

Tackling Corporate Power in the Global Economy

August 28, 2015

ICTU Global Solidarity Summer School



Mopani mine, Zambia



Sweet Nothings, 2013



Losing Out, Sierra Leone, 2014



Morality of tax and Avoidance as Legal

- “It is not possible to construe a director’s duty to promote the success of the company as a constituting a positive duty to avoid tax”, **Farrer and Co**
- “Board-level executives often benefit from performance-related reward packages which are indirectly affected by the amount of tax the company pays. Corporate tax avoidance is presented as a matter of high-minded 'fiduciary' duty, but it is probably better understood as being about personal reward,” **David Quentin**, barrister, and co-author of legal opinion.
- ‘Increasingly CFOs when deciding their tax practices are considering whether they would be embarrassed if the public knew about them’
CFO, large MNC

“Maximum available resources..”

- Article 2.1 of ICESCR,
- UN Convention on the **Rights of Persons with Disabilities**(Article 4.2)
- UN Convention on the **Rights of the Child**(Article 4)
- **Maastricht Guidelines** on violations of economic social and cultural rights clarifies that a state is in violation of the Covenant if it fails to allocate the maximum of its available resources to realising human rights.

Tax as a Human Rights Issue

- Generates resources
- Reflects the priorities of a government- who they chose to incentivise and disincentivise
- Redistributes resources
- Promotes accountability
- International Cooperation

Placing this obligation in an Irish context...



Which raises the questions...

- Is Irish tax policy undermining Ireland's obligation to mobilise maximum available resources for the fulfilment of Irish citizen's economic, social and cultural rights?
- Is Irish tax policy undermining poor countries ability to mobilise maximum available resources for the fulfilment of citizen's economic, social and cultural rights?

Some recommendations...

- The development of tax and fiscal policy must be grounded in the principles of human rights.
- A human rights impact assessment be carried out on all aspects of the budget measures.
- Fiscal policy should be subject to review for its human rights impact after an agreed period eg 4 years.
- All major changes to the Irish tax code should always include an assessment of potential spillover impact on developing countries impacts discovered
- Public country by country reporting should be introduced for all listed companies in all sectors
- The register holding the names of the beneficial owners of companies should be publicly available
- An intergovernmental body under the UN should be established

Tax Justice Ireland

