

Key Messages on Business and Human Rights/COVID-19 Impacts in Conflict-Affected Contexts

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Conflict-Sensitive Approaches to COVID-19 Aid

- It is crucial that humanitarian aid packages by governments, businesses and the development sector alike are put in place to support those areas struggling with the crisis that are sensitive to local conflicts, and are mindful not to exacerbate underlying tensions. For example, violence has erupted in several parts of Africa, such as Kenya and Zimbabwe, as security forces have violently enforced COVID-19 lockdown measures, despite the humanitarian crisis facing hundreds of thousands of day labourers who are not out of work.¹

Call for Responsible Exits

- The closure of many business operations due to COVID-19 is likely to increase social tensions and exacerbate conflict over natural resources. This is a particular concern in countries where peace remains fragile, where trust in the State is lacking and the resilience of society is tenuous.
- The resource-rich countries of the Mano River region in West Africa, still recovering from civil wars in the early 2000, are at particular risk of re-emerging social conflicts exacerbated by precarious livelihoods. In Liberia, for instance, after a scheduled suspension of rubber purchases in March due to maintenance work, Firestone Liberia – a major employer – has decided to extend the suspension due to the pandemic. This decision directly impacts thousands of local farmers in neighbouring communities whose livelihoods depend on the sale of rubber to the company.

Responsible and Sustainable Economic Recovery Plans and International Financial Institutions

- Once the initial stage of the pandemic crisis is over, countries rich in natural resources are likely to focus on increased extraction in an attempt to recover from the economic shutdown. Governments are likely to focus on economic growth and foreign direct investment related to natural resources, such as land concessions and large-scale land exploitation. These sectors tend to leave large human rights and environmental footprints, such as extractives and agro-industrial business, with little accountability for environmental or social costs. As Swedwatch

¹ Amanda Sperber, "Africa Meets Pandemic With Violence, Confusion", *Foreign Policy* (2020), https://foreignpolicy.com/2020/04/02/africa-coronavirus-pandemic-violence-confusion/?fbclid=IwAR1HU-jkxpRhpoD-FezKvIEQLtCRHa07dd51Gyl3GoRoyxmvk9yILaTYJ_w.

has previously highlighted, human rights violations, unequal access to natural resources and socio-economic inequalities can be both the cause and effect of destructive conflict^{2,3}

- COVID-19 measures have especially negative effects on the informal business sector and migrant workers. In conflict affected contexts, informal businesses and migration are often the only source of incomes and livelihoods. Economic recovery programmes should support women, marginalized groups, Indigenous peoples, youth and migrant workers, in order to not aggravate exclusion and underlying conflict dimensions. With COVID-19 measures having aggravated social and political divides, economic programmes and businesses for job creation need to be conflict sensitive so as not feed inequity and strengthen conflict drivers.
- Around US\$90 billion⁴ in emergency response has been committed from the major multilateral development banks, including to conflict and post-conflict countries. Additional resources are likely to be earmarked towards economic recovery, with the World Bank Group saying it is prepared to provide \$160 billion for the next 15 months. International Financial Institutions should ensure their funds – during the pandemic and beyond – reach the most vulnerable people and provide universal, equitable and gender-responsive access to essential services, including health care, food, housing, water, sanitation, education, and sustainable livelihoods. This includes avoiding funding projects that harm the environment, displace people, threaten food security, weaken public services or fuel conflict, including social tensions between communities and investors.
- Development finance institutions should ensure their funds do not exacerbate inequality issues through privatization or public-private partnerships, including in the health sector, and that resources going to the private sector are used to support workers' rights.
- Recognizing that challenges to meaningful civil society consultation are exacerbated by the pandemic including in conflict-affected areas, additional steps must be taken to support the right of all individuals and communities to information and participation in decisions that affect their lives. This means that States, international organisations and international financial institutions should make every effort to protect civil society, communities and human rights defenders against reprisals and restricted freedoms, and ensure that their COVID-19 responses does not reduce the ability of people and communities to hold governments, international financial institutions and other actors accountable, now and in the future.
- The COVID-19 induced economic lockdown has shone a spotlight on the financial and debt crisis. Even recently announced debt cancellation initiatives will not cover the whole problem. Many donor governments now seek solutions in enhancing their support to private sector engagement, especially in high-risk regions like conflict affected and fragile contexts through public-private partnerships. This needs to be reviewed, as it would indirectly increase national debts and increase the repayment burden especially for poor and conflict affected States.

² Swedwatch, "Business, Human Rights, Environment and Sustaining Peace – Experiences from Liberia and Sierra Leone" (2019), https://swedwatch.org/wp-content/uploads/2019/11/Peacebuilding_Policy-paper_191120_uppsag-fin-1.pdf.

³ For reference, please see Swedwatch, "Covid-19, Business, Human Rights and the Environment" (2020), <https://swedwatch.org/regions/africa-south-of-the-sahara/covid-19-business-human-rights-and-the-environment/>; Swedwatch, "Agricultural Workers Exposed to Covid-19 Infection Risks in Ecuador and Peru" (2020), <https://swedwatch.org/uncategorized/agricultural-workers-exposed-to-covid-19-infection-risks-in-ecuador-and-peru/>.

⁴ "Tracking COVID-19 Financing and Development Banks", https://docs.google.com/spreadsheets/d/1R4kl5stD_YULjR5m6m4VoGTZTHcAxA_xL8pS2U2qlj4/edit#gid=0

The Arms Trade and COVID-19

- During COVID-19, despite risks to workers and the urgent need for medical equipment and protective gear, arms production continued unabated by neither the pandemic nor the UN Secretary General's ceasefire appeal.
- Arms manufacturers are being treated as essential services in most major weapons producing companies. Some gun manufacturers in the United States have had to pause production⁵ because of State-issued orders, but others have continued to operate. While gun shops in the United States have not been deemed essential services that must remain open during lockdown, some States have not yet ordered them closed. Where there have been strict instructions to close shops, many arms dealers have been lobbying⁶ against it or remaining open⁷ in defiance of the orders. US officials in charge of military acquisition have even said they plan to accelerate⁸ contract awards during the COVID-19 crisis in order to protect the profit margins of weapons companies.
- In Italy, arms production was allowed⁹ to continue during the lockdown, subject to additional authorisation from local prefects. This included the production of F-35 Joint Strike Fighters¹⁰ in a Lockheed Martin-run factory in northern Italy. It has been reported that workers in Italy's arms factories were working without health protections and masks and that at least one factory (RWM Domusnovas) decided¹¹ to temporarily suspend production on the request of the factory trade union representatives.
- Arms transfers have also continued during the pandemic. Some countries are even conducting controversial arms sales that would otherwise face public opposition. The Canadian government, for example, announced lifting a moratorium on future exports¹² of military equipment to Saudi Arabia, which it had previously paused after the murder of journalist Jamal Khashoggi. It was already under pressure¹³ to cancel a \$14.4 billion arms deal with Saudi

⁵ Chris Eger, "COVID-19 Closures Force Some Gun Makers to Pause Production" (2020),

<https://www.guns.com/news/2020/03/25/covid-19-closures-force-some-gun-makers-to-pause-production>.

⁶ Zusha Elinson and Jess Bravin, "Gun Industry Lobbies to Keep Selling Despite Coronavirus Shutdowns", *Wall Street Journal* (2020), <https://www.wsj.com/articles/gun-industry-lobbies-to-keep-selling-despite-coronavirus-shutdowns-11585042201>.

⁷ Megan Cassidy and Justin Phillips, "Bay Area gun store refused to close for shelter in place, until it got shamed on social media", *San Francisco Chronicle* (2020), <https://www.sfchronicle.com/bayarea/article/Coronavirus-Gun-stores-fire-on-all-cylinders-15146997.php>.

⁸ Sarah Lazare, "As the World Economy Grinds to a Halt, the U.S. War Machine Churns On", *In These Times* (2020). <http://inthesetimes.com/article/22436/weapons-manufacturers-raytheon-lockheed-martin-essential-workers-military>.

⁹ Gazzetta Ufficiale, "DECRETO DEL PRESIDENTE DEL CONSIGLIO DEI MINISTRI 22 marzo 2020" (2020), <https://www.gazzettaufficiale.it/eli/id/2020/03/22/20A01807/sg>.

¹⁰ Joe Gould and Aaron Mehta, "F-35 work continues in Italy despite coronavirus lockdown", *Defense News* (2020), <https://www.defensenews.com/congress/2020/03/10/f-35-work-goes-on-in-italy-despite-coronavirus-lockdown/>.

¹¹ Daniele De Luca, "Il Virus Non Ferma Le Armi", *Estreme Conseguenze* (2020) <https://estremeconseguenze.it/2020/03/23/fabbriche-armi-coronavirus-essenziali/>.

¹² Steven Chase, "Canada to resume approving military-goods exports to Saudi Arabia", *Globe and Mail* (2020), <https://www.theglobeandmail.com/politics/article-canada-to-lift-ban-on-export-of-military-goods-to-saudi-arabia/>.

¹³ Mersiha Gadzo, "Canadians seek cancellation of major arms deal with Saudi Arabia", *Al Jazeera* (2020) <https://www.aljazeera.com/news/2019/08/canadians-seek-cancellation-major-arms-deal-saudi-arabia-190809191316431.html>.

Arabia due to the Saudi-led war on Yemen and its crackdown on nonviolent Saudi civilians. But Canada has decided to not only go ahead¹⁴ with that deal, as it was already, but now to also lift the moratorium on future deals. This decision comes a few months after the Canadian government ratified¹⁵ the Arms Trade Treaty and mere days after it endorsed¹⁶ the UN Secretary General's ceasefire call.

- States should:
 - Stop arms production and convert facilities to produce goods for social and environmental well-being.
 - Stop arms transfers that violate their obligations under international human rights law as well as under the Arms Trade Treaty and other regional and national commitments, that provide fuel to ongoing conflicts or prevent conflict settlement and that cause harm and human rights violations.
 - Divest government funds from corporations that produce weapons and redirect public funds from weapons and war toward the production of medical equipment, medical staff and provision of wages, rents, food and healthcare of those suffering from the economic impacts of COVID-19.

Hunger, Conflict and COVID-19

- Hunger and the COVID-19 crisis are overlapping and putting poor and marginalized people in conflict affected contexts and fragile situations at risk. Land and resource grabbing for food production and economic projects by business actors and State representatives are ongoing in conflict affected areas.
- Resource-rich, often Indigenous territories are especially targeted. In line with this, human rights violations under the COVID-19 lockdown are manifold and structural and direct violence against human rights activists, land rights defenders, peacebuilders, women and marginalized groups are increasing.
- Securing legitimate land rights for local land users is especially important during the COVID-19 pandemic, to support the livelihoods of people living in conflict affected contexts. The UN Working Group on Business and Human Rights should underline the importance of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests¹⁷, and other guidelines like the UN Secretary General's Guidance Note on Land and

¹⁴ Cesar Jaramillo, "In the midst of our COVID-19 crisis, Canada lifted its moratorium on arms exports to Saudi Arabia", *Globe and Mail* (2020), <https://www.theglobeandmail.com/opinion/article-in-the-midst-of-our-covid-19-crisis-canada-lifted-its-moratorium-on/>.

¹⁵ Cesar Jaramillo, "Canada joins the Arms Trade Treaty — but will it cancel the Saudi deal?", *Open Canada* (2020) <https://www.opencanada.org/features/canada-joins-the-arms-trade-treaty-but-will-it-cancel-the-saudi-deal/>.

¹⁶ Government of Canada, "Statement in support of global ceasefire" (2020), <https://www.canada.ca/en/global-affairs/news/2020/04/statement-in-support-of-global-ceasefire.html>.

¹⁷ FAO, 'VGGT - Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security', <http://www.fao.org/policy-support/mechanisms/mechanisms-details/en/c/448858/>.

Conflict¹⁸ for all activities during and after COVID-19 through governments, private sector, civil society and international donors.

Case Studies:

Cerrejón coal mine and COVID-19 impacts

After having reduced operations in March¹⁹, the Cerrejón coal mine²⁰ announced the resumption of its operations in April²¹, despite communities still being in isolation.²²

The Wayuu Indigenous community in La Guajira where the Cerrejón mine operates is particularly vulnerable to COVID-19 due to the precarious access to health care services and water in the region. Over the past 30 years the communities' water systems have been severely contaminated due to the Cerrejón mine's operations. Cerrejón's vast appropriation of the limited water supply and structural interventions in the communities' water system, has further undermined the right to water of the Wayuu indigenous communities.²³

In response to the challenges that the Wayuu communities in La Guajira are now facing in the context of the pandemic, a group of Wayuu women submitted an urgent request to the UN Special Procedures: the UN Special Rapporteur on Human Rights and the Environment, the UN Special Rapporteur on the Right to Safe Drinking Water and Sanitation, the UN Special Rapporteur on Toxic Waste and the UN Working Group on Business and Human Rights. They have requested an urgent intervention due to the public health emergency that they are now facing as a result of Cerrejón's ongoing operations. The Wayuu Indigenous communities have pre-existing respiratory health problems, due to the air pollution caused by the emission of dust and particulate matter by the Cerrejón mine, which is located 1km from their territory, and are therefore particularly vulnerable to COVID-19.²⁴

China's Belt and Road Initiative and COVID-19

China's Belt and Road initiative (BRI) is one of the largest global initiatives, promoting manufacture, trade and investments in more than 135 countries, many of them to be considered as conflict affected

¹⁸ Global Land Tool Network, "Guidance note of the Secretary General: The United Nations and Land and Conflict", <https://gltn.net/2019/03/15/guidance-note-of-the-secretary-general-the-united-nations-and-land-and-conflict-march-2019/>.

¹⁹ Cerrejon, "Response to ABColombia" (2020), <https://www.cerrejon.com/index.php/cerrejon-response-to-abcolombia/?lang=en>.

²⁰ For background, please see Christian Aid, "Undermining Human Rights: Ireland, the ESB and Cerrejón coal" (2020), <https://www.christianaid.ie/resources/undermining-human-rights-ireland-esb-and-cerrejon-coal>.

²¹ ABColombia, "Liberate the Bruno Stream, Indigenous and Afro-Colombians demand that the Anglo-American Mining Corporation returns the Bruno, diverted for the extraction of coal to its natural course" (2020), <https://www.abcolombia.org.uk/wp-content/uploads/2020/05/Press-Release-Ango-American-AGM-en.pdf>.

²² In March 2020, the Colombian government introduced emergency measures to address the spread of COVID-19, including obligatory preventative isolation which was initially due to be lifted on 11 May 2020, with the deadline later extended to 15 July. On 1 June a decree was issued allowing the resumption of economic operations across 43 sectors, including coal.

²³ Christian Aid, "Undermining Human Rights: Ireland, the ESB and Cerrejón coal" (2020), <https://www.christianaid.ie/resources/undermining-human-rights-ireland-esb-and-cerrejon-coal>.

²⁴ CAJAR, "Wayuu Mothers from the indigenous reserve Provincial in la Guajira, present an urgent request before the UN" (2020), <https://www.colectivodeabogados.org/?Wayuu-mothers-from-the-indigenous-reserve-Provincial-in-la-Guajira-Colombia>.

and fragile.²⁵ The BRI passes through a range of conflict affected regions, with an increasing influx of private security firms to protect its projects.

During COVID-19, the activities are ongoing with less media-coverage and information than ever before. This is an increasing risk to these volatile and conflict affected regions. In the post-COVID era, it can be expected that China will increase its activities and engagement with other partner countries and international bodies in the BRI-platform, which currently has no peace and security pillar. This momentum might provide a space for the UN Working Group on Business and Human Rights to engage with China on business and human rights and conflict sensitive business, as this is vital in order to prevent escalations of violence in efforts towards economic recovery throughout and after COVID-19.

Additional resources regarding COVID-19 and conflict-affected contexts

- Saferworld, “Conflict sensitivity in responses to COVID-19: Initial guidance and reflections” (2020), https://www.saferworld.org.uk/resources/publications/1254-conflict-sensitivity-in-responses-to-covid-19-initial-guidance-and-reflections?utm_source=smartmail&utm_medium=email&utm_campaign=June+e-news.
- Alec Crawford, “The Environmental Consequences of COVID-19 in Fragile States”, *International Institute for Sustainable Development* (2020), <https://www.iisd.org/blog/impact-covid-fragile-states>.

²⁵ Brot für die Welt, “Conflict Dynamics and the Belt and Road Initiative: Ignoring Conflict on the ‘Road to Peace’” (2020), <https://www.brot-fuer-die-welt.de/fileadmin/mediapool/downloads/fachpublikationen/analyse/Analyse97-en.pdf>.