

## Webinar: Consumer Goods Forum Week of action

*Statement by Michel Forst to the Zero Tolerance Initiative, 2 September 2020 (via webinar)*

As you may know, I am a great supporter of the Zero Tolerance initiative and this seminar is a good opportunity to recall a number of key policy guidelines. If the primary responsibility to protect human rights and human rights defenders lies with the state, all non-state actors have a duty and an obligation to respect and protect those who are on the forefront of the battle.

The agribusiness supply chain is one of the riskiest for Human Rights Defenders and communities – according to Global Witness the agribusiness sector has seen a 60% increase in killings of Human Rights Defenders (HRDs) in the last year, most of them indigenous peoples.

And I have been witnessing this trend in my more than 60 official and academic visits to countries, during which I have met with communities, indigenous people and small farmers affected by agribusiness. Not only in the Americas, but also in Africa and in Asia. As I read increasing news reporting fires in Brazil, Bolivia, Indonesia that are likely to be provoked by forest clearances practices, I remember the defenders and their stories. I have to admit it: sometimes, I feel powerless, with a sense of despair but then I recall our collective responsibility to protect wildlife, nature and all the people depending on it. And like these defenders, I remember what they told about solidarity, hope and justice. And like them, I keep going.

Two of my reports to the UN General Assembly and the Human Rights Council were precisely dedicated to the role of companies and to environmental defenders. In those 2 reports you will find concrete recommendations and guidance for companies.

In my statements to the UN I have tried to underline linkages between violence, repression, and intimidation and \*land\* and environmental conflicts. I have also called the business actors to pay special attention to land tenure rights and do robust due diligence to prevent land conflicts as part of their efforts to protect human rights and environmental defenders and their responsibilities to uphold UN Guiding principles.

Many companies as well as the UN HRC have acknowledged the need and obligation to adopt Human Rights Due Diligence and adopt policies to protect Human Rights Defenders.

There is a real emulation, a creative bubbling to find solutions. I can see that. I have met with large companies that are developing guidelines or policies dedicated to defenders. Yes, many steps, positive ones have been taken over the past years. Important ones like the discussion around legally binding rules on business and human rights. Or the discussion initiated by the UN Working Group on business and human rights dedicated to the development of guidelines for companies on human rights defenders. I should also mention the Esperanza Protocol to tackle impunity and ensure access to justice. The Escazu Agreement for the Americas. Some companies (Cargill, Unilever) are beginning to create policies on EHRDs.

However, in their majority, initiatives led by companies are often offering individual approaches when all of us know the collective dimension of such conflicts. There is not a holistic approach to protection and how we can prevent conflicts with communities.

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In addition, some groups at risk are not properly included in such initiatives (women, IPs, etc.). Worse, good initiatives are sometimes misused by profit-seeking companies. They distort consultations, manipulate communities and corrupt state servants.

What has been achieved so far is not enough to reverse the trend. Many times, because of the lack of implementation and because short-term solutions should be accompanied by systemic, structural changes. As mentioned in one of my thematic reports: some of the main detonators to environmental conflicts such as power imbalance, the commodification of nature, impunity and the ongoing model of development need to be tackled by States and companies to ensure long-term solutions.

We are running out of time. Reports are implacable: the world is deadlier than ever for land and environmental rights defenders, for those who expose corporate abuse.

The Consumer Goods Forum, as a key platform for retailers, producers of products from palm oil, soya among others, can play a key role in advancing the debate and improve corporate practices related to Human Rights Defenders and Environmental Rights Defenders

I have read with great interest the letter sent by an international NGO to the CGF calling on the Consumer Goods Forum to

Adopt human rights and grievance redress policies protecting human rights defenders from violence and intimidation, including pledging zero tolerance for murder and violence against defenders.

Implement robust human rights due diligence and grievance redress processes in accordance with the UN Guiding Principles on Business and Human Rights and require suppliers and business partners to deliver remedy for harm.

Still the Consumer Goods Forum reply on these two aspects has been clearly unsatisfactory and no reference is made to HRDs and Human Rights Due Diligence while acknowledging the need to address issues related to indigenous peoples and supply chains.

A positive step would be to see a strong Consumer Goods Forum commitment to ensure meaningful engagement with HRD and civil society in forthcoming three roadmaps (on palm oil, soya, beef and cattle) of the so called Forest Positive Coalition, to ensure they fully address human rights and protections for human rights and environmental defenders.

Finally I urge the Consumer Goods Forum to include the recommendations contained in the NGO letter above in the roadmap and in the further consultations with stakeholders

Respecting and protecting human rights defenders are not options. They are intrinsically linked to the international obligations and commitments made by States related to the protection of fundamental rights and freedoms and to the Sustainable Development Goals.

It is high time all actors, States, companies, investors, in particular understand that defenders are not the enemy but indispensable allies that will help create a better and safer future for everyone.

Michel Forst, September 2020