



Questionnaire for Special Rapporteur on the Freedoms of Peaceful Assembly and Association

Free Assembly Rights and Natural Resources

Prepared by Americans for Democracy and Human Rights in Bahrain

- 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?**

The right of the people to address the exploitation of natural resources in Bahrain is subject to the same challenges generally encountered when attempting to voice dissent or criticism of government policy. In examining the specific issues regarding the

First, Bahrainis in general lack a significant voice in their government. The majority of government power is concentrated within the al-Khalifa royal family, and is generally in the hands of either members of the royal family or political appointees created by the royal family. The king maintains absolute authority over legislation, and can promulgate new laws by decree without consulting the legislative bodies. The primary legislative body, the Shura Council, is entirely appointed by the king, and generally does not represent the population. While Bahrain does maintain an elected parliamentary lower house, the government has gerrymandered the districts in its favor. Bahraini districts disregard the principle of one person, one vote, and in many cases poorer districts maintain many more constituents than their richer counterparts. As a result, the government does not generally represent the poorer population.

Government makeup has had a significant effect on the exploitation of Bahrain's natural resources. Without consulting its population, Bahrain has begun an extensive land reclamation campaign by which it has added 90 km², or 12.5%, to its own landmass. The land reclamation projects have had a substantial impact upon Bahrain's coastal environment, with Bahraini fishermen claiming that the projects have obliterated the fish population within Bahrain's territorial waters. The reclamation projects have also had the effect of blocking large swathes of the population from accessing Bahrain's coast; according to one report, the public has access to less than 3% of Bahrain's coast.

Generally, reclaimed land is considered the property of the government. When the government reclaims land, it usually sells the new land to private developers, who use it to develop business complexes and tourist resorts. The public does not have access to any of the reclaimed land, and does not benefit from the revenue it creates. Human rights activists and members of the public have alleged that government officials pocket much of the proceeds from such land sales, but have not been able to prove their allegations.



The public has attempted to protest the land reclamation projects. On 2 June 2008, a group of fisherman staged a peaceful protest against land reclamation in the area of Muharraq by using their vehicles to block a road on a piece of reclaimed land. The land used to be the area in which the fishermen moored their boats. Witnesses claim that Bahraini security forces suppressed the protest by firing rubber bullets into the crowd. The government denied these charges, but acknowledged the use of riot police.¹ The government has additionally persecuted individual activists for attempting to raise the issue of land reclamation in their activism. On 13 June 2010, Gulf Air terminated the employment of Mr. Ghazi al-Mirbati for allegedly leaking confidential information. Mr. al-Mirbati denies the charges, and his termination is believed to be related to his human rights activism including campaigns against land reclamation projects.²

Members of the public, including Bahraini fishermen, have requested that the companies involved in the land reclamation projects make amends by attempting to re-create suitable sea environments for fish populations, i.e. through the development of artificial reefs. The companies have not responded to these requests and have not undertaken any such projects.

2. To what extent do these challenges stem from:

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

While the international legal regime certainly lacks agreement on land reclamation, it is unclear as to what effect such an agreement may have on the behavior of the Bahraini government, as the government habitually ignores many other international legal commitments.

- b. **Government institutions (e.g., ineffective enforcement, lack of independence, lack of capacity, corruption, lack of political will, independence of the judiciary)?**

The public ascribes the continuation of land reclamation projects to the ineffectiveness of the government in representing the will of the public and the failure of the government to tolerate dissent in the form of peaceful protest. Human rights activists also allege that the corruption of the political elite may also play a role in the continuation of the projects.

- c. **The broader business environment (e.g., lack of voluntary guidelines or industry standards, deregulation/pro-business attitude by governments and Questionnaire the “race to the bottom”, unequal bargaining power for affected communities)**

Governmental regulation on land reclamation has the potential to mitigate the environmental impact of the land reclamation projects, and its absence is certainly conspicuous as part of the issue. Were the government to mandate that land reclamation projects occur only in areas without sizeable fishing populations or without reefs, or were the government to mandate that companies involved in such

¹ <http://www.bahrainrights.org/en/node/2218>

² <http://www.bahrainrights.org/en/node/3131>



Americans for Democracy and Human Rights in Bahrain

1001 Connecticut Ave NW, Suite 205 • Washington, D.C. 20036 • (202) 621-6141 • www.adhrb.org • @ADHRB

projects create artificial reefs elsewhere, the government could significantly ameliorate the concerns of the public.

d. Businesses themselves (e.g., focus on profits over rights, lack of interest in consulting local communities, willingness to leverage government corruption)

It does appear as if the companies involved in the land reclamation and dredging are not interested in the opinions of the public. While the public has attempted to engage the companies on at least mitigating their impact, the companies have not responded to those requests and have undertaken no such action.

3. What type of action should be taken to mitigate these challenges?

The most obvious action that could be undertaken is for the government of Bahrain to reform in a more inclusive manner. With proper political representation from the poorest members of society, land reclamation projects significantly endangering the livelihoods of poor fishermen would be less likely to continue. Additionally, were the government to allow for the peaceful protest against such projects, protesters might be able to achieve the necessary political capital to force companies to respect their requests. Finally, internal government regulation promoting the replacement of endangered environments with artificial replacements may at least have a mitigating effect upon the environmental damage accompanying the land reclamation projects.

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.

Please see above regarding fishermen protests and politicized employment terminations.

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?

States should recommit to and honor any international obligations implicating the rights of freedom of assembly and association. They should consider the effect that any potentially environmentally-damaging projects may have on the public, and should reconsider any protests or political demonstrations against such projects as the public alerting the government to substantial concerns, and not necessarily as dissent against the government or insult against government officials.



Americans for Democracy and Human Rights in Bahrain

1001 Connecticut Ave NW, Suite 205 • Washington, D.C. 20036 • (202) 621-6141 • www.adhrb.org • @ADHRB

Business should undertake proper due diligence in order to discover the effect that projects may have on the public and should be open to the criticism of the public, especially when such projects may have a deleterious effect upon one or multiple populations.