

*Sherpa

Activity report 2017

*Sherpa | Protecting and defending victims of economic crimes

Activity report 2017

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A word from the President, William Bourdon

2017 was a unique year for Sherpa, crowning with success several years of work.

Not only has the work accomplished by the entire team enabled us to consolidate our achievements, but it also allowed us to improve our arsenal of expertise and our visibility both in France and abroad. Above all, 2017 was a year of profound change and restructuration. Sandra Cossart has been the helm of Sherpa since the end of 2017. It is with great confidence that I, as the founder of Sherpa, express to her, as well as the entire team, my conviction that the small NGO growing consistently over the years will pursue its expansion and development tirelessly.

And then there have been new recruitments, new associates and I know how dedicated and willing they are to fly our colours. Finally, I am signing, for the first time, this editorial as founding President: I wish to pay tribute to Franceline Lepany, who was appointed President of Sherpa in 2017 and who, with dedication, generosity and concern for others, will now support and lead the work of Sherpa's teams.

The year 2017 also witnessed a spectacular acceleration of the proceedings that Sherpa initiated against Lafarge and the twists and turns of the judicial investigation entrusted to three examining magistrates in Paris who are regularly at the heart of the news. Other lawsuits were also initiated, often on innovative legal basis. All those procedures illustrate Sherpa's values, an all too rare combination of humanism and professionalism interspersed with imagination and rigour.



I created Sherpa over fifteen years ago and I will continue - as everyone knows - to the best of my ability to work for its consolidation and development. The times are not easy because the hazards are significant and any new legal or intellectual adventure requires ever greater expertise, humility and audacity in front of the growing complexity of the issues we face.

**I am delighted to confirm
that I will remain at your side.**

Editorial by the Director Sandra Cossart

2017 was an extremely intense year for Sherpa and its team! We have worked tirelessly, undaunted by the scale of the task and the legal attacks we faced, to create legal rights that can secure a fairer form of globalisation.

We have witnessed, on a daily basis, the accuracy of the observation made when the association was created 17 years ago: law is not adapted to economic reality. Multinational companies, some more powerful than States, are today capable of undermining the sovereignty of those States and impeding both national and international standards engaging their responsibility. These new Leviathans of the economy only exist because of the disengagement of nation states and the benevolence or even complicity of the public authorities. They promote soft law, praise self-regulation, and adhere to non-binding principles only not to be held accountable for their violations. Solely true constraints can provide an efficient framework for countering violations of human and environmental rights.

Without giving up on strengthening the strategic role that the state must play, we have tried to promote standards in those areas currently deserted by hard-law. We endeavoured to fill up this void, always seeking to convey our vision of law as a tool to serve the common good. Our unwavering commitment, combined with the collective intelligence of civil society organisations, enabled us to celebrate in 2017 the adoption of a legally binding obligation for parent companies. The enactment of this duty of vigilance imposed on multinationals has allowed to give more weight to stakeholders in the legal and political debate. This victory embodies the attraction Sherpa exercised on me 8 years ago when I joined the organisation and which continues to this day: freedom to believe that the law cannot and must not remain static at the risk of undermining democracy and fundamental rights.



Nowadays, the teaching of law is, to a large extent, more concerned with churning out compliance managers or masters of tax optimisation in the service of an economy running out of steam and resources, than fostering innovative forces needed to think differently about the law. It is this kind of change Sherpa seeks to impulse, by embodying this "other" side of law. The current structure of the world economy and its legal framework are not inevitable, and the law must take into account the major social issues and allow for a change of paradigm. In this perspective of change, my vision is that Sherpa must be based on a laboratory of law carrying out R&D on strategic litigation that in turn feeds political advocacy and exposes in practice the shortcomings of the law.

Faced with economic players relocating parts of their value chains at will in response to constraints and opportunities, we will continue obstinately to "relocate" the victims of globalisation and ensure they are heard before the courts where parent companies are liable. We will stand alongside Lafarge's Syrian employees, the victims of war crimes in Rwanda, and workers in Bangladesh, China and Qatar.

I will ensure that Sherpa remains an agent for change, influencing the creation of standards in France and within regional and international bodies, collectively creating a new narrative for a just transition.

Globalisation and human rights

Globalisation has changed the lifestyles of entire populations. New business opportunities, notably those offered by the transport revolution, have enabled firms to expand their production activities into emerging countries. Unfortunately, fundamental, human and environmental rights are constantly being neglected in favour of the systematic reduction in costs and an ever faster production rate.

Industrial disasters have multiplied at an alarming rate, causing social and environmental damage that is sometimes irreversible. However, the absence of regulation adapted to globalisation makes it impossible to establish liability or obtain compensation for damage. Through its globalisation and human rights programme, Sherpa is working to establish a legal framework that imposes binding legal constraints to make economic actors, including multinationals, liable for their actions.



Corporate liability of parent companies for their subsidiaries and subcontractors



THE LAW ON A DUTY OF VIGILANCE FINALLY ADOPTED!

A historic step for the protection of human rights and the environment, a strong signal to Europe and the international community

The year 2017 was marked by a great victory: the adoption of the law relating to the duty of vigilance of parent and subcontracting companies, after a legislative epic battle enduring for more than 4 years. Inspired in part by Sherpa's work and based on the United Nations Guiding Principles on Business and Human Rights, it represents a historic first step towards holding multinationals accountable and ending their impunity. The result of many years of intense advocacy and unprecedented collaboration between NGOs, trade unions, academics and parliamentarians, the law demonstrates the

importance of civil society in the legislative process and more broadly in the creation of legally binding standards.

* Background and history

Our observation is simple: the power of multinationals, whether economic, financial or political, continues to grow. Thanks to complex legal arrangements, they can now outsource human rights and environmental-related risks in order to dilute their liability in the event of damage, via their subsidiaries or subcontracting chains. Some of them benefit greatly from this social and environmental dumping. Their impunity was sustained by the absence, until now, of binding national or international standards. Sherpa has since its creation fought to end this impunity, which is leaving many victims without recourses.

CHRONOLOGIE

2010

Sherpa’s book of "46 proposals for regulating transnational companies" (proposals 21 and 22)

06.11.2013

First bill

24.04.2014

Sherpa files a complaint against Auchan for misleading commercial practicess

11.02.2015

Second bill

23.03.2015

Sherpa files a complaint against Vinci Construction for forced labour, slavery and concealment on construction sites in Qatar

15.11.2016

Sherpa files a complaint against Lafarge for terrorist financing and complicity in war crimes and crimes against humanity

29.11.2016

The French National Assembly adopts the bill on a new reading

01.02.2017

The French Senate rejects the text for the third time.

21.02.2017

The National Assembly adopts the text on a final reading

23.02.2017

The law is referred to the French Constitutional Council by 150 opposition parliament members.

23.03.2017

The Constitutional Council validates the basic constituents of the law.

★ Legislative process

The battle we fought for the adoption of the law was long and perilous, the employers’ organisations having systematically opposed the vote of the text. Because of their intense lobbying, the Senate blocked its passage three times. After numerous parliamentary shuttling back and forth, a compromise, in which Sherpa actively participated, was reached. On February 21st, the National Assembly finally adopted the law on the duty of vigilance.

The law was then referred to the Constitutional Council by the opposition. We had anticipated this move in our advocacy strategy and we facilitated the mobilisation of an academic working group set up at the beginning of the legislative process in order to publish articles on legal theory in support of the law (Mireille Delmas-Marty published an article in *Le Monde*, Marie Caroline Caillet in *Les Échos*, Nicolas Cuzacq in *La Tribune*, Armand Hatchuel in *Le Monde*, etc.). We also co-produced a memorandum for the Constitutional Council refuting the unconstitutionality of the future law. The Constitutional Council validated the most important components of the law, making a reference to the "indisputable general interest purpose pursued by the legislator" marking by this decision, we hope, a paradigm shift in the political stance of this institution still very attached to defending the freedom of entrepreneurs.

★ What does the law provide?

We conceived this law in an innovative way, as a mix between soft and hard law. Soft law measures, such as codes of conduct or ethical charters, with which companies are already familiar, were incorporated. But relying solely on self-regulation would have endangered our goal because some companies use those instruments to protect their financial interests and reputation rather than fundamental rights. It is the reason why the law combines a duty of care with a hard law liability regime imposing sanctions in cases of non-compliance. Similarly, we have pushed and succeeded to include the term "stakeholder", which is found in many soft law standards. The development of the duty of vigilance plan is intended to be carried out in association with the company’s stakeholders. The law establishes a tripartite obligation for companies: after having developed the duty of vigilance plan, they latter must publish it and also implement it effectively.

THE WORK OF SHERPA

To enhance the chances of adoption by the Parliament and validation by the Constitutional Council, we have contributed to discussions of the legal theory pertaining to the law by publishing articles and providing material for the work of academics and journalists. These publications confirm Sherpa’s role as an international expert on the subject.

★ Capacity building

In order to promote co-construction between different stakeholders on understanding and implementing the law, Sherpa has established a partnership with RSE & PED platform. This partnership consists in the preparation of a series of 15 webinars on the duty of vigilance in 2 phases: a methodological phase which began in November 2017, followed by a practical phase on the implementation of the duty of vigilance in different sectors and industries.

Publications

Sandra Cossart and Tiphaine Beau de Loménie collaborated with Jérôme Chaplier of ECCJ on an article entitled "The French bill on duty of care of parent companies" and published in the *Business and Human Rights Journal*, a new publication of Cambridge University Press (CUP), entirely dedicated to business and human rights issues.

Another article in English, "From Due Diligence to Duty of vigilance: taking the French example to the EU level", to be published in 2018, written by Sandra Cossart and Paige Morrow (Frank Bold), proposes the formulation of a duty of vigilance to be incorporated into European legislation, drawing in particular on the French experience.

VIGILANCE PLANS

REFERENCE GUIDANCE (VPRG)

Sherpa is conducting an ambitious project to ensure the follow-up and effective implementation of this law: the Vigilance Plan Reference Guidance

With this guide, Sherpa aims to explain its understanding of the law and provide civil society with a practical tool on which to base advocacy and judicial actions. It is co-constructed with different stakeholders in order to create a common and pragmatic language for as many organisations as possible.

The guide is being developed in three stages.

- In 2017, the mapping and census of all existing standards, techniques and practices in corporate social responsibility and due diligence has begun. In this capacity, Sherpa signed a partnership with the Sciences Po clinic.
- Then, a first draft of the VPRG will be submitted for consultation with relevant stakeholders to ensure a balance between ambition and pragmatism.
- Finally, all stakeholders will be made aware of the advantages of the VPRG and trained in its use and on the new law.

FEEDBACK ON THE NATIONAL ACTION PLAN ON BUSINESS AND HUMAN RIGHTS

Following the adoption in 2011 of the United Nations Guiding Principles on Business and Human Rights the European Commission asked member States to adopt before the end of 2013 National Action Plans for Human Rights (NAPHR) in order to implement these international principles.

Unlike other member States, which simply listed the measures adopted without clearly outlining their future policies on human rights protection, the French NAPHR, published on April 26th 2017, contains a series of observations and recommendations, both on the role of the State in protecting human rights, and also on access to justice and remedies for victims, two areas of advocacy that Sherpa has long promulgated.

The NAPHR was developed on the basis of the opinion delivered by the national CSR platform for which Sandra Cossart was co-rapporteur. Significant dissent had emerged during the discussions within this multi-partite institution, the main members of the economic contingent having almost systematically rejected any new regulatory constraints. This time-consuming process was marked by the dilution of our messages, which questions the usefulness of our organisation's participation in bodies that embrace the ideological position conveyed by the economic contingent.

* At European level

Sherpa continued its involvement within the ECCJ network and was the reference for the law on the duty of vigilance. We have multiplied our interventions vis-a-vis other organisations or institutions in member States and European institutions such as the Commission and Parliament.

* At international level

France must also commit to supranational processes, such as the Treaty on Multinational Corporations and Human Rights, which has been promoted by a UN intergovernmental working group since 2014. The Treaty would help reducing the unacceptable asymmetry in international law, which benefits multinational companies to the detriment of fundamental human rights and the environment.

Member of the French coalition for the UN treaty, Sherpa actively participates in the development of this treaty with other national and international coalitions. For the third session of the working group held in October 2017, we sought to mobilise parliamentarians and members of the government by organising an event at the National Assembly in order to encourage France to adopt a leading role within the EU which is blocking the process. We also contributed to the work on the draft treaty communicated by Ecuador.

* Towards a more ambitious text

However, the lengthy legislative process diluted the original legislation we proposed. The coalition of NGOs and trade unions pushed for a more ambitious text, whose scope covered all French companies and not just a hundred major groups. The reversal of a burden of proof always incumbent on victims, further accentuating the asymmetry of power between major groups and victims, was also part of our demands.

So our work is far from finished. Sherpa will remain vigilant on the effective implementation of the law, and is mobilised so that its example has a ripple effect beyond our borders.

Combating businesses' new strategies

AGAINST SLAPP [STRATEGIC LITIGATION AGAINST PUBLIC PARTICIPATION]

We are more and more frequently targeted by legal complaints from companies whose objective is to silence us. These actions are based on ever more creative bases: defamation, infringement of the presumption of innocence, harassment, denigration. These proceedings are known as SLAPP (Strategic Litigation Against Public Participation) lawsuits. These strategic lawsuits aim to apply pressure, financially weaken and isolate any journalist, whistle-blower or organisation seeking to shed a light on the harmful activities and practices of economic giants such as the Bolloré or Vinci Groups. Objective: to dissuade them and us from investigating, so that "trade secret" remains well guarded, at the expense of the public interest and freedom of expression.

In 2017, we therefore decided to react and join forces with civil society to better combat the practice of gagging. We have also had to mobilise our resources to defend ourselves against the various SLAPP lawsuits against us. In order to alert public opinion and decision-makers to the tenfold increase in SLAPP lawsuits and the urgent need for legislation, we published an article "When multinationals silence human rights defenders" in the newspaper *La Tribune* in March 2017, denouncing in particular the considerable increase in the sums requested to repair the alleged damage to "reputation". Indeed, 400,000 euros were claimed from Sherpa by Vinci, rather than the symbolic euro. Similarly, fifty million euros were claimed by the Bolloré Group against a television company France 2, on the basis of commercial denigration.

LAUNCH OF THE ON NE SE TAIRA PAS! COLLECTIVE

Sherpa is, with other NGOs and medias, one of the initiators of the collective *On ne se taira pas!* The network was launched on October 4th 2017 at a conference organised by Sherpa, Ritimo and the Observatoire des multinationales. Our interdisciplinary collective intends to initiate legislative reforms, following the example of other countries such as Quebec, certain states of the United States or Australia in order to prevent SLAPP lawsuits. It also mobilises civil society as a whole if one of its members is the victim of such legal threat.



* Complaint filed against Sherpa by Socfin and Socapalm

In 2015, the Socfin Group and its Cameroon subsidiary Socapalm, closely linked to the Bolloré Group, brought defamation lawsuits against Sherpa, *Le React*, *Mediapart*, *l'Obs*, *Le Point*, for articles relaying the claims of workers and residents of the Socapalm plantations. The hearing is scheduled for January 2018.

* Defamation lawsuit against Sherpa by Vinci

On April 14th 2015, following Sherpa's lawsuit against Vinci for forced labour in Qatar, the company filed



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a defamation lawsuit against Sherpa, the Director and the head of the litigation department. Targeting individuals in addition to organisations, by claiming hundreds of thousands of euros in damages, also seems to be a new strategy with the aim of increasing the intimidating effect of this type of lawsuit. The world leader in the building and civil engineering industry has also brought an action before the interlocutory judge for infringement of the presumption of innocence, in addition to the defamation lawsuits already filed. Dismissed by the Paris Regional Court, Vinci then initiated civil proceedings on the same basis, and the Paris Regional Court ruled that the presumption of innocence had not been infringed.

Following Vinci's appeal on June 28th 2017, the Paris Court of Appeal also finally dismissed its action for infringement of the presumption of innocence, and ordered Vinci to pay Sherpa 3,000 euros in addition to the appeal costs. Regarding the defamation lawsuit, the court issued a stay of proceedings pending a final decision on the merits of our lawsuit

DEALING WITH LOBBYING STRATEGIES

Beyond the semantic questions between advocacy (which includes promoting the general interest) and lobbying (defence of private interests), we see the urgency to combat the new and increasingly aggressive strategies of companies, observed in particular during the debates on the law on the duty of vigilance. We therefore participated in the creation of a working group on lobbying to inform and train civil society on advocacy techniques and the new lobbying rules.

The concept of corporation and tools for victims' reparation

A NEW APPROACH TO THE CONCEPT OF BUSINESS

The emergence of debates on the role of business in globalisation calls into question the strict definition of a company, defined by articles 1832 and 1833 of the French Civil Code, which limit it to its sole shareholder value. Illustrating these debates, a bill has been tabled in which a redefinition of company is proposed. A pioneer on the subject, Sherpa, as early as 2010 in its 46 proposals for Regulating Transnational Companies, insisted on the need for a new legal approach to the notion of private company more in step with the new social and environmental issues. We will follow this debate closely, set to continue in 2018 with the presentation by the government of its Action Plan for Growth and Transformation of Businesses (PACTE). This should include reflections on the definition of undertaking company, and no doubt a proposal to rewrite article 1833.

ARBITRATION AND HUMAN RIGHTS

Some members of the Lawyers for Better Business (L4BB) network have initiated a proposal for a Business & Human Rights arbitration court. The project aims at creating a new set of arbitration rules specific to disputes between companies and victims of human rights violations. Given Sherpa's place in international litigation and the stakes for victims' access to justice, we were asked to participate. Considering the risks inherent to an Arbitration Court, Sherpa has decided for the time being not to become an official part of the project but to closely monitor its development and to involve other international lawyers in the service of victims through an informal working group.



Networks and forums

National CSR Platform, Citizens' Forum for CSR, ECCJ, OECD Watch



* Mission

Multi-stakeholder consultative body to the Prime Minister whose mission is to promote CSR.

* Sherpa within the platform

Although the issue of the appropriateness of our participation remains central, our most important commitment to the Platform this year has been the drafting of an opinion on the National Action Plan for Human Rights. The platform also called on Sherpa's legal expertise during a series of conferences.

was a major factor for its adoption. We also participated in the public consultation organised by the French Treasury on the transposition in France of the European directive on non-financial public reporting.



* Mission

To inform the NGO community on the policies and activities of the OECD Investment Committee and to assess the effectiveness of the OECD Guidelines.

* Sherpa within OECD Watch

Being one of the only members composed of lawyers at OECD Watch (OW), and based in Paris along with the OECD, Sherpa's expertise has been often requested by the network. In 2017, we commented on the OECD "Due Diligence Guidance for Responsible Business Conduct", we spoke at the OECD Forum on the Clothing and Footwear Sector. We contributed to the peer to peer review of the French NCP.

Sherpa's litigation experience, particularly in the Michelin and Socapalm

cases, encourages us to promote an ambitious reform of NCPs so that they become more effective and a real tool for victims.



* Mission

To increase European cooperation between NGOs working in the field of corporate social responsibility and influence policies within the European Union (EU).

* Sherpa within ECCJ

We see the ECCJ as an echo chamber for our advocacy at European level. In 2017, we focused our efforts on strengthening advocacy strategies at EU member State level. We have been approached by many ECCJ member networks to raise awareness among European associations, particularly on the duty of vigilance.

Nevertheless, in order to ensure that the coalition does not get carried along by the conservative and unambitious agenda of the European Commission, we are also continuing our efforts to impose a duty of vigilance at the EU level. We were able to meet with senior EU

officials (including the Cabinet Director of the EU Vice-President Frans Timmermans). We contributed to the website www.BHRinlaw.org which displays on a map of the world the main legislative and judicial developments related to the corporate duty of vigilance. We also participated in a project to compare the different National Actions Plans.



* Mission

To be a centre of expertise, public expression and advocacy of civil society on issues related to social, environmental corporate liability.

* Sherpa within the platform

Sherpa has been heavily involved in the Forum for years but in 2017 we have increased our advocacy on the duty of vigilance and our contribution

Multinationals role in armed conflicts

While the prosecution and sentencing of individual perpetrators of international crimes before international criminal courts are now accepted both internationally and nationally, the liability of companies and their leaders in the commission of crimes is almost never established.

Multinational corporations working in conflict zones are likely, directly or through their subsidiaries, to fuel armed conflicts and to profit from violations of international humanitarian law, in particular by dealing with those responsible for war crimes and crimes against humanity.

The fight against multinationals' impunity will be conducted by establishing their liability, particularly in countries where parent companies operate and control the activities of their subsidiaries around the world. Access to justice for thousands of victims of armed conflict depends on it



BNP PARIBAS

Lawsuit for complicity in international crimes

Country: Rwanda.

Target Company: BNP Paribas

Partners: Collectif des Parties Civiles pour le Rwanda (CPCR), IBUKA France

* Facts

During the arms embargo against Rwanda established by the United Nations Security Council in May 1994, and whereas the international community recognised the existence of an ongoing genocide against the Tutsis, in June 1994, BNP agreed to transfer \$1.3 million from an account of its client, the National Bank of Rwanda (BNR), to the Swiss account of a South African arms dealer, Mr Ehlers. Mr Ehlers then travelled with a Hutu commander, Mr Théoneste Bagosora (subsequently convicted for genocide by the International Criminal Court for Rwanda) to the Seychelles, to conclude, in June 1994, a deal for the sale of eighty tons of weapons, which were then transported to Gisenyi in Rwanda, via Goma.

BNP seems to have been the only bank to agree to transfer funds, thus violating the embargo and fuelling the genocide. The Belgian bank Bruxelles Lambert (BBL) had refused the request to use funds from the Commercial Bank of Rwanda, refusing to violate the embargo. According to some witness statements, the banking sector, which was already under an obligation to inquire clients about the destination of funds under unusual circumstances, knew that "the Rwandan government had a crucial need for fund [...] it was clear for everyone that they had to buy weapons and ammunition."

* Sherpa's work

On June 28th 2017, Sherpa, the IBUKA association and the Collectif des Parties Civiles pour le Rwanda (CPCR) filed a complaint against BNP for complicity in genocide, crimes against humanity and war crimes. In September 2017, a judicial investigation was opened with the appointment of an investigating judge. Sherpa was heard as a "civil party to a criminal case".

This lawsuit is the first court case on investor's liability for war crimes. If the facts were to be proven, this case would highlight their responsibility in armed conflicts, and more broadly in serious human rights violations. The media coverage of the lawsuit evidenced the sensitivity of civil society on this issue: the international petition, launched by Sherpa and its partners via SumOfUs, demanding that financial institutions be held accountable for their involvement in human rights violations, collected over 150,000 signatures in less than a week.

LAFARGE

Appointment of three investigating judges, searches, indictments



Country: Syria

Target Company: Lafarge and Lafarge Cement Syria
Partner: European Center for Constitutional and Human Rights (ECCHR)

* Facts

Between 2012 and 2015, Lafarge, now LafargeHolcim, owned at 98.7% a cement plant located between Raqqa and Manbij in northern Syria, managed by Lafarge Cement Syria (LCS). In 2012, when conflicts increased in the northern part of the country, Lafarge repatriated its expatriate employees but asked Syrian employees to stay and keep the plant running. During the year 2013, the conflict intensified and ISIS gained control of northern Syrian territory. The risks for employees' lives multiplied on the roads surrounding the Lafarge plant. Arrangements were made between LCS and several armed groups, including ISIS, in order to maintain operations at the plant.

* Sherpa's Work

Within a few months, Sherpa was able to draft the complaint, collect 200 documents including the witness statements of eleven former Syrian employees of the plant, and represent them as civil parties to a criminal case. We also wished to involve ECCHR in the original complaint filed on November 15th 2016 for financing terrorism, complicity in war crimes and crimes against humanity, deliberate endangerment of people's lives and work incompatible with human dignity. This is the first time that a lawsuit was filed on this basis against a multinational company.

In March 2017, a partial admission was published by LafargeHolcim in a press release in which the company acknowledged having made payments to armed groups. In April, the internal investigation conducted by the company recognized the parent company's involvement and top executives departures were announced.

On June 9th, three investigating judges were appointed to investigate the case, Charlotte Bilger, David de Pas and Renaud Van Ruymbeke. As a civil party, Sherpa was heard and continued to provide evidences to the investigation. Sherpa also acted as a support to the former employees, by organising throughout the year hearing of several complainants by the judges, so that they could be heard and have their losses recognized,



in particular through the indictment of Lafarge and its leaders on a charge of complicity in crimes against humanity and war crimes. On October 13th 2017, we sent the judges a request to hear the former French ambassadors in Syria (Gellet and Chevalier), as well as the then French Foreign Minister, so that no liability would be overlooked.

In November, the investigation accelerated: Lafarge headquarters in France and Belgium were raided, and six former Lafarge executives and managers were indicted.

On December 12th 2017, we organised a press conference with William Bourdon, the lawyer Marie Dosé, and Marie-Laure Guislain, head of GDH litigation in charge of drafting and following up the complaint, to denounce the Lafarge Group's impeding of the proper conduct of the investigation and to clarify the amounts referred to in the investigation files. At this stage of the investigation, it was estimated that more than 13 million euros was paid to armed groups.

The Lafarge case has become emblematic of the fight against the impunity of multinationals, particularly in conflict zones. It will certainly establish a historic precedent. This is the first time that the executives of a CAC 40 company are investigated for activities abroad in a terrorist financing case, deliberate endangerment of their employees, and work incompatible with human dignity.

DLH

Country: Liberia

Target Company: DLH

* Facts

Between 2001 and 2003, DLH purchased, imported and distributed timber from Liberian logging companies directly serving the interests of the dictator Charles Taylor's regime, while the country was in the midst of a civil war and when these companies were identified by the United Nations as responsible for human rights violations, violation of arms sanctions, environmental destruction and bribery.

* Sherpa's work

In 2014, after the first complaint was dismissed, Sherpa, Global Witness, Greenpeace France and Green Advocates filed another complaint against DLH for concealing bribery and influence peddling, provoking the opening of a judicial investigation.

In 2017, we continued to fulfil our role as a civil party in the proceedings to avoid the closure of the investigation by filing observations concerning the statute of limitation of the offence of concealment of profit.

Violation of workers' rights throughout the supply chain

The flagrant global disparities in the standards of workers' protection - a potential source of profits for companies - facilitates serious forms of labour exploitation which mainly affects women and children. The Rana Plaza drama which claimed 1138 lives in Bangladesh, sadly remains the most infamous disaster illustrating these modern forms of exploitation. To defend workers' right and shed a light on the flaws and shortcomings of positive law, Sherpa conducts judicial and extra-judicial actions in order to establish the liability of companies including activities result in rights violations on their production lines.

Several offences provided in the Criminal Code make it possible to punish modern forms of labor exploitation such as incompatible work with human dignity, slavery and forced labour. By carrying out the complex task of linking the practices of subsidiaries to their French parent company, Sherpa has succeeded in applying the bases of French criminal law to offences committed abroad by multinational companies throughout their value chain, and thus effectively combating their impunity.

To cultivate a responsible image, companies publish ambitious ethical commitments promising full respect of workers' rights throughout the supply chain. However, unacceptable divergences remain between such ethical commitments and the reality in the plants operated by some of these companies. Establishing misleading commercial practices would make it possible to sanction the gap by making ethical commitments legally binding and promote a fairer power balance between workers/consumers and multinational companies.

VINCI

Modern slavery, child labour

Country: Qatar

Target Company: Vinci

* Facts

Qatar has undertaken a vast infrastructure modernisation programme in view of hosting the 2022 World Cup. In this context, Vinci has won major contracts worth billions of euros, and today employs 6,000 migrants on its construction sites through its Qatar subsidiary (Qatari Diar Vinci Construction or QDVC) as well as numerous subcontractors.

During its investigation in 2014, Sherpa gathered information that uncovered the inhuman and dangerous working conditions imposed by Vinci through QDVC, in violation of international and even local laws: weekly working hours of 66 hours in violation of Qatar law, lack of equipment necessary to protect workers from the heat, and extremely restricted communal accommodation. The working conditions result in an abnormally high number of workers' death on construction sites.

* Sherpa's work

Sherpa filed a complaint against Vinci on March 24th 2015 before the Nanterre public prosecutor's office for forced labour and slavery, failure to provide first aid assistance and for accidental injuries, as well as for concealing profits from these offences, legal grounds never used before against a multinational company. The positive impact of the complaint on workers was immediate: QDVC workers testified

to Sherpa on improvement in their working and accommodation conditions. Most importantly, the unprecedented visibility of this legal action in the French and international media focussed public attention on the exploitation of migrants in the Gulf countries, and has made possible to strengthen parliamentarians' arguments in favour of of the law on the Duty of vigilance.

In 2017, after receiving the preliminary investigation report in July, we forwarded our in-depth analysis of its shortcomings and requested further investigations. In addition, our complaint contributed to the agreements signed in 2017 on technical cooperation between Qatar and the ILO on the one hand, and between Vinci, QDVC and Building and Woodworkers International (BWI) on the other, in which the companies undertake to comply with national and international standards in the areas of health and safety at work and social rights.

Finally, Vinci lost one of its six SLAPPs against Sherpa, based on infringement of the presumption of innocence. On June 28th 2017, the Paris Court of Appeal dismissed the company's claim, considering its action unfounded.



SAMSUNG

Misleading commercial practices

Country: Chine

Target Company: Samsung

Partners: Peuples Solidaires, Indecosa-CGT

* Facts

Samsung prides itself on having adopted ethical commitments which are widely disseminated on the internet where it claims it can contribute to creating "a better world". However, the NGO China Labor Watch, after investigations of employees infiltrated into the plants, published reports dating from as early as 2012 denouncing numerous violations of the fundamental rights of workers in their plants in China: child labour, undignified conditions, lack of safety measures.

* Sherpa's work

Our litigation against Samsung was initiated in 2013 by a complaint for misleading commercial practices in front of the Prosecutor, since dismissed.

In 2017, we continued to collect data with our partners. We will file a new complaint in 2018. It will respond to the two main arguments put forward by Samsung France. First, by targeting the Korean parent company, the French subsidiary will no longer be able to hide behind the argument that the ethical commitments are made by the Korean parent company, and do not bind the French establishment. Secondly, it will be less and less plausible for Samsung to argue that ethical commitments cannot be qualified as commercial practices, i.e. sales arguments, considering the increased importance given by consumers to companies' ethic.

AUCHAN

Misleading commercial practices

Country: Bangladesh
Target Company: Auchan
Partners: Action Aid France-Peuples Solidaires,
Collectif Éthique sur l'étiquette

*** Facts**
The Auchan Group prides itself on its ethical commitments to uphold human rights throughout its supply chain. However, after the collapse of the Rana Plaza building on April 24th 2013, when 1,138 people died, "In Extenso" labels -Auchan's own -brand trademark - were found in the rubble.

*** Sherpa's work**
On March 23rd 2014, Sherpa and its partners filed a first complaint at the public prosecutor's office of Nanterre for misleading commercial practices. Despite our investigation in Bangladesh revealing serious violations in the Group's factories, the complaint was dismissed in January 2015, following an investigation by the public prosecutor's office limited to an hearing of a few Auchan executives. We then decided to file a complaint and a claim for indemnification in order to access to an investigating judge on June 10th 2015.

In 2017, we continued to play our role as a civil party to a criminal case by requesting a hearing of our organizations. A request for international judicial assistance (letter rogatory) was sent by the investigating judge to his Bangladeshi counterparts in 2016 and is currently being processed by the Ministry of Foreign Affairs (MAE). Sherpa and its partners are following closely with the MAE in charge of validating the international letter rogatory.

COMILOG

Country: Congo
Target Company: COMILOG

*** Facts**
In 1992, after a tragic train accident causing hundred deaths and injuring almost three hundred people, the manganese processing and transport company Comilog, whose parent company Eramet is French, decided to suspend its traffic, resulting in the technical unemployment of all the former workers in Congo, without paying them the least compensation. Since 2007, Sherpa has represented the 872 workers before the French court as they were unable to obtain compensation in Congo.

*** Sherpa's work**
Given the difficulty of dealing with 872 individual cases, this case allows us both to continue our advocacy on the need to extend the concept of a class action in France as well as focussing on the issue of denial of justice. Indeed, on September 10th 2015, we obtained the condemnation of the Gabonese company to pay the compensation of former workers, recognizing the jurisdiction of the court of appeal to judge the case on the ground of denial of justice. This ruling is a significant legal step forward for victims of economic crimes access to justice.

On September 14th 2017, however, the Social Chamber of the Cour de Cassation partially overturned the judgment of the Court of Appeal. Sherpa worked this year to strengthen legal arguments around the denial of justice for the upcoming referral to a new Court of Appeal.

Publication
Sandra Cossart and Oscar Oesterlé wrote a comment on the judgment of the Court of Cassation dated September 14th 2017 which will appear in the review Le Lamy social in 2018.

Environmental damages



SOCAPALM

Country: Cameroun
Target Company: SOCAPALM

*** Facts**
Socapalm, a subsidiary of the Belgian holding Socfin, a company in the Bolloré Group, is Cameroon's largest palm oil producer. Its activities generate a great deal of tension with local communities. These activities alter the quality of their environment and pose serious risks to their health. Hectares of forest and arable land were reportedly taken from the local population and fishing areas have become inaccessible to them.

*** Sherpa's work**
After an on-site investigation, Sherpa and its partners filed a "specific instance" before the French OECD National Contact Point (NCP) against Bolloré reporting on the social, environmental and land

problems of local residents and plantation employees. After months of mediation, the Bolloré Group and Sherpa validated an action plan to address the shortcomings identified by the NCP. However, the action plan was never implemented by the Bolloré Group, which declared in December 2014 that Socfin was impeding the process.

In 2017, the Belgian NCP agreed at the companies' request to take back leadership of the case. However, the latter announced on June 15th that it would end mediation, stating that the action plan initially accepted would not be implemented by the Socfin Group, and regretting the Group's refusal to deploy neutral and independent monitoring and follow-up. Following the example of the NCPs, we expressed our regret that Bolloré has reneged on its commitments vis-a-vis Socfin, and that the Cameroonian populations are still waiting for the implementation of the action plan and the improvement of their living conditions.

The fight against illicit financial flows

Each year it is estimated that emerging countries lose at least 750 billion euros (ONE, 2014) as a result of illicit financial flows, that is money earned, transferred or used illegally including money from bribery, money laundering and tax evasion. These illicit financial flows hamper social and economic development by diverting domestic and foreign investment from the sectors where it is most needed, thereby depriving local population of decent education and health systems.

To combat this scourge, Sherpa launched the Illicit Financial Flows programme in 2007 and is currently working on combating tax evasion, promoting transparency in the natural resources sector and more generally fighting against bribery and money laundering.



Combating illicit financial flows in the natural resources sector

* Objective

Promoting transparency and liability of companies in natural resources and reducing illicit financial flows in the sector.

* Sherpa's work

Sherpa is part of the Publish What You Pay (PWYP) platform which aims to make the extraction industry more transparent and liable.

Following the transposition into French law of the European "accounting" and "transparency" directives in 2014, French oil, gas and mining companies published, for the first time in 2016 the payments they made in 2015 in favour of governments with whom they conducted exploration and/or exploitation activities. In cooperation with the associations ONE, Oxfam France and Le Basic, Sherpa analysed these declarations and published a report on April 13th 2017.

Entitled "OPEN DATA, the extractive industries case study", the report examines the first public declarations of payments made by six French oil, gas and mining companies to the governments of the countries in which they operate: Areva, EDF, Engie, Eramet, Maurel & Prom and Total. The detailed analysis shows that Total's activities in Angola and Areva in Niger could lead to potential misappropriation of funds by the oil company and significant tax losses for the two countries, among the poorest in the world. The report also outlines the difficulties encountered in the transparency initiative.

We had discussions with the Directorate-General at the French Treasury to review the transposition of the accounting directive and breaches such as the disclosure of payments only in value without stating the associated quantities.



SHERPA IS A MEMBER
OF THE PLATFORM PUBLISH
WHAT YOU PAY

Publiez Ce 
Que Vous Payez

Changing practices in economic and financial crime

* Objective

Combating economic and financial crime through legal proposals to enable a change in practices.

* Sherpa's work

Sherpa is a member of the Paradis Fiscaux et Judiciaires (PPFJ) platform which works on expertise and advocacy on the measures to be adopted to reduce financial secrecy, effective to combating of tax evasion, strict regulation of capital movements, lifting banking secrecy and providing sustainable finance for development.

Moreover, in 2015, Sherpa obtained a public certification which enables the association to file a complaint against a company on the base of bribery without having to demonstrate a specific interest for its admissibility in court. The article 2-23 of the Code of Criminal Procedure provides that any approved association combating corruption is entitled to enforce the rights of a civil party given default on the duty of probity, acts of bribery, influence peddling, concealment or money laundering.



SHERPA IS A MEMBER
OF THE PLATFORM PARADIS
FISCAUX ET JUDICIAIRES
(PPFJ)



Misappropriation of public funds, corruption and money laundering

* Objective

Combating corruption, money laundering and misappropriation of public funds by conducting investigations and producing reports

* Sherpa's work

On September 28th 2017, Sherpa published a report titled "Corruption in Mauritania, a gigantic evaporation system", which gives examples of questionable public procurement such as the construction of a new airport, entrusted to a company with no prior experience in construction and managed by close associates of the head of State. Another example is the construction of the Nouakchott power station by the contractor who submitted the most expensive tender.

In addition, investigations have been launched in the United States and Canada into allegations of bribery involving the Tasiast gold mine, operated by the Canadian company Kinross Gold Corporation. They also question the reasons which prompted the Mauritanian authorities to conclude a one-sided fishing agreement with the Chinese company Poly Hondone, linked in reality to Poly Technologies, a company known for its illegal foreign sales of Chinese armaments.

Sherpa is also part of the UNCAC Coalition which aims to promote the ratification and implementation of the UN Convention against corruption. The coalition was created in 2006 with the objective of mobilizing civil society in these actions at national, regional and international levels. It gathers 350 civil society organisations throughout a 100 countries.



SHERPA IS A MEMBER
OF THE UNCAC COALITION



Bribery



Corruption and money laundering are serious offences that reduce developing countries' resources. Resources-rich countries have a low human development index because of this scourge. Activities in the natural resources sector generate large revenues that generally fuel bribery, tax evasion, inequality and conflict.

KINROSS

Country: Mauritanie et Ghana

Target Company: Kinross Gold Corporation (KGC)

* Faits

The Tasiast gold mine is an open cast-mine in Mauritania, which is wholly owned and operated by Kinross Gold through its Mauritanian subsidiary. Tasiast Mauritanie Ltd S.A. (TMSLA). The Chirano gold mine in Ghana, is 90% owned and operated by

Kinross Gold through its Ghanaian subsidiary Chirano Gold Mines Limited (CGM). Kinross Africa SL, whose head office is in Spain, manages these African mines and is said to have set up a corrupt enterprise by systematic bribery of foreign public officials and money laundering.

* Le travail de Sherpa

Regarding both of the above mentioned mining projects, on December 9th 2015, Sherpa and MiningWatch alerted the Canadian authorities on possible violations of sections 3 and 4 of the Canadian Corruption of Foreign Public Officials Act (SC 1998) by Kinross Gold Corporation.

Other proceedings in which Sherpa has filed a civil lawsuit and which are currently under investigation:

AREVA - URAMIN

In 2007, Areva bought UraMin for 1.8 billion euros, whereas it was valued at a maximum between 600 and 800 million euros. This takeover operation proved catastrophic for Areva, which went bankrupt. The perpetration of criminal offences allegedly led to failures in the company's governance and decision-making processes. In 2015, two judicial inquiries were opened, one of them for bribery of foreign public officials. Sherpa was a civil party in this judicial investigation regarding the bribery charge.

SARKOZY - LYBIA

Sherpa was a civil party because of the exceptional nature of the charges brought against a former President of the Republic regarding suspected unlawful financing of his presidential campaign, using resources of alleged foreign origin. We followed-up on the proceedings. It is expected that by the beginning of 2018, several indictments will should take place and in particular the one of N. Sarkozy, for bribery of foreign public officials.

VINCI - RUSSIA

In May 2016, Sherpa filed a complaint with the chief investigating judge at the Court of Nanterre together with CEE Bankwatch Network, supported by members of civil society, including Evgenia Tchirikova and Mikhail Matveev and Princip, an association for the defence of the Khimki forest, for bribery of foreign public officials against Vinci in Russia.

BALKANY

This emblematic case involves a former member of the French parliament and a major political personality, the mayor of Levallois, who is said to have received international funding for the purchase of real estate in France and abroad. Sherpa has followed on the proceedings and will be represented at the trial, which will probably be held in 2019/2020. A committal ruling is expected shortly.

III-gotten gains

Ill-gotten gains are assets and public goods misappropriated from a State's budget and placed abroad for personal use. This is a form of illicit enrichment, i.e. a substantial increase in the property of a public official, or any other person, which cannot be justified on the basis of income. The World Bank estimates the annual value of assets and public goods misappropriated in emerging countries and placed abroad as between 20 and 40 billion dollars. Since 1991, the misappropriation of public property has been considered a human rights violation following a decision by the United Nations Economic and Social Council.



OBIANG

Countries: Guinée équatoriale, Gabon, Congo-Brazzaville

* Facts

In 2007, three heads of African States in office, Denis Sassou Nguesso (Congo-Brazzaville), Oma Bongo (Gabon) and Teodorin Obiang (Equatorial Guinea), as well as members of their circles, were suspected of misappropriating the assets and public goods of their countries and of owning numerous luxury properties and funds in bank accounts at French and foreign banks operating in France.

* Sherpa's work

In 2007, Sherpa, followed by Transparency International France in 2008, filed an unprecedented lawsuit against these heads of State for aggravated organised crime through misappropriation of public funds, misuse of corporate property, concealment of abuse of trust and bribery, bribery of public officials and private

individuals, money laundering of the proceeds of criminal offences, in particular misappropriation of public funds, abuse of corporate property, bribery and breach of trust. The aim is in particular to enable the recovery and return of stolen assets to the populations. Sherpa has therefore contributed to the launch of an international civil society movement on asset recovery and is considering possible actions to allow the return of assets to populations.

On October 27th 2017, Teodorin Obiang was found guilty of money laundering, misuse of public funds, laundering breach of trust and bribery and sentenced to three years in prison and a fine of 30 million euros; confiscation of his assets was also ordered. This conviction sends a strong message concerning the fight against impunity and large-scale bribery on an international level. Sherpa is now focussing on how the misappropriated and subsequently confiscated assets can be returned to the populations of the States of origin.

Other proceedings in which Sherpa has filed a civil action with ongoing investigation:

BMA SYRIA : RIFAAT EL ASSAD

A judicial investigation was opened in 2015 at Sherpa's initiative. Notes and documents were communicated to the investigating judge. Though the facts were dated, it was not an obstacle to the identification of the elements constituting the alleged offences against M. Rifaat El Assad since he was indicted in June 2016 and his assets in France were seized for a value of 90 million euros.

A Franco-Spanish team was established and the investigating judge is currently collaborating with his counterparts in Madrid. Contact has been established with our partners in Spain where significant seizures have been made. The trial of Rifaat El Assad will obviously have an important political and historical dimension given that he is the uncle of Bashar El Assad but also because the proceedings demonstrate Sherpa's willingness to extend the BMA proceedings to all continents.

BMA UZBEKISTAN

Gulnara Karimova, eldest daughter of the President of the Republic of Uzbekistan, in 2009 and 2010 established real estate companies (SCI) in Paris through which she acquired property in France for a total of about 50 million euros. These properties were allegedly purchased through bribery.

In February 2013, a judicial investigation was opened by the Paris financial division against X for "money laundering by organised criminal gangs" and "bribery of foreign officials". In June 2014, Sherpa became a civil party. In September 2014, the properties were seized.

Communication and publications

2017 was a landmark year for Sherpa in terms of visibility thanks to our advocacy victories and our litigation against BNP Paribas and Lafarge. With your support and commitment, we have marked historic milestones in the fight against corruption and corporate violations of human rights.

While communication spaces are monopolized by large corporations, our media visibility is important because not only does it allow us to flag up the issues on which we work, but also to make the voice of the communities and victims we represent heard.



COMMUNICATION AND PUBLICATIONS

We have been visible in all the major French media, from *Envoyé Spécial* on France 2, *Quotidien* on TMC to *Le Monde*, as well as *Médiapart*, *La Croix*, *Le Figaro* and *Challenges*, *La Tribune*, *France Inter*, *France Info*, *the Huffington Post*, *radio RCF*, *Reporterre*, *Bastamag*, *RFI*, *l'Humanité*, *Marianne*, *LCI*, *BFM*, *RTL* and others!

Internationally, we were visible in the *New York Times*, *the Financial Times*, *the Guardian*, *France 24*, *RFI*, *Deutschlandradio Kultur* and *Business Daily*.



7099 SUBSCRIBERS
IN DECEMBER 2017



7055 SUBSCRIBERS
IN DECEMBER 2017



LA
TRIBUNE

Devoir de vigilance des multinationales : le
Conseil constitutionnel doit choisir entre liberté
d'entreprendre et respect des droits humains

LafargeHolcim admits to 'unacceptable' activity
in Syria

Cement group paid third parties for help with armed groups around plant



Interventions and publications

Sherpa's expertise was regularly sought out in 2017, in particular on the law on the duty of vigilance, the mining and extraction industries or the issue of access to justice.

Dissemination of the publication of Caillet, M.-C., Guislain, M.-L. & Malbrand, T. La Vigilance sociétale en droit français. Legal Study Sherpa, ed. Ritimo, col. Passerelle, December 2016, Paris, 104 p.

Cossart, S., Chaplier, J., & Beau de Loménie, T. (2017). The French Law on Duty of Vigilance: A Historic Step Towards Making Globalisation Work for All. Business and Human Rights Journal, 2(2), 317-323.

Alliot C., Cortin, M., Kurkjian, Maé., Lemaître, S., Ly S. & Parrinello, Q., La transparence à l'état brut : décryptage de la transparence des industries extractives. Sherpa, ONE, Oxfam France & BASIC report, April 2017, 62 p.

Beau de Loménie, T. & Cossart, S. Parties prenantes et devoir de vigilance. Revue Internationale de la Compliance et de l'Éthique des Affaires, Supplément à La Semaine Juridique Entreprise et Affaires, No. 50, December 14th 2017, 42 - 47.

As well as the organisation of and participation in numerous events:

12 JANUARY

"How to take the environment into account?" at the École des mines as part of the cycle "The state of scientific knowledge and controversies on the current challenges of corporate liability."

15 FEBRUARY

Evening organised by the ENSCI-Les Ateliers and Rue de l'échiquier for the launch of Alain Deneault's book "De quoi Total est-elle la somme?"

17 FEBRUARY

"Business and Human Rights Comparing experiences, a look at the extraterritorial perspective" organised by the International Catalan Institute for Peace in Barcelona

21 FEBRUARY

Evening debate at the French National Assembly on the theme "Adoption of the Law on the Duty of Vigilance: first historic step against impunity of multinationals".

24 MARCH

"Business and Human Rights litigation in France: law and practice?" organised by the Irish Centre for Human Rights, National University of Ireland Galway

28 MARCH

Conference at the European Parliament on the theme: "Following the French duty of vigilance law, how can the EU Commission and Member States make business accountable?"

19 APRIL

Conference "Business and Human Rights" at the Maison du Barreau, organised by the Grande Bibliothèque du Droit

30 MAY

Presentation at the University of Milan on the theme "Human rights due diligence: moving from France to the EU level"

12 JUNE

Presentation at the University of Essex on the theme "French Duty of Vigilance Requirements"

15 JUNE

Presentation at the Court of Cassation on the theme "Stakeholders as CSR players"

26 AUGUST

University ATAC in Toulouse, "Fight against the power of mass distribution, the legal strategy and the Auchan case" organised by Actionaid France - Peuples Solidaires

4 OCTOBER

Conference organised by Ritimo, Sherpa and the Observatoire des multinationales on the theme "Multinational and SLAPP : the challenges of societal vigilance and information"

5-6 OCTOBER

Consultation of the Office of the United Nations High Commissioner for Human Rights in Geneva on the theme "Human Rights Due Diligence and Strict / Absolute Liability"

19 OCTOBER

Presentation at the University of Paris I Sorbonne on the theme "Crossing Perspectives on Ethics and Environmental Justice"

20 OCTOBER

Speech at the RIODD Congress on the theme "Corporate liability and duty of vigilance: legal and sociological perspectives"

24 OCTOBER

Conference organised by KPMG on "The Duty of Vigilance and Human Rights

7 NOVEMBER

Webinar organised by RSE&PED in partnership with Sherpa on the theme "Duty of vigilance: from soft law to French law, which concept for which progress and which stakes?"

20 NOVEMBER

Conference at King's College on the theme "The case of LafargeHolcim in Syria"

15 DECEMBER

Webinar organised by RSE&PED in partnership with Sherpa on the theme "Duty of vigilance: the judicial mechanisms for implementation of the law"

Team

The association brings together committed jurists, lawyers and specialists with diverse profiles and international experiences. Sherpa also operates thanks to the commitment of its 8 trustees and the generous support of our volunteers. Special thanks to the four talented interns: Jean François, Claire de Hautecloque, Juliette Lhoms and Oscar Oesterlé.



*** Sandra Cossart**
Director

On November 1st 2017, Sandra became the director of Sherpa. Before taking on this role, she headed Sherpa's Globalisation and Human Rights programme for 8 years.

Sandra Cossart, admitted to the bar in 2000, started her career in international organisations, such as the European Parliament and the Council of Europe, before working for several years in Moscow as head of a European Union cooperation project in Russia. She then joined a law firm where she practised as a lawyer both advising and conducting litigation while involved in refugee aid associations. In 2002, she moved to London and developed a consulting business for Russian companies before joining the Business and Human Rights Resource Centre. She joined Sherpa in 2010.



*** Marie-Laure Guislain**
Head of litigation in the Globalisation and Human Rights division

Admitted to the bar in 2009, she worked in Argentina on economic and social rights in a human rights organisation, on development projects management and in the production of a documentary on migrants. In Colombia, she supported communities displaced by armed conflict in the protection of their rights and natural resources before joining Sherpa in 2012.



*** Laura Rousseau**
Head of the Illicit Financial Flows programme

A lawyer specialised in international and European law, she worked for four years in a large public institution on issues relating to the fight against money laundering and terrorist financing, as well as in the field of financial security as an analyst in a bank. She joined Sherpa in 2018.

Sherpa operates thanks to the commitment and the guidance of its board of directors, composed of :
Franceline Lepany, president; William Bourdon, Founder – president; Eric Alt, Vice president and secretary; Eric Moutet, treasurer; Jean Merckaert; Laurence Sinopoli; Chantal Cutajar; Mireille Delmas Marty.



*** Tiphaine Beau de Loménie**
Legal expert - Globalisation and Human Rights Division

She worked for the French Permanent Mission to the UN in Geneva and was a CSR adviser for a consultancy firm. Within the team, she focuses on the law relating to the duty of vigilance of parent companies and of subsidiaries responsible for placing orders. She joined Sherpa in 2016.



*** Simon Quet**
Fundraising, Administrative and Financial Manager

He has worked in the humanitarian sector for 7 years, mainly in the field of access to water and food, in South Sudan, Iraq and the Sudan and in the Central African Republic. He joined Sherpa in early 2018.



*** Clara Gonzales**
Globalisation and Human Rights litigation and communication officer

Jurist by training, she worked along the civil parties in the trial of Hissène Habré in Senegal, with Human Rights Watch and then in the defence of women's rights in France. She joined the team in early 2018.



*** Franceline Lepany**
Welcome to our new President elected in December 2017

Budget

RESOURCES 2018: 404,386 EUROS

Operating subsidies	375 594
of which private foundations	358 753
of which public institutions	16 841
Donations from individuals	18 310
Miscellaneous income (services, accruals and deferrals)	10 482

EXPENDITURE 2018: 395,613 EUROS

Programmatic expenditure	313,397
Operating expenditure	82,216

Thanks to our partners

Sherpa warmly thanks those who made the successes of 2017 possible, including:



Graphic Design: Cécile Mangot - cecilemangot.fr

*Sherpa

Since 2001, our team of lawyers has worked tirelessly and rigorously to use the law as a tool for a fairer globalisation. The year 2017 saw the results of these years of struggle: Sherpa created a unique legislative precedent to hold multinationals accountable for their actions around the world, summoned Lafarge executives before the courts for terrorist financing and endangering workers, pushed for the opening of investigation of crimes against humanity in Rwanda against the largest bank in Europe and suffered incessant legal attacks from the targeted groups.

Sherpa continues to change the world, step by step, trial after trial, legal memo after legal memo. To confront economic players sometimes more powerful than States, we need you. Your donations allow us to act and react in total independence, following no other agenda than that of restoring rights - their rights - to the people.

Thank you for your support.