



NATURAL RESOURCE EXTRACTION AND HUMAN RIGHTS-BASED ABUSES IN AFRICA

OPINIONS, PROBLEMS, AND PERSPECTIVES

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Africa is extremely rich in natural resources. For hundreds of years, there was trade in gold between modern-day Ghana and North Africa, and even further afield. Africa's wealth, including humans and nature, attracted the attention of a globally expanding Europe, which intruded into the continent to enslave people for the sake of sugar and cotton plantations in the Americas, and finally sealed its control with the scramble for Africa in the 1880s. The Belgian king Leopold gained the modern-day DRC as a personal fiefdom. All manner of severe human rights abuses were heaped on the people of the Congo in the interests of rubber extraction. In South Africa wars were fought over gold and diamonds until the mineral wealth came under British control and local people lost their land and subsoil resources to a settler colony. It was only from the 1960s that the continent regained political control over its resources. But economically Africa's key natural resources remain largely in foreign hands to this very day. The mines, the oil and gas, the forest resources and the fisheries are now largely under the control of multinational corporations based outside Africa. The revenues from these resources are often too little and benefit only a small layer of the people, who fail to share the wealth with the rest of the nation. The Angolan economy has been growing spectacularly (32%) due to the rising price of petroleum, but little of these riches find their way into pro-poor socio-economic development. The already large gap between rich and poor is widening.

The Angolan situation is not untypical but more and more the norm in Africa. Instead of the resource wealth being used to develop the region's infrastructure and uplift those languishing in poverty, Africa's wealthy seem bent on protecting their own narrow interests. The human rights implications are severe, and the rights of the poor fail to be recognized. As the current economic crisis deepens, so it becomes more and more difficult to put food on the table, to afford transport, medical care and education, and even to be able to consume sufficient safe, clean water.

More specifically, let us highlight a few examples of this.

1. Especially in conflict situations, where natural resources are often contested or looted, there is a strong tendency for human rights to be violated by the warring parties. Under conditions of conflict, the rule of law breaks down, and the judicial system ceases to operate effectively. Conflicting armies may directly be involved in resource extraction to finance their wars. This was the case in Angola's civil war, during which UNITA forces gained control over a large part of the diamond industry, and began to rely on it to finance their war efforts. In the DRC civil war, the armies of Zimbabwe and Namibia were accused of taking advantage of the lawlessness to operate mines and remove their wealth. In removing coltan from the eastern DRC, groups of warlords are implicated. Those who control the extraction of the resource are forcing local peasants to work under conditions

of near slavery for removing the coltan and for transporting it on their backs for tens of kilometres to the local airstrip. We know that in the civil wars in Liberia and Sierra Leone, warlords utilized their control of minerals to prosecute and finance the war and to underwrite their cruel treatment of their enemies.

2. Recently diamonds have been discovered in the Central Kalahari Game Reserve in Botswana, and the San people for whom the Reserve was created, were ordered to leave by the government. This measure was seen as providing great assistance to the mining company that was likely to benefit Debswana, a co-ownership of De Beers Corporation (South Africa) and the government of Botswana. The community engaged in a campaign to have their rights restored, and gained huge international support. In litigation, the courts of Botswana pronounced that they could return to their land. Some have, but they still face water cutoffs, destruction of their housing, closure of key services and infrastructure. This makes their return so much more difficult. The community's human rights continue to be ignored by the state. There are a number of cases in Africa where resource extraction occurs at the expense of communities, who are forced off their ancestral lands and expected to survive under adverse conditions.

3. Oil in the Niger delta has proved a huge source of conflict. The Ogoni people in particular for many years watched the oil resources on their lands being



extracted by large corporations like Shell without any benefit reaching their areas. Furthermore, their lands increasingly became more polluted by the oil industry and less productive. When their movements started to protest, the leadership was picked off by the Abacha regime. Their most prominent leader, Ken Saro-Wiwa, was hung by the regime. It is no wonder that the violation of the human and economic rights of the delta peoples has resulted in the escalation of the conflict. The movement of the Ogoni has been militarized, and now in some places it is difficult for the oil companies to operate. Nevertheless windfall profits have continued to benefit a stratum of Nigerians at the expense of local and national development.

4. The rise in the oil price has driven up the price of other commodities like uranium, also used for energy production. In 2005, the price rose from its 20-year level of US\$20 per pound (454g) up to \$139 in mid-2007, and has subsequently settled around the \$55 level. This shift has attracted a number of fly-by-night companies to Africa to take advantage of the price change, and a number of small mining companies are prospecting for and mining uranium in countries like DRC, Malawi, Namibia, South Africa, Zambia and Zimbabwe. In Namibia, the Australian junior company Paladin has been granted rights to mine uranium inside a key national park, while in Malawi, civil society has forced Paladin to recraft their original one-sided agreement to include protection of the rights and livelihoods of local people.

5. Many exploitation agreements were obtained under crisis conditions. In the case of the Democratic Republic of the Congo, many mining and logging agreements took place under conditions of war, when political authority was weak and the companies could gain the right to extract commodities which left little revenues for the host countries and host communities. In Zambia, the failure of the nationalized copper industry and the extremely low copper price opened the way to the state setting up development agreements with private companies to extract the copper while paying minimal royalties and taxes, under conditions in which the companies received tax holidays for a 20-year period. With the current commodities boom, little of the copper revenues are reaching Zambian coffers. These new conditions place an imperative on the governments of the DRC and Zambia to renegotiate the original conditions under which the mining companies operate and pay fairer revenues to host countries.

6. Bribery and corruption have been endemic under conflict conditions and where governance is weak. How does this get squeezed out of the system? Increasingly the larger players in the international industry have been pushing for more ethical arrangements to be instituted. In relation to conflict diamonds, there is the Kimberley process, aimed

at getting the trade to isolate and de-commodify diamonds produced under conditions of conflict. More broadly, we have seen the establishment of the Extractive Industries Transparency Initiative (EITI), which attempts to get countries to commit to a more systematic approach to documenting the revenues that the industries pay. The idea is that if there is more transparency, there will be less corruption. The pressure from NGOs like Revenue Watch International and the more activist Publish What You Pay coalition have enhanced the moves to make the extractive industries more responsible for transparency in relation to payments to their hosts. The DRC has committed itself to membership of the EITI – it only remains to activate this membership more vigorously and effectively. If this works well it will act as an incentive for more countries in the region to adopt the same framework.

7. In Sudan's Darfur, where whole communities are being displaced by state-sanctioned militias like Janjaweed, the underlying reason for this is that the central state wants to gain control over natural resources like oil, to fulfil contracts with China. The gross violations of human rights in Darfur are well known to the international community. Yet they continue, and are among Africa's most severe cases of resource-based human rights abuses.

8. Indiscriminate logging in the DRC puts the rainforest at risk. Not only is this a problem for endangered species, but it also affects the survival of the planet. The rainforests of the Congo basin are second only in importance to those of the Amazon. Should these be removed, our planet and our continent will lose one of its most important carbon sinks during a period of global warming. This would leave us vulnerable to increased planetary temperatures, faster cycles of flood and drought, faster spread of water-borne diseases such as malaria and cholera, and a graver threat to food security. People who rely on the forest for hunting and gathering will be less able to sustain their livelihoods. Social conflicts will be exacerbated, and the state may become more repressive. Therefore the extensive logging of the rainforest will result in extensive compromises of human rights.

All these examples show that the mineral, gas, oil, and timber wealth have been seen as Africa's 'resource curse' -- creating wealth for the few at home and the corporations abroad, but failing to contribute to overall socio-economic development in our countries.

Can we turn this situation around?

» It will require a vigilant civil society, monitoring and watchdogging the behaviour of government and industry.

» It will involve extending our local, national and international alliances so that we effectively research and provide advocacy for just outcomes.

» It will involve capacitating government so that decision makers are empowered to exercise their powers effectively in a fashion that regulates the industry without favour and redistributes its resources fairly.

» Most difficult, it will need to squeeze corruption out of the system by persuading firms and officials to apply the rule of law in an impartial manner without expecting personal favours or exploiting the system for personal gain. In order to achieve this, the financial flows from the industry need to be transparent. Countries should be encouraged to adhere to the Extractive Industries Transparency Initiative, while civil society needs to form national committees that join the Publish What You Pay coalition.

» Media will need to be strengthened so that they adequately cover deals in the extractive industry and disseminate this information to all stakeholders.

» Our national parliaments have to ensure that they hold the executive accountable for ensuring that the processes are transparent, fair and uphold the principles of good governance.

» Public interest law and litigation firms need to be activated throughout the continent to assist in securing basic rights.

» Industries will need to accept that they cannot continue to extract resources from the continent without respecting the rights of people, especially at local level. African lives are no less worthy of respect than the lives of those elsewhere, and so all firms should adhere to the conventions on the rights of workers to reasonable remuneration, stringent health and safety conditions at the workplace, and the right to organize at the point of production. Many of these basic rights have been enshrined in ILO conventions and in the African Charter of Human and People's Rights.

» Investing industries should be prepared to accept that they need to transfer technology and skills, and exercise local procurement and hiring policies, to the benefit of Africa's economic development. African governments should therefore develop investment codes that stimulate such development.

These approaches will help orientate the processes of extraction in Africa, and to ensure that they do not defy or undermine our human rights. As commodity prices rise, so the opportunities for the extractive industries in our region will expand. It is therefore vital that we rise to the challenge to ensure that their operations occur within conditions that respect human rights and the survival of the natural environment.