

LARGE SCALE DEVELOPMENT PROJECTS AND HUMAN RIGHTS QUESTIONNAIRE.

ORGANISATION:

CIVIL LIBERTIES ORGANISATION (CLO),

13, SOJI ADEPEGBA CLOSE, OFF ALLEN AVENUE, IKEJA , LAGOS,NIGERIA.

Website: www.clonigeria.org. e-mail:clonigeria@gmail.com, ibuchialuta@yahoo.com &
ohabuenyiezike@yahoo.com

Tell: (+234)-08037875414, 07041194639.

CONTACT PERSON:

Comrade, Ibuchukwu Ohabuenyi Ezike, Executive Director.

. (a). **Challenges of Human Rights-based Approach to large scale development Projects.**

- * Government interest where the project is being undertaken by government or in the case of foreign or local companies if officials of government have been settled in which case they defend company interest against host community interest. HRDs will be harassed if they intervene to insist that human rights be observed in setting up and operating such Projects/enterprises.
- * Security challenges because both government and the owners of the Projects would usually buy over the security authorities to deal with HRDs who intervene to ensure that the right things are done and due process of law and human rights respected.
- * Host Communities' hostilities because they may see HRDs as meddling interlopers and not understand their genuine roles and reasons for intervening.
- * Financial constraints which may disenable the HRDs to carry out their work creditably.
- * Anti-people laws such as the land use Act in Nigeria, for example, which empowers the government to take personal or community lands without payment of compensation to the owners.
- * Linguistic barriers which can hamper effective communications especially in terms of relationship with the host communities and when international HRDs with different language background are involved without the presence of good interpreters.

1. (b), **OPPORTUNITIES OF SUCH DEVELOPMENT.**

* Employment opportunities for the host communities and the countries where such projects are cited which help to address social crisis.

* Provision of social services such as electricity, roads, hospitals/clinics, pipe-borne water, schools etc for the host communities which make life meaningful etc.

* Development for the host communities because with the provisions of these amenities, people will be attracted to the place to establish businesses and other developmental projects.

1. ©. BEST MEASURES TO MITIGATE THE CHALLENGES.

* Enact people-friendly laws that guarantee human rights and civil liberties in terms of the forceful takeover of citizens' land by government.

* Make laws that specifically protect the rights of HRDs in the course of doing their humanitarian or social work from attacks by either government, company owners or host communities and which should be enforced where violations occur to act as deterrent to future occurrences.

* Adequate funding for HRDs and their organisations to independently encourage them to effectively do their work and render their selfless services to the society.

The 1999 Constitution, African Charter, UN Declaration, ECOWAS Court, Freedom of Information Act can be useful mechanisms.

2. a). HOW LARGE SCALE DEVELOPMENT PROJECTS CAN BE ELABORATED/EXPANDED IN ORDER TO ENCOURAGE EFFECTIVE PARTICIPATION OF HRDs.

* Involve HRDs in formulating the feasibility studies of such development Projects in order to ensure that both human rights & corporate social responsibilities are provided for from the onset.

* That HRDs are seen as partners in progress and not enemies as most governments and owners of business enterprises and trans-national corporations in the world including Nigeria see them.

* Ensuring that HRDs participate not only in developing the feasibility studies but also in the execution of such projects in order to ensure that these studies and their contents are accurately implemented.

b). PARTICIPATION/CONSULTATION MECHANISMS

There are no known consultation/participatory mechanisms for HRDs in Nigeria in this area as at the moment. Nigerian government is run like a **secret cult** and not public institution. Moreover, human rights defenders are endangered specie and are treated with utter disrespect by Nigerian authorities.

3). a). HOW HRDs CAN EFFECTIVELY MONITOR THE IMPACT OF LARGE SCALE DEVELOPMENTS.

- * By exploring the options of Legal mechanisms where they exist eg using the existence of such mechanisms to sue the project developer (s) in order to get the court to caution them to do the right thing.

- * Dialogue: orarranging meetings between the government/owners of the Projects and HRDs to discuss issues of common interest/public interest.

- * Town Hall meetings brokered between the project developers and the citizens/host communities.

- * Media & Advocacy campaigns carried out by HRDs.

- * Mobilise the people for Mass protests & enduring rallies.

b). i). HOW INFORMATION ABOUT LARGE SCALE DEVELOPMENT PROJECTS CAN BE MADE AVAILABLE/ ACCESSIBLE TO THE PUBLIC.

- * Through the media.

- * Public hearing

- * Internet facilities.

- * Through community Development associations and traditional institutions.

- * Through the Church and Mosques

- * Public Gazettes.

- * Through Leafleteering & posters.

ii). HUMAN RIGHTS MECHANISMS FOR REDRESS:-

- * The 1999 Nigeria Constitution.

- * UN Documents including numerous declarations and covenants .

- * AU Commission/African Charter on Human Peoples' rights.

- * ECOWAS' Court.

c). HOW CAN HRDS COMPLAIN IF HUMAN RIGHTS ARE RESTRICTED OR ABUSED ?

- * Make report to relevant government agencies such the Police, Nationalhuman rights institutions, Legislative arms of government.

- * Carry out media and advocacy campaigns.

- * Host rallies & protests.

- * Picket the place.
- * Explore legal/court options.
- * Linkup with international human rights groups.
- * Petition Regional and UN groups.

d). The use of the above options mentioned in (3cs) above. However, there is no way HRDs can peacefully voice out against authority exploitation and human rights abuses without molestation or intimidation or harassment. This is because the interest of the government or its associates is at stake if they are exposed by HRDs and so, no matter how HRDs carry out their legitimate activities or advocacy works, the state and its apparatuses will never be happy or tolerate it.

4. a). HOW CAN BUSINESS AND CORPORATIONS INVOLVED IN LARGE SCALE DEVELOPMENT & INVESTMENT PROJECTS BE BEST MONITORED REGARDING CORPORATE SOCIAL RESPONSIBILITY PRINCIPLES BY HRDS?

- * By relying on the legal framework or mechanisms where available ie by going to court (impact litigations).
- * By reporting them to the appropriate regulatory authorities where they exist through Impact petitions.
- * By embarking on medial & advocacy campaigns eg addressing press conferences and issuing press releases, embarking on media appearances on television and radio etc.
- * By reporting to international human rights organizations through petitions
- * By reporting to regional and international government organizations and agencies like the UN human right Council, African Union Commission, ECOWAS and ICC etc.
- * Relate with the victims eg host communities and workers to educate them and work with them to achieve success or freedom.

b). THE ROLE OF HRDs IN ACHIEVING THE ABOVE AND HOW THE CAPACITY OF THE HRDS CAN BE STRENGTHENED TO ENGAGE THE PROCESS.

i). ROLES:

- * Expose the operators of the Project and their abuses through the media and advocacy campaigns.
- * Go to court on behalf of the victims eg host communities and individual workers to seek redress.
- * Educate and enlighten the victims to know and fight for their rights.
- * Involving regional and international human rights organizations and Institutions.

b). CAPACITY BUILDING:

* Organising training on these mechanisms in order to build HRDs' capacity to do this work. The training can be conducted on the following focal areas:-

* On human rights/ legal instruments/mechanisms that will facilitate Impact litigation for victims of corporate exploitation.

* On Media & Advocacy campaign mechanisms or approaches.

* Community organizing & protests.

5.a). HOW CAN DEVELOPMENT CORPORATIONS INTEGRATE THE ROLES OF HRDs & THE NOTION OF SAFE & ENABLING ENVIRONMENT IN RCIPENT COUNTRIES?

* **UN and regional authorities formulating human rights mechanisms and policies that will compel groups setting up such corporations or businesses to include HRDs' roles in ensuring that HRDs participate in processes that would monitor the provision of safe and enabling environment for such businesses.**

* **Include HRDs' roles in national human rights instruments/ legal mechanisms that will guide the conduct and operations of large-scale development Projects and corporations.**

* **Design a special legal mechanism for HRDs that will spell their roles in such processes.**

b). HOW CAN THE EXPERTISE OF HRDs ON THE GROUND BE BEST USED TO DESIGN, IMPLEMENT, MONITOR & EVALUATE DEVELOPMENT CORPORATION PROGRAMMES?

* By involving HRDs in formulating legal mechanisms, including CSR, of such corporations or large-scale businesses.

* By assigning critical roles on these thematic areas for HRDs so that from the beginning, they will be part and parcel of the process in both designing, implementing, monitoring and evaluating the setting up of the Projects and implementing, monitoring and evaluating the Projects/businesses to ensure total or maximal compliance with the laws and policies..

* By creating public awareness about the roles of the HRDs in this area so that their roles will be well understood and their activities respected and honoured by all the parties in the business, including security agencies and state officials.

C). HOW SHOULD SECURITY/PROTECTION CONCERNS BE ADDRESSED WHEN NECESSARY?

* By making or enacting laws/statutes that will protect HRDs in the discharge their duties.

* Making the public well aware of these laws in order that they should respect them.

* Providing official security /protection for HRDs because of the precarious nature of their duties/work.

* Providing adequate and enforceable legal frameworks/ mechanisms for the punishment of violators of HRDs' rights which will serve as deterrent to future violators.

Nigeria is not a best practice for any of the issues in this Questionnaire ,and, therefore, does not provide for any citation.