**Topic: Discussing Case studies – Triggering Change**

**Organizers**: Friedrich-Ebert-Stiftung, German Forum Human Rights (FMR), Business and Human Rights Resource Centre, ESCR-Net (ECOSOC accredited) in collaboration with the UN Working Group on Business and Human Rights

**Concept**

Resolution A/HRC/26/L.1, adopted by consensus, stresses the importance of identifying avenues to effective remedy. In this session, we would like to discuss two case studies to explore the potential impacts of the UN Guiding Principles on Business and Human Rights (UNGPs), the UN Working Group on Business and Human Rights (UN WG) and further Special Procedures of the Human Rights Council (HRC). The focus shall lie on an evaluation of past action on the one hand and potential for engagement to bring about positive developments on the other.

The case studies to be discussed will be the **Hidrosogamoso Dam in Colombia** as described by FORUM MENSCHENRECHTE and the **Tampakan gold and copper mine in the Philippines**, as presented by the submission by Franciscans International to the HRC (see below). In all instances, more than one State is concerned, and the involvement by national enterprises, TNCs and export credit agencies will be highlighted.

Leading questions will be how due diligence expected from corporations and the states’ responsibility to protect play out in the cases concerned in regard to the protection of potential victims. The panelists will identify how the sincere application of the UN Guiding Principles on Business and Human Rights can contribute to a constructive debate and mitigation of conflict. Where damage has already been alleged, options for remedy under the third pillar of the UNGPs could be explored to identify effective ways to redress negative consequences. As additional resource, NGOs may make use of the guide on the UNGPs for civil society, developed by SOMO <http://somo.nl/publications-en/Publication_3899>

**Questions:**

* What should the government, project sponsor and companies / ECAs have done prior to issuing licenses / starting construction / becoming involved?
* What are current demands of the local population / NGOs?
* What should government / project sponsor / companies / ECAs do once problems become obvious?
* How can the UN Working Group engage?

**Purpose:**

This event shall help to identify how, in concrete cases, the UNGPs could be applied and add value to an ongoing discussion. While this short event will not allow to go into depth into all situations, we will focus on aspects of applicability of the UNGPs drawing lessons from each of the case studies. In doing so, all three pillars of the UNGPs shall be taken into account: the state obligation to protect, the business responsibility to respect and the access to effective remedy.

**Panelists**

**Chair:** Richard Howitt, Member of the European Parliament

**Moderator**: Phil Bloomer, Executive Director, Business & Human Rights Resource Centre

**Commentator**: Michael Addo, Chair of the UN Working Group on Business and Human Rights

**Hidrosogamoso Dam-building project:**

* Claudia Ortiz, Representative of Movimiento Rios Vivos, Colombia
* Juan Pablo Soler Villamizar, Representative of Movimiento Rios Vivos, Colombia
* Patrice Droz**,** Technical Director of STUCKY SA and member of the Swiss Committee on Dams

**Tampakan Copper-Gold Mine:**

* Representative of the Philippine delegation to the UN (inv)
* Jeanne Ivy Abrina, Philippine Commission on Human Rights
* Jesus Vicente Garganera, NGO, Philippines
* Rene Pamplona, NGO, Philippines

**Background on the Case studies**

# The Hidrosogamoso Dam / Colombia

The project

The Hidrosogamoso project is an 820 MW dam situated on the Sogamoso river in the province of Santander in Northern Colombia. It will flood an area of approx. 70 km², two national parks are affected. Project sponsor is the Colombian company Isagen S. A. The Austrian company Andritz will provide turbines, Italian Salini Impregilo has contracts for construction work. The German government granted an export credit guarantee in Dec. 2012. In connection with the dam, bridges, streets, transmission lines and pipelines are constructed. Dam construction is largely complete and the start of flooding immanent.

Impacts on communities

According to the EIA, affected people are: 2,200 families living in the reservoir area; 2,630 persons affected by construction of infrastructure, influx of workers, waste deposit etc; 4,300 families downstream of the dam. Isagen states that it intends to take care of expropriation and resettlement in a responsible manner; the German ECA has conducted a field trip to the region during their project appraisal. However, local people state that they experience severe unmitigated impacts and promises by the project sponsor have not been kept:

* During project preparation, consultations mainly served to describe presumed benefits of the project, major impacts described in the EIA were not presented at public meetings.
* While Isagen received titles for land they needed in a timely manner, villagers are still waiting for their titles.
* Exploration and construction work has resulted in damage to houses, roads, cars and repeatedly has endangered persons.
* Loss of livelihoods through the flooding of land, reduction of fish revenue through the deterioration of water quality, loss of jobs (e.g. women used to sell fish at the road which they cannot do anymore due heavy dust induced by increased traffic). Cocoa farmers fear the loss of their plantations due to changes in the micro climate / increase in humidity. Income from tourism has vanished.
* Lack of access to clean drinking water.
* Social conflicts due to workers‘ immigration: rise of prices for commodities and house rental; adolescents leave school in order to contribute to family income; increase in violence and drug consumption; loss of traditional life-styles.
* As result of deteriorated living conditions, people leave the rural areas, leaving behind mainly inhabitants of old age; in reaction to decreased population, the government reduces social services and investments.
* Jobs on the construction site which were promised to locals were not provided as the local population did not have the necessary skills. Jobs which were created for indigenous people are characterized by unsecure work conditions, poor payment, and arbitrary dismissals.
* Disappearance of social leaders: in 2012 alone, 11 leaders of local protest movements disappeared, 6 were found dead, without thorough investigation or convictions.
* Meetings with the local people scheduled for 13 June 2014 to discuss solutions did not take place as the expected high level representatives of the government and the company did not come.

1. **The Tampakan Copper-Gold Project / Cotabato, Philippines**

Information provided in A/HRC/26/NGO/94; excerpts:

The Tampakan Copper-Gold Project is reportedly the 7th largest undeveloped copper mine in the world, and when operational, it will be one of the largest copper-gold mines in Souteast Asia. Owned by Glencore-Xstrata, with the Australian company Indophil holding a minority stake, the mine is operated by a local subsidiary, Sagittarius Mines, Inc. (SMI). The final overall mine area is estimated at around 10,000 hectares (has.) falling within the boundaries of four provinces (South Cotabato, Sarangani, Davao del Sur and Sultan Kudarat), mostly forested and including a substantial portion in the ancestral domains of an indigenous people – the Bla'ans. The open pit of 500 has. would be dug to a depth of 785 meters while the topsoil stockpile would cover an area of 5 has. and the pit ore stockpile 49 has. The company's Environmental Impact Assessment3 estimated that 5,000 people will be directly affected, most of these indigenous people, and will require re-settlement. The mining project will directly impact five watersheds, around 4,000 hectares of old-growth forest and five ancestral domains of an indigenous people.

The Europe-Third World Center (CETIM) and Franciscans International call on the government of the Philippines to ensure a demilitarization of the ancestral domains and the surrounds of the mining area; to issue a certification from the National Commission on Indigenous Peoples (NCIP) that no further steps will be undertaken regarding free prior and informed consent process, given that the Bla’an people have already expressed their opposition to the project in their petition; to respect the local autonomy of the Province of South Cotabato and the Provincial Environment Code; to conduct a high-level Peace Dialogue with the Bla'an people to de-escalate the conflict situation in the area; and to revoke the Environmental Clearance Certificate, given the lack of social acceptability.