LEAVING NO ONE BEHIND: PARTNERSHIPS TO ADDRESS HUMAN RIGHTS VIOLATIONS IN EXTRACTIVE INDUSTRIES (The German Institute for Human Rights and the Colombian Defensoría del Pueblo)

Across different regions and with particular impact in the global south, the forced displacement of indigenous peoples and rural communities by government authorities and mining companies has had severe impacts on livelihoods and on the rights to health, water, and adequate standard of living. The 2030 Agenda pledge to ‘leave no one behind’ means that all groups at risk are addressed – including those affected or displaced by mining activity.

As these groups are often dependent on natural resources, these activities raise concern about the need to preserve natural resources to avoid destroying opportunities of future generations. Partnerships between NHRIs around the globe, as the example between Germany and Colombia below, can be an effective measure to address the human rights concerns that result from multinational mining operations.

Colombia and Germany each represent one end of a coal supply chain. The German energy sector imports large amounts of coal from Colombia, while Colombia’s population is exposed to various negative human rights impacts of mining activities. In October 2015, the Colombian Defensoría del Pueblo (Defensoría) and the German Institute for Human Rights (Deutsches Institut für Menschenrechte, DIMR) launched a transnational cooperation to address business-related human rights issues arising from coal mining in Colombia.

The Defensoría and the DIMR implemented a set of measures that promoted exchange, common research and capacity-building. Both NHRIs jointly conducted field visits and qualitative interviews with stakeholders in the coal sector in the regions of Cesar and La Guajira to gather first-hand information and enhance knowledge of existing human rights challenges. In March 2016, a multi-stakeholder conference in Bogotá initiated dialogue among representatives from mining companies, business associations, NGOs, communities and government officials, including the Presidential Office for Human Rights. It contributed to a shared understanding of the human rights issues in Colombia’s mining regions and increased awareness of their transnational dimension.

20 This case has been published in detail at the paper ‘Closing protection gaps in the human rights and business context’, available at: https://bit.ly/2Lrs9PV
Through strategic and coordinated efforts, the DIMR and the Defensoría both increased their institutional capacities and improved their work in the context of business and human rights, benefiting equally from their cooperation. The Defensoría developed an institutional action plan for business-related human rights abuses.

This plan includes a policy guideline that specifies the duties that the Defensoría intends to fulfil in prevention, monitoring and access to remedy. The DIMR used the results of the cooperation to develop recommendations addressed to German development policymakers, and another set of recommendations which was discussed with German civil society and representatives of businesses in the energy sector. The DIMR also facilitated a meeting between German energy groups and the Defensoría in Colombia. This resulted in recognition by the companies of the fact that NHRIs can be key agents in assessing and addressing human rights risks.

This project demonstrates that transnational NHRI cooperation can make a valuable contribution to closing existing gaps in human rights protection across differing business and country contexts. It also represents a practical approach to the promotion of responsible partnerships for sustainable development, through awareness raising and encouragement of constructive dialogue between companies, governmental authorities and affected rightsholder groups.