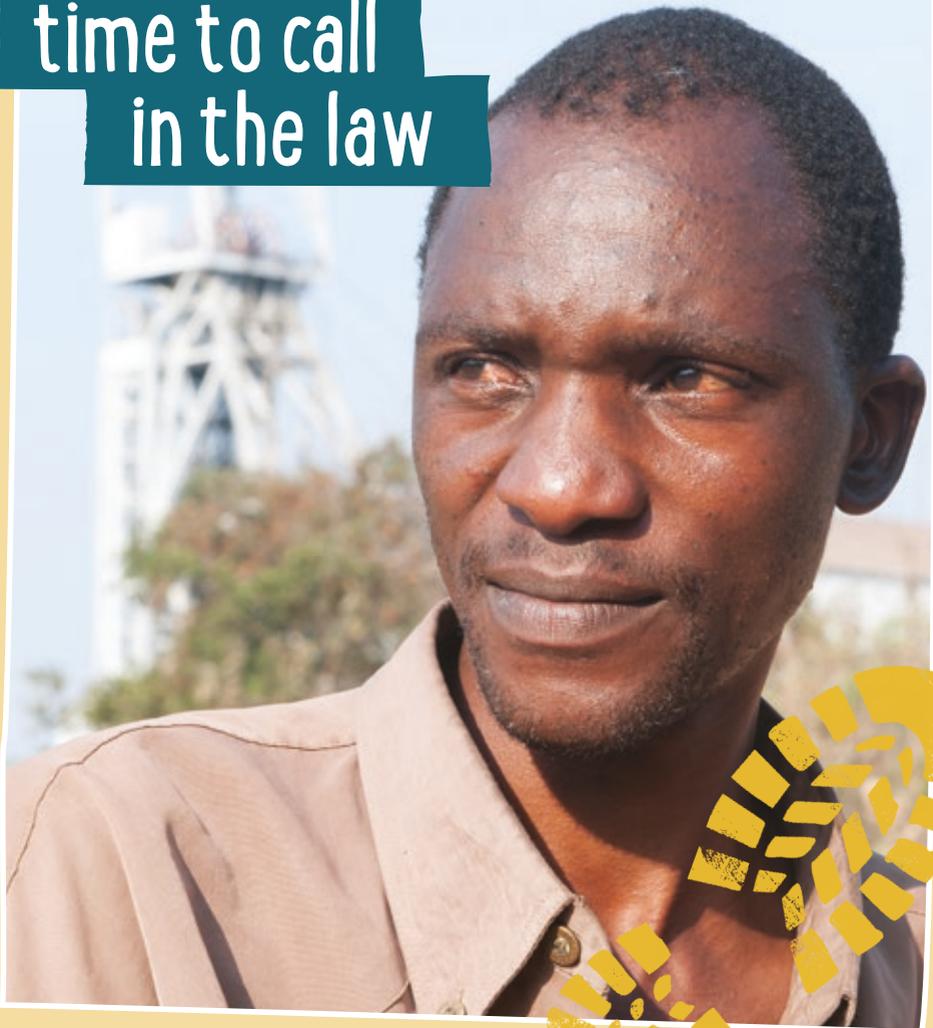


JUSTICE

time to call
in the law



TRAIDCRAFT
Fighting poverty through trade

Stand up for Justice

It's time to use the law to stop irresponsible companies causing serious harm in developing countries.

Poor business practice doesn't operate in a vacuum: it hurts the good...

David Cameron, 2013

The way we are living is not the way human beings are supposed to live.

Janet, 56, resident of Kankoyo, Zambia

Learn to do right: seek justice. Defend the oppressed. Take up the cause of the fatherless: plead the case of the widow.

Isaiah 1: 17

In the run up to the 2015 General Election, Traidcraft launched the Justice campaign, calling on all the main political parties to consider how they could enable people who have suffered at the hands of British companies to get justice.

While many British companies work hard to have a positive impact overseas, a minority lag behind. And at the moment, nothing stops senior managers from turning a blind eye to serious abuses taking place through their international operations.

Abuses like forcing people off their land. Or turning a blind eye to obvious and harmful pollution, which damages both health and livelihoods. Or, at the most extreme, employing security forces to deal with people who oppose them, sometimes handing out beatings or worse. If these things happened in the UK, there would be a public outcry. Companies would be stopped, and might even be prosecuted.

As a fair trade company based in the UK, Traidcraft understands the realities of doing business around the world. But we continue to see some other companies acting in developing countries in ways which would simply not be acceptable here.

The time has come for action. The new British government needs to use the law to stop irresponsible companies causing serious harm in developing countries.

The best of British companies are just that - the best. But the worst are undermining them, and are able to do so without fear of any consequence. It's time for that to change.





Felix lives with his family in Kankoyo, Zambia, where gas emissions from one of Africa's biggest copper smelting plants blights his family's life.

What's the problem?

Choked by gas pollution from a factory. Forced out of your home to make way for a plantation. Threatened with violence if you question what is going on.

This is what is happening to some of the world's poorest and most vulnerable people because of the activities of some international companies. And sadly, some of these businesses are based here in the UK and benefiting from our finance and markets.

We wouldn't find this acceptable - so why should people like Felix?

Yet at the moment, there is nothing in UK criminal law to stop this. Companies which turn a blind eye and fail to prevent serious harm through their business activities in other parts of the world cannot be held to account here.

Time to call in the law

For many years companies have been encouraged to improve their practices through voluntary initiatives. Some have responded, and are working hard to do better. For example, Traidcraft is involved with companies in the Ethical Trading Initiative where members share good practice and seek to improve.

But not all companies take this approach. For some, maintaining their profits and share prices trumps any concern for the rights of the people among whom they operate.

The actions of these 'laggard' companies undermine those of more responsible ones. That's why we need to use the law to hold the worst offenders to account.

Traidcraft is calling for British companies which cause serious harms in developing countries to be prosecuted.

Responsible companies which already have effective procedures and systems to prevent abuses would have nothing to fear, and everything to gain as they stop being undermined by irresponsible competitors.

“ They just get the copper and leave, that's all. They don't care about us. I don't know why they don't care about us. ”

Felix



When will it stop?

The people of Kankoyo, in Zambia's Copperbelt, live downwind of a huge copper smelting plant. Some houses are just a few hundred metres from the factory. Since 2000, the company which runs the plant has been majority owned by Glencore, listed on the London Stock Exchange.

For years, the plant has belched out sulphur dioxide generated in the smelting process. Local people even have a word for the emissions – 'senta'.

In 2014, Glencore installed new equipment which it said captured 95% of sulphur dioxide emissions. But in Kankoyo, local residents tell a different story. As one woman says, 'We all started asking – when will the 'senta' stop? We were told it would stop but it hasn't stopped.'

People say that every few weeks, sulphurous gas is released into the air –

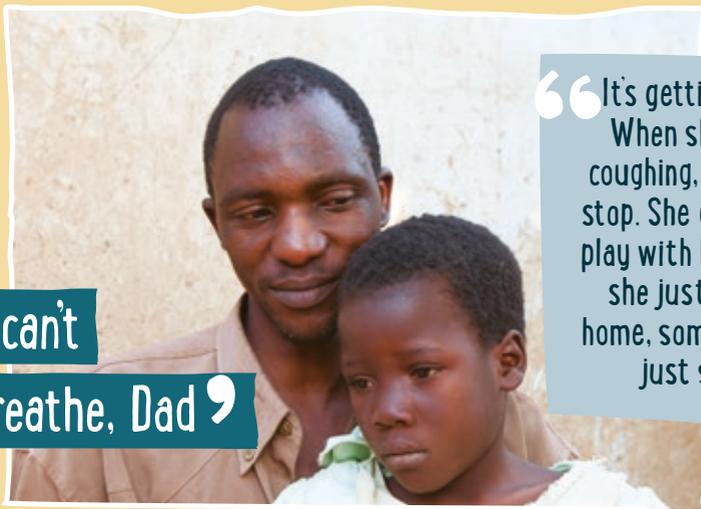
“Your eyes feel like you've put chilli into them. And then your nose – you start sneezing. And your chest... when you are walking, it feels like you are breathing in smoke.”

Angelina, 61, Kankoyo resident

killing off plants, corroding iron roofs and filling the lungs of local people.

Glencore state that the company actively monitors emissions which remain within international standards and the Zambian Environmental Management Agency guidelines. The company regularly engages with community members and provides support on a broad range of health matters. Read their full response here: www.traidcraft.co.uk/glencore

“I can't breathe, Dad”



“It's getting worse. When she starts coughing, she doesn't stop. She doesn't even play with her friends, she just stays at home, sometimes she just sleeps.”

Seven-year-old Bertha has had breathing problems ever since she was a baby. Whether these underlying problems are the result of the gas emissions from the copper smelting plant is probably impossible to tell.

But repeated exposure to the sulphurous gas from the plant seems to be taking its toll on her physical and mental health.

Her father Felix explains what happens when the gas – or ‘senta’ as it is known locally – is released. ‘She says ‘I feel my chest – I can't breathe, Dad.’ So I just leave her in the house.’ She loves school, but going there has become increasingly difficult. ‘She just starts coughing, just coughing. They bring her home saying that she is

coughing a lot.’ He worries about how she will get an education.

‘It's getting worse. When she starts coughing, she doesn't stop. She doesn't even play with her friends, she just stays at home, sometimes she just sleeps.’

Felix would like things to change, but doesn't know where to start. ‘We tell people but nothing gets done. There are mine police at the gates. They would not allow you to get inside and complain. So we just complain from the outside.’

We wouldn't accept this in the UK, so why should Felix?

It's time to use the law to stop irresponsible companies causing serious harm in developing countries.



In case you're wondering...

How could irresponsible companies be prosecuted?

In some instances, irresponsible companies could be prosecuted under existing law. But in most cases, new law would be needed, which would require an act of Parliament and would need the support of a majority of MPs. There are several different pieces of legislation which could be extended, including the Bribery Act and the Corporate Manslaughter Act. For more information, read our report *Above the Law?*

Will it make a difference?

Using the law to prosecute irresponsible companies would send a strong signal that causing serious harm to communities in developing countries is simply not acceptable in businesses based in the UK.

Isn't this just more red tape for business?

No-one wants unnecessary bureaucracy. But effective processes aren't red tape, they're part of good business management. Many companies already undertake due diligence to assess the risks to their business. New legislation would clarify the risks of operating and doing business in developing countries, something that many businesses would welcome.

Why should companies be prosecuted in the UK for something they've done in another country?

Companies should work within the law, wherever they operate. But the multinational nature of today's companies makes it very hard for developing countries, with weak or developing legal systems, to hold them to account. There have been hardly any successful prosecutions of international companies in a developing country – despite numerous allegations of abuse. Through our aid budget, the UK is supporting the development of robust legal systems in many parts of the world, and that's to be welcomed. But in the meantime companies need to be held to account.



Aren't victims already able to bring their cases to the UK?

In recent years, a small number of people from developing countries who've been harmed by UK companies have brought cases through the English civil courts, and won settlements. Traidcraft welcomes this - and wants more people to be able to do this. But civil cases don't ensure that companies are accountable and don't necessarily have a deterrent effect. That's why it should be possible to prosecute the worst cases.

Are you asking for a boycott of certain companies?

No! Sometimes consumers choose to boycott particular companies, and a coordinated campaign can help bring change. But it's no coincidence that many of the worst abuses we've heard about are caused by companies who have no public profile or brand. That's why Traidcraft believes there should be legislation to hold them to account.



How can I find out more?

You can read more about what we're proposing and why we think it's important in our report *Above the Law?*

Visit www.traidcraft.co.uk/justicecampaign to download.

To find out more about Glencore plc and its activities visit www.glencore.com/sustainability/case-studies/p/mopani-smelter-project

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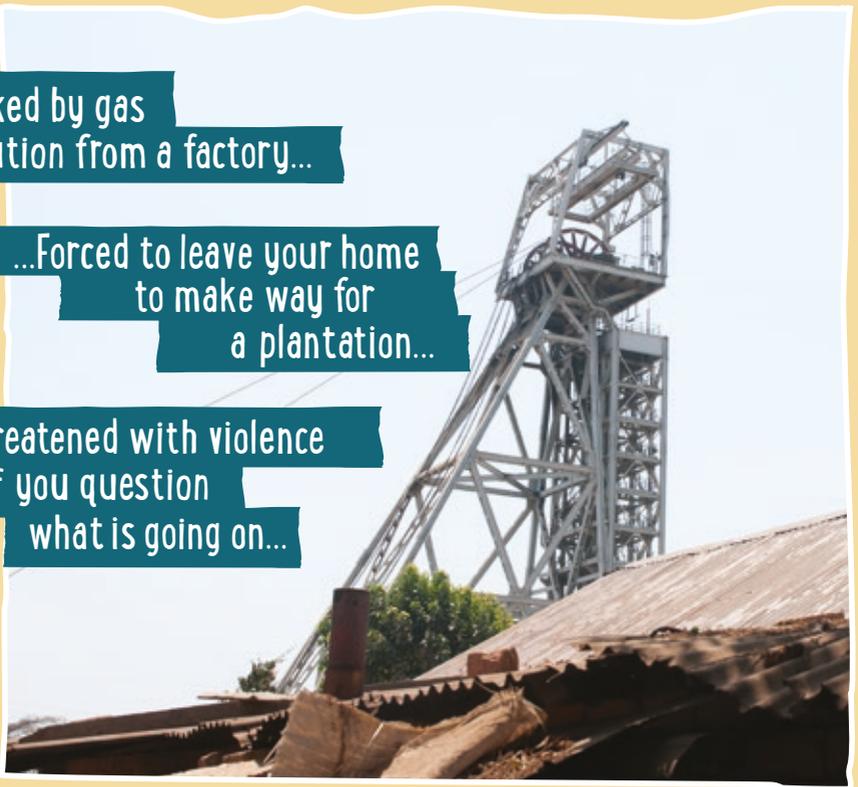
- Action Aid Zambia
- Green and Justice Organisation (Zambia)
- CORE coalition

We are also grateful to All We Can for financial assistance.

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This is what is happening to some of the world's poorest and most vulnerable people because of the activities of some UK-linked companies.

We wouldn't find this acceptable - so why should they?

At the moment, there is nothing in UK criminal law to stop companies turning a blind eye to what happens through their operations in other countries. It's time to change that. Time to stand up for justice.

Find out more and add your voice:

www.traidcraft.co.uk/justicecampaign



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Fighting poverty through trade

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