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Supporting Good Governance of Extractive Industries in Politically Hostile Settings: Rethinking Approaches and Strategies



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INTRODUCTION

This discussion paper is the product of a workshop entitled “Supporting Good Governance of Extractive Industries in Politically Hostile Settings: A View from Sub-Saharan Africa,” organized by the Oxford Martin School (OMS) Programme on African Governance and the Columbia Center on Sustainable Investment (CCSI) and supporting research. The workshop brought together global and local researchers and practitioners with a wide range of experience with extractives governance, particularly, though not exclusively, in the sub-Saharan African region. The meeting built on prior research and discussions held as part of CCSI’s project on the Politics of Extractive Industries, dedicated to supporting the field of actors working to improve the governance of extractive industries (henceforth, the “GEI field”) in their efforts to think and work in more politically savvy ways. By sharing some initial insights from this work, we hope to contribute to broader conversations on how to improve practical approaches to supporting good governance and development in a range of political settings, including some of the most repressive and challenging.

I. RATIONALE: WHY WE NEED TO ADDRESS POLITICALLY HOSTILE SETTINGS

Extractive industries pose extensive and well-known governance and development challenges. Natural resource wealth, and the extractive activity that accompanies it, has long been associated with high levels of poverty, economic exploitation, and authoritarian governance.¹ Oil wealth, in particular, correlates strongly, with few exceptions, with less democracy, heightened corruption, and a decline in the quality of state institutions, thus making it more likely that governments of states dependent on extractive industries (EI) will become or remain authoritarian.² EI dependence also seems to be frequently accompanied by persistent poverty in the broader population and an array of negative social and environmental impacts.³ In addition, good practices on various aspects of GEI across the value chain can be highly technical and require a series of sound decisions and actions across the lifetime of EI projects, some or all of which elude many governments.⁴

Existing approaches to improving the GEI have tended to focus on two clusters of activity. Attempting to steer EI toward better governance and development outcomes, over the last few decades, the work of the GEI field has tended to cluster around two broad types of activities.

One emphasizes the promotion of EI transparency as a means to empower citizens and government actors to police government activity and to demand accountability, via informal or formal participation pathways, when governments and officials do

not govern the sector in a developmental manner, e.g., through misuse or misappropriation of revenues intended to benefit the population as a whole or failure to properly regulate social and environmental impacts.⁵ These so-called “*TPA approaches*” and activities have been prominent in the GEI field since its inception roughly 20 years ago—around calls for EI companies to “Publish What You Pay”⁶—built on the contributions of the Publish What You Pay (PWYP) coalition, Global Witness, Natural Resource Governance Institute (NRGI) (formerly Revenue Watch Institute), the Extractive Industries Transparency Initiative (EITI) and, more recently, the work of the Open Contracting Partnership (OCP) and many others along the way. While originally focused on company payments and government revenues, calls for EI transparency now stretch across the full length of the EI value chain and beyond (with recent prominent efforts focused on beneficial ownership transparency).

The second major area of GEI research and practice posits that technically sound policies, laws, and institutions are the key to good sector governance. These more “*technical approaches*” to GEI, are often the centerpieces of interventions by global development actors focused on host governments and tend to entail: 1) identifying and developing guidance and standards around good practice for governments on a range of issues across the EI value chain, from oversight and administration of exploration and licensing processes to public financial management of EI revenues to regulation of the social and environmental impacts of EI projects;⁷ and 2) promoting uptake and implementation of this guidance through capacity-building and technical assistance usually to government agencies and officials formally charged with these roles for a given issue area.⁸

While efforts to advance good GEI through these two clusters of approaches have generated important progress on GEI in some instances, in others the track record has been decidedly less constructive.

“What you’re talking about doesn’t work when it comes to [oil/gas/mining] in my country.” Meeting organizers heard this frustration on many occasions from country-level experts, typically from more repressive or closed contexts, in response to discussions or interventions initiated by the global GEI field. These actors with deep local knowledge pointed out that in many countries, much of the field’s technical assistance is squandered and initiatives focusing on transparency and accountability result in little more than window dressing. Even worse, these efforts might have the unintended consequences of bringing additional resources and reputational benefits to leaders who have little interest in fostering good governance and sustainable development of EI for their people and might even be responsible for governance challenges facing those countries in the first place.⁹ Similarly, global development actors have lamented that, despite decades of technical assistance and

growing commitments to transparency, there are places that seem impervious to meaningful progress on prescribed reforms, leaving their populations to languish. Thus, we decided to take an initial pass at thinking through potentially significant political contextual factors that may make certain settings more “hostile ground” to progress through traditional GEI approaches. For the purposes of this initial exploration, the organizers referred to these as “politically hostile settings” (PHS).

The pandemic has increased the urgency for tackling these issues. The COVID-19 pandemic has made finding more effective approaches to advancing good governance of EI under challenging political conditions more urgent than ever. The crisis increased levels of need among the poorest and most vulnerable segments of many countries’ populations. Moreover, repressive governments around the world have also capitalized on legitimate needs for public health measures to slow the spread of the virus to consolidate their own power, further close off civic spaces, and crack down on dissent.¹⁰

This discussion paper describes and summarizes the foundational thinking and insights that emerged from the workshop, from discussions of the [Executive Session on the Politics of Extractive Industries](#), and from supplementary literature review and interviews to inform these discussions. It captures expert views on key reasons for the limited progress of GEI initiatives in achieving meaningful improvements in PHS. It also synthesizes ideas for how to more effectively design approaches to introducing and advancing good GEI in these settings.

II. BACKGROUND: EXISTING APPROACHES TO GEI AND THEIR KEY UNDERLYING ASSUMPTIONS

As a starting point for unpacking and understanding how and why specific approaches to improving GEI might not work in certain settings, we considered how practitioners in the GEI field imagine they should work and what underlying assumptions would need to be made for these approaches to function as intended and deliver progress toward intended impacts. It is worth noting that for many years, the GEI field worked to advance EI transparency without a clear underlying logic for how this would precipitate good sector governance but in recent years there have been more attempts to link transparency with accountability and participatory governance. At the most basic level, the theory of change behind these **TPA efforts** in the GEI field has implicitly involved:

- EI transparency commitments being undertaken and implemented →
- production and dissemination of relevant, timely, credible, accurate, and accessible data/information →

- revelation of problematic sector governance →
- sense of grievance/desire for change →
- actors within or beyond government demanding reform or redress (through some sort of participation pathway) →
- positive responses from those with power over the outcomes in question →
- greater accountability and/or practical changes in governance in response to these demands¹¹

While this seems to be roughly how things are hoped to play out by GEI practitioners supporting TPA activities, none of these steps is inevitable, each is conditioned by context and any can be derailed along the way.¹² In order to work as intended, TPA approaches rest on certain *assumptions about the governance context in which they unfold, including: the state is democratic or semi-democratic, with open, healthy civic space that allows for key actors to meaningfully act to demand reform or response from those in power (and that citizens have the capacity to synthesize and use information from transparency efforts); power is relatively diffuse and subject to checks; and powerful actors in government are responsive to their populations and prioritize serving the broader public good.*

Similarly, with the more **technically-focused interventions** across the EI value chain, the hope is that standard-setting, guidance on good practice and technical assistance will fill knowledge and capacity gaps that impede the realization of good sector governance. For these to yield intended results, we would have to *assume that: government officials typically on the receiving end of such interventions are both able to shape outcomes over which they have formal authority (they can put guidance into practice without being subject to the pressure or interference of other actors); and leaders are committed to maximizing benefits to the broader population (they prioritize the social welfare goals these interventions are intended to advance).*

Thus, taken together, existing approaches to supporting improvements in GEI are most likely to deliver progress when the following political contextual conditions hold:

- 1. open/democratic governance** - the state is democratic or semi-democratic, with open, healthy civic space, responsive governments, and power is diffused and subject to checks rather than concentrated;
- 2. citizen welfare prioritized** - those with the most power to shape GEI outcomes prioritize broader social and economic welfare over narrower personal, predatory, political or special interest goals; and
- 3. functional and independent authorities** - the state, supported by technocrats within government, is functional and those on the receiving end of technocratic interventions possess genuine power to shape GEI policies, laws, and institutions and can do so without being subject to political interference.

These assumptions—likely derived from idealized characteristics of developed countries from which notions of “good governance” are generated¹³—may fail to reflect prevailing conditions in resource-rich countries across a wide range of development rankings.

III. THE PROBLEM: MISMATCHES BETWEEN ASSUMPTIONS AND POLITICAL REALITIES UNDERMINE IMPACT

As we sought to unpack the nature and potential causes of the under-performance of existing approaches in some settings, it became clear that an important part of the problem being observed was a misalignment between the underlying assumptions of most existing approaches of the global GEI field and the realities of some political contexts in which these approaches were being applied. The greater the disparity between implicitly assumed conditions and real conditions, the more “politically hostile” such settings would prove for existing approaches and the less likely that they (and the human, political, and financial capital behind them) would yield their intended benefits. They might even end up unintentionally doing harm, as noted above. In these “politically hostile settings” (PHS) where conventional approaches to improving GEI have had limited success, new thinking is needed on how to make better use of resources deployed to improve governance in these cases. Therefore, the workshop was convened to bring together experts with a wide range of experience with extractives governance particularly, though not exclusively, in the sub-Saharan African region to 1) specify some of the conditions that can make PHS particularly challenging for mainstream approaches to GEI; and 2) propose and discuss initial ideas and strategies that might be more appropriate for trying to improve real governance outcomes in those settings.

Contextual realities of “politically hostile settings”

During a prior workshop discussion,¹⁴ participants were asked to brainstorm on some of the characteristics of those political settings where existing approaches to supporting good GEI were delivering the least progress in practice. Describing them broadly as “authoritarian,” “clientelistic,” “predatory,” or “kleptocratic,” participants associated some or all of the following characteristics with these settings:

- actively repressive government, backed by a strong coercive apparatus;
- elites who prioritize their own narrow interests, or those of favored groups, over opportunities for broader development;
- extremely limited civic space and active suppression of opposing voices;
- governments issuing or allowing significant threats to the physical security of those who push for reform;

- non-independent (captured) judiciaries;
- informal institutions—customs, norms, traditions, relationships, power structures, etc. operating outside formal state channels of authority—playing an important role in determining policy or implementation;¹⁵
- little or no free press;
- weak or poorly articulated civil society;
- endemic (or normalized) corruption; and
- blurring of public and private sector power resulting from cronyism, nepotism, and direct economic interests/roles of political elites.

Clustering items on this list, PHS could be understood as departing from the key assumptions described in the previous section as follows:

- 1. closed and repressive governments** - *PHS are more authoritarian than democratic contexts—civic space is highly constrained, civil society capacity actively limited, and dominant elites rule with concentrated power and discretion, at times through repressive and violent tactics;*¹⁶
- 2. the powerful lack the will or incentives to pursue social welfare goals** - *for elites exerting the most de facto power over outcomes, advancing broad social well-being is a low priority relative to serving their own interests or those of key political and economic allies; and*
- 3. formal institutions and authorities are weak or subject to interference** - *informal institutions and the exercise of influence by powerful actors within and beyond government may be more important in rule-making and determining outcomes than formal institutions and authority.*

Examples of PHS in which all three political contextual conditions departed significantly from underlying assumptions of existing work discussed in the African context included Angola, Chad, Cameroon, Democratic Republic of Congo, Equatorial Guinea, and Zimbabwe, among others. However, if one looks beyond Africa and also for cases where just one or more of the ideal assumptions do not hold, then hostile ground for existing approaches becomes far more common among resource-rich countries worldwide.

How authoritarian practices can impede impact: a power problem

In political contexts characterized by more authoritarian attributes and practices, the distribution of power is highly asymmetrical. They are settings in which power is centralized and concentrated in the hands of a few key actors who operate with significant discretion. Citizen empowerment and participation in governance is minimized or even actively discouraged. These realities can have major ramifications for both TPA and more technocratic approaches to improving GEI.

Centralized power. The centralization of power often means that those benefiting from “bad GEI” can deploy their disproportionate influence and access to EI (especially oil) rents and other resources at their disposal—including the coercive apparatus and other institutions of the state—to maintain the *status quo*. They can do this by avoiding or undermining the implementation of nominal reforms and shutting down—at times through violence, threat, and repression—formal and informal channels for citizen demands, voice, and participation, which are critical to the success of TPA interventions. These privileged positions can also be used to impede attempts by others in government to exercise accountability functions, to punish or co-opt opponents, and to firm up key political and economic allies while largely avoiding the need to be responsive to the demands of broader populations.¹⁷ Even when not actively deployed, the concentration of power in the hands of a few elites or a single ruling party can have a *de facto* demobilizing effect on those who might demand accountable governance: when they feel little hope or faith in the prospects for change, their motivation to act to demand accountability or reform can be stymied.

Centralization of power and discretionary decision-making can also undercut the traction that technocratic interventions across the value chain can achieve, frequently resulting in reforms not being undertaken at all or appearing to happen on paper but not in practice.¹⁸ Laws and Marquette argue, “the persistence of poor policy and dysfunctional institutions usually has less to do with a lack of knowledge or finance than with the actions of powerful actors, groups or collective movements who gain from existing arrangements and resist change.”¹⁹ In contexts where power is concentrated in the hands of a few, approaches that prod governments to adopt certain rules for GEI that these actors perceive to be at odds with their interests are unlikely to see them implemented as intended even with adequate levels of technical capacity. Even when commitments to reform are made, bureaucrats who would oversee their implementation—e.g., around anti-corruption efforts or environmental impact assessment or FPIC processes—have shared with us how they can be pressured or coerced by powerful figures into desisting from attempts to push for meaningful implementation.²⁰

Restrictions on civic space. In terms of restricting citizen participation and pathways for pursuing accountability building on EI transparency, resource-rich developing countries have severe restrictions on civic space and on opportunities for communities to participate in influencing GEI.²¹ Simply put, some powerful leaders actively impede the empowerment of their broader populations. These restrictions themselves may be formal—i.e., legal, regulatory, or administrative—or informal.²² *Formal restrictions include the criminalization and prosecution of certain kinds of speech or gatherings, the constriction of media freedoms, and administrative measures to limit NGO registration*

*and operations.*²³ While the shrinking of civic space has been noted on a global scale for several years, the crisis precipitated by COVID-19 has fostered new efforts to expand and accelerate this shrinkage through *heightened media censorship*²⁴ and *restrictions on movement and assembly.*²⁵

*Informal restrictions may range from narrative framing efforts to de-legitimize or stigmatize civil society actors and organizations to harassment, intimidation, torture, and killing of activists and others aiming to expose and address EI governance challenges.*²⁶ In some areas, formal and informal restrictions may overlap. According to the CIVICUS Monitor, “states abuse their monopoly over the power of arrest with appalling frequency, routinely detaining journalists, activists and protesters, usually for no lawful reason,” using illegal detention as cover for state agents to intimidate, harass, and in the worst cases, torture suspected dissenters.²⁷ Abuse of judicial systems can also be used to harass opposition politicians and activists by embroiling them in specious and costly court battles. Many workshop participants viewed the climate of fear created by formal and informal restrictions on civic action as one of the most challenging aspects of working on governance in PHS, especially when GEI initiatives can increase serious risks facing civil society, citizen activists, and participating communities or may lead to a general disengagement from GEI issues if not complemented with protective measures such as legal and physical defense to combat threats and repression.²⁸

In addition to restrictions and intimidation, authoritarian regimes and leaders, or those working on their behalf, may actively co-opt civil society actors, as Lorch and Bunk argue has occurred in Mozambique and Algeria.²⁹ Co-optation of civil society has also been raised as a concern in the context of some EITI multi-stakeholder groups (MSGs). In theory, MSGs create a formal participatory opening for civil society, but in practice, they too can at times be susceptible to influence or capture by governments seeking to shut down an avenue for potential opposition.³⁰

Under such circumstances, EI transparency may well yield limited or compromised data and significant barriers to action based on it. As a result of contextual conditions being so challenging, the odds are stacked against existing TPA interventions leading to meaningful progress. They may even backfire when governments in such settings are able to reap reputational benefits from joining initiatives like EITI or touting their use of consultation processes even as they actively impede the potential impacts of these activities, one version of the “open-washing” phenomenon.³¹

When reforms designed to improve social well-being meet private or particularistic interests: an interests and incentives problem

Current approaches to improving GEI that emphasize identifying best practices for various aspects of sector governance across the value chain and propagating technical capacity support to implement these implicitly assume that the state is development-oriented and that leaders prioritize broad social welfare over other interests.³² In other words, those with the power to shape GEI want first and foremost to maximize the benefits of the sector to the wider population. Within this framing, inadequate knowledge and capacity may reasonably appear to be the main impediments to better GEI. While this assumption may apply in some cases, in many others, poor governance is less a function of incompetence than of predatory or particularistic preferences among powerful government and business elites. Some well-known manifestations of this in resource-rich countries include:

- **corruption and kleptocracy** - when leaders' main interests are maximizing personal gains through abuse of their political power as well as the siphoning, appropriation or embezzlement of resources for personal benefit;³³
- **clientelism** - when leaders' primary interests are using the benefits of EI activities to secure or sustain political patronage and support;³⁴ and
- **state capture** - when leaders bend the legislative, policy-making, judicial and regulatory functions of the state in service of powerful private interests, including extractives companies.³⁵

The advice and technical assistance on offer to actors with such interests are unlikely to be used to prioritize real pursuit of broader social gains, even when occasionally appearing to commit to such. A common tactic among self-serving, corrupt or captured officials presented with unwanted outside pressures for governance reform is sham cooperation. This involves appearing to comply with reform agendas—for example, by joining international agreements, making legislative changes, or setting up new institutions in line with transplanted “best practices”—while simultaneously ensuring those measures do not meaningfully influence existing arrangements.³⁶

Similarly, where leaders' primary interests are in serving themselves, political allies, and/or private sector firms, TPA approaches will also have a harder time gaining traction. When officials are driven by such priorities and not by social welfare, TPA interventions assuming government responsiveness to accountability demands are unlikely to unfold as intended. Moreover, as noted above, their power can be deployed to undercut attempts to foster transparency and participation needed to enable such demands in the first place. At a “nuts and

bolts” level, corrupt officials can try to undercut the accuracy and credibility of EI data in order to shield mismanagement and corruption from view and sow distrust in reform processes if the inaccuracies are exposed.³⁷ They can also shut down participation pathways as noted above in the discussion on civic space. Recall that in Azerbaijan, the launch of EITI data disclosures coincided with a broad crackdown on civil society, leading to what Oge terms “mock compliance.”³⁸ This reveals that leaders' priorities in joining the initiative were not grounded in social welfare but likely in anticipated international reputational benefits, a phenomenon in no way exclusive to EITI.

The problem(s) with state-centric technocratic reforms where de facto governance and formal authority are misaligned: a location problem

Targeting the wrong actors. A number of experts noted that another significant challenge to impact was the fact that the technocratic, state-centric interventions of many development organizations target actors and institutions that do not represent who really determines governance outcomes on the ground nor how they do it. Thus, state-centric interventions can fall flat when the state officials nominally tasked with a particular aspect of GEI lack autonomy or influence over relevant outcomes. As noted above, in PHS, power may be concentrated in the hands of a single leader, or a small group of political and economic elites, with significant formal and informal influence and discretion over policy-making and implementation processes.³⁹ Interventions that emphasize educating and equipping technocrats to implement formal rules are unlikely to be productive if the rules in question conflict with the agendas of powerful political or economic actors.⁴⁰ Elites hostile to GEI reform objectives may try to redirect the fruits of bureaucratic capacity-building to advance their own interests and those of personal or political allies.⁴¹ In settings where political institutions and norms of accountability are weak or absent, technocratic interventions focused, for instance, on building the capacity of state functionaries to gather and analyze EI sector data may actually increase the ability of corrupt officials to tighten control over entities in the EI sector for illicit ends.⁴² Isolated initiatives directed toward identifying, training, and supporting civic-minded bureaucrats within corrupt agencies will do little to alter governance if these actors lack independent leeway to steer outcomes.

Focusing on the wrong actions. In addition, it was suggested that technocratic interventions focused on reforming formal policies, laws, and institutions achieve very little when they fail to account for the extent to which society, institutions, and governing structures operate on the basis of *informal rules, authority (e.g., traditional authority), and relationships*. In many developing countries, even where formal rules exist, they may not be the sole or dominant influence over governance outcomes

and are often unequally enforced against the powerful.⁴³ Access to formal institutions such as courts and bureaucratic agencies and their services may be limited by informal rules (such as the need for personal connections), which restrict regular citizens to a much greater degree than elites.⁴⁴ Similarly, when formal laws are less influential in shaping certain outcomes than, say, the dictates of traditional leaders, technocratic legal reforms will likely be of limited impact. Therefore, even when good GEI policies are announced, laws passed, and institutions formalized, changes in behavior and outcomes will not necessarily result where informality in governance is pervasive and determinative of *de facto* outcomes.

Unfortunately, in many settings, prevailing conditions deviate considerably from one or more of the standard underlying assumptions of much of the mainstream approaches to GEI—real power to shape outcomes can be highly asymmetrical, residing beyond formal authority and institutions, and favor those whose chief interests are not broader social welfare. While there will be variation across the different types of challenges from one context to the next, it is not uncommon for the three to go hand-in-hand. Thus, ***where these assumptions deviate substantially from conditions on the ground, theories of change and business-as-usual approaches to GEI interventions built on one or more of these assumptions require fundamental rethinking.***

IV. WORKING DIFFERENTLY IN PHS

Traditionally, GEI practitioners facing the realities of PHS seem to opt for one of two pathways:

- **business as usual** - deploying the same top-down, one-size-fits-all approaches as elsewhere, at times hoping for good results but often simply adjusting down expectations for impact in the belief that even some modicum of potential progress (or just staving off worsening outcomes) with these is “better than nothing”; and
- **exit/avoidance** - rather than risk seeing favored toolkits fail or unintentionally generating harm, some INGOs and donors are inclined to discontinue or avoid working on GEI interventions in these settings on the grounds that the governance problems in PHS are too difficult or involve too many risks.

Business as usual. The general feeling among our experts was that taking a ‘business as usual’ approach to GEI reforms that fails to account for the contextual realities of PHS *risks wasted resources on activities that generate little impact, potentially counterproductive interventions, and missed opportunities for advancing real progress on GEI through more appropriate strategies and approaches.* As discussed above, standard technocratic solutions and well-intentioned idealism of existing

work on transparency and accountability do not solve political problems rooted in power asymmetries, competing interests, and practices falling outside the formal institutionalism of governance in Western democracies. Ignoring these facts and channeling financial, technical, and reputational benefits toward officials who are often the net beneficiaries of governance deficiencies (or influenced by those who are) is likely to do little to realign underlying factors driving negative GEI outcomes in PHS. The opportunity costs associated with misguided GEI interventions are a further cause for concern. Efforts to transplant institutional models and practices into settings that lack key preconditions for their successful operation risk squandering finite reform energy and resources that could potentially be used more productively. They can also potentially tarnish the credibility of GEI reform efforts and the actors promoting them in the eyes of intended beneficiaries and dissuade country-level interlocutors from engagement on these issues.

Exit/avoidance. The exit/avoidance option generated mixed reactions amongst our participants. On the one hand, some argued that *avoiding working in PHS due to the low prospects of success and potential risks of unintended consequences with traditional GEI approaches might be preferable to deploying considerable resources to ultimately accomplish little or unintentionally do harm.*⁴⁵ In short, doing nothing would be better than getting interventions wrong. They noted that GEI practitioners are already absent from some of the most significant resource producers in the world, such as Russia, China, Saudi Arabia, and Iran, where their presence is unwelcome. Some of our experts also highlighted the finite resources available for GEI work: significant investments in authoritarian settings where the chances of success are minimal can come at the cost of directing resources and attention in other, more amenable settings where real gains are more feasible. However, others felt that the prospects of donor or INGO flight from PHS would be problematic because it is often the populations of such challenging governance settings who benefit least/suffer the most from EI development, i.e., *PHS tend to be where the need for improved GEI is greatest.* Withdrawing, rather than repurposing, GEI resources and expertise closes channels of communication with policy-makers and local officials and deprives local civil society actors of political cover needed to devise and undertake bottom-up initiatives. They also argued that not only can exiting PHS remove pressure on uncooperative host governments and corporate decision-makers to at least go through the motions of appearing to care about improving EI governance, it also can make recognizing, and acting upon, new opportunities to shift local governance trajectories in productive ways more difficult.

With existing approaches acknowledged to be a poor fit for PHS and avoidance or exit viewed as suboptimal options even for PHS, the group considered alternatives for supporting improved GEI in such challenging contexts.

Designing interventions for PHS: General principles

Most practitioners in the GEI field today are not naïve about the difficulty of achieving governance reform in PHS. However, the participants did think there might be ways of working more effectively and impactfully on GEI in light of the particular political challenges posed by PHS. For the purposes of this note, their suggestions are organized according to the framework used across CCSI's analyses of the politics of extractive industries, one that organizes general approaches to addressing political obstacles into three categories:

- I. Navigate** - accept political context as is and strategize for maximum impact within those constraints and opportunities;
- II. Change** - seek to change key elements of political context to better align with a given reform agenda or approach to pursuing this; and
- III. Circumvent** - develop ways to work around political blockages to achieve desired results through other actors or pathways.

Strategies touched on below within these categories are meant to be illustrative and provide inspiration rather than being prescriptive. They may be undertaken individually or in tandem, depending on the priorities and goals of the GEI field actor in question and the demands and opportunities of a given situation.

As a starting point for all of these, participants noted that some of the general process guidance emerging from the Thinking and Working Politically (TWP) community of practice and others would be particularly relevant to those designing interventions around improving GEI in PHS.⁴⁶ Arguing that every PHS presents different challenges and opportunities, they underscored the value of:

- investing in resources to conduct some sort of *political economy analysis* (PEA) to help map the landscape of key power, interest, and political systemic factors impacting relevant governance outcomes in a specific context on an ongoing basis;
- *integrating insights from PEA into program, project, and initiative design* processes;
- being as *locally-led* as possible, with local partners playing a central role in helping to identify GEI needs and priorities as well as guiding the development of strategies and approaches to address these needs within that particular setting;
- allowing interventions to be *problem-driven*, responding to the specific challenges (and openings to address these) in a given context; and
- committing to *flexible, iterative, and adaptive* approaches that contrast with the fairly fixed traditional technocratic models and allow for experimentation, learning, and adjustment as

needed to try to make progress wherever possible and to respond to changing constraints and opportunities in the political landscape as well as to lessons learned along the way about addressing these limitations and openings.

In addition to these points, meeting participants emphasized that actors in the global GEI field should be mindful of real and perceived threats and risks facing those advancing the GEI agenda (whether in government⁴⁷ or broader society⁴⁸) and actively consider how the activities of global actors can exacerbate or mitigate those threats. The next step would then be to try to devise GEI approaches and strategies to address the realities of a given PHS more effectively.

Finally, some participants noted that donors, INGOs, and others in the GEI field should consider adjusting goals and timelines⁴⁹ to accommodate what is necessary and plausible under the circumstances of a particular PHS, which may mean aspirations for major transformations giving way to more modest or incremental changes in the near term and/or systemic reforms giving way to more narrowly-focused “islands” of progress on a specific aspect of GEI. Short- and medium- term goals might also be adjusted to focus on creating conducive conditions, e.g., opening or defending civic space, for more progressive long-term goals. Participants also noted that decisions about appropriate goals for GEI work in a specific PHS should be heavily informed by knowledge of local context and driven by the priorities of local actors.

I. Navigating political realities of PHS

The first category of approach to PHS *acknowledges and largely accepts “as-is” the set of constraints* on GEI work posed by misalignments of power, interests, and state functionality in a given context. Viewing these constraints as too extensive and as largely immovable by external actors in the short- to medium-terms, strategies emanating from this approach seek to maximize impact by “working with the grain.”⁵⁰ This means focusing effort on identifying and attempting to maximize impact through openings to support progress on GEI wherever and whenever feasible. Some initial thoughts on strategies for implementing this approach include:

- being “*scrappy*”/*opportunistic* - Governments are not monoliths, and political context is not static, so this set of strategies would focus on identifying and targeting GEI efforts and resources according to assessments of the most auspicious actors and “moments” arising in PHS. This might involve:
 - ◊ *targeting reformers*⁵¹ - By focusing capacity support or other resources to advance GEI (including, measures to politically insulate or bolster political support behind

those advancing reforms) on those actors who appear to have a genuine interest in a particular good GEI outcome (“reformers”), within government or influential actors beyond government, the hope is to maximize what can be achieved within their sphere of influence (mindful of resultant risks they might face by pushing too far) and avoid squandering resources on actors who have little intention of genuinely committing to implementing reforms

◇ *capitalizing on “moments of opportunity”*⁵² - Noting that in these settings, power would not be granted but would have to be “grabbed” whenever and wherever possible (although this was acknowledged potentially to carry heavy risks), another set of suggestions focused on seizing on situations that might induce acute shifts in interests or incentives or power balances, by, for instance:

- trying to find instances of moral outrage and build on these (one participant noted that evidence can breathe life into moral outrage, so external actors might provide such evidence when outrage on a relevant GEI issue is brewing). Such outrage might emerge from, for example, social or environmental disasters or corruption scandals associated with EI
- channeling resources to where there are cracks in power and working to amplify these, e.g., when there is disagreement emerging among elites, providing support to those who are more likely to undertake reforms in the future
- supporting instances of sustained political/social mobilization on which elite reformers can build and justify their work in order to help translate openings into more meaningful changes
- looking for social energy, even when protests are small, that might be amplified through targeted support to actors who can build on these sentiments (finding this social energy would require deep networks on the ground)

• *working on the building blocks for future reform* - Rather than deploying models or strategies that are likely to fail to deliver on overly-ambitious goals for a particular setting, focusing near-term work on putting basic preconditions in place by:

- ◇ *being thoughtful and deliberate about the ordering/sequencing of priorities* and tackling enabling conditions before pursuing more advanced strategies or goals, e.g., focusing on creating the groundwork for meaningful participation before insisting on consultation processes, potentially trading off focus on advocating for specific policy reforms (such as changes to the mining code or implementation of environmental impact assessment processes) in the short term in favor of trying to shift the underlying barriers to these and other reforms being implemented effectively (for instance, by addressing

formal and informal constraints on civic space or developing and implementing effective checks on the accumulation or exercise of power by various elites)⁵³

- ◇ *providing protection—legal and physical (e.g., legal funds and resources, evacuation options, technologies for anonymizing protest or whistle-blowing, etc.)—for activists and reform advocates* was raised as one of the highest priority areas of action (with some participants arguing it would be immoral to advance transparency and accountability work when there could well be dangerous repercussions for doing so and global actors could unintentionally be putting local partners in harm’s way)
- ◇ *building trust and faith in the prospect of change* to try to overcome the fear and pessimism that can demobilize citizens of PHS was seen as another important precursor step, one that might focus on building trust by *finding small islands of possibilities for achieving some incremental gains on GEI to build momentum* and faith in the potential for progress and amplifying attention to any “wins” on these fronts
- *understanding and accounting for the role of informal actors and institutions* and the limits and opportunities they can pose for different approaches to GEI reforms
 - ◇ *avoiding the deployment of resources to the promotion of reforms* targeting formal authorities or legal or policy reforms in areas of activity that are largely governed by *de facto* authorities and informal relationships and practices
 - ◇ where responsible, *leveraging informal relationships and influence* of supportive actors to try to nudge good practices along behind the scenes in deeply personalized settings (however, some participants cautioned against the temptation to work with informal actors/non-traditional actors by trying to instrumentalize and formalize them to advance the agendas of global actors, and suggested it may be better to engage such actors directly in defining whether and how you might work together)

II. Trying to change the nature of underlying political obstacles in PHS

Acknowledging that it would be **very difficult for external actors to catalyze changes in the power, interest, and systematic dynamics of most PHS** and that research is needed on how change comes about in PHS, participants in the meeting and interviewees for related research offered some preliminary ideas around trying to shift unproductive power asymmetries and interest/incentive (mis)alignments working against the effective pursuit of improved GEI.

A. Changing the (im)balance of power

The vast power asymmetries that characterize PHS, and that can be exacerbated by ongoing elite access to EI rents and income, are often viewed as among the most daunting challenges to progress on GEI. The main pathway for countervailing the power of elites within PHS is seen to be through enabling or supporting coalitions of actors sharing resources, expertise, networks, and political cover. Such coalitions—even loose, informal or temporary ones—would bring together actors with a common interest in a particular GEI reform or in support of the building blocks for accountable sector governance discussed above. **Developing strategic coalitions within and across local, national, and global levels to amplify the power of supporters of better GEI and to buttress these actors against attacks** was seen as particularly important in PHS. Such coalitions might connect a range of actors, including:

- **reformers or champions within the formal political system**, linking them with other actors outside government or within government, across formerly isolated pockets of good practice or “islands of action;”⁵⁴
- **CSOs, community groups, and other actors already interested in GEI issues** and working on them in-country
- **actors across social movements** who might have overlapping interests with a certain aspect of GEI and can provide a broader and potentially more resilient base of support and mobilization, e.g., women’s movements, indigenous movements, democratic movements, environmental movements, etc.
- **“unconventional actors”**—e.g., cultural figures, faith leaders and organizations, domestic private sector groups, local informal authorities, youth activists, labor groups, etc.—in acting as “catalysts” and allies for change, raising the profile of GEI concerns, creating or deepening norms around good governance, and demanding greater accountability
- **journalists and media outlets** who can, depending on press freedoms, raise the profile of key GEI issues in a particular context and also help counter dominant elite narratives that work against good governance
- **allies from the global sphere** persuaded to wield their weight in favor of meaningful reforms (see below for more on this), e.g.:
 - ◊ *global EI companies* can use their influence (often considerable in PHS) to lend support to GEI reforms and standards by demanding adherence to them
 - ◊ *IFI or bilateral donors* can provide information and opportunities for these coalitions to coalesce and influence GEI outcomes by giving them a “seat at the table” at their convenings
 - ◊ *INGOs* can provide information, financial or organizational support to local partners as well as international exposure, which may be useful in leveraging support from others

Depending on the particulars of political context and GEI priorities, different configurations of coalitions within or across the categories above might be supported. Once potential coalition partners are identified and mapped for a given area of reform in a specific PHS, the next step might be to support tactical level alliances on specific issues where there seems to be some organic shared interest.⁵⁵ This can help begin to build some momentum for the more difficult task of supporting strategic work to foster durable and far-reaching coalitions down the line.

B. Changing the interests and incentives

Power asymmetries need not be debilitating for efforts to improve GEI if those holding power perceive certain reforms to be in their interests and/or if there are incentives for making real progress on GEI (or disincentives for failing to do so). Thus, another set of strategies for trying to improve prospects for progress on GEI in PHS focuses on **shifting the balance of incentives and disincentives into better alignment with the broad goals** for this work. This involves understanding which interests or incentives of key actors can be shifted, what it would take to do this, and who would be in a position to bring such changes about. Some of the possible strategies discussed included:

- **changing the balance of reputational incentives/disincentives** to create a more conducive environment for progress on reforms, e.g., through shaming bad practice via local or international media or cultural figures, expanding downgrades of EITI status in response to constraints on civic space, or deploying other analogous measures to formally “shame” governments or leaders of PHS (or companies that deal with them) on the basis of specific practices that work against GEI (e.g., creating a ranking of kleptocrats?)
- **changing the balance of financial incentives/disincentives** to reward real progress on GEI or punish practices undermining good governance in PHS, e.g., by:
 - ◊ *IFI or bilateral donors withholding resources* that enable PHS to persist and undertake development programs they are likely to abuse
 - ◊ *using conditionality more strategically* to reward real progress on implementing GEI programs (or punish lack thereof)
 - ◊ *deepening emphasis on key characteristics of PHS (assaults on civic space, kleptocracy, corruption, etc.) in ESG assessments or sovereign debt or other credit rating assessments*

The overall suggestion here was to think through more systematically what can be done (and by whom) to create more of an interest in supporting GEI reforms by making it more painful for powerful actors in PHS to continue to undermine GEI (sticks) or rewarding occasional examples of real progress in these contexts (carrots).

III. Circumventing political obstacles

Finally, another set of possible strategies for working on GEI in PHS entails deliberately avoiding sources of political obstacles by attempting to work around them. By circumventing those powerful actors whose perceived interests work against improving GEI, the hope is to try to find more auspicious alternative routes to improving sector outcomes. In practice, for actors in the global GEI field, this may mean **relocating the targets of their interventions away from a traditional focus on host government officials**. Some ideas that were discussed that would fall into this category include:

- **engaging major, reputation-sensitive EI companies and their investors directly** to 1) *improve their own social and environmental standards and practices* and insist on certain basic standards for these with host governments when the latter do not impose or enforce their own standards; and 2) *work directly with project-affected communities to address some of their main concerns and priorities* through community development agreement processes or analogous direct engagement mechanisms rather than relying on host governments to serve as intermediaries or focal points
- **focusing advocacy efforts, prosecution and other measures on the transnational network of actors and institutions that enable specific manifestations of “bad GEI”** (e.g., corruption or money laundering)—including those revealed in Panama Papers, FinCen files, and Pandora Papers—such as:
 - ◊ *law firms and accountants* that enable illicit flows of money away from government coffers
 - ◊ *financial institutions* that provide a home for these flows⁵⁶
 - ◊ *governments that house these financial institutions* (e.g., in Singapore, Dubai, Hong Kong, and the United Kingdom)⁵⁷
- **targeting external actors who more generally enable the leaders of PHS to stay in power** despite their egregious treatment of their populations, including home governments (at times acting through their embassies) that provide aid based on colonial legacies or a strategic goal perceived to be a priority higher than development/well-being of host country population and IFIs that continue lending to PHS despite their dismal track record and without meaningful conditionality

Finally, it was suggested that working differently in PHS may involve **experimenting with diverse strategies**. When operating in particularly challenging settings, taking a “**portfolio approach**” that includes several different types of activities targeted at various actors and operates at different levels can be particularly useful for identifying and landing on at least some opportunities for real wins. This thinking mirrors PDIA⁵⁸ and other approaches to policy-making that emphasize problem-solving and iterative learning processes as the key to designing policies and institutions conducive to development.

LOOKING AHEAD

Even a cursory glance at the world today makes it clear that authoritarian practices, corruption and state capture by personal or corporate interests, and state weakness are rampant. Ignoring or avoiding such contextual realities in work on governance reform, in the extractive industries and beyond, risks squandering development resources and potentially exacerbating some of the very governance challenges actors in the GEI field are seeking to address. Therefore, we need to reconsider how we work in politically hostile settings. The hope is that by sharing some initial thoughts by a range of experts on these issues, we would provide inspiration and a starting point for others to further grapple with these issues in research and practice. On the research side, an immediate priority would be accumulating some insights on how positive change in governance happens in PHS—what are some of the openings, catalysts, or processes to keep an eye out for and support? On the practical side, it could be useful to further develop, refine, and try to operationalize some of the most promising ideas above (or others that might emerge) in order to get a better understanding of directions that might be more or less promising for working in PHS in the future.

ENDNOTES

- 1 See Auty (1993), on the origins of the term “resource curse,” which refers to the “adverse effects of a country’s natural resource wealth on its economic, social, or political well-being.” Richard M. Auty, *Sustaining development in mineral economies: The resource curse thesis* (London: Routledge, 1993), <https://www.taylorfrancis.com/books/mono/10.4324/9780203422595/sustaining-development-mineral-economies-richard-auty>; Michael L. Ross, “What Have We Learned about the Resource Curse?” *Annual Review of Political Science* 18 (2015): 239–259, 240, <https://doi.org/10.1146/annurev-polisci-052213-040359>.
- 2 Ross, “What Have We Learned about the Resource Curse?,” 241.
- 3 “Why does extractives matter?” UN Environment Programme, <https://www.unep.org/explore-topics/extractives/why-does-extractives-matter>.
- 4 The Natural Resource Governance Institute (NRGI), *The Natural Resource Charter Decision Chain: Converting Resources into Development* (New York: NRGI, February 2018), https://resourcegovernance.org/sites/default/files/documents/nrgi_primer_nrc-decision-chain.pdf.
- 5 Renee Wittemyer, Savita Bailur, Nicole Anand, Kyung-Ryul Park, and Björn-Sören Gigler, “New Routes to Governance: A Review of Cases in Participation, Transparency, and Accountability,” in *Closing the Feedback Loop: Can Technology Bridge the Accountability Gap?* (Washington, DC: World Bank, 2014), 43-69, https://doi.org/10.1596/978-1-4648-0191-4_ch3.
- 6 “Global Witness releases ‘A Crude Awakening,’” Global Witness, December 1999, <https://www.globalwitness.org/static/infographics/timemaps/PublishWhatYouPay.html?embed=1>.
- 7 For a sampling of slightly different versions of the general EI value chain and guidance on best practice, see Eleodoro Mayorga Alba, “Extractive Industries Value Chain: A Comprehensive Integrated Approach to Developing Extractive Industries,” (Extractive industries and development series; no. 3. Africa working paper series no. 125, Washington DC: World Bank, March 2009), <https://openknowledge.worldbank.org/handle/10986/18400>; and The Natural Resource Governance Institute (NRGI), *The Natural Resource Charter Decision Chain*. The OECD provides an example of an application of the EI value chain to a specific governance challenge, looking at corruption risks across the value chain and providing guidance on how to address these. See Organisation for Economic Co-operation and Development (OECD), *Corruption in the Extractive Value Chain: Typology of Risks, Mitigation Measures and Incentives* (Paris: OECD, 2016), <https://www.oecd.org/dev/Corruption-in-the-extractive-value-chain.pdf>.
- 8 This technical focus has long existed beyond the GEI field and in the broader development community which “has largely focused its reform attempts on designing best-practice solutions and building state capacity to implement them. In this sense, capacity is often considered a prerequisite for policy effectiveness.” *World Bank Group, World Development Report 2017: Governance and the Law* (Washington, DC: World Bank, 2017), 63, <https://www.worldbank.org/en/publication/wdr2017>. An interviewee for this project attributed the “best practice” approach to the organizational constraints of global actors. The interviewee explained that funding limits and other factors control agendas of IFIs and INGOs and prevent them from experimenting to see what works. In succinct terms, the tools of the World Bank, for instance, were designed to build roads—not governments. Interview with IFI Practitioner, October 3, 2019.
- 9 Interview with staff members working on extractives governance at an international financial institution, October 2, 2019.
- 10 Colin Anderson, Rosie McGee, Niranjana Nampoothiri, John Gaventa, Salvador Forquilha, Zikora Ibeh, Victoria Ibezim-Ohaeri, Asiya Jawed, Ayesha Khan, Crescêncio Pereira, and Alex Shankland, *Navigating Civic Space in a Time of Covid: Synthesis Report* (Brighton: Institute of Development Studies, May 2021), <https://doi.org/10.19088/A4EA.2021.002>; “Democracy and Rise of Authoritarianism in COVID-19 World,” Yale MacMillan Center, May 5, 2020, <https://macmillan.yale.edu/news/democracy-and-rise-authoritarianism-covid-19-world>; International Institute for Democracy and Electoral Assistance, *The Global State of Democracy 2021: Building Resilience in a Pandemic Era* (Stockholm: International IDEA, 2021), https://www.idea.int/gsoed/sites/default/files/2021-11/the-global-state-of-democracy-2021_1.pdf; Kenneth Roth, “How Authoritarians Are Exploiting the COVID-19 Crisis to Grab Power,” *Human Rights Watch*, April 3, 2020, <https://www.hrw.org/news/2020/04/03/how-authoritarians-are-exploiting-covid-19-crisis-grab-power>.
- 11 Derived from Monika Bauhr and Marcia Grimes, “Indignation or Resignation: The Implications of Transparency for Societal Accountability,” *Governance* 27, no. 2 (2013): 291–320, 295, <https://onlinelibrary.wiley.com/doi/10.1111/gove.12033> and “The Politics of Transparency and Accountability,” Columbia Center on Sustainable Investment, <https://ccsi.columbia.edu/content/politics-transparency-and-accountability>.
- 12 See Leila Kazemi and Michael Jarvis, *Getting the Most Out of Extractive Industries Transparency: How a More Explicit Treatment of Political Considerations Could Strengthen the Impact of Transparency Efforts* (New York: CCSI, September 2020), <https://ccsi.columbia.edu/sites/default/files/content/docs/Getting%20the%20most%20out%20of%20extractive%20industries%20transparency%20-%20How%20a%20more%20explicit%20treatment%20of%20political%20considerations%20could%20strengthen%20the%20impact%20of%20transparency%20efforts.pdf> for a detailed discussion of how these steps can deviate from their intended course.
- 13 These assumptions mirror what Kelsall describes as theoretical linkages between democratization and development that have led development agencies to fund public sector reform and multi-party elections in developing countries “[i]n the name of ‘Good Governance.’” This model, which is similarly structured around “idealized conception[s] of how democracy functions in the West,” posits that “once civil society was empowered, the judiciary strengthened, and the population enfranchised, politicians would face strong incentives to make responsive policies, craft effective administrations, and manage state resources responsibly, all with beneficial developmental results.” Tim Kelsall, “Authoritarianism, Democracy and Development” (The State of the Art Paper Series Working Paper Number 3, Birmingham: Developmental Leadership Program (DLP), November 2014), 6, <https://www.dlprog.org/publications/foundational-papers/authoritarianism-democracy-and-development>.
- 14 This discussion took place during a meeting of CCSI’s [Executive Session on the Politics of Extractive Industries](#) (in April 2019 and represented a first pass at grappling with the idea of “politically hostile settings.”
- 15 For more on informal institutions see Wesley Kaufmann, Reggy Hooghiemstra, and Mary K. Feeney, “Formal Institutions, Informal Institutions, and

- Red Tape: a Comparative Study,” *Public Administration* 96, no. 2 (2018): 386–403, <https://onlinelibrary.wiley.com/doi/full/10.1111/padm.12397> and Institute of Development Studies (IDS), *An Upside Down View of Governance* (Brighton: IDS, April 2010), Section 5, https://www.agora-parl.org/sites/default/files/agora-documents/An_Upside-down_View_of_Governance_original.pdf.
- 16 These issues are discussed in detail Anderson, C.; Gaventa, J.; Edwards, J.; Joshi, A.; Nampoothiri, N.J. and Wilson, E. (2022) ‘Against the Odds: Action for Empowerment and Accountability in Challenging Contexts’, A4EA Policy and Practice Paper, Brighton: Institute of Development Studies (IDS), <https://www.ids.ac.uk/publications/against-the-odds-action-for-empowerment-and-accountability-in-challenging-contexts/>
- 17 Nicholas Awortwi and Adriano Nuvunga, “Sound of One Hand Clapping: Information Disclosure for Social and Political Action for Accountability in Extractive Governance in Mozambique” (IDS Working Paper Volume 2019 No 523, Brighton: Institute of Development Studies, January 2019), 29–30, https://opendocs.ids.ac.uk/opendocs/bitstream/handle/20.500.12413/14305/Wp523_Online.pdf?sequence=1&isAllowed=y.
- 18 The result is the distinction between “form” and “function” of reforms discussed at length in World Bank Group, *World Development Report 2017: Governance and the Law*, <https://www.worldbank.org/en/publication/wdr2017>
- 19 Ed Laws and Heather Marquette, *Thinking and Working Politically: Reviewing the Evidence on The Integration of Politics Into Development Practice Over the Past Decade* (TWP Community of Practice, March 2018), 2, <https://twpcommunity.org/wp-content/uploads/2018/04/Thinking-and-working-politically-reviewing-the-evidence.pdf>
- 20 See Leila Kazemi and Perrine Toledano, *Unlocking the Power of Reformers to Achieve Better Progress on Extractives Governance* (New York: Columbia Center on Sustainable Investment, 2022), <https://ccsi.columbia.edu/content/empowering-and-incentivizing-reformers> and Tehtena Mebratu-Tsegaye and Leila Kazemi, *The Politics of Free, Prior and Informed Consent* (New York: Columbia Center on Sustainable Investment, 2020), 9-10, <https://ccsi.columbia.edu/work/projects/the-politics-of-free-prior-and-informed-consent>.
- 21 Inga Ferber, Barbara Oosters, Jo Rowlands, and Araddhya Mehtta, “Space to Be Heard: Mobilizing the Power of People to Reshape Civic” (Nairobi: Oxfam International, July 2018), <https://www.oxfam.org/en/research/space-be-heard>; Marion Mondain, “Protecting Civic Participation?” Publish What You Pay (Blog) June 18, 2019, <https://www.pwyp.org/pwyp-news/protecting-civic-participation/>; Saskia Brechenmacher, *Civil Society Under Assault: Repression and Responses in Russia, Egypt, and Ethiopia* (Washington, DC: Carnegie Endowment for International Peace, May 2017), <https://carnegieendowment.org/publications/?fa=69953>.
- 22 Naomi Hossain and Ricardo Santos, *Assessing the Impacts of Changing Civic Space on Development Outcomes: A Methodological Discussion* (Brighton: Institute of Development Studies (IDS), August 2018), 3, <https://opendocs.ids.ac.uk/opendocs/handle/20.500.12413/14455>.
- 23 For further discussion of the instruments used to shrink civic space, see Hossain and Santos, *Assessing the Impacts of Changing Civic Space on Development Outcomes*; Chris van der Borgh and Carolijn Terwindt, Shrinking Operational Space of NGOs – A Framework of Analysis, *Development in Practice* 22, no. 8 (2012):1065–81, https://www.jstor.org/stable/41723169?seq=1#metadata_info_tab_contents; International Center for Not-for-Profit Law (ICNL), Survey of Trends Affecting Civic Space: 2015-16, *Global Trends in NGO Law: A Quarterly Review of NGO Legal Trends around the World* 7, no. 4 (2016): 1–21, https://www.icnl.org/wp-content/uploads/global-ngo-law_trends7-4.pdf. Criminal defamation laws have been in recent years widely used to silence critics and journalists in Bangladesh, Sri Lanka, Malaysia, and the Philippines, and other countries. CIVICUS, State of Civil Society Report 2019 (Johannesburg: CIVICUS, 2019), 30, <https://www.civicus.org/index.php/state-of-civil-society-report-2019>.
- 24 “In Thailand, Cambodia, Venezuela, Bangladesh, and Turkey, governments are detaining journalists, opposition activists, healthcare workers, and anyone else who dares to criticize the official response to the coronavirus.” Roth, “How Authoritarians Are Exploiting the COVID-19 Crisis to Grab Power.”
- 25 Governments in Algeria, Russia, and India have capitalized on the COVID-19 crisis to halt regular and ongoing protests against democratic reform, presidential term limits, and oppressive Anti-Muslim citizenship policies, respectively. Roth, “How Authoritarians Are Exploiting the COVID-19 Crisis to Grab Power.”
- 26 CIVICUS finds that journalists are particularly vulnerable to abuse of civic freedoms: “journalists who challenge the powerful or report information that the authorities find uncomfortable are at risk of vexatious criminal defamation lawsuits, threatening messages on social media, arbitrary arrest and, in the most severe cases, assassination. Between June 2016 and September 2017, the CIVICUS Monitor published a total of 184 reports involving attacks... on journalists,” and 53 reports detailing the murder of one or more journalists. CIVICUS, *People Power Under Attack: Findings from the CIVICUS Monitor* (Johannesburg: CIVICUS, October 2017), 6, <https://www.civicus.org/index.php/media-resources/reports-publications/2968-people-power-under-attack>.
- 27 CIVICUS, *People Power Under Attack 2017*, 5. The 2019 CIVICUS Report pointed to the disruption of protests and large-scale arrests of protesters as the most severe civic space violation registered in the African region. CIVICUS, State of Civil Society Report 2019, 14. In 2018-19, mass protests arose in Guinea, Malawi, Senegal, Sudan, and Zimbabwe, and were met variously with excessive use of force, arbitrary detentions, and the enactment of protest bans. CIVICUS, *State of Civil Society Report 2019*, 15. “In Zimbabwe, an estimated 1,100 people were arrested in relation to the protests against a 150-percent increase in fuel prices and dire economic conditions in mid-January 2019. The nationwide protests were met with excessive and lethal force by security forces, leaving at least 15 people dead, followed by a continued crackdown on civic freedoms.” CIVICUS, *State of Civil Society Report 2019*, 15.
- 28 John Gaventa and Katy Oswald, *Empowerment and Accountability in Difficult Settings: What Are We Learning?* (Brighton: Institute of Development Studies (IDS), September 2019), 8, <https://opendocs.ids.ac.uk/opendocs/handle/20.500.12413/14756>.
- 29 Jasmin Lorch and Bettina Bunk, “Using Civil Society as an Authoritarian Legitimation Strategy: Algeria and Mozambique in Comparative Perspective,” *Democratization* 24, no. 6 (2017): 987–1005, <https://www.tandfonline.com/doi/full/10.1080/13510347.2016.1256285>. Numerous individuals interviewed for this project expressed fear that their work could be co-opted by actors in host governments for problematic ends. One representative of a prominent GEI organization described the fear that their projects could be co-opted because the organization’s approach to working with host governments is “more measured and collaborative.” Interview with GEI Practitioner, September 30, 2019. For more on the nature and implications of closing civic space for development work, specifically focused on the extractive industries, see “Civic Space,” Natural Resource Governance Institute, <https://resourcegovernance.org/topics/civic-space>.

- 30 An independent assessment of the EITI's MSG model from the Institute for Multi-Stakeholder Integrity (MSI Integrity) found that governments were often inappropriately involved in selecting CSO representatives and sometimes appointed stooge CSOs to MSG seats. Institute for Multi-Stakeholder Integrity, *Protecting the Cornerstone: Assessing the Governance of Extractive Industries Transparency Initiative Multi-Stakeholder Groups* (Berkeley: MSI Integrity, February 2015), <https://www.msi-integrity.org/wp-content/uploads/2015/02/MSI-Integrity-Protecting-The-Cornerstone-Report.pdf>
- 31 Joseph Masinde touches on his in the African context in "More African governments are enacting open data policies but still aren't willing to share information," *Quartz Africa* (Sept. 14, 2016), <https://qz.com/africa/780582/african-governments-still-wont-let-their-citizens-get-data-to-support-accountability-and-fight-corruption/>
- 32 Booth explains that the concept of the "developmental state," governed by a pro-development regime willing to undertake reforms necessary to secure broad developmental benefits to the broader population, has origins in the specific experiences of "newly industrialising countries (NICs) in East Asia in the 1980s." David Booth, "Towards a Developmental State Concept That Is Fit for Purpose (in the 21st Century, in Africa)" (Overseas Development Institute (ODI) Working Paper, London: ODI, November 2014), 2, <https://odi.org/en/publications/towards-a-developmental-state-concept-that-is-fit-for-purpose-in-the-21st-century-in-africa/>.
- 33 Linking this personalistic orientation of interests with the above discussion of authoritarianism, Frank Vogl argues that "almost all authoritarian regimes are run by kleptocrats who steal from their citizens while ruthlessly abusing their human rights." Frank Vogl, "The Rise of the Kleptocrat," *Asia Sentinel*, November 1, 2021, <https://www.asiasentinel.com/p/rise-kleptocrat>.
- 34 For more on clientelism, see Allen Hicken, "Clientelism," *Annual Review of Political Science* 14 (2011): 289–310, <https://doi.org/10.1146/annurev.polisci.031908.220508>.
- 35 The World Development Report (2017) describes a capture scenario as one in which "specific actors in the policy arena may be able to design or implement a policy that maximizes their private benefits rather than social welfare because they have so much bargaining power." *World Bank Group, World Development Report 2017: Governance and the Law*, 141, <https://www.worldbank.org/en/publication/wdr2017>. At least one person interviewed for this project stated that breaking up capture dynamics in PHS should be a priority, since capture is often a source of many other GEI problems. Interview with GEI Practitioner, October 2, 2019. In the EI sphere, national oil companies (NOCs) are often enormously powerful actors that can "capture" state agencies and derail reform and development prospects. Natural Resource Governance Institute (NRGI), *The Resource Curse: The Political and Economic Challenges of Natural Resource Wealth* (New York: NRGI, March 2015). See Gillies (2020) for a discussion of the Nigerian National Petroleum Corporation, Nigeria's state-owned oil company, and its many abuses. Alexandra Gillies, *Crude Intentions: How Oil Corruption Contaminates the World* (Oxford: Oxford University Press, January 2020), 68–70, <https://oxford.universitypressscholarship.com/view/10.1093/oso/9780190940706.001.0001/oso-9780190940706>.
- 36 Social scientists call the adoption of institutional forms copied from more function settings hollowly applied in weak states to give the appearance of reform to be "isomorphic mimicry." Matt Andrews, Lant Pritchett, and Michael Woolcock, "Looking Like a State: The Seduction of Isomorphic Mimicry," in *Building State Capability: Evidence, Analysis, Action* (Oxford: Oxford University Press, 2017), 30, <https://oxford.universitypressscholarship.com/view/10.1093/acprof:oso/9780198747482.001.0001/acprof-9780198747482-chapter-3>.
- 37 Moreover, Costa found that at least in the short term, freedom of information laws had a more negative than positive impact on aiding the detection of corruption and were associated with perceived increases in corruption and decreased governance quality. Samia Costa, "Do Freedom of Information Laws Decrease Corruption?" *Journal of Law, Economics, and Organization* 29, no. 6 (2013): 1317–1343, 1317, <https://doi.org/10.1093/jleo/ews016>.
- 38 Kerem Öge, "Geopolitics and Revenue Transparency in Turkmenistan and Azerbaijan," *Eurasian Geography and Economics* 56 (2015): 89–110, 105, <https://doi.org/10.1080/15387216.2015.1057756>.
- 39 Rents to Riches calls situations characterized by "[i]ndividualized political authority built on a hierarchy of cronyism; emphasis on private (elite) goods; exploitation of public resources for private gain" instances of "patrimonial rule." Naazneen H. Barma, Kai Kaiser, Tuan Minh Le, and Lorena Viñuela, *Rents to Riches: The Political Economy of Natural Resource-led Development* (Washington DC: World Bank, 2012), <http://documents.worldbank.org/curated/en/545221468150583397/pdf/659570PUB0EPI10737B0Rents0to0Riches.pdf>
- 40 "If powerful actors fear that the outcome may reduce their relative power now or in the future, they may attempt to block the adoption or undermine the implementation of policies that could enhance welfare." World Bank Group, *World Development Report 2017: Governance and the Law*, 61, <https://www.worldbank.org/en/publication/wdr2017>.
- 41 Angola's NOC Sonangol provides a good example; see Ricardo Soares de Oliveira, *Oil and Politics in the Gulf of Guinea* (New York: Columbia University Press, 2007). Gillies, in her 2019 discussion of EITI transparency's contributions to combating corruption, suggests a number of ways in which the EITI might improve its efficacy in the future, including by thinking through and more clearly articulating its role in the fight against corruption. Alexandra Gillies, *The EITI's Role in Addressing Corruption* (Oslo: Extractive Industries Transparency Initiative (EITI), October 2019), 14, <https://eiti.org/documents/eitis-role-addressing-corruption>.
- 42 David Szablowski and Bonnie Campbell, "Struggles Over Extractive Governance: Power, Discourse, Violence, and Legality," *The Extractive Industries and Society* 6, no. 3, (2019): 635–641, <https://doi.org/10.1016/j.exis.2019.06.009>; Laws and Marquette, *Thinking and Working Politically*; World Bank Group, *World Development Report 2017: Governance and the Law*, 141, <https://www.worldbank.org/en/publication/wdr2017>.
- 43 Douglass C. North, John Joseph Wallis, Steven B. Webb, and Barry R. Weingast, "Limited Access Orders: Rethinking the Problems of Development and Violence" (Policy Research Working Paper no. 4359, Washington DC: World Bank, 2007), 8, <http://hdl.handle.net/10986/7341>. For discussions of informal institutions, see Kaufmann, Hooghiemstra, and Feeney, "Formal Institutions, Informal Institutions, and Red Tape" and Institute of Development Studies (IDS), *An Upside Down View of Governance*. Khan defines informal rule "as any rule that is not formal. In particular, this includes rules that are enforced by informal organizations (like mafias) or even by official agencies like the police, if the latter are operating in illegitimate ways. Informal organizations are organizations whose internal rules are informal. In developing countries where many powerful organizations are informally organized, for instance based on patron-client networks, the tendency towards equilibrium may not always involve the adaptation of formal rules

- but could also include informal violations of formal rules to capture benefits informally.” Mushtaq H. Khan, “Political Settlements and the Analysis of Institutions,” *African Affairs* 117, no.469 (2018): 636–655, 642, <https://doi.org/10.1093/afraf/adx044>. <https://academic.oup.com/DocumentLibrary/afraf/Political%20Settlements%20virtual%20issue%20Intro%20article,%20Mushtaq%20Khan.pdf>;
- 44 Khan, “Political Settlements and the Analysis of Institutions,” 650. Id. at 14. North et al. describes how, although developing countries today tend to sport many of the same formal institutions as developed countries, including “corporations, legislatures, formal executives, courts, bureaucracies and elections,” access to those institutions and the services they provide, such as “welfare programs, business licences, and judicial services,” often requires “personal connections and often bribes.” North, Wallis, Webb, and Weingast, “Limited Access Orders.” As a result, “[e]ven if formal limits on access are not in the law, informal barriers (which do not much bind elites) are tolerated and perhaps encouraged,” by elites in a position to benefit from those barriers. North, Wallis, Webb, and Weingast, “Limited Access Orders.” Frederiksen, more succinctly, explains that in many developing countries, “[i]nformal institutions arise to distribute rents and benefits in line with the balance of political interests and power.” Tomas Frederiksen, “Political Settlements, the Mining Industry and Corporate Social Responsibility in Developing Countries,” *The Extractive Industries and Society* 6 (2019): 162–170, 163, <https://doi.org/10.1016/j.exis.2018.07.007>.
- 45 As an example of the value of avoidance over traditional forms of engagement, workshop participants cited the resistance by civil society groups in Equatorial Guinea to the government’s attempts to rejoin EITI on grounds that background governance conditions in the country made it prohibitively unlikely that any benefits from the initiative would reach the broader population. “Supporting Good Governance of Extractive Industries in Politically Hostile Settings: A View from Sub-Saharan Africa,” Workshop, January 25, 2020, organized by the Oxford Martin School (OMS) Programme on African Governance and the Columbia Center on Sustainable Investment (CCSI); “Equatorial Guinea: Events of 2018,” Human Rights Watch, 2018, <https://www.hrw.org/world-report/2019/country-chapters/equatorial-guinea#>. Equatorial Guinea was previously expelled from the EITI due in part to its failure to establish an “enabling environment” for civil society to participate fully in EITI implementation. Id. Similarly, Awortwi and Nuvunga found that citizens in Mozambique have very low expectations that protesting or criticizing the government will lead to positive changes in their lives, and thus refrained from acting on EITI data even where disclosures were made. Awortwi and Nuvunga, “Sound of One Hand Clapping,” 20.
- 46 Laws and Marquette, *Thinking and Working Politically*; Matt Andrews, Lant Pritchett, and Michael Woolcock, *Building State Capability: Evidence, Analysis, Action* (Oxford: Oxford University Press, 2017), <https://bsc.cid.harvard.edu/>; Verena Fritz, Brian Levy, and Rachel Ort, *Problem-Driven Political Economy Analysis: The World Bank’s Experience* (Washington DC: World Bank, 2014), <https://openknowledge.worldbank.org/handle/10986/16389>.
- 47 Leila Kazemi and Perrine Toledano, *Unlocking the Power of Reformers to Achieve Better Progress on Extractives Governance* (New York: CCSI, January 2022), <https://ccsi.columbia.edu/sites/default/files/content/Think%20Piece%20-%20Unlocking%20the%20Power%20of%20Reformers%20to%20Achieve%20Better%20Progress%20on%20Extractives%20Governance.pdf>.
- 48 CIVICUS, *People Power Under Attack*.
- 49 As one participant pointed out, Norway, which is generally acclaimed for its sustainable natural resource management and successful avoidance of the “resource curse,” developed its extractive sector over a series of elongated phases, phases that lasted much longer than current typical donor logframes for GEI reforms in developing countries. Setting aside a variety of problems with transplanting models from different political, social, legal, cultural and economic starting points, even on its own terms, arriving at the Norwegian model took much longer than our current expectations of GEI reforms in the most conducive of settings, much less in PHS.
- 50 Brian Levy, *Working with the Grain: Integrating Governance and Growth in Development Strategies* (Oxford: Oxford University Press, 2014), <https://oxford.universitypressscholarship.com/view/10.1093/acprof:oso/9780199363803.001.0001/acprof-9780199363803>.
- 51 Kazemi and Toledano, *Unlocking the Power of Reformers to Achieve Better Progress on Extractives Governance*.
- 52 For an in-depth discussion of “windows of opportunity” and the potential to act upon these, see Florencia Guertzovich, María Soledad Gattoni, and Dave Algosó, *Seeing New Opportunities: How Global Actors Can Better Support Anticorruption Reformers* (New York: Open Society Foundation, November 2020), <https://www.opensocietyfoundations.org/uploads/46488403-8df5-48d8-8f59-a09b3012bc1c/seeing-new-opportunities-how-global-actors-can-better-support-anticorruption-reformers-20201125.pdf>.
- 53 The question of whether to focus on EI transparency in PHS was debated, with some believing the potential value to be low when there is little ability to use data to precipitate change, and others who felt transparency could well be leveraged by some powerful external actors to put pressure on governments or create openings for internal actors to identify and pursue opportunities for reform.
- 54 Gaventa and Oswald, *Empowerment and Accountability in Difficult Settings*, 11. Attempts in Mozambique to create horizontal linkages, and in Myanmar to join up actors from across national and local structures, met with some success. Guertzovich, Gattoni, and Algosó, *Seeing New Opportunities*.
- 55 For examples and inspiration of coalitions for change around specific issues in practice, see John T. Sidel and Jaime Faustino, *Thinking and Working Politically in Development: Coalitions for Change in the Philippines* (Pasig City: The Asia Foundation, July 2019), https://asiafoundation.org/wp-content/uploads/2020/07/Thinking-and-Working-Politically-in-Development_Coalitions-for-Change-in-the-Philippines_Faustino_Sidel.pdf
- 56 Joe Hernandez, “What the ‘Pandora Papers’ Show About How the Powerful Hide Money From Public View,” *NPR Business* (blog), October 3, 2021, <https://www.npr.org/2021/10/03/1042885263/pandora-papers-wealthy-offshore-banks-secret>; Frank Vogl, “Banking Scandals: On Corporate Culture, Public Interest and Role of Western Governments,” *Transparency International* (blog), October 15, 2021, <https://www.transparency.org/en/blog/banking-scandals-corporate-culture-public-interest-western-governments>.
- 57 A recent analysis of the role of UK-based actors in enabling Russian and Eurasian kleptocracy focuses recommendations on reforms the UK government might undertake to help address this problem at the level of transnational financial infrastructure. John Heathershaw, Alexander Cooley, Thomas Mayne, Casey Michel, Tena Prelec, Jason Sharman, and Ricardo Soares de Oliveira, *The UK’s Kleptocracy Problem: How Servicing Post-Soviet Elites Weakens the Rule of Law* (London: Chatham House, December 2021), <https://www.chathamhouse.org/2021/12/uks-kleptocracy-problem>.
- 58 “PDIA Toolkit,” Harvard University Center for International Development, <https://bsc.cid.harvard.edu/PDIAtoolkit>.



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