

The protection of Frontline Grassroots Environmental and Human Rights

Defenders in The Republic of the Nigerⁱ

By Chola Onen

Frontline Grassroots Environmental Human Rights Defenders (HRDs) struggle in their work despite the principles and rights in the Universal Declaration of Human Rights, as well as other similar human rights conventions globally. The United Nations Declaration on Human Rights Defenders was created to hold governments responsible for ensuring that laws were imposed and respected, particularly those to protect the HRDs from harmful consequences of their work.



West Africa's sub-regions, including Niger, are rich in natural resources. However, the people in this region are some of the most poverty-stricken and the least developed in the world. Characteristics of this region are human rights violations, corruption, and violence. Frontline Grassroots HDRs are often confronted with multiple violations because, apart from their land and environmental rights being violated, their political and civil rights are in turn violated when they take action to fight for these rights. HRDs from Niger voiced how important it was for them to maintain a low profile, which ranged from going into hiding or merely being more vigilant daily. For some, this amounted to picking their battles or even exercising self-censorship. Precautions during fieldwork were also stressed.

In the West African region, there are troubling trends of HRDs being killed, threatened, stigmatized, harassed, and subjected to increased governmental surveillance both online and offline. A common threat experienced by not only Niger but other West African nations is violent extremist organizations. Niger experiences past and present political, social, and economic situations which impact frontline grassroots environmental, land as well as human rights defenders.

The Nigerien President was the first leader to promote the Declaration of Table Mountain (2011) Calling for African governments to recognize the importance behind freedom of the press and crucially highlights the necessity got the independence of the press from political and governmental institutions. Furthermore, it calls on governments to invalidate criminal smear campaigns, criminal false statements, and insult laws that often place limitations on the work of HRDs.

It is unclear to certain HRDs whether this is merely lip service considering that in Niger, journalists who criticize the government or challenge human rights violations in the country are at risk. These circumstances occur even though Article 23 of the Nigerien Constitution supports freedom of thought, opinion, and expression.

The trending Legal, Policy and Situational Analysis of HRDs in the Niger is limited due to HRDs experiences often not being documented, making it difficult to assess the full extent to which the use of laws and policies prevent progress in their work. The following is not an exhaustive list but instead, a display of examples highlighting the most referenced laws, policies, and regulations. The range of use of these legal tools goes from harassment and targeting of HDRs to explicitly violate their human rights, although occasionally protecting them. Some of these tools blatantly deny rights, while others claim to exist for another purpose while being vague enough to be weaponized to justify harassment or deprive rights. Existing laws that protect HRDs tend to exclude ways of enforcing the laws or the bodies that are meant to actively apply the law are undereducated thereon.

Even though the present leadership of the Niger was chosen democratically, after a 2010 military coup, there were irregularities in the recent elections. Furthermore, due to instability caused by militant groups, HRDs and their rights faced numerous restrictions. A state of emergency between 2015 and 2017 added to the harassment of HRDs. Furthermore, corruption coupled with lack of access to governmental information did little to improve the situation. A sign of progress for some HRDs was Niger's efforts to announce when it was rejoining the Extractive Industries Transparency Initiative, which was an important step considering the government's lack of transparency regarding information related to mining, uranium, and oil.

In the Niger, the HRDs who work on environmental rights and corporate accountability are the most threatened. Ali Idriss was arrested and judicially harassed in 2014, along with nine other HRDs. This was for opposing a uranium extraction deal and calling for the terms of the deal to be published, as is required by law.

Although the Constitution does not overtly mention HRDs, it does express protection for the freedom of expression and assembly. It furthermore states that international treaties be prioritized over the country's laws. Other important laws include the Press Law of 2010, which decriminalizes defamation and banned the detention for journalists before a trial has taken place, where they are charged with crimes relevant to their work. However, the police tend to be unaware of the law. Non-governmental reports disagreed with the government's claim in 2016 that no journalists had been detained since 2011. Samira Sabou, a journalist, was detained and charged with defamation for a social media post regarding corruption. Irrespective of the human rights violations, the Niger not only has a National Human Rights Institute but is also signatory to a several international Treaties.

Recommendations for the Niger include enforcement of laws already existing, revoking laws that deny constitutionally guaranteed rights, and creating new laws particularly to protect HRDs. Legal bodies need to be educated on Press Law. Laws restricting protests to business days and requiring permission for protests, should be withdrawn. The Constitution must be followed because the country is presently violating ratified international treaties - despite the Constitution prioritizing this law. The government should also impose ways to protect the HRDs from being condemned when their actions are interpreted as terrorism.

A further recommendation would be for the Niger to strengthen the laws regarding transparency on the part of the government, to realize the rights of not only HRDs but also ordinary citizens. More documentation of the experiences of HRDs may be important when developing the laws as recommended above, as well as when developing unambiguous laws to protect of HRDs.

ⁱThis blog is based primarily on the Green Advocates International report, *West Africa Frontline Grassroots Environmental and Human Rights Defender (HRD) Baseline Report*, published in February 2021.