Linking Transitional Justice and Corporate Complicity: the examples of Argentina and Colombia

Universidad de Palermo

Buenos Aires, 7-8 April 2011

This is the second of two seminars of the British Academy funded project on ‘linking transitional justice and corporate complicity’. The project has the following motivation and aims:

In recent years, the two issues of corporate complicity, ie the liability of transnational corporations for their complicity in gross human rights violations committed by the government of countries in which they operate, and of transitional justice, ie how best to achieve a transition to peace and democracy in the aftermath of armed conflict or oppressive and violent regimes, have received a lot of academic and political attention. What is lacking is research that explores the links between these two areas and conceptualises the particular problems raised where corporate complicity arises in the context of transitions. The project will contribute to this analysis by examining, in the light of experience in Argentina and Colombia, 1) the role of liability for corporate complicity in achieving the objectives of transitional justice; 2) the mechanisms through which this liability can be achieved; and 3) whether the remedies for complicity need to be adapted to the special circumstances of the transitional context.

The first seminar took place in Colchester, UK, in September 2010 and consisted of 4 sessions: (1) Identifying the elements of a potential linkage from the perspective of corporate complicity; (2) Identifying the elements of a potential linkage from a transitional justice perspective; (3) Bringing about the linkage - The role of liability for corporate complicity in achieving the objectives of transitional justice; and (4) Bringing about the linkage - Mechanisms through which the role of corporations can be addressed in the context of transitional justice initiatives and discussion of whether the remedies for complicity need to be adapted to the special circumstances of the transitional context. More information on this seminar, including the full programme and abstracts can be found on the website of the Essex Transitional Justice Network: [http://www.essex.ac.uk/tjn/research/economics.shtm](http://www.essex.ac.uk/tjn/research/economics.shtm).

The second seminar will apply the theoretical framework discussed at the first seminar to the specific cases of Argentina and Colombia.
Seminar Venue: Universidad de Palermo, Social Sciences Auditorium Mario Bravo 1259

7 April

9.30-13.30 Introduction to the Project and general considerations regarding the links between transitional justice and corporate complicity:

- Introduction to the project (Leonardo Filippini, Sabine Michalowski)
- Trends in environmental law (Florencia Saulino)
- Taking ‘corporate’ out of corporate complicity: The disturbing decision in Kiobel (Jim Gobert)
- Some thoughts on company due diligence, developments of soft law, and their applicability to the challenges of “old” transitions (Judith Schoensteiner)
- The contractualisation of human rights and its implications for corporate liability in times of transition (Youseph Farah)
- The role of Truth Commissions in determining the responsibility of multinational corporations (Clara Sandoval)
- Transitional justice and corporate complicity: the South African experience (Charles Abrahams)

13.30-14.15 Lunch

14.15-17.00 Argentinean Case Studies

- Transitional justice in Argentina (Mónica Zwaig)
- Corporate complicity in Argentina (Maria de la Paz Herrera)
- Argentina’s transition and civil responsibility (Andrea Gualde)
- Case against banks for financing the military dictatorship (Gabriel Morini)

21.30 Dinner at La Escondida, Costa Rica 4464
8 April

9.45-10.45 Argentinean Case Studies continued

- From Nuremberg to Buenos Aires and Jujuy: The Mercedes Benz and the Ledesma Cases (Wolfgang Kaleck)

11.00-13.30 Colombian Case Studies

- Review of Colombian cases involving corporate complicity, human rights violations and transitional justice: links, impact, potential and limitations (Alvaro Amaya)
- Cases arising in the context of palm oil industrial crop as an expression of the conflict between the project of national development and peasant communities (Roberto Vidal)
- The Drummond involvement in the Colombian Conflict: A case for the analysis of patterns of responsibility and possible remedies (Camilo Sanchez)
- The Las Pavas case (Roberto Vidal)

13.30-14.45 Lunch

14.45-17.30 Evaluation of the project and ways ahead
List of seminar participants:

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