



BCHR

Newsletter

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The BCHR Network

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. 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.

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

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Network Announcements

After more than eight years working alongside you in this incredible network, I would like to share with you that I'm leaving the Secretariat as of January 2020. I'm happy to leave a Network with over 200 members from different countries all over the world. It has been an enriching journey where I have learned the need for greater research and action in a field full of dilemmas and challenges. I have also got to know many of you discovering the great and crucial value you are bringing to this particular and complex issue. I can only encourage you to continue with your purpose and achieve great things.

We need new ideas, new energy and new inspiration to move us forward and I'm sure that Okereke Chinwike, from Afrilaw, is taking the lead with renewed energies and goals. A warm and enthusiastic welcome to Okereke!

I want also to acknowledge here the Advisory Board Members, members, collaborators that I have engaged with over these past years. Many thanks for all your support. Here is my personal email. maria.prandi@businessandhumanrights.es

I wish you all the best and I hope to stay in touch with all of you.
Maria Prandi

Other announcements

A. CALL FOR SUBMISSIONS

• DCAF and ICRC “Call for partners”

Since 2012, DCAF and ICRC have developed tools and guidance in response to needs expressed by companies, governments and civil society organisations. The two main products are the *Security and Human Rights Challenges in Complex Environments Toolkit* and *Knowledge Hub*. Both these resources have had a major impact on the policies and practices of international companies and other stakeholders, contributing to the implementation of multistakeholder initiatives such as the Voluntary Principles on Security and Human Rights. In addition, translation of the Toolkit into French, Spanish and Chinese has enabled the promotion of good practice to a wide range of different actors and contexts.

Demand for our work has grown significantly over recent years. This provides an opportunity to expand our partnership, connect with complementary expertise and generate new thinking around our engagement. DCAF and ICRC are looking to forge a multi-year partnership with an academic, policy research, think tank or civil society organisation. In particular, the partner will play a lead role in ensuring the Toolkit and Knowledge Hub remain relevant and fit-for-purpose, continuously evolving in order to achieve maximum impact.

More information can be found in the attached ‘Call for partnership’. If you think you are the right organization, please submit your application by **29th February 2020** to a.burdzy@dcaf.ch. Your application should include the following elements:

1. Motivational statement explaining why the applicant wishes to partner with DCAF and ICRC;
2. Clear methodology and implementation plan for the updating and continuous improvement of a) the Toolkit and b) the Knowledge Hub as ‘living resources’;
3. Innovative proposals on how to further develop and promote these resources with different stakeholder groups;
4. Evidence of track record of applied research / tools development in the field of business, human rights and security;
5. Description / bios indicating specific expertise in this subject area that will be dedicated to the project;
6. An analysis of how the applicant will sustain its contribution to the partnership – in terms of human and financial resources – over a 3-year period;
7. Availability to engage with DCAF-ICRC on this project beginning Q2 2020 with the objective to deliver an initial update of the Toolkit / Knowledge Hub by Q4 2020.

B. EVENTS, WORKSHOPS, AND COURSES

• 3rd edition of the “Business and Human Rights Summer School

HRIC - along with the IRISS-CNR, the University of Milan, the Wageningen University and Research, the University of Naples “L’Orientale” and ProRights association- are glad to announce that the 3rd edition of the “Business and Human Rights Summer School” will take place in Procida - Naples - (Italy) on June 29 - July 3, 2020.

The 2020 edition will be held at the Higher Education School of Procida of the University of Naples “L’Orientale” located in the wonderful Island of Procida, in the Gulf of Naples.

The call for applications will be opened on January 15: Stay Tuned!

• International Criminal Law Conference 2020

London, 28 January

The BHRPN panel will discuss the key developments of 2019 in the field of Business and Human Rights and consider what 2020 might hold for this rapidly expanding area of practice.

The panel will consider such topics as:

- The prosecution of corporate actors for international crimes, considering any international litigation trends;
- White-collar war crimes, civil recovery and sanctions;
- International developments in human rights due diligence obligations and the statutory duty of care;
- The possibility of a UK failure to prevent mechanism and the corporate response to such a mechanism;
- The Vedanta decision and what it means for the future
- Recent developments in relation to operational-level grievance mechanisms, what they might mean in practice and other means of dispute settlement.

C. NEW LIBRARY RESOURCES

• Ready to Engage? An introduction for civil society organisations and other stakeholders on the role of business in fragile and conflict-affected settings

Authors: SOMO and Oxfam - December 2019

A new publication by Oxfam Novib and SOMO brings together the current knowledge on the role of the private sector in fragile and conflict-affected settings, as well as practical guidance on what civil society’s engagement with the private sector might look like. The report highlights two major contemporary discourses: business as a foundation for peaceful development versus business as a cause of conflict and violence in fragile states.

[Learn more](#)

International News

• **Apple and Google named in US lawsuit over Congolese child cobalt mining deaths**

Author: Annie Kelly - **Published:** December 2019 **Source:** The Guardian

A landmark legal case has been launched against the world's largest tech companies by Congolese families who say their children were killed or maimed while mining for cobalt used to power smartphones, laptops and electric cars, the Guardian can reveal.

Apple, Google, Dell, Microsoft and Tesla have been named as defendants in a lawsuit filed in Washington DC by human rights firm International Rights Advocates on behalf of 14 parents and children from the Democratic Republic of the Congo (DRC). The lawsuit accuses the companies of aiding and abetting in the death and serious injury of children who they claim were working in cobalt mines in their supply chain.

The families and injured children are seeking damages for forced labour and further compensation for unjust enrichment, negligent supervision and intentional infliction of emotional distress.

Cobalt is essential to power the rechargeable lithium batteries used in millions of products sold by Apple, Google, Dell, Microsoft and Tesla every year. The extraction of cobalt from DRC has been linked to human rights abuses, corruption, environmental destruction and child labour. The lawsuit argues that Apple, Google, Dell, Microsoft and Tesla all aided and abetted the mining companies that profited from the labour of children who were forced to work in dangerous conditions – conditions that ultimately led to death and serious injury.

[Learn more](#)

• **Rwanda: Government introduces new tool to hold mining companies accountable for land rehabilitation costs**

Author: Michel Nkurunziza **Published:** 16 December 2019 **Source:** The New Times

Mining firms, which have been evading the responsibility to rehabilitate land degraded by their mining activities, will no longer be able to get away with it following the introduction of a new system of calculating rehabilitation expenses. Donat Nsengumuremyi, the Director of Mineral Extraction and Processing at Rwanda Mines, Petroleum and Gas Board, told The New Times that, initially, mining operators had to inject money in Rwanda Environment Fund (FONERWA) as guarantee fee that the Government could spend in rehabilitating areas degraded by mining companies. However, he explained that the operators intentionally undervalue the real cost of rehabilitation.

[Learn more](#)

• Proposed US oil anti-corruption rule would fail to deter corruption

Published: 19 december 2019 **Source:** Global Witness

The US Securities and Exchange Commission (SEC) voted to release a proposal for an oil and mining payment transparency rule which falls far below the global standard, and must be strengthened in its final form to effectively deter corruption.

Section 1504 of the 2010 Dodd-Frank Act requires extractive companies to disclose payments made to the US and foreign governments. Also known as the Cardin-Lugar provision, it was once a beacon of US leadership in the global fight against oil and mining corruption. According to Global Witness, the SEC's new draft implementation rule, however, would utterly fail to safeguard against corruption in the extractives sector and appears instead to be a massive handout to the oil and gas industry.

[Learn more](#)

• Electrifying the Green Peace? Electrification, Conservation and Conflict in Eastern Congo

Authors: Esther Marijnen and Peer Schouten **Published:** 5 december 2019 **Source:** Taylor & Francis Online Large-scale infrastructure in conflict-affected states is often seen as a crucial means to pursue economic growth, poverty reduction, and increasingly, peace-building. Legitimated by an emergent 'Business for Peace' agenda, a variety of private actors now also engages in such infrastructure projects. The Virunga Alliance is such an initiative which aims to tackle the interlinked problems of poverty, conservation and conflict in the east of DR Congo through commercialised hydro-power.

[Learn more](#)

• Switzerland probes illegal trading of coltan by Swiss trader during DRC civil war

Published: 12 december 2019 **Source:** BusinessDay

Swiss prosecutors are investigating a trader of one of the world's most sought-after-minerals over allegations he illegally dealt in metals during Democratic Republic of Congo's (DRC's) civil war. It's the first time the Swiss authorities have confirmed the probe that began in March 2018. Christoph Huber, based in SA, was involved in the large-scale transport of coltan out of DRC and Rwanda when a Rwanda-backed armed group occupied much of eastern DRC during the wa

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• Colombia's artisanal gold miners now part of a traceable global supply chain

Published: 6 December 2019 **Source:** Mining(dot).com

A group of international organizations, led by Switzerland's Better Gold Initiative (BGI), has extended their responsible mining initiative to hundreds of artisanal gold miners from El Chocó, Colombia, which are now part of a fully traceable and accountable international supply chain.

About 500 local gold panners or "barequeros" have benefited from the initiative, with aims at improving their working practices in one of the South American country's poorest regions, still affected by internal conflict.

The program also eliminates child labour and ensures proper environmental practices are in place.

[Learn more](#)

• Indigenous Colombians Escalate Fight to Rescue Ancestral Lands

Published: 1 December 2019 **Source:** Truthout

The Nasa are one of 102 Indigenous peoples of Colombia who were pushed up into the mountains by European conquest in the 16th century, and later by massive sugarcane plantations. Since 2015, they have been carrying out direct actions in which they cut down cane fields, plant organic crops in their place, and allow the native vegetation to cover additional areas within the same reclaimed lands. They call this action "the liberation of Mother Earth," an initiative that has cost them at least eight lives and approximately 600 evictions by Colombian state security forces trained by the U.S. Southern Command, according to people interviewed.

"They arrive as if they were going to war, with armed state forces," a member of the Liberation of Mother Earth Movement (*Movimiento de Liberación de la Madre Tierra*), who asked to remain anonymous for their safety, told *Truthout*. "They've killed eight of our comrades. They have repressed us heavily."

[Learn more](#)

• Internet shutdowns becoming increasingly common tactic by govts. to silence dissent

Authors: James Griffiths **Published:** 21 December 2019 **Source:** CNN

Internet blackout in Indian-controlled Kashmir is now the longest ever in a democracy -- at more than 135 days. David Kaye, the United Nation's special rapporteur on freedom of opinion and expression described this as a "communications siege" and "collective punishment without even the allegation of an underlying offense". As more and more countries have seen the internet being used to organize for political change internet blackouts have become increasingly common, a go-to tool for controlling unrest and stifling criticism of the government.

[Learn more](#)

• So. Africa: Africa's largest mobile operator & UK security company face allegations of supporting terrorist organizations

Authors: Tanishaa Nadkar & Mfuneko Toyana **Published:** 7 January 2020 **Source:** Reuters

South African telecoms firm MTN on Monday said it was reviewing allegations raised in a U.S. complaint which accuses several firms of paying protection money to militant Islamist groups in Afghanistan. The complaint was filed in the United States District Court in the District of Columbia on Friday. It alleges the firms violated the U.S. Anti-Terrorism Act by paying protection money to al Qaeda and the Taliban, thereby providing material support to known terrorist organizations. It seeks damages on behalf of U.S. military members and civilians killed or wounded in Afghanistan between 2009 and 2017.

[Learn more](#)

• JCB faces human rights complaint over Israeli demolitions of Palestinian properties

Author: Middle East Monitor **Published:** 11 December 2019

Lawyers for Palestinian Human Rights (LPHR) filed Tuesday "a comprehensive evidence-based human rights complaint" against construction equipment giant JCB.

LPHR lodged the complaint with the UK National Contact Point for the OECD Guidelines for Multinational Enterprises alleging that JCB products have been used in incidents in ten villages or areas in the occupied Palestinian territory, between 2016 to 2019. 89 homes were demolished...displacing at least 484 individuals.

[Learn more](#)

Blogs and Opinions

Author: Claire Tixeire, Senior Legal Advisor at the European Center for Constitutional and Human Rights (ECCHR) /
Published: December 11, 2019

Will Lafarge be held accountable for alleged links to human rights abuses in Syria?

Autumn 2019 marked an important turn in the legal saga over whether French company Lafarge has been complicit in grave human rights violations in Syria. The Paris Court of Appeal issued its much-awaited decision on whether to uphold or to revoke the several indictments issued so far against the multinational. The results are mixed.

While complicity for crimes against humanity was dropped, the three remaining criminal charges against the mother company for crimes committed in Syria were upheld – a first in terms of corporate accountability in France.

The French cement-manufacturing corporation was first at the heart of a scandal in 2016 when it was revealed that it may have financed the Islamic State (IS) and other armed groups in Syria in order to maintain its factory plant running.

In November 2016, the organisations Sherpa and the European Center for Constitutional and Human Rights (ECCHR), together with 11 former Syrian Lafarge employees, filed a criminal complaint in Paris.

[Learn more](#)

About our Network

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 as 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.

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

Sharing and posting materials

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.
