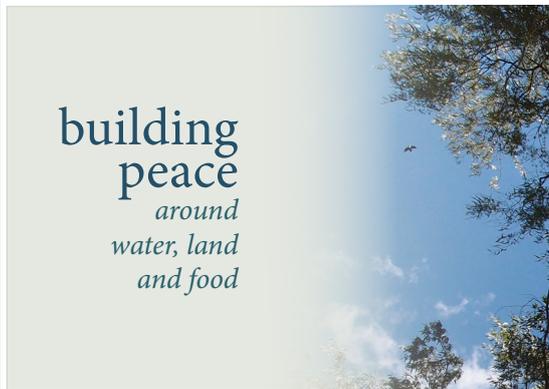


All voices heard

natural resources, conflict and
company-community engagement

Lynn Finnegan, December 2013



QUNO's work on Natural Resources, Conflict and Cooperation seeks to influence policy and practice to take account of the links between natural resource management, human rights and peacebuilding. We recognize that weak and inequitable governance of natural resources can lead to destructive conflict, exacerbating tensions between groups and in some cases escalating to violence.

We encourage dialogue, cooperation and the constructive handling of conflicts. QUNO works with laws and guidelines from international frameworks that support inclusive decision making and equitable access to natural resources, while also bringing expertise and good practices from the local level to the international policy environment.

Introduction

The UN Guiding Principles on Business and Human Rights call for businesses to meaningfully engage with groups who will be affected by their business activities. Businesses are increasingly aware of the importance of engaging with local communities throughout the process of a business activity, starting at the planning stages of a project. Civil society groups are advocating a shift from community 'consultation' to more meaningful models of community participation in planning and decision making. These approaches are particularly important in projects that affect local access to, and control of, natural resources such as land, water and food.

Despite clear legal obligations, business-community engagement is too often superficial, leading to distrust and frustration among local communities¹. Business projects that do not recognize the legal rights of local communities, or give them an insufficient voice in decision making, can lead to conflict, and even violence. Businesses are increasingly learning that such negative impacts affect the medium and long term effectiveness and success of business projects.

Company-community engagement

Effective company-community engagement requires capacity building among all actors involved, including companies, local communities and civil society groups operating in affected areas.

1. See, for example, Lewis, Corinne (2012) Corporate Responsibility to respect the rights of minorities and indigenous peoples, p. 41, Chapter 3 in Minority Rights Group International (2012) State of the World's Minorities and Indigenous Peoples 2012: Focus on Land Rights and Natural Resources, Minority Rights Group International, UK

Capacity building for companies

Companies are already aware of the need to improve their understanding of the social, cultural and political context within which they are operating. Improving their knowledge of the rights of local communities is a key element of this, as well as understanding that local communities are not one distinct, homogenous group, but often a community with different and competing interests. This does not diminish their individual and collective rights relating to natural resources. To respond to the realities of company-community engagement rather than implementing pre-conceived directives, company officials require capacity building to develop new skills associated with facilitation, exploration, analysis and planning.

Capacity building among local communities

Legal education and empowerment is essential for local communities to engage and negotiate more constructively with outside investors. When rights and responsibilities are known and understood by all parties, decisions around business projects are clearer and more legitimate. This involves analyses of situation and needs, negotiation of differing interests, and strengthening of conflict handling, communication and negotiation skills. Local communities need this capacity to understand the possible impacts of a business project, articulate their demands and exercise their legal rights.

National governments and legislation, as well as NGOs, can play an important role in supporting such community empowerment. In Mozambique, for example, the Centre for Legal and Judicial Training has provided a paralegal training scheme for more than 150 local people to raise awareness and provide advice about local land rights². In

Colombia, the 1991 Constitution provides for democratic participation in decision making and public access to decision making spaces. This has allowed the development of Conversatorios of Citizen Action (CACs), which bring members of the public together with government, institutional and private sector representatives to discuss and make decisions around local natural resource management. Preparatory workshops are held for local community groups to raise awareness of legal rights, help participants to identify, analyse and resolve conflicts, and develop communication skills for formulating questions and arguments when speaking in public. These workshops aim particularly to strengthen the voices of traditionally marginalized and vulnerable groups such as women farmers³.

Efforts such as these help improve local understanding of national laws and the rights and responsibilities of different groups, empowering local communities to become effective partners in negotiations with businesses.

Early and ongoing dialogue between companies and communities in the affected area

Improved dialogue is crucial for companies and communities to better understand their own and each other's positions, and to adopt a more constructive approach to tackling conflicts in a way that benefits all.

To develop effective multi-stakeholder platforms and other dialogue processes, companies should build partnerships with local groups and capacity builders at the early planning stages of a project. This takes time, but this time investment is critical for the medium and long term effectiveness of business projects. Such partners can help play a mediating role in company-

2. Cotula, L. and P. Mathieu, (eds)(2008), *Legal Empowerment in Practice: Using Legal Tools to Secure Local Land Rights in Africa*, UN Food and Agriculture Organization (FAO) and International Institute for Environment and Development (IIED), p. 64

3. Córdoba, D. and White, D. (2011) *Citizen Participation in Managing Water: Do Conversatorios generate collective action?* CGIAR Challenge Programme on Water and Food, Colombo, Sri Lanka

community negotiations, as well as facilitate better understanding of customary use of land, water and other natural resources among local communities. One increasingly recognized tool is the use of community mapping in negotiations between communities and the company⁴. Using portable GPS devices, actors can map out culturally significant areas, important water resources, biodiversity, and areas used for gathering and other livelihood activities.

Company-community dialogue processes also need to give attention to the inclusion of marginalized groups, for example where women have security concerns it is necessary to consider the time and place of meetings to enable their participation.

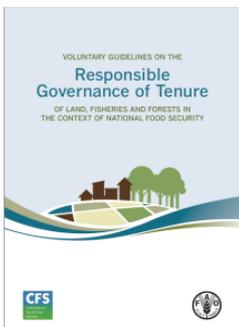
Community engagement needs to be built into the underlying strategy of a business project, including

integration into internal reporting and monitoring processes, and the development of meaningful accountability and grievance mechanisms⁵.

Useful resources

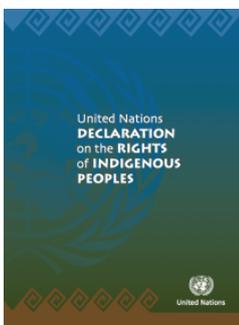
There are a range of further resources useful to businesses, governments and organisations working with local communities to support effective company-community engagement around natural resources.

International law



The UN Committee on World Food Security has adopted guidelines relating to responsible governance of tenure of lands, forests and fisheries⁶. The guidelines outline rights and responsibilities relating to tenure, including local community rights, and have important implications for private sector actors. The FAO provides introduction documents and online training around the Guidelines.

Main audience: businesses, governments, local communities and NGOs
See more: www.fao.org/nr/tenure



The United Nations Declaration on the Rights of Indigenous Peoples is the fundamental UN document relating to Indigenous peoples' rights. It includes requirements on good faith consultations with Indigenous peoples before initiating any investment project affecting natural resources for which the communities hold rights. Guidelines, resource kits and training modules in Indigenous peoples' issues are available.

Main audience: businesses, local communities and NGOs
See more: www.undesadspd.org/IndigenousPeoples/Training.aspx

4. Wilson, Emma (2009) Company-led approaches to conflict resolution in the forest sector, The Forests Dialogue, Research paper no. 4

5. See for instance Wilson, Emma and Emma Blackmore (eds) (2013) Dispute or Dialogue? Community perspectives on company led grievance mechanisms, International Institute for Environment and Development, London

6. The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of national food security, adopted in May 2012 by the Committee on World Food Security



The International Institute for Sustainable Development (IISD) works on investment contract negotiations between developing countries and foreign investors. The Institute has produced '10 key steps' for investment contracts in agricultural land and water that aim to support sustainable development.

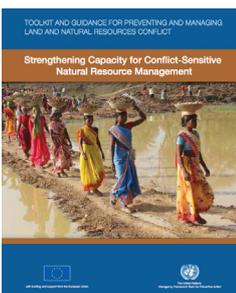
Main Audience: governments, local communities and NGOs
 See more: www.iisd.org/publications/pub.aspx?pno=2804

Conflict Prevention and Conflict Resolution



The FAO provides training materials, working papers and other resources on collaborative conflict management of natural resources including forests. It has a lot of experience supporting and strengthening the capacity of local communities, civil society, government and private sector actors on conflict management and dispute resolution.

Main audience: local communities and NGOs
 See more: www.fao.org/forestry/conflict



A UN-EU partnership on natural resources and conflict prevention provides training courses and guidance to help countries reduce tensions and prevent conflict around natural resources. Guidance notes focus on land, extractive industries, renewable resources and capacity building.

Main audience: governments and NGOs
 Guidance notes: www.un.org/en/events/environmentconflictday/uneu.shtml
 On-line training: www.unssc.org/home/line-training-programme-land-natural-resources-and-conflict



The International Institute for Environment and Development (IIED) have a range of publications and research on shaping sustainable markets, including a focus on company-community engagement and conflict management.

Main audience: businesses, local communities and NGOs
 See more: www.iied.org/group/sustainable-markets

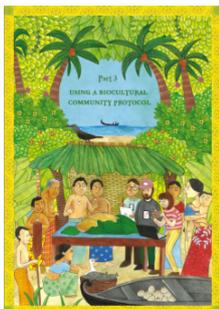


Cap-Net provides a training manual, presentations, and resource materials on managing water conflict. These bring together experience from water conflict resolution training in Asia, Africa and Latin America.

Main audience: businesses, local communities and NGOs

See more: www.cap-net.org/node/1300

Community Tools



Community protocols represent a range of documents developed by communities to set out how they expect other stakeholders to engage with them. They articulate customary, national and international laws that affirm their rights, as well as helping outside investors better understand the community's values and customary laws around natural resources. Community protocols are gaining recognition in as a useful way for local and Indigenous communities to engage with outside groups such as businesses. Further resources and toolkits for community facilitators are available at Natural Justice's Community Protocols website, and the UN Environment Programme website.

Main audience: governments, local communities and NGOs

See more: www.community-protocols.org & www.unep.org/communityprotocols



The Landesa Centre for women's land rights provides training and resources in supporting and strengthening women's land and property rights to address poverty and hunger. The centre is currently developing LandWise, a library of free legal materials and articles related to women's land rights.

Main audience: local communities and NGOs

See more: www.landesa.org/women-and-land



The International Land Coalition is an international alliance of NGOs and intergovernmental organisations working towards more secure and equitable access to, and control over, land. They have videos, resources and information on membership on their website.

Main audience: local communities and NGOs

See more: www.landcoalition.org



The Quaker United Nations Office

The Quaker UN Office, located in Geneva and New York, represents Friends World Committee for Consultation (Quakers), an international non-governmental organisation with General Consultative Status at the UN.

QUNO works to promote the peace and justice concerns of Friends (Quakers) from around the world at the UN and other global institutions. It is supported by the American Friends Service Committee, Britain Yearly Meeting, the worldwide community of Friends, other groups and individuals.

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