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 will be held at the University of Essex and the focus will be on the key principles that can potentially link corporate complicity and transitional justice.

As the research group brings together experts to discuss the links between areas that are normally regarded as separate, ie corporate complicity and transitional justice, the first two sessions will provide an overview of the current state of the law and of trends in the legal and political discussion of both areas. In the light of these discussions, the remaining two sessions will addressed the main themes of the project as identified in the project summary, ie (1) the role of liability for corporate complicity in achieving the objectives of transitional justice; (2) the adequate mechanisms through which this can be achieved; and (3) whether the remedies for complicity need to be adapted to the special circumstances of the transitional context.

There will be short papers on the topics listed below, followed by discussion.
Seminar Venue: Room 5N.4.6

13 September 2010

12.30-14.00: Lunch (Law Common Room)

14.00-17.30: Identifying the elements of a potential linkage from the perspective of corporate complicity (Chair: Youseph Farah)

- Corporate complicity and human rights violations -- Emerging trends (Jim Gobert)
- The development of the concept of corporate complicity in the context of international criminal law from the Nuremberg tribunal to current UN conventions (Juan Pablo Bohoslavsky)
- The current state of corporate complicity in international law, including the OECD Guidelines for Multinational Enterprises, UN Global Compact, the Ruggie framework etc. (Tricia Feeney)
- Corporate complicity in private law, with the specific example of litigation under the US Alien Torts Claims Act (Cicek Gockun)
- The complex legalities of corporate complicity: the example of Colombia (Roberto Vidal)

14 September 2010

9.15-13.00: Identifying the elements of a potential linkage from a transitional justice perspective (chair: Fabian Freyenhagen)

- The Nuts and Bolts of Transitional Justice: A Human Rights Perspective (Jessica Almqvist)
- Considering the legal options to address corporate complicity in periods of transition (Camilo Sanchez)
- Economic crimes and transitional justice (Ruben Carranza)
- The special case of resource plunder in transitional justice (Fiona Southward)

13.00-14.00: Lunch (Law Common Room)
14.00-17.30: Bringing about the linkage - The role of liability for corporate complicity in achieving the objectives of transitional justice (Chair: Diana Morales)

- To what extent can and does liability for corporate complicity advance the goals of TJ? (Sabine Michalowski)
- Corporate Complicity, Forward-Looking Responsibility, and the Demands of Transitional Justice (Sheldon Leader)
- What is and could be the role of criminal prosecutions of corporations for their role in human rights violations in the context of transitional justice? (Leo Filippini)
- The role of corporations with regard to unsustainable development pre and post transition (Darren Calley)

19.30: Dinner (The Bake House, Wivenhoe)

15 September 2010

9.15-13.00: 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 (Chair: Aletta Norval)

- Civil litigation for corporate complicity as a consequence of inadequate transitional justice mechanisms: can the aims of TJ be achieved by court proceedings with regard to corporations? If so, would that be so even if these proceedings were to take place in courts outside of the country in transition? What other bodies could carry out important roles vis à vis corporations in transitional contexts? (Miriam Saage-Maass)
- Considering the possibilities and limitations of reparations by corporations in TJ processes: some reflexions (Clara Sandoval)
- Environmental Protection Issues Arising From the Institutional Framework for Stimulating Private Investor Involvement in a Transitional Society: Case Study of Kosovo (David Ong)

13.00: Lunch (Cafe Mondo)
List of seminar participants:

Ms. Jessica Almqvist, Researcher, Universidad Autónoma de Madrid, Spain, almqvistj@gmail.com

Mr. Sylvain Aubry, University of Essex, LLM Graduate, saubry@essex.ac.uk

Dr. Juan Pablo Bohoslavsky, Director of the LLM in Global Administrative Law, Universidad Nacional de Rio Negro, Argentina, juanpablobohos@gmail.com

Dr. Darren Calley, Lecturer in Law, University of Essex, dscall@essex.ac.uk

Mr. Ruben Carranza, Director of the Reparations Program, International Centre for Transitional Justice, NY, RCarranza@ictj.org

Dr. Youseph Farah, Lecturer in Law, University of Essex, yfarah@essex.ac.uk

Ms Tricia Feeney, Executive Director, Rights & Accountability in Development (RAID), tricia.feeney@raid-uk.org

Prof. Leo Filippini, Professor of Law, Universidad de Palermo, Argentina, leonardo.filippini@gmail.com

Ms. Evie Franq, University of Essex, LLM Graduate, eviefranq@hotmail.com

Dr. Fabian Freyenhagen, Lecturer, University of Essex, Department of Philosophy, ffrey@essex.ac.uk

Ms Laura Glanc, PhD candidate Government Department, University of Essex, lglanc@essex.ac.uk

Prof. Jim Gobert, Professor of Law, University of Essex, gobej@essex.ac.uk

Ms. Cicek Gockun, LLM student at the University of Essex, cgocku@essex.ac.uk

Dr. Karen Hulme, Senior Lecturer in Law, University of Essex, khulm@essex.ac.uk

Prof. Paul Hunt, Professor of Law, University of Essex, phmhunt@essex.ac.uk

Dr. Marios Koutsias, Lecturer in Law, University of Essex, mkouts@essex.ac.uk

Prof. Sheldon Leader, Professor of Law, University of Essex, leader@essex.ac.uk

Kai Yin Low, Grant Application Writer, University of Essex, kylow@essex.ac.uk

Prof. Sabine Michalowski, Professor of Law, University of Essex, smichal@essex.ac.uk

Ms. Diana Morales, Project Manager, Essex Transitional Justice Network, University of Essex, dmoral@essex.ac.uk

Dr. Aletta Norval, Reader, University of Essex, Department of Government, alett@essex.ac.uk

Mr. David Ong, Reader in Law, University of Essex, daveo@essex.ac.uk

Ms. Veerle Opgenhaffen, Senior Program Director, Centre for Human Rights and Global Justice, NYU Law School - veerleo@yahoo.com

Ms. Mariana Rulli, Reader in Political Science, Universidad Nacional de Rio Negro, Argentina, marianarulli@gmail.com
Dr. Miriam Saage Maass, Program Director, European Centre for Constitutional and Human Rights, saage-maasz@ecchr.eu

Mr. Camilo Sanchez, Lead Researcher at the Center for the Study of Law, Justice and Society (DeJusticia) and Professor in the Global Justice and Human Rights Program at the Universidad de los Andes, Colombia, csanchez@dejusticia.org

Dr. Clara Sandoval, Senior Lecturer in Law, University of Essex, csando@essex.ac.uk

Ms. Fiona Southward, LLM student, University of Essex, fprolingheuer@yahoo.co.uk

Mr. Leonardo Valladres Pacheco De Oliveira, University of Essex, PhD candidate in Law, lvpdol@essex.ac.uk

Prof. Roberto Vidal, Universidad Javeriana, Colombia, robertovidallopez@gmail.com

Ms. Anil Yilmaz, University of Essex, PhD candidate in Law, ayilma@essex.ac.uk