

UNSR Thematic Report on Natural Resource Exploitation and the rights to freedom of peaceful assembly and of association

Questionnaire

In his upcoming report to the UN Human Rights Council to be presented in June 2015, the Special Rapporteur turns his attention to the exercise of the rights to freedom of peaceful assembly and of association (FOAA rights) in the context of natural resource exploitation. The report will focus on three key actors with obligations and responsibilities with respect to the promotion and protection of FOAA rights: (1) the corporations or private actors exploiting the natural resources, (2) the States where natural resources are to be exploited (host State), and (3) the State of origin of the corporations or private actors. The report will assess the legal framework and practices within each category and explore how these help or hinder FOAA rights.

This questionnaire solicits information from States, businesses engaged in natural resource exploitation, civil society organizations and other relevant actors with a view to assisting the Special Rapporteur in his assessment.

The term “natural resource exploitation” is used broadly in this questionnaire to include any activities involving the use, extraction or development of natural resources, including but not limited to land, water, timber, minerals, oil, and gas.

Kindly send your responses by 31 January 2015 to freeassembly@ohchr.org

You may submit your responses in English, French or Spanish.

1. What are the particular challenges to exercising assembly and association rights in the context of natural resource exploitation in your country or region? For example, are all stakeholders affected by projects consulted, with their rights and concerns taken into account? Are peaceful assemblies facilitated or viewed as a nuisance? Are companies cooperative and understanding of the need to preserve individuals peaceful assembly and association rights?
2. To what extent do these challenges stem from:
 - a) Gaps/inadequacies in the domestic or international legal framework (e.g., laws on FOAA rights themselves, environmental laws, labour laws, trade agreements)
 - b) Government institutions (e.g., ineffective enforcement, lack of independence, lack of capacity, corruption, lack of political will, independence of the judiciary)?
 - c) The broader business environment (e.g., lack of voluntary guidelines or industry standards, deregulation/pro-business attitude by governments and

Questionnaire for associations

- the “race to the bottom”, unequal bargaining power for affected communities)
- d) Businesses themselves (e.g., focus on profits over rights, lack of interest in consulting local communities, willingness to leverage government corruption)
 - e) Any other factors
3. What type of action should be taken to mitigate these challenges?
 4. Please provide any specific case studies illustrating natural resource exploitation activities which you believe had a positive or negative impact upon FOAA rights, for example: (1) suppression or facilitation of lawful/peaceful protests regarding a project; (2) harassment or facilitation of civil society or grassroots groups involved in opposing a project; (3) outcomes when consulting – or failing to consult – with affected communities; (4) harassment/violation/sexual abuse committed particularly against women; (5) involvement of private security companies; (6) role of the trade unions in these contexts. *We would especially appreciate examples that demonstrate how government or business action helped or hurt the protection and promotion of FOAA rights.*
 5. What measures/actions would you recommend that States, businesses and individuals take to enhance the promotion and protection of freedom of peaceful assembly and of association in their policies, projects, goals and other engagements with civil society?