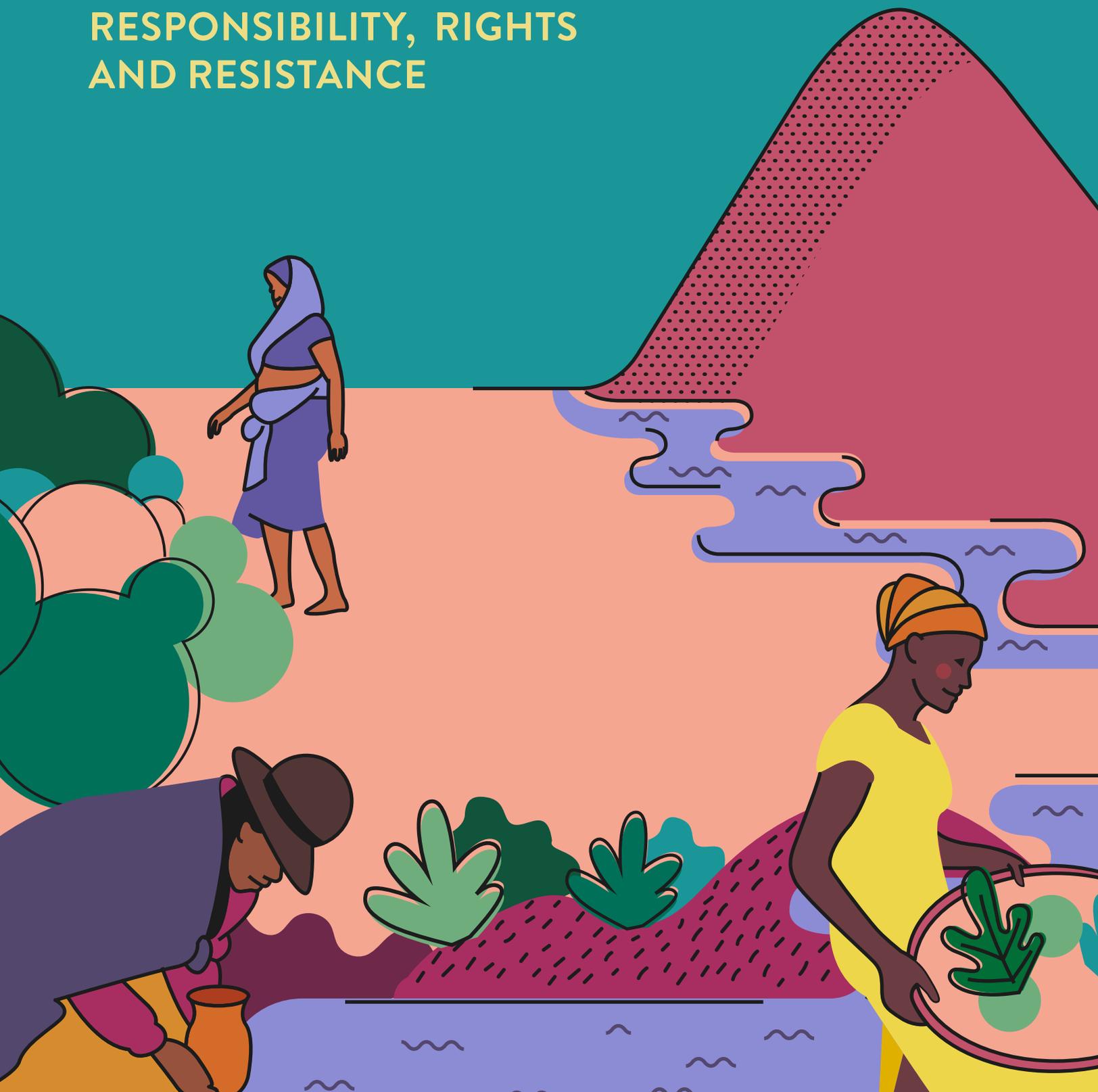


CALL TO ACCOUNTABILITY

# PUBLIC INVESTORS AND WHRDS:

RESPONSIBILITY, RIGHTS  
AND RESISTANCE



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## RESPONSIBILITY, RIGHTS AND RESISTANCE

*“In 2020, Global Witness recorded 227 murdered land and environmental defenders – making it once again the most dangerous year on record for people defending their homes, land and livelihoods, and the ecosystems vital for biodiversity and the climate.”*

**-- Global Witness, Last Line of Defense, September 2021**

Among women human rights defenders (WHRDS), those defending ancestral lands, waters and territories are one of the groups at highest risk. Their opposition to large scale extractive projects results in threats, criminalisation, sexual assault and lethal violence. In an effort to support their leadership and safety, the Count Me In! consortium, whose member organizations support and accompany WHRDS around the globe, undertook multi-regional research about the drivers and financiers of extractive projects. That research and accompanying activist toolkit can be [found here](#) in English, Spanish and French.

\*Women Human Rights Defenders

# THE REALITIES OF EXTRACTIVE DEVELOPMENT



**Extractive industries take many forms** but are characterised by four defining features:

1. Intensive extraction of natural goods and resources (including fossil fuels, metals and minerals, water, plants, energy, forests, fish etc.)
2. Emphasis on large quantities, often focusing on a single product or crop;
3. Low requirement for processing; and
4. Intention that extracted materials are for export.

**Extractive projects are consistently linked with force, repression, militarisation, corruption and violence** from the state, private companies, paramilitaries or criminal operations, or a mix. That violence includes threats, sexual assault, attacks on defenders and their families and assassination. Land defenders also face criminalisation and stigmatisation as anti-development, anti-progress and even “terrorists.”

**Investment chains obscure accountability** given the complex web of local to global actors, including state and private interests, national and transnational investors and owners, and money and agreements running through multiple intermediary bodies. It is easy to deflect or diffuse responsibility through such complex arrangements.

**Local communities are often the last to know** as the complexity of these deals makes it difficult for people to find out who is behind proposed projects, or where the decision-making power actually lies. And by the time they do find out, often plans are well advanced.

**The power inequities are stark** when it comes to extractives, with local communities pitted against huge international companies and investors, without equitable access to information, let alone the relevant, and often faraway, decision-making processes. Even with information, communities are at a disadvantage. If they oppose a project or want to seek redress for damage and risk, the available mechanisms are limited and can be hard to access and costly to pursue. Power disparities also mean most women and marginalized groups are further disenfranchised and face barriers to justice mechanisms due to ongoing discrimination. Too often, the burden of proof sits with those affected to demonstrate problems with an extractive project rather than with governments and the private sector to prove that their policies and practices are in line with existing human rights obligations.

**Community perspectives are overridden and women excluded:**

Community consultations, when they occur at all, are often pro forma and don't include women. Community perspectives and decisions are not given much importance, in fact, quite the opposite, they are silenced or ignored.

**The real harm is caused by a global economy heavily invested in extractive industries.** The impacts on climate, environmental sustainability and human rights are well documented. Unfortunately, the approach to “sustainable” development models are replicating the same pattern - failing to respect community processes or to engage with women in those communities, and allowing projects to be imposed without regard for human rights or environmental impact. investors need to take responsibility for the impact of their investments and support local women in seeking real feminist solutions.



# CALL FOR ACCOUNTABILITY

1. **Investors, including states, public financial institutions and development funds, have a responsibility for what happens in their name and with their investment.** Due diligence means ensuring that funded projects honour human rights, are free from violence and menace, are accountable to community decisions, and uphold environmental, gender and labour standards.

 *Regard due diligence as a sustained responsibility to ensure human rights and environmental protections are at the heart of any investment and enforced.*

2. **Communities, as custodians of the land, have a right to decide and a right to say NO!** Communities must be meaningfully involved in anything impacting their land, livelihood and resources, and their decisions must be respected, including their rejection of a project. Beyond the formal legal right to free, prior informed consent (FPIC), communities need to be at the centre of decision-making processes that may occur within or affect their territory.

 *Ensure that **communities are proactively and meaningfully engaged in decision making**, including actively **engaging women** in the community, and that their **decisions and consent (or lack thereof) are respected.***

 *Include specific conditions on meaningful engagement of the local community and monitoring and reporting requirements in investment loans, as well as **clauses that allow the suspension of the agreement if these are not met.***

### 3. Protecting the safety and human rights of land defenders and their communities is a permanent responsibility for investors

- ➔ Ensure **coherence between commitment to human rights, gender equality and climate protection, AND investment and trade strategies.**
- ➔ Make the **safety of land defenders** and their communities a condition of any project.
- ➔ Ensure that there are **adequate mechanisms to address risk and ensure protection.** Reject impunity for violence.
- ➔ As WHRDs face specific threats because of their gender, specific provisions must be proactively integrated in plans to **effectively address gendered risks and violence** and make the ecosystem overall safer for WHRDs.

### 4. Accountability requires transparency

- ➔ Ensure that communities have **full prior information about any proposed projects** in order that they can make an informed decision.
- ➔ **Provide transparent information on the parties involved in a project,** including all investors, project management companies and any intermediaries involved.
- ➔ **Be transparent and forthcoming in reporting** on all trade agreements, investment contracts and contracts with foreign governments.

### 5. Development should centre the needs defined by local communities, including those structurally excluded and at risk. Local communities should be central in the decisions and implementation of any development plans, including defining community benefit, risk assessment and mitigation, conflict mediation and reparations for any damages.

 Make **local community benefits, as defined and agreed to by that community**, are condition of investment loans and projects.

 Ensure that contractual clauses include **the engagement of women in the community at levels of decision making**.

6. **Policy coherence between commitments to human rights, gender equality and climate protection AND investment and trade strategies is vital so the latter does not undermine the former.**

In working to eliminate contradicting objectives, they must account for the impacts of their investments on women, structurally excluded groups and the land and territory in which they live. When working towards gender equality and women's rights, governments and public investors should apply an intersectional approach that applies across all areas, including aid, trade, defence, diplomacy and immigration policy.

 Proactively monitor and insist on **strong human rights and environmental protection standards** for all projects in which it is involved.

 **Implement gender mainstreaming across all areas:** aid, trade, defence, diplomacy and immigration policy.

 **Increase investments in gender equality** as a principle and funded goal and allocate more funding to feminist and women's rights organizations and movements.

 Adopt a more **rigorous and independent practice for monitoring, evaluation, research and learning tied to policies' intended outcomes**.

**7. Mechanisms to address risk and ensure protection are vital for the safety of women, particularly those in indigenous and land-based communities opposing extractive development**

 Proactively work to **ensure the safety and human rights of land defenders and communities that are opposed to an extractive project.**

 Ensure there are **adequate and effective mechanisms and remedies for grievances and for violations of human rights, labour and environmental standards.**