

Vance News

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Vance Center Joins Local and International Bar Leaders in Geneva to Discuss Business and Human Rights



Panel at the Palais des Nations in Geneva
Photo Credit: Marie-Claude Jean-Baptiste

As part of its new focus on Business and Human Rights, the Vance Center co-sponsored a major conference on **Business and the Bar: Lawyers, Rights and Remedies**, held recently at the Palais des Nations in Geneva. Now in its second year, the conference is the premier gathering of lawyers on the theme of Business and Human Rights. This year's conference focused on the Third Pillar of the U.N. Guiding Principles on Business and Human Rights -- access to remedies -- and touched particularly on the role that lawyers, law firms, bar associations, and companies can play in ensuring access to remedies when people are harmed by business activities. US Ambassador to the U.N.

Human Rights Council Keith Harper opened the discussions, stressing the importance of increasing access to remedies at the national level. Representatives of the U.N. Office of the High Commissioner for Human Rights also participated and shared updates on the progress of the UN's Accountability and Remedy Project, which aims to map the legal, practical and financial barriers to access to remedies for corporate human rights abuses worldwide and to provide guidance to states on overcoming these barriers.

Over the two days, representatives from various bar associations, international organizations, and NGOs shared their experiences on ensuring access to effective remedies for victims of corporate misconduct at the domestic, regional, and international levels. The conference concluded with a Bar Leaders Roundtable in which Vance Center Programs Director Marie-Claude Jean-Baptiste participated. The Roundtable explored the role of bar associations in promoting the UN Guiding Principles, including providing access to remedies for corporate human rights violations, raising awareness of business and human rights among their constituencies, encouraging the mainstreaming of the Guiding Principles across practice areas, and fostering peer learning.

The Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, endorsed by the U. N. Human Rights Council, represents the global standard for preventing and addressing the risk of adverse impacts on human rights linked to business activity. The Principles are based on a three pillar framework: a) States' obligations to respect, protect, and implement human rights and fundamental freedoms; (b) the role of business to comply with all applicable laws and to respect human rights; and (c) the need for rights and obligations to be matched to appropriate and effective remedies when breached.

In its new program focus, the Vance Center is working with organizations in the United States and



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abroad, including the International Committee of the Red Cross and Human Rights Watch, on a number of business and human rights projects and is exploring closer collaboration with the U.N. Office of the High Commissioner for Human Rights and the U.N. Global Compact on this issue.

Vance Center's Assistance to Special Rapporteur Recognized Again at the UN International Law Commission



Dr. Marie Jacobsson

Photo Credit: www.iihl.org

Dr. Marie Jacobsson, a member of the United Nations International Law Commission and its Special Rapporteur for the Protection of the Environment in relation to armed conflict, delivered the third of three reports addressing proposed legal measures to protect the environment before, during, and after armed conflict to the ILC in Geneva. During her presentation, Dr. Jacobsson recognized the invaluable contributions to her third report by the Vance Center Environment Program and Cleary Gottlieb Steen & Hamilton LLP which previously had assisted her with her second report. Dr. Jacobsson, who will be concluding her tenure at the ILC after ten years, has now completed a multi-year program of work to look beyond international humanitarian law (the law of warfare) and consider the applicability of environmental and human rights law

jurisprudence to the topic.

In keeping with the ILC's mission to promote the progressive development of international law and its codification, Dr. Jacobsson's report examines the rules applicable in post-conflict situations and addresses the legal issues related to remnants of war and other environmental challenges. The report includes proposals on post-conflict measures, access to and sharing of information, post-conflict environmental assessments and reviews, the applicability of environmental law treaties, and the rights of indigenous peoples. The report also reviews the practices of states and international organizations, including modern peace agreements, and the relatively new approach these organizations have taken to prevent and mitigate environmental harm. The report comprehensively reviews the international jurisprudence of international, regional and national courts and tribunals, and identifies those cases that apply or discuss provisions of international law that protect the environment in the aftermath of armed conflict.

The Commission debated and discussed the third report over four days ([A/CN.4/700/](#); [access audio](#)). At the end of the discussion, Dr. Jacobson proposed nine draft principles distilled from the report and the ILC referred them to a drafting committee for further analysis, consideration and potential adoption. The Commission will also decide whether a new Special Rapporteur should be appointed to continue work on the topic. Dr. Jacobsson observed that further study of the following issues would be valuable: environmental protection during different phases of occupation, the responsibility of non-state actors and organized armed groups, and non-



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international armed conflicts.

Vance Center Hosts CLE Program on the International Criminal Court Featuring ICC President

The Vance Center's Human Rights Program convened this month, for the first time at the New York City Bar Association, a CLE program on: "The International Criminal Court, A Primer For US Lawyers". The ICC President, Judge Silvia Fernández de Gurmendi, delivered closing remarks, welcoming the interest of the New York City Bar Association in the International Criminal Court and stressing that trainings at the national level like this one are essential to the full realization of the Court's mission.

The full-day program introduced New York legal practitioners to the ICC and the various roles that lawyers can play there, such as counsel to victims or defendants. The ICC is the first permanent international criminal court whose mission is to help end impunity for perpetrators of the most serious crime, such as genocide, war crimes, and crimes against humanity.



President of the ICC Silvia Fernandez de Gurmendi

Photo Credit: Eric Friedman



Panel of speakers during the event

Photo Credit: Eric Friedman

conference in Bogota, Colombia, with the participation of ICC Deputy Prosecutor James Stewart, to discuss the role of the ICC in the ongoing negotiations between the Colombian government and

The program topics ranged widely from the administration and structure of the Court, jurisdiction and admissibility of cases, the role of victims, ethical considerations for legal representation at the ICC, and the evolving relationship between the United States and the Court. The program also covered the practical aspects of serving as counsel before the ICC, including what U.S. practitioners should expect working at the Court. The program faculty included U.S. lawyers with experience as counsel for victims and defendants at the ICC.

This program built on the Vance Center's ongoing work in support of the ICC. In 2015, the Vance Center convened a

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that country's longtime principal guerrilla group, the FARC. This was the first high level ICC visit to Colombia since the peace negotiations got underway, and it afforded an opportunity to improve communication and understanding between the ICC and Colombia. The Vance Center is also working with local partners to promote and strengthen the work of the Court notably in El Salvador and the Central African Republic.

The Coalition for the International Criminal Court and the American Non-Governmental Organizations Coalition for the International Criminal Court co-sponsored the program with the Vance Center.

Vance Center and Women's Link Worldwide Host Meeting on "Transcending Courtroom Walls"



Women's Link Worldwide and Vance Center Staff Members.

(First Row from left: Maria Alejandra Cardenas and Viviana Waisman from WLW; Leire Larracoechea from the Vance Center

Second Row from left: Adriana Ospina from the Vance Center and McKensey Smith from WLW

Third row from left: Marisa Kohan and Glenus de Jesus from WLW)

Photo Credit: Karina Benzaquen

The Vance Center Women in the Profession program sponsored a presentation by Women's Link Worldwide of its global strategic litigation strategy. Since its creation in 2001, Women's Link has developed an innovative approach to promoting social change and advancing the rights of women of all ages by bringing carefully identified and developed legal actions in the courts in the Americas, Europe and East Africa. Vance Center Committee member and Shearman & Sterling partner Antonia Stolper opened the program, highlighting the significant contribution that Women's Link has made to advancing women's rights across the world and the importance for lawyers in New York to support it. According to Stolper, "promoting women's rights are battles we continue to fight every day, everywhere".

Women's Link President and CEO Viviana Waisman then described the three themes that guide the organization's work: discrimination against women and girls; sexual and reproductive rights; and gender-based violence. She emphasized the strict vetting process that the organization follows when identifying projects for litigation. This process is necessary so that the projects "can have the potential for creating sustainable social change".



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International Legal Director Glenys de Jesus and Regional Legal Director-Bogota Maria Alejandra Cardenas then shared their experiences in some of Women's Link's legal battles in Latin America. De Jesus is involved in litigation in the Dominican Republic involving a 16-year old girl who died of leukemia because she was denied the treatment she needed due to her pregnancy. Women's Link has brought public attention in the DR to the need to decriminalize abortion in certain specific cases. Cardenas described her involvement with a victory Women's Link achieved at the Constitutional Court of Colombia through litigation that sought the recognition of a woman's right to abortion services in Colombia. She also leads Women's Link's continued effort to set new legal standards to secure sexual and reproductive rights for victims of sexual violence in Colombia.

The breakfast meeting, held at the New York City Bar Association, was attended by over 30 women, including Vance Center Committee Co-Chair and Linklaters partner Sabrena Silver, Vance Center Committee member and Morrison & Foerster partner Carrie Cohen, and Vance Center Committee member and Greenberg Traurig partner Patricia Menendez-Cambo.



Vance Center members of WIP International Steering Committee (From left: Leire Larracoechea from the Vance Center; Antonia Stolper from Shearman & Sterling; Patricia Menendez-Cambo from Greenberg Traurig; Sabrena Silver from Linklaters; Adriana Ospina from the Vance Center and Carrie H. Cohen from Morrison & Foerester)

Photo Credit: Marisa Kohan



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Vance Center Environment Program Director Speaks at Human Rights Watch Summit

Environment Program Director Susan Kath spoke on a panel at the Human Rights Watch Council Summit recently held in Berlin. The Summit gathers staff from Human Rights Watch, human rights experts and practitioners, and key supporters of the human rights movement from around the world to discuss critical issues at the forefront of human rights. Kath's panel, which included Katharina Rall and Richard Pearhouse, HRW's environment and human rights researchers, along with Babatunde Olugboji, HRW Deputy Program Director, focused on key issues in defending human rights in the face of environmental degradation. The discussion centered on how vulnerable communities worldwide, especially the poor and marginalized, face enormous human rights challenges as a result of pollution and climate change.

Drawing on her work on behalf of Vance Center clients, Kath discussed how the rights of these communities must be protected, especially in the face of the impacts that climate change is having on their livelihoods, access to clean drinking water, and many other human rights. The panel also described the pressing need that exists for the protection of land and environmental defenders, who are encountering increasing threats from private security and state forces.



Panel at the Human Rights Watch Summit

(From left: Babatunde Olugboji, Susan Kath, Katharina Rall, and Richard Pearhouse)

Photo Credit: Annette Hornischer