

International Law Seminar Series

2004

BHOPAL, 20 YEARS ON: CORPORATE RESPONSIBILITY FOR HUMAN RIGHTS VIOLATIONS TODAY

FACULTY OF LAW
UNIVERSITY OF SYDNEY

Speakers:

- Surya Deva, PhD Candidate, Faculty of Law, University of Sydney
- Dr Sarah Joseph, Castan Centre for Human Rights Law, Monash University
- Sam Mostyn, Group Executive, Culture & Reputation, Insurance Australia Group
- Justine Nolan, Faculty of Law, UNSW
- Peter Prince, Law and Bills Digest Section, Information and Research Services, Federal Parliament
- Professor Paul Redmond, Faculty of Law, UNSW

Date/Location:

Wednesday 1 December 2004, 5.00 pm - 7.30 pm
Venue: Faculty of Law, 173 Phillip Street, Sydney

General Convenor:

Dr Fleur Johns

CONTINUING
LEGAL
EDUCATION



Bhopal, 20 Years On: Corporate Responsibility for Human Rights Violations Today

As we approach the 20th anniversary of the Bhopal Gas Disaster (3 December 2004), this seminar will give participants a timely opportunity to revisit various dimensions of the issue of devolving legal responsibility for human rights violations upon corporate actors. Of relevance to community groups, corporate executives, corporate lawyers, regulators, insurers, unions, academics and activists alike, this issue remains as live and contentious today as it was two decades ago, as evidenced by recent debate surrounding the Jackson Report on the liability of James Hardie for asbestos-related claims.

Drawing together specialists from the corporate and human rights law fields, this seminar will involve reflection upon the regulatory initiatives that have been put in place since Bhopal and discussion of further developments anticipated in relation to corporate accountability under international human rights laws. Speakers will examine the latest international developments in litigation and regulatory strategy seeking to render corporations more accountable (and persistent obstacles thereto), as well as the implications of these for corporations and their risk managers. Those who attend this seminar should leave it better equipped to grapple with the complex legal and policy questions raised by proposals to render corporations answerable for violations of international human rights law.

PROGRAM

Session 1: 5.00 pm - 6.00 pm

Chair: Dr Fleur Johns, Lecturer, Faculty of Law, University of Sydney

Remembering Bhopal: What if it Occurred Today?

Surya Deva, PhD Candidate, Faculty of Law, University of Sydney

The Globalisation of Human Rights Laws: Implications for Multinational Corporate Actors

Dr Sarah Joseph, Senior Lecturer & Acting Director, Castan Centre for Human Rights Law, Monash University

Forum Non Conveniens and Transnational Litigation for Human Rights Violations

Peter Prince, Law and Bills Digest Section, Information and Research Services, Federal Parliament

6.00 pm - 6.30 pm Break - Drinks and light refreshments served

Session 2: 6.30 pm - 7.30 pm

Chair: Steve Mark, Legal Services Commissioner & Council Chair, International Commission of Jurists - Australian Section

Human Rights for the Contemporary Corporate Lawyer

Justine Nolan, Lecturer, Faculty of Law, UNSW

Liability of Parent Companies for Human Rights Violations of their Subsidiaries

Paul Redmond, Professor, Faculty of Law, UNSW

Corporate Responsibility for Human Rights Violations: A View from a Company

Sam Mostyn, Group Executive, Culture & Reputation, Insurance Australia Group

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SPEAKERS

Surya Deva is a PhD Candidate at the Faculty of Law, University of Sydney, researching in the area of human rights violations by multinational corporations. He taught law for more than three years first as Lecturer at the Faculty of Law, University of Delhi and then as Assistant Professor at the National Law Institute University, Bhopal. His research interests include corporate regulation, the WTO and human rights, globalisation, constitutional law, criminal law and the law of torts. Mr. Deva has published widely in these areas, and presented several papers at international conferences. He has also served on the editorial board of professional journals, and delivered guest lectures at various universities and institutes.

Dr Sarah Joseph is a Senior Lecturer in the Faculty of Law, Monash University and Acting Director of the Castan Centre for Human Rights Law, Monash University. Dr. Joseph's teaching and research interests include international human rights law and constitutional law, areas in which she has published widely, and she is a lead investigator on a major research project on multinational corporations and human rights funded by the Australian Research Council. Her publications include *Corporations and Transnational Human Rights Litigation* (Hart, 2004), *The International Covenant on Civil and Political Rights: Cases, Commentary and Materials* (OUP, 2nd ed, 2004, with Jenny Schultz and Melissa Castan) and *Federal Constitutional Law: A Contemporary View* (LBC, 2001, with Melissa Castan). Dr. Joseph has also conducted numerous professional human rights training courses for overseas and Australian Government officials.

Justine Nolan lectures in international human rights law at the University of NSW with a focus on corporate accountability issues. Prior to this, she was the Director of the Business and Human Rights program for the Lawyers Committee for Human Rights in the USA. She has worked as a consultant and adviser on international human rights law and corporate accountability on various projects with the United Nations, U.S. Agency for International Development, the Fair Labour Association, the Castan Centre for Human Rights and several large multinational corporations. She is a member of the Management Committee of the Australian Human Rights Centre, and a member of the National Executive of the Australian Lawyers for Human Rights.

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Peter Prince is a researcher in the Law and Bills Digest Section, Information and Research Services of the Australian Federal Parliament. From 1983-96 Mr Prince worked for the Commonwealth Government. He was director of the strategic policy section in the Department of Defence from 1991-93, and director of the ASEAN section and Indian Ocean section in the Department of Foreign Affairs and Trade from 1993-96. He worked as a consultant on international affairs and a private sector solicitor before joining the parliamentary research service in 2002. He has published on both international affairs and legal issues. His articles on private international law and corporate responsibility for human rights law violations include 'Bhopal, Bougainville and Ok Tedi: Why Australia's *Forum Non Conveniens* Approach is Better' (1998) 47 *International & Comparative Law Quarterly* 573, and (jointly) 'In the shadow of the corporate veil: James Hardie and asbestos compensation' (Aust. Parl. August 2004). His most recent article is 'The High Court and indefinite detention: towards a national bill of rights?' (Aust Parl Nov. 2004, see www.aph.gov.au).

Paul Redmond is a Professor in the Faculty of Law, University of UNSW. He was Dean of the Faculty from 1996 to 2002. Professor Redmond's research and teaching interests are principally in the field of corporations and securities law. He has a particular interest in corporate governance, and corporations and human rights. He is Chair of the Board of Directors of the Diplomacy Training Program Ltd, a human rights training and advocacy agency affiliated with UNSW.

Sam Mostyn is Group Executive, Culture & Reputation, of Insurance Australia Group (IAG), the largest general insurance group in Australia and New Zealand. Ms. Mostyn has an extensive background in law, corporate affairs, human resources and politics. Within IAG, she is responsible for managing human resources, organisational effectiveness, communication, government and policy, community and sponsorship, corporate social responsibility, and the integration of sustainability targets into the business. Prior to joining IAG in February 2002, Ms Mostyn worked with Cable & Wireless Optus. Before joining Cable & Wireless Optus, she was a senior adviser (communications) to the Prime Minister, The Hon P J Keating. Ms Mostyn serves on the Academic Advisory Board of the Australian Institute of Management, the Boards of the Sydney Festival and the Centenary Institute, the Premier's Council on Active Living (PCAL), and is a Trustee of the Australian Museum.

**Bhopal, 20 Years On: Corporate Responsibility for
Human Rights Violations Today**

Time: 5.00 pm - 7.30pm

Venue: Faculty of Law, University of Sydney,
173-175 Phillip Street, Sydney

Cost: (includes drinks and light refreshments)
Full registration: \$70.00 (gst free)
Community group rate: \$50.00 (gst free)
Students(full-time)/unwaged: \$35.00 (gst free)

This seminar is part of the Continuing Legal Education Program administered by the Faculty of Law at the University of Sydney. Attendance at the seminar will qualify participants for 2 MCLE/CPD units if this particular educational activity is relevant to their immediate or long term needs in relation to their professional development and practice of the law.



This seminar is an initiative of the Sydney Centre for International and Global Law. Based at the Faculty of Law at the University of Sydney, this Centre was created in 2003 with international law as its primary focus. The Centre specialises in teaching and research in international law and on issues pertaining to the global practice of law. The Centre offers advisory and related services to governments in Australia and throughout the Asia Pacific region, as well as to non-governmental organisations and others in the public and private sectors. Through initiatives such as this seminar series, the Centre is working to create links among those involved in the practice of international law throughout Australia. For more information about the Centre, please contact Professor Donald R. Rothwell, Director, Sydney Centre for International and Global Law, Faculty of Law, University of Sydney, 173-175 Phillip Street, Sydney NSW 2000; Tel: (+612) 9351 0308; Fax: (+612) 9351 0200; Email: donr@law.usyd.edu.au.

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Registration Form

University of Sydney ABN: 15211513464

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I would like to attend the seminar BHOPAL, 20 YEARS ON: CORPORATE RESPONSIBILITY FOR HUMAN RIGHTS VIOLATIONS TODAY

FULL FEE REGISTRATION (\$70 [gst free])

COMMUNITY GROUP RATE (\$50 [gst free])

FULL TIME STUDENT/UNWAGED RATE (\$35 [gst free])

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