

On the Need to Ensure that the United States' Development Interventions Support the Realization of Human Rights, Safeguard Human Rights Defenders and Ensure Meaningful Public Participation

November 29, 2018

Honorable Michael R. Pompeo, Secretary of State and Honorable Steven T. Mnuchin, Secretary of the Treasury;

2018 marks the 70th anniversary of the Universal Declaration of Human Rights, the 20th anniversary of the United Nations Declaration on Human Rights Defenders, and the 25th anniversary of the Vienna Declaration and Programme of Action. These instruments have been key to recognizing fundamental rights globally and affirming the role that human rights defenders (HRDs) play in protecting these rights and ensuring sustainable and equitable development for all. While development interventions can be a powerful tool for the realization of human rights, too often activities undertaken in the name of development fail to adequately consider human rights conditions and impacts. **In light of this, the Defenders in Development Campaign¹ is calling on the United States, other States, and development finance institutions (DFIs) to ensure that development interventions support the realization of human rights, avoid causing or contributing to rights abuses, promote an enabling environment for public participation within the development processes, and safeguard HRDs.**

Human rights defenders are a critical force for the protection of human rights and integral to the success of other global initiatives like the 2030 Agenda for Sustainable Development. Despite the growing awareness of the role of HRDs in sustainable development, the human cost of defending rights remains unacceptably high. **Those working in defense of land, environmental, or indigenous peoples' rights - rights most often violated in the context of development and related investment activities - are most at risk.** These defenders, as well as labor rights activists advocating for just and safe working conditions, are routinely subjected to stigmatization, labelled as "anti-development," and endangered by legal harassment, threats, and physical attacks. They are also more likely to be killed than defenders in other sectors. Since the adoption of the Declaration on Human Rights Defenders in 1998, an estimated 3,500 human rights defenders have been killed because of their peaceful work defending the rights of others.² In 2017 alone, at least 312 human rights defenders were murdered, 67 percent of whom were working in defense of land and territory in the context of large investments, extractive industries, and big business.³ For women defenders and members of other marginalized groups, the risks are even more acute.

Unfortunately, too often development interventions are designed and implemented without adequate consideration of the human rights context in which they are executed or the human rights impacts that may result. **Where insufficient attention is afforded to community participation and human rights, even the best intentioned interventions can stoke conflict, fuel corruption, or entrench discrimination.**

The United States has an obligation to ensure that human rights are respected and protected and that there is an enabling environment for defenders to do their critical work. This obligation includes actions to implement or finance development activities and extends to membership within multilateral development finance institutions. Development banks themselves have human rights obligations and a critical role to play in ensuring that their investments are not causing or contributing to threats against defenders. DFIs exert

¹ The Defenders in Development Campaign is a broad-based coalition of community activists, defender organizations and accountability groups around the world who have come together to address the increasing danger facing those who defend their rights in the context of development activities and investments. www.rightsindevelopment.org/hrd

² <https://www.amnesty.ie/remembers-killed-defending-human-rights>

³ <https://www.frontlinedefenders.org/en/resource-publication/annual-report-human-rights-defenders-risk-2017>;
<https://www.globalwitness.org/en/campaigns/environmental-activists/defenders-annual-report>

significant influence both through their project lending, as well as through policy promotion and standard-setting. As such, they help shape local and national conditions which determine whether individuals and communities impacted by development activities are able to safely engage or influence development processes.

The Defenders in Development Campaign is calling on DFIs, States, and other development actors to take all necessary measures to ensure that their interventions support the realization of human rights and do not cause or contribute to human rights abuses and to promote safe space for communities and civil society to engage and shape development processes. This includes developing policies on human rights defenders and protocols to prevent and respond to risks of reprisals, ensuring meaningful access to information, and promoting robust consultation including free, prior and informed consent of indigenous peoples and other affected communities. DFIs should also conduct ongoing human rights due diligence to identify and address human rights risks in all of their activities and throughout the lifespan of a project, including those residual impacts that may continue to be felt long after a project is closed. We also emphasize DFIs' responsibility to, through their research, public communications, and dialogue with States and the private sector, promote an enabling environment for public participation and accountability, in which people are empowered to engage in crafting their own development agendas and in holding their governments, donors, businesses, DFIs and other actors to account.

As owners and shareholders of development banks, the US and other governments must do more to ensure that DFIs are fulfilling these and other human rights obligations and promoting sustainable development.

While we welcome steps taken by the US to support HRD protection, we are concerned that the United States may actually be undermining these efforts through the actions of its bilateral development cooperation, and the multilateral banks and other DFIs in which we participate. Given the alarming increase in attacks on defenders within development activities, we urge you to bring more attention to this issue and to the critical role of DFIs in the following ways:

Take urgent action toward enacting the reforms identified above and promoting an enabling environment for human rights and meaningful public participation in development processes;

Use the anniversary of these important human rights milestones to bring attention to the critical role that human rights defenders play in ensuring effective, equitable, and sustainable development; and

Make a public commitment to take all measures necessary to ensure that the US' development policies, investments, cooperation, and other activities respect, protect, and fulfill human rights, prevent reprisals, and safeguard defenders.

To advance this commitment, the 31 signatory organizations below call upon the United States to lead by example in making a commitment to ensure that US international development interventions respect human rights, promote an enabling environment for public participation in development decisions, and safeguard defenders. In particular, we call upon the Administration to include **specific reference to protection for human rights defenders in the context of development interventions in a statement commemorating the December 2018 anniversaries of the Universal Declaration of Human Rights and the Declaration on Human Rights Defenders.** We also request an opportunity to meet with your offices to discuss this issue and how the US can signal this critically important commitment.

Sincerely,

Accountability Counsel,
American Federation of Labor and Congress of Industrial Organizations (AFL-CIO),

American Jewish World Service,
Amnesty International USA,
Amazon Watch,
Bank Information Center,
Center for International Environmental Law,
Columban Center for Advocacy and Outreach,
Crude Accountability,
EarthRights International,
Freedom House,
Friends of the Earth - US,
Global Witness,
Human Rights First,
Interamerican Association for Environmental Defense (AIDA),
International Corporate Accountability Roundtable,
International Labor Rights Forum,
Investor Alliance for Human Rights,
Liberty Shared,
Maryknoll Office for Global Concerns,
Multicultural Alliance for Safe Environment, MASE,
New Mexico Interfaith Power and Light,
Oxfam America,
Pax Christi International,
Peace Brigades USA,
Robert F. Kennedy Human Rights,
Sisters of Mercy of the Americas' Institute Justice Team,
Solidarity Center,
Urgent Action Fund for Women's Human Rights,
Verité,
Washington Office on Latin America