

**“AN AGENDA FOR THE RESPECT FOR HUMAN RIGHTS IN GHANA’S
EXTRACTIVE ACTIVITIES” AN ADDRESS DELIVERED BY JOSEPH
WHITTAL DEPUTY COMMISSIONER OF THE COMMISSION ON HUMAN
RIGHTS AND ADMINISTRATIVE JUSTICE (CHRAJ) AT A WORKSHOP TO
DESIGN A WORKABLE MODEL FOR SECURITY AND HUMAN RIGHTS IN
THE EXTRACTIVE INDUSTRIES IN GHANA – ORGANISED BY GLOBAL
RIGHTS – 29TH AUGUST 2013**

Hon Chairman,

Members of the Diplomatic Community present

Hon Minister of Lands and Natural Resources

Representatives of State Institutions with oversight over the extractive industry

Representatives of Companies

Non-Governmental Organisations in the Extractive Industry

Members of the Media

Distinguished Ladies and Gentlemen

The Commission on Human Rights and Administrative Justice (CHRAJ) wishes to acknowledge Global Rights for extending a hand of partnership to the Commission not only to participate in this workshop and to deliver this address, but more especially to a future fruitful collaboration in the promotion and protection of human rights especially in the extractive industry in Ghana

We understand that the workshop is primarily aimed at encouraging an open and engaging discussion by participants of all critical issues of security and human rights in the extractive industries by all key stakeholders in this industry. As the Constitutional Body for the promotion and protection of human rights in Ghana, the Commission heartily welcomes this initiative and exhorts all participants to dissect all the issues and come up with a Workable Model for the advancement of Security and Human Rights in the Ghanaian Extractive Industry

The Commission is aware of a number of frameworks in existence aimed at giving guidance generally and encouraging the respect for human rights by Non-State Actors such as companies whose operations invariably bring them into direct contact sometimes adversely against the rights of individuals and communities within whose catchment they operate. Some of these frameworks would include the Global Compact; the Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights; The Declaration on the Right to Development; The African Mining Vision (AMV); the “Economic Community of West African States (ECOWAS) Directive on the Harmonization of Guiding Principles and Policies in the Mining Sector” ; and of late the United Nations Guiding Principles on Business and Human Rights as the authoritative explanation of the United Nations three Pillar Framework – “ Protect, Respect and Remedy Framework” .

But especially in relation to the extractive Industry the Commission will still continue to champion the Voluntary Principles on Security and Human Rights as the most directly relevant mechanism aimed at mutually beneficial extraction of resources and global human rights advancement.

We are aware that this workshop will primarily focus on the Voluntary Principles Framework as the major benchmark for coming up with a workable design for the protection of human rights in Ghana's extractive industry. While fully endorsing VPS, stakeholders may still want to be open minded towards other frameworks which could contribute towards a more effective protective design.

From the Agenda we recognize that the VPS will be extensively diluted upon by a number of presenters. We will therefore not go into what the VPS actually seek to do. Nevertheless, as we work out an agenda for human rights in Ghana's extractive industry as stakeholders, permit me to emphasize that this is a noble undertaking and that we cannot afford to fail in this shared endeavour.

Let us remind ourselves that the impact of extractive industries in Africa and indeed in most developing countries has been a cause of much controversy and debate in recent decades. While promising economic growth and social development from the exploitation of natural resources, most of the extractive industries have instead arguably contributed to the devastation of countries governance systems and economic structures leading to increases in poverty in the areas in which the industries operate, human rights abuses and sometimes irreversible environmental degradation

We are further reminded that multi-national corporations at the helm of the extractive industries, in collusion with some state actors have engaged in unconscientious expropriation of natural resources in most third world countries. Some of the policies adopted by some of these corporations continue to have enduring adverse effects on the

economic, environmental and social well-being of most countries in which they have been implemented.

The extractive industry in Ghana has been a major player in national development. However, notwithstanding its positive contribution to national development it is not without its own attendant problems, challenges and constraints including human rights abuses in mining areas, which when not addressed holistically can undermine peace and security and threaten the benefits to all stakeholders

Historically Africa has not done well in managing the extractive sector for national development. From the experience gathered, resource endowment has not automatically guaranteed sustainable development. The terms and conditions of mining agreements in sub-Saharan Africa have been dominated by transnational corporate interest, which are intrinsically opposed to domestic policy autonomy. In apparent haste to attract foreign direct investments (FDI) Ghana appears to be one of the countries that concluded mining agreements with extensive tax holidays and stability clauses that were seemingly more favourable to the mining companies than the people of Ghana. This is presently a hot debate in Ghana as you are all aware.

In his recent message to Africa on the theme: “ Equity in the Extractives: Stewarding Africa’s natural resources for all” , Mr. Kofi Annan, former Secretary-General of the United Nations and Chair of the Africa Progress Panel dreams of a new mutually beneficial arrangement when he made his presentation in connection with the launch of the Africa Progress Report (APR 2013)

“ Imagine an African continent, where leaders use mineral wealth wisely to fund better health, education, energy and infrastructure too. Africa, our continent has oil, gas, platinum, diamonds, cobalt, copper and more. If we use these resources wisely, they will improve the lives of millions of Africans.

If we don't, they can fuel corruption, conflict and social instability. Transparency and accountability are key. The U.S and Europe are demanding new transparency from companies who work in Africa. We must also take responsibility.

Our governments may have become more open; Big Businesses may have improved their ways of working. But we, Africans, must do so much more.

This issue is too big for politicians and big business to manage without the involvement of civil society”

It would appear as if the illustrious Kofi Annan had in mind the Voluntary Principles when he was making the just quoted statement. Because working in concert as partners there is no reason why Government, Businesses; Communities and civil society organizations will not make the resources extracted from our natural resources a source of blessing and not a curse.

Today the Extractive Industries Transparency Initiative (EITI) which Ghana has joined together with the establishment of the Public Interest and Accountability Committee (PIAC) and a host of legal frameworks would seem to give an indication that Ghana is moving in the right direction when it comes to the extractive industries but issues of Accountability and Transparency are not enough. They need to be

supported by a workable model that takes into consideration security and human rights, and that is where the Voluntary Principles on Security and Human Rights become a very useful framework.

AN AGENDA FOR RESPECT FOR HUMAN RIGHTS AND SECURITY

During the workshop, it is our hope that the search for a workable model for the respect for human rights and to ensure the security of all stakeholders in the extractive industry participants would dispassionately dilate on Risk assessment bearing in mind the principles on assessment of risk by the Voluntary Principles such as the identification of security risks; the potential for violence in operational areas; the human rights records of security companies employed to protect company facilities; the respect for laws of the country; identification of the root causes of conflict between the communities and companies;

Interaction between Companies and the Security Services is also very crucial. While government is the primary provider of security, it is a truism that government can not do it all. Where private security is needed to beef-up Company operations it is expected that there is clear understanding of the limitations of such arrangements and the human rights standards expected to be met by such private security arrangements. In fact the Companies employing such private security agencies must undertake to educate them to comply with all international standards and codes of conduct regarding the use of Force and Firearms etc

The need for open channels of communications between companies and communities is very crucial since sometimes major conflicts arise

out of simple misunderstanding and miscommunication between company operatives and local people.

CONCLUSION

In conclusion, it is the hope of the Commission that at the end of this workshop, a major outcome would emerge regarding how working cooperatively and regarding respect for human rights and the maintenance of security as a shared responsibility Businesses; Communities; state institutions and civil society will fashion out a workable model or design for the advancement of human rights in the extractive industries in Ghana

Thank you