JUSTICE

we mean business
UK companies are increasingly global in their activities, with a growing presence in developing countries. With our national sense of fair play, most of us would like to see British businesses leading the way in trading responsibly.

But the people featured in this report tell a different story – of UK companies taking decisions which result in mistreatment or even abuse.

These companies need to be held to account for these decisions so that they change the way they operate. The bad should no longer be allowed to undermine the good.

And the people who have been harmed need justice. As shown in this report, justice may involve financial compensation, but also involves putting things right, and changing business practices to prevent future wrongs.

Traidcraft is a fair trade business and charity which believes passionately in the positive role that trade can play in fighting poverty. As a British company which sources from more than 30 countries worldwide, we want people who have been harmed by UK companies through their international trading activities to be able to get justice.

UK political parties need to open their eyes to the impact that a minority of British companies are having. The next government needs to implement practical measures to enable the people harmed by those companies to get justice – in the UK if necessary – and for the companies to be held to account.

We invite others to join us in calling on our political leaders to make this happen. If enough of us take a stand, together we can make them listen.

‘To no one will we sell, to no one will we refuse or delay, right or justice.’
Magna Carta, 1215

‘Do not deny justice to your poor people in their lawsuits.’
Exodus 23:6

‘I didn’t expect a UK company to act in this way.’
28-year old, injured at the North Mara gold mine, Tanzania
“If we had an income, life would be better.”

Mary’s life was devastated when her husband Samwel was shot at the North Mara gold mine in Tanzania, owned by a UK company. Samwel had gone onto the mine site with others. Local villagers often search for rocks in the hope of striking lucky. Police providing security for the company opened fire with live ammunition and Samwel was shot through the spine.

He is now paralysed from the waist down, and needs full time care from Mary. ‘I am just alone. I have nobody to help me look after Samwel. I have to carry him down the path whenever he needs to go to hospital. The rest of the time he lies in bed.’

Mary and others like her deserve justice. ‘If we had money to have good treatment for Samwel and an income to serve our needs, life would be better,’ says Mary. ‘We used to have hopes. When Samwel was working we started to build another room onto our house, but now this has stopped. It is very hard, the change.’

For Mary and her family, justice would mean a secure income, the ability to pay medical bills and help to care for Samwel.
The North Mara gold mine opened in 2002 and is owned and run by African Barrick Gold, a UK registered company. In this part of north-west Tanzania, local people have always relied on small-scale mining to supplement their meagre income from farming. But as one local resident said, ‘When the mine arrived, everything changed.’

Located in the middle of seven villages, the mine has been a source of friction with local people since it opened. Inevitably, in this poor area, some people have gone onto the waste dumps to continue to try to find a few gold-bearing rocks. The company’s response has been heavy-handed and disproportionate. They have continued to use the Tanzanian police to provide security, despite the fact that at least 16 people have been killed in the last six years.

A group of victims is currently suing the company through the English civil courts.

Other local people have explained how company agents pressured them into dropping their cases in return for limited compensation – along with a gagging clause. One man said, ‘I was sick, I needed money for the operation – they offered to pay. It is now I am realising that I shouldn’t have agreed.’

The company is defending the civil case on the basis the police were protecting the mine from intruders and denies putting pressure on local people to drop their claims.
56-year-old Magige Ghati Gesabo has lived in the same village all his life. ‘We used to get gold from all around here but this land has now been taken,’ he says.

On 16 May 2011 he had a phone call from a friend of his eldest son Emmanuel. ‘He told me that Ema had been shot and was in a critical condition.’ When he got to the hospital, Magige was asked to identify the body of his son in the mortuary.

The loss of his son has hit Magige and his family hard. ‘He was my eldest son and my family depended on him so much. He was going to look after me when I got old and now he is gone.’

Magige adds, ‘it is a UK company. They are the ones who have caused all of this death because they failed to handle the security issue. So I am asking that the government of the UK will help us to find justice against them and to help us to get our compensation for these injustices.’

For Magige and his family, justice would mean security for his family and community.
The disaster at Rana Plaza in Bangladesh hit the headlines in April 2013 when a multi-storey building collapsed killing well over a thousand people.

Many of the victims were young women working in the garment factory units in the building. They were forced to go to work that day despite concerns raised about cracks in the building. Masuma is one of the survivors: ‘There was so much debris you could barely see. I closed my eyes and started to crawl my way towards the window.’

Rana Plaza was not a one-off: hundreds more people have been killed or injured in clothing factories across Bangladesh in recent years. Fourteen people have been killed since the Rana Plaza collapse, and there have also been deaths in other countries.

The international outcry following the collapse has led to welcome initiatives to improve safety in Bangladeshi factories and the establishment of the Rana Plaza compensation fund.

When companies take the decision to buy from countries like Bangladesh where labour costs are low, they cannot deny knowledge that health and safety standards can be lax and that abuses can occur. Such decisions bring with them a responsibility to source from safe workplaces.

Bangladesh garment factory deaths in the last ten years

<table>
<thead>
<tr>
<th>Year</th>
<th>Date</th>
<th>Company/Location</th>
<th>Type</th>
<th>Deaths</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>May</td>
<td>Omega and Shifa Apparels</td>
<td>Fire / Human crush</td>
<td>8 deaths</td>
</tr>
<tr>
<td>2005</td>
<td>January</td>
<td>Shan Knitting &amp; Processing</td>
<td>Fire</td>
<td>22 deaths</td>
</tr>
<tr>
<td>2006</td>
<td>February</td>
<td>KTS Textile Industries</td>
<td>Fire</td>
<td>54 deaths</td>
</tr>
<tr>
<td></td>
<td>April</td>
<td>Spectrum Sweaters</td>
<td>Building collapse</td>
<td>19 deaths</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Jamuna Spinning Mill</td>
<td>Fire</td>
<td>6 deaths</td>
</tr>
<tr>
<td>2010</td>
<td>February</td>
<td>Garib &amp; Garib Newaj</td>
<td>Fire</td>
<td>21 deaths</td>
</tr>
<tr>
<td></td>
<td>December</td>
<td>Ha-Meem Group</td>
<td>Sportswear factory</td>
<td>26 deaths</td>
</tr>
</tbody>
</table>

Source: ‘Last Nightshift in Savar’, Doug Millar, pub McNidder & Grace 2012, updated by Traidcraft with help from Labour behind the Label
They should play their part in contributing to improvements and be prepared to be held to account if they source from dangerous or exploitative workplaces.

People like Masuma need the jobs which the factories offer, but they also need justice.

For Masuma and other garment workers in Bangladesh, justice would mean safe working conditions, sufficient pay, time off and compensation for accidents.

---

2011
December
Eurotex garment factory
Boiler explosion followed by crush
2 deaths

2012
November
Tasreen Fashions
Fire
123 deaths

2013
January
Smart Fashions factory
Fire
7 deaths

April
Rana Plaza
Building collapse
1,130 deaths

May
Tung Hai Sweaters Ltd
Fire
7 deaths

October
Aswad Composite Mills
Fire
7 deaths

2004–13
TOTAL DEATHS
1,494
Pastor Christian Lekoya Kpandei had set up a fish farm in the rich waters of the mangrove swamps of southern Nigeria. It was flourishing, with ten employees.

His farm was just over one kilometre from an oil pipeline owned by UK-Dutch company Shell. In 2008, a leak in the pipe led to thousands of barrels of crude oil polluting the tidal waters of the swamps. The leak was not stopped for over two months, and the damage has yet to be fully cleaned up.

Christian’s fish farm was destroyed overnight. ‘It was beyond my imagination. As the tide came with the crude oil, it entered and covered all the fish ponds. It killed all of the mangrove trees – everything in just one day. Everything we had put in just disappeared.’

As the pastor of a local church, Christian was the person his community relied on: ‘Because that is how we are created to be – to help one another. I used to help people. Now I am dependent on other people’s help.’

The company claims that leaks were caused by illegal theft of crude oil from the pipeline.

For Christian, justice would mean an admission of responsibility, for the company to fully clean up the pollution and to offer compensation for losses incurred.
Kwaku Acheampong grows palm oil on a 14 acre farm in Ghana, in West Africa. For the past six years he has been supplying Serendipalm, a fair trade cooperative, which in turn supplies palm oil for Traidcraft’s Clean & Fair range of cleaning products. ‘I like supplying Serendipalm because they are faster to pay and I get advice on the best ways to farm,’ he says. ‘The [fair trade] premium we receive goes into community developments such as housing for nurses and midwives and public toilets.’

Most of the world’s palm oil – which is found in items from food to make-up to cleaning products – is produced on vast plantations in Indonesia and Malaysia. The growth of these plantations has devastated local communities and the natural environment and has been heavily criticised.

Traidcraft’s experience of sourcing palm oil from small-scale producers in West Africa shows that there are alternatives and that global trade can bring real benefits to poor communities.

Justice for Kwaku is being able to get a fair price for his product and know that he can plan ahead in the security of a long term contract.
International trade could be a way out of poverty for millions. But until companies are held to account for their actions, trade will not be truly just.

At the moment, people who have been abused or mistreated as a result of the actions of a UK company have limited options to seek justice.

They could appeal directly to the company concerned – and for minor concerns this may be an effective option. But there is a fundamental problem with expecting a victim of abuse to seek justice from the perpetrator.

In theory, victims should seek justice in the country where the harm took place. However they may face weak judicial systems under pressure from powerful global companies. National governments are eager for trade and investment and reluctant to criticise foreign companies.

To stop UK companies operating with impunity around the world, there must be an option to hold them to account and pursue justice in the UK.

Systems outside the courts – like the National Contact Point for the OECD guidelines – can provide a negotiated solution. But without teeth or power to direct company action it often falls short.

Over the past two decades, a few cases have successfully won compensation for victims of corporate abuses through the UK civil courts. Victims from the North Mara mine and the Nigerian oil spill are currently suing the companies in the UK.

Bringing cases in the UK has always been challenging. It became even more difficult in 2013 following changes to the cost system. The next government needs to review this to make sure practical and financial barriers do not prevent victims seeking justice in this way.

Civil justice can win much needed financial compensation for victims. But it has limited effect on changing the future actions and decisions of companies.

Ultimately, for global trade to be truly just, companies or their directors should be prosecuted under criminal law when they are responsible for or complicit in acts such as unlawful killing, even if these acts are committed elsewhere in the world.
The time has come to put political will behind strong and effective justice for victims of abuses by UK companies as they trade internationally.

Globally, many countries are asking the United Nations to ensure that businesses operating internationally are held to account. The current UK government launched an Action Plan on Business and Human Rights, in response to Guiding Principles endorsed by the United Nations. This was welcome progress, but the next UK government needs to take this further.

- Make it possible to bring criminal prosecutions in the UK against British companies that abuse human rights in other countries
- Remove the barriers which stop people from poor communities bringing civil cases in the UK courts
- Ensure that companies can also be held to account effectively outside the court system.

As we approach the General Election, Traidcraft is calling on all UK political parties to consider how they can make access to justice for people who have suffered at the hands of British companies a reality. Only then will global trade be truly just.

About the campaign: traidcraft.co.uk/justicecampaign

From the companies named in this report:
www.shell.com/global/environment-society/society/nigeria

Acknowledgements

We are indebted to all the people featured in this report for allowing their stories to be shared. The following organisations have also provided valuable assistance, for which we are grateful:

- Amnesty International
- Centre for Environment, Human Rights and Development (Nigeria)
- CORE coalition
- Labour behind the Label
- Legal and Human Rights Centre (Tanzania)
- Leigh Day
Nipu survived the collapse of the Rana Plaza building in Bangladesh. ‘All I could think about was my son.’

Around the world, a small number of British companies are taking decisions which result in people being mistreated or even abused – and getting away with it. Traidcraft’s Justice campaign is calling for the people harmed by these companies to get justice – in the UK if necessary – and for the companies to be held to account.

Join the campaign. Order campaign postcards to send to the leaders of the UK political parties by phoning 0191 491 0855. Or go to our website and take action online traidcraft.co.uk/justicecampaign

Buy fair trade. Fairly traded products can make a real difference to the communities who produce them. Visit traidcraftshop.co.uk