Rebalancing powers in impact assessment

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Bringing communities on board to rebalance powers in impact assessment
INEQUALITY OF POWER IS THE ROOT CAUSE OF HUMAN RIGHTS VIOLATIONS
## Oxfam and COBHRAs

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
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<tbody>
<tr>
<td>2005</td>
<td>1st version Getting it Right</td>
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<td>2019</td>
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<td>2020</td>
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**Timeline:**

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The Approach

- Internationally recognized human rights standards as benchmark
- Human rights in principles vs human rights in practice
- Engagement of all stakeholders
- Rights holders in the driver seat
- Identification of main human rights risks and impacts
- Analysis and attribution of responsibilities
- Compiling, validating and publishing the findings

HRIAs must be part of a broader process: F/U actions needed!
Key principles and best practices

• The research team: Experience, skills and qualities
• Scope of HRIA: Representativeness and relevance of selected target,
• Meaningfulness of engagement: The how? The who? The what?
• Strength of human rights analytical framework
• Robustness of assessment of company's human rights impacts
• Appropriateness of recommendations
• Include a timely bound action plan
IA and meaningful engagement

Could a Hybrid HRIA be a solution?

How can we really address the power imbalance and ensure solid HRDD processes?
Why undertake a hybrid HRIA?

- Address legitimacy challenge that parallel HRIAs face
- Decrease power imbalance
- Improve communication between rights holders and company - can help establish sustainable community-company relationships and avoid potential conflict.
- Could help build consensus on key priorities.
- Increase understanding of context and priorities
- Could help reconcile government’s role as the primary duty bearer (if involved)
- More insightful analysis
- More receptive audience for recommendations
- Sustainable and supported action plan

What is a hybrid HRIA?

“Joint process undertaken by rights-holders and a company (and potentially the host government or other stakeholders) to investigate, measure and respond to human rights impacts of a business project.”

Cordes, Szoke-Burke and Bansal, 2019
When and where to engage in hybrid HRIA?

- **Local context**
  - Political climate
  - Security context
  - Value added in difficult context

- **Type of investment project**
  - Complexity of the project
  - Status of the project/timing

- **Affected local communities**
  - Less appropriate if high level of conflict between community and company
  - Inappropriate if high level of division within community(ies)

- **Company involved**
  - Level of human rights sensitization
  - Sufficient resources to engage in thorough assessment process
  - Existing expertise or willingness to learn and engage

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**Prerequisite conditions**
- Community consents to this joint approach
- Capacities of communities have been developed
- Willingness from both sides to use a gender lens.
What safeguard mechanisms to put in place?

- Structure should guard against powerful imbalance and avoid replicating existing unequal dynamics
- Need clear rules of conduct (including decision-making powers, editorial rights, budget management, scope and stakeholder identification).
Let’s continue the conversation!
Post questions and comments via chat in the IAIA22 platform.

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