

Rights-based Litmus Test

Assessing resource-extraction policies in the context of sustainable development

Step	Principles	Categories of State obligations	Assessments
1	First, do no harm.	Obligation to respect and protect	<p>To what extent can extractive activities be permitted or carried out without violating human rights, including life, health, water, food, right to land and control over productive resources, right to work, right to self-determination (including FPIC), or cultural life?</p> <p>To what extent can extractive activities be permitted or carried out without damaging vital ecosystems or threatening the Earth's capacity in a way or to such an extent that it makes these rights vulnerable?</p> <p>Are disadvantaged or marginalized groups particularly vulnerable to these violations in a way that violates their right to non-discrimination?</p> <p>Can measures be taken to protect the population from situations that violate human rights and which experience shows tend to accompany extractive activities, including human-trafficking, land-grabbing, insecurity and armed conflict?</p>
2	Eradicate root causes of poverty	Obligation to promote and fulfill	<p>Does the local community enjoy a greater enjoyment of their human rights as a result of the development?</p> <p>Do the positive contributions of extractive activity prioritize the promotion of human-rights among the most disadvantaged or marginalize groups, with a particular look a possible gender or racial/ethnic biases?</p> <p>Does permitting or promoting extractive activity effectively contribute toward eradicating poverty, understood as the "human condition characterized by the sustained or chronic deprivation of the resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights"?</p>
3	People as rights-holders	Rights to participation and accountability; environmental law	<p>Is there sufficient access to information and policy-making spaces for people and communities that are potentially affected to effectively participate in the process of assessing the first two steps?</p> <p>Are there conditions that allow affected communities and human-rights defenders to fully exercise their rights, in accordance with the Declaration?</p> <p>Is effective remedy guaranteed if the assessment here is wrong and harm does in fact occur?</p>
4	Sustainability	Rights of present and future generations; environmental law	<p>What are the answers to these questions in the immediate or short term?</p> <p>Based on all available evidence and indication, what is the projection of the answers to these questions when applied to the rights of future generations mid- and long-term?</p> <p>Can any doubt or uncertainty in the answer to these questions be overcome in strict adherence to the precautionary principle?</p>