker series.

5. CONFERENCES / THEMATIC MEETINGS

The EBHR is planning to hold thematic meetings on topical issues, lasting an afternoon each, on the following themes:

‘Corporate Governance, the Media and Protection of the Right to Privacy’;

‘Corporate Responsibility for the Management of Hazards: Lessons to be Learned from Nuclear Energy in Japan and Oil in the Niger Delta’;

‘Sovereign Wealth and Human Rights: When and to Whom Should Assets be Released in Transitional States Such as Afghanistan, Libya, Tunisia, or Egypt’.

These will develop over the coming months and details will be published on our website (http://www.essex.ac.uk/ebhr/).

6. PROJECT WEBSITE

For more information on any of the EBHR current or past activities and links to useful resources please see the project website: http://www.essex.ac.uk/ebhr/

7. PLANS FOR THE COMING YEAR

The Project will continue to encourage staff and students in work on themes of research and practical interest. As indicated above there are plans for new seminars, new research issues, and training, some of this via international partnerships being set up.

8. PROJECT STAFF AND ASSOCIATES

Core Team:

Professor Sheldon Leader, Essex School of Law (Director)
Dr. Steffen Boehm, Essex Business School (Deputy Director)
Ms. Sylvia Meichsner (Project Management, Social Research)
Mr. Douglas Kerr (Administrative Assistant)

*Project Associates:*

Dr. Youseph Farah, Essex School of Law
Professor Paul Hunt, Essex School of Law
Mr. Christos Iliadis, Essex Government Department
Ms. Aygun Kazimova, Business and HR Consultant
Ms. Rasmiya Kazimova, Investment and HR Consultant
Professor Neil Kellard, Essex Business School
Professor Todd Landman, Essex Government Department
Professor Sabine Michalowski, Essex School of Law
Mr. David M. Ong, Essex School of Law
Dr. Clara Sandoval, Essex School of Law
Dr. Judith Schonsteiner, Universidad Diego Portales, Chile
Professor Prem Sikka, Essex Business School
Dr. Hardy Thomas, Essex Business School
Professor Shahzad Uddin, Essex Business School
Miss Tara Van Ho, Essex Human Rights Clinic
Ms. Anil Yilmaz, Lawyer at the Istanbul Bar Association