

NATURAL RESOURCE MANAGEMENT

Development and Environmental Protection in Constitutional Reform Processes

Fifth Women Constitution-Makers' Dialogue, 2023



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Sharon Pia Hickey

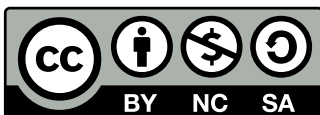


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EXECUTIVE SUMMARY

The Women Constitution-Makers' Dialogue series was established in 2019 as an annual platform for peer-to-peer exchanges among women constitution-makers and peacebuilders from around the world. It supports structured engagement among national practitioners from past and ongoing processes, predominantly from fragile settings, and with international expert advisors and researchers. Both conceptual and practical, the series responds to the need for an organized, women-centred approach to examine and support inclusive, participatory and gender-sensitive constitution-building and peace processes. The participants, constituting a global network of women constitution-makers and peacebuilders linked through the organizing partners, convened for the fifth event in November 2023.

Focused on 'Natural Resource Management: Development and Environmental Protection in Constitutional Reform Processes', the Dialogue brought together 28 expert practitioners, advocates and researchers—women and men—from **Chile, Myanmar, Palestine, Philippines, Somalia, South Africa, South Sudan, Sudan** and **Syria**. The Dialogue explored experiences in the negotiation, design and implementation of natural resource management schemes at the country level. Participants further examined the economic and environmental considerations tied to these overarching choices, including the tensions inherent in enabling a global transition to renewable energy.

The series responds to the need for an organized, women-centred approach to examine and support inclusive, participatory and gender-sensitive constitution-building and peace processes.

KEY FINDINGS

- 1. Inclusive frameworks that integrate conflict resolution, environmental protection, and inclusion of women must be developed and utilized in peace processes and subsequent constitution-making processes.** Due to social, legal and economic barriers, women and girls are especially vulnerable to the impacts of environmental degradation, climate change and conflict. Addressing their systematic exclusion from natural resource governance and related decision making at all levels is crucial for tackling the root causes of these issues, and for promoting equity, environmental stewardship and economic sustainability.
- 2. Adopting a contextual and differentiated approach to natural resource management is essential.** Negotiations around natural resources in peace and constitution-making processes are highly influenced by the characteristics of the resources in question, including their type, geographic location, ties to conflict, cultural significance and importance vis-à-vis the national economy. Management of natural resources, while often considered a technical issue, fundamentally involves political decisions about the allocation of decision-making power and revenue among different stakeholders and levels of government.
- 3. Effective decentralization of natural resource management must be balanced with central oversight and accountability.** There is a tendency or bias within the international community and at the state level towards decentralizing natural resource management on grounds of efficiency, local empowerment and democratic accountability (Adam et al. 2021). However, decentralization of natural resource management and allocation of resources must consider the central government's core functions and interests. These include ensuring equitable distribution across regions, upholding minimum environmental and labour standards and fulfilling international climate change obligations.
- 4. If natural resource management is decentralized in theory, substate governments need sufficient powers and resources to discharge their responsibilities in practice.** Because of the significant economic and political dimensions of natural resources, decentralizing their management is more contentious than decentralizing other sectors like health and education. Central governments may resist decentralization—due to concerns over losing power, economic resources or opportunities for personal gain (Larson and Ribot 2004)—undermining its effectiveness through minimal or selective transfer of powers. Effective decentralization can be aided by various strategies and mechanisms, for example, a phased approach with benchmarks and incentives, a multi-stakeholder oversight body to guide and monitor decentralization and capacity-building programmes for local governments.

- 5. Environmental considerations should be integrated into broader economic, policy and legal frameworks.** During negotiations, environmental considerations are often siloed from broader discussions on natural resource ownership, management and revenue collection. This compartmentalization means that environmental protection is rarely integrated alongside resource management within constitutional frameworks. This indicates a missed opportunity to embed environmental stewardship within the overarching goals of economic development and governance.
- 6. While certain aspects of natural resource management may be more appropriately addressed through legislation and policy, constitutions can establish robust institutional frameworks to ensure oversight of executive power.** Constitutions encounter a temporal dilemma in managing natural resources since their provisions are grounded in current or anticipated resource landscapes. This may pose governance challenges during shifts in resource availability or upon the discovery of new resources. Where constitutions do not provide a clear framework for managing natural resources, the ruling government may enact legislation that serves its own interests without input from opposition or other stakeholders. Constitutions can establish mechanisms to ensure cross-party engagement and cooperation on natural resources policies.
- 7. There is a pressing need for national and international dialogue on alternative development models.** Despite growing awareness of climate change and the finite nature of numerous natural resources, the dominant extractivist development model persists largely unchallenged in peacebuilding and constitution-making negotiations. The model's endurance, alongside the economic theory of infinite growth, is sustained by international financial institutions, donors and other powerful interests. Political will and innovative thinking need to be mobilized in support of better economic and development alternatives.
- 8. Ethical and sustainable extraction of minerals for renewable technologies entails addressing environmental, human rights and other transnational concerns in tandem.** The global transition towards renewable energy, which is essential for reducing fossil fuel dependence, necessitates increased extraction of minerals that are critical for green technologies. This creates significant concerns relating to the environment, human rights and resource scarcity. Further, the Global North's historical reliance on fossil fuels for economic modernization—a path now deemed unsuitable for the Global South—highlights the hypocrisy in expecting the Global South to provide the necessary mining resources for the energy transition while simultaneously reducing its own greenhouse gas emissions.

9. Constitution-makers should consider the ways in which innovative constitutional provisions can promote environmental and social justice.

A tension exists between the drive to reform existing governance structures to incorporate environmental and equitable principles and the view that such systems are so fundamentally flawed that only radical transformations can achieve sustainability and justice. While constitutions and legal mechanisms alone are insufficient for such a paradigm shift, they play a crucial role in shaping societal values and norms, bridging the gap between the status quo and a new reality. Constitutional innovations such as recognizing the rights of Nature, embedding principles of Indigenous land and biodiversity stewardship, and ensuring the rights of future generations can contribute to advancing an alternative vision.

10. Parties involved in peace and constitution-making processes require access to specialist tools and knowledge to address the technical challenges.

To create suitable management and governance frameworks for their country contexts, decision makers need tools such as data modelling to understand land and water usage, as well as simulations to assess the potential impacts of climate change on natural resources. Scientific and economic expertise from a range of fields is required to formulate evidence-based opinions and proposals.

INTRODUCTION

On 2 and 3 November 2023, the International Institute for Democracy and Electoral Assistance (International IDEA)—together with the Edinburgh Centre for Constitutional Law and as part of the Peace and Conflict Resolution Evidence Platform (PeaceRep)—hosted the fifth annual Women Constitution-Makers' Dialogue in The Hague, the Netherlands.

THE WOMEN CONSTITUTION-MAKERS' DIALOGUE SERIES

The Women Constitution-Makers' Dialogue was initiated in 2019 as a platform for women constitution-makers from past and ongoing processes to discuss their experiences, successes and challenges with peers from other constitutional reform endeavours. It represents a conceptual and practical response to the documented need for an organized, systematic and women-centred approach to constitution-building. Through these discussions, participants share lessons learned, exchange ideas, and identify comparative models and resources related to both constitution-making processes and constitutional design choices. The previous themes¹ were:

2019	Founding Women: A Dialogue with Women Constitution-Makers
2020	Constitutional Reform in Response to Social Unrest
2021	Constitutions, Customary and Religious Law and Gender Equality: Reconciling Rights in Constitutional Design Negotiations
2022	Constitutional Approaches to Decentralization: Elements, Challenges and Implications

The Women Constitution-Makers' Dialogue represents a conceptual and practical response to the documented need for an organized, systematic and women-centred approach to constitution-building.

¹ For more information and to view previous workshop reports, visit <<https://constitutionnet.org/event-series/women-constitution-makers-dialogue>>.

The theme of the fifth Women Constitution-Makers' Dialogue was 'Natural Resource Management: Development and Environmental Protection in Constitutional Reform Processes'.² Through linking these topics, the discussion aimed to: (a) build the knowledge and capacity of participants to engage in constitutional negotiations surrounding natural resource management, including sensitizing the participants to the interconnected issues of conflict, economic development, environmental protection and sustainability; and (b) to compare experiences in the negotiation, design and implementation of natural resource management and governance structures at the country level, including a focus on how natural resources must be carefully and inclusively managed to minimize the chances of triggering or reigniting conflict.

As in previous years, the Dialogue participants represented a variety of states in conflict and transition and those with comparative experience in states where the issues under discussion have been addressed in innovative and creative ways. The peer-to-peer exchange was supported by colleagues from the international practitioner community and academia who focus on comparative constitution-building, peacebuilding, democracy and democratic transitions, and gender and politics. It was also enriched by the inputs of an all-women cadre of experts in technical matters relating to natural resource management, including international environmental law, climate change, security, energy transition and renewable energy technologies.

Environmental crises will not only challenge social equity within countries, but also test the foundations of economic and geopolitical stability.

Issues surrounding natural resource ownership, control and wealth distribution remain significant—and often contentious—topics in peace negotiations and constitutional deliberations (UN DPA and UNEP 2015), especially when overlapping with calls for self-determination. In the coming years, it is anticipated that negotiations around natural resources will be increasingly complicated by the triple planetary crisis of climate change, pollution and biodiversity loss. These environmental crises will not only challenge social equity within countries, but also test the foundations of economic and geopolitical stability. Consequently, these emerging threats necessitate new approaches towards managing and conserving natural resources—including transitioning away from the use of hydrocarbons, which degrade the environment at extraction sites as well as contributing to climate change.

Despite the growing recognition of gender equality as a cornerstone of sustainable development and the documented benefits of inclusive decision-making processes, women are frequently sidelined from influential decision-making roles in negotiations on natural resource management (Springer, Campese and Nakangu 2021; Ahmadnia et al. 2022; Houlihan 2020). This exclusion is rooted in two primary factors. Firstly, valuable natural resources such as oil and gas often attract the attention of powerful interests, which are largely male dominated, both domestically and internationally. Secondly,

² This Report should be read in conjunction with that of the Tenth Edinburgh Dialogue on Constitution Building in Fragile Settings. Entitled 'Shaping the Post-Conflict Landscape? The Role of Constitutions in Natural Resource Governance', this complementary paper (Zulueta-Fülscher and Murray 2024) provides an analytical framework and multiple case studies on the interplay between constitutional design and natural resource management in fragile settings, particularly focusing on land and extractives.

women are typically underrepresented in technical constitution-making committees (unlike committees addressing rights and values) and the management of natural resources is often considered a ‘technical’ issue not impacting women’s rights.

Accordingly, the 2023 Dialogue responded to the call for enhanced technical and capacity-building support for women in constitution-making. But beyond building participants’ knowledge and capacity to engage in constitutional negotiations surrounding natural resource management, the Dialogue engendered discussions that interrogated the prevailing extractivist paradigm, especially in how it shapes post-conflict reconstruction, including through a gender lens.

The management of natural resources is often considered a ‘technical’ issue not impacting women’s rights.

STRUCTURE OF THE REPORT

This Report proceeds as follows. Chapter 1 provides an overview of the topic of natural resources that framed the discussions, focusing on governance challenges and complexities of their constitutional management in a time of climate change. Chapter 2 considers the issues uncovered during the Dialogue particular to negotiating natural resources in peacebuilding and constitution-making processes. It also discusses the influence of women and other marginalized groups at the table. Chapter 3 considers the performance of constitutionalized natural resource management schemes in the various contexts discussed and highlights key implementation issues and accountability mechanisms. Chapter 4 explores natural resource management from the perspective of women, focusing on land and extractive industries. The Report concludes with final observations, stressing the necessity of amplifying women’s voices at all levels of negotiations and decision making around natural resource management.

Chapter 1

FRAMING THE CONVERSATION

This chapter provides the conceptual framework for the discussions on natural resource management, development and environmental protection in constitutions during the Women Constitution-Makers' Dialogue.

1.1. CONCEPTUALIZING NATURAL RESOURCES

Natural resources form the backbone of human life and activities, existing within a physical space and wider political, economic and social context. These resources hold diverse meanings for different people(s), including their monetary value, role in livelihood and subsistence, and cultural significance.

Traditionally, natural resources are classified as 'renewable' or 'non-renewable', based on whether the resource is capable of regeneration within a human lifespan. However, this distinction is breaking down over time, particularly in light of climate change, over-exploitation and pollution. From a constitutional standpoint, a more suitable distinction might be drawn between resources that are vital for subsistence livelihoods, such as land and water, and those that are commercially important, like oil, gas, timber and gems. Some resources, like forests, straddle this line.

Given the diverse characteristics, uses and values of natural resources, different management regimes may be needed for different types.

Given the diverse characteristics, uses and values of natural resources, different management regimes may be needed for different types. Oil, gas, minerals and metals can generate significant wealth for states, but as commodities, their prices are subject to significant fluctuation. States must account for this volatility through prudent financial management, often through establishing sovereign wealth funds (on the implications of constitutionalizing sovereign wealth funds in economies heavily reliant on non-renewables, see: Zulueta-Fülscher and Murray 2024). Failure to do so entails significant economic and political risks that could destabilize states in the event of price shocks, market downturn, or resource exhaustion.

The political and scientific consensus on the need to transition from fossil fuels to renewable energy introduces a new layer of complexity (UN News 2023). While renewables such as wind and solar power avoid the greenhouse gas emissions associated with oil and gas, their development presents environmental pollution and human displacement challenges of their own, including conflicts with Indigenous peoples' rights. Further, the production of green technologies in fact requires a greater quantity of minerals than their fossil-fuel-based equivalents. To meet global energy demands, mining will need to continue—in some cases, increase—for critical minerals such as copper, lithium, nickel, cobalt and rare earth elements. Such mining carries the same environmental, human rights and resource scarcity concerns as oil and gas extraction (International Energy Agency 2022).

These considerations illustrate the varied and overlapping issues that arise when considering how to classify and manage natural resources. There are also significant governance questions, outlined below, which frequently generate disputes and conflicts over ownership, access, revenues, and environmental damage, not least because natural resources cross internal and state borders (PeaceRep n.d.; Anderson 2020).

1.2. CHALLENGES AND PARADOXES

In theory, states with valuable natural resources should experience economic growth, with greater wealth available for investment in infrastructure, health, education and other sectors that increase human well-being. But in practice, many states abundant in natural resources suffer from the 'resource curse', performing more poorly on indicators of economic growth and good governance than less resource-rich countries. An abundance of natural resources actually correlates with increased corruption and rent-seeking behaviour, with political elites relying on over-extraction to finance their methods of retaining power through pacts and patronage (Bebbington et al. 2018; Kolstad and Søreide 2009; cf. NRG 2015).

Access to and control over natural resources is additionally linked to triggering, escalating or prolonging conflict (UN DPA and UNEP 2015; Ahmadnia et al. 2022). Although the causes of conflict are complex and multi-layered, control over valuable resources like oil or minerals and/or competition for access to scarce resources like water and fertile land have been major or contributing factors in many intrastate conflicts over the past decades. Natural-resource-related conflicts are twice as likely to reignite within five years following the end of hostilities (Matthew, Brown and Jensen 2009). Further, the wealth accrued from natural resources may give rebel groups a lucrative source of funding (e.g. in the **Democratic Republic of the Congo** and **Central African Republic**), or encourage separatism in resource-rich regions that have experienced degradation in quality of life due to extraction and few of the financial rewards (e.g. **Indonesia** and **Aceh**, **Papua New Guinea** and **Bougainville**) (Koubi et al. 2014: 232).

In practice, many states abundant in natural resources suffer from the 'resource curse', performing more poorly on indicators of economic growth and good governance than less resource-rich countries.

The triple planetary crisis of climate change, pollution and biodiversity loss must be integrated into any realistic discussion of natural resource management.

The practice of extractivism, defined as the large scale and ecologically destructive use of natural resources without reciprocity or stewardship, has become deeply engrained in many societies and in post-conflict economic recovery models. But now more than ever before, the triple planetary crisis of climate change, pollution and biodiversity loss must be integrated into any realistic discussion of natural resource management. The United Nations Environment Programme estimates that as well as accelerating water scarcity, extraction and processing of natural resources for food, energy and materials over the past decades has contributed about half of global greenhouse gas emissions and more than 90 per cent of biodiversity loss (UNEP 2019). Further, climate change is recognized as a social, economic and political ‘threat multiplier’ that heightens the strain on existing natural resources, exacerbating inequalities, poor health and other conditions faced by the poorest and most marginalized in society (Ahmadnia et al. 2022).

Climate change also creates conditions that are linked to violent conflict. This can manifest in many ways, including scarcity-related inter-communal tension, resource competition between pastoralists and sedentary communities, and forced displacement (PeaceRep n.d.). Livelihood and opportunity deterioration, marginalization and state fragility can also create fertile ground for the establishment and growth of non-state armed groups (Sweijjs, Haan and van Manen 2022).

1.3. EVOLUTION OF CONSTITUTIONAL APPROACHES

How constitutions have dealt with natural resources has evolved over the past 80 years. For states emerging from colonization in the 20th century, control over natural resources was of paramount concern and some states constitutionally enshrined sovereignty over natural resources in refutation of foreign exploitation (see e.g. [article 33\(3\)](#) in **Indonesia’s** 1945 Constitution and **Papua New Guinea’s** [fourth national goal](#) in its 1975 Constitution). International norms and principles also developed around the right to development, self-determination and resource sovereignty, which were seen as key tools in decolonization and development (see e.g. [common article 1](#) of the International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights (United Nations 1966)).

Natural resources were viewed primarily in economic terms. While the majority of constitutions recognized the state as the ultimate owner of land and natural resources, often in trust for ‘the people’, other ownership arrangements contemplated private ownership (sometimes allowing foreign ownership), and communal or customary land tenure. Some constitutions also set up institutional and legal frameworks for natural resource governance, with provisions delineating decision-making authority (encompassing management, regulation and development of natural resources), as well as the collection and allocation of revenue derived from them (see Zulueta-Fülscher and Murray 2024).

Toward the mid-20th century, international consensus grew on the imperative of environmental protection in light of growing pollution, deforestation and resource depletion. The 1972 Stockholm Declaration, adopted at the first United Nations Conference on the Human Environment, encouraged the proliferation of environmental law at the national, regional and international levels (Turner 2019). The Stockholm Declaration was followed by several other pivotal declarations and initiatives. These included the 1992 Rio Declaration on Environment and Development and the 2002 Johannesburg Principles on the Role of Law and Sustainable Development.³ Multilateral treaties like the 1992 United Nations Framework Convention on Climate Change (implemented by the 1997 Kyoto Protocol and the 2015 Paris Agreement), the 2001 Aarhus Convention on Environmental Matters, and the 2018 Escazú Agreement, among others, demonstrate global commitments to reducing greenhouse gases, increasing scientific research, enhancing environmental governance, embedding human rights and promoting sustainable development.

Constitutions increasingly incorporated environmental and rights provisions, including the state duty to protect the environment and biodiversity, the right to a healthy environment and procedural environmental rights formulated as the right to access information, to take part in decision making and to access justice in environmental matters.

Several states with Indigenous populations constitutionally recognized Indigenous peoples' collective rights to land and to manage natural resources within their territories (e.g. **Bolivia**, [article 304](#); **Ecuador**, [article 57](#)). This acknowledgement is crucial since Indigenous territories overlap with areas containing about 80 per cent of the world's biodiversity. However, Indigenous peoples' collective rights to their territorial lands and natural resources, despite being protected under several international instruments,⁴ are under constant threat because of the expansion of agriculture, resource extraction and even conservation (UN OHCHR n.d.). **Ecuador** took a step further in integrating an overall constitutional vision of *buen vivir*—a political and social endeavour rooted in Indigenous philosophy of harmony between humans and nature—by recognizing the inherent legal rights of nature itself ([article 71](#)).

States also constitutionalized the principles of sustainable development, including linking sustainable development of natural resources with preventing climate change (e.g. **Algeria**, [preamble](#)), conserving the environment (**Maldives**, [article 22](#); **Greece**, [article 24\(1\)](#)) and promoting the interests of future generations (e.g. **Armenia**, [article 12\(1\)](#); **Malawi**, [article 13\(d\)\(iii\)](#)). Other states enshrined in their constitutions a collective right to development (e.g. **Ethiopia**,

Indigenous peoples' collective rights to their territorial lands and natural resources, despite being protected under several international instruments, are under constant threat.

³ Subsequently informing the Millennium Development Goals (2000) and the Sustainable Development Goals (2015) initiatives. See more: <<https://www.un.org/en/conferences/environment>>.

⁴ International law—including the Indigenous and Tribal Peoples Convention, 1989 (No. 169) and the United Nations Declaration on the Rights of Indigenous Peoples—protects Indigenous peoples' collective rights to land and right to self-determination. This includes obliging governments to obtain free, prior and informed consent from Indigenous communities for activities impacting their lands. See International IDEA's *Indigenous Peoples' Rights in Constitutions Assessment Tool* (Cats-Baril 2020), allowing users to analyse and advocate for Indigenous rights in constitutional frameworks: <<https://constitutionnet.org/tools/item/indigenous-peoples-rights-constitutions-assessment-tool-ipcat>>.

article 43) or recognized the necessity of international cooperation to achieve sustainable development (e.g. Hungary, article Q).

1.4. SUSTAINABLE DEVELOPMENT IN CONSTITUTIONAL REFORM PROCESSES: THE CURRENT STATE OF PLAY

The control of natural resources remains highly contentious and can become particularly volatile when overlapping with ethnic, religious or linguistic divides (Haysom and Kane 2009). Ideally, constitutions can channel grievances through institutional and legal avenues, establishing oversight and accountability bodies for inclusive natural resource management. This approach may aid a state in avoiding the ‘conflict trap’, whereby unresolved issues related to natural resources lead to cyclical resurgence of violence (Collier et al. 2003). The success or failure of domestic constitutionalism in this regard is open to debate.

The current challenge is how to transform natural resources from a driver of conflict to a tool for peace, inclusive governance and sustainable development.

The current challenge, then, is how to transform natural resources from a driver of conflict to a tool for peace, inclusive governance and sustainable development—and addressing the triple planetary crisis. This is reflected in the United Nations’ Sustainable Development Goals (SDGs), which emphasize that tackling environmental concerns⁵ and taking action on climate change are intrinsically linked to promoting peace, justice and strong institutions (SDG 16), human well-being (SDG 3), gender equality (SDG 5) and creating decent work and economic growth (SDG 9). States engaging in constitution-making processes therefore have distinct and important reasons to consider designing and incorporating natural resource provisions grounded in sustainability principles.

In light of this, the following objectives can guide the design of constitutional provisions for natural resource management:

1. *Promote sustainable management and utilization* of natural resources for the physical and economic well-being of current and future generations, including contemplating new discoveries and the volatility and finite nature of non-renewable resources.
2. *Ensure equitable revenue distribution* from natural resource exploitation, minimize disparities between regions, reduce social inequalities and ensure capacity to deliver essential public services evenly across the country.
3. *Minimize conflicts* arising from competing claims to resource access and ownership.

⁵ Environmental concerns include SDG 6 on clean water and sanitation; SDG 12 on responsible consumption and production; SDG 13 on climate action; SDG 14 on life below water; and SDG 15 on life on land (see: UN DESA n.d.).

4. *Enhance transparency and accountability* in the use of natural resources and the revenues gained from their exploitation, including to reduce corruption.
5. *Strengthen legal and regulatory frameworks* for natural resources to ensure effective management and enforcement of environmental laws and policies (Springer, Campese and Nakangu 2021).

Chapter 2

NEGOTIATING NATURAL RESOURCES

This chapter outlines key themes that emerged from the Women Constitution-Makers' Dialogue in relation to negotiations surrounding natural resources in peace processes and constitutional negotiations.

In constitutional negotiations relating to natural resources, three key issues emerge: who owns the natural resources, who has the power to oversee and develop them and how the revenue from the resources is used and distributed (Haysom and Kane 2009). These pivotal questions also arise in peace processes, where land and extractive industries are often at the centre of power-sharing agreements. The dynamics of these negotiations are influenced by the types and characteristics of the natural resources under discussion—for example oil, gas, land, forest and water—where they are located across the territory and their significance to the economy.

Constitution-makers are tasked with considering broader economic, environmental and legal frameworks relevant to governing natural resources.

Negotiators therefore face the challenge of resolving tensions between demands for greater autonomy at the substate level and a centrally coordinated approach to natural resource policies and standards that can ensure fiscal stability. Beyond these primary concerns, constitution-makers are also tasked with considering broader economic, environmental and legal frameworks relevant to governing natural resources. This involves integrating human rights, defining the duties of the state, and creating oversight and accountability mechanisms and institutions.

2.1. PRIORITIZING POWER

Constitutional negotiations, particularly in the aftermath of conflict, are high-stakes and often fraught processes, reshaping the allocation of power and resources (Bisarya and Noël 2021). Because in most states the executive holds significant control over natural resources, ostensibly in trust for 'the people', the focus of negotiations may not be on natural resources themselves, but on

securing political power. This was the case in **Sudan**, where negotiations over the transitional agreements and the 2020 Juba Peace Agreement became focused on power-sharing despite concerns relating to natural resources. This approach stemmed from the parties' understanding that control of the government equates to controlling regulation of international companies' licensing and associated revenue flows.

In negotiations for **Yemen's** 2015 draft constitution, achieving the correct balance of political power was understood as a fundamental precursor to addressing historical grievances related to natural resources. During the process, key disagreements emerged on the design of the new federal system—including the delineation of the federal units and powers of the substates. As revenue from oil and gas had previously been appropriated by the former President, southerners demanded that substate control of natural resources be constitutionalized. They deemed this essential to rectify over-exploitation by northern elites (Williams, Sommadossi and Mujais 2017).

2.2. UPSTREAM AND DOWNSTREAM CONSTRAINTS

Grievances from colonization, land dispossession and political and economic marginalization can necessitate both substantive and symbolic resolution, especially when dealing with upstream constraints on the process imposed by existing constitutional arrangements or previously negotiated agreements. For example, negotiations between the Government of the **Philippines** and the Moro Islamic Liberation Front in the lead up to the Comprehensive Agreement on the Bangsamoro were narrowed by previous peace agreements, and complicated by pre-existing constitutional constraints. This included the Regalian Doctrine from the Spanish colonial era (embedded in the 1987 Constitution, [article XII, section 2](#)), which mandates state ownership and control of land and natural resources. To address demands for self-determination under these and other political constraints, negotiators explored both substantive and symbolic solutions. One solution proposed by government negotiators was to allow the regional government to reclassify lands as alienable or disposable, which was symbolically significant to address previous dispossession of Indigenous peoples by the state. Additionally, negotiations facilitated concurrent land management and registration between the central and regional government, addressing demands for autonomy and self-determination within the overall framework of the Philippine Constitution. Conceding ownership and natural resource management rights within preliminary negotiations to bring parties to the table can also create downstream constraints that need to be re-negotiated in eventual constitution-making processes, as in the case of **Myanmar** (see Box 2.1).

Grievances from colonization, land dispossession and political and economic marginalization can necessitate both substantive and symbolic resolution.

Box 2.1. Navigating negotiations on natural resource federalism in Myanmar

In Myanmar, high-value natural resources like natural gas, oil, timber and gemstones are predominantly located in areas inhabited by minority ethnic groups. Under the 2008 Constitution, the central state claims ownership over all land and natural resources. Historically, the military and affiliated businesses have monopolized the exploitation and trade of these resources, with impunity for environmental damage caused to local communities (Shwesiin Aung 2021). Over the past decades, social, political and economic marginalization has coalesced into consistent demands from regional representatives and ethnic armed groups for federalism. At its core, the demand seeks greater control and access to revenues from natural resources as prerequisites for peace.

Following the military coup in 2021, pro-democracy forces established interim institutions such as the National Unity Government, which combines democratically elected representatives from the 2020 election and ethnic minority leaders. Interim governing institutions declared the 2008 Constitution invalid and in 2021 released a negotiated political framework, the [Federal Democracy Charter](#) (FDC), for negotiating interim and permanent federal constitutions. The FDC

reflects longstanding calls for federalism. Unusually, it vests complete ownership of natural resources within each federal state. It further gives each federal state the right to ‘independently manage the exploration, extraction, selling, trading [and] preservation’ of the natural resources within its borders and the rights to all revenues. The FDC moreover allows each federal state to create its own substate constitution, mandates that natural resource extraction or production can only take place with the consent of the local communities affected and provides that taxes and funding programmes will ameliorate any environmental damage (FDC, Part I, articles 12, 19–21).

While the promulgation of the FDC may have succeeded in facilitating dialogue among diverse stakeholders, questions remain on how to reconcile substate-level ownership of natural resources and independent management rights with the need to ensure that the central government has sufficient power and revenue to carry out its functions, ensure nationwide fiscal stability, promote territorial equity and oversee Myanmar’s compliance with international environmental commitments (Hickey and Maria-Sube 2022).

A lack of technical knowledge and expertise among negotiators can lead to lack of understanding of the long-term financial and environmental implications of decisions and agreements.

2.3. EXPERTISE AND EXTERNAL INFLUENCE

Often, those involved in peace and constitution-making processes lack substantive knowledge of natural resources, with technical committees primarily focused on how revenues are distributed. A lack of technical knowledge and expertise among negotiators can lead to lack of understanding of the long-term financial and environmental implications of decisions and agreements. This can advantage some negotiators over others when there is knowledge asymmetry between parties or when external entities are interested in a state’s resources. In considering the Oslo Accords, which established a peace process for **Israel** and **Palestine**, a participant noted that the agreement was negotiated under pressure and with insufficient expertise available to the Palestinian side. While Palestinian governance entities for land, water and environment were initially negotiated, critical issues—such as the powers of these entities and the ownership of water and sewage related infrastructure—were postponed to later negotiations that never materialized. As a result, water access remains a critical issue for Palestinians. Since the Accords, the population has doubled. Moreover, Israel’s control over all water resources in the Occupied Palestinian Territories has led to stark inequities in access to water. Prior to the outbreak of renewed conflict in October 2023, over 400,000 Palestinians were receiving only half the daily amount recommended by the

World Health Organization (Action Against Hunger, WASH Cluster and WeWorld 2021).

Knowledge asymmetry can further make negotiations more susceptible to influence from powerful external actors, such as foreign states and companies, who seek favourable access to lucrative resources under the new dispensation. For example, in constitutional negotiations in **Iraq**, an external advisor to the Kurdistan Alliance had undisclosed financial ties to a Norwegian oil company. In parallel to advising the Kurdistan Alliance on negotiating ownership and management of the oil fields, he negotiated a deal with the Norwegian company that would grant him millions of US dollars for securing their access to these same fields (NPR 2009).

2.4. LONG-TERM SUSTAINABILITY CONSIDERATIONS

Another issue raised during the Dialogue was the short-term focus of negotiations, which often aim at immediate wealth generation while neglecting environmental protection. Participants noted how the pressing interests of elite negotiators were prioritized at the expense of the long-term welfare of the populace and sustainable resource management. This is exemplified not just in constitutional negotiations but also in contract negotiations relating to oil and gas, where government negotiators have been known to accept lower royalties (jeopardizing significant future revenues) in return for immediate gains that could assist the current government's re-election plans.

In contrast, some constitution-making processes, cognizant of the volatility and finite nature of certain natural resources, have successfully incorporated mechanisms aimed at securing long-term wealth generation from the exploitation of hydrocarbons. For instance, the 2011 Constitution of **South Sudan** established both an Oil Stabilization Fund and a Future Generations Fund to be financed through the central government's net oil revenue ([article 178](#)). Other constitutions, such as the **Philippines**, durationally limit contracts for the exploration, development and use of natural resources ([section 2](#)) which can potentially prevent over-exploitation.

In peace and constitutional negotiations, discussions on natural resources are often divorced from environmental, cultural and social or human rights considerations. Instead, deliberations predominantly revolve around ownership, control, management and revenue collection and distribution, without integrating these dimensions. A notable exception is **Chile**, where in the 2021–2022 constitution-making process, a Thematic Committee was formed to negotiate constitutional provisions on the 'Environment, Rights of Nature, Natural Commons and Economic Model'. This innovative approach presumed an intrinsic link between natural resources, environmental protection and the economy. Further, by making a clear distinction between nature and natural resources, the mandate of the Committee underscored the presupposition of nature's inherent value beyond economic utility. Nevertheless, constitutional

Government negotiators have been known to accept lower royalties (jeopardizing significant future revenues) in return for immediate gains that could assist the current government's re-election plans.

negotiations in Chile also offer a cautionary tale regarding the challenges of reconciling idealistic (and radical) environmental provisions with practical concerns of stakeholders (see Box 2.2). It further highlights the importance of balancing representation within thematic committees to avoid the dominance of particular interest groups—even those that favour environmental protection—which tends to stymie dialogue and progress towards sustainable consensus on constitutional provisions.

Box 2.2. Radical environmentalism hinders compromise in Chile's 2021–2022 negotiations

The composition of the 2021–2022 Chilean Constitutional Convention epitomized its origins in social protest, including a commitment to gender parity and Indigenous representation. One of the Convention's first acts was to adopt a resolution recognizing 'the ongoing Climate and Ecological Emergency', emphasizing the necessity of integrating environmental considerations across all areas of the Convention's work. This imperative was also reflected in the Thematic Committee on 'Environment, Rights of Nature, Natural Commons and Economic Model', reflecting a commitment to addressing the structural challenges posed by an extractive economic model.

The Environment Committee's left-leaning composition, dominated by environmental activists, fostered maximalist constitutional proposals. The imbalance in the Committee's composition hindered effective negotiation and consensus-building with centre and right-wing Committee members, and consequently the Committee's ability to temper its more radical proposals before presenting them to the plenary. The failure to

negotiate and moderate the strong environmental bent led to outright rejection of some of the Committee's proposals at plenary and significant animosity within the Committee itself (Davies and Hickey 2022).

The progressive Convention nevertheless passed a draft that was heralded as a pioneering 'green constitution', which proposed groundbreaking environmental protections including recognizing the rights of Nature and establishing Chile as a 'plurinational, intercultural and ecological state'. It aimed to transform natural resource management through a decentralized 'regional state' model, by limiting privatization and through endorsing environmental law principles such as the 'Polluter Pays' principle. However, this alarmed the mining sector, which accounts for over half of the country's exports, and foreign investors were advised to prepare for litigation to protect their assets (Jones Day 2022). These and other factors, including the perception that the proposal disproportionately favoured Indigenous rights, contributed to the draft's rejection at referendum in 2022 (Bauer 2022).

2.5. VOICES OF WOMEN AND INDIGENOUS PEOPLES

In constitution-making that follows a peace agreement, representation at the negotiating table is often limited to protagonists of the conflict, who are typically men (Suteu and Bell 2018). Additionally, in discussions around lucrative natural resources like oil and gas, the influence of powerful domestic and international interests, primarily male dominated, tends to lead to the exclusion of women and marginalized groups. Further, women are often underrepresented in technical constitution-making committees, unlike committees addressing rights and values. The management of natural resources is often perceived as a 'technical' issue not impacting women's rights.

This imbalance stands in contrast to mounting evidence that ‘women’s representation is linked to more equitable legal frameworks, more inclusive social and economic reforms and, in conflict-affected states, to more sustainable peace’ (Houlihan 2020: 9). Specifically, in the contexts represented at the Women Constitution-Makers’ Dialogue, participants concurred that women faced significant challenges in securing equal (or adequate) representation during peace negotiations and constitution-making. This is despite, as was the case in **Sudan**, women’s pivotal roles in mobilizing for transitions to democracy and peace (Houlihan 2023: 28).

The issue of underrepresentation in peace and constitution-building extends to Indigenous communities. A notable case is in the **Philippines**, where peace negotiations with the Moro Islamic Liberation Front culminated in the creation of an autonomous, self-governing region called Bangsamoro in 2019. However, Non-Moro Indigenous peoples were frozen out of these peace negotiations (Saliga 2023). This exclusion led to inadequate protection of their ancestral lands within the autonomous region, highlighting the vulnerability of such groups when sidelined by negotiating parties and illustrating the complexities of ensuring the representation and rights of ‘minorities within minorities’ in zero-sum negotiations (Bisarya 2020).

Chile’s 2021–2022 constitutional reform process made history with the first elected constitution-making body ensuring gender parity by design and Indigenous peoples’ representation through reserved seats. In diametric opposition to neo-liberal policies embedded in the 1980s Constitution it sought to replace (dating from the era of dictatorship), this body quickly moved to foreground Indigenous rights and sustainable natural resource management practices. The Convention elected Elisa Loncón Antileo, an academic and Indigenous rights activist, as its first president. She advocated for embracing Indigenous environmental values, wishing to inspire the world to adopt the philosophy that humans and nature are interdependent (Nugent 2021). Nevertheless, there was significant public backlash against the strong Indigenous rights contained in the draft, which became emblematic of the narrative that the proposed text was too radical. This backlash potentially placed Indigenous peoples at a disadvantage in subsequent constitution-making efforts.

There was significant public backlash against the strong Indigenous rights contained in the draft, which became emblematic of the narrative that the proposed text was too radical.

Quotes from participants

'The interests, objectives, incentives and conflicts that we have on natural resource management have always been financial. It is always financially driven at the table. It is not sustainability driven.'

'How can you talk about a viable state without access to water? ... When you have control over this valuable resource that means the end of any kind of peace agreement or negotiation.'

'This is why when the negotiators in peace talks are not very much concerned about the environment or natural resources: because it is under their hands and no one will hold them to account for all the destruction and the

misuse of the natural resources by the government and by these companies.'

'If we think of nature as the legal person, we could do something; it's a revolution—it changes the structure of the economic system.'

'If we insist on putting everything in the constitution, what is left for parliament? ... Sometimes we have constitutions that come out from very bad drafting processes and they are imposed on us. So what happens if we don't leave a little bit of space to parliament that should, in theory, be elected?'

'The government collects revenues but fails to fulfil the people's expectations, especially in oil-producing areas.'

Chapter 3

DECENTRALIZATION AND NATURAL RESOURCE MANAGEMENT

This chapter reflects on the final links in the natural resource value chain (revenue management and distribution) and implementation issues that arise here. It explores mechanisms for transparency, monitoring and accountability, and considerations about representation and inclusion.

Redistributing political power and resources from the centre has the potential to increase economic efficiency, improve the responsiveness of resource allocation, enhance public services, and foster democratic accountability and participation by making the state more accessible to the people. Over 60 states, including **India, Indonesia, Kenya** and **Nigeria** have decentralized certain aspects of natural resource management on a constitutional basis (Venugopal 2014). To avoid a 'race to the bottom' in the regulation of extractive industries, states may set national environmental and labour standards and mainstream sustainability requirements throughout the constituent substate units via the constitution (e.g. **Belgium, article 7bis**).

The push toward decentralization has coincided with political shifts such as the dismantling of colonial structures in Africa, re-democratization in Latin America and demands of territorially based groups over natural resources in their regions. But despite an apparent pro-decentralization tendency or bias at the state level and within the international community, the anticipated benefits are often not borne out in practice, particularly in fragile contexts. Critics contend that decentralizing management of natural resources exacerbates clientelism, capacity constraints, conflicts between different levels of government and weak information-sharing between jurisdictions (Venugopal 2014). As decentralization is a process and not a one-time event, implementation often highlights fundamental differences in stakeholders' conceptions: not just of their roles, but also their perspectives on development, inclusive participation and democracy itself (Larson and Soto 2008; Houlihan and Hickey 2023).

As decentralization is a process and not a one-time event, implementation often highlights fundamental differences in stakeholders' conceptions of their roles.

3.1. REVENUE COLLECTION AND ALLOCATION

Natural resource revenues can be vitally important to a state's economy. For example, **South Sudan** derives more than 90 per cent of its state revenue from oil (World Bank 2022) and in **Libya, Iraq** and **Sudan** exports of oil, natural gas and coal have historically accounted for 90–99 per cent of all exports (Hutt 2016). However, a heavy reliance on oil and gas is linked to the 'resource curse'—and South Sudan is no exception (see Box 3.1).

Box 3.1. The 'resource curse' in South Sudan

In fragile and conflict-affected states, the struggle for control over natural resources frequently intersects with broader issues of militarization, lack of democratic control and ethno-political tensions, which converge to drive conflict.

Following its independence in 2011, South Sudan heavily relied on oil revenue, which constitutes almost the entirety of its government budget and about 90 per cent of its total income.

Despite passing promising legislation in 2012–2013 aimed at responsible natural resource management and revenue allocation, South Sudan quickly began to exhibit symptoms of the 'resource curse'. Instead of fostering development and stability, oil wealth fuelled escalating corruption among political and military elites, leading to neglect of other economic sectors and to conflict in oil-rich border regions. The situation deteriorated into civil war—with ethnic undertones—in 2013, amid accusations that oil revenues managed by state-owned enterprises funded pro-government militias. More than 50,000 people were killed and over 2 million people displaced (Mukum Mbaku 2023).

Efforts to halt the violence led to a peace agreement brokered by the Intergovernmental Authority on Development in 2015, followed by the 2018 Peace Agreement (Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan). The latter included significant measures aimed at anti-corruption and improving public financial management, with specific emphasis on the transparency of oil revenue and expenditure. Nevertheless, the economic outlook remained uncertain due to pre-existing loan commitments predicated on future oil revenues (Ryan 2019). Additionally, major environmental pollution in oil-producing areas led to complaints from local communities experiencing grievous health impacts (Ajith Goch 2022). Despite the extension of the peace agreement for another two years in February 2023, it is estimated that over 70 per cent of South Sudan's population remain in need of humanitarian assistance, with chronic food insecurity exacerbated by natural disasters and instability heightened by war in neighbouring Sudan (European Commission 2024; UNCHR n.d.).

Revenue sharing from natural resources not only involves the distribution of significant wealth, but also raises critical questions of equity, fairness, amelioration of environmental damages and community rights. Revenue-sharing can also contribute to conflict resolution and mitigation, being integral to peace agreements in **Indonesia** (Aceh and West Papua), **Papua New Guinea** (Bougainville), **Philippines** (Bangsamoro) and **Sudan/South Sudan**.

By the same token, revenue collection can be contentious. In fragile settings where trust is low and sometimes as a requirement of post-conflict reforms, states have experimented with contracting private or international entities for collecting revenues. In **Liberia**, for instance, the former president used resources from timber and mining to consolidate power and finance conflict.

Following the 2003 Comprehensive Peace Agreement, the International Monetary Fund, World Bank, US Treasury and USAID designed an initiative that placed international financial comptrollers in the national petroleum and forestry enterprises. Revenue collection, procurement and natural resource concessions were now managed by international experts (Beevers 2015).

From an environmental justice standpoint, it can be argued that resource-producing regions should receive a greater share of revenue than non-producing ones: to compensate and remediate harms both to the environment and to impacted communities. Additionally, the regions where extraction takes place need investment to improve infrastructure due to an influx of workers and to enhance the development and diversification of the local economy (Arellano-Yanguas and Mejía-Acosta 2014). Formulas for the division of resources can be based on various political, social and economic factors, primarily the source of the resources (derivation) and the needs of the population (equalization). In **Iraq**, for example, the federal government and oil- and gas-producing provinces and regions have joint authority over extraction from current fields; revenue-sharing is based on population distribution, with a portion allocated to historically disadvantaged areas ([article 112\(1\)](#)).

The clarity that constitutionalized formulas are intended to provide can lead to complications if new natural resources are discovered, or if there is a change in the number of substate units. In Nigeria, the allocation formula is adaptable, with proposals for reform put to the National Assembly by the President with advice from the Revenue Mobilization Allocation and Fiscal Commission ([article 162\(2\)](#)). This Commission has the constitutional power ‘to review the revenue allocation formula and principles in operation to ensure conformity with changing realities’ (Schedule III, Part I, [N. 32\(b\)](#)). Similarly, in Nepal, the National Natural Resources and Fiscal Commission has the responsibility to determine revenue distribution guidelines across federal, provincial and local levels of government, and to review and recommend federal–provincial revenue-sharing reforms ([article 251](#)). It further mediates disputes relating to natural resource distribution and advises government on the environmental impact ([article 251\(2\)](#)).

Formulas for the division of resources can be based on various political, social and economic factors.

3.2. MANAGEMENT

There is an inherent tension between national interests and local impact in natural resource development. Constitutional responses to this tension vary, ranging from purely central to substate government management, to dividing different functions between these tiers, to joint management. Each approach—centralized, decentralized, or jointly managed—offers benefits and poses challenges. Centralized management may enhance consistency and efficiency across the state, while decentralized management aims to better utilize site-specific expertise and address local needs. Joint management potentially balances national oversight with local input. Achieving an effective balance requires careful consideration of national interests, the locus of

expertise, sufficient administrative capacity, efficiency and legal, and regulatory consistency (Kherigi 2022).

Achieving this balance is complicated by the high value of natural resources, which leads to challenges in ensuring that they are managed with integrity. In this context, commissions can play an important role. **Kenya's** National Land Commission has a multifaceted mandate to manage public land, recommend national land policies, research land use, investigate land injustices, encourage traditional dispute resolution, assess land tax and oversee land use planning (2010 Constitution, [article 67](#)). In the decade since its establishment, the nine-member Commission has been active in land development and allocations, acquisition for development projects, land conflict resolution and implementation of land policy (Kenya National Land Commission n.d.).

Similarly, **South Sudan's** constitutionalized National Petroleum and Gas Commission includes relevant ministries, institutions and representatives of oil-producing states, appointed by the President ([article 174](#)) to advise on revenue allocations. Meanwhile, the **Somali** Petroleum Authority, the regulatory body for the oil and gas industry under the Ministry of Petroleum and Mineral Resources, has a mandate to ensure that the regulatory and fiscal regime applies 'the principles of equality, openness, accountability, transparency and non-discrimination in the interests of all the Somali people'. Limited female representation on the board—just one member—raises concerns about inclusivity.

South Sudan's Constitution guarantees 2% of net oil revenue for oil-producing states with 3% earmarked for development projects in the producing communities.

3.3. TRANSPARENCY AND ACCOUNTABILITY

Despite such legal-administrative frameworks—and even where they are linked to constitutional guarantees—increasing transparency and accountability in natural resource management remains challenging. **South Sudan's** Constitution guarantees 2 per cent of net oil revenue for oil-producing states with 3 per cent earmarked for development projects in the producing communities (2011 Constitution [article 178](#); 2013 Petroleum Revenue Management Act). Nevertheless, communities have reported discrepancies in the amount of funds received. This recently prompted the upper house of parliament to order an audit, with the Auditor General uncovering over USD 50 million in misappropriated funds (South Sudan National Audit Chamber 2021). While this audit represented a step towards accountability, it also revealed broader implementation challenges. At the local level, some community development committees—charged with proper allocation and utilization of the 3 per cent oil share—had not yet been established, creating a lacuna in devolved powers and responsibilities at lower levels of government.

In **Ghana**, concerns regarding accountability have surfaced in relation to revenue generated from lands held under customary tenure ('stool lands'). Under the 1992 Constitution, 45 per cent of revenue from these lands is allocated to traditional authorities, divided 25 per cent to the 'stool' holder for

land maintenance and 20 per cent to the traditional authority. The remaining 55 per cent is granted to the district assembly in which the stool lands are located ([article 267\(6\)](#)). Traditional leaders have called for more transparency and accountability in how district assemblies use the money generated from local lands. They also seek government support to counter illegal mining on community lands (Yaw Gyimah 2021).

A prevalent issue in the management of natural resources is the lack of transparency in natural resource contracts, which are often not made public or accessible to members of parliament in a timely manner. This challenge is linked to effective oversight on executive control of extractive industries. For example, in **Somalia**, an oversight committee in parliament is designated to review oil and gas contracts; however, in practice, this oversight function often remains unfulfilled. Some states, such as **Bolivia** and **Central African Republic**, require legislative authorization, approval or oversight of contracts related to natural resources to ensure they fulfil national priorities and development goals. A requirement for legislative approval can further provide opportunities for civil society engagement and public debate (NRGI 2016). On the other hand, subjecting contracts to prolonged scrutiny also causes delays in investment and may politicize the contracting procedure. One reason for lengthy processes can be insufficient technical capacity in parliament, which also poses a risk of only superficial review.

A prevalent issue in the management of natural resources is the lack of transparency in natural resource contracts, which are often not made public or accessible to members of parliament in a timely manner.

Chapter 4

AT THE INTERSECTION: GENDER IN NATURAL RESOURCE MANAGEMENT

This chapter explores the relationship between women and natural resources, focusing on land and extractive industries.

Local communities and Indigenous peoples around the world depend on natural resources such as land, water and forests for their subsistence and livelihoods (Squires, Landau and Lewis 2020). In societies worldwide, women's access to and use of natural resources differs to that of men as women are typically the primary providers of food and energy in their households and communities. Entrenched gender roles also result in women bearing disproportionate negative impacts from extractive industries, without reaping equal benefits (Parks and Buitrago Orozco 2018; EITI 2019).

Despite these challenges, many women's daily interactions with their surroundings—for collecting water, gathering food and sourcing fuel—endow them with deep knowledge of local ecosystems. This positions them as crucial actors in promoting sustainable development practices, protecting biodiversity and combatting climate change. Indeed, women are already at the forefront of resistance to extractivism and leading efforts towards climate change mitigation and adaptation (UN Women 2023; Cirefice and Sullivan 2019; Michaeli and Karaman 2017).

Women's experiences with natural resources are not homogenous but shaped by a combination of factors including age, ethnicity, culture and socio-economic status.

Women's experiences with natural resources are not homogenous but shaped by a combination of factors including age, ethnicity, culture and socio-economic status. This diversity underscores the need for an intersectional and gender-sensitive approach towards natural resource management, deeply rooted in legal frameworks, policies and constitutional provisions that uphold and safeguard women's human rights (for an assessment tool on women's constitutional equality, see Allen 2016).

4.1. WOMEN'S LAND RIGHTS: EQUALITY ON PAPER, DISPARITY IN PRACTICE

Women's access to land is critical for their economic and social empowerment and it also serves as the basis for realizing housing, food security, education, health and other rights (UN OHCHR and UN Women 2020). Women are the backbone of agricultural production in the Global South, contributing up to 80 per cent of its food production (Davies 2023), but face discriminatory customs and practices that restrict their ownership, tenure and access to land, as well as their involvement and influence in related decision-making processes (UN Women 2022). Despite constitutional and legal provisions that prohibit discrimination against women and guarantee women's equal rights to property and inheritance, the implementation and enforcement of these laws falls short at the local level (Halonen 2023; Behr et al. 2023).

An illustrative example is **South Sudan**, where the 2011 Constitution guarantees women's equality in land and property ownership and inheritance, mandating that all levels of government enact laws to combat 'harmful customs and traditions which undermine the dignity and status of women' ([article 16\(4\)\(b\), \(5\)](#)). The Constitution also recognizes legal pluralism, incorporating the 'customs and traditions of the people' as a source of law ([article 5](#)). As much of the country's justice system operates through customary law and traditional judicial mechanisms, women's entitlement to inherit property and land is denied in favour of male relatives (Legge 2023; Ainsworth and Hickey 2022).

Quotes from participants

'I don't know that you can possibly set up a sovereign fund for future generations when half your population is starving. You need to use the money now to solve current problems.'

'The best way to increase accountability is to reimagine the Western education system, which currently separates you from the natural world. ... It's interesting to think about whether accountability is a solely human concept ..., or whether there is an additional dimension of having some inherent accountability and responsibility to the natural world around us and whether that helps us balance some of the competing interests and priorities that we've been talking about.'

'Is it resource curse? Or is it bad resource governance? ... so what do we do to embed constitutional provisions into national consciousness, particularly for public and civil servants? Because the private institutions are profit-driven, they don't care about your constitution ... It's your responsibility as a public official to ensure that the principle of common good, that the principle of lasting benefit, is always sustained in what you do.'

'There's very good evidence to show that whether it's in natural resource management, or any kind of rights regime, the effectiveness of implementation depends so much upon the quality of democracy. If you don't have ... a system of government that centres the public, then you can have all the laws and regulations that you like, but you won't get that sense of the public interest.'

About 30 per cent of the world's population relies on land held under community-based land tenure systems, which face mounting pressure from large-scale land acquisition by foreign investors, energy infrastructure projects and expanding extractive activities (Veit and Reytar 2017; Golay 2020; Milman 2024). While individual private property rights can elevate women's power and status within a community, many rural, pastoralist and Indigenous women live in communities where collective rights over land are not just vital to their survival, but also integral to their spiritual and cultural identity. Therefore, protecting collective rights is also essential to protecting women's rights. Given this reality, it is important to integrate women into community-level governance structures and promote gender-sensitive mechanisms of community decision making to ensure their voices are heard (Errico 2021).

Extractive industries are distinctly gendered, with male dominance prevalent across all levels of employment and particularly in leadership roles.

4.2. THE GENDERED TERRAIN OF EXTRACTIVE INDUSTRIES

Extractive industries are distinctly gendered, with male dominance prevalent across all levels of employment and particularly in leadership roles (EITI 2019). Many feminist scholars assert that violence is intrinsic to the functioning and maintenance of extractive industries, linking the destruction of the environment with increased violence against women and local communities (e.g. Hofmann and Cabrapan Duarte 2021; Meer 2021; Tran 2023; Macdonald 2018). At the local level, the influx of workers for extractives, mining and construction housed in temporary lodgings (so called 'man-camps') exposes women to increased threats to their safety, including from violent crimes, sexual assault and sex trafficking (Finn et al. 2017). Moreover, the increasing reliance on both military and private security forces to guard extractive sites fosters a climate of intimidation. Violence, including sexual violence, is used against environmental rights defenders who resist forced displacement and the exploitation of resources (Springer, Campese and Nakangu 2021; Schrecker, Birn and Aguilera 2018).

Despite the anticipated benefits of initiating extractive activities—job creation, infrastructure development and local business growth—the reality for local communities is often different. This discrepancy is heightened when local governments lack capacity, or are not responsive to community needs, leading to increased corruption. Additionally, promised investments in essential services like schools and health centres frequently fail to materialize or are privately provided, resulting in unaccountable and unsustainable services. While one of the principal economic benefits of extractive industries is the opportunity for employment, hiring practices favour men, with women generally losing their prior access to natural resources and livelihoods based upon them (Macdonald 2018; Aragón, Chuhan-Pole and Land 2015; Eftimie, Heller and Strongman 2009). Research indicates that women are increasingly participating in artisanal and small-scale mining. Yet these roles are predominantly informal, low-paying and dangerous (Mutemeri et al. 2023). In **Colombia**, for example, despite constitutional guarantees on gender discrimination and the right to health ([articles 43, 49](#)), a pervasive cultural

belief persists that it is 'bad luck' for women to work in the mines, relegating them to ancillary and less profitable work (e.g. mud sifting or panning for gold). In some areas, women were found to be more exposed to mercury toxicity than men, attributed to a lack of safety information and protective equipment (Céspedes-Báez, Prieto-Ríos and Pontón-Serra 2022).

Extractive industries inflict widespread environmental harms in local communities which impact health in myriad and grave ways, causing death, cancer, and reproductive and developmental issues (Schrecker, Birn and Aguilera 2018). Even where community consultation takes place for development projects, women's participation is impeded by 'gender-related inequalities and restrictive definitions of appropriate female behaviour' (UNEP 2016: 55). A study of several Environmental Impact Assessments in **Myanmar** found that barriers to women's full participation included lack of confidence in voicing their opinions (and doing so safely), and lack of information about the mining and development projects, which had been shared only with male leaders and heads of households (Spectrum 2018).

The pollution from extractive industries degrades agricultural land and output, including through water and air pollution, and diverts water from household to industry use. Increased pressure on remaining resources is also linked to local conflict, whether intracommunity, between different ethnic groups, or between pastoralists and farmers (PeaceRep n.d.), thus continuing cycles of violence initiated through extractive activities.

4.3. THE WAY FORWARD: WOMEN'S ACCESS TO ENVIRONMENTAL JUSTICE

The preceding discussion provides a snapshot of the multifaceted ways in which women are differently and disproportionately impacted in natural resource management and extractive industries, often in contrast to legal protections designed to bolster environmental justice. Notably, principles such as community consent and free, prior and informed consent of Indigenous peoples for extractive activities on their lands stand at odds with the realities faced by women in these contexts. Despite these challenges, women and girls around the world continue to assert their constitutional and human rights and to hold their governments accountable for addressing climate change for present and future generations (e.g. Clark 2022; Chamberlain 2023; KlimaSeniorinnen Schweiz n.d.; Ecojustice 2024). The right to a healthy environment was recognized by the United Nations General Assembly in 2023 as foundational for the enjoyment of all other human rights and a key component of tackling the triple planetary crisis. It is also recognized in regional agreements such as the African Charter on Human and Peoples' Rights (article 24), the Arab Charter of Human Rights (article 38), and the Protocol of San Salvador (article 11).

Despite these challenges, women and girls around the world continue to assert their constitutional and human rights and to hold their governments accountable for addressing climate change for present and future generations.

Navigating this path to justice entails multiple challenges for women (including physical, economic, cultural and linguistic barriers) that necessitate ‘gender-sensitive engineering of the entire chain of justice in a way which guarantees not only formal but also substantive equality’ (Raday n.d.; see also, Obani 2024; CEDAW Committee 2015). Constitutional design innovations have a part to play. For instance, **Kenya’s** 2010 Constitution not only includes the right to a healthy environment ([article 42](#)), it also encourages enforcement through broad standing rules, provisions for public interest litigation, lowered formal requirements for initiating litigation, and multiple judicial remedies to protect and vindicate environmental rights ([articles 22\(3\)\(b\), 70, 258](#)).

‘... climate change, environmental degradation, biodiversity loss and gender inequality ... are inextricably linked and mutually reinforcing’

Empowering women becomes ever more important as ‘climate change, environmental degradation, biodiversity loss and gender inequality ... are inextricably linked and mutually reinforcing’ (OECD 2023: 8). Those living in poverty bear the heaviest burdens of the effects of climate change and of adaptation efforts, despite contributing least to the causes of climate change. As adverse weather events intensify, the most marginalized members of society, including women, children, people with disabilities and Indigenous peoples, will be at heightened risk of consequences to their health, life, livelihood and security (Ahmadnia et al. 2022). As concluded at the 2022 Commission on the Status of Women, mainstreaming women’s access to and meaningful participation in local, regional and international negotiations, processes and institutions of climate governance and natural resource management is a key imperative to securing their human rights, and also pivotal to achieving peace and advancing sustainable development (CSW 2022, n.d.).

Chapter 5

CONCLUDING OBSERVATIONS

The fifth Women Constitution-Makers' Dialogue was held at a time of global instability, at the outset of renewed conflict between Israel and Hamas and during the ongoing war in Ukraine, the latter having sparked an energy crisis in Europe. It also took place just before the 2023 United Nations Climate Change Conference where government leaderships and officials, climate experts, civil society, and oil and gas lobbyists converged in Dubai, United Arab Emirates, for a global stocktake of the world's progress—or lack thereof—on climate goals established under the UN Framework Convention on Climate Change.

Despite the Intergovernmental Panel on Climate Change's dire prognosis and 'final warning' that swift action is needed to prevent irreversible planetary damage (Harvey 2023; IPCC 2023), COP28 failed to live up to hopes and expectations. The symbolic locus of the conference's failure was the choice of president for this session: chair of Abu Dhabi National Oil Company Sultan al-Jaber, who claimed there was 'no science' to support the need to phase out hydrocarbons and who allegedly planned to use the occasion of COP28 to negotiate oil and gas deals with assembled world leaders (Carrington and Stockton 2023; Brosnan 2023).

The glaring contradiction of this is clear, but there is another pervasive irony within the international development community: the persistent narrative that eradication of poverty is achievable without any serious change to the current drive towards capital accumulation and consumption, nor any loss of power or wealth by global elites. What is needed, the story goes, is appropriate aid at the right time, combined with harnessing the extreme wealth-generating capabilities of natural resources.

5.1. EXTRACTION AS A BARRIER TO SUSTAINABLE PEACE

This narrative cannot contend with the observable reality that extractivism has not worked as a basis for improving people's lives in producing regions, nor for preventing countries from falling back into armed conflict—particularly those with histories of colonization, exploitation and violence. As articulated by Carol Cohen and Claire Duncanson of the [Feminist Roadmap for Sustainable Peace and Planet Project](#), natural resource extraction is incompatible with sustainable peace for several reasons:

1. *Extraction is a cause of warfare, even in peace, since it has always relied upon and continues to utilize violence and militarization for its practice.*
2. *Any attempt to achieve sustainable peace necessitates addressing people's post-war needs for physical security, food, shelter and decent livelihoods, but natural resource extraction is not focused on those recovery needs and rarely delivers the jobs and investments it promises.*
3. *Addressing and transforming the inequalities, marginalization and exclusions that pre-existed and underlie conflict is key to achieving peace, but the extractive model of post-war economic recovery exacerbates inequalities and creates new ones.*
4. *Sustainable peace is unattainable without resolving the ecological crises that stand in its way. A paradigm shift is essential, transitioning from an economic model that exploits the planet and people to one that is regenerative and respects the interconnectedness of human and planetary well-being.*

Sustainable peace is unattainable without resolving the ecological crises that stand in its way.

As we critique reliance on fossil fuel extraction and its inability to support sustainable peace or development, it is also crucial to examine the emerging challenges posed by the global transition towards renewable energy. This shift, while essential for reducing our dependence on fossil fuels, demands a significant increase in the extraction of minerals critical for green technologies. It further perpetuates a neo-colonial pattern of resource extraction from the Global South to the Global North. Acknowledging the tensions inherent in the renewable energy transition highlights the need for systematic change at the local, national and global levels. A balanced approach is required that safeguards the environment without perpetuating North–South exploitation.

5.2. REDIRECT INVESTMENTS: EMPOWER WOMEN

To achieve such a shift, there needs to be redirection of investments towards sectors that contribute to well-being, such as healthcare, education and nature conservation, coupled with efforts to decrease reliance on extractive industries. Improving constitutional and institutional frameworks for democracy (including through measures, for example, to safeguard the

judiciary's independence, curb the influence of money in politics and uphold human rights) is foundational for any such transformation.

Evidence shows that women's representation in national parliaments leads to the adoption of more stringent climate policies and heightened focus on addressing local community issues at a national level (Mavisakalyan and Tarverdi 2019). At the local level, women's participation in natural resource management is linked to better outcomes in resource governance and conservation (UN Women 2023). Constitutional provisions aimed at enhancing women's equality and public participation, such as reserved seats, may be important in fostering these linkages, as it is essential to support women to occupy decision-making positions on critical issues at every level, including development and environmental protection in constitutional reform processes. As politicians and policymakers seek frameworks to address the triple planetary crisis, Indigenous practices and philosophies are gaining wider recognition and traction. These values—community, solidarity, empathy, care and concern for future generations—are embedded in environmental stewardship and have historically been associated with (yet undervalued in) women.

Platforms for women to share experiences, gain comparative knowledge and build alliances across borders and with the international community remain invaluable and are urgently important as we expand the constitutional imagination of what is possible to tackle the most existential issue facing humankind. The Women Constitution-Makers' Dialogue series represents one such platform.

Evidence shows that women's representation in national parliaments leads to the adoption of more stringent climate policies and heightened focus on addressing local community issues at a national level.

Quotes from participants

'Is extraction causing war? Or is war being used to support extractive industries?'

'We hear talk about population growth or even exploitation of natural resources, which kind of shifts the blame to communities and countries that are victims ... in reality, the main problem is consumption.'

'Are we in a process where we have to start shifting away from trying to fix what's already there and building something new in parallel?'

'At the global level, we're using 1.7 times Planet Earth every year ... We are going deeper and deeper into

ecological debt every year. ... can we really start thinking more about beyond just reducing extraction—what does regeneration really look like? How do we measure it? How do we define it and to what extent can that actually appear in in constitutions?'

'These kinds of paradigm shifts ... I don't think are possible in the absence of institutional and cultural change. So ... how law might be part of creating the possibility for a paradigm shift. Is a moratorium on extraction actually a useful piece of that [or are] all of the good governance versions that we're talking about a necessary part of creating those preconditions for a paradigm shift?'

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Annex A. Programme

2 NOVEMBER 2023

Time	Session
09:00–09:30	Registration and coffee
09:30–10:00	<p>Welcome, objectives and introductions</p> <p>Sumit Bisarya, Head of Constitution-Building Programme, International IDEA Christine Bell, Co-Director, Global Justice Academy, Professor of Constitutional Law and Assistant Principal (Global Justice), University of Edinburgh School of Law Sharon Pia Hickey, Associate Programme Advisor, Constitution-Building Programme, International IDEA</p>
10:00–11:15	<p>Session I. Conceptualizing and framing the issues. <i>This session will provide an overview of the core issues of natural resource management and governance as a foundation for further sessions.</i></p> <p>Expert panel presentation followed by moderated discussion.</p> <ul style="list-style-type: none"> • Christina Murray, Member, United Nations Mediation Support Standby Team; Professor Emeritus of Human Rights and Constitutional Law, University of Cape Town • Susan Williams, Walter F. Foskett Professor of Law; Director, Center for Constitutional Democracy, Indiana University Maurer School of Law • Carol Cohn, founding director of the Consortium on Gender, Security and Human Rights; lead, 'Feminist Roadmap for Sustainable Peace and Planet' project
11:15–11:30	Break

Time	Session
11:30–13:00	<p>Session II. Navigating the terrain—politics of natural resource management negotiations. <i>This session will turn to the politics of natural resource management negotiations. In negotiations, three key issues emerge: who owns the natural resources, who has the power to oversee and develop them, and how is the revenue collected and distributed. These pivotal questions also arise in peace processes, where extractive industries are typically at the centre of power-sharing agreements. But in both scenarios, women are frequently excluded from essential decision-making roles and commitment to locally led development is often lacking, even though this is generally recognized to foster greater inclusivity, efficiency, and sustainability.</i></p> <p>Moderator: Kimana Zulueta-Fülscher, International IDEA Panellists:</p> <ul style="list-style-type: none"> • Armi Beatriz Bayot, former legal counsel to the Philippines government peace panel in talks with the Moro Islamic Liberation Front 2010–2016; University of Oxford • Amaya Alvez, former Member of the Chile Constitutional Convention; Professor of Law, University of Concepción • Samia Hamid Ali El Hashmi, participated in drafting the 2019 transitional constitution in Sudan and 2021 reforms; lawyer before the Constitutional Court in Sudan (online) • Farhia Mumin, Member of Independent Constitutional Review and Implementation Commission, Somalia • Sanaa Alsarghali, member of the Palestinian Constitution Drafting Committee <p>Moderated discussion.</p>
13:00–14:15	Lunch
14:15–15:45	<p>Session III. Decentralization and natural resource management—wealth and power sharing. <i>This session will dive deeper into issues related to decentralizing natural resource management and implications for human rights, conflict, effective environmental stewardship, economic development and service delivery. In decentralized states, ownership and management of natural resources is politically and logistically complicated. Should there be a single scheme (symmetrical) or multiple schemes (asymmetrical) for allocation of control over natural resources? An asymmetrical system may be considered in response to demands of territorially based groups, or in recognition that certain regions have more capacity or expertise to manage resources within their territory. There are advantages and disadvantages to each formulation, but a balance needs to be struck between national interests, the locus of expertise, and ensuring efficiency, capacity, and consistency.</i></p> <p>Moderator: Susan Williams, Walter F. Foskett Professor of Law; Director, Center for Constitutional Democracy, Indiana University Maurer School of Law Panellists:</p> <ul style="list-style-type: none"> • Mary Ayen Mijok, First Deputy Speaker of Council of States, South Sudan • (Naw) Janet, Programme Officer, MyConstitution Programme, International IDEA, Myanmar • Dima Moussa, Member, Syrian Constitutional Committee; Member and former Vice President of Syrian National Coalition <p>Moderated discussion.</p>
15:45–16:00	Break. Group photo
16:00–16:30	<p>Wrap-up Moderator: Christine Bell, Co-Director, Global Justice Academy, Professor of Constitutional Law and Assistant Principal (Global Justice), University of Edinburgh School of Law</p> <p>End of Day 1</p>

3 NOVEMBER 2023

Time	Session
09:15–09:30	Welcome and overview of Day 2
09:30–11:00	<p>Session IV. Accountability, transparency and implementation challenges in natural resource management and governance. <i>This session delves into the implementation of natural resource management schemes, focusing on oversight and accountability mechanisms for ensuring agreed principles of management and revenue collection, and minimizing opportunities for misappropriation, waste and corruption. The session will examine how states have endeavoured to foster coordination and communication across governmental tiers, tackle potential capacity shortfalls at the regional and local level, and ensure equitable distribution of benefits and burdens among regions. Furthermore, the session will address challenges like regulatory inconsistencies, ensuring transparency, promoting environmental standards, effective monitoring, and minimizing conflicts centred around natural resources.</i></p> <p>Moderator: Abigail Robinson, Director, Continua Panellists:</p> <ul style="list-style-type: none"> • Farhia Mumin, Member of Independent Constitutional Review and Implementation Commission, Somalia • Ghuna Bdiwi, Member of the Syrian Constitutional Committee • Cany Jobe Taal, Director for Exploration and Production at the Gambia National Petroleum Corporation • Samia Hamid Ali El Hashmi, participated in drafting the 2019 transitional constitution in Sudan and 2021 reforms; lawyer before the Constitutional Court in Sudan (online) <p>Moderated discussion.</p>
11:00–11:20	Break
11:20–13:00	<p>Session V. Sustainable peace and natural resource extraction. <i>International financial actors and national governments both take extractive industries to be a central part of rebuilding a country's economy after war. But even when more efficiently and equitably managed, does natural resource extraction contribute to building sustainable peace? Evidence suggests that reliance on this apparent route to recovery too often has the opposite effect: it tends to undermine peace, through exacerbating inequalities and destroying the natural environment on which people depend to rebuild their lives. In light of this, and of increasing calls for leaving fossil fuels in the ground, and demands from Indigenous peoples and other land-based communities to stop mining in their territories, how can we think about the role of extractives in post-war peacebuilding? If extraction requires more than better management and regulation, and if instead its role in development needs to be radically rethought, then how can national constitutional processes advance an alternative approach to natural resources?</i></p> <p>Expert panel presentation followed by moderated discussion. Presenters:</p> <ul style="list-style-type: none"> • Carol Cohn, founding director of the Consortium on Gender, Security and Human Rights; lead, 'Feminist Roadmap for Sustainable Peace and Planet' project • Claire Duncanson, Senior Lecturer in International Relations at the School of Social and Political Science, University of Edinburgh (online) <p>Discussant:</p> <ul style="list-style-type: none"> • Christina Murray, Member, United Nations Mediation Support Standby Team; Professor Emeritus of Human Rights and Constitutional Law, University of Cape Town
13:00–14:00	Lunch

Time	Session
14:00–15:30	<p>Session VI. Natural resource engagement and challenges faced by women, Indigenous peoples and local communities. <i>This session focuses on how women, Indigenous peoples, and local communities utilize natural resources, the challenges they face, and their roles as leaders and agents of change in climate change mitigation and adaptation. It will consider these issues from the point of view of extractive industries, land, and water management, set against the backdrop of the triple planetary crisis of climate change, pollution and biodiversity loss.</i></p> <p>Moderator: Sharon Pia Hickey, International IDEA</p> <p>Panellists:</p> <ul style="list-style-type: none"> • Sanaa Alsarghali, member of the Palestinian Constitution Drafting Committee • Myet Chai Nu Aung, Associate Programme Officer, MyConstitution Programme, International IDEA, Myanmar • Armi Beatriz Bayot, former legal counsel to the Philippines government peace panel in talks with the Moro Islamic Liberation Front 2010–2016; University of Oxford <p>Moderated discussion.</p>
15:30–15:45	Break
15:45–16:15	<p>Key take-aways and recommendations</p> <p>Moderated open discussion.</p> <p>Wrap up and end dialogue</p>

Annex B. List of participants (online and in-person)

Amaya Alvez, Full Professor of Law, University of Concepción-CHILE; Former Member, Chilean Constitutional Convention

Sanaa Alsarghali, Member, Palestinian Constitution Drafting Committee; Co-founder and Director, Constitutional Studies Centre at An-Najah National University in Palestine

Armi Beatriz E. Bayot, Doctor of Philosophy in Law candidate, University of Oxford; former legal counsel to the government peace panel in talks with the Moro Islamic Liberation Front (MILF) from 2010 to 2016

Ghuna Bdiwi, Member, Syrian Constitutional Committee

Christine Bell, Professor of Constitutional Law, Assistant Principal (Global Justice), Executive Director, PeaceRep (Peace and Conflict Resolution Evidence Platform), School of Law, University of Edinburgh

Sumit Bisarya, Head of Constitution-Building Programme, International IDEA; former Constitutions Advisor, UN Department for Peacebuilding and Political Affairs

Rea Abada Chiongson, Senior Legal Adviser Gender, International Development Law Organization (IDLO)

Joie Chowdhury, Senior Attorney, Climate and Energy programme at the Center for International Environmental Law (Washington, DC and Geneva)

Carol Cohn, Director, Consortium on Gender Security and Human Rights, University of Massachusetts Boston

Claire Duncanson, Senior Lecturer, International Relations, School of Social and Political Science, University of Edinburgh

Samia El Hashmi, Lawyer before the Constitutional Court in Sudan; participated in drafting the 2019 transitional constitution in Sudan and 2021 reforms

Laury Haytayan, Middle East and North Africa Director, Natural Resource Governance Institute

Sharon Pia Hickey, Associate Programme Officer, Constitution-Building Programme, International IDEA

Erin C. Houlihan, Program Director on Democratic Governance, National Democratic Institute

Naw Janet, Programme Officer, MyConstitution Programme, International IDEA

Cany Jobe Taal, Director of Exploration, Gambia National Petroleum Corporation

Stefania Kafka, Gender and Law Associate, International Development Law Organization (IDLO)

Mary Ayen Majok Kiir, First Deputy Speaker, Council of States, South Sudan

Lindlyn Moma, Global Advocacy Director of the Laudato Si Movement; Member, Expert Advisory Group on Climate Change and Democracy, International IDEA

Dima Moussa, Member, Syrian Constitutional Committee; Vice President, Syrian National Coalition

Farhia Mumin, Former Member, Parliament of the Federal Government of Somalia; Member, Independent Constitutional Review and Implementation Commission

Christina Murray, Member, United Nations Mediation Support Standby Team; Professor Emeritus of Human Rights and Constitutional Law, University of Cape Town, South Africa

Ibtihal Mustafa, Programme Officer, Political Participation and Representation, International IDEA

Myet Chai Nu Aung, Associate Programme Officer, MyConstitution Programme, International IDEA

Abigail Robinson, Director, Continua; expert in security, governance and public sector reform

Susan H. Williams, Walter F. Foskett Professor of Law; Director, Center for Constitutional Democracy, Indiana University Maurer School of Law

Svenja Wolter, Advisor on climate change, natural resource management and peacebuilding, International Alert

Kimana Zulueta-Fülscher, Senior Advisor, Constitution-Building Programme, International IDEA

About the author

Sharon P. Hickey is an Associate Programme Officer in International IDEA's Constitution-Building Programme, where she generates knowledge on comparative constitutional process and design and supports constitution-building processes. She is also the editor of ConstitutionNet, International IDEA's platform dedicated to providing regular updates and original analysis on constitutional reform developments worldwide. Sharon P. Hickey graduated from the National University of Ireland, Maynooth, where she served as executive editor of its law review and earned her LL.M. from Columbia Law School, where she was an editor of the *Columbia Human Rights Law Review*. She is a member of the New York Bar.

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The International Institute for Democracy and Electoral Assistance (International IDEA) is an intergovernmental organization with 35 Member States founded in 1995, with a mandate to support sustainable democracy worldwide.

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PEACEREP

PeaceRep: The Peace and Conflict Resolution Evidence Platform is a research consortium based at Edinburgh Law School. Our research is rethinking peace and transition processes in the light of changing conflict dynamics, changing demands of inclusion, and changes in patterns of global intervention in conflict and peace/mediation/transition management processes.

Consortium members include: Conciliation Resources, Centre for Trust, Peace and Social Relations (CTPSR) at Coventry University, Dialectiq, Edinburgh Law School, International IDEA, LSE Conflict and Civicness Research Group, LSE Middle East Centre, Queens University Belfast, University of St Andrews, University of Stirling, and the World Peace Foundation at Tufts University.

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Issues surrounding natural resource ownership, control and wealth distribution remain significant—and often contentious—topics in peace negotiations and constitutional deliberations. In the coming years, it is anticipated that such negotiations will be increasingly complicated by the triple planetary crisis of climate change, pollution and biodiversity loss.

Despite the growing recognition of gender equality as a cornerstone of sustainable development and the documented benefits of inclusive decision-making processes, women are frequently sidelined from influential roles in negotiations on natural resource management.

As a step towards challenging this exclusion, the Fifth Women Constitution-Makers' Dialogue—hosted by International IDEA together with the Edinburgh Centre for Constitutional Law and as part of the Peace and Conflict Resolution Evidence Platform (PeaceRep)—focused on comparing experiences at the country level. It discussed the negotiation, design and implementation of natural resource management and governance structures and, crucially, how inclusive approaches to natural resource management may help minimize the chances of triggering or reigniting conflict.