

# BCHR NEWSLETTER

Newsletter of the Network on Business, Conflict and Human Rights

## WHAT'S INSIDE THIS ISSUE:

Call for submissions;  
Events and workshops;  
New Library Resources;  
News on Kenya, Iran,  
Israel, Brazil and more.



The BCHR Network is pleased to present the BCHR Update Newsletter, which provides a host of insights into the work of the network and its members.

## ABOUT THE BCHR NETWORK:

- Click [here](#) to learn more about the BCHR Network.
- Click [here](#) for a complete list of the BCHR Network members.

The main purpose of this newsletter is to

- a) share information about the work of the network and its members to a wider audience; and
- b) to strengthen co-operation and co-ordination between the network members themselves and with other interested parties.

# INDEX / NEWSLETTER

<b>1. ANNOUNCEMENTS</b>	pg 3
a. Public consultations, call for papers	pg 3
b. Events, workshops and courses	pg 4
c. New Library Resources	pg 5
<b>2. INTERNATIONAL NEWS</b>	pg 8
<b>3. BLOGS AND OPINIONS</b>	pg 11
<b>4. SHARING AND POSTING MATERIALS</b>	pg 13
<b>5. ABOUT OUR NETWORK</b>	pg 14

# ANNOUNCEMENTS

## CALL FOR PAPERS

### *International Trade and Business Law Review Volume XXIII*

**Deadline:** Until 31st July 2021, with the expectation of publishing at the end of 2021.

The International Trade and Business Law Review ('ITBLR') invites submissions from legal scholars and researchers, legal practitioners, justice professionals, and policy officials for publication in Volume XXIII of the ITBLR in 2021. The ITBLR also encourages high quality submissions from law students.

Submissions utilising comparative analyses incorporating international perspectives are particularly welcomed. Submissions that focus on topics outside of the above themes will be considered if they are sufficiently connected to the ITBLR's primary topics of focus.

The world is facing a crisis of growing regionalism and nationalism, underpinned by rising geopolitical tension and a growing sense of uncertainty as a result of a global pandemic. The ITBLR contributes to the theoretical and empirical scholarly discussion of these developments; explores evolving global perspectives; and provides practical insights and in-depth analysis that can assist legal scholars, legal professionals, policy makers and other members of the legal and business communities.

Articles should not exceed 10,000 words in length and should include an abstract of approximately 200 words. Case notes, comments, and book reviews should not exceed 2,500 words. All footnotes must be consistent with the Australian Guide to Legal Citation 4th edition. Submissions that are provisionally accepted will undergo a double-blind peer review. Accepted submissions will be edited by a select team of Student Editors at Curtin Law School ('Student Editorial Board'). The Student Editorial Board is mentored by Editorial Consultants Dr Sharmin Tania and Dr Martin Allcock, and Editorial Assistant Meika Atkins. The ITBLR is overseen by the Editor-in-Chief, Curtin Law School's Dean of Law, Professor Robert Cunningham. Please submit articles for this issue via email to the ITBLR's Editorial Consultants, Dr Sharmin Tania and Dr Martin Allcock at [ITBLR@curtin.edu.au](mailto:ITBLR@curtin.edu.au).

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## EVENTS, WORKSHOPS AND COURSES

### VIRTUAL SEMINAR SERIES "INTRODUCTION TO GOLD MINING IN THE AMAZON BASIN" AS A PRELUDE TO JANUARY/FEBRUARY WORKSHOP (EN CASTELLANO)

**Seminar Series date:** 9-11th December 2020 (you can re-watch these Seminars on the website)

**Workshop date:** January/ February 2021

**Hosted by:** AIDA

Con miras al "Taller sobre minería de oro en la cuenca andino-amazónica", que AIDA realizará en enero y febrero del próximo año, esta serie de tres seminarios web tuvo como finalidad introducir la problemática a través de tres líneas temáticas:

7 de diciembre: Aspectos generales, impactos y perspectiva de las comunidades.

9 de diciembre: La circulación del mercurio en el ambiente.

11 de diciembre: ¿A dónde va el oro? El flujo de oro en los mercados.

El taller tiene el objetivo de fomentar la colaboración y el intercambio de información entre organizaciones de la sociedad civil, autoridades locales y nacionales e instituciones de investigación que trabajan en Colombia, Venezuela, Ecuador, Bolivia, Perú y Brasil para prevenir, mitigar y/o remediar los impactos de la minería de oro en la cuenca andino-amazónica.

Link to the Seminar Videos [here](#)

### DILEMA LECTURE; REMOTE, AUTONOMOUS WEAPONS AND HUMAN AGENCY

**Date:** 22nd February 2021 16:00h

**Hosted by:** T.M.C. Asser Instituut & the DILEMA Project

On Monday 22 February 2021, Professor Bill Boothby (Australian National University) will deliver a DILEMA Lecture on the topic of 'Remote, autonomous weapons and human agency'.

#### **Abstract**

Artificial intelligence is starting to permeate many aspects of our lives and autonomous weapon technologies are the subject of increasing academic attention, not least in the recently published Oslo Manual. During this lecture, Professor Bill Boothby will consider what we mean by autonomy, will describe the international law rules that seem most relevant when considering the acceptability of such technologies, and will reflect on some ideas of agency in the autonomous age.

Register for the event [here](#)

## NEW LIBRARY RESOURCES

### **AN EXPLORATORY STUDY ON SOCIAL ENTREPRENEURSHIP, EMPOWERMENT AND PEACE PROCESS. THE CASE OF COLOMBIAN WOMEN VICTIMS OF THE ARMED CONFLICT**

**Published:** December 13 2020

**Source:** MDPI

The Colombian armed conflict is the oldest internal confrontation in the entire American continent and has placed Colombia as one of the countries in the world with the highest volume of internally displaced persons. There are many factors that influence the possibility of suffering violence in this situation, but one of the main factors is undoubtedly gender. In addition, the destruction of the productive fabric and the impoverishment of conflict zones are a difficult reality when it comes to undertaking initiatives. Women not resigning themselves to this state of affairs, by their own initiative, work to go from passive victims to survivors and agents of change.

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### **THE ORGANIZATION OF SHORT-SIGHTEDNESS: THE IMPLICATIONS OF REMAINING IN CONFLICT ZONES. THE CASE OF LAFARGE DURING SYRIA'S CIVIL WAR.**

**Published:** October 2020

**Source:** ResearchGate

This article analyzes the operations of the French group Lafarge in Syria during the civil war between 2011 and 2014, to understand the conflict-sensitive practices of a multinational company (MNC) in an area of limited statehood (ALS). We examine how and why the company decided to continue operating its plant in Syria during this intrastate conflict, resulting in financing terrorist groups like ISIS.

We highlight the key operational and managerial decisions made by headquarters and local operations and relate them to the conflict situation in the ALS in question. We contribute, with the idea of the firm's "organization of short-sightedness," to the understanding of how strategic decisions may lead to a structural inability to fully comprehend the local dangers and the implications for the employees, and how this may lead to a redefinition of legitimate and illegitimate stakeholders in conflict zones. A drawn-out process, stemming from a willingness to stay at all cost in an ALS environment, leads to misinterpretation of the danger and an acute dependency on local stakeholders.

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## SEVEN INDICATORS OF CORPORATE BEST PRACTICE IN INTERNATIONAL HUMANITARIAN LAW

**Published:** 2020

**Source:** Australian Red Cross

Australian Red Cross and RMIT University have developed seven indicators of corporate best practice in international humanitarian law (IHL) as a guide for the corporate sector. These indicators aim to assist businesses in enhancing their human rights due diligence by effectively integrating IHL into companies' existing business and human rights frameworks. Businesses today are more aware of their human rights obligations than ever before. Some have adopted policies that align with initiatives like the United Nations Guiding Principles on Business and Human Rights or the Voluntary Principles on Security and Human Rights to ensure their operations respect human rights and reduce the likelihood of rights abuses. Taking this sort of action has become particularly important in conflict-prone and conflict-affected areas where human insecurity, weak governing institutions and limited access to justice can threaten peace and sustainable development. In turn, this instability can subject businesses – their personnel, assets and operations – to heightened risks to their security and wellbeing.

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## BRAZILIAN BEEF: INSIDE THE SUPPLY CHAIN

**Published:** December 2 2020

**Source:** Global Witness

This week, a Global Witness exposé reveals how Brazil's biggest beef trading companies – JBS, Marfrig and Minerva – are linked to tens of thousands of hectares of illegal deforestation in the Amazon state of Pará. Despite relatively clean bills of health in private audits conducted in 2017, 2018 and 2019, our analysis shows how the firms' suppliers – both direct and indirect – are deliberately flouting the law, with the companies themselves turning a blind eye. To conduct this analysis, Global Witness's data investigations team had to build a picture of the beef traders' supply chains. We used documents called animal transit guides (GTAs), filed by ranches with the Pará state agriculture agency when they move animals around – for example, when selling cows for slaughter or export.

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## ARMED CONFLICT AND TERRORIST ATTACKS

**Published:** November 27 2020

**Source:** CFA Institute

Chapter 2 of Geo-economics: The Interplay between Geopolitics, Economics, and Investments examines the types of events that probably first come to mind when we talk about geopolitics: wars and international conflict. Unfortunately, in many cases, wars do not really matter all that much for investors, but in some circumstances, wars can and do have a material influence on financial markets. This chapter will enable readers to differentiate between the two types and provides examples of how big the impact of international conflict has been on markets historically. Because the face of international conflict is also changing, this chapter covers not only traditional wars between nation-states but also the impact of international terrorism on the economy and financial markets.

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## UNDERSTANDING HATE SPEECH IN MYANMAR

**Published:** October 2020

**Source:** International Human Rights Clinic at Harvard Law School

This report examines the role hate speech, rampant misinformation campaigns, and ultranationalism have played in the resurgence in oppression and human rights violations and the new alignment of the government and military in Myanmar. In analyzing the trends and patterns of hate speech in Myanmar, the report identifies a number of mutually reinforcing constructed narratives aimed at advancing Buddhist-Burman dominance at the expense of ethnic and religious minorities in the country. The report also catalogs a number of key drivers of hate speech, including the role of ultranationalist groups, the political and business interests of the elite, and socio-economic factors such as poverty, education, and historical divisions; these key drivers help explain the root causes of hate speech as well as how systemic and entrenched narratives of hate and discriminatory structures remain. The report also tracks how online and offline channels have been used to spread hate speech.

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## INTERNATIONAL NEWS

### SOMO-KAKUZI VS THE PEOPLE

**Published:** December 3 2020

**Source:** Centre for Research on Multinational Corporations (SOMO)

Approximately 65 km northeast of Nairobi, in Murang'a county, eleven Kenyan communities, comprising of at least 30,000 members, are fighting for their historical land rights, but finding a big agricultural company in their way. The People vs Kakuzi PLC is a story of perseverance and hope against a long historical backdrop of colonialism, violence, poverty, and deprivation.

In Murang'a county, Kenyan agricultural company Kakuzi leases an area of almost 16,000 hectares, land that has been acquired from the invasion and colonisation of Kenyan territory by European powers onwards. Fertile farm lands were taken from people, many were forcibly displaced from their homes and put to work as slaves on the colonial plantations. Up until today, descendants of the original farming communities are dependent on wage labour on the Kakuzi farms and live under harsh conditions. The story of Kakuzi is one of a colonial heritage that has not been dealt with, and continues to foster inequalities, dependency, impoverishment, and violations.

Symptomatic of a longstanding injustice, the battle over land rights continues, and communities living on and adjacent to the Kakuzi estate are facing a myriad of serious human rights and environmental abuses. Amongst the most severe are alleged killings, assaults and rapes by Kakuzi guards. These allegations have been brought before the British courts, where 79 claimants, represented by Leigh Day, have sued Kakuzi's parent company Camellia PLC, which is based in the UK.

This article describes the present-day problems these communities face. And it highlights the strategies communities have used to obtain remedies over the years, the triumphs they have experienced, the ongoing challenges, and the claim that remains: Give us back our ancestral land today.

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## FACIAL RECOGNITION TECHNOLOGY AND THE DEATH OF AN IRANIAN NUCLEAR SCIENTIST: AN INTERNATIONAL HUMANITARIAN LAW PERSPECTIVE

**Published:** December 21 2020

**Source:** JURIST.ORG

Mohsen Fakhrizadeh was killed while traveling in his car just east of Tehran. It is understood that Fakhrizadeh was Iran's foremost nuclear scientist and that he led the country's efforts to develop a nuclear bomb. The details of the attack are a matter of doubt, with Iran claiming that Israel was the perpetrator and Israel refusing to comment. Initially, the Iranian regime stated that there was a gunfight between Fakhrizadeh's bodyguards and several gunmen – indeed local media reported that three or four of the gunmen had been killed at the scene. However, on 07 December 2020, Iran changed its account and claimed that facial recognition technology was used to facilitate the killing via an unmanned, vehicle-mounted, machine gun 'equipped with an intelligent satellite system' which zoomed in on Fakhrizadeh and shot him.

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## AIRBNB SHARE LISTING: COMPANY IS 'DEEPLY COMPROMISED' BY ISRAELI SETTLEMENT PROPERTIES.

**Published:** December 9 2020

**Source:** Amnesty International UK

As Airbnb prepares to go public in a multi-billion-dollar Initial Public Offering share offering, it must withdraw listings of rental properties in the illegal Israeli-occupied Palestinian Territories, Amnesty International said today. The San Francisco-based online accommodation company has approximately 200 properties for rent in the Israeli settlements that are at the heart of systematic human rights violations faced by Palestinians. Two years ago, Airbnb said it would remove accommodation in the settlements from its listings, a decision it subsequently reversed. Earlier this year, Airbnb was one of more than 100 companies around the world named in a UN database of firms whose operations linked them to Israeli settlements. However, Airbnb's registration statement with the US Securities and Exchange Commission ahead of the IPO makes no mention of its operations in the Israeli settlements or the fact that the company appears in the UN database. This information is missing from the "risk factor" section of the documents, which informs shareholders of a company's legal, reputational and other risks.

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## BRAZIL: 439,000 SIGNATURE PETITION TO BE HANDED IN TO CONGRESS FOR YANOMAMI COVID CAMPAIGN.

**Published:** December 2 2020

**Source:** Survival International

A 439,000 signature petition calling on the Brazilian government to prevent the genocide of the Yanomami people will be handed in to Congress in Brasilia on Thursday December 3. The “MinersOutCovidOut” petition calls for the immediate expulsion of 20,000 illegal miners from inside the Yanomami Indigenous Territory. The miners have brought in outside diseases such as Covid-19 and malaria, and their prospecting has polluted the rivers. Covid-19 is now rampant across the Yanomami Territory, and from August to October alone, confirmed cases jumped from 335 to 1,202. Lack of testing means the real number of cases is probably far higher. Jair Bolsonaro’s government backs the miners. Its actions have seriously hampered efforts to prevent Covid-19 spreading inside indigenous territories.

Little has been done to remove the miners, whose numbers have increased dramatically in recent years. The hand-in comes after the publication of an explosive new report revealing the humanitarian crisis unfolding in the Yanomami Territory. Dario Yanomami, campaign spokesperson and Vice President of Hutukara (an organization that represents Yanomami and Ye’kwana people) referred to it as a “historic document [showing] how the disease spread in our territory”.

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## BLOGS AND OPINIONS

### CLEAN COBALT? A NEW INITIATIVE FOR A KEY MINERAL IN ELECTRIC VEHICLES

**Published:** December 17 2020

**Author:** Kendra Dupuy

**Source:** The Peace Research Institute Oslo (PRIO)

In September of this year, Tesla joined the Fair Cobalt Alliance (FCA), a new fair trade initiative launched by the Impact Facility earlier this year. The initiative aims to develop a supply of fairly sourced cobalt by improving practices and behaviors at cobalt mining sites. Specific goals of the FCA include eradicating the use of child labor, making conditions at cobalt mines safer, and investing in programs to diversify local economies in mining communities.

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### WHY HUMAN RIGHTS IN SUPPLY CHAINS ARE A GROWING CONCERN.

**Published:** December 12 2020

**Author:** Victoria Gama

**Source:** Verisk Perspectives

The impact that the COVID-19 outbreak has had on poor and developing countries has placed the issue of human rights in supply chains in sharp relief. Several countries in the Americas, Asia, and Africa already rank as extreme and high-risk in our Informal Workforce Index. With local businesses around the world poised to make cost cuts in response to the pandemic, the pool of informal workers may now grow and be more vulnerable to labour rights violations, potentially implicating different companies that source from these countries. Even before COVID-19, developed countries recognised these violations as a major international problem and began enacting regulations to deter corporations from participating in supply chains that involve human rights violations. And according to a 2020 study by the European Commission and various other independent studies conducted by local NGOs, even when mandatory reporting human rights legislation is in place, some businesses fail to provide detailed reports over potential human rights impacts of their operations and actions taken to remediate them. To help mitigate this issue, governments, primarily in western Europe, Canada, and the United States, are looking to heighten business human rights obligations by making supply chain human rights due diligence mandatory—with stricter obligations, heightened sanctions, and enforcement bodies with robust mandates along the lines of the French Duty of Vigilance Law and the Dutch Child Labour Due Diligence Law.

[Learn more](#)

# TO MEET THE PARIS CLIMATE GOALS, WE NEED A CORPORATE REVOLUTION

**Published:** December 12 2020

**Author:** Amy Richards

**Source:** Global Witness

In 11 months time world leaders will stand on a stage slapping each other on the back for the new targets they've set for reducing emissions. It will be the final day of the COP26 Summit in Glasgow and months of wrangling behind the scenes will reach a crescendo with a series of announcements on the future of the planet. Of course, five years ago today, we saw something similar in Paris. A new and historic Climate Agreement of 196 nations, representing 97% of global emissions, met with whoops of excitement and cheers of relief. And in 2020, despite the political turbulence of President Trump withdrawing US support, the Paris Agreement is largely intact. Most countries remain signed up and progress has been made.

Investment in renewables has gone up, sustainable finance options grow ever more popular, and the 'green economic agenda' is a common feature of global news headlines. But this hasn't been enough – and warnings on the future survival of our planet in the face of increased global warming continue to be stark. Emissions in 2019 rose to 55bn tonnes, up from 50bn tonnes when the Agreement was signed. In the last five years, the fossil fuel industry – the planet's greatest polluters – accessed over \$2.7 trillion in financing to expand and buttress the sector's ongoing extraction of oil, coal and gas.

We are still losing an area of forest roughly the size of the UK each year and, in the US alone, about 10,000 miles of oil pipeline have been built since 2015, including through Native lands. The human impact of this has been devastating.

Our own research shows over 963 people have been killed in this period defending their land. Whilst others, disproportionately communities of colour, have faced flooding, droughts and hurricanes that have taken lives and ruined livelihoods. The message from scientists and climate experts is universal: We are running out of time to change course.

[Learn more](#)

## SHARING AND POSTING MATERIALS

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We very much welcome your comments and suggestions for how the BCHR newsletter can better serve the network's needs and interests as well as those of its members.

We kindly invite you to share this newsletter with academics, NGO and practitioners that might be interested in its content.

If you are interested in contributing to future editions of the newsletter, please do not hesitate to contact us at [maria.prandi@networkbchr.org](mailto:maria.prandi@networkbchr.org).

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## ABOUT THE NETWORK

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The Network brings together researchers, practitioners and NGO members from various fields with the aim of researching and analysing the role of business in conflict situations reducing the human and people's rights violations and any other negative social and environmental impact as well other adverse consequences. It also looks at the potential role of companies in relation to peace building.

The Network reflects upon the causes, dynamics and consequences of business involvement in armed conflicts and systematic state repression, as well as upon existing or potential responses to such involvements in light of the responsibilities of all concerned actors and ongoing international and local efforts to develop and apply appropriate initiatives and guidelines.

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**Visit:** <http://www.networkbchr.org/>