

# **POOR COMPANY: THE HARSH IMPACT OF BRITISH BUSINESS ON POOR PEOPLE**

By Mark Curtis<sup>1</sup>

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<sup>1</sup> Mark Curtis is a journalist and author. He was previously Director of the World Development Movement and Head of Policy at Christian Aid and ActionAid. Website: [www.curtisresearch.org](http://www.curtisresearch.org); email: [mark@markcurtis.info](mailto:mark@markcurtis.info)

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# INTRODUCTION

The British Parliament is currently examining changes to company law in what some commentators have optimistically billed as potentially the largest shake-up in business law for 150 years. Rather, the process is continuing to protect corporations from serious accountability for their activities, especially where their impact is harshest - on poor people overseas. The evidence of British companies' role in the abuse of human rights overseas is legion and this has strongly continued, in fact deepened, under New Labour. Many of the largest and best-known British companies are:

- complicit in human rights violations
- forcing people off their land, with little or no compensation
- paying workers a pittance in wages
- causing illnesses among labourers working with pesticides
- polluting water sources used for drinking and agriculture

A recent United Nations report states that most of the world's large firms have adopted some form of human rights policy and have introduced some internal and external systems to report on human rights – yet the report notes at the same time that companies' human rights violations may well be increasing (see box below).

'There are intuitive grounds for suspecting that the expansion and deepening of globalisation... has also increased the possible involvement of transnational firms in human rights violations... The core challenge of business and human rights, then, lies in devising instruments of corporate and public governance to contain and reduce these tendencies'.<sup>1</sup>

The reason is clearly that companies' human rights policies are set by themselves and are purely voluntary – and therefore ineffective. Indeed, it may well be the case that the companies with the finest-sounding voluntary policies are the worst offenders. 'Corporate social responsibility' is masking involvement in human rights abuses in the same way that governments engage in public relations-speak of 'peace' exactly at the time they are poised to wage war.

British governments have always promoted the interests of corporations at the centre of their foreign policies, but this basic priority has reached extraordinary depths under New Labour. The British government is one of the world's leading champions of companies adopting simply voluntary standards. It has even intervened in the US legal process to stop British companies being sued in the US for alleged human rights violations committed around the world.<sup>2</sup>

This report brings some of this evidence together, and is intended as a brief summary document of research by various NGOs, campaign groups and others. It focuses on a select number of British companies and is far from

exhaustive; rather, it covers the tip of the iceberg of British corporate crimes around the world.

## 1. BRITISH PETROLEUM (BP)

*'At the core of BP is an unshakeable commitment to integrity, honest dealing, treating everyone with respect and dignity, striving for mutual advantage and contributing to human progress'.<sup>3</sup>*

In February 2006, BP announced a record-breaking profit of £11 billion. <sup>4</sup>
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### **The Baku-Ceyhan oil pipeline**

BP, together with other oil companies, is building a pipeline system to take oil from the Caspian Sea in Azerbaijan to the Turkish coast at Ceyhan. The project is causing economic and physical disruption to hundreds of communities along the 1,200 miles route, and has confiscated peoples' land, often with no compensation.

Up to 20,000 families in Turkey have lost their land. While BP has said that it will pay compensation, the company is likely to pay only for a narrow corridor containing the pipeline itself, even though a wider much area would be damaged or destroyed by construction activities. Even for the narrow corridor, many people have claimed that compensation payments have been unfair.<sup>5</sup>

The £1.8 billion project is subsidised by British taxpayers' money through export credits and is part-financed by the **Royal Bank of Scotland**.

In May 2004, one activist working with villagers affected by the pipeline, Ferhat Kaya, was detained and allegedly tortured by 11 Turkish police officers.<sup>6</sup> The pipeline passes through several conflict zones and will be policed in Turkey by the Gendarmerie, a paramilitary force regularly criticised by human rights organisations. Yet BP, and other companies, have built into the project contract an exemption from all liabilities for human rights abuses caused in the policing of the pipeline.<sup>7</sup>

### **Colombia**

Colombian farmers claim that their lives have been devastated by the construction of an oil pipeline in the central/eastern region of the country. They are taking legal action through the British courts against BP, which led the pipeline consortium in the late 1990s.<sup>8</sup>

The pipeline cut across the farmers' land, starving their crops and fishponds and creating soil erosion, turning landowners into destitute beggars. Yet compensation paid by BP was a tiny fraction of the losses sustained by the farmers. The project also brought with it the Colombian military, notorious human rights abusers with whom BP signed security agreements. Troops guarded the pipeline against guerrilla attacks but also intimidated the local population.

'By entering into contracts with many of the farmers, BP took advantage of the regime of terror brought about by the army and paramilitaries, the lack of education of the farmers, the lack of available legal representation in the area, and even took steps to sideline the obtaining of legal advice when it was available. All of this was done to push through the timetable for the installation of the pipeline and to ensure the installation was achieved as cheaply as possible. All of this was done with a total lack of regard for the human and legal rights of the farmers'. Leigh Day & Co, the law firm representing the farmers.<sup>9</sup>

## 2. MONTERRICO METALS

In Peru, mining is big business, accounting for half of the country's foreign earnings, and dominated by international mining companies. Late last year, Peru witnessed numerous serious conflicts between communities and mining companies. One ongoing conflict is over the Rio Blanco copper mine, located 2,500 metres above sea level on Peru's remote northern border with Ecuador. The project is expected to become Peru's second largest copper mine when it opens in 2008, and is wholly owned by a British company, Monterrico Metals.

Thousands of local farmers are fiercely opposed to the exploration of the mine and are demanding that the company halt all activities. They are arguing that mining will contaminate the rivers in the nearby Huancabamba valley and harm the essential drinking water supplies and agricultural activities on which 120,000 people rely for their daily survival.<sup>10</sup>

In August last year, 4,000 people marched on the Rio Blanco mining camp. Some 300 Peruvian police officers used rifles and tear gas to repel them and pursued some protesters for hours through forest paths. One protester was killed and 40 injured.<sup>11</sup> The following month, hundreds of farmers held a further two days of protests. 'The protest was peaceful but the message is clear... people don't want mining here', said Eduardo Caceres, the mayor of the city of Piura, capital of the province where the mine is located.<sup>12</sup>

Monterrico says that it is 'committed to community consultation and sustainable development' and the protesters could come to community meetings to express their views. But communities state that there has been no adequate consultation process. Some activists claim that by engaging in consultation is to take their lives into their hands. Conservationist Alejandro Zegarra-Pezo, for example, has said he has been targeted for assassination and that 'there have been many other assassinations of similar people, assassinated for the simple democratic act of verbally opposing and demonstrating against open pit mining exploitation in northern Peru'.<sup>13</sup>

There are also reports of company involvement in human rights violations, such as the claim that in March Monterrico's Social Responsibility Manager

led a violent attack on a peaceful forum on mining and sustainable development in the city of Huancabamba.<sup>14</sup>

Monterrico's financial backers include the **Royal Bank of Scotland** and **HSBC**.<sup>15</sup>

### 3. ASDA

In March, Asda, part of the giant US Wal-Mart group, began a banana price war by cutting banana prices by a quarter, from an already low price, to wean customers away from its rivals.<sup>16</sup> This could have immense impacts on people in banana exporting communities in Latin America and West Africa. Thousands of jobs have been lost on Costa Rican banana plantations in recent years as owners, faced with declining revenues, have closed down or slashed wages.

Didier Leiton, a former Del Monte worker and trade union leader in Costa Rica who was sacked for trying to improve working conditions, has said that the current price war 'could mean that banana workers will be forced to stop sending their children to school. The price cut at you end will fall on the shoulders of the plantation workers, as it always does'.<sup>17</sup>

Bananas are one of the most profitable product lines sold by British supermarkets. Asda sells one in seven bananas in Britain and has launched two other banana price wars in the last decade.

One in four bananas on supermarket shelves in Britain comes from Costa Rica, where there is a long history of abuse to workers and where labour conditions are notoriously poor:

- some workers labour below the minimum wage for the hours worked
- workers are often housed in cramped and unhealthy housing on the plantations,
- workers' access to health facilities is often limited
- trade union members are often harassed and victimised<sup>18</sup>

Also, workers often have poor access to health and safety equipment to protect them from exposure to a cocktail of highly toxic chemicals. Women are particularly badly hit, being especially exposed to pesticides known to provoke serious diseases, chemical burns, throat problems and other illnesses. A study by the University of Costa Rica found that women in the country's banana plantations suffer an abnormal rate of leukaemia and birth defects.<sup>19</sup> Women are also subject to sexual harassment in some plantations, some of which do not provide any childcare, causing huge problems for many mothers who may have to leave home at 5 am and not return until the evening.<sup>20</sup>

Asda describes itself as 'part of the Wal-Mart family'.<sup>21</sup> The US National Labour Committee found that 'in country after country, factories that produce

for Wal-Mart are the worst'.<sup>22</sup> The world's largest retailer, with sales of more than a quarter of a trillion US dollars and employing 1.6 million workers, has been widely condemned for terrible working conditions in its garment supply chains, often including long hours of compulsory overtime, poverty wages, health and safety violations and harassment of women workers. Yet NGOs report that Wal-Mart has hardly ever responded to allegations and has hardly taken any action to improve these conditions.<sup>23</sup>

## 4. SHELL

*'With the help of experts we have developed a series of practical ways to help Shell companies identify their responsibilities to human rights and deal with the issue on the ground'.<sup>24</sup>*

Profits for 2005: £13 billion<sup>25</sup>

### **Nigeria**

Shell has long been accused of complicity in human rights violations in the oil-producing Niger Delta region of Nigeria. Despite attempts to present a new clean image, recent reports suggest the reality continues to be otherwise. Friends of the Earth Nigeria, for example, recently reported that, despite the denials of the company, Nigerian military and police forces which are protecting Shell have continued to intimidate, harass and brutalise community members in its areas of operation. In some cases, peaceful protesters have been killed by soldiers and mobile policemen.<sup>26</sup> They also report that Shell continues to fuel conflicts within communities over ownership of land due to its policy of awarding 'community development projects' to communities on which Shell sites its facilities.<sup>27</sup>

In February last year Nigerian soldiers killed 17 people in Odioma town, Bayelsa state, in an operation ostensibly to arrest an armed vigilante group suspected of killing four local councillors. An investigation by Human Rights Watch found that the members of the vigilante group suspected of the killings 'were reported to have been recruited by a sub-contractor of Shell Nigeria to be responsible for security in the area, despite their record of criminality'. It also stated that 'Shell is not known to have expressed concern about the attack on the people of Odioma or their continuing destitution...Shell Nigeria should have taken greater care to ensure that it respected human rights within its sphere of influence and acted accordingly'.<sup>28</sup>

This February a Nigerian court ordered Shell to pay \$1.5 billion in damages for pollution in oil-producing Bayelsa state.<sup>29</sup>

### **Nicaragua and Costa Rica**

*'We are not asking you to give us material aid, but to simply demand what we demand: justice. Tell people how we have been here protesting four times,*

*each time for several weeks, each time walking the 150 kilometres from Chinandega while some of us die along the way from the venom creeping inside us. Tell them that many of us left our children behind in a deformed state thanks to Nemagon'. Juan Alejandro Vare.<sup>30</sup>*

Banana workers in Nicaragua and Costa Rica are suing Shell chemicals, a Shell subsidiary, and other companies, for being poisoned from contact with a pesticide. Nemagon, or DBCP (Dibromochloropropane), was extensively used in banana-growing in both countries in the 1970s and 1980s, even though it was banned in the US.<sup>31</sup> According to one report, the Costa Rican banana union, SITRAP, has documented 13,000 cases of workers who have become sterile as a result of using DBCP.<sup>32</sup> In Nicaragua, reports suggest that the chemical may have killed hundreds of people and damaged the health of 15-20,000 workers.<sup>33</sup> In 2002, a Nicaraguan court ordered the companies to pay \$490 million in damages to the workers, but the companies have refused to comply. They deem the Nicaraguan court system to be corrupt and therefore incapable of determining a fair sentence.<sup>34</sup>

- *South Africa's* largest oil refinery in Durban, a joint venture between Shell and BP, 'has a poor record of polluting communities, injuring workers, misleading the public and withholding information'.
- Some employees at Shell's pesticide production plants in the state of *Sao Paulo, Brazil*, are reportedly contaminated with toxins associated with their work while press reports have documented cases of cancer and kidney and intestinal damage.
- People on the island of *Curacao* (off the Venezuelan coast in the Netherlands Antilles) suffer respiratory problems and other ailments associated with pollution from the oil refinery set up by Shell 20 years ago.<sup>35</sup>

## 5. VEDANTA

*'The Group is committed to managing its business in a socially responsible manner. The management of environmental, employee, health and safety and community issues in respect of our operations is central to the success of our business'.<sup>36</sup>*

'The people have been displaced from their houses through physical eviction by the District Administration. Many were beaten up by the employees of Vedanta... In the face of resistance, the District Collector and the company officials collaborated to coerce and threaten them. An atmosphere of fear was created through the hired goons, the police and the administration....After being forcibly removed they were kept under watch and ward by the armed guards of Vedanta and no outsider was allowed to meet them. They were effectively being kept as prisoner'.<sup>37</sup>

So spoke a committee of India's Supreme Court in a report last September. Its damning indictment refers to the activities of Vedanta Resources, at the town of Lanjigarh in the state of Orissa. Four villages were destroyed in 2004 along with their surrounding fields to make way for Vedanta's alumina refinery and bauxite mining project. The report noted that 'land was also illegally taken over by Vedanta for which neither acquisition notice was served nor compensation was paid', and that the project was 'bound to destroy the water recharging capacity' of the area and 'cause the desertification of perennial streams'.<sup>38</sup> The tribal people living on the plant site depend entirely on their agricultural lands and forests for their subsistence, as well as having a deep spiritual and cultural attachment to the land.

Hundreds of people in surrounding villages have recently gathered to protest against Vedanta's activities, while the police have reportedly detained several of their leaders.<sup>39</sup> The Supreme Court is set to decide in July whether the project can go ahead.

Vedanta is based in London and owned by a billionaire non-resident Indian. It made a \$332 million profit in 2005.<sup>40</sup> Vedanta has raised almost \$1 billion on the London Stock Exchange and is backed by **HSBC, Barclays Capital** and **JP Morgan**.

There are also suspicions about other aspects of Vedanta's activities in India:

- At a copper smelter complex at the coastal town of Tuticorin, Tamil Nadu, which is operated by Vedanta's twin company, Sterlite, there have been 13 people killed by accidents or pollution and 139 injured in the last 8 years.<sup>41</sup> An Indian Supreme Court body discovered a 'mountain' of phospho-gypsum dumped at one end of the site and 'several thousand tonnes of arsenic bearing slag' at the other, all open to the wind and rain. Yet Vedanta has ignored an order to remove these hazardous wastes while in July last year, the Supreme Court body drafted an order to shut down the smelter for 'fully violating' the hazardous waste rules.<sup>42</sup>
- An NGO report has found that virtually all Vedanta's bauxite miners are contract labourers. At one site, at Mainpat, Chattisgarh state, workers earn just over 60 rupees (less for women), or around 80p, for delivering one tonne of ore. They live in small thatched hovels, perched over the quarry deprived of electricity and adequate water. The company is reported as providing no medical facilities, while silica-laden dust blows into workers' homes day and night.<sup>43</sup>
- At Mettur in Tamil Nadu, people have accused a Vedanta subsidiary, MALCO, of grabbing their land and paying no compensation, while polluting drinking water wells. Some workers at these aluminium facilities complain they have contracted a range of respiratory and skin and eye diseases.<sup>44</sup>

*'Our lands were taken by the company and no compensation was given. We have no concession from Malco. Malco water has spoilt our wells. Many*

*people have died because of breathlessness*'. Community member at Mettur, Tamil Nadu <sup>45</sup>

## 6. H.S.B.C

*'We will not provide loans directly to projects where the borrower will not, or is unable, to comply with either the Equator Principles or our own environmental guidelines, whichever carries the higher standard'*.<sup>46</sup>

The 'world's local bank' appears to be having a big effect on communities around the world.

- HSBC is the financial adviser to Monterrico Metals, which is in conflict with communities near the Rio Blanco copper mine<sup>47</sup> (see Monterrico section)
- HSBC is also one of several banks backing Vedanta resources<sup>48</sup>, the British mining company accused of complicity in human rights violations, land grabs and pollution (see Vedanta section). Indeed, it was six months after signing a voluntary set of standards on responsible project financing (the 'Equator principles', see box) in December 2003, that HSBC backed the share float for Vedanta resources as it was launched on the London Stock Exchange.<sup>49</sup>

### **The Equator principles**

In June 2003, HSBC and other British and foreign banks signed up to a voluntary set of principles based on World Bank social and environmental policies for financing projects worth more than \$50 million. Although welcome that the banks acknowledge they should consider the social and environmental impacts of the projects they finance, the Principles suffer from a lack of transparency in how they are used by banks and do not cover smaller projects. Most importantly, they are purely voluntary and non-binding, left to companies themselves to enforce.

### **Indonesia**

Research by Friends of the Earth shows HSBC's role in financing oil palm plantation projects in Indonesia which have resulted in social conflicts with local landowners, polluted waterways and destroyed thousands of hectares of forest. Palm oil is the world's second-most consumed edible oil and is found in one tenth of all supermarket products.

Since 1994, HSBC has helped to arrange over \$1.6 billion in loans and credit to the palm oil sector in Indonesia and acts as principal banker for a number of palm oil businesses. One such company, PT Adei Plantations, has been accused of illegally burning down tropical rainforest; another, PT London Sumatra (known as Lonsum), a recipient of a large loan from HSBC, has taken land from people in the village of Pergulaan in northern Sumatra to make way for palm oil production.<sup>50</sup>

*'Lonsum is the untouchable company in Pergulaan. The villagers of Pergulaan not only lost their land, they have lost their ability to control their future. The villagers feel like there is no way out but to continue to struggle for their rights'. Safaruddin Siregar, Executive Director of the Indonesian NGO, BITRA<sup>51</sup>*

Campaigning pressure has helped to press some companies, including HSBC, to adopt new standards approved by a Roundtable on Responsible Palm Oil, which signals that companies should not acquire palm oil from primary forests and should be produced with respect for the rights of indigenous people. The standards, adopted in 2005, remain voluntary, however, and just how effective they will be remains to be seen.

## 7. TESCO

*'We aim to act reasonably and responsibly in all our commercial and trading activities... We will do what we can to ensure that the standards of our suppliers meet the relevant international requirements'.<sup>52</sup>*

The development NGO, ActionAid, recently looked behind the shine of apples and pears on Tesco's supermarket shelves, by investigating the working conditions of casual women workers on fruit farms in the Western Cape, South Africa accredited to supplying Tesco.<sup>53</sup> Tens of thousands of women are employed as a 'reserve army' of part-time labourers doing contract and informal work to pick and pack South Africa's fruit for export to Britain and other countries. Tesco is Britain's biggest buyer of South African fruit.

The research found that despite Tesco making profits of £2 billion, thousands of women casual workers were being exploited as low prices and tougher standards are forced on local fruit farmers. Interviews conducted on a sample of seven farms found that farm workers were being paid below the minimum wage, exposed to pesticides, were often trapped in dismal housing and that women workers were in precarious employment and lost out on benefits.

Global retailers such as Tesco are known to squeeze local suppliers on price, set tough technical standards and demand greater flexibility under 'just in time' production schedules and more uncertain and volatile trading conditions. One farm and packhouse owner accredited to supplying Tesco told ActionAid: 'A buyer for Tesco picks up the phone and says X is offering me apples for £1 a carton cheaper; meet him or I take you out of the programme... Supermarkets like Tesco have all the power in the world, and we have to cut costs as far as we can. We're really at their mercy'.

Earlier this year, ActionAid conducted further research among the fruit farmers in South Africa to see whether there had been significant improvements since our original research a year before. There have not. Seasonal women farm workers still bear the brunt of unfair living and working conditions. And indeed

more and more seasonal workers are being employed on the farms, at the expense of a permanent workforce. Women workers are still discriminated against. Workers' housing remains appalling – all houses are in a state of disrepair, some with broken windows and falling ceilings.

Many workers still earn below the minimum wage. But even the minimum wage is completely inadequate to afford farm workers and their children a decent standard of living as they cannot afford even the basics such as housing, clothing and education for their children. Poverty wages keep workers in a continuous cycle of indebtedness to, and dependence on, farm owners as they often have no choice but to borrow money to buy items such as school uniforms or to buy food on credit from the farm shop.

The only positive change is that some effort is now being made to improve health safety in the workplace. Workers report that the orchards are not now sprayed with pesticides while they are working there.

Banana plantation workers earn just one penny for every pound's worth of bananas sold in Tesco. Tesco takes 40 pence<sup>54</sup> and makes around £1 million a week from banana sales. The El Ceibo group, Tesco's largest single supplier of loose conventional bananas, owns nine large plantations in Costa Rica. The group has a well-established record of anti-union activity and, since it took over two main plantations supplying Tesco, it has aimed to eradicate the local union, SITRAP and punish its members.<sup>55</sup>

## 8. ASIA ENERGY

*'Asia Energy is committed to plan, develop and operate the [Phulbari] mine in accordance with the best and highest environmental and social standards'.<sup>56</sup>*

The British company, Asia Energy plc, is the 100% owner of a coal mine at Phulbari in Bangladesh, which contains around 500 million tonnes of coal.<sup>57</sup> The company's states that 'some relocation of agricultural land, villages and part of the Phulbari township will be required' to develop the mine.<sup>58</sup> Delve further into the project details in the company's annual report and it is revealed that 'approximately 40,000 people, including residents of part of eastern Phulbari township, will need to be progressively relocated. About 100 villages will be affected'.<sup>59</sup> Other reports suggest the figure may be 50,000 people to be 'relocated'.<sup>60</sup>

Asia Energy has stated that no-one will be forcibly relocated and that people will be fully compensated and provided with an alternative livelihood and housing.<sup>61</sup> Yet this has not stopped thousands of people demonstrating against the mine and the forming of a community Phulbari Protection Committee. A public rally recently gave the government a three-week ultimatum to stop the coal mine and vowed to resist operations. Some people,

they claimed, have already been forced to leave their homes without any compensation.<sup>62</sup>

With the mine set to become operational later this year, the company claims there will be numerous benefits to the local community, such as 2,000 new jobs and 'the transformation of part of north-west Bangladesh into a mining and industrial zone'.<sup>63</sup> The company claims that the Bangladeshi government will receive \$200 million a year in taxes and royalties and that the country's reliance on imported coal will be reduced. It also argues that the mine will boost growth in a poor region.<sup>64</sup>

Yet one fear is that with 75% of the local population reliant on agriculture, the creation of a few thousands jobs may not be sufficient to offset the losses. One economist opposed to the project estimates Bangladesh will lose money as a result of the mine.<sup>65</sup> According to other reports, all houses, schools and businesses within a 6.5 kms square area will have to be demolished. Many local people also fear that tens of thousands of them may be directly affected by such open pit mining, which can dump 'overburdens' of pollutant material into surrounding rivers or land.<sup>66</sup>

Asia Energy's principal banker is the **Royal Bank of Scotland** while the lead financier of the Phulbari project is **Barclays Capital**, the investment banking division of Barclays Bank.<sup>67</sup> Part of Barclays' role is to work with Asia Energy in reviewing the project's 'environmental and social information' and to provide assistance with 'land purchase agreements'.<sup>68</sup> It is therefore implicated in the potentially devastating impacts of the projects on local people.

## 9. BARCLAYS

*'Where there is potential for our operations to cause human rights violations we will take whatever action is necessary to avoid them'.<sup>69</sup>*

Barclays bank is involved in financing or advising on a number of projects and companies with severe impacts on people.

### India

As part of the giant Narmada Dams project in central India, the building of the Omkareshwar dam, begun in October 2003, is expected to displace up to 50,000 people, many of them small farmers, as it floods thousands of hectares of pristine forest. Barclays has acted in an 'advisory' role in arranging project finance for the Omkareshwar Dam. Although it has not contributed its own money to the project, Barclays is financing the Indian company – the National Hydro Power Corporation (NHPC) – that is building it, in the form of a £28 million loan. The British bank, **Standard Chartered**, also participated in this loan.<sup>70</sup>

The Independent Peoples Commission in India has noted that NHPC's human rights record 'reflects a history of neglect and misconduct' causing a

'significant measure of avoidable human and social suffering'.<sup>71</sup> No development plan or strategy for informed participation has been developed for the indigenous people affected, and neither was an environmental impact assessment prepared by the NHPC. Some people have been forced off their land by intimidation and given meagre compensation.<sup>72</sup> NGOs have pointed out that Barclays, in supporting the Omkareshwar project, is violating at least five of the Equator Principles that are supposed to guide the bank in determining its project financing.<sup>73</sup>

After securing its loan from Barclays and Standard Chartered in 2003, the NHPC sped up construction of the 93 metre-high Indira Sagar dam, intended to irrigate land and produce electricity. In August 2004 many people were flooded out of their homes, some of whom had not been informed of this advance.<sup>74</sup> Local newspapers reported that people were being evicted by Special Armed Forces and police who have created 'an atmosphere of fear and terror'.<sup>75</sup> Last October, 5,000 people protested that low compensation had been given for their land and that no-one had been given alternative agricultural land. Many evictees faced destitution and hunger.<sup>76</sup>

Barclays is one of a small number of banks which have adopted a voluntary human rights policy and is one of 7 original members of the Business Leaders Initiative on Human Rights, which guides companies on adherence to UN human rights standards. But a recent NGO report notes that Barclays' human rights policy is 'unhelpfully vague and aspirational and provides little guidance for putting into operation a commitment to human rights'. Also, Barclays has no policy to explicitly address the rights and protection of indigenous people.<sup>77</sup>

### **Thailand**

The Trans-Thai-Malaysia pipeline project will pump gas from offshore fields in the Gulf of Thailand to supply Malaysia's gas grid. Barclays has been the lead arranger for financing of the project, itself providing a \$257 million loan, and was responsible for undertaking a risk assessment of the project that considered its social impact.<sup>78</sup> **HSBC** and **Standard Chartered** have also provided loans.<sup>79</sup>

Over two years of peaceful protest by local people in southern Thailand has been met by anti-riot police attempting to block demonstrations, sometimes causing large numbers of injured and detained. Intimidation from security patrols in the area provoked the UN's special envoy on human rights, Hina Jilani, to describe a 'climate of fear' in the area.<sup>80</sup>

The project manager, the Trans-Thai-Malaysia Company (TTM) has acquired land from public rights of way, failing to consult with local residents. Moreover, villagers have proved that TTM illegally seized a strip of common beachfront to lay its gas pipeline onshore<sup>81</sup> and are also in the process of submitting evidence that TTM has trespassed illegally on public land.<sup>82</sup> In December 2004, Thailand's National Human Rights Commission recommended that the project be suspended. Yet construction continues while NGOs report that Barclays has remained silent on the issue.<sup>83</sup>

## 10. BRITISH AMERICAN TOBACCO

*'Responsibility is embedded in our global business strategy and will stay there.'*<sup>84</sup>

Research by Christian Aid and DESER in Brazil has found that BAT's subsidiary, Souza Cruz, was controlling the livelihoods of thousands of small-scale farmers 'contracted' to work for the company. They are in effect locked into a system of debt which is accrued annually and paid off with the tobacco they grow. The farmers annual income is determined by Souza Cruz which decides the price paid for the tobacco according to its own rules and seemingly without independent scrutiny. The outcome is that Brazilian farmers are paid four times less than their counterparts in the US and many remain mired in poverty.

More disturbingly, acute and chronic illness and suicides are frequent among Brazil's tobacco farmers. Some suffer severe health ailments from exposure to the pesticides they use. Souza Cruz recommends and sells the pesticide to the farmers but fails to guarantee sufficient training and safety while often providing inadequate protective clothing.<sup>85</sup>

Brazilian tobacco farmers earn one pence for each packet of cigarettes sold in Britain.<sup>86</sup>

The story is largely repeated in Kenya where some farmers working for BAT experience symptoms associated with exposure to pesticides, such as breathing difficulties, nausea and chest pains.<sup>87</sup> BAT has also been accused of failing to provide appropriate masks and explain to farmers the dangers of pesticide use. BAT is not under any legal obligation to make sure farmers or their children wear protective clothing when they spray pesticides or handle crops.<sup>88</sup> BAT insists, however, that health advice is given and protective equipment made available to farmers.<sup>89</sup>

*'The companies have exposed us to various heart and skin diseases due to lack of protective gear such as aprons, gumboots and nose masks. They must address our well-being.'* Paul Gitwekere, a Kenyan tobacco farmer.<sup>90</sup>

### **Profits and peanuts**

BAT Kenya made pre-tax profits of £16 million in 2005, up from £14 million in 2004.<sup>91</sup> At the same time, Kenyan farmers are constantly speaking out against the 'peanuts' they are being paid by multinational tobacco companies, including BAT. One Kenyan MP has said that his constituents have been reduced to 'slaves by the tobacco buying companies'.<sup>92</sup> Some studies suggest that the vast majority of Kenyan tobacco farmers actually lose money from tobacco cultivation, partly because the system that prices their tobacco tends to be controlled by the companies, without sufficient transparency or independent verification.<sup>93</sup>

Two years after BAT's activities in Brazil were exposed and after two years of 'dialogue' between the company's subsidiary and local unions, little has changed on the tobacco farms. Conditions have not demonstrably improved. Prices have not improved.<sup>94</sup>

## 11. RIO TINTO IN PAPUA

The Grasberg gold and copper mine in West Papua is a joint venture between British mining giant, Rio Tinto, and US corporation, Freeport McMoran. The mine is protected by Indonesian military and police forces involved in well-documented human rights violations in suppressing West Papua's independence movement. The conflict in West Papua has caused over 100,000 deaths in the past few decades.

Recent investigations by the *New York Times* and Global Witness reveal that between 1998-2004, Freeport gave Indonesian military and police officers nearly \$20 million. Individual commanders received tens of thousands of dollars while hundreds of thousands of dollars went to the Police Mobile Brigade, a paramilitary force known for human rights abuses, as well as an Indonesian general accused of human rights abuses during Indonesia's occupation of East Timor.<sup>95</sup>

## 12. DE BEERS IN BOTSWANA

*'They said we had to go because of diamonds... They are killing us by forcing us off our land. We have been tortured and shot at. They arrested me and beat me'. Roy Sesana, spokesperson for the San Bushmen.*<sup>96</sup>

Botswana's government has moved hundreds of San Bushmen from their traditional hunting grounds in the Central Kalahari, saying they must leave to benefit from education, water and health services. The NGO, Survival International, argues that De Beers, the world's leading diamond producer which is 45 per cent owned by **Anglo-American**, is exploring for diamonds on the Bushmen's land and that this is the reason the government is moving them.<sup>97</sup> De Beers argues that there is no link between the eviction of the Bushmen and De Beers' prospecting for diamonds.<sup>98</sup>

A UN Committee has recently noted its concern at 'persistent allegations that [Bushmen] were forcibly removed through, in particular, such measures as the termination of basic and essential services inside the Reserve, the dismantling of existing infrastructures, the confiscation of livestock, harassment and ill-treatment of some residents by police and wildlife officers, as well as the prohibition of hunting and restrictions on freedom of movement inside the Reserve'.<sup>99</sup>

The British mining giant, **BHP Billiton**, has also been accused of exploring the evicted Bushmen's reserve without their consent. The venture by BHP's Botswanan subsidiary, Sekaka Diamonds, is being funded by the World Bank

to the tune of \$2 million, and whose policy on consulting indigenous peoples is being violated.<sup>100</sup>

### 13. BRITISH COMPANIES IN THE DEMOCRATIC REPUBLIC OF CONGO

War in the DRC has cost 3.5 million lives, and several British companies have been accused of contributing to the conflict, and human rights abuses, through profiteering from the exploitation of the DRC's natural resources. Twelve British companies, including **De Beers**, **Barclays** and **Anglo-American**, were named by the UN in October 2002 for violating the OECD's (voluntary) guidelines for multinational enterprises.<sup>101</sup> The following year, the UN's panel of experts listed most of the company cases as resolved - but serious questions remained about corporate conduct. However, a UN security council resolution does call on states 'to conduct their own investigations... in order to clarify credibly the finds of the panel'. Despite this, the British government has failed to conduct any fact-find missions of its own.<sup>102</sup>

A Human Rights Watch report last year revealed that AngloGold Ashanti, part of the **Anglo-American** group, provided financial and logistical support to an armed group in the DRC responsible for some of the worst atrocities in the conflict. The group helped Anglo-American access a gold-rich mining site.<sup>103</sup>

Another British company, **Afrimex**, also named in the UN report mentioned above, is a buyer of cassiterite, or tin ore, from the South Kivu region of the DRC. Tin ore exports are being used by military groups in the DRC to fund themselves while many of the mines in South Kivu are illegally controlled by militias known for human rights abuses. Many young men and boys work the mines with no equipment, often no basic tools and with no protection from falling rocks and mud slides. Thousands earn a meagre living often by carrying 50kg sacks by foot on long journeys to the nearest airstrip or town.<sup>104</sup>

### 14. UNILEVER IN INDIA

Recent research by ActionAid and Indian civil society groups shows the tale of poverty and hunger that lies behind the large profits made by Unilever from tea plantations in India. At plantations in Tamil Nadu state, owned by Hindustan Lever, a Unilever subsidiary, workers were being paid lower wages even as their workloads increased. Many suffered from hunger and malnutrition while facing job insecurity and struggling to feed their families, while tribal communities were harassed by plantation guards.<sup>105</sup>

### 15. ANGLO-AMERICAN IN SOUTH AFRICA

The British mining giant, Anglo-American, is currently facing a law suit in South Africa brought by former gold miners demanding compensation for having been affected by silicosis and phtsis (a combination of silicosis and tuberculosis). The British law firm representing the miners, Leigh Day & Co, has said that the gold and asbestos mining industries, which employed hundreds of thousands of people, 'appeared to have displayed a flagrant disregard and cavalier attitude to the health of their workers, placing profits as a clear priority. Both industries accumulated massive wealth at the expense of workers' health, taking full advantage of the apartheid system'. Anglo-American has said that it does not believe it is in any way liable.<sup>106</sup>

## **16. BHP BILLITON AND ANGLO-AMERICAN IN COLOMBIA**

Communities living near a huge coal mine in northern Colombia have been campaigning for years for compensation for having been forcibly relocated. Operations around the El Cerrejon Norte mine have also caused human rights violations and environmental destruction. The village of Tabaco was demolished, and its indigenous inhabitants evicted, by armed force in August 2001, when Anglo-American and BHP together owned 50 per cent of the mine (though they did not run it). Now, these two companies, together with Swiss company Glencore, own the consortium that operates the mine; villagers are still campaigning for adequate compensation while accusing the company of occupying surrounding farms around another village, Tamaquitos.<sup>107</sup>

## **17. STANDARD CHARTERED IN LAOS**

Standard Chartered is one of over a dozen international banks providing more than \$1 billion to finance the Nam Theun hydroelectric dam project in Laos. Approved by the World Bank and intended to generate electricity and foreign investment, the dam will be the largest in Southeast Asia when it begins operation, scheduled for 2009. The project has been repeatedly delayed due to widespread protests. The project will displace 6,200 indigenous people and affect another 100,000 living downstream from the dam, most of whom are subsistence farmers relying on rivers for fish, drinking water and agriculture. As of early 2006, however, a detailed resettlement plan was still not in place for these villagers, even though relocation was scheduled to be imminent.<sup>108</sup>

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