

## African civil society should invest in joint advocacy to influence natural resource governance processes

- CDD promoted, on 21 June 2022, a webinar on “The space for civil society in natural resource governance”. This webinar aimed to launch a series of activities and dialogues on “Extractive Industry and Civic Space in Mozambique”, in a context where in recent years the governments of many resource rich countries have reduced civic space by increasing restrictions on the freedoms of expression, association or assembly and the right to public participation, all crucial prerequisites for citizens’ agency and government accountability.



The webinar is part of a CDD initiative supported by the Ford Foundation to promote effective citizen engagement and public accountability in natural resource governance with a view to leveraging the extractive industry as a catalyst for an inclusive,

diversified, sustainable and renewable energy-based economy in Mozambique.

The debate had two perspectives: (1) The Government perspective, which was represented by the Kimberley Process Management Unit, Gems and Precious Metals; (2)

The perspective of civil society organizations, represented at national level by the Civil Society Platform for Extractive Industry and the CDD, and at regional level by the Zimbabwe Environmental Law Association (ZELA) and Southern Africa Resource Watch (SARW).

## Marta Mucavel, Representative for the Kimberley Process Management Unit, Gemstones and Precious Metals

The representative of the Kimberley Process, Gems and Precious Metals Management Unit (UGPK) in Mozambique began her intervention by explaining the essence of the Kimberley Process, which consists of a joint initiative by government, the diamond industry and civil society to stem the flow of conflict diamonds. The unit is responsible for the control, tracking and marketing of these minerals.

Mozambique joined the Kimberley Process in 2021 and diamond propinquity and research licenses are currently in place. The Kimberley Process is important in that it combats illegal mining and commercializa-



tion of the minerals and also combats the “blood diamonds” used by rebels to finance wars aimed at overthrowing legitimate governments.

“Civil society is an important part of this process, which is why it is part of the National Council of the Kimberley Process, responsible for overseeing the implementation of this process in Mozambique. The civil society representative on this council has to assert the civil society voice and be able to share all the information with the other civil society groups, and at the same time bring all the concerns of civil society to this council,” explained Marta Mucavel.

## Jordão Matimula, Extractive Industry Civil Society Platform (PIE) Coordinator

For Jordão Matimula, one can only speak of the existence of civic space in a society where there is openness and democratic culture. “A civic space exists effectively if the citizen and civil society have the right, for example, to claim their rights, and likewise if they have the right to influence the approval and implementation of legislation, programmes, plans and policies”.

The PIE Coordinator explained that civic space is only assured if the Government is able to protect citizens and ensure that they fully enjoy their fundamental rights, as well as respect and facilitate the realization of fundamental rights such as the right to association, the right to peaceful assembly and demonstration and the right to freedom of expression.

Thinking on these assumptions, Jordão Matimula considers that in recent years, the



**“A civic space exists effectively if the citizen and civil society have the right, for example, to claim their rights, and likewise if they have the right to influence the approval and implementation of legislation, programmes, plans and policies”.**

right to peaceful demonstration has been violated by government authorities. “I risk saying that it is almost impossible to hold a march when its object is not in favour of the current governance.”

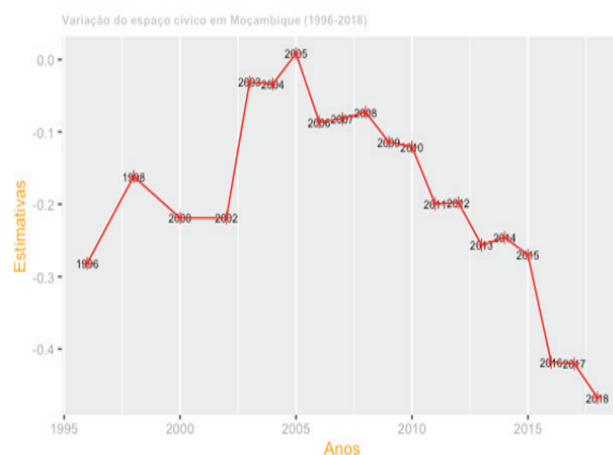
## Américo Maluana, CDD Researcher

In order to contextualize his approach, Américo Maluana began by saying that at the international level, the issue of natural resource governance has attracted the attention of governments, civil society, donors and academics alike. This attention is due to specific factors linked to the weak capacity of many countries, particularly in Africa, to convert natural resource wealth into development. This is a phenomenon that is usually associated with such things as 'conflict'.

To address these challenges/dynamics a global agenda has emerged accompanied by initiatives such as the Extractive Industry Transparency Initiative (EITI), which seeks to deal mainly with institutional problems, specifically corruption in the form of embezzlement of revenues from the extractive sector, by promoting transparency and accountability mechanisms. There is also the Kimberley Process, which is a relatively new initiative.

Both the EITI and the Kimberley Process recognize the importance of civic space for good governance of natural resources and at the institutional level these initiatives have mechanisms for civil society participation. Therefore, civic space is fundamental to good governance of natural resources.

However, what we see in many countries, not only in Mozambique, is that there is a tendency to close civic space, which necessarily implies that fundamental freedoms (expression, association, peaceful demonstration and public participation) that are seen as essential elements of the democratic process



Source: Padil and Monjane (2021)<sup>1</sup>

for holding governments accountable, have been put at risk.

The EITI presents an innovative element, which is the integration of civil society, because traditionally the debate on natural resource governance was bilateral, involving only companies and the government. Currently, there is a tripartite configuration in which civil society has the possibility to independently oversee the natural resource governance process across the value chain, from contracts and licenses, production data, the allocation of revenues and the implementation of development policies, in the logic that these initiatives are not an end in themselves, but there is a need for them to have a developmental initiative.

There is also the component of integration of civil society through the National Council of the Kimberley Process. However, although Mozambique is implementing initiatives aimed at improving governance of natural resources, their implementation does not correlate with the improvement of institutional quality and openness to participation. And one of the hypotheses raised is that the initiatives are being implemented as an end in themselves, and not as a broad governance strategy that implies effective participation by civil society.

"It is fundamental that the integration of civil society in natural resource governance processes is a new paradigm of governance and not simply an enforcement of international standards, because despite the importance of the EITI and the Kimberley Process, these are international standards that need to be properly internalized and institutionalized in the national framework" reiterated Américo Maluana, by way of conclusion.

## Mutusu Dhliwaio, Executive Director of the Zimbabwe Environmental Law Association (ZELA)

Mutusu Dhliawio understands that civic space is basically the response to the demand (through advocacy actions) from civil society organisations to have, among other



things, the space in the decision-making process.

These initiatives have come to make it possible for civil society to participate in the policy formulation and decision making processes, recognising that a role is also played by civil society organisations and communities in the natural resource governance processes, unlike in the past where it was a bilateral process between Government and the private sector.

The main challenge in Zimbabwe in terms of civic space in current times is the amendment to the Private Voluntary Organization (PVO) Act which seriously threatens the right to freedom of association in the country. "This Act exposes the intention of the Gov-

<sup>1</sup> SALIMO, Padil, MONJANE, Celso (2021). NARRATIVAS DESQUALIFICADORAS À SOCIEDADE CIVIL EM MOÇAMBIQUE E SUA CONTRIBUIÇÃO PARA O FECHAMENTO DO ESPAÇO CÍVICO. RELATORIO FINAL, JOINT.

ernment of Zimbabwe to provide legal tools to control and ultimately silence civil society," he reiterated.

The law will give the Government broad powers to interfere in the activities of civil society organizations.

1. Organizations would need the Government's permission for any "material change" in the institutional domain, including changes in internal management and funding;
2. The Government would have the power to designate any organization as "high

risk" or "vulnerable" to terrorist abuse. This would allow it to revoke its registration or even replace its leadership;

3. And finally, the bill contains provisions allowing civil society organizations to be banned from participating in political activities.

The Harare Government's justification is that civil society organizations are encouraging the opposition party through political, moral and financial support.

"For sure, their work is political because we influence governance, we empower local

communities to participate in governance. When we protect human rights, when we defend community leaders, that is politics, but that cannot be associated with a political party."

But even in the midst of this situation, Zimbabwean civil society organizations continue to work for improved natural resource governance to promote responsible investments because one of the challenges of investments in the extractive sector in Zimbabwe is that it does not promote human rights or economic development.

## Claud Cabemba, Executive Director of Southern Africa Resource Watch (SARW)

Claud Cabemba, Executive Director of Southern Africa Resource Watch (SARW), began his speech by stating that in Africa many poor communities live in areas rich in natural resources, a reality that shows that this extraction of natural resources has not met the social needs of Africans. "When you go to Mozambique, Zimbabwe, the Democratic Republic of Congo, Zambia and even South Africa, which is one of the most developed economies on the continent, you can see that the communities where the natural resources occur and there are large extractive industries are those that are poorest," he said.

The main problem with the extractive sector is that African elites are engaged in taking personal benefits in the governance of natural resources. "When we look at taxes, subsidies and tax exemptions there is always some kind of corruption. And the main result of that conflict of interest is the structural institutional difficulties to manage the extractive sector efficiently and effectively. For that reason, civil society organizations become increasingly important to call the state to account".



In Africa, many countries are EITI members, which means that governments are adhering to transparency and accountability policies in the extractive sector. However, there is still not enough tax collection, tax evasion, tax avoidance and corruption still exist because there is a discrepancy between policies and their implementation.

This further highlights the need for civil society organizations to fight for their space in natural resource governance, because civic space is a "contested space that is influenced by different actors and agendas".

Claud Cabemba argues that civil society must be prepared to: (1) Build knowledge and capacity along the entire value chain of the extractive sector to analyze the sector's weaknesses and opportunities, including laws and institutions; (2) Show that there is no competition between civil society organizations and government. "They should be allies, as they work for the interest of citizens, but maintaining independence so that they are able to criticize whenever there are human rights violations and/or non-compliance with legislation; (3) Stop consuming global agendas and start setting agendas at the continental level.

In closing remarks, the speakers agreed that there is a need for civil society organizations in Africa to work together and build mechanisms for joint advocacy so as to increase the influence they have on governance processes.



**EDITORIAL INFORMATION**

**Property:** CDD – Centro para Democracia e Desenvolvimento  
**Director:** Prof. Adriano Nuvunga  
**Editor:** Emídio Beula  
**Author:** Nelsa Langa  
**Team:** Emídio Beula, Dimas Sinoa, Américo Maluana  
**Layout:** CDD

**Address:**  
 Rua de Dar-Es-Salaam Nº 279, Bairro da Sommerschild, Cidade de Maputo.  
 Telefone: +258 21 085 797

**Twitter:** CDD\_moz  
**E-mail:** info@cddmoz.org  
**Website:** http://www.cddmoz.org

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