

KEY MESSAGES

- The concentration of land in the hands of the State of Senegal entails real risks of human rights violations and abuses to which the State of Senegal is legally bound under - among others - the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), given the importance and social function of land for those who depend on it. Recognition of customary land rights would be fundamental, especially in rural areas, if these people are to exercise real control over the land, in accordance with international human rights law.
- Transparency regarding mining activities and their implications for the land is essential. The International Labour Organization's (ILO) Convention 169 on Indigenous and Tribal Peoples and the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP, Art. 5.2 and Art. 10) - set out the obligation to consult communities in advance about the intention of a company or third party to undertake mining activities on their territories. The members of the communities concerned have primary sovereignty to decide whether they wish mining activities to be carried out within their localities, and to determine the conditions under which such activities will be carried out.
- Land tenure reform must be undertaken to recognize customary rights to land and to ensure good governance of land tenure in order to ensure real control and proper use of land, as well as secure access to land (see Voluntary Guidelines on Land Tenure, UNDROP Art. 17), particularly for women with regard to inheritance rights to land.
- The compensation systems granted to communities affected by the activities of the SEPHOS Sénégal S.A. (SEPHOS hereafter) and Grande Côte Opérations (GCO) companies, which have in fact pushed a large proportion of beneficiaries into poverty, must be reviewed. Compensation should be equal to the annual amount earned by each person owning the fruits of their labor on the land, multiplied by the number of years they were unable to work as a result of mining activities.
- There have also been numerous cases of intimidation and harassment by extractive companies. As human rights defenders, members of communities affected by the mining activities of SEPHOS and GCO must never be intimidated, harassed or criminalized for their claims to land. Their land rights must be respected and protected by the Senegalese state.
- Mining reform must respect and implement the free, prior and informed consent of communities affected by the grabbing of their land for mining activities.
- The Spanish and French governments must guarantee that the activities of SEPHOS and GCO do not abuse the human rights of the communities of Koudiadiène and Pambal, on the one hand, and Diogo, on the other.
- All states involved (Senegal, France and Spain) have an obligation to provide access to justice and adequate redress for affected communities, and to establish accountability mechanisms for the companies involved. In this sense, reparation must not only include compensation, but also land rehabilitation, environmental destruction, and guarantees of non-repetition of abuses for these communities, in order to ensure the realization of the respective human rights of present and future generations of affected communities.