**Questionnaire for Member States - NORWAY**

**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 freeassemby@ohchr,org

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

1. What are the particular challenges in your country to respecting individuals’ rights to freedom of peaceful assembly arid of association in the context of natural resource exploitation, while also attracting investment and responsibly maximizing the State’s ability to benefit from these resources? For example, are all stakeholders affected by projects consulted, with their rights and concerns taken into account? Are peaceful assemblies facilitated? Are companies cooperative and understanding of the need to preserve individuals peaceful assembly and association rights?

*The Norwegian Constitution of 1814 was revised in 2014 in order to include a human rights catalogue, and as of May 2014 freedom of assembly and association is protected by section 101 of the Constitution. Section 101 reads as follows:*

*"Everyone has the right to form, join and leave associations, including trade unions and political parties.*

*All people may meet in peaceful assemblies and demonstrations.*

*The Government is not entitled to employ military force against citizens of the state, except in accordance with the law, unless an assembly disturbs the public peace and does not immediately disperse after the articles of the statute book relating to riots have been read out clearly three times by the civil authority."*

*Freedom of assembly and association is also protected by a number of human rights conventions ratified by Norway. The ICCPR, ICESCR, CRC, CEDAW and ECHR are incorporated in Norwegian law through the Human Rights Act 1999, and will prevail over other legislation in case of a conflict of norms*

*Ministry of Petroleum and Energy Norway:*

*The Petroleum Act (Act No 72 of 29 November 1996 relating to Petroleum activities) provides the general basis for the prudent management of the petroleum resources on the Norwegian Continental Shelf that governs Norwegian Petroleum activities. Public approvals and permits are prerequisites in all phases of the petroleum activities. Before a production license is awarded for exploration and production, the area must be formally opened by Parliament for petroleum activities. An impact assessment must be prepared that consider factors such as financial, social, and environmental impacts the activity may have. The impact assessment is subject to public consultation, where any interested party is invited to comment.When a new deposit is to be developed, the company/operator must submit a plan for Development and Operation (PDO) to the Ministry for approval. In addition, the operator must carry out an impact assessment for the area in question. The impact assessment is submitted for public consultation to all parties that could be affected by the specific development. The impact assessment shows how development is expected to affect the environment, fisheries, and Norwegian society. All comments are considered and evaluated. The processing of this assessment ensures that the consequences for the general public interests are acceptable.*

*Ministry of Trade, Industries and Fisheries:*

*The Minerals Act is a sector legislation for the mineral industry in Norway and establishes the basic framework for conducting mineral operations. The purpose of the Minerals Act is to promote and ensure socially responsible administration and use of mineral resources in accordance with the principle of sustainable development. The Act has provisions that shall safeguard environmental concerns and ensure that clean-up after closing of operations takes place at the operator’s cost and that this is addressed during the planning of the mining operations. Furthermore, the Act has provisions to ensure that Sámi interests are taken into consideration in connection with mineral operations.*

*Permits issued pursuant to the Minerals Act do not replace requirements in other legislation for permits, approvals, land-use plans or licences. Municipal authorities, through the powers of the Planning and Building Act, regulate areas for extraction of raw materials. Planning process shall safeguard transparency, predictability and public participation. Extraction of minerals must take place within the framework of an approved zone plan. The municipality must assess the total impact of the measures when deciding whether land is to be zoned for mineral extraction. If proposals to the municipal plan’s land management component include new or extended areas for mineral extraction and/or disposal, their impact on the environment and society shall be investigated. This includes, i.a., impact on other industries, transport, pollution, nature diversity, marine resources, food safety and cultural monuments. Detailed planning of the development takes place during preparation of zoning plans.*

*In addition to the Minerals Act and the Planning and Building Act, mineral activities are also regulated by other acts. Permits or clarification may be necessary in relation to the Nature Diversity Act, the Pollution Control Act, the Food Production and Food Safety Act, the Motor Traffic Act, the Cultural Heritage Act and the Water Resources Act. Searching, exploration activities and extraction of minerals will generally be prohibited in protected areas, and in areas in which priority species are found. Particular care shall be taken in areas with selected habitat types.*

1. Can you identify-any particular challenges faced by the States of origin of the corporations operating in your country?

*No*

3. For Question 1-3 — to what extent do these challenges stem from: *None*

a) Gaps/inadequacies in the domestic or international legal framework (e.g., laws on FOAA rights themselves, environmental laws, labor laws, trade agreements)

b) Government institutions (e.g., ineffective enforcement, lack of independence, lack of capacity, corruption)

c) The broader business environment (e.g., lack of voluntary guidelines or industry standards, competitive pressures)

d) Individual 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

4. What is your Government doing to mitigate these challenges?

5. Please provide any specific case studies illustrating natural resource exploitation projects which your Government believes had a positive or negative impact upon FOAA rights, for example: (1) suppression or facilitation of peaceful protests regarding a project; (2) harassment or facilitation of civil society or grassroots groups involved in a project; (3) outcomes when consulting or failing to consult — with affected communities; (4) involvement of private security companies. We would especially appreciate examples that demonstrate how Government action helped or hurt the protection and promotion of FOAA rights.

*None*

6. What measures/actions would you recommend that States, businesses and private actors 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?

*None*