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Human Rights and Natural Resources

Monday, January 28, 2008, 10.00 – 12.00 pm

Facilitator:

Theresa Fay-Bustillos, Executive Director, Levi Strauss Foundation

Panelists:

Corinna Gilfillan, Head of US Office, Global Witness, United States

Isaac Asume Osuoka, Director, Social Action Nigeria, Nigeria

Samuel Kofi Woods, Minister of Labor, Government of Liberia, Liberia

Isaac Osuoka, Social Action Nigeria: Colonial practice of resource extraction and control are not history but part of current reality. Militarization is directly connected to control of resources. There is a growing nexus between military, corporations, and governments in the violations of human rights and repression. Land is crucial for resource extraction and governments are involved in land appropriation for this purpose. Most foreign direct investment is geared towards resource extraction. Good legislation including laws and policies are important but the question is of implementation or lack of it. In 2005 gas flaring was declared unconstitutional by the Nigerian Supreme Court under the right to life but it continues. Companies had agreed to 2008 deadline but are now pushing for 2011 and government seems amenable. Great need for civil society and government to be involved in mandatory not voluntary monitoring and enforcement.

Corinna Gilfillan, Global Witness: Work focused on getting greater support from US govt on natural resource governance. Blood Diamonds is a case study – big campaign by Global Witness and field investigation with in-country civil society groups. Angolan civil war, conflicts in Sierra Leone, Liberia, Congo all fueled by blood diamonds. Conflicts are over resources but resources also [financially] fuel conflicts. By 2007 a number of these conflicts had abated but human rights violations in diamond industry still persist. GW worked with AIUSA, Blood Diamonds producers to do lot of media publicity leveraging Leo Di'Caprio's star appeal and to mainstream issue of conflict over resources. Congressional folks got involved including Human Rights caucus. Need for more coordinated efforts. A UN definition of conflict resources would enable identifying sanctions against conflict resources including import/export of these. They're building on the movement generated by Blood Diamonds to get a more coordinated response at the UN level.

Kofi Samuel Woods, Minister, Liberia: There is a core of fundamental problems facing Africa, including poverty, marginalization, State decay, civil wars and conflicts. Need for a sustained campaign to end exploitation of natural resources. KSW worked with Catholic Campaign for Justice to document natural resource extraction by warring groups (to fuel conflict) and their export. Human rights conventions and

mechanisms exist – the main issue is of implementation. Sanctions against Liberia came too late but lessons learned from this are important. Charles Taylor is on trial at The Hague along with a Dutch industrialist who profited from resource extraction linked to conflict and human rights violations. Firestone is an important case study. It underscores the role of corporations in colonialism and creation of countries to serve their purpose. Sanctions exist on diamonds but not on rubber. Firestone works closely with US to keep Liberia hostage. His new government is reviewing concessions to Firestone, which since 1925 has evolved as a State within a State in Liberia. Until recently union was controlled by management but now free elections led to creation of independent trade union. Some key lessons from Liberian experience include sanctions alone not enough but also need overseas assets freeze and travel ban on leaders. Local ownership and participation is very important. Law reform and legislation is key. Tackling corruption and developing code of conduct for government and corporate officials is still to be done and passed as law. Distributive justice ultimately is vital for a fair system that enables just sharing of resources and will end conflict.

Questions:

Teresa Fay Bustillos, Levi Strauss Foundation: What is the role of governments? Democracy vs. Freedom?

SKW: Democracy & Freedom are twin concepts. Democracy has been reduced to periodic elections but it's much more. In Africa, the African Charter on Human Rights was designed on principles of community participation. Democracy is key to Freedom as is distributive justice, without which there is a limited sense of democracy as being just the process of holding of and participating in elections.

IO: Communities existed before modern States were created. These States contradicted existing sociopolitical communities and superimposed arbitrary boundaries, which still present challenges for communities. Elections respond to the modern system but how do they integrate – or not – pre-existing communities and relationships. Natural resource exploitation adds to this problem by creating conflict between States and communities. When governments depend primarily on transnational corporations (TNCs) they are accountable to them and not to citizens or communities. Communities in Nigeria are saying democracy needs to be reorganized to account for community roles.

CG: A global movement to make revenues transparent is important. How that develops in terms of democracy and freedom would be interesting to see. Contracts are another case where transparency is vital.

TFB: Community is a word that crops up all the time. How does local leadership figure in to the equation in the presence of intermediaries who are often expatriates? What should funders be doing to support local leadership development?

CG: Different roles and challenges exist. On diamond issue there are communities, traditional chiefs, elected officials, bureaucrats – how do they interface? No easy answers for what the best approach is given multiple players. Government oversight and local participation has to happen in tandem.

IO: For donors, it is important not to make assumptions about the State's role in providing services and rather support and strengthen communities to demand that the State provide the services it should. Supporting advocacy, movement-building is more key than supporting building classrooms and wells

and those kinds of services which governments should be doing. Support learning exchanges between groups.

SKW: Whether you support international or local NGOs there must be evidence of local participation, of transparency. Additionally capacity-building and leadership development is vital. Legal defense is also very important.

TFB: What doesn't work for funders to do? And what works?

IO: Campaigns exist for revenue transparency. Some good work has happened in Nigeria with the Nigeria Extractive Industry Transparency Law that was passed requiring mandatory as opposed to voluntary regulations. Difficult question to answer: activists feel discouraged because of challenges. One major problem is isolation of issues – gender, youth, environment, human rights; and the disconnection between issues caused the failure of the democracy movement.

CG: Another problem is Southern NGOs vs. Northern NGOs. Great need for northern NGOs to work in tandem with and learn from southern colleagues. Funders should stop creating new bureaucratic structures and support more learning and information exchange.

SKW: We might not have as yet ended impunity and achieved accountability but the process has begun and it is strong. But it needs to be further strengthened. We need to continue dialogue. Partnership between funders and grantees is important and need for funders and grantees to realize that this is not a one-way relationship. Support should be examined in light of short or long term needs and structured accordingly. Long term change needs long term support and engagement.

Audience: How can some of the regional organizations play a role? What about the UN and the new Human Rights Council?

IO: Regional organizations are very important as a way of promoting collaboration between peoples. Gulf of Guinea Network is a non-governmental regional organization that exists alongside the Gulf of Guinea Commission which is an inter-governmental body from Angola to West Africa. GGC is a key player and it is important to ensure that it addresses human rights issues. The African Commission is also very important. Civil society groups are assessing how it can play more of a leadership role in human rights protection.

SKW: At the level of civil society, if regional collaboration is strengthened and promoted it would be good. More skeptical about inter-governmental cooperation in terms of seriousness of individual governments to do so. African Union has a peer review mechanism that has never been really used. ECOWAS (which brings together West African states on economic cooperation) is now allowing regional NGO formations to participate in its structures, which is good.

CG: Peace-building is an area where regional cooperation is vital and lot of work needs to happen at UN level.

IO: West Africa gas pipeline is an example. 4 countries have been pressured to pass law (including Nigeria) that makes contracts with TNCs superior to local or national laws. Therefore it's vital to build regional opposition as opposed to individual country opposition to such pressures. Another example is USAID providing consultants to help Ghana rewrite environmental legislation to aid TNCs thus undermining human rights and national sovereignty.

Audience: Can you speak to the role of women in terms of citizen participation at local, national, regional levels?

CG: One example was the formation of coops as a way of increasing bargaining power for miners in Sierra Leone that involved their families as well. Women's role obviously important but needs to be examined more closely in terms of providing support.

SKW: The emergence of women in peace-building network and the regional (West African) network is significant. Liberia is a good example. There are strong organizations in Liberia such as the Liberian women lawyers' network that advocate for women's participation in all sectors of Liberian society and economy.

IO: Women's role in production is very important. It has major impact on livelihoods. At the same time adverse impact on livelihoods impacts women more. Much more needs to be done but in Niger delta women's participation has been vital. In Ogoni case women's organizations and women's participation in general has been an integral part of the struggle, including women organizing to take over oil & gas platforms peacefully. It's vital to support this.

Audience: What about IRS regulations and laws such as the USAPATRIOT ACT where new 990 forms could be dangerous for activists in terms of information that foundations need to provide. Urgent Action Fund has been confronted by foreign governments around who they are supporting.

Audience: What do we do about philanthropic extractive relationships – for example, our investments, or in terms of getting support from extractive industries in the form of philanthropic dollars?

IO: Many Niger delta groups do not take direct funding from oil & gas companies as it would compromise their work and credibility. Reverse of this is that extractive industries should pay revenues and taxes to governments.

CG: Global Witness doesn't take funding from diamond industry for same reason. NGO/civil society world is complex. Some are more independent while others use an inside/outside strategy working with industry. Transparency is key as is making sure principles are not compromised by funding.

SKW: Would not take money from corporations knowingly. There is a different matter of capacity in terms of NGOs often not knowing or being able to trace origins of support beyond immediate sources.

TFB: As a corporate funder – recognizes NGOs play different types of roles. Levi Strauss Foundation would not fund campaigning organizations but neither would those seek funding from LSF. LSF engages in "constructive engagement" with both them and grantee entering into a partnership based on certain agreements. LSF funds litigation, legal services, and research against the garment sector in terms of human rights violations and abuse.