

INTRODUCTION

Land grabbing and forced evictions threaten the enjoyment of a number of human rights relating to economic, social, cultural, civil and political rights. Three cases are highlighted in this report, where companies are grabbing land from local communities for mining activities, and destroying ecosystems in the process. In one of these cases, in the Diogo locality where a French company operates, people have also been evicted from their homes.

Under international, regional and national law, Senegal has specific obligations to respect, protect and fulfill human rights. The obligation to respect human rights means that Senegal must avoid intervening in or hindering the exercise of human rights. The obligation to protect means that Senegal must protect individuals and communities from human rights violations and abuses committed by third parties - in this case, companies. The obligation to fulfill means that Senegal must take positive steps to realize the enjoyment of human rights.

Yet Senegal is not alone in failing to meet its human rights obligations. In all three cases studied, the companies involved have foreign parent companies: SEPHOS Sénégal S.A., which operates in two of the three cases, is a partial subsidiary of a Spanish group; Grande Côte Opérations is 100% owned by a French group. Spain and France also have extraterritorial obligations to protect affected communities in Senegal. In international human rights law, there is no normative hierarchy between the - domestic - obligations of Senegal and the - extraterritorial - obligations of Spain and France regarding the enjoyment of human rights by affected communities in Senegal.

The report highlights the reality of the people affected before and after the arrival of the companies, and identifies violations and abuses of their human rights and fundamental rights as a result of land grabbing or abandonment on the basis of Senegalese national law and regional and international human rights law.

FIAN International was asked by a national support organization for affected communities, as well as by representatives of these communities themselves, to carry out this field documentation. FIAN's two investigators met with support groups in three affected communities (Koudiadiène, Pambal and Diogo) and conducted some thirty interviews in the field, mainly with affected people, but also with local officials.