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# Corporate Liability

Human rights and the modern business

**Monday 12 June 2006**

Hosted by Clifford Chance, 10 Upper Bank Street, London E14



## A one-day conference discussing all the latest key issues including:

- **International developments**  
– how will recent UN initiatives affect transnational business?
- **The law of bribery**  
– proposed reforms
- **The Corporate Manslaughter Bill**  
– too little too late?
- **Corporations and the Human Rights Act**  
– domestic accountability

## Keynote Speaker

- **Sir Geoffrey Chandler**, Founder-Chair Amnesty International UK Business Group and former Director Shell International

## Speakers

- **Jonathan Cooper**, Doughty Street Chambers
- **Andrew Edgar**, Clifford Chance
- **Gerry Facenna**, Monckton Chambers
- **Michael Ford**, Old Square Chambers
- **Richard Hermer**, Doughty Street Chambers
- **Nicholas Howen**, International Commission of Jurists
- **Charles Lawton**, Rio Tinto PLC
- **Rae Lindsay**, Clifford Chance
- **Geoffrey Nice QC**, 1 Temple Gardens
- **Colin Nicholls QC**, 3 Raymond Buildings
- **Monty Raphael**, Peters and Peters
- **Graham Rodmell**, Transparency International UK

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# Corporate Liability

## Human rights and the modern business

“ *The discussion concerning the human rights role of business [has] moved beyond the point where companies can sensibly regard human rights as discretionary* ”

**International Business Leaders Forum,  
Human Rights: It is your business, December 2005**

### Why you should attend this conference

The conventional wisdom that human rights only apply between states and individuals no longer holds true. Globalisation means that the actions of a single multinational enterprise can affect the rights of millions of people worldwide. The privatisation and contracting-out of public functions means that governments are increasingly under pressure to ensure private companies comply with public standards.

Increasingly, commercial strategies must take human rights into account. This is a fast-developing field – not just in the UK, but within the EU and globally. From the self-regulation of voluntary codes of practice, through aspirational declarations, to the emergence of enforceable laws – human rights principles are rapidly changing the legal and cultural frameworks within which businesses operate.

This one-day conference brings expert legal practitioners from in-house, City, and niche practices and the self-employed Bar together with representatives of the NGO sector to examine the latest developments and likely future directions of law and policy.

### Key issues examined

- How will recent UN initiatives affect transnational business?
- Soft law or hard law – can business regulate itself?
- What is the future of the draft Corporate Manslaughter Bill?
- Why has the resurrection of a 200-year-old US statute revitalised the international legal framework?
- When is a corporation a ‘public authority’ under the Human Rights Act? And when does the Act place duties on the government to regulate business?
- EU law and regulation – how does this protect human rights?

### Who should attend?

- **Practitioners working in:**  
Corporate/commercial, employment, personal injury, white-collar crime, public law, human rights
- In-house lawyers
- Financial institutions
- Employers’ organisations and business federations
- Local and central government
- Prosecuting authorities
- Academics
- NGOs
- Trade Unions

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### Programme

09.00 *Registration*

09.30 **Morning plenary session 1**  
**Global Accountability**

**Welcome from the chair**

Michael Smyth, Head of Public Policy,  
Clifford Chance

09.35 **Keynote speech:**

Sir Geoffrey Chandler, Founder-Chair Amnesty  
International UK Business Group and former  
Director Shell International

09.55 **Questions and discussion**

10.05 **International Developments**

Charles Lawton, The Legal Advisor, Rio Tinto PLC  
Nicholas Howen, Secretary General, International  
Commission of Jurists

This session will deal with the development of human rights standards for corporations at the inter-governmental level. It will outline the effect of initiatives such as the UN Global Compact and the work of the UN Special Representative. It will also consider the utility of 'soft law' as a regulatory tool.

10.55 **Questions and discussion**

11.05 *Coffee*

11.25 **Morning plenary session 2**  
**Investment, bribery and corruption**

Chaired by Lord Goodhart QC, Vice-Chair, JUSTICE Council  
Colin Nicholls QC, 3 Raymond Buildings  
Monty Raphael, Peters and Peters  
Graham Rodmell, Transparency International UK

Following criticism of the 2003 draft Corruption Bill, the Home Office has recently consulted on proposals for reform of the law of bribery. How would a new law affect investment practices? What recent developments have there been in the international and domestic regulation of corruption? And what should be the standards for businesses dealing with foreign governments?

13.00 *Lunch*

14.00 **Afternoon breakout sessions**

Choose one session from the following two:

**1. Corporate criminal liability**

Chaired by Sally Ireland, JUSTICE  
Andrew Edgar, Clifford Chance  
Geoffrey Nice QC, 1 Temple Gardens

This session will consider two very different types of corporate criminal liability. First, the proposed Corporate Manslaughter Bill – is it a case of too little, too late? Secondly, the possibility of corporate complicity in international crimes – how can corporations uphold human rights standards in situations of war or repression?

**2. Corporate liability in European Union Law**

Chaired by Jemima Stratford, Brick Court Chambers  
Gerry Facenna, Monckton Chambers  
Michael Ford, Old Square Chambers

Businesses are subject to increasing levels of regulation by the law and institutions of the European Union. This session will consider recent developments in the fields of employment and environmental law, and their interaction with the law of human rights.

15.10 *Tea*

15.30 **Afternoon plenary session**  
**Domestic Accountability**

Chaired by Roger Smith, Director, JUSTICE  
Jonathan Cooper, Doughty Street Chambers  
Richard Hermer, Doughty Street Chambers  
Rae Lindsay, Clifford Chance

This session will focus on liability in the courts of a company's 'home' state for activities at home and abroad. In both the US and the UK, attempts have been made to hold corporations accountable in private law for human rights abuses. The most recent developments in both jurisdictions will be outlined, including case-law under the US Alien Tort Claims Act. In the UK, corporations are also affected by the Human Rights Act 1998. When is a corporation a 'public authority' under the Act? And what obligations does it place upon the government to regulate the activities of business?

17.05 **Chair's closing remarks**

17.10 *Close of conference*

# Corporate Liability Conference

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**Delegate Fee:** £325 + £56.88 VAT = (total £381.88) per delegate

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Prices include the conference, your comprehensive conference folder (containing papers relating to the conference sessions, which serves as a useful reference and as an *aide-memoire* afterwards), lunch, coffee/tea on arrival, mid-morning and mid-afternoon.

## Booking Form

Send to: *Conferences and Courses Sweet & Maxwell, PO Box 2000, Andover, SP10 9AH*

or fax to 020-7393 8051 For enquiries email: [conferences@sweetandmaxwell.co.uk](mailto:conferences@sweetandmaxwell.co.uk) or telephone 020 7393 7980

Yes! Please make a conference reservation for the following delegate(s).

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Signed: \_\_\_\_\_ Date: \_\_\_\_\_

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Choice of breakout session (insert session numbers in order of preference – please note we cannot guarantee your first preference)

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## Booking Terms and Conditions

Full payment must be made prior to the date of the conference, unless specific arrangements have been made to the contrary. A VAT invoice will follow acknowledgement of booking. Once submitted this booking form constitutes a firm booking which can only be cancelled in accordance with our cancellation policy set out below.

Once we receive your booking form we will send you a booking acknowledgement. If you have not received this acknowledgment prior to date of the conference, please contact us.

### Cancellation policy

Bookings may only be cancelled by written notice (by fax or email to [conferences@sweetandmaxwell.co.uk](mailto:conferences@sweetandmaxwell.co.uk)) received by us not less than 10 working days before the date of the conference (i.e. by 26th May). This must be followed by a telephone call to confirm receipt. You will then be sent a refund of your delegate fee, less an administration charge of £50.00 + VAT for each delegate booking that is cancelled. Telephone cancellations will not be accepted. Refunds of delegate fees for late cancellations (i.e. cancellations other than in accordance with the above paragraph) will not be

given. Failure to attend the conference will constitute late cancellation and payment will still be due or forfeit if already paid. We reserve the right to change the programme, date, content, price, speakers and venue as necessary; or cancel the conference totally in which case we will refund any payment made in respect of the cancelled conference.

### Substitute delegates

Substitute delegates can be accepted at any time, without charge. Please telephone the Conference Administrator on 020 7393 7980 to let us know the name of the substitute.

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