Call for Papers - Delocalised Justice: The transnationalisation of corporate accountability for human rights violations originating in Africa

By:

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ASSER INSTITUTE
Centre for International & European Law

Call for Papers

Delocalised Justice: The transnationalisation of corporate accountability for human rights violations originating in Africa

More than twenty years ago nine local activists from the Ogoni region of Nigeria were executed by the then military dictatorship. The story of the Ogoni Nine does not stop in Nigeria; the tale of the nine men, the many lives lost, and the environmental degradation linked to the extraction of oil in the region by Shell has quite literally travelled the world. What is often commonly referred to as the Kiobel case—after the application lodged by Esther Kiobel, the widow of Dr. Barinem Kiobel—originated in Nigeria, has been heard by courts in the USA, and is currently before Dutch courts. The Kiobel case, as well as a flurry of other cases (e.g. the Bralima case before the Dutch NCP, the Nevsun case before the Canadian courts, the Vedanta case before the UK courts, or the Total case before the French courts, among others), embodies the flight of corporate accountability cases out of their original African contexts.

This transnational quest for an effective remedy by those who's human and/or environmental rights have been violated is understandable, but it also raises serious questions about the consequences of the delocalisation of access to remedies in such cases. This conference aims to provide a forum for critical discussions of the justifications for, and consequences of, using various delocalised 'sites of justice' for human and environmental rights violations associated with 'doing business' in Africa. The aim is not to focus on Kiobel or Nigeria in particular, although contributions on this case are welcome, but to generally engage in a critical examination of cases that 'migrate' between different sites of justice, and the associated benefits and drawbacks of the displacement of corporate accountability out of African courts to courts or non-judicial mechanisms (such as OECD National Contact Points) based in the so-

called Global North. In doing so, we strongly encourage applicants to consider a variety of (critical) theoretical perspectives in the analysis of this phenomenon.

In this collaboration between Asser Institute's Doing Business Right project and AfronomicsLaw, we welcome contributions from scholars working on African international law, African perspectives of international/transnational law, as well as scholars working on business and human rights more generally. The aim is to bring a plurality of voices into conversation with each other, and to generate original (and critical) engagements with the operation of transnational justice in the business and human rights space. With important developments taking place at the international level, such as the drafting of a binding Treaty on Business and Human Rights, the preparation of European legislation on mandatory human rights due diligence, as well as the emergence of the African Continental Free Trade Area (AfCFTA), which is set to foster business across African borders, such discussions are not only timely, they are also necessary.

Deadlines and requirements:

In order to increase engagement from a broader range of actors from the continent, the conference will be bilingual, English and French. The conference presentations and outputs will also be accepted in either language (2,000 word blog post as part of a special symposium on AfronomicsLaw, as well as a full-length paper for a special issue with a journal (journal tbd)).

Overview of deadlines:

- Deadline for abstract submission: 15 January 2021
- Draft papers due: 1 March 2021
- Digital conference: 24-26 March 2021
- Final contribution to blog symposium on AfronomicsLaw: 30 April 2021
- Final papers due for special issue with journal: 1 July 2021

Please submit abstracts in English or French (250 words) accompanied by a short CV (max. 5 pages) to m.plagis@asser.nl by 23:59 CET on **15 January 2021**.

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