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Heinrich Böll Foundation and the European Center for Constitutional and Human Rights (ECCHR)

**Tricky business: the race for resources threatens democracy and human rights worldwide
A study by the Heinrich Böll Foundation and the European Center for Constitutional and Human Rights**

Berlin, December 8, 2017 — The world is currently experiencing an unprecedented, global run on water, land, fossil and mineral deposits, as well as genetic resources. In this race, governments and companies are ruthlessly asserting their interests, citizens' rights of participation and basic human rights are falling by the wayside and civil society's scope for action is being massively curtailed. This is documented in "[Tricky Business: Space for Civil Society in Natural Resource Struggles](#)", a study published today by the [Heinrich Böll Foundation](#) and the European Center for Constitutional and Human Rights ([ECCHR](#)). According to the study, procedures based on the rule of law and statutory environmental and social standards are suspended if they run contrary to the interests of investors. Resource-based state development strategies and corporate investments increasingly follow a similar pattern: contrary to international and national legal and constitutional guarantees, access to information is denied, legally prescribed consultation processes are reduced to sham consultations and activists are criminalized and sued. Citizens and civil society organizations seeking to defend their rights in the face of resource projects fall victim to massive direct or indirect pressure, targeted defamation and open private or state repression measures that can include murder.

The authors of the study, Dr. Carolijn Terwindt and Dr. Christian Schliemann of the ECCHR, explored the issue and interviewed experts in India, Mexico, South Africa and the Philippines. The paper focuses on patterns and dynamics in the curtailment of civil society organizations and activists who speak out against land grabbing and environmental degradation, advocate environmental protection and the fair use of resources, and insist on participation. The study also formulates a series of strategy recommendations for defending and recapturing civil society's space for action.

Barbara Unmüßig, Co-President of the Heinrich Böll Foundation: "Worldwide, guarantees based on the rule of law, participation rights of the population, environmental and social standards are being rolled back and human rights are being violated in favor of the interests of investors. This is an unprecedented loss of democratic participation that makes the transparent negotiation of interests impossible. The affected population is being excluded and democratically legitimized institutions and parliaments bypassed," said Unmüßig. "The responsibility for the loss of rights and erosion of democracy lies not only with national and local institutions, however: companies that operate globally in the resource sector and the countries in which they are based have special protective responsibilities. They must establish effective criteria and mechanisms to uphold rights worldwide," Unmüßig continued.

Wolfgang Kaleck, General Secretary of the ECCHR, said: "This study illustrates the counter-strategies that affected parties rely on to push back against the ruthless exploitation of resources. It primarily covers the legal remedies and channels used by civil society actors to combat restrictions and repression. Opportunities for participation and the need for informed consent by the affected communities must be taken seriously. Governments and businesses must be held accountable for the consequences of resource depletion and restrictions on civil society's scope for action.

The study shows that even under difficult circumstances and in a variety of judicial systems, legal remedies are a possible way forward against criminalization and the curtailment of civil political rights. Last but not least, the laws that legitimize this kind of resource exploitation must be questioned," Kaleck said.

Download the report at:

www.boell.de/en/trickybusiness

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