



EXTRACTIVE INDUSTRIES

AND

CIVIC SPACE



OUTCOME PAPER: INTERACTIVE DISCUSSION SERIES - MARCH 2022



CONTENTS

4

Introduction

6

Session I: Exploring and Addressing Hostile Political Settings

10

Session II: Building Out Approaches to Expand Civic Space

14

Session III: Implications of Closing Space for Just Transitions

18

Next Steps and Further Engagement

19

Appendix: Selected Relevant Resources

20

Contact

Introduction

Activists pushing for improved governance of extractive industries have secured important wins in the last decade. At the international, regional, and national levels, clearly established norms, standards, and laws now mandate the disclosure of information along the extractive industry value chain.

These norms have had a substantial impact in promoting transparency with respect to contracts for licensing and extraction of resources, payments made to secure concessions, management of revenues from resource extraction, and the beneficial ownership of relevant entities. Activists have deployed the resulting data to shine a light on corruption and mismanagement of resource revenues and to advocate for better management of extractives sectors and stronger mechanisms of oversight and public participation, while further developing their capacity, access, and influence on these issues.

At the same time, climate justice movements have advanced a still partial and incomplete, but nonetheless emerging consensus that to safeguard the health and welfare of our ecosystems and communities, our economies must rapidly transition away from dependence on energy generation based on fossil fuels, and towards a zero-carbon future premised on conservation and renewable energy. This transition offers the prospect of redressing flaws endemic to prevailing economic systems – inequality, rights abuses, and exploitation of natural systems and marginalized communities – in order to promote a more sustainable and equitable future.

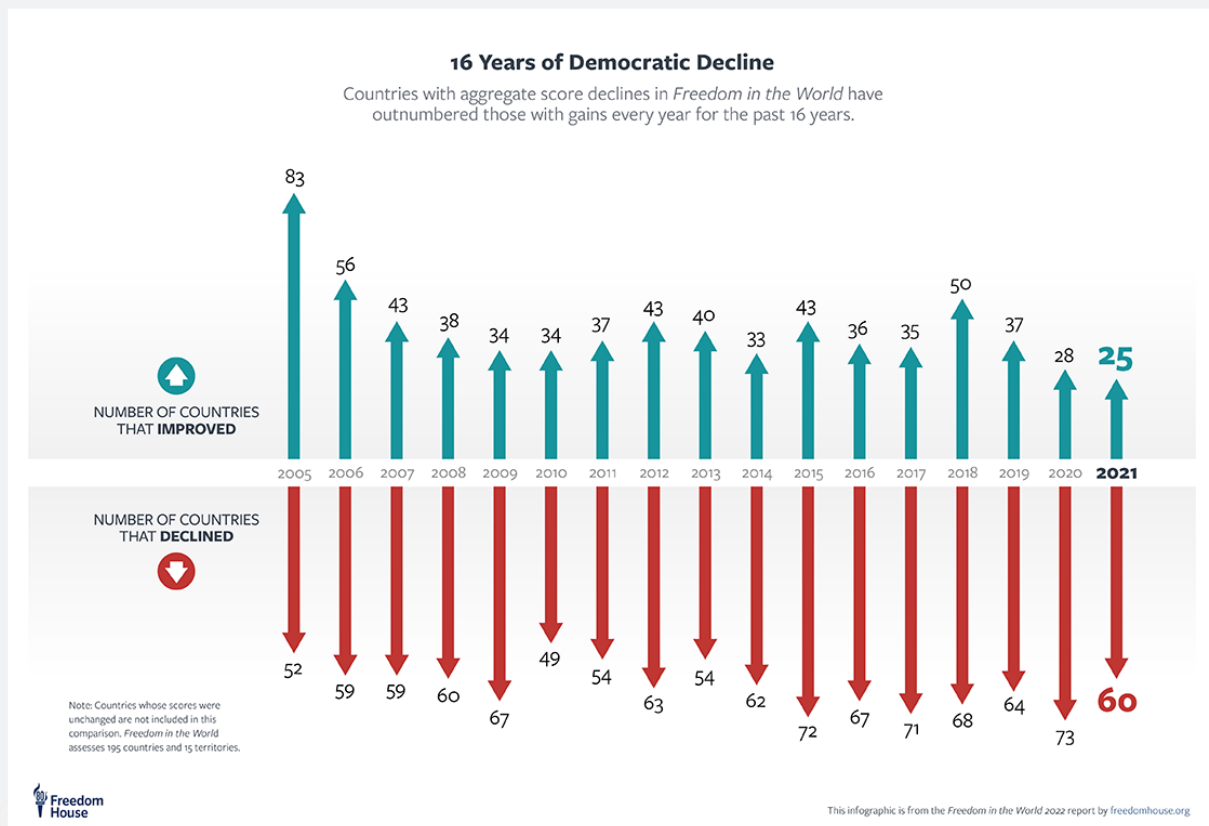
But these gains are threatened by a parallel trend towards the constriction of opportunities for activists to organize and express themselves on matters of public interest: by the closing of civic space. Across the world, and particularly in resource-rich countries, governments have imposed an array of restrictions on the ability of civil society to exercise freedoms of association, assembly, expression, and public participation.

These restrictions have ranged from harsh crackdowns on peaceful protests, to the imposition of barriers to accessing resources, to criminalization of online expression, to widespread surveillance of communications and civic activity, to the harassment and imprisonment of activists.

We have seen increasing instances of transnational repression of activists, culminating in late February 2022 with the horrific invasion of a democratic nation by its authoritarian neighbor, specifically to stifle continued movement towards openness, freedom, and transparent governance of public resources. These trends have been only exacerbated by the COVID-19 pandemic and by the widespread recourse to emergency measures with serious impacts on the rights to movement, assembly, expression, participation, privacy, and access to information.

This closing space undermines the achievement of improved governance of natural resources. For instance, when it comes to governance in the context of the energy transition, restrictions on civic freedoms increase the likelihood that transitions to a low- or zero-carbon future will be elite-dominated, without significant public participation, consideration of impacts on local communities, or efforts to promote equity, justice, and sustainable development.

To continue advancing improved governance of extractive industries while pushing back against restrictions on civic space for extractives activists, and to promote public participation on issues such as how to accomplish a “just transition” to a zero-carbon future, civil society needs to innovate, collaborate, and coordinate. Around the world, partners are already conducting research, diagnosing gaps and opportunities, developing coalitions, and implementing novel approaches to advance these goals.



A Growing Democracy Gap” – page 2 of *Freedom in the World* 2022 report <https://freedomhouse.org/report/freedom-world/2022/global-expansion-authoritarian-rule>

In January-February 2022, a group of convening organizations¹ brought together approximately 40 practitioners and experts, drawn primarily from civil society and academia, who are working to promote improved governance of extractive industries, expanded civic space for extractives activists, and a just transition to a sustainable future. In three interactive virtual sessions, participants reviewed research findings and engaged in small-group and plenary discussions to explore the following topics:

- Exploring and addressing hostile political settings for activism on extractives: understanding challenges, rethinking goals, and evolving approaches
- Building on and building out existing strategies and approaches to defend and expand civic space for extractives governance activists
- Implications of trends towards closing civic space for just transitions

In this outcome document, we summarize the discussions at these sessions, including strategies and approaches suggested by participants to carry forward this work.

¹These conveners included the Institute of Development Studies (IDS), International Center for Not-for-Profit Law (ICNL), Natural Resource Governance Institute (NRGI), Oxfam America, and Publish What You Pay (PWYP), along with Leila Kazemi, Consultant with the Columbia Center on Sustainable Investment (CCSI).

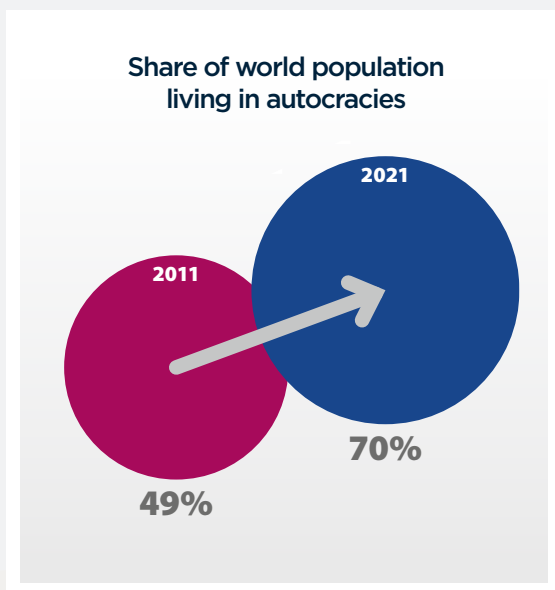
Session I

Exploring and addressing hostile political settings

Our first session focused on exploring and addressing hostile political settings. We aimed to understand challenges facing those working to improve extractives governance in environments with restricted civic space, and to what extent these challenges necessitate adjustments to the goals and approaches of actors working on extractives governance in these settings.

In introductory presentations, we considered prevailing trends and dynamics pertaining to closing civic space, particularly for activism on extractives governance.

Rosie McGee of the **Institute of Development Studies** noted research showing steady deterioration in civic space over the last 15 years,² even as pro-democracy mobilization has reached all-time highs (as demonstrated by 2019's "year of protest").³



"Share of World Population Living in Autocracies" - Page 6 of Democracy Report 2022 http://v-dem.net/democracy_reports.html

Trends towards increasing restrictions on civic space – from formal legal restrictions on organizations, to restrictions on freedom of speech and press freedom, to regulation and policing of access to information and communication through digital means, to targeting of activists and civil society organization (CSOs) for harassment, persecution, and violence – have been only exacerbated by the COVID-19 pandemic, with executive overreach, curtailment of freedom of expression, and tighter controls on online spaces,⁴ as well as increased deployment of surveillance technologies.⁵ In responding to this increasingly restrictive environment, civil society has had a choice of weathering, circumventing, or countering these constraints.

² See, e.g., Civicus, "2021 State of Civil Society Report," <https://civicus.org/state-of-civil-society-report-2021/>; Freedom House, "Freedom in the World 2021: Democracy under Siege," <https://freedomhouse.org/report/freedom-world/2021/democracy-under-siege>; V-Dem, Autocratization Turns Viral: Democracy Report 2021, https://www.v-dem.net/static/website/files/dr/dr_2021.pdf.

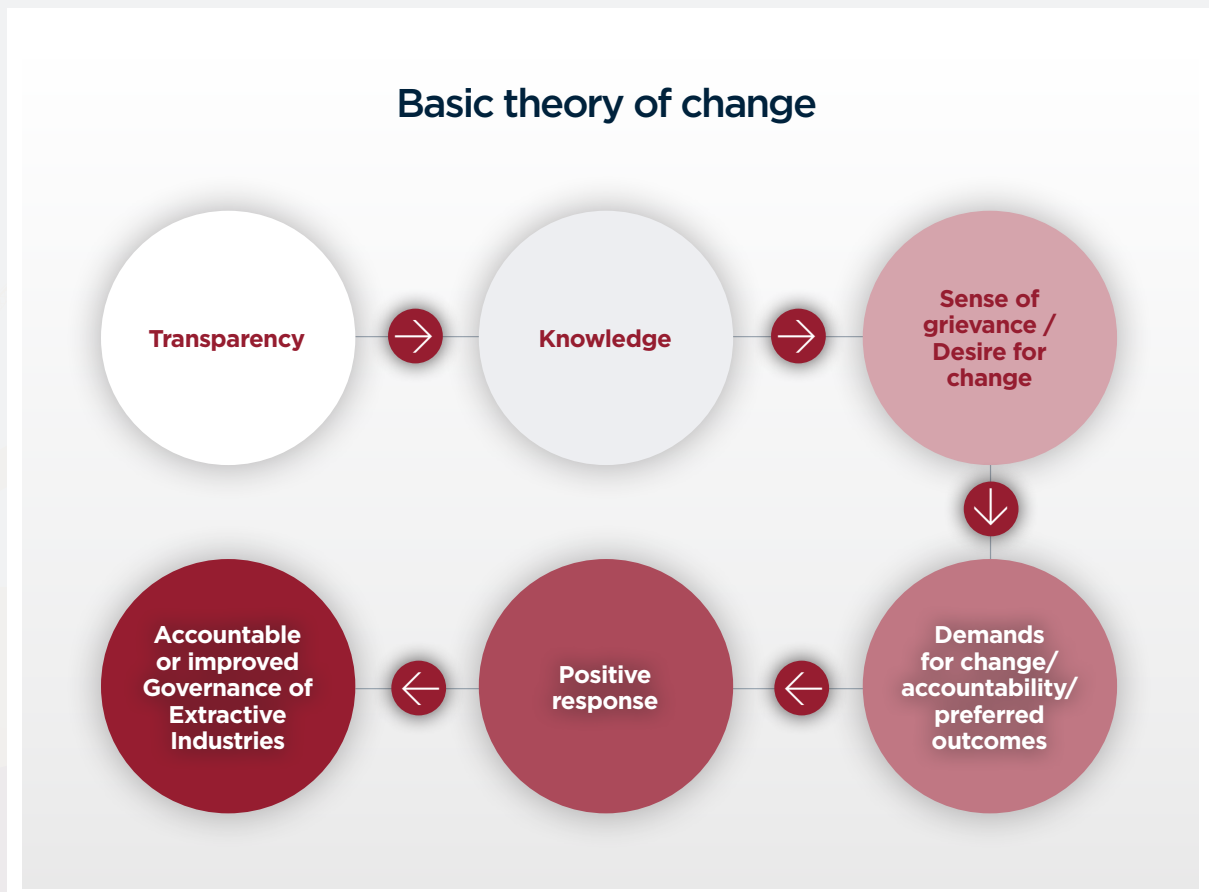
³ See, e.g., International Peace Institute (IPI) Global Observatory, "2019: A Year of Protest," <https://theglobalobservatory.org/2019/12/a-year-of-protest/>

⁴ Institute of Development Studies (IDS), Navigating civic space in a time of covid: Synthesis Report (2021), <https://www.ids.ac.uk/publications/navigating-civic-space-in-a-time-of-covid-synthesis-report/>.

⁵ See, e.g., International Center for Not-for-Profit Law (ICNL) and European Center for Not-for-Profit Law (ECNL), "COVID-19: The Surveillance Pandemic," <https://www.icnl.org/post/analysis/covid-19-the-surveillance-pandemic>.

Leila Kazemi of the **Columbia Center on Sustainable Investment** set out the conventional theory of change underlying work on extractives governance, which relies on assumptions of open governance, prioritization of citizen interests by government actors, and functional and independent state officials. In practice, many resource-rich countries are politically hostile environments⁶ where these conditions are not present; instead, the state has authoritarian characteristics, elite interests are not aligned with broader social welfare, and formal institutions are weak and subject to interference. As a result, existing global approaches to transparency, accountability, and participation in such settings are unlikely to yield intended progress and results.

More effective advocacy on extractives governance in these settings may follow a few different approaches: (1) *navigating existing realities* more strategically, for example, by seeking windows of opportunity for positive reforms or focusing on reform-minded government officials;⁷ (2) attempting to change *power and interest dynamics* to reduce the political hostility of these contexts and improve prospects for reform; and (3) *working around the political obstacles* found in these settings by shifting advocacy to more amenable fora and targeting more tractable stakeholders. In all cases, local actors and local priorities should inform and drive these approaches.



Leila Kazemi's presentation, session I

⁶ See Columbia Center on Sustainable Investment (CCSI), "Politics of Extractive Industries," <https://ccsi.columbia.edu/content/politics-extractive-industries>.

⁷ See Columbia Center on Sustainable Investment (CCSI), "Unlocking the Power of Reformers to Achieve Better Progress on Extractives Governance (2022)," <https://ccsi.columbia.edu/content/empowering-and-incentivizing-reformers>.

Popular tactics to threaten civic space



Victoria Ibezim-Ohaeri's presentation, session I

Victoria Ibezim-Ohaeri of **Spaces for Change** described civic space threats affecting activism on extractives governance in Nigeria and the region more generally, which fell generally into three categories. State-imposed restrictions have consisted of regulatory measures (such as onerous registration requirements for CSOs), security measures (such as disruption of protests), and non-legal actions (such as stigmatization campaigns targeting civil society). Corporate-sanctioned attacks have involved either direct threats and harassment of activists engaged on extractives governance, or deploying state instrumentalities such as the courts to detain, prosecute, and even execute these activists. Crackdowns on non-state agents, which purportedly target groups such as

gangs, cults, or militants, have been used to justify broader proscription of associational and protest activity. Other tactics targeting civil society have included surveillance of environmental human rights defenders (EHRDs), media censorship, dissemination of disinformation, and misuse of legal frameworks relating to terrorism, defamation, and security more broadly.⁸

We then explored, in group and plenary discussions, how those working on extractives governance are adjusting their strategies and approaches in response to the challenges of closing civic space, and what appropriate goals and expectations for this work in politically hostile settings should be.

⁸ See generally Closing Civic Spaces in Nigeria, "Defend the Civic Space," <https://closingspaces.org/>

Joe Bardwell of Publish What You Pay (PWYP)

presented briefly on his organization's experience adapting its advocacy approach in light of closing civic space, noting that PWYP has focused on: (1) adjusting short-term goals to focus on defending and opening civic space; (2) changing tactics in order to protect members from an array of risks (e.g., physical security, legal, and digital); (3) safeguarding and expanding spaces where governments may be held accountable, such as the Extractives Industries Transparency Initiative (EITI); and (4) expanding coalitions to include partners focusing on human rights and civic space. Other key insights from the broader group included:

- **Coalition-building.** Participants noted the importance of building broad transnational civil society coalitions to promote better governance of extractive industries, in part to match the transnational reach and operations of extractives companies. These coalitions can assist in bringing pressure to bear in the home jurisdictions of multinational companies, to counter abuses and defend civic space against restrictions. Coalition-building should also focus on fostering equal collaboration by global and local actors in developing goals, approaches, and strategies, and on attracting younger activists and activists from different sectors of civil society; this diversity bolsters the resilience of civil society movements. Broad coalitions can work to implement coordinated strategic communication campaigns that highlight the value and contributions of civil society, including in promoting good governance of extractives and challenging corruption. In bringing together these coalitions, however, civil society should recognize differences in the agendas and goals of the groups involved, at both the local and national levels, rather than assuming that partners have a fully shared agenda. Participants also raised the importance of country-level coalition building to provide cover for and protect local activists as well as to counter the power of opponents of reform.
- **Investing in capacity.** A lack of resources and limited capacity and access to technical support may hamper civil society groups working to improve extractives governance, beyond formal restrictions on civic space. Such capacity can be strengthened through a greater focus on training and capacity building (both generally and focused on extractives as a newer theme for civil society engagement),

as well as increased funding of CSO development programs, boosting efforts to close the digital divide, and fostering closer cooperation between urban and rural CSOs. In restricted environments, it is particularly important to invest in the security, including digital security, of partners through trainings and support in developing practices and protocols.

- **Engaging with institutions.** Some participants suggested that there were under-utilized opportunities to engage with the EITI validation process, which assesses the performance of implementing countries in complying with the EITI Standard. In particular, the EITI Civil Society Protocol presents a means to hold countries accountable for restrictions imposed on civil society participation in extractives governance. At the same time, participants cautioned against over-reliance on "institutionalized spaces" to conduct advocacy on extractives, as these spaces may be obsolete, illegitimate, ineffective or even diversionary, and can be used to control and limit conversations on needed reforms. The core of civil society approaches to improving extractives governance should be popular initiatives and conversations, without over-reliance on the state to implement change, and with recognition that threats to civic space in many instances originate with non-state actors (from organized crime to corporate interests). There is value, however, in recognizing that even in restricted environments, there may be potential allies in the government that are working to improve extractives governance and that would welcome cooperation with civil society. Civil society should work to identify and partner with these champions.
- **Engaging diverse stakeholders.** As noted above, civil society cannot limit advocacy on extractives governance to domestic state actors, especially where these actors are unlikely to be responsive and where domestic advocacy is difficult or risky. Civil society groups should consider focusing advocacy on investors or credit rating agencies facilitating extractive industry activities in politically hostile settings; on foreign governments, including through campaigns for sanctions on governments imposing civic space restrictions and for regulatory requirements applicable to companies investing in such settings; and on international fora, such as multilateral initiatives, UN agencies, and elements of the international human rights framework.⁹

⁹ While the participant discussion tended to focus on strategies and approaches, on the matter of goals for extractives governance work in politically hostile settings some echoed Joe Bardwell's point about reorienting short- and intermediate goals to focus on defending and expanding civic space.

Session II Building out approaches to expand civic space

Our second session focused on building on and building out strategies and approaches to defend and expand civic space. We sought to identify approaches that are working to counter the trend of closing civic space, as well as gaps and opportunities for further collaboration and coordination to tackle this issue.



Photo credit: James A Rodriguez Panos

In a set of panel interviews, we unpacked how selected civil society partners are working to expand civic space through advocacy with investors/companies, multi-stakeholder initiatives (MSIs), international financial institutions (IFIs), and international and regional institutions.

Ana Zbona of the **Business & Human Rights Resource Centre** described their efforts to assemble an evidence base of attacks on human rights defenders (HRDs) linked to businesses or business sectors, and to connect HRDs with investors and companies and to support their participation in international fora to make the case that these attacks must be addressed.

She noted that a key message to companies and investors has been that participation of civil society and human rights defenders (HRDs) is essential to meaningful due diligence, and that responsible businesses derive a competitive advantage from the inclusion of civil society in this due diligence.

Vince Lazatin of **Bantay Kita** reviewed their work to develop a “shadow report” documenting restrictions on civil society participation in extractives governance as part of EITI’s ongoing validation of the Philippines, which has been helpful in sparking discussion with government and industry counterparts on these issues, while also provoking opposition from some government actors.

Bantay Kita has made the case to MSIs such as EITI that in order for extractives governance to be bolstered, civic space must be protected beyond the narrow ability to participate in formal multi-stakeholder processes.

Christian Donaldson of **Oxfam International**

recounted how IFIs have historically sought to narrow their mandate to “economic” issues and categorize other issues, such as civic space as “political” and beyond their purview – but that through civil society pressure and demands, it is possible to bring these issues back onto the agenda as “cross-cutting themes” affecting IFIs’ core activities, as took place with corruption in the 1990s.

Civil society cannot be satisfied with IFIs issuing public statements recognizing the salience of civic space and human rights issues, however, but must continue pushing these institutions to develop policies, protocols, and guidelines to implement these commitments.

Andrés Zaragoza of the **International Service for Human Rights**

noted the importance of building bridges between entities at international institutions, such as UN mechanisms and special procedures, and private and civil society actors to push for action to counter rights abuses and closing civic space. Civil society needs more effective ways to work together, as well as means of fostering knowledge of and access to these mechanisms by communities facing these challenges on the ground.

In breakout groups, we then identified an array of actions that civil society should push key stakeholders (aside from domestic governments) to take, in order to expand civic space for extractives activists. Notable “asks” from these discussions included:

- **Foreign governments** should exert pressure upon extractives companies based in their jurisdictions to respect international norms and standards regarding disclosure, anti-corruption, and human rights in their foreign operations.
- **International and regional institutions** should become more accessible and transparent for civil society actors to facilitate reporting on rights violations, including by staffing and resourcing in-country focal points better, by standardizing operating and access procedures across focal points, and by considering accessibility to civil society in designing reporting mechanisms.

- **Multi-stakeholder initiatives** should work to bring government entities with authority and expertise regarding key civic space issues – for instance, tax authorities with respect to regulation of CSOs, or justice ministries with respect to policing of assemblies – into MSI processes, and to secure the political cover needed for these entities to undertake reforms.

- **International financial institutions** should conduct civic space and human rights assessments, with broad participation by civil society and community representatives, prior to funding projects, and should consider the broader enabling environment for civil society in evaluating opportunities for participation in designing these projects, as well as their viability.

- **Investors and companies** should develop anonymized and secure complaint mechanisms, speak out publicly against restrictions on human rights and civic space, and adopt and operationalize policies enshrining zero tolerance for attacks by business partners on HRDs or civil society representatives.

In a plenary discussion, participants then considered how civil society can work to influence stakeholders to advance this agenda: initiatives to promote civic space for extractives activists worth expanding, as well as gaps and opportunities for further coordination and collaboration. Notable themes from this discussion included:

- **Building effective coalitions.** Participants considered that working through coalitions has boosted the effectiveness of advocacy on civic space – though restrictions on civil society, from limitations on access to resources to judicial harassment of activists, have also made it more difficult to assemble these coalitions. There are unrealized opportunities to develop national or local coalitions focused on extractives and civic space challenges, preferably including partners from different sectors and fields of expertise, as well as to connect local actors with international or global players through transnational coalitions. However, where possible and to keep from duplicating efforts, international CSOs with expertise in extractives and related issues should plug into existing coalitions rather than starting from scratch. It would be helpful to develop a mapping of existing coalitions and networks working on the nexus of civic space and extractives governance.



Photo credit: Minzayar Oo for NRGi

- **Tailoring outreach to stakeholders.** In seeking to influence stakeholders to advocate for expanded civic space, civil society needs to tailor its message to the target of engagement – stressing how closing civic space undermines the return on investment of development projects when engaging with IFIs, for instance, or noting how restrictions violate international norms and standards in engagement with international institutions. Civil society also needs to consider how different stakeholders may deploy their influence in opposition to each other, and to engage in advocacy to prevent the frustration of initiatives to expand civic space.

Development banks, for instance, have sometimes provided support and funding to governments that have undermined efforts to push such governments to relax civic space restrictions; closer connections between civil society and these institutions may help to avoid or minimize such negative consequences. Participants suggested there were under-utilized opportunities to reach out to foreign embassies and international media to draw attention to restrictions imposed on civic space.

A forthcoming discussion paper from the Columbia Center on Sustainable Investment shares a few other perspectives on this issue based on consultations with extractives governance experts worldwide. One perspective is that short- and medium-term goals might need to be scaled down from traditionally-held, broadly transformational aspirations to more incremental ones; from systemic extractives reform goals to goals more narrowly focused on “islands of reform” where conducive conditions exist. Another reflection calls on different actors working on extractives governance to be more explicit about their organizational goals – e.g., those prioritizing open governance as an end in itself, those focused on human rights goals or those prioritizing economic development – in order to then develop appropriate strategies and approaches. For instance, in politically hostile settings it might make sense to consider alternatives to the “transparency, accountability and participation” pathways to pursuing improved economic outcomes for communities (e.g., by focusing on mechanisms like direct cash transfers or community development schemes involving a significant direct role for foreign companies), whereas for those focused on open governance, buttressing those open governance pathways would be indispensable. CCSI’s forthcoming analysis also underscores the importance of local actors being given more voice in identifying the extractives governance goals and priorities they wish to see pursued and think are viable in their particular contexts.

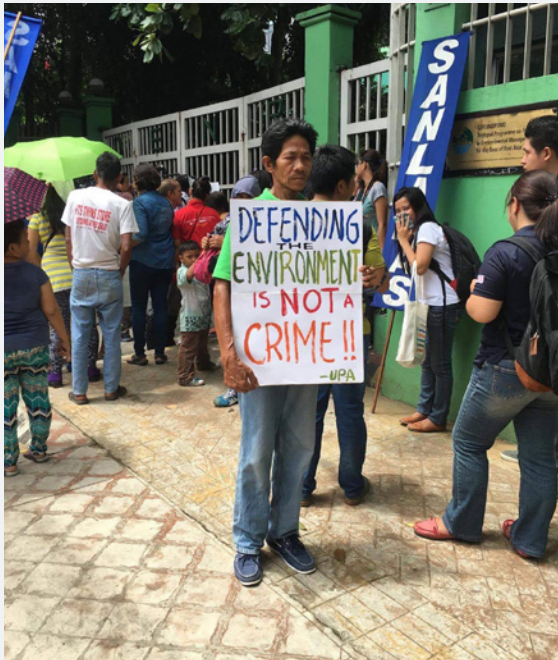


Photo credit: Bantay Kita PWYP Philippines

- **Optimizing engagement with relevant mechanisms.** There is a need to consider the opportunity costs for civil society of engaging with complex mechanisms – such as MSIs, IFIs, and international institutions – and of being thoughtful about allocating effort to fora and stakeholders with greater capacity to positively impact civic space and extractives governance. Similarly, government willingness to engage with civil society in mechanisms such as MSIs is constrained by risk aversion, trust levels, and the amount of work involved. Where civil society aims to use these mechanisms to spur official action on civic space or extractives governance, they should consider how to address these and other constraints on government engagement.

- **Effective policy implementation.** Participants noted that in some instances, companies have learned to develop appropriate policies regarding human rights and civic space, but the ground-level impact of these policies is often limited. In many cases, consultations undertaken as part of due diligence have a performative aspect, and may be conducted only with international CSOs or with local civil society representatives only from a single community. Similar issues undermine implementation of policies by governments and IFIs.

With respect to companies, efforts are now underway to use the leverage of investors and others to deepen and professionalize what human rights and impact assessments look like in practice. There may also be scope for civil society to push for, and conduct, audits of how policies relating to civic space and human rights have been implemented, and for donors to devote greater attention to fostering effective implementation of these policies.

- **Promoting ESG.** When civic space is constrained by powerful government actors resisting reform, it can be useful to consider other pathways for integrating civil society and community voices and priorities into how extractives projects are undertaken and operationalized. One such pathway might build on interest among some investors in promoting improved environmental, social, and governance (ESG) standards. In many cases, such investors rely on a handful of mainstream research providers to assess proposed investments. These providers have generally focused primarily on policies adopted by companies, rather than their implementation. There is an opportunity to work with these providers to bring grassroots voices into discussions of proposed investments and projects, and more generally to ensure that human rights, good governance, and environmental issues are appropriately defined and addressed in the process of assigning risk ratings to extractives companies.

- **Engaging locally.** Politically hostile settings vividly demonstrate the importance of context in shaping the demands, trajectories, and efficacy of efforts to improve extractives governance. Therefore, international actors, including international CSOs, need to invest in partners and strategies at the regional, country, and local levels to tailor and embed their work, rather than focusing primarily on high-level global strategies and models of good governance. International CSOs can play a helpful role in connecting partners at the national or local levels to international institutions and transnational coalitions. Initiatives to promote democracy and civic space being implemented or expanded this year – including the Year of Action related to the U.S. Summit for Democracy, the OGP Civic Space Learning Network, and the OECD Civic Space Observatory – may provide opportunities to advance civic space and extractives issues at the country level. There will be a need to resource and support country-level activities and advocacy accordingly.

Session III

Implications of closing space for just transitions

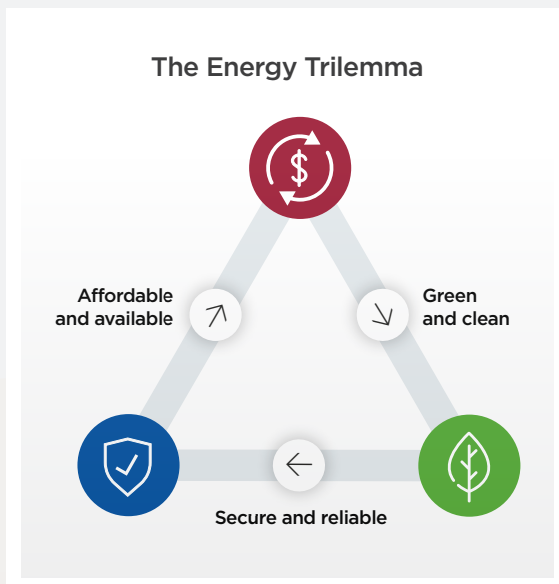
Our third session applied insights from preceding discussions to a specific issue area within extractives governance: addressing the impact of closing civic space on prospects for ensuring a just transition to post-carbon economies. We aimed to explore limitations on inclusive participation by affected communities in structuring transition from oil and gas dependence to a low- or zero-carbon future, and discussed strategies to counter these limitations and expand this participation.

Peter Newell of the **University of Sussex** provided an introductory perspective on public participation in planning transitions towards post-carbon economies.¹⁰ Structuring decision-making around these transitions raises procedural, recognition, distributional, and intergenerational questions: who participates, who should be considered a legitimate stakeholder, how to distribute benefits and costs from transition, and whether or how to pass costs to future generations.

In resource-rich economies, navigating these questions is even more fraught, given the political salience and centrality to the economy of oil and gas sectors, and the presence in these sectors of strong incumbents and powerful state-owned enterprises.

The tendency in such settings is for deliberations on transitions from oil and gas dependence to remain closed and elite-dominated. Without broad participation, however, it is less likely that decisions on these transitions will address impacts on affected communities, command social acceptance and legitimacy, or engender public support – making it critically important to develop new models of participation that can address historical inequalities and prevailing trends towards closing civic space.

We then heard findings from recent research undertaken in Kenya, Nigeria, and Mozambique as part of the project “Making Space for Dialogue on Just Transitions in Africa’s Oil and Gas Producing Regions,”¹¹ illustrating the complex range of interests across civil society and the limited opportunities for voicing these interests. **Victoria Ibezim-Ohaeri** of **Spaces for Change** noted contrasting understandings of “just transition” in Nigeria.



Peter Newell's presentation, session III

¹⁰ See, e.g., Peter Newell, *Power Shift: The Global Political Economy of Energy Transitions* (2020), <https://www.cambridge.org/us/academic/subjects/earth-and-environmental-science/environmental-policy-economics-and-law/power-shift-global-political-economy-energy-transitions?format=PB>

¹¹ See Institute of Development Studies (IDS), “Making Space for Dialogue on Just Transitions in Africa’s Oil and Gas Producing Regions,” <https://www.ids.ac.uk/projects/making-space-for-dialogue-on-just-transitions-in-africas-oil-and-gas-producing-regions/>

Communities advocating for a “just transition” have sought public participation in management of new sources of renewable energy, local ownership of these resources (as opposed to corporate control of such resources accompanied by token distribution of handouts), and a return to environmental sustainability that can support traditional livelihoods through farming. Moreover, while the government is making investments in electric vehicles, solar energy, and other elements of a transition away from carbon dependence, it is at the same time announcing massive new projects to develop oil and natural gas reserves. Official communication and engagement strategies to advance a “just transition” have been elitist – formulated and propagated by various elite groups in the government and corporate circles – with little scope for integrating the priorities of communities impacted by the extraction and production of fossil fuels.

Amos Wemanya of Powershift Africa then described diverging interests of local communities in Northern Kenya with respect to further extraction of fossil fuels. Pastoralists in this region have opposed further energy development, fearing its impact on their land and livelihoods, while other communities have supported oil production projects in hopes of realizing better economic opportunities.

Though the law formally provides space for public participation on these issues, local communities protest that conversations are dominated by powerful actors and politicians, with little opportunity for public input on how to manage these competing interests. Other means of expression, such as rallies and protests, have faced violent crackdowns.

Crescêncio Pereira of the **Instituto de Estudos Sociais e Económicos** suggested that in Northern Mozambique, the main concern of citizens has been with peace – Cabo Delgado province has faced an insurgency since 2017 – and development, with high levels of poverty exacerbated by limited access to energy. Citizens are open to renewable energy projects but such projects have as of yet not satisfied basic energy needs nor demonstrated potential economic development value.

The government has clearly defined objectives with respect to a just transition, including a gradual transition from oil and gas dependence (with support from IFIs such as the World Bank and IMF), and further development of national revenues from energy production. Civil society has built coalitions to demand inclusion in discussions on this transition planning and on the management of extractives revenues, and to seek remedies for the previous seizure of locally-held land for energy projects.

Citizen engagement with energy transitions

Different approaches in different places

INVITED SPACES	CLAIMED SPACES
Commissions/hearings	Citizen scenarios for energy futures
Transparency around revenues	Citizen assemblies
National level dialogues	Citizen monitoring and auditing: contracts, revenues
Prior informed consent	Protest/legal activism

- What word or words come to mind when you hear the phrase 'just transition'



Jamboard, session III

Nonetheless, from both the government and civil society perspectives, effective engagement on energy policy requires levels of technical competence and expertise greater than currently present in the country.

In a pair of presentations, we then considered strategies for civil society actors and partners to promote more effective public participation in just transitions. **John Gaventa** of the **Institute of Development Studies** summarized recent interviews conducted with representatives of international CSOs and MSIs. Against a background of closing civic space, debates on the energy transition have revealed divisions within local communities and within civil society, between those urging that fossil fuels be “left in the ground,” and those advocating for more effective management of resource revenues to support development.

Others voice concern that if responsible companies are induced to leave the oil and gas industry, this might spark a “race to the bottom” as less reputable companies come to dominate the field and disregard environmental, human rights, and transparency standards.

There is a need for new spaces to permit these competing views to be voiced and reconciled in a constructive way.

Antonio Hill of the **Natural Resource Governance Institute** noted the twin challenges of opening space for participation in national debates about energy transitions while simultaneously using that process to build infrastructure for campaigning and collaboration across different sectors of civil society for the longer term. There are opportunities for civil society to invest in building strategic communications initiatives that aim to change the framing of energy transition discourse, in order to move beyond reactive or defensive efforts to simply avoid the worst outcomes. Furthermore, promoting community equity in renewable energy generation projects may help (at least partly) address concerns about falling rents from fossil fuel extraction – and build a new source of power for CSOs and movements seeking to influence the shape and pace of energy transitions on the ground.



Photo credit: John Englart via Flickr under CC BY-SA 2.0 license

In breakout groups and a plenary discussion, participants then explored what can be done to build more inclusive dialogue and participation in just transition debates at local, national, regional, or global levels. Key recommendations included:

- **At the local and national levels:** Global and national actors should invest in the capacity of local organizations to engage on issues relating to energy transitions, and seek to simplify terms of debates regarding transition planning and articulate their relevance to local discourse. Civil society should work to clearly articulate needs and priorities at the local and community level and consider how these priorities can be meshed with evolving local and national political agendas. Civil society should work together and with government actors to align expectations of various civic engagement fora and what they can achieve, and to focus discussions on actionable items and goals with impacts on the achievement of just transitions.
- **At the regional and global levels:** Civil society needs to continue to advocate for its integration (not just involvement) in climate negotiations, at which civil society had to date been largely sidelined. Global civil society and institutions should push to create more space for local voices to shape global and regional standards, definitions, norms, and processes of participation. In advance of global events such as COP, civil society should work across countries to create a common framework and set of asks for energy producers, governments, and institutions. Donors should work to establish linkages and break down silos between funders focused on expanding civic space and public participation, and funders supporting work on energy transitions.
- **Generally:** Civil society should work to capture shared goals and visions, as well as common starting points and areas of consensus, in order to ground discussions of diverging perspectives on just transitions in areas of shared agreement. These areas of shared agreement can form the basis for strategic communication campaigns highlighting the negative impacts of existing extractives projects and importance of civil society participation in deliberations and decision-making on transitions from fossil fuel dependence.

Next Steps and Further Engagement

In many respects, these discussions represented a starting point for further conversations on extractives governance and civic space – presenting major trends from around the world with respect to closing civic space, underscoring the need for deliberate and strategic thinking on appropriate adjustments to goals and strategies for improving extractives governance and expanding civic space, and exploring a range of existing and potential avenues to accomplish these ends. As the summary above indicates, core elements to be prioritized in carrying forward this work include:



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- The value of building and broadening coalitions to engage on these issues, with both transnational reach and local depth, and including civil society actors with varied expertise as well as actors from other sectors;
- The importance of investing in the capacity of local civil society actors to engage on extractives and civic space issues and to represent the needs and priorities of local communities in local, national, and global conversations, while providing resources to support physical and digital security;
- The need to attend closely not only to the formulation of policies by governments, institutions, and companies, but to support and monitor implementation to ensure impacts on the ground; and
- The continued availability of under-utilized opportunities to advance this work through engagement with varied stakeholders, and the utility of continued cross-sector dialogue in exploiting these opportunities.

We look forward to working with participants in these sessions, and with other partners, to further develop our collaboration and coordination in these areas, in order to promote more equitable and sustainable management of extractives industries and more inclusive and genuine public participation in their governance.

Appendix: Selected Relevant Resources

Anderson, C. et al., *Navigating Civic Space in a Time of Covid: Synthesis Report (2021)*

https://opendocs.ids.ac.uk/opendocs/bitstream/handle/20.500.12413/16602/NCS_SynthesisReport_Final.pdf?sequence=1&isAllowed=y

Bantay Kita, *A Threshold Crossed: Philippines NRG Civic Space Report 2021*

<http://www.bantaykita.ph/for-publications/report-on-civic-space-in-natural-resources-governance-in-the-philippines>

Business & Human Rights Resource Centre (BHRRRC), *Hearing the human: Ensuring due diligence legislation effectively amplifies the voices of those affected by irresponsible business (Oct. 2021)*

<https://www.business-humanrights.org/en/from-us/briefings/hearing-the-human-ensuring-due-diligence-legislation-effectively-amplifies-the-voices-of-those-affected-by-irresponsible-business/>

BHRRC & International Service for Human Rights, *Shared Space Under Pressure: Business Support for Civic Freedoms and Human Rights Defenders (Aug. 2018)*

<https://ishr.ch/defenders-toolbox/resources/business-concrete-ways-to-support-human-rights-defenders-2/>

BSR, “Impact-Based Materiality: Why Companies Should Focus Their Assessments on Impacts Rather Than Perception,” Feb. 3, 2022

<https://www.bsr.org/en/our-insights/blog-view/impact-based-materiality>

Civicus, *Civic Space under Threat in Extractive Industries Transparency Initiative Countries (Aug 2017)*

<https://civicus.org/index.php/media-resources/reports-publications/2915-report-civil-society-rights-and-the-extractive-industries>

Columbia Center on Sustainable Investment (CCSI), “Politics of Extractive Industries”

<https://ccsi.columbia.edu/content/politics-extractive-industries>

CCSI, *Unlocking the Power of Reformers to Achieve Better Progress on Extractives Governance (2022)*

<https://ccsi.columbia.edu/content/empowering-and-incentivizing-reformers>

International Center for Not-for-Profit Law (ICNL) & European Center for Not-for-Profit Law (ECNL), “COVID-19 Civic Freedom Tracker”

<https://www.icnl.org/covid19tracker/>

ICNL & Publish What You Pay (PWYP), *Assessing civil society engagement in the EITI process: A guide to providing validation inputs on EITI Requirement 1.3 (Sep. 2021)*

<https://www.icnl.org/post/assessment-and-monitoring/assessing-civil-society-engagement-in-the-eiti-process>

Institute of Development Studies (IDS), “Making Space for Dialogue on Just Transitions in Africa’s Oil and Gas Producing Regions”

<https://www.ids.ac.uk/projects/making-space-for-dialogue-on-just-transitions-in-africas-oil-and-gas-producing-regions/>

Natural Resource Governance Institute (NRGI), “National Oil Companies and Climate Change”

<https://resourcegovernance.org/analysis-tools/collection/national-oil-companies-and-climate-change>

NRGI, *Risky Bet: National Oil Companies in the Energy Transition (Feb. 2021)*

<https://resourcegovernance.org/analysis-tools/publications/risky-bet-national-oil-companies-energy-transition>

Newell, P., *Power Shift: The Global Political Economy of Energy Transitions (2021)*

<https://www.cambridge.org/core/books/power-shift/BC373DB26526B863BEBD94203A97B024>

Red Latinoamericana Sobre Las Industrias Extractivas, *La participación ciudadana en el sector extractivo en siete países de América Latina (2020)*

<https://redextractivas.org/catalogo/boletines/la-participacion-ciudadana-en-el-sector-extractivo-en-siete-paises-de-america-latina/>

Zero Tolerance Initiative, *Enough! Pledging zero tolerance to attacks against environmental and human rights defenders (Nov. 2019)*

<https://www.zerotoleranceinitiative.org/enough>

Contact

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