

5. Strategies for a fair future

Many good initiatives are already underway; these need to be strengthened. A new perspective which inextricably combines democracy, ecology and human rights can help to move forward in a truly transformative way, not getting stuck in business as usual and incremental change. The core problems cannot be solved with a sector-only viewpoint. Power relations within all different levels of societies need to be addressed in order to move away from the hegemonic perspective of liberal markets serving inclusive development. Resource Politics in this context is aiming to produce more equity concerning who controls, who owns, who has access to and who decides over how humans and society interact with nature. A truly transformational agenda also requires a fundamental shift in production, consumption and lifestyles, and equal recognition and integration of care work. Resource Politics can help to shape that agenda.

However, this Memorandum does not attempt to offer a global blueprint of solutions. It merely offers a new and joint perspective and a number of possible fields of intervention, focusing on the international level. Each region will have to define which approach is best suited to address its specific challenges and which alliances are needed to advance that approach.

«We consider that it is more appropriate (both conceptually and politically) to speak of «territory» instead of the reductionist notion of «resources», fundamental in their proposal. The concept of territory enables us to better understand the set of dynamic dimensions (social, geographical, cultural, and economic) expressed within a local context.»

Malik Fercovic, Recaredo Alberto Gálvez Carrasco, María Cecilia Reeves, Betzabet Morero, Ana Di Pangraccio, Maiana Teixeira and Cintia Barenho, *delegates from the future workshop Cono Sur*

The new perspective proposed here is like a web or a complex system. In Latin America there is a strong debate on «territories» (Spanish & Portuguese: «territorio») that has since been picked up in other regions and languages as well (French: «territoire», Italian: «territorio»), but the term not yet frequently used with the same meaning all around the world. The notion of «community land» or «ancestral land» in Africa differs from the notion of territories. The territory approach implies that each region consists of a complex set of interactions between nature, humans, interests, power relations and cultures which are always influenced again by «external» actors and interests. The world market and geopolitical relations between states and regions

are also webs and complex systems characterized by conflicts, struggles and power relations. These conflicts interact with and affect the territories. Only by looking at this web through the lens of human rights, democracy, culture and environmental justice can one understand and identify possible solutions that are both sustainable and just.

Resource Politics is taking place on every political level – international, national, regional and local – each of which has to resolve different strategic challenges. With that in mind this Memorandum offers *three fundamental ways forward* that can form the basis for a Resource Politics strategy that will ultimately have to be translated and adapted to local and regional needs and circumstances. Since conflicts and power structures are highly specific to the national and local levels at which they operate, this memorandum can only offer a general perspective.

Yet it does attempt to highlight a few strategies for the international and global level. International institutions like UN bodies and conventions, multilateral development banks or plurilateral government clubs could – in contrast to what they mostly do today – create an enabling environment to respect nature and human rights by safeguarding democracy. The effects of such an international regime would then inspire and guide the national and local context. A prerequisite for these strategies is that the different structures of power within the web of territories first needs to be analysed, understood and made visible and finally recognized on all levels.

a) Secure the rights of people and nature over markets and profits and empower people to claim and assert their rights

The existing legal frameworks, especially when it comes to human and environmental rights, are often not bad on paper. The Nagoya Protocol (on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization); Free, Prior and Informed Consent (FPIC) for Indigenous Peoples; due diligence guidelines for companies and transparency requirements are good examples where there has been recent progress after year-long fights by civil society, communities and social movements. The problem is that many of these rights (and obligations) exist only on paper for a large part of this planet's population. They need to be strengthened, people have to know their rights and also need the right to know. This would empower them to claim their rights in courts whenever and wherever required. In order to be able to fully participate and make their voice and interests heard, people have to know what is at stake. This includes questions that have national, international or global implications.

Communities, individuals, social and environmental movements around the world are already protesting large mines, fighting for the human right to water, opposing land grabs and insisting on Free Prior and Informed Consent. Their governments have often signed on to international treaties that should make human rights abuses impossible. However, in many cases these are just words on paper and the relevant institutions to enforce them are either missing completely or too weak. Justice itself is often elusive, and courts and laws are a reflection of the unequal

power relations in the society that produced them. Empowerment, institution-building and litigation strategies must work hand in hand to lead to a power shift. In the context of Resource Politics this could mean to empower local communities to assert and exercise their (individual and collective) rights over land, water, forests, genetic resources, traditional knowledge etc. in court vis à vis the interests of corporations and governments. Legal innovations for new property rights systems beyond existing forms are needed. Such a strategy needs to be extremely sensitive with regard to existing and potential conflicts within and between communities and individual community members.

«The momentum to re-empower people and re-establish their connection to natural resources is inevitable today. Raising awareness of people's right to natural resources is the foundation for building a surge of change that will deliver informed and active critical mass that will pressure decision-makers to design their policies in a more sustainable and inclusive lens.»

Muna Dajani,
delegate from the future workshop Middle East, North Africa and Turkey

The (international) multilateral institutions should establish guidelines which lay down the environmental, human rights and democracy framing for national law and local initiatives, including extraterritorial obligations. This means that states do have the obligation to ensure that investments from their home country enterprises respect, protect and fulfil human rights in other countries. If, for example, investments by European firms lead or contribute to human rights violations in third countries the local communities often have neither the means nor the institutional possibilities to fight for their rights. Yet the EU has the legal obligation to secure that investments of its enterprises protect, respect and fulfil human rights in other countries. The extraterritorial obligations are of special importance in a world of shrinking democratic spaces in various world regions.

Therefore, a very different human rights clause to the one existing today in many trade agreements should be included in resource partnerships agreements, investment agreements and trade agreements. Today the human rights clause is all about punishing in case of «unfair» production measures which in the end disfavour one of the trading partners. This means that one country can withdraw (or curtail) the preferential market access of the other country if the trading partner fails to respect human rights (e.g. products produced with child labour) and thereby can sell the product at a lower price than the home country. A really operable and new human rights clause in trade and investment agreements should relate to the agreement itself and monitor whether the developments under the agreement lead to any human rights violations. This would be a serious acknowledgment of extraterritorial obligations under the human rights frame.

«The respective governments need to come up with a policy and legal framework that ensures protection of all the citizens' rights to a fair share of their natural resources, rights to adequate compensation in case of being affected by resource exploitation activities and protection of our environment.»

Erick Owino Onduru, Tamiru Sisay Misganaw and Florentina Julius Kideka,
delegates from the future workshop East and Horn of Africa

The Voluntary Guidelines for Responsible Governance of Tenure of Land, Fisheries and Forests – which have been developed in the Committee on World Food Security (CFS) – are an important process as well as product to learn from in this regard. The Tenure Guidelines are highly remarkable because for the very first time a highly inclusive process enabled the active participation of civil society on the UN level within the negotiation and development of the Guidelines. Another important reason is the comprehensive human rights perspective of the document. As a result, civil society around the world is highly supportive of the agreement.

As their main objective the Tenure Guidelines formulate that they «seek to improve governance of tenure of land, fisheries and forests for the benefit of all, with an emphasis on vulnerable and marginalized people, with the goals of food security and progressive realization of the right to adequate food, poverty eradication, sustainable livelihoods, social stability, housing security, rural development, environmental protection and sustainable social and economic development. All programs, policies and technical assistance to improve governance of tenure through the implementation of these Guidelines should be consistent with States' existing obligations under international law, including the Universal Declaration of Human Rights and other international human rights instruments.»

Even though the Tenure Guidelines are voluntary they consistently refer to the human rights frame – which is binding for all signing states. The human rights framework hence empowers the political enforcement of the Guidelines. No agreement (or law) is enforced or implemented automatically. Popular pressure, mobilization and organization to demand enforcement or implementation of the positive provisions are required to give life to any agreement (or law) and make them work as a force for social change. Hence, only an inclusive process which commits civil society to using a certain political frame or supporting a certain law with struggles on the ground provides the needed force for implementation and realization.

b) Stop concentration of power and bring access to and control over natural resources, financial capital and technologies back into the hands of the people

Not only the size of companies is problematic («too big to fail and jail»), but also the very business model that puts profit over people. A first step in the right direction would be to track and expose corporate power and corporate capture of politics at the national and international level. This requires research, advocacy and eventually litigation.

The largest concentration of power today is the accumulation of financial capital. Financial institutions and banks (private and public) are key actors when it comes to large investments in resources (land, mining, fossil fuels etc.) and they also play a key role in allowing political elites to misappropriate public money and conceal it in tax havens. Resource Politics needs to go hand in hand with a regulation of financial markets, with tax justice (including a financial transaction tax), a ban on money laundering and other measures that aim to both redistribute financial power (income and property) and make it impossible for those with money to buy political decisions in their favour. Extraction taxes would bring revenues to developing countries and should be allocated to respective territories and people. Binding regulation for revenue transparency in the natural resources sector that has been set up in the USA and Europe is a very small first step in the right direction and should be expanded to cover the whole value chain and other sectors. The fact that such legislation was difficult to push through in the first place and is currently fiercely contested by industry demonstrates that it threatens a cornerstone of their business model.

«Payment disclosure is however far from enough to ensure the transparency and compliance of overseas investment of China's extractive sector. In parallel with their existing CSR reports, we believe China's extractive companies should issue separate compliance anti-corruption reports to disclose their activities ranging from prevention, detection to punishment of illegal payments and noncompliance.»

Ting Xu,
delegate from the future workshop Southeast Asia and China

One important political struggle when it comes to fighting the superiority of markets is resistance against the introduction or expansion of new market offset mechanisms that claim to protect nature but in reality – often with the help of financial market actors – allow business as usual to continue for those who have the money to buy their way out. One of most important fora to resist this false solution is international climate politics where the expansion of carbon trading schemes and the idea of incorporating biocarbon (in forests and soil) as an offset for fossil fuel based emissions is endangering the integrity of the climate regime as well as local livelihoods and rights, especially through enclosure of the last remaining commons (forests, land, water etc.).

Another focus of attention should lie on those companies currently seeking to gain control over biomass, genetic resources and the technologies they will need to control the Green Economy of the future. In this regard it is of major importance to fight for open access technologies, seeds and breeds – a further struggle against the modern enclosure of commons. Trade related aspects of patents are regulated in trade and investment agreements under the TRIPS Agreement (Trade Related aspects of Intellectual Property Rights). No regulation under TRIPS should affect the free access of producers to seeds, breeds and other technologies. Human rights impact assessments and human rights clauses as mentioned above would address problems of human rights violations by patent regulation.

«By taking communities into confidence, mutual trust and relationships are established by continuous consultation and communication from the beginning of the projects. Communities should be informed about the benefits, impact, expected contributions toward country development, and what benefits projects will bring to targeted communities.»

Mohammad Tawab Stanikzai,
delegate from the future workshop South Asia

Two decades of accelerating technological development and deployment, in the context of massive trade and investment liberalization, has left humanity in far worse straits than it was when the very concept of sustainable development was in its infancy. It is time for a technological re-think. New high-risk technologies, ranging from the very small (synthetic biology, nanotechnology) to the very large (geoengineering), are rapidly developing. Their promoters promise that they hold the keys to solving climate change, world hunger, energy shortages and biodiversity loss. Yet the precautionary principle and social and economic impacts are often ignored in the rush to deploy the latest technofix. The international level needs to set rules for the strict application of the precautionary principle and a transparent and participatory form of technology assessment.

c) Transform production, consumption and livelihoods towards socio-ecological justice

Society can only allow itself to look at nature as abundant if it dares to change its interactions with nature. First of all, everybody needs to have access to his or her «fair share» of nature. This implies a shift in power relations between men and women as well as between generations, ages, classes etc. It will only work if global middle and upper classes radically reduce their consumption, increase the efficiency of resource use and establish zero-waste strategies and a circular economy. New technologies can help with that, but they will never be enough and might even lead to new problems.

The real transformation happening in many places around the world is one that is taking place bottom-up with people reclaiming control over their water supply,

electricity grids and natural habitats. More recently, and increasingly, people are tackling the mode and purpose of production and thus undermining the power of the private corporations and the worshipped markets. This transformation needs support. More and more people are becoming much more deeply and directly involved in trying to shape their own lives and the situations they find themselves in by diverse means. Such means range from large-scale mobilizations to block a mine and mass protests on the streets to social media activism or mass collection and distribution of disaster relief outside government channels. These people are reclaiming their livelihoods and fundamental rights. Already today millions of people have organized to defend their forests and fisheries, reinvent local food systems, organize productive online communities, reclaim public spaces and improve environmental stewardship. They are re-imagining the very meaning of «progress» and governance. A lot of this is happening underneath the radar and is not visible to the global media public. Gaining a voice and making it heard has become more complex and difficult, necessitating sophisticated strategies and simultaneous inside-outside political struggles in multiple arenas, from local to global.

«While our discussion could get quite heated, and sometimes it was difficult to agree on some of the specific things we need to do, we agreed on most of the principles. Localized production of goods and energy, waste as a resource, corporate power as a threat – overconsumption and overproduction as symptoms of this power, a more democratic and sustainable dialogue on resource-use and exploitation on a decentralized, but also on an international level, and maintaining basic human rights and civil liberties are all crucial in our pursuit of sustainability.»

Nora Feldmar, Dominika Gmerek, Sven Janovski and Johanna Sydow,
delegates from the future workshop Europe

On the international level, changes in the consumption patterns of the global middle and upper classes can be informed by debates on alternative economic governance systems like the sharing economy and the collaborative commons, whose successes depend less on market-oriented than needs-oriented production. It is not economies of scale, but economies of scope, it is not growth in GDP but the wellbeing of society, people and nature that should inform policy orientation and regulation. The approaches and frameworks with respect to human rights and nature set out above would by themselves induce new forms of production, consumption and trade.

One prominent example would be the meat consumption of the middle classes, which leads to environmental degradation, poverty and violations of the human right to food. While a change in lifestyle by individuals is important this is by far not enough. It is – including from the perspective of extraterritorial obligations – an obligation of the EU to change its agriculture policy with regard to industrial meat production. Political and financial support of industrial meat production harms nature and human rights.

«There needs to be a shift of focus of resource governance from increasing GDP to a more inclusive approach that takes into account collaboration, social capital, social and mental wellbeing and aspirations of people, for example through the GNH (Gross National Happiness) approach of policy-making in Bhutan.»

Divya Gupta, Pinaki Dasgupta and India,
delegates from the future workshop South Asia

Specific resources and territories need specific governance regimes that do not necessarily have to be either public (controlled by the state) or private. There are functioning commons-based resource management systems related to water, food, seeds, forests, grassland and many more resources and knowledge systems all over the world that range from very local solutions to the regional scale. Many of them are under severe pressure from privatization and enclosure by market actors. Real empowerment requires new «cultures of sustainability», with values beyond consumerism. They are focused instead on sharing, reclaiming or defending the commons and, in many parts of the world, re-learning the mode of «commoning».