

The International Service for Human Rights in cooperation with the African Commission on Human and Peoples' Rights' Working Group on Extractive Industries, Human Rights and the Environment and the Special rapporteur on Human Rights Defenders cordially invite you to an open event on:

Human rights & extractive industries: challenges faced by defenders

Date: Tuesday, 3 November 2015,

Time: 10.00 -12.30

Venue: Kairaba Hotel, Room Shikra, Banjul, The Gambia

Human Rights Defenders working to promote corporate respect for human rights and pushing for corporate accountability for human rights violations face severe risks to their safety and challenges in their work. As documented by ISHR's submissions to the West- and Central Africa regional consultations held by the African Commission on Human and Peoples' Rights' Working Group on Extractive Industries, Human Rights and the Environment, HRDs pushing for better respect for human rights in the extractive sector face particular risks.

This event will seek to raise awareness on these threats, attacks and challenges faced by HRDs working to promote corporate respect for human rights and accountability for violations. It will also explore the role of States, extractive industries and the ACHPR to expand protection for HRDs and provide a platform for them to raise cases for concern.

Panelists

- Reine Alapini-Gansou, ACHPR Special Rapporteur on Human Rights Defenders
- Erick Kassango, Member of ACHPR WG on Extractive Industries and human rights
- Pafing Guirki, Monitoring committee of the government investement on oil revenue (Chad)
- Nora Garmai Bowier, Sustainable Development Institute (Liberia)
- Jules Mbokani, CREDDHO (Democratic Republic of the Congo)

Moderator

- Michael Ineichen, International Service for Human Rights (ISHR)

Background

The African Charter on Human and Peoples' Rights, in Articles 21 and 24, lays out the legal basis for protection of human rights in the context of natural resource exploitation and economic development. These articles define the legal expectation that development bring benefits directly to the people of a given country; that recovery or adequate compensation be provided for individuals dispossessed of their property, for instance through the process of land concessions; and finally, the right of individuals to 'a general satisfactory environment favourable to their development'.

In this context, human rights defenders play a critical role in preventing and mitigating violations and seeking accountability for human rights abuses linked to the extractive industry. They are key actors in bridging the gap between local communities, powerful companies, national governments, and regional and international bodies and human rights standards. Their work can complement government monitoring efforts, for example in the areas of child labour or environmental preservation, and can help fill in the gaps that arise due to the limited human and financial resources and massive geographic coverage characteristic of governments in the region.

However, across several regions of the continent media, civil society, and international experts have pointed out the serious risks posed to human rights defenders generally, and to those working on corporate accountability and natural resource exploitation in particular. These risks increase both as a function of the discovery of natural resources, and in relation to the host government's reliance on natural resource exploitation as a primary source of government revenue.

In terms of legislation, few of the countries on the continent have specific or comprehensive domestic legislation that protects human rights defenders in the conduct of their work. There is little recognition of the role or status of human rights defenders in the existing legal frameworks. Instead, defenders and their organisations face limitations on their ability to operate, including onerous registration processes; multiple and seemingly arbitrary tax demands; restrictions on funding for the activities of human rights defenders, and on provision of legal aid more broadly; and legal constraints to access to justice, such as the non-recognition of collective indemnities (e.g., class action suits).

In addition to a challenging operating environment, human rights defenders, including those working on issues related to extractive industries, are often targeted and defamed as criminals, anti-development or economic saboteurs by authorities. In a number of countries, it is common for defenders to risk prosecution under provisions of the national penal codes as a result of their activities. Defenders have reported being charged with crimes such as defamation, disturbing public order, incitement to hate, subversion of state authority, etc.

While there are a limited number of multi-stakeholder processes linked to natural resource exploitation, such as EITI or the Kimberly Process, companies themselves often feel they have little incentive to engage directly with human rights defenders. They may rely on government-aligned partners, or believe the demands for a meaningful consultation to be excessive, and so engage in a superficial or 'box-checking' exercise rather than a genuine due diligence, which involves engaging fully and directly with human rights defenders and the communities they represent.

In the worst cases, extractive enterprises themselves can pose serious threats to human rights defenders. In some cases, this arises from intimidation and threats by companies directed at defenders and communities, including the co-optation of traditional community structures to oppose defenders; violence committed by security forces, both private and public, with the intention of preventing the activities of human rights defenders (such as peaceful protest); and pressure directly on governments to allow private sector actors to dictate terms, circumvent minimum standards or access favourable conditions (also known as 'corporate capture').