

# RECOMMENDATIONS: WHAT NEEDS TO BE DONE?

Land and environmental defenders will only be able to carry out their activism safely when a range of actors take action to prevent attacks against them, protect those defenders who are at risk, and react when threats do occur.

With this in mind, we have grouped our recommendations along the following lines:

- **Tackle Root Causes:** The only effective prevention in the long-term. This means combatting corruption and impunity, securing and respecting land titles, and guaranteeing the right of affected communities<sup>225</sup> to give or withhold their free, prior and informed consent regarding the use of their land and natural resources.
- **Support and Protect:** A range of measures can be taken by business and governments to recognise publically the important role of defenders, advocate for their protection, provide them with the tools they need to carry out their activism effectively, and guarantee their safety when they are at risk.
- **Ensure accountability:** In order to prevent future threats and dissuade would-be aggressors, those responsible for attacks on defenders must be brought to justice, while those who fail to support and protect them should face political, financial and judicial consequences.

## WHO IS RESPONSIBLE?

States (through their governments) have the primary duty, under international law, to guarantee that human rights defenders can carry out their activism safely. However, land and environmental defenders face specific and heightened risks because they are challenging business interests.

There are a range of actors who can influence business projects. Therefore there are a range of actors who can – and must – act to keep defenders safe.

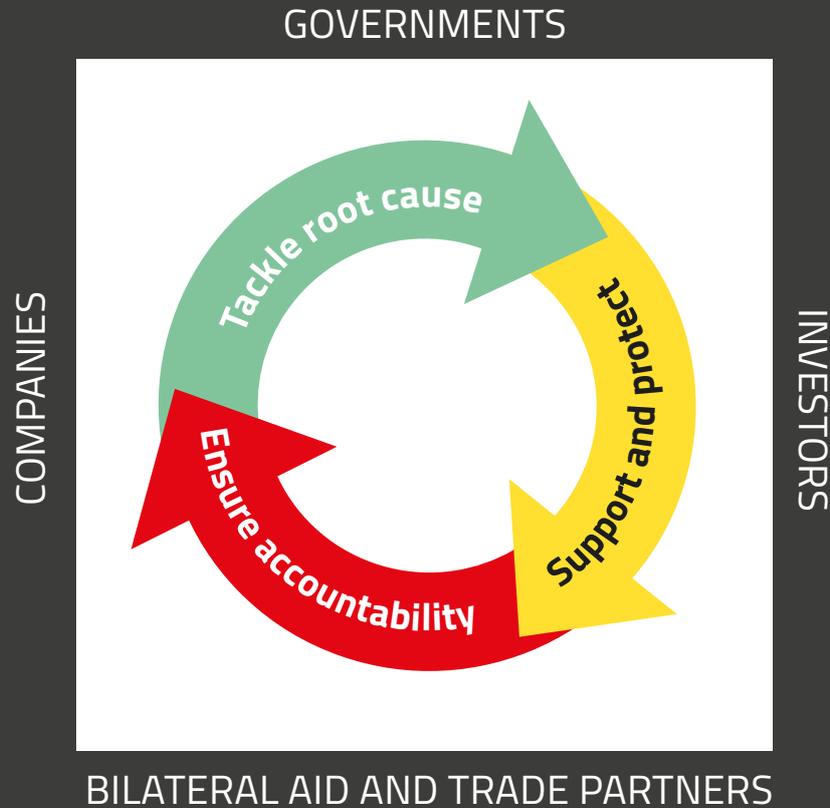
**Companies, investors and bilateral aid and trade partners**, have a responsibility – as well as a business incentive – to take action alongside national and local **governments** to protect defenders and respect their rights.

Overleaf are a range of general recommendations; each and every one of which can and should be interpreted and implemented by governments, companies, investors, and bilateral aid and trade partners. In order to illustrate them, we have included an example for each recommendation of how it might look if implemented by one actor or another.

In order to prevent future threats and dissuade would-be aggressors, those responsible for attacks on defenders must be brought to justice. © The Coal-Free Bataan Movement



RECOMMENDATIONS AND EXAMPLES OF IMPLEMENTATION



**TACKLE ROOT CAUSE**

- > Guarantee that no business project goes ahead without the free, prior and informed consent of affected communities at every stage of the project cycle

*Example: An investor ensures independent verification of whether or not affected communities have given their free prior and informed consent for the use of their land for a project they hope to back, and withholds financing from the project if this cannot be proven*

- > Guarantee the informed and meaningful participation of affected communities in environmental, social and human rights impact assessments, as well as other processes related to the planning and implementation of business projects

*Example: A company freezes a project because they are unable to verify whether a potentially affected community*

*has participated meaningfully in local environmental and social impact assessments*

- > Sanction and eradicate corruption, particularly regarding the allocation of licenses in the natural resource sector<sup>226</sup>

*Example: A national government ensures their judiciary has the independence, resources and mandate necessary to prosecute public officials found guilty of bribery or abuse of office*

- > Ensure that land rights are protected and respected, particularly in regards to indigenous and community land titling

*Example: A bilateral aid donor provides financial and technical support, through their embassy, to help a national government simplify community land titling and clear backlogs of titling requests and disputes effectively*

## SUPPORT AND PROTECT

➤ Implement specific laws, policies and practices for the recognition, support and protection of human rights defenders,<sup>227</sup> and guarantee the human and financial resources necessary for their effective implementation

*Example: A company creates a human rights or sustainability policy which outlines which specific measures they will employ to contribute to the protection of human rights defenders,<sup>228</sup> and details how implementation will be resourced and enforced*

➤ Make strong public statements recognising the important and legitimate role of land and environmental defenders, committing to their protection

*Example: Local representatives of a development bank meet with at-risk defenders in a country where they finance projects, in order to explore how they can best support them. They then issue a press release recognising the legitimate role of defenders and committing to support them*

➤ Speak out to condemn threats and attacks against defenders wherever they occur

*Example: A company publicly condemns a reported threat against a defender who has questioned a project of theirs, and also privately advocates for their protection with the local government*

➤ Suspend those specific business projects where defenders have been threatened, until robust measures are taken to prevent further threats against those at risk

*Example: An investor freezes their backing for a project because a credible report has been made of a threat against a defender who opposed one of their projects.*

➤ Implement protective measures for at-risk defenders, which are commensurate with the specific risks, context, identity and requests of each individual

*Example: At the request of a defender at risk and based on an expert risk analysis, a local government provides the defender's indigenous organisation with police guards and a satellite telephone, and orders the private security guards stationed in their community to be unarmed*

➤ Create spaces for dialogue between companies, investors, public officials, affected communities and defenders

*Example: An embassy convenes and facilitates dialogue between business representatives, government officials, affected communities and human rights defenders before a company or investor domiciled in their country commits to a new project locally*

## ENSURE ACCOUNTABILITY

➤ Bring to justice those responsible for ordering or carrying out any threat or attack against a land or environmental defender

*Example: A national government creates and fully resources a special prosecutor for the investigation of crimes against defenders, which collaborates with international bodies wherever the victim requests so, and successfully prosecutes both the material and intellectual authors of such crimes*

➤ Carry out due diligence to assess whether land and environmental defenders can operate safely in specific industry sectors and countries and – where this is not the case – cease to promote, implement or back (directly or via intermediaries) business projects, until guarantees of defenders' safety have been made

*Example: A development bank establishes a clear due diligence process allowing them to assess the rights and security of land and environmental defenders in countries where they are planning financing, and decides not to invest in a certain sector where this process proves that defenders active around this sector have been threatened and attacked*

➤ Make aid to countries, and investment in projects, conditional upon whether specific measures for the security of land and environmental defenders are in place or not

*Example: A bilateral aid donor establishes effective criteria through which to measure the extent to which defenders are safe and able to operate in the countries to which they grant assistance, and withholds part or all of this aid until such criteria are met*

➤ Guarantee accountability, remedy and reparations for defenders, organisations and communities affected by threats and attacks

*Example: A company establishes a safe and effective grievance and remedy mechanism which enables local defenders to bring complaints of threats, attacks and obstacles associated with their activism related to a business project*