



PUBLISH WHAT  
YOU PAY



Civic engagement

# **Civic space:** a ground-breaking road map for addressing threats to civic space in the extractive sector

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Strategic framework  
2020-2022



# Executive summary

Where civic space is under threat, PWYP has spoken out and acted vigorously in defence of people's right to participate in extractive sector governance. So far, these responses have been reactive, taking place when crises occur or opportunities arise to support our core remit of promoting transparency in the extractive sector. However, continuing attacks on PWYP members, along with the widely acknowledged global trend towards greater restriction of fundamental freedoms, have made it clear that this is no longer enough. **Consultations with members worldwide show that we need a long-term strategic response to closing civic space if PWYP is to deliver the transparent, people-centred extractive sector set out in our new global strategy, Vision 2025.**

**PWYP is uniquely well-positioned to deliver such a response. Our movement already has the characteristics needed and uses tactics identified as necessary for fighting back against civic space closure which is negatively impacting communities and activists in the extractive sector** – from building capacity in local civil society organisations (CSOs), to changing the narrative around natural resource governance and developing transnational partnerships and collaboration strategies to amplify mutual activities. Human rights, development, transparency and good governance in the extractive industries are becoming increasingly prevalent cross-cutting issues, yet few stakeholders have the resources to address these questions in relation to natural resource governance exclusively. PWYP has the potential to fill this gap, as well as to offer an important pool of

previously unreported information related to violations of civic freedoms and other human rights in the extractive sector.

This strategic framework provides a road map for addressing threats to civic space in the extractive sector. It takes a three-pronged approach, based on:



**1 prevention** of risks related to activism and other human rights abuses around extraction;



**2 protection** of CSOs and activists in our sector facing threats or abuse;



**3 advocacy** to ensure the needs and rights of people working for natural resource governance, and the affected communities they stand up for, are visible and fulfilled.

**To deliver these approaches, we will build new strategic partnerships and implement joint projects, breaking down silos between natural resource and human rights groups, drawing on existing tools provided by human rights CSOs and other stakeholders, and mutually reinforcing each other's activities in the context of Vision 2025. We will also pay particular attention to the needs of our members operating in the most challenging contexts.**



## Introduction

Publish What You Pay (PWYP) has always stood up for open civic space. We support and defend a permissive and enabling environment in which civil society activists engaged in the extractive sector can express their ideas and concerns, access and share information, associate and assemble freely, and participate meaningfully, effectively and independently in decision-making processes that affect their lives and the lives of communities affected by the extractive industries. For instance, PWYP members were instrumental in developing the Civil Society Protocol of the **Extractive Industries Transparency Initiative (EITI)**, which aims to protect an enabling environment for civil society, recognising this as vital for good governance of the extractive sector.

Where civic space is under threat, we have spoken out and acted in defence of people's right to participate in extractive sector governance, working with partners on projects to promote enabled civic space, and campaigning vigorously to support members whose human rights have been denied because of their activism.

So far, these responses have been mostly reactive, taking place when crises occur or opportunities arise to support our core remit of promoting transparency in the extractive sector. But our recent experience of increasing attacks on PWYP members, along with the widely acknowledged global trend towards greater restriction of fundamental freedoms, has made it clear that a reactive response to questions of civic space is limited and cannot drive change in the long term. Members worldwide are increasingly constrained in their work, facing the adverse impact of closing civic space and other numerous human rights abuses. Some countries where PWYP members operate are at higher risk than others, but this is clearly a concern shared across the coalition.

If PWYP is to deliver the transparent, people-centred governance framework for the extractive sector set out in our new global strategy, Vision 2025, we need to secure and safeguard an enabled civic space. Without it, we cannot achieve the strategy's global goals for PWYP members to be better informed, more influential,



Women of the gold mining village of Sanso express their joy after successful access to the EITI Report of 2017.

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widely heard and better connected across our network. The reactive response to crises related to civic space closure which PWYP has adopted to date will not be sufficient to achieve this. We need a systematic, long-term strategic response to ensure members can exercise their fundamental freedoms. This framework outlines a road map for such a response.

At the heart of the PWYP movement is the belief that individuals need to have a voice and to participate in decisions that affect them. PWYP will ensure our wide network of civil society organisations will be able to drive change by enabling our members to stand stronger in the face of adversity and by continuing to fight for the dignity, rights and freedoms of communities impacted by the extractive sector.

## Challenges to human rights across our network

**Natural resource activists campaigning publicly against harmful extraction, weak governance, corruption and lack of consultation with affected communities are increasingly under threat.** It has never been easy for civil society to expose malpractice and advocate for transparency in natural resource management, but activists around the world are currently experiencing unprecedented backlash. **This trend is disproportionately affecting land and environmental activism and is particularly acute in the extractive industries sector.**<sup>1</sup>

According to the Business and Resource Centre's latest figures, there were 572 attacks against human rights defenders raising concerns about business-related human rights abuses in 2019 alone, up from 492 in 2018. The sector that saw the most attacks was mining with 143 attacks. Oil, gas and coal came in the sixth position with 38 attacks in 2019.

## Number of attacks against human rights defenders



Source: Business and Resource Centre  
<https://dispatches.business-humanrights.org/hrd-january-2020/index.html>

**PWYP members are not immune. In many countries, they have been the target of direct attacks, including harassment, verbal and physical abuse, criminalisation, threats, intimidation and smear campaigns.** Throughout a series of consultations conducted in 2019, members cited "...arrests, arbitrary detentions and disappearances of dozens of human rights activists", with the authorities "...suppressing demonstrations, beating down demonstrators, killing them in cold blood". Restrictive laws commonly prohibit "the holding of any public meeting..."

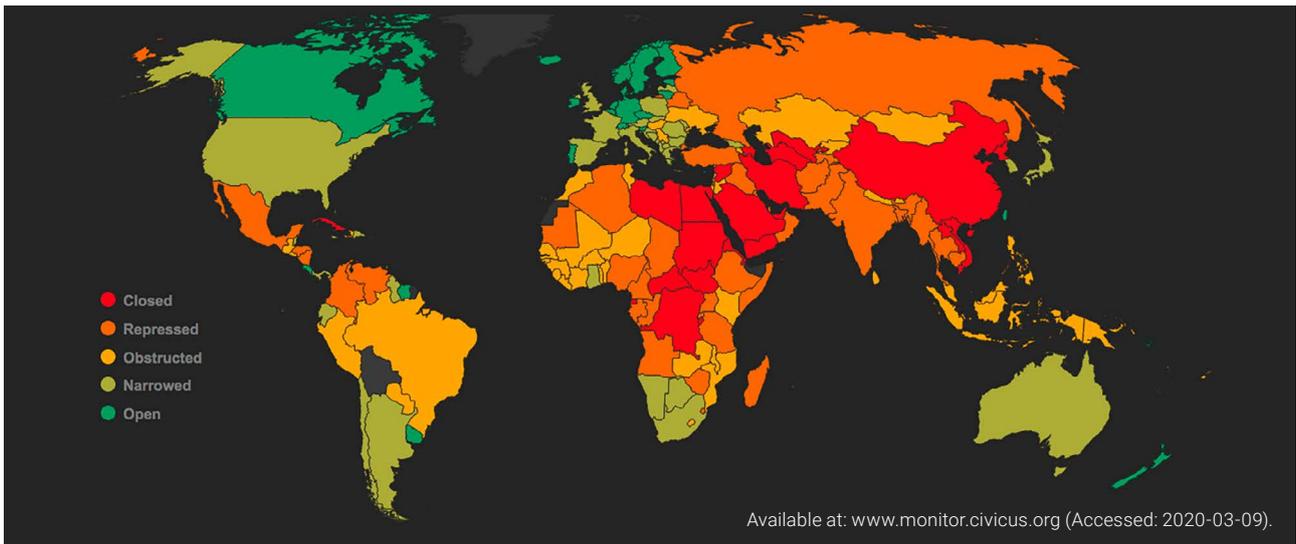
Activists also suffer surveillance and are frequently stifled. "The authorities monitor and control Facebook posts..." and "there is a restriction on freedom of speech by intimidation and initiation of legal cases...". Many cited the closure of "independent media outlets and online media", or of the internet itself.

1. According to a report by Global Witness, the extractives sector was the deadliest for activists in 2018, with 43 people killed protesting against the destructive effects of extraction on people's land, livelihoods and the environment



**FIGURE 1**

**People power under attack 2019: global analysis of fundamental freedoms of association, peaceful assembly and expression.** CIVICUS Monitor (2020)



**Civic space: a prerequisite and a priority**

According to **CIVICUS Monitor** in 2019, five PWYP countries are listed as having closed civic space. In 15, civic space is repressed; in 27, obstructed and in ten, narrowed. Only three are classified as open (see *Figure 1*).

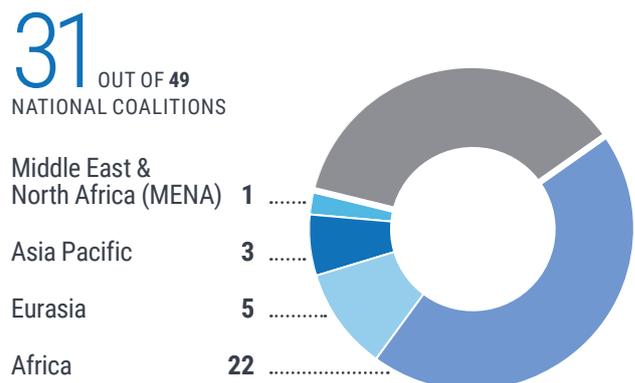
Regional consultations held in 2019 to inform the development of the Operational Plan for Vision 2025 identified the need to address closing civil society space as a prerequisite and one of the leading priorities for PWYP members worldwide. Out of 49 national coalitions, 31 identified civic space as a key priority – 22 located in Africa, five in Eurasia, one in the Middle East and North Africa (MENA) and three in Asia Pacific. Our task in tackling challenges related to civic space closure is clearly substantial. However, several existing factors make PWYP uniquely well-positioned to empower activists and defend an enabled environment for civil society in the extractive sector.

**Civic space status of PWYP countries 2019**



Source: <https://monitor.civicus.org/>

**National coalitions identifying civic space as key priority**





## Civil society organisations in Zimbabwe march in solidarity with demonstrating spouses of Wankie Colliery mine workers, against unfair working conditions and corruption.

© PWYP Zimbabwe / Cosmas Sunguro



## Defending Civic Space: leveraging PWYP's unique position

With over 700 member organisations worldwide, from grassroots to global levels, our network already has the characteristics needed to lead a multi-pronged effort to counter the negative impact of restricted civic space and further promote an enabling environment for civil society in the extractive sector:

**PWYP's core work uses tactics identified by experts as necessary for fighting back against civic space closure negatively impacting activists and communities in the extractive sector**

Several projects and research studies<sup>2</sup> aimed at countering threats to civic space have identified the need for civil society to:

- build local CSO capacity and strengthen local constituencies, including by developing local strategies, having plans for responding to restrictive legal environments, providing access to tools, and creating safe spaces.
- develop solidarity and transnational partnerships, and build collaboration strategies between CSOs to amplify mutual activities.
- connect grassroots groups to international organisations and institutions, to communicate with large audiences.

2. For example by the Carnegie Endowment for International Peace



- develop long-term strategies to shift social norms and narratives in support of civil society and human rights.
- develop approaches tailored to specific contexts.

## 1. Human rights, development, transparency and good governance in the extractive industries are interrelated issues

The fight against opaque practices in natural resource governance is a major global concern and is likely to remain so. Yet few stakeholders have the capacity to dedicate resources to this specific sector – especially in relation to civic freedoms and other human rights. CSOs might engage with these issues on an ad hoc basis when their priorities align with the issue at stake, but their involvement is likely to be limited to short-term strategies with little sustained impact. In contrast, PWYP can fill this gap by consolidating our work on human rights in the extractive sector into a coherent, long-term strategy to bring about lasting change in extractive sector governance.

## 2. PWYP has the potential to offer an important pool of unreported information to the extractive and human rights sectors

Many CSOs, especially those working in human rights, highlight the need to improve information-gathering systems related to abuses against communities and activists. This lack of consolidated information and available data means abuses are often largely unnoticed. PWYP has the potential to become a major repository of information, able to expose human rights violations perpetrated against natural resource governance activists and the affected communities they stand up for, if people are trained to report incidents when they occur in a way that is secured and methodological.

Developing and implementing an effective strategic approach to defend enabled civic space in the extractive sector is a long-term process – but our unique position to tackle these issues means the resources we put into them will be well invested.

**Facing military forces to protest the construction of cement industries that threaten the livelihoods of local communities can lead to violence.**

© PWYP Indonesia / Zulkarnain Lubis



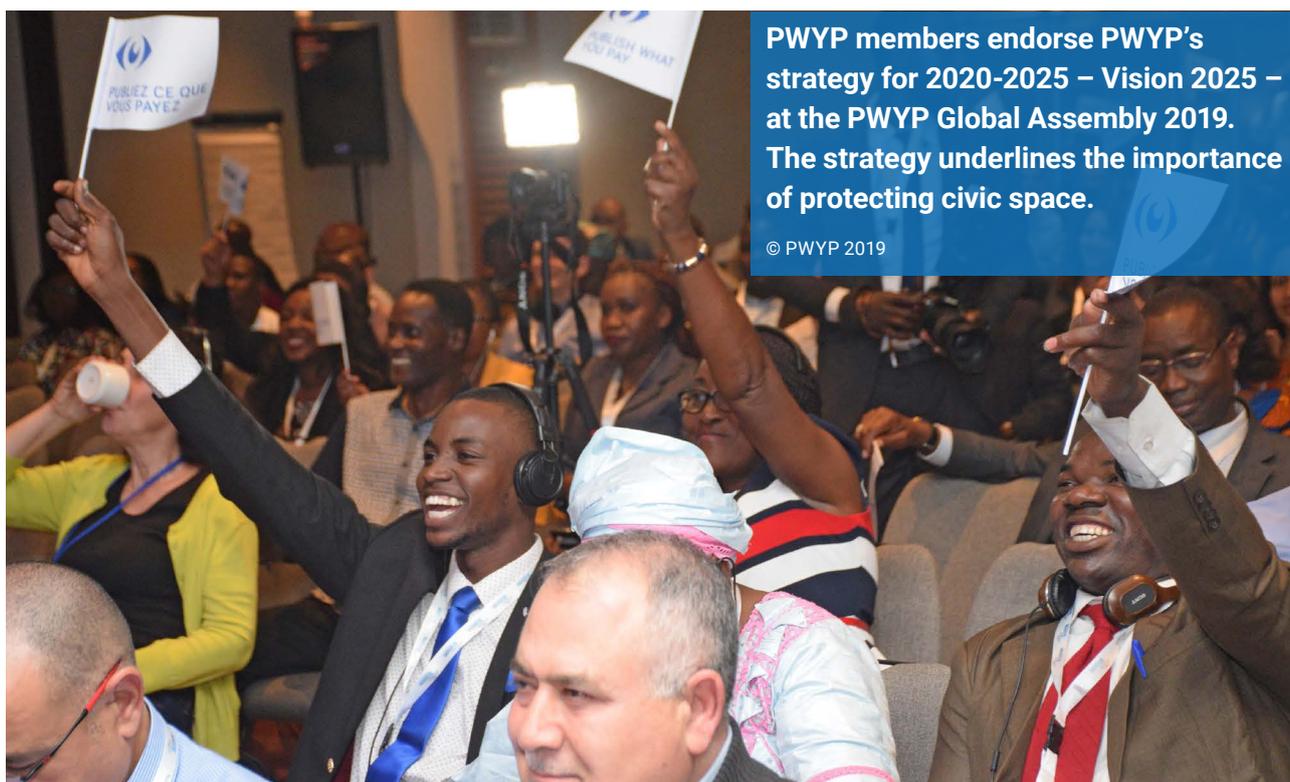


## Developing a safety net and raising our shared voice

The findings of our consultations make it clear that PWYP needs a proactive strategy to tackle threats to civic space and to other human rights abuses in the extractive sector. This relies on the development of a “human-rights culture” across the PWYP network, with a threefold approach, based on:

-  **prevention** of risks and attacks related to activism and other human rights abuses around extraction;
-  **protection** of CSOs and activists in our sector facing threats or abuse;
-  **advocacy** to ensure the needs and rights of people working for natural resource governance, and the affected communities they stand up for, are visible and fulfilled.

To deliver these, PWYP will work hard to **build bridges and to cultivate alliances and partnerships outside the coalition**. We will also focus on country-specific situations at moments of critical need and/or when opportunities arise to make sure we address the heightened needs of our members operating in particularly challenging environments.



PWYP members endorse PWYP's strategy for 2020-2025 – Vision 2025 – at the PWYP Global Assembly 2019. The strategy underlines the importance of protecting civic space.

© PWYP 2019



## 1. Prevention



### Tackle the root causes by mitigating the risks

PWYP needs to take action before crises emerge, aimed at limiting risks and vulnerabilities by building organisational resilience and members' capacity.

By ensuring coalitions are better informed about the available tools to protect and defend themselves, we will build resilience and empower members so that they can continue their activities. In order to achieve this goal, we will work on several key elements:

#### a. Facilitate and promote access to existing external tools for capacity building

To provide context-specific training in physical and digital security, in tools to safely collect information related to human rights abuses in the sector, and in human rights norms and principles, the PWYP Secretariat will partner with external organisations with extensive experience in this field. Memoranda of Understanding (MoU) could be established with key training organisations to systematise partnerships and streamline administrative procedures.

#### b. Share information across the PWYP movement to increase awareness about human rights

The Secretariat will develop and share key information via PWYP's communications platforms, including the website, mailing lists, webinars, blogs and social networks, covering leading topics, such as:

- global-level risk assessment for physical, digital and organisational security

- recommended courses of action and tools to respond to and mitigate risks in cases of threats or attacks (such as legal or medical assistance, evacuation and relocation grants, shelter)
- tools to help protect civic space (such as potential external partnerships and national alliances for mutual support to enhance visibility and provide legal expertise on legislation, to collect information related to human rights abuses safely, or fundraising opportunities)
- international human rights norms and how to use them at national level to enable members to know their rights
- information on other mechanisms, such as the EITI and regional and international human rights protection mechanisms.

#### c. Develop and institutionalise a collective culture of gathering information on human rights violations

PWYP's experience and findings highlight that members struggle with collecting and documenting violations of human rights abuses both they and the communities impacted face. This includes knowing where and how to submit evidence safely. By empowering members to record and report abuses, we can monitor patterns on the ground and take action to prevent escalations or recurrences. Without such data and evidence, prevention and protection needs will be more difficult to assess accurately, and it will be harder to advocate successfully about human rights violations experienced by natural resource activists and affected communities. In 2020, PWYP will explore the possibility of partnering with others to provide secure online templates



for members to collect baseline data and to report concrete information on human rights violations in a timely and secured manner. We will also provide information on where to submit such reports externally.

## 2. Protection



### Stand strong and united in the face of attack

Protection measures refer to tools that would be rapidly activated in times of alert and crisis to try to defuse the situation and guarantee members' physical and psychological safety.

We will develop a coordinated, inclusive, effective and secured emergency response, agreed and implemented across the network. This will ensure coalitions are better connected to partners and allies on civic space and other human rights issues at national, regional and international levels, including with other human rights organisations and donors for emergency, relocation and long-term grants.

#### Key measures include:

#### a. Develop and implement efficient coordination mechanisms across PWYP

When members are attacked, the PWYP coalition provides a powerful network of solidarity and potential response. However, to be effective, this must be:

- coordinated digitally safely so as not to entail any further harm for the victim
- carefully tailored to the context
- previously agreed on by those involved.



Popular vote on whether a company should be able to mine in San Juan.

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PWYP will strengthen its internal guidelines and procedures for intervention, both for the Secretariat and the global membership. These should be agreed and shared among the coalition to increase reactivity, reduce risks related to online and offline security, limit administrative procedures and divide work between members according to their operational plans and priorities. Partnering with other CSOs, we will pursue a long-term collaborative approach to develop more sophisticated and secure digital tools across the movement.



## b. Facilitate and promote access to external tools for protection purposes

Based on the coordination plan and on available resources, and in close collaboration with the affected national coalition as well as PWYP governing bodies, the Secretariat will coordinate immediate assistance in a crisis. This could include temporary relocation, funding, legal support, medical assistance, replacement of stolen material or support for families. Visits on the ground could be envisaged to lay plans for longer-term assistance.

We will coordinate with external organisations with extensive experience in providing protection tools to human rights defenders. MoU could be established with allies to provide external expertise during and following crises and capitalise on existing tools, while allowing PWYP to focus on core activities. An MoU could also apply to the creation of a collective emergency fund to be managed by a partner organisation.

## 3. Advocacy



### Reinforce our voice globally to shift power imbalances and change the narrative

Members highlighted advocacy as a priority, to raise a common voice in defence of civic space. In an increasingly interconnected world, it is necessary to **foster solidarity and cooperation, strengthen alliances and develop a pool of approaches to better face adversity and multiply impact**. A coordinated advocacy approach around human rights will be essential to build solidarity within the movement and enable members to feel

connected when facing threats to civic space. We will further harness the PWYP movement's potential, connecting vulnerable communities to international CSOs to combine our voices globally and to become a more potent force to counter power imbalances. We will continue to strive for an inclusive and diverse movement, amplifying the voices of young people, women, indigenous communities, workers and other affected groups to build a global multi-layered movement with a solid foundation.

PWYP's contribution to strengthening and promoting a more transparent and accountable extractive sector has been at the core of many positive developments in the field over the past few years. We will strive to **change the negative narrative related to natural governance activism, often depicted as undermining state interests in countries where fundamental freedoms are restricted**. We will further aim to promote positive narratives about the vital role played by civil society in the extractive sector to achieve sustainable and equitable change that will benefit all. In order to do so, we will share the stories of the brave PWYP members and highlight the impact they achieve through their often innovative work as well as the network's transformative ability to adapt to increasingly restricted environments.<sup>3</sup>

We will **coordinate and target our advocacy with key groups to promote enabled civic space as a precondition for a transparent and accountable extractive sector that benefits all stakeholders** (a) (b) and promote international norms and practices to prevent, mitigate and respond to the risks associated with natural resource activism as well as with other human rights violations in the sector (c).

3. Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, UN Doc. A/HRC/35/28



## a. The Extractive Industries Transparency Initiative (EITI)

The EITI's Civil Society Protocol guarantees the participation and engagement of civil society in the EITI process. Civil society participation is assessed at three key stages of EITI membership – sign-up, validation and on an ad hoc basis. We will ensure that civil society has a voice in the extractive sector through meaningful participation in EITI processes. The PWYP Secretariat will support civil society EITI board members, providing expertise when needed and will continue to engage with the EITI Secretariat on these issues, in particular when members are attacked in EITI implementing countries. We will further explore partnerships with external organisations to elevate the EITI's civic space agenda, by improving the initiative's processes and tools related to civic freedoms when possible and deemed necessary by the EITI Civil Society Board members.

## b. International human rights protection mechanisms

The PWYP Secretariat will consolidate efforts to engage with human rights organisations and map opportunities for liaison with the UN Office of the High Commissioner for Human Rights (OHCHR). This includes the UN Special Rapporteurs and related events such as the UN Business Forum for Human Rights, treaty bodies mechanisms, the UN Human Rights Council's Universal Periodic Review (UPR), and negotiations around key UN initiatives such as the ongoing discussions around a binding business and human rights treaty. We will also engage with regional mechanisms such as the African Commission on Human and Peoples' Rights Working Group on Extractive Industries, Environment and Human Rights Violations.

## c. Extractive companies

The private sector increasingly shapes the space for human rights defenders, especially those working on corruption, land and environmental issues. Several studies<sup>4</sup> have shown the need for civil society organisations and the private sector to work hand in hand to jointly drive prosperous and sustainable business that foster economic and social development leaving no one behind. Some private companies and investors have spoken up and shown interest in becoming more influential in this context and new interesting initiatives have emerged. It is vital for the private sector to enlist support for civic freedoms and protection of activists if we want to achieve sustainable economies and social justice. The PWYP Secretariat will assess how this new area of work could fit into the Vision 2025 Operational Plan. If private-sector engagement is identified as an advocacy priority for the coming years, PWYP will partner with others to establish a long-term strategy on company engagement in the extractive industries, within the EITI and beyond.

## d. Other potential advocacy targets

We will also explore further advocacy targets, working with others when potential for common action and for intersection of issues is identified (i.e. with the EITI and the OHCHR). This includes strengthening our message to financial institutions such as the International Monetary Fund (IMF), the World Bank or engaging in other relevant platforms such as the Open Government Partnership (OGP), the European Union and the Organisation for Economic Co-operation and Development (OECD).

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4. Business and Human Rights Resource Center and ISHR, Shared space under pressure: businesses support for civic freedoms and human rights defenders, September 2018 and other reports available here; The World Economic Forum, The Global Risks Report, 2017. The Business Case for Protecting Civic Rights has also highlighted the positive role that business can play in protecting civic freedoms, and the moral, normative, and business case for them to do so.



#### **4. Breaking the silos: cultivating and building strategic alliances and partnerships outside the coalition**

PWYP has so far had limited engagement with human rights organisations and other networks of human rights defenders, mostly working together on ad hoc projects and when attacks against members have warranted a reaction from the PWYP Secretariat. Our field visits and consultations confirmed the need for natural resource governance CSOs and human rights CSOs to work beyond silos, reflecting how issues of development, transparency, governance and human rights are interrelated. By working more closely with these other human rights groups, PWYP members believe that we'll be in a stronger place to provide support to victims of human rights violations and to improve advocacy at regional and international levels.

To develop a long-term effective civic space strategy based on prevention, protection and advocacy, we will need to broaden our partnerships and alliances, working hand in hand with a broader set of organisations and movements. PWYP will draw on existing tools and mechanisms provided by human rights CSOs to develop and implement our prevention and protection strategy. With regard to advocacy, we will also coordinate our work with other CSOs, coalitions and movements in order to leverage our action, such as encouraging members and partner organisations to engage in EITI validation processes or strategic litigation. We will additionally explore further advocacy targets, working with others when potential for common action is identified.

#### **5. Providing support to our members most at risk**

As evidenced, most PWYP members are facing challenges related to the restrictions of fundamental freedoms worldwide. Nevertheless, PWYP's experience shows that some of them are more at risk than others. If PWYP's goal is to ensure that no one is left behind, we need to ensure that we enhance our efforts to support them. This work is vital for the sake of our courageous members for whom repression and a climate of fear have become the norm, and for the effectiveness of our movement as a whole.

We will pay particular attention to our coalitions operating in high-risk countries, making sure they can benefit from all the tools necessary to prevent risks, to receive support in case of threat or attack and to be visible on the international scene. We will also make sure we take stock of arising opportunities to defend civic space at the country level in order to learn from these experiences and create a positive ripple effect over our movement as a whole. ■



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