

# Utilizing Africa's Natural Resources to Fight Poverty

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## 1.0 Abstract

*Africa is well-endowed with a mass of natural resources. All over Africa there are many exploration and exploitation activities going on.<sup>1</sup> Africa has a large quantity of natural resources like oil, gold, diamonds, iron, cobalt, copper, bauxite, silver, uranium, titanium, petroleum among others.<sup>2</sup> The natural resources wealth of Africa rightfully belongs to the people of Africa. The power to safeguard these resources is entrusted in the governments of African countries. The utilization of Africa's resources should contribute to the realization of economic rights of the people of Africa as envisaged in various international law instruments and national laws.*

*A cursory glance of Africa would paint a picture of a rich continent with a people enjoying a high standard of living and excellent development. Such a continent would enjoy good infrastructure, high employment levels, high quality education, good health and long life expectancy. It would be expected to be a conflict free zone where everyone is comfortable with life owing to the abundance of resources. Ironically, the situation in Africa is strikingly the opposite. Africa's resources are fueling the world economy while Africa itself remains economically crippled; exploited and neglected. Sadly, the national leaders who are entrusted with the mandate of safeguarding natural resources for the benefits of the people have by and large betrayed the trust. The level of corruption in the application of revenue from the natural resources is high. When they enter into resource extraction contracts, they do not carry people's interests at heart. In effect, Africans have been deprived of their right to benefit and control the utilization of their natural resources. Poverty level is very high with a minority of extremely wealthy class and a majority of poor people.<sup>3</sup>*

*This paper critically examines how the natural resources of Africa can be used in the realization of basic human rights and particularly alleviating poverty among the African people. It also identifies challenges facing African economies and existing opportunities that can be harnessed to enable Africa utilize its resources to fight poverty. This paper also expresses the optimism that Africa has a bright future and what needs to be done is to ensure effective utilization*

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<sup>1</sup> A.Rajaram, "Rich Countries, Poor People; Will Africa's Commodity Boom Benefit the Poor", available on <http://blogs.worldbank.org/african/rich-countries-poor-people-will-africa-s-commodity-boom-benefit-poor> Accessed on 7th January 2014.

<sup>2</sup> World Resources, 'Natural Resources of Africa', available at [www.worldresources.envi.org/natural-resources-africa/](http://www.worldresources.envi.org/natural-resources-africa/) Accessed on 7th January 2014.

<sup>3</sup> World Bank, *Economic Survey for Sub-Saharan Africa, 2013*, Africa Pulse October, 2013 Vol.8 available at [http://www.worldbank.org/content/dam/Worldbank/document/Africa/Report/Africas-Pulse-brochure\\_Vol8.pdf](http://www.worldbank.org/content/dam/Worldbank/document/Africa/Report/Africas-Pulse-brochure_Vol8.pdf) accessed on 8th January 2014.

*of its wealth of resources. To this end, the paper makes a number of recommendations. These relate to the policy, legal and institutional frameworks. The ultimate aim would be to utilize Africa's resources to fight and eventually eradicate poverty.*

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## 1.1 Introduction

The *Universal Declaration of Human Rights of 1948*<sup>4</sup> (UDHR) set the stage for the recognition, protection and promotion of human rights the world over. In its Preamble, the Declaration captured important concepts that include *inter alia*: recognition of the inherent dignity and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world; faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and determination to promote social progress and better standards of life in larger freedom; States co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms; and a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge.<sup>5</sup>

The Declaration places an obligation on all states to employ progressive measures to ensure recognition of human rights provided therein. Notably, the Declaration recognises the need for mobilization of resources by States so as to ensure realization of these rights. Article 22 thereof provides that everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

The UDHR created a basis for the formulation of *International Covenant on Civil and Political Rights*, (ICCPR) 1966<sup>6</sup> and *International Covenant on Economic, Social and Cultural Rights* (ICESCR) 1966.<sup>7</sup> ICCPR on its part provides under Article 47 that nothing in that Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources. Further, ICESCR under Article 1.2 provides that all peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

From the foregoing, it is noteworthy that the main objective of all the major international legal instruments on human rights is the alleviation of human suffering and to ensure total wellbeing of all. The absence of such wellbeing is usually perceived to be poverty. Although at times it is viewed in a narrow manner, poverty can be conceptualized in a broad manner and indeed it has been posited as the recognition that it is not limited to lack of income only, but comprises of deprivations in areas of health, education, participation and security.<sup>8</sup> Further, human poverty has been said to be a denial of human rights as it arguably infringes on *inter alia* human freedom and

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<sup>4</sup>UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), available at: <http://www.refworld.org/docid/3ae6b3712c.html> [Accessed 10 February 2014].

<sup>5</sup> Preamble

<sup>6</sup> UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, available at: <http://www.refworld.org/docid/3ae6b3aa0.html> [accessed 10 February 2014]

<sup>7</sup>*International Covenant on Economic, Social and Cultural Rights*; adopted 16 Dec. 1966, 993 U.N.T.S. 3, G.A. Res. 2200 (XXI), U.N. GAOR, 21st Sess., Supp. No. 16, U.N. Doc. A/6316 (1966) (entered into force 3 Jan. 1976).

<sup>8</sup>Gordon, D., Chapter 1, 'Definitions of Concepts for the Perceptions of Poverty and Social Exclusion' [www.bris.ac.uk/poverty/downloads/.../pse/99-Pilot/99-Pilot\\_1.doc](http://www.bris.ac.uk/poverty/downloads/.../pse/99-Pilot/99-Pilot_1.doc) [accessed 15th February 2014].

destroys human dignity. It is viewed as an intrusion into human dignity.<sup>9</sup> Basic human rights are an integral part of human rights and their violation has been seen as sabotage of human dignity.<sup>10</sup>

Since the aforementioned international legal instruments places the human rights implementation obligations on the states, it therefore follows that they are also under the obligation to use their state resources in ensuring the protection and promotion of such human rights and ultimately eradicating poverty amongst their peoples. Indeed, Principle 5 of the *Rio Declaration on Environment and Development 1992*<sup>11</sup> is to the effect that all States and all people shall cooperate in the essential task of eradicating poverty as an indispensable requirement for sustainable development, in order to decrease the disparities in standards of living and better meet the needs of the majority of the people of the world. Poverty eradication is at the heart of achieving sustainable development in the world, and unless it is dealt with, then sustainable development remains a mirage.

This paper seeks to critically examine how the natural resources of the African continent can be used in the realization of basic human rights and particularly alleviating poverty amongst the African people. The author argues that it is indeed possible to fight poverty successfully using these natural resources for the betterment of the lives of the African people. The assertion herein is that equitable use and management of these natural resources holds the key to winning the fight against poverty amongst the African people and eventually achieving sustainable development. It has been rightly posited that Peace, development and environmental protection are interdependent and indivisible.<sup>12</sup> In the absence of one, it arguably becomes impossible to enjoy the rest.

## 1.2 Status of Natural Resources in Africa as a Continent

Natural resources have no definite definition. However, Article 260 of the Constitution of Kenya, 2010 broadly defines natural resources to mean *the physical non-human factors and components, whether renewable or non-renewable including sunlight, surface and ground water, forests, biodiversity and genetic resources and rocks, minerals, fossil fuels and other sources of energy*.<sup>13</sup>

The African continent arguably lies on the greatest percentage of earth's natural resources comprising rare minerals, huge oil deposits and a variety of physical features as identified in the foregoing definition.<sup>14</sup> This also makes Africa become possibly one of the biggest contributors to the percentage of the world's natural resources.<sup>15</sup> It has been posited that Africa harbours approximately 10% of the world's known oil reserves, 40% of gold and 80-90% of the chromium and platinum metal group.<sup>16</sup> Although they are not evenly distributed each state has a fair share of

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<sup>9</sup> A. Byaruhanga Rukooko, 'Poverty and human rights in Africa: historical dynamics and the case for economic social and cultural rights', *The International Journal of Human Rights*, Vol. 14, Iss. 1, 2010

<sup>10</sup> *Vienna Declaration and Programme of Action*, Article 25, Adopted by the World Conference on Human Rights in Vienna on 25 June 1993

<sup>11</sup> UN Doc. A/CONF.151/26 (vol. I) / 31 ILM 874 (1992)

<sup>12</sup> *Rio Declaration Environment and Development*, Principle 25

<sup>13</sup> Constitution of Kenya, 2010, Article 260.

<sup>14</sup> *Ibid.*

<sup>15</sup> Global Policy Forum, *Poverty and Development in Africa*, Available at <http://www.globalpolicy.org/social-and-economic-policy/poverty-and-development/poverty-and-development-in-africa.html> [Accessed on 17th February, 2014].

<sup>16</sup> CNN, "How Africa's Resources fuel the World", July 2013.

its own natural resources thus resulting in diversity on the availability of these resources. These include organic natural resources ranging from forests and the forest products in general and other land based resources including oil, gold, iron, cobalt, uranium, copper, bauxite, silver and petroleum which constitute the mineral and gas based resources. A recent World Economic Survey by CNN has shown that most manufacturing industries in the world derive the greatest percentage of raw materials in form of mineral resources from Africa.<sup>17</sup>

In Africa, oil is produced in Nigeria, Libya, Egypt, Sudan, Angola, Gabon, Congo, Cameroon, Tunisia, Equatorial Guinea, Gambia, Democratic Republic of Congo (DRC) and Cote d'Ivoire. Gold mining is done in South Africa, Congo and West African Belt. There are diamond deposits in Tanzania, Botswana, Zimbabwe, DRC and South Africa. Tantalum mining is done in DRC. Platinum and rhodium ores are also found in Africa. South Africa and Guinea exports large amounts of cobalt and chromium used to manufacture airplanes.<sup>18</sup> Niger, Namibia and Malawi are exporters of uranium. In Kenya, there is soda, cement and ongoing oil exploration in Turkana. Uganda produces copper.

This is evident from the reports on the ongoing exploration activities in the continent. Oil exploration is ongoing in many countries and has yielded positive results.<sup>19</sup>

Most African countries depend on agriculture for food and exports. Agricultural products from Africa are exported to the global market but fetch relatively low prices since there is little or no value addition done in Africa.

These mineral resources are used in the manufacture of cars, electronics, airplanes, batteries, jewellery, electricity and oil. The greatest percentage of platinum and rhodium comes from Africa.<sup>20</sup> In jewellery manufacturing, Africa produces more than 50% of the world's diamonds, 75% of platinum and 20% of gold. In 2012, Africa produced 10% of the world's oil which is about 9.4 million barrels per day.<sup>21</sup> This oil was mainly from Nigeria, Angola, Algeria, Libya, Sudan and Egypt.<sup>22</sup>

Economic talks about African economy observe that Africa's resources have fueled economic growth but most Africans have not benefited.<sup>23</sup>

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Available at [www.edition.cnn.com/2013/07/25/world/Africa/-resources-fuel-world/index.htm](http://www.edition.cnn.com/2013/07/25/world/Africa/-resources-fuel-world/index.htm)>[Accessed on 15<sup>th</sup> January 2014]

<sup>17</sup> World Economic Survey, 2013, Op.cit.

<sup>18</sup> "How Africa's Resources fuel the World" Courtesy of CNN July 2013, Available at [www.edition.cnn.com/2013/07/25/world/Africa/-resources-fuel-world/index.htm](http://www.edition.cnn.com/2013/07/25/world/Africa/-resources-fuel-world/index.htm)> Accessed on January 15<sup>th</sup>, 2014.

<sup>19</sup> For instance oil exploration activities by Tullow Oil Company in Turkana, Kenya. There are other multinational oil companies carrying on exploration in Namibia, Ethiopia and Uganda.

<sup>20</sup> South Africa is a major producer of platinum and rhodium at 72% and 83% respectively, Zimbabwe is the second largest producer of platinum.

<sup>21</sup> Cost per barrel of oil is about \$100.

<sup>22</sup> *How Africa's Resources fuel the World*, op. cit.

<sup>23</sup> Robb, C.K., Executive Director of Africa Progress Panel "How Africa's resources can Lift Millions out of Poverty" Available at [www.cnn.com/2013/07/25/opinion/africas-natural-resources-millions-overt/](http://www.cnn.com/2013/07/25/opinion/africas-natural-resources-millions-overt/)>[accessed on January 15, 2014]



## 2.0 International Legal Framework on People-Centred Use and Management of Natural Resources and Sustainable Development

The right of a people to own, utilize and control natural resources within their countries is an internationally recognized right.<sup>24</sup> It is a right provided for in the various international legal instruments on human rights and this has since been adopted in the national legislation of various countries around the world including African countries.

### 2.1 Permanent Sovereignty over Natural Resources, resolution 1803 (XVII), 1962

In 1952, the United Nations General Assembly requested the Commission on Human Rights to prepare recommendations concerning international respect for the right of peoples to self-determination. The Commission on Human Rights recommended establishment of a commission to investigate the right of peoples and nations to permanent sovereignty over their natural wealth and resources, as they noted that this right formed a “basic constituent of the right to self-determination”.<sup>25</sup> Consequently, the General Assembly adopted resolution 1803 (XVII) on the “Permanent Sovereignty over Natural Resources” on 14 December 1962 by 87 votes in favour to 2 against, with 12 abstentions.<sup>26</sup> This was due to the recognition that, firstly, the need for promotion and financing of economic development in under-developed countries and, secondly, the right of peoples to self-determination as provided for in the draft international covenants on human rights.<sup>27</sup> This right gives a people power to use, control and derive benefits from the extraction of natural resources. It requires those entrusted with the mandate of safeguarding natural resources to do so for the benefit of their people. Under the foregoing UN Resolution on sovereignty over resources, States have rights including the right: to dispose freely of the natural resource; to freely explore and exploit natural resources; to regain effective control and to compensation for damage; to use natural resources for national development; to manage natural resources pursuant to national environmental policy; to an equitable share in benefits of transboundary natural resources; to regulate foreign investment; and to expropriate or nationalize foreign investment (right to determine the conditions of nationalization and the amount of compensation).<sup>28</sup>

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<sup>24</sup>UDHR, ICCPR, ICESCR, Banjul Charter.

<sup>25</sup> Preamble, General Assembly resolution 1803 (XVII) of 14 December 1962, "Permanent sovereignty over natural resources"; Kilangi, A., Introductory note, Permanent Sovereignty over Natural Resources General Assembly resolution 1803 (XVII), New York, 14 December 1962, *Audiovisual Library of International Law*, Available at [http://legal.un.org/avl/ha/ga\\_1803/ga\\_1803.html](http://legal.un.org/avl/ha/ga_1803/ga_1803.html) [Accessed on 22 February, 2014].

<sup>26</sup> “the right of peoples and nations to permanent sovereignty must be exercised in the interest of their national development and of the well-being of the people of the State concerned” (Article 1); “The exploration, development and disposition of such resources as well as the import of the foreign capital required for these purposes, should be in conformity with the rules and conditions which the peoples and nations freely consider to be necessary or desirable” (Article 2); “inherent and overriding right of a state to control the exploitation and the use of its natural resources” (Preamble)

<sup>27</sup> Kilangi, A., Introductory note, Permanent Sovereignty over Natural Resources General Assembly resolution 1803 (XVII), New York, 14 December 1962, *Audiovisual Library of International Law*, op.cit.

<sup>28</sup> Preamble, General Assembly resolution 1803 (XVII) of 14 December 1962, "Permanent sovereignty over natural resources"; See also Voigt, C., Principles in IEL, International Environmental Law, page 17, Available at <http://www.uio.no/studier/emner/jus/jus/JUS5520/h12/undervisningsmateriale/3.-principles-in-iel.pdf> [Accessed on 22 February, 2014].

However, central to this argument is the international calls for sustainable development in the utilization of these natural resources to achieve economic development.

As already highlighted, Article 1.2 of *International Covenant on Economic, Social and Cultural Rights* (ICESCR)<sup>29</sup> provides that all people may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.<sup>30</sup>

## **2.2 Declaration of the United Nations Conference on the Human Environment, 1972**

As early as 1972, the World Governments were already deliberating on how resources can be used in a way that benefits people but ensures conservation and protection of natural resources for the sake of future generations. This was discussed in depth at the famous United Nations Conference on the Human Environment, held in Stockholm, from 5 to 16 June 1972. Declaration of the United Nations Conference on the Human Environment (*Stockholm Declaration* of 1972)<sup>31</sup> was adopted during this Conference where the discussion revolved around what later came to be known as *sustainable development* (emphasis ours).<sup>32</sup> Noteworthy is the *Declaration's* recognition that man is both the creature and moulder of his environment, which gives him physical sustenance and affords him the opportunity for intellectual, moral, social and spiritual growth. The Declaration was a confirmation of the Conference calls upon Governments and peoples to exert common efforts for the preservation and improvement of the human environment, for the benefit of all the people and for their posterity.<sup>33</sup> Further, it proclaims that Man has constantly to sum up experience and go on discovering, inventing, creating and advancing. 'In our time man's capability to transform his surroundings, if used wisely, can bring to all peoples the benefits of development and the opportunity to enhance the quality of life. The Declaration observes that wrongly or heedlessly applied, the same power can do incalculable harm to human beings and the human environment.'<sup>34</sup>

Principle 2 is to the effect that the natural resources of the earth, including the air, water, land, flora and fauna and especially representative samples of natural ecosystems, must be safeguarded for the benefit of present and future generations through careful planning or management, as appropriate. Also important to this discussion is Principle 5 which asserts that the non-renewable resources of the earth must be employed in such a way as to guard against the danger of their future exhaustion and to ensure that benefits from such employment are shared by all mankind.

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<sup>29</sup> Published on 16<sup>th</sup> December 1966, came to force on 3<sup>rd</sup> January 1976.

<sup>30</sup> Initially addressed in general terms under Article 22 of the United Nations Declaration of Human Rights

<sup>31</sup> U.N. Doc. A/Conf.48/14/Rev. 1(1973); 11 ILM 1416 (1972), the United Nations Conference on the Human Environment, Stockholm, 5 to 16 June 1972. This became the first global document outlining the general principles for the management of natural resources and the environment.

<sup>32</sup> This has been defined as the Development that meets the need of the present without compromising future generations to meet their own needs. The term 'sustainable development' was popularised by the Brundtland Commission in its 1987 report *Our Common Future*, United Nations, 1987. "Report of the World Commission on Environment and Development." General Assembly Resolution 42/187, 11 December 1987.

<sup>33</sup> Article 3, *Stockholm Declaration* 1972

<sup>34</sup> *Ibid*, Article 3

Principle 21 thereof further provides that States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.

Therefore, even as this declaration recognises people and Governments' right to use natural resources for improvement of the quality of life, it calls for use and management that will ensure their conservation and preservation. Indeed, this is well articulated under Principle 13 which observes that in order to achieve a more rational management of resources and thus to improve the environment, States should adopt an integrated and coordinated approach to their development planning so as to ensure that development is compatible with the need to protect and improve environment for the benefit of their population.

It therefore follows that although each state has exclusive jurisdiction within its territory and people and permanent sovereignty over the natural resources therein, the use and management of such natural resources should not be done in ways blind to the need for environmental conservation but the same should go hand in hand.

### **2.3 The World Charter for Nature**

The *World Charter for Nature*<sup>35</sup>, in its preamble recognizes that one of the reasons for the adoption of this charter was the conviction that the benefits which could be obtained from nature depended on the maintenance of natural processes and on the diversity of life forms and that those benefits were jeopardized by the excessive exploitation and the destruction of natural habitats.<sup>36</sup> General Principle 1 thereof is to the effect that nature shall be respected and its essential processes shall not be impaired. Further, Principle 7 provides that in the planning and implementation of social and economic development activities, due account shall be taken of the fact that the conservation of nature is an integral part of those activities. Principle 8 is to the effect that in formulating long-term plans for economic development, population growth and the improvement of standards of living, due account shall be taken of the long-term capacity of natural systems to ensure the subsistence and settlement of the populations concerned, recognizing that this capacity may be enhanced through science and technology.

The other relevant provision is principle 9 which is to the effect that the allocation of areas of the earth to various uses shall be planned, and due account shall be taken of the physical constraints, the biological productivity and diversity and the natural beauty of the areas concerned. Principle 10 asserts that natural resources should not be wasted, but used with a restraint appropriate to the principles set forth in the present Charter, in accordance with the following rules: Living resources shall not be utilized in excess of their natural capacity for regeneration; and the productivity of soils shall be maintained or enhanced through measures which safeguard their long-term fertility and the process of organic decomposition, and prevent erosion and all other forms of degradation.

The foregoing principles are just but a few of the many provisions in the *Charter* which advocate for sustainable use and management of natural resources.

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<sup>35</sup> UN General Assembly, *World Charter for Nature*., 28 October 1982, A/RES/37/7,

<sup>36</sup> *Ibid*, Preamble

This Charter thus imposes a duty on all persons and States to use natural resources in a way that ensures their conservation and protection.<sup>37</sup>

## 2.4 1992 Rio Declaration on Environment and Development

Another important international instrument is the 1992 *Rio Declaration on Environment and Development*.<sup>38</sup> This Declaration sought to balance the interests of states in exploiting their natural resources for development and environmental conservation with the aim of achieving sustainable development. Principle 2 thereof recognises that states have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.

Further, Principle 3 is to the effect that the right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations. Rio Declaration sought to promote utilisation of natural resources for development but within the practices that promote sustainable development.

## 2.5 Agenda 21

*Agenda 21*<sup>39</sup> was adopted in 1992 with the aim of combating the problems of poverty, hunger, ill health and illiteracy, and the continuing deterioration of the ecosystems on which the human race depend for their well-being. Further, it sought to deal with the integration of environment and development concerns and greater attention to them which would lead to the fulfillment of basic needs, improved living standards for all, better protected and managed ecosystems and a safer, more prosperous future.<sup>40</sup> It sought to achieve a global consensus and political commitment at the highest level on development and environment cooperation. Chapter 3 of the *Agenda 21* deals with combating poverty.

Clause 3.2 thereof provides that while managing resources sustainably, an environmental policy that focuses mainly on the conservation and protection of resources must take due account of those who depend on the resources for their livelihoods. Otherwise, it could have an adverse impact both on poverty and on chances for long-term success in resource and environmental conservation.<sup>41</sup> Further, clause 3.7(d) tasks the Government to do all that is necessary in giving communities a large measure of participation in the sustainable management and protection of the local natural resources in order to enhance their productive capacity. Governments, with the assistance of and in cooperation with appropriate international, nongovernmental and local community organizations, should also establish measures that will

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<sup>37</sup> Principle 24

<sup>38</sup> UN Doc. A/CONF.151/26 (vol. I) / 31 ILM 874 (1992)

<sup>39</sup> (A/CONF.151/26, vol.II), United Nations Conference on Environment & Development Rio de Janeiro, Brazil, 3 to 14 June 1992, Agenda 21

<sup>40</sup> Ibid, Preamble

<sup>41</sup> Ibid, Clause 3.2

directly or indirectly *inter alia* rehabilitate degraded resources, to the extent practicable, and introduce policy measures to promote sustainable use of resources for basic human needs.<sup>42</sup>

Agenda 21 recognises that integral to poverty eradication is, together with international support, the promotion of economic growth in developing countries that is both sustained and sustainable and direct action in eradicating poverty by strengthening employment and income-generating programmes.<sup>43</sup>

Clause 4.5 thereof notes that special attention should be paid to the demand for natural resources generated by unsustainable consumption and to the efficient use of those resources consistent with the goal of minimizing depletion and reducing pollution.<sup>44</sup>

*Agenda 21* basically seeks to enable all people to achieve sustainable livelihoods through integrating factor that allows policies to address issues of development, sustainable resource management and poverty eradication simultaneously.<sup>45</sup>

## **2.6 African Charter for Human and People's Rights (Banjul Charter)<sup>46</sup>**

Regionally, the *African Charter for Human and People's Rights* (Banjul Charter)<sup>47</sup> echoes the provisions of ICESCR, under Article 21 that all peoples shall freely dispose of their wealth and natural resources. This right is to be exercised in the exclusive interest of the people and in no case are a people to be deprived of it. Under Article 21.2, in case of spoliation, the dispossessed people have the right to the lawful recovery of its property as well as to an adequate compensation. To safeguard this right, the same Article provides that State parties shall undertake to eliminate all forms of economic exploitation particularly practiced by international monopolies so as to enable their peoples to fully benefit from the advantages derived from their national resources.<sup>48</sup> Governments bear the primary responsibility for equitably managing resources for the benefit of their people.

Any act of derogation or violation of this right is greatly condemned under the various international and regional legal instruments on human rights.<sup>49</sup>

## **2.7 The African Convention on the Conservation of Nature and Natural Resources<sup>50</sup>**

The main objectives of this comprehensive regional Convention are: to enhance environmental protection; to foster the conservation and sustainable use of natural resources; and to harmonize and coordinate policies in these fields-with a view to achieving ecologically rational, economically sound and socially acceptable development policies and programmes.<sup>51</sup>

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<sup>42</sup> Ibid, Clause 3.8

<sup>43</sup> Ibid, Clause 3.3

<sup>44</sup> Ibid, Clause 4.5

<sup>45</sup> Ibid, Clause 3.4

<sup>46</sup> Adopted 27 June 1981, entered into force 21 October 1986)

<sup>47</sup> Adopted 27 June 1981, entered into force 21 October 1986)

<sup>48</sup> Article 21(6)

<sup>49</sup> See Article 30, UDHR; Article 5, ICESCR; and Article 21.2, Banjul Charter.

<sup>50</sup> OAU, 1001 UNTS 3

<sup>51</sup> Ibid, Article II

Notably, this Convention provides that in taking action to achieve the objectives of this Convention and implement its provisions, the Parties shall be guided by the following principles: the right of all peoples to a satisfactory environment favourable to their development; the duty of States, individually and collectively to ensure the enjoyment of the right to development; and the duty of States to ensure that developmental and environmental needs are met in a sustainable, fair and equitable manner.<sup>52</sup> Article VIII is to the effect that the Parties shall take all necessary measures for the protection, conservation, sustainable use and rehabilitation of vegetation cover through *inter alia*: adopting scientifically-based and sound traditional conservation, utilization and management plans for forests, woodlands, rangelands, wetlands and other areas with vegetation cover, *taking into account the social and economic needs of the peoples concerned* (emphasis ours), the importance of the vegetation cover for the maintenance of the water balance of an area, the productivity of soils and the habitat requirements of species. Further, Article XX, dealing with capacity building, education and training, is to the effect that the Parties shall *inter alia* promote environmental education, training and awareness creation at all levels in order to enhance their peoples' appreciation of their close dependence on natural resources and their understanding of the reasons and rules for the sustainable use of these resources.

## **2.8 United Nations Declaration on the Rights of Indigenous Peoples<sup>53</sup>**

This Declaration was adopted with the awareness that indigenous peoples have suffered from historic injustices as a result of, *inter alia*, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests.<sup>54</sup> It therefore came in to *inter alia* correct such situations. Article 3 thereof provides that indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

The Declaration acknowledged that the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, as well as the Vienna Declaration and Programme of Action, affirm the fundamental importance of the right to self-determination of all peoples by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development.<sup>55</sup>

Further, Article 26 thereof provides that: Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired; the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired; and States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned. Also important is Article 29(1) which is to the effect that indigenous peoples have the right to the conservation and

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<sup>52</sup> Ibid, Article III

<sup>53</sup> 61/295, *United Nations Declaration on the Rights of Indigenous Peoples*, adopted by the General Assembly on Thursday, 13 September 2007

<sup>54</sup> Ibid, Preamble

<sup>55</sup> Ibid; See also Article 3

protection of the environment and the productive capacity of their lands or territories and resources. Further, States are to establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.

The provisions of this Declaration are consistent with Principle 22 of the RIO Declaration which is to the effect that indigenous people and their communities, and other local communities, have a vital role in environmental management and development because of their knowledge and traditional practices. Further, States should recognize and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development.

One theme that evidently runs across all the foregoing legal instruments is the value of people as the centre of natural resources use and management and especially in the sustainable development agenda. The resources are first and foremost to be used for improving livelihoods and empowering the people in all aspects of their lives including, political, social and economic.

The overall wellbeing of the people must take centre stage in the discussion for sustainable use and management of natural resources and subsequent sustainable development.

### 3.0 Poverty as a Human Rights issue in Africa

The World Bank defines poverty as “the economic condition in which people lack sufficient income to obtain certain minimal levels of health services, food, housing, clothing and education generally recognized as necessary to ensure an adequate standard of living.”<sup>56</sup>

It is estimated that about 40 per cent of the world’s population live with the reality or the threat of extreme poverty, and that one in every five persons are living in a state of poverty so abject that it threatens survival.<sup>57</sup>

Human rights are basically divided into three groups namely: Civil and political rights, Social, economic and cultural rights and Collective rights or ‘solidarity rights’. Collective rights include *inter alia*, the right to development and self-determination. The right to self-determination requires access to resources. Human rights ideas lie at the core of theories of distributive justice.<sup>58</sup> Distributive justice is said to concern itself with the fair allocation of resources among the members of a community.<sup>59</sup> These resources extend to all dimensions of social life and assume all forms, including income, economic wealth, political power, work obligations, education, shelter and health care.<sup>60</sup> Absence of distributive justice can only engender poverty in any given society. It is generally agreed that no one measure can capture all aspects of poverty.

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<sup>56</sup>World Bank, *Handbook on Measuring Poverty*, Chapter 2,  
Available at

[http://siteresources.worldbank.org/INTPA/Resources/4299661259774805724/Poverty\\_Inequality\\_Handbook\\_Ch02.pdf](http://siteresources.worldbank.org/INTPA/Resources/4299661259774805724/Poverty_Inequality_Handbook_Ch02.pdf)  
Accessed on 15th February, 2014

<sup>57</sup> United Nations Development Programme (UNDP), *Human Development Report 2005: International cooperation at a crossroads: Aid, trade and security in an unequal world* (New York, United Nations, 2005), p. 24.; See also generally United Nations High Commissioner for Human Rights, *Principles And Guidelines For A Human Rights Approach To Poverty Reduction Strategies*, HR/PUB/06/12

<sup>58</sup> Austin, M.J.(Eds.), ‘Understanding Poverty From Multiple Social Science Perspectives’, A Learning Resource for Staff Development In Social Service Agencies, p.136, *Bay Area Social Services Consortium*, Available at <http://cssr.berkeley.edu/bassc/public/CompletePovertyReport082306.pdf> Accessed on 15th February, 2014

<sup>59</sup> Distributive Justice, Beyond Intractability, Available at <http://www.beyondintractability.org/essay/distributive-justice>,  
Accessed on 15th February, 2014

<sup>60</sup> Ibid

The Commonwealth Human Rights Commission's Report<sup>61</sup> conceived poverty in three different ways. Firstly, it defined poverty as a situation in which there is shortage of essential facilities, resulting from inadequate income'. Secondly, there is the definition of poverty based on basic or fundamental needs, that is, a failure to meet the basic human needs; or to remain deprived from such needs is a state of poverty. The third and final way of defining poverty is in respect of lack of opportunities.

Amartya Sen rightly observes that poverty does not merely mean lack of adequate income or inability to meet basic human needs. According to him, some people have good health and can live a productive life but are deprived of suitable opportunities.<sup>62</sup> Further, he argues that the implied denial of opportunities pushes them into unemployment resulting in loss of income and finally inability to meet the basic human needs.<sup>63</sup> He asserts that lack of opportunity in economic and political life is the root cause of poverty and therefore should not be neglected while defining poverty.

Poverty is generally conceived as the lack of necessities which include basic food, shelter, medical care, and safety and are seen as necessary based on shared values of human dignity. People are said to be in poverty when they live below a standard which their society recognises as a reasonable minimum.<sup>64</sup> This is also referred to as poverty line which is that level of income below which an individual or household cannot afford on a regular basis the necessities of life.<sup>65</sup>

### **3.1 World Summit for Social Development, 6-12 March 1995, Copenhagen**

The *World Summit for Social Development* held 6-12 March 1995 in Copenhagen, Denmark, saw world Governments adopt a Declaration and Programme of Action which focused on the consensus on the need to put people at the centre of development. The world leaders pledged to make the conquest of poverty, the goal of full employment and the fostering of stable, safe and just societies their overriding objectives.<sup>66</sup>

The world's leaders agreed on what are commonly referred to as the ten commitments and these include to *inter alia*: eradicate absolute poverty by a target date to be set by each country; support full employment as a basic policy goal; promote social integration based on the enhancement and protection of all human rights; achieve equality and equity between women and men; accelerate the development of Africa and the least developed countries; ensure that structural adjustment programmes include social development goals; increase resources allocated to social development; create "an economic, political, social, cultural and legal environment that will enable people to achieve social development"; attain universal and equitable access to education and

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<sup>61</sup>2001

<sup>62</sup> See 'Amartya Sen's Theory of Poverty', *From the Selected Works of Mubashshir Sarshar*, January 2010

<sup>63</sup>Ibid

<sup>64</sup> Veit-Wilson, J., *Poverty*, John Veit-Wilson's Papers on Concepts, Definitions and Measures of Poverty, On Income Adequacy and on Minimum Income Standards, p.1, *Routledge International Encyclopaedia of Social Policy* (2006), Available at <http://www.staff.ncl.ac.uk/j.veit-wilson/documents/povertyriesp.pdf> [Accessed on 15<sup>th</sup> February, 2014].

<sup>65</sup> Our Common Future, Chapter 2: Towards Sustainable Development, From A/42/427. Our Common Future: Report of the World Commission on Environment and Development, Oxford: Oxford University Press, 1987

<sup>66</sup> World Summit on Social Development, Copenhagen 1995: A Brief Description, *Gateway to Social Policy and Development*, Available at <http://www.un.org/esa/socdev/wssd.htm> [Accessed on 15th February, 2014].



primary health care; and strengthen cooperation for social development through the United Nations.<sup>67</sup>

### 3.2 United Nations Conference on Sustainable Development ("Rio+20")

The *United Nations Conference on Sustainable Development* ("Rio+20")<sup>68</sup> which took place in Rio de Janeiro, Brazil in June 2012, saw governments *inter alia* 'renew their commitment to sustainable development and to ensure the promotion of an economically, socially and environmentally sustainable future for the planet and for present and future generations. This would involve eradicating poverty which they recognised as the greatest global challenge facing the world today and an indispensable requirement for sustainable development. In this regard they therefore committed themselves to freeing humanity from poverty and hunger as a matter of urgency.<sup>69</sup>

Under Article 1.6, the Rio+20 Report recognized that people are at the centre of sustainable development and in this regard state parties strive for a world that is just, equitable and inclusive, and they committed to work together to promote sustained and inclusive economic growth, social development and environmental protection and thereby to benefit all. Further, under Article 1.8 thereof, State parties also reaffirmed the importance of freedom, peace and security, respect for all human rights, including the right to development and the right to an adequate standard of living, including the right to food, the rule of law, gender equality, women's empowerment and the overall commitment to just and democratic societies for development. The two main themes at the Conference were: how to build a green economy to achieve sustainable development and lift people out of poverty; and how to improve international coordination for sustainable development.<sup>70</sup>

Some scholars have argued that achieving genuine respect for human rights may constitute the greatest challenge facing Africans in the new millennium.<sup>71</sup> It has been posited that more than seventy-five percent of the African continent's 700 million people live below the poverty line, and ten of the world's thirteen poorest countries are in Africa.<sup>72</sup> This poverty has a direct link with lack of the necessary resources required to enable people achieve self-determination in terms of catering for their basic needs of food, shelter, health and education to mention but a few. This consequently makes them lead lives devoid of the human dignity as contemplated under international human rights instruments.<sup>73</sup>

## 4.0 Challenges

The period between 1960s-70s saw many African countries attain independence from colonial domination. Among the key reasons for the rebellion by Africans was harsh economic

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<sup>67</sup>Ibid

<sup>68</sup> United Nations, *Report of the United Nations Conference on Sustainable Development*, Rio de Janeiro, Brazil 20–22 June 2012, A/CONF.216/16

<sup>69</sup> Ibid, Article 1.2

<sup>70</sup> What is "Rio+20"?, Available at <http://www.un.org/en/sustainablefuture/about.shtml> [Accessed on 22 February, 2014].

<sup>71</sup> Magnarella, P. J., "Achieving Human Rights in Africa." 4(2): 2. [online] URL:<http://web.africa.ufl.edu/asq/v4/v4i2a2.htm> [Accessed on 15th February, 2014].

<sup>72</sup> Ibid

<sup>73</sup> "All human beings are born free and equal in dignity and rights." Article 1, *Universal Declaration of Human Rights* (UDHR), 1948

exploitation due to land alienation for settler farming, natural resources extraction and forced labour. The independent Africa was ushered with much optimism. Africans trusted their new independent governments to safeguard their economic and social interests. There were expectations that wealth would trickle down and create jobs for the people.<sup>74</sup> It was expected that revenue from resources would be shared equitably and for the benefit of all. It was expected that the independent governments would be democratic and transparent.

However, for most African countries, the expectations of a prosperous independent country remained a mirage. Poverty remains rampant amongst many people across many African nations. This may be attributed to such factors as discussed herein below.

#### **4.1 Corporate dominance by foreign multinational companies**

Oil and mineral extraction in Africa is carried out by multinational companies. These companies enter into agreements with African Governments for the extraction of resources. They have high bargaining power in the negotiations due to their influential position and backing from their governments. On the other hand, African governments have low bargaining power in these contracts or agreements because they are less influential. They are more flexible in negotiations than their foreign counterparts. In exchange, they end up giving what rightfully belongs to the people to foreigners.<sup>75</sup>

#### **4.2 Globalization**

Globalization has simply been described as increasing and intensified flows between countries of goods, services, capital, ideas, information and people, which produce cross border integration of a number of economic, social and cultural activities.<sup>76</sup> There are said to be four main driving forces behind increased interdependence namely: trade and investment liberalization; technological innovation and the reduction of communication costs; entrepreneurship; and global social networks.<sup>77</sup>

Generally, the international market operates under a global platform with a liberalized and free market. In the liberalized market, there is free movement of goods and services around the world. Regulations and legal interventions are kept at minimum and operate only to facilitate movement of goods and services.

There are remarkable benefits that come with globalization. For instance, there has been introduction of new technologies, access to new markets and the creation of new industries. Foreign aid remains crucial to developing countries. However, the practical situation in the global market is

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<sup>74</sup> John Pilger, *"Apartheid Did Not Die"* in *"Freedom Next Time"* (Edition, 2006); *"Mandela's Greatness may be assured, but not his Legacy"* NewAfrican Jan. 2014.

<sup>75</sup> Africa Development Bank, "Resource companies ripping-off Africa"-AFDB Chief Available at <http://uk.reuters.com/article/2013/06/16/uk-africa-economy-idUKBRE95F0EH20130616> [Accessed on 10 February, 2014]

<sup>76</sup> Bertucci, G., and Alberti, A., 'Globalization and the Role of the State: Challenges and Perspectives' pg 1, Available at <http://unpan1.un.org/intradoc/groups/public/documents/un/unpan006225.pdf> [Accessed on 24 February, 2014].

<sup>77</sup> Ibid

that there are unfair rules that are disadvantageous to developing countries due to their reduced bargaining powers as against many of the developed world countries.<sup>78</sup>

Advocates of globalization have contended that it affords the poor countries and their citizenry the chance to develop economically and raise their standards of living.<sup>79</sup> Opponents of globalization on the other hand have argued that the creation of an unregulated international free market works for the benefit of multinational corporations in the Western world at the expense of local enterprises, local cultures, and common people.<sup>80</sup> They disagree with those who support globalisation in that it is concerned with the welfare of the rich and the developed world while denying the poor countries and their citizenry the chance to develop economically and raise their standards of living. The more developed countries with high bargaining power enjoy the biggest share of the benefits of globalization. The rich industrialized countries formulate policies to make developing countries liberalize domestic markets for easier access but the same is not reciprocated in the domestic markets of industrialized countries. This makes Africa vulnerable since it can be extensively exploited yet it cannot readily access the national markets of developed countries.<sup>81</sup> As a result, African domestic industries have collapsed while foreign investments continue thriving. It has been argued that international policies on globalization are deliberately calculated to ensure continued economic domination by the industrialized countries.<sup>82</sup> This only serves to impoverish the people in the developing states especially Africa.

It has been argued that globalization has led to a decline in the power of national governments to direct and influence their economies especially with regard to macroeconomic management.<sup>83</sup>

### 4.3 Poor Governance

African governments have arguably played a role in making the continent poor. There has been collusion between dishonest leaders and foreign companies to sell out resources and manipulate national laws for easy access by the foreign companies.<sup>84</sup> Economic corruption remains rampant in most African countries. Some corrupt African leaders are said to use natural resources to satisfy their selfish interests at the expense of the citizens. It is noteworthy that many at times African governments do not uphold the key principles of democracy, transparency and accountability in governance. As a result, the subjects minimally, if at all, participate in the use and management of natural resources in their countries and benefit sharing is often absent.<sup>85</sup>

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<sup>78</sup> World Bank World Economy Report, 'Sustainable Development Challenges' *World Economic and Social Survey* 2013 E/2013/50/Rev. 1ST/ESA/344.

<sup>79</sup> Globalization 101, 'What Is Globalization?' *The Levin Institute* - The State University of New York, Available at <http://www.globalization101.org/what-is-globalization/> [Accessed on 24 February, 2014].

<sup>80</sup> Ibid

<sup>81</sup> For example under North American Free Trade Agreement, USA has entered into agreement opening its market only to its neighbours, that is, Canada and Mexico. Developing countries are excluded yet NAFTA members can under WTO's GATT agreement access the markets of developing countries.

<sup>82</sup> J. Stiglitz, *"Globalization and its Discontents"* (Penguin Books 2002).

<sup>83</sup> Smith, M. K. and Doyle M. 'Globalization' *the encyclopedia of informal education* (2002), Available at [www.infed.org/biblio/globalization.htm](http://www.infed.org/biblio/globalization.htm)[Accessed on 24 February, 2014].

<sup>84</sup>Sundoy Dare, A Continent in Crisis: Africa and Globalization, *Third World Traveller, Dollars and Sense magazine*, July/August 2001, available at [http://www.thirdworldtraveler.com/Africa/Continent\\_Crisis.html](http://www.thirdworldtraveler.com/Africa/Continent_Crisis.html)

<sup>85</sup> Akindele, S.T., et. al., *Globalization, Its Implications and Consequences for Africa*,

Some countries export and earn heavy revenue from resources, but the revenue is misappropriated by corrupt leaders. It has been asserted that corruption deepens poverty, it debases human rights; it degrades the environment; it derails development, including private sector development; it can drive conflict in and between nations; and it destroys confidence in democracy and the legitimacy of governments. It debases human dignity and is universally condemned by the world's major faiths.<sup>86</sup>

#### **4.4 Lack of Industrial Development**

Most African countries lack advanced industries for processing and value addition of raw materials. This can be attributed to high capital requirements to set up such industries and the technology gap.<sup>87</sup>

It has been asserted that Africa lost its status as a net exporter of agricultural products in the early 1980s when prices for raw commodities fell and local production stagnated, making agricultural imports grow faster than agricultural exports, and by 2007 reached a record high of \$47bn, yielding a deficit of \$22bn. Further, it is said that the value of agricultural exports from Thailand is now greater than for the whole of the African continent below the Sahara.<sup>88</sup> This has been blamed on bad weather and climate change. Technology inferiority is also partly to blame.

#### **4.5 Unfair and Inequitable Economic Policies.**

World economy under the globalized market is run by a number of international economic institutions whose functions are policy formulation, managing and monitoring global markets. The main international economic institutions that impact on African policies are: World Bank, International Monetary Fund (IMF), the UN Conference on Trade and Development (UNCTAD), African Development Banks, European Bank for Reconstruction and Development and Canadian International Development Agency.<sup>89</sup>

Some of these institutions are specialized agents of the international community while others are a coalition of States drawing membership from State members. Whereas developing countries are part of the international economic institutions, decision making on policy is done by developed countries which enjoy international market dominance.

Few or none of the members from developing countries are invited in the policy negotiation and formulation table.

#### **4.6 Use of Poor Technology**

Although the raw materials are plenty, they cannot be effectively harnessed without good and effective modern technology most African domestic industries. The use of poor technology in

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<sup>86</sup> *The Durban Commitment to Effective Action Against Corruption*, 1999

<sup>87</sup> Ngwenya, S., "Africa has to Shed off the Resource Curse Stigma" The Star Newspaper, Friday January 3, 2014.

<sup>88</sup> Skoll World Forum, On Africa: The Value Addition Imperative In Agriculture, *Forbes*, Available at <http://www.forbes.com/sites/skollworldforum/2013/08/21/on-africa-the-value-addition-imperative-in-agriculture/> [Accessed on 24 February, 2014].

<sup>89</sup> The WTO and other organizations - World Trade Organization, [www.wto.org](http://www.wto.org) > ... > wto & other organizations

Africa may be attributed to the high expense of technology.<sup>90</sup> Most African countries cannot meet the high capital requirements in acquisition of technology in terms of the know-how itself, the equipment and equipping workers with the necessary skills.<sup>91</sup> This has forced many countries to export raw materials instead of processing them in the domestic industries.

## 4.7 Climate Change

Climate change has been identified as a fundamental threat to sustainable development and the fight against poverty.<sup>92</sup> Human activities have released large amounts of carbon dioxide and other greenhouse gases into the atmosphere, thereby causing global warming. One of the most devastating effects of global warming is desertification which problem directly affects people's livelihoods especially in Africa.

"Desertification" has been defined in the United Nations Convention to Combat Desertification (UNCCD) to refer to land degradation in arid, semi-arid and dry sub-humid areas resulting from various factors, including climatic variations and human activities.<sup>93</sup> Further, UNCCD defines land degradation as a reduction or loss, in arid, semi-arid, and dry sub-humid areas, of the biological or economic productivity and complexity of rain-fed cropland, irrigated cropland, or range, pasture, forest, and woodlands resulting from land uses or from a process or combination of processes, including processes arising from human activities and habitation patterns, such as: (i) soil erosion caused by wind and/or water; (ii) deterioration of the physical, chemical and biological or economic properties of soil; and (iii) long-term loss of natural vegetation.<sup>94</sup>

This phenomenon affects people's livelihoods especially those who directly rely on natural resources for their livelihoods, thus leading to poverty. Those living in such dry areas do often rely on the goodwill of the government to support them and this insecurity reduces them to leaving miserable lives.

## 5.0 Natural Resources and Realization of Human Rights in Africa

Article 22 of UDHR, 1948 guarantees that everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Most African countries have ratified ICESCR and the Banjul Charter and integrated them into their national laws. These instruments appeal to State parties to take all the necessary measures and to use the state resources in ensuring realization of enjoyment of the human rights of their people. Indeed, some countries have integrated the right of a people to benefit from and control extraction of natural resources into their Constitutions. For instance, Kenya promulgated her Constitution on

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<sup>90</sup> *Africa's Technology Gap: Case Studies on Kenya, Ghana, Uganda and Tanzania*, pp.11-12, United Nations Publications, July 2003, UNCTAD/ITE/IPC/Misc.13

<sup>91</sup> Ibid.

<sup>92</sup> The World Bank Group, Visit <http://www.worldbank.org/en/topic/climatechange> [Accessed on 22 February, 2014].

<sup>93</sup> 10, *United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa*, Ch XXVII 10 VOL-2 Chapter XXVII, Paris, 14 October 1994

<sup>94</sup> Ibid, Article 1 (f)

27<sup>th</sup> August 2010. Chapter Four thereof envisages the Bill of Rights and fundamental freedoms. Article 43 provides for economic and social rights of all the Kenyan people. The Article guarantees the right to an adequate standard of living for all and this encompasses right to adequate food, clothing, shelter, clean and safe water, education, health and social security.

Of great significance to this discourse is Article 1.4 of the Rio+20 Declaration in which the State parties recognized that poverty eradication, changing unsustainable and promoting sustainable patterns of consumption and production and protecting and managing the natural resource base of economic and social development are the overarching objectives of and essential requirements for sustainable development.<sup>95</sup> They also reaffirmed the need to achieve sustainable development by promoting sustained, inclusive and equitable economic growth, creating greater opportunities for all, reducing inequalities, raising basic standards of living, fostering equitable social development and inclusion, and promoting integrated and sustainable management of natural resources and ecosystems that supports, *inter alia*, economic, social and human development while facilitating ecosystem conservation, regeneration and restoration and resilience in the face of new and emerging challenges.

## 6.0 Opportunities

Although Africa has constantly featured in the UN and World Bank World poverty index, all is not lost. There is high potential and opportunities for economic recovery and prosperity in Africa. The latest world economy statistics was published in March 2013 in which Africa was indicated as the poorest continent. Despite this fact, World Bank projects that most African countries will hit ‘middle income status’<sup>96</sup> by 2025 provided that the current growth rates continue.<sup>97</sup> In 2013, it was reported that Africa has a high economic potential since it was ranked as the world’s fastest growing continent, at 5.6% a year and GDP is expected to rise by an average of over 6% a year between 2013 and 2023.<sup>98</sup>

Similarly, Global Multidimensional Poverty Index 2013<sup>99</sup> indicates some African countries as countries with the most reducing Multidimensional Poverty Index. They include Ghana, Rwanda, Uganda, Ethiopia, Kenya and Tanzania. This shows that African countries can fight poverty if they are willing to utilize their resources effectively.

Currently, there are lucrative value addition opportunities through COMESA and COMESA-EAC-SADC tripartite region in a number of mineral sectors including coal, natural gas, mineral oil, copper, iron and steel, manganese, phosphates and nickel. It is the beneficiation and value addition of mineral deposits and other commodities that holds the potential for growth of African industries. In effect, Africa will be able to create jobs, regional market and equitable health.<sup>100</sup>

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<sup>95</sup> Rio+20 Report, Op. cit. Article 1.4

<sup>96</sup> Equivalent to at least 1000 USD per person per year.

<sup>97</sup> See World Bank World Economy Report, ‘Sustainable Development Challenges’ *World Economic and Social Survey* 2013 op. cit.

<sup>98</sup> Ibid.

<sup>99</sup> United Nations, *UNDP Human Development Report 2013 & Alkire and Conconi Report 2013*, available at <http://sustainabledevelopment.un.org/content/documents/3528alkire.pdf> [Accessed on 10th January 2014].

<sup>100</sup> Ngwenya, S., “Africa has to Shed off the Resource Curse Stigma” *The Star Newspaper*, Friday January 3, 2014.

Today, Africa has embraced education. Many of its inhabitants have had access to education and with the consolidation of the democratic process, expect their popularly elected governments to deliver on the promises of employment and improving quality of life for all.

Under Article 31 of the RIO+20 Report, state parties emphasized that sustainable development must be inclusive and people-centred, benefiting and involving all people, including youth and children. They also recognized that gender equality and women's empowerment are important for sustainable development and our common future. They therefore reaffirmed their commitments to ensure women's equal rights, access and opportunities for participation and leadership in the economy, society and political decision-making.

It has been observed that the view that poverty is a shortage of income ought to be changed to one that perceives poverty as 'unfreedoms' of various sorts: the lack of freedom to achieve even minimally satisfactory living conditions. Amartya Sen asserts that undeniably, low income can contribute to that, but other factors such as the lack of schooling facilities, absence of health facilities, unavailability of medicines, the suppression of women, hazardous environmental features and lack of jobs do also play a major role. He opines that Poverty can be reduced through addressing all these issues.<sup>101</sup> Addressing these issues requires mobilization of resources by the state. This mobilization depends on a number of factors which include but are not limited to sound institutional and legal frameworks, streamlining the governance system, empowering the citizenry to participate in the governance matters amongst other measures.

## **6.1 Establishment of a strong legal framework.**

For effective protection of the people's rights to benefit and control the utilization natural resources, there is a need for a strong national legal and institutional framework on efficient use and management of natural resources. Such legislation should take into consideration mechanisms to ensure transparency and accountability in the extraction, use and application of revenue from natural resources, including benefit sharing. This will ensure that natural resources are utilized in accordance with the law and all revenue accounted for. This in turn will highly contribute towards fighting poverty in Africa. Principle 11 of the Rio declaration on Environment and Development requires that states enact effective environmental legislation. It states that environmental standards, management objectives and priorities should reflect the environmental and developmental context to which they apply. Laws should therefore be more practical rather than theoretical in their drafting and application.

In exercising permanent sovereignty over natural resources States must as a matter of obligation use the resources for national development and the well-being of the people and ensure conservation and preservation of the same.<sup>102</sup> Indeed, this is echoed under the Constitution of Kenya 2010, Article 69(1), which lay out the state obligations toward environment to include *inter alia*: ensure sustainable exploitation, utilization, management and conservation of the environment and natural resources, and ensure the equitable sharing of the accruing benefits; encourage public participation in the management, protection and conservation of the environment; protect genetic

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<sup>101</sup> Green, D., *From Poverty to Power: How active citizens and effective states can change the world*, (2nd ed., 2012), pg. IX (Foreword by Amartya Sen), Rugby, UK: Practical Action Publishing and Oxford: Oxfam International, Available at [http://www.oxfamamerica.org/static/media/files/From\\_Poverty\\_to\\_Power\\_2nd\\_Edition.pdf](http://www.oxfamamerica.org/static/media/files/From_Poverty_to_Power_2nd_Edition.pdf) [Accessed on 24 February, 2014].

<sup>102</sup> UN Res. 1803/XVII, 1962

resources and biological diversity; establish systems of environmental impact assessment, environmental audit and monitoring of the environment; eliminate processes and activities that are likely to endanger the environment; and utilize the environment and natural resources for the benefit of the people of Kenya.

## 6.2 Value Addition

To reduce poverty in Africa and steer the continent to its full potential, value addition model is the best alternative rather than a commodity export model. By this model, Africans would use the resources they have as anchors for regional growth clusters and then ensure that they attract value-addition industries.<sup>103</sup> Locally produced food and other potential income earners natural resources could undergo local value addition and be exported either within African region markets or out of Africa. This would have a positive effect on the economic wellbeing of all persons starting from the grassroots levels.

Over time there have been successful value addition efforts in Africa. For instance, Ethiopia has adopted value addition approach to its leather industry.<sup>104</sup> In Kenya, value addition has been achieved in the horticulture industry.<sup>105</sup> Kenya has a well-established export base of highly processed horticultural products to the overseas market in the European Union.<sup>106</sup> Exporting fully processed goods instead of raw commodities is said to result in a much higher percentage of their value staying in African countries and many more opportunities for families to gain livelihoods and exit poverty.<sup>107</sup>

## 6.3 Transparency in governance

Under Article 1.10 of the RIO+20 Report, State parties acknowledged that democracy, good governance and the rule of law, at the national and international levels, as well as an enabling environment, are essential for sustainable development, including sustained and inclusive economic growth, social development, environmental protection and the eradication of poverty and hunger. Further, they reaffirmed that to achieve sustainable development goals there is need for institutions at all levels that are effective, transparent, accountable and democratic.<sup>108</sup>

Indeed, one of the guiding principles in the implementation of the Programme of Action based on a strengthened framework of partnership for successfully achieving the objectives of the *Programme of Action for the Least Developed Countries for the Decade 2011-2020*, is Country

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<sup>103</sup> Ngwenya, S., "Africa has to Shed off the Resource Curse Stigma" Op. cit.

<sup>104</sup> In Ethiopia, the value addition strategy on the leather industry has revolved around a combination of an export tax on unprocessed hides, incentives for value added manufacturing firms, and aggressive measures on technology and skills transfer. The export tax has forced reluctant European manufacturers to relocate tanning and manufacturing activities to Ethiopia. Consequently, the composition of Ethiopia's leather exports has changed dramatically. For instance, the share of hides in leather group exports declined from 70% in 2004 to zero per cent in 2011. The share of finished leather increased from less than a third to 93% in the same period.

<sup>105</sup> Horticulture products are among the Kenya's leading exports. The horticulture industry in Kenya has undergone significant transformation and Kenyan producers have been able to meet increasingly stringent food safety regulations, demanding market requirements and private standard.

<sup>106</sup> Ngwenya, S., 'Africa has to Shed off the Resource Curse Stigma' Op. cit.

<sup>107</sup> *Value Added in Africa*, Available at <http://www.ideaonline.ie/content/value-added-africa> [Accessed on 24 February, 2014]

<sup>108</sup> RIO+20 Report, Op. Cit.



ownership and leadership.<sup>109</sup> Article 13 thereof is to the effect that the ownership, leadership and primary responsibility for the least developed countries own development lies with them. The Plan observes that the Least developed countries (most of which are in Africa) have the right and responsibility to formulate and execute their own coherent economic and development policies and strategies and identify their own national priorities, including striking a balance in the allocation of resources between economic and social sectors. Perhaps more important the observation that Development partners should support least developed countries in the design and implementation of their development strategies. Transparency in governance cannot therefore be substituted with foreign aid in order to realize economic development and ultimate uplifting of the people from poverty.

There are a lot of non-transparent dealings in resource extraction in Africa. Besides insufficient or unavailability of information, there are other complicated issues of tax avoidance and evasion, profit concealment and anonymous company ownerships and corruption. To counter concealment of profits, African governments should put in place mechanisms that ensure systematic monitoring of the value and quantity of exports by extracting companies. There should be a clear export taxation system and policy. Availability and access to information can counter anonymous company ownerships which in turn would reduce money laundering and corruption. This would call for the cooperation of the international community since anonymous company ownership is a global problem which is making countries lose huge revenues to fraudsters.<sup>110</sup>

Africa has lost huge revenues to fraudsters. For example, Democratic Republic of Congo has recently lost an estimated US\$ 1.36 billion through a protracted systematic undervaluation and sale of mineral assets to unknown buyers.<sup>111</sup> Members of the international community should put in place measures to deal with false companies in their jurisdictions.

Although there have been attempts by the international community to resolve this problem through the establishment of Extractive Industries Transparency Initiative (EITI), a lot needs to be done. It would be helpful to establish such similar institutions at local and regional levels.

Transparency is necessary in utilization of the accruing natural resource revenue. It should be applied reasonably, fairly and equitably for the benefit of all. For example, by 2011, Equatorial Guinea had grown on average of 17%, making it the fastest growing economy in the world joining the leagues of high-income countries.<sup>112</sup> Despite this remarkable economic growth, three quarters of Equatorial Guinea's population live in poverty and the country records high child mortality rates.<sup>113</sup>

Transparency also transcends the taxation system. There is a need to tackle tax avoidance and tax evasion by foreign companies carrying out resource extraction in Africa. Tax avoidance is one of the biggest problems bedeviling African economies because it is reported that the revenue lost in Africa through tax avoidance is greater than the combined revenue from international aid and direct foreign investment.

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<sup>109</sup> Article 13, *Programme of Action for the Least Developed Countries for the Decade 2011-2020*, A/CONF.219/3, Fourth United Nations Conference on the Least Developed Countries, Istanbul, 9-13 May 2011

<sup>110</sup> "Equity in Extractives: Stewarding Africa's Natural Resources for All" (Africa Progress Report 2013).

<sup>111</sup> A.Rajaram, "Rich Countries, Poor People; Will Africa's Commodity Boom Benefit the Poor" available on <http://blogs.worldbank.org/african/rich-countries-poor-people-will-africa-s-commodity-boom-benefit-poor>

<sup>112</sup><sup>112</sup> "Equity in Extractives: Stewarding Africa's Natural Resources for All" (Africa Progress Report 2013).

<sup>113</sup> Ibid

## 6.4 Job Creation

Most of African countries have a rapidly growing population. There is high unemployment in the continent. Under Article 24 of the RIO+20, State parties expressed deep concern about the continuing high levels of unemployment and underemployment, particularly among young people, and noted the need for sustainable development strategies to proactively address youth employment at all levels. In this regard, they recognized the need for a global strategy on youth and employment building on the work of the International Labour Organization (ILO).<sup>114</sup> Further, Article 30 thereof is to the effect that state parties did recognize that many people, especially the poor, depend directly on ecosystems for their livelihoods, their economic, social and physical well-being, and their cultural heritage. For this reason, it is essential to generate decent jobs and incomes that decrease disparities in standards of living in order to better meet people's needs and promote sustainable livelihoods and practices and the sustainable use of natural resources and ecosystems. The *International Covenant on Economic, Social and Cultural Rights* protects numerous fundamental rights, *inter alia* the right to work under Articles 6 and 7.

Even if Africa were to improve on resource utilization without creating jobs for the people, the revenue from resources would be inadequate to cater for the needs of the people. Thus, there is a need to create jobs for the rapidly growing population. This would of course import the need to provide good education to equip people with skills and knowledge suitable for the job market. For effective job creation, Africa must also invest in its people through quality education. The money generated from the natural resources should also be invested in the education sector so as to empower the people.

Education and job opportunities will empower the poor. It is generally accepted that effective poverty reduction cannot be achieved without the empowerment of the poor.<sup>115</sup>

## 6.5 Institutional Reforms

The quality of institutions matter because of the pivotal role they play in good administration and performance towards economic growth.<sup>116</sup>

Public institutions may be economically classified as inclusive or extractive. Inclusive institutions manage and apply resources for the public good and benefit of all. Conversely, extractive institutions apply and manage public resources for the benefit of certain influential individuals at the expense and sufferance of the majority.<sup>117</sup> It is important that measures are taken to ensure that these institutions are used for the interests of the wider society as against promoting the interests of a few people in a country.

In natural resource management across African countries, there is a great need for ensuring quality participation of the people in the use and management of natural resources. This can be achieved in many ways including communities and/or local people's participation through any community based natural resource management approaches, as would be applicable to various countries.

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<sup>114</sup> RIO+20 Report, Op. Cit

<sup>115</sup> United Nations High Commissioner for Human Rights, *Principles And Guidelines For A Human Rights Approach To Poverty Reduction Strategies*, HR/PUB/06/12, page 9

<sup>116</sup> Ibid.

<sup>117</sup> Acemalogue and Robinson, 2012.

Regarding this, it has been argued that in order to increase environmental management efficiency and improve equity and justice for local people, there is need to explore participatory and Community-Based Natural Resource Management (CBNRM).<sup>118</sup> However, the assertion is that decentralization requires both power transfers and accountable representation. It is noteworthy that across many states, local representatives remain accountable and subject to central authorities and their powers can be given and taken at the whim of central agents. Thus, choosing representative and accountable local institutions is key for equity, justice, and efficiency. Accountability of local decision makers to the people, that is, local democracy is arguably a viable mechanism for achieving greater equity and efficiency in resource management.<sup>119</sup>

Reforms aimed at ensuring greater representation and quality participation by all can be an effective tool for ensuring that more benefits from natural resources exploitation flows to the common people and eventually alleviating poverty.

## **6.6. Sound, fair and equitable globalization Policies**

Good political environment is critical for economic development. Over time, African politics have been founded on ethnicity and greed. Africa should provide for an enabling environment by creating an initiative for policy dialogue and conducting informed democratic discussions of alternative policies.

A good market policy should clearly state the role of the government interventions and market forces. While markets are at the center of the economy, the government has a role to play as well. The two are complementary.<sup>120</sup> There is a need to reinvent the government to make it more efficient and responsive. The international community should formulate rules that promote fairness and equality. Decision making should be inclusive; both the rich and poor countries should participate.

Some proponents of globalization argue that contrary to what is often claimed, economic globalization is not a blind force. They argue that it is individual governments that set the policies and the rules of the globalized economy. Thus, economic globalization is, according to them, the result of policy decisions made by individual countries that allow global market forces to operate. To make globalization beneficial to states, it is argued, the actual issue that ought be looked into is determining which countries set the rules, whoever benefits from the favor and how best the least powerful countries can also influence policy-making in the international arena, and do it in ways that will benefit them.<sup>121</sup>

Under Article 1.11 of the RIO+20 Report, the State parties reaffirmed their commitment to strengthen international cooperation to address the persistent challenges related to sustainable development for all, in particular in developing countries. In this regard, the state parties reaffirmed the need to achieve economic stability, sustained economic growth, promotion of social equity and protection of the environment, while enhancing gender equality, women's empowerment and equal opportunities for all, and the protection, survival and development of children to their full potential,

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<sup>118</sup> Ribot, J.C., 'Democratic Decentralization Of Natural Resources: Institutionalizing Popular Participation' Pg.1, *World Resources Institute report* (2002)

<sup>119</sup> Ibid, pg.1

<sup>120</sup> This is because while government cannot remedy every market failure, markets by themselves cannot solve any societal problem. For example, the government can play a key role in reduction of inequality, unemployment, protection of domestic industries and control of pollution

<sup>121</sup> Bertucci, G., and Alberti, A., 'Globalization and the Role of the State: Challenges and Perspectives' Op. cit. pg 2

including through education. Through exploitation of national and international resources and international cooperation, the foregoing can indeed be achieved.

It has been stated that while "integrating with the world economy is a powerful vehicle for growth and poverty reduction in developing countries,... it would be still more powerful if the rich countries further increased the openness of their own economies" (Stern, 2000, p. 5).<sup>122</sup>

There is need for fair and equitable ground rules of globalization for the benefit of all countries especially the third world countries from Africa.

Even in the face of globalization, there is a need to uphold and respect the right of people and states to self-development especially in light of exploiting natural resources for their own empowerment. Any economic engagement ought to show this recognition. The right of peoples to self-determination as contemplated under the various international and regional legal instruments is said to depend on the following elements: the free choice of political status and of economic, social and cultural development; peoples' sovereignty over their natural resources; equality of peoples; non-discrimination; sovereign equality of states; peaceful settlement of disputes; good faith in the accomplishment of obligations and in international relations; the non-use of force; international cooperation and the respect by states of their international commitments, in particular regarding human rights.<sup>123</sup> The international consensus on the making of sound, fair and equitable globalization policies can demonstrate the recognition of every state's ability to engage competitively and productively in the global arena, for the benefit of all.

## **6.7. Access to information/Public Participation**

The role of information in economic growth cannot be overlooked. There is need for an open access to information. To this end, a free and independent press is a critical check on abuses and is necessary for democracy. The one with the information has a higher bargaining power. Developing countries lack sufficient information on global market hence cannot bargain their place.

Principle 10 of the Rio Declaration on Environment and Development provides that environmental issues are best handled with the participation of all concerned citizens, at the relevant level. Further, at the national level, each individual is to have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. The Rio Declaration requires that states should facilitate and encourage public awareness and participation by making information widely available. Scholars argue that it is imperative to allow the resources that are vital for people's way of life to be managed by those that depend on them.<sup>124</sup>

It has been posited that co-management of resources can balance state-level priorities of efficiency and equity against local concerns for self-governance and participatory decision-making.

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<sup>122</sup> Ibid., pg 6

<sup>123</sup> Ozden, M. and Golay, C., 'The Right Of Peoples To Self-Determination And To Permanent Sovereignty Over Their Natural Resources Seen From A Human Rights Perspective' Pg. 13, Part of a series of the Human Rights Programme of the Europe-Third World Centre (CETIM)

<sup>124</sup> Clarke, R.A., 'Securing Communal Land Rights to Achieve Sustainable Development in Sub-Saharan Africa: Critical Analysis and Policy Implications', *5/2 Law, Environment and Development Journal* (2009), p. 130, pg. 132 Available at <http://www.lead-journal.org/content/09130.pdf> [Accessed on 24 February, 2014].

Consequently, this direct user involvement in negotiations is believed to increase the legitimacy of rules and leads to better compliance.<sup>125</sup>

Such participation and/or inclusion in decision making demand a well informed people. There is need to realize that if citizens are to gain maximum benefits from natural resources use and management, they need to be well informed. It has been asserted that the three “access rights” of access to information, participation in decision-making and access to justice in environmental matters empower individuals to have a meaningful voice in decisions that affect sustainable development.<sup>126</sup> Environmental democracy entails the principle of equal rights for all including the public, community groups, advocates, industrial leaders, workers, governments, academics and other professionals to be involved in environmental governance.<sup>127</sup> It connotes the right of all whose daily lives are affected by the quality of the environment to participate in environmental decision-making as freely as they do in other public interest matters such as education, health care, finance and government.<sup>128</sup> Access to environmental information and justice for all those who choose to participate in such decision-making is integral to the concept of environmental democracy.<sup>129</sup>

## 6.8 Use of Modern Technology

For Africa to export manufactured products to the international market there is a need to use the best modern and advanced technology in value addition process. At the moment the technology used in Africa in the extraction of natural resources is poor. There is little value addition technology. This explains why most of Africa’s exports are raw materials or semi-processed products. On this issue, the way forward would be for Africa to invest highly in modern technology through human resource development and acquisition of technology products. The ability to create, acquire and adapt new technologies is said to be a critical requirement for competing successfully in the global marketplace.<sup>130</sup> There has been contention that Africa's technological gap could be the source of its increasing economic deterioration since other developing regions (East and South-East Asian countries) are constantly upgrading their own technological capabilities, and the global marketplace has become increasingly liberalized and competitive.<sup>131</sup>

It has been argued and rightly so that science can essentially contribute to solving the global problems of hunger, poverty, and environmental degradation.<sup>132</sup> Science can be useful in enhancing yield and productivity, bridging yield gaps, and protecting yield gains; exploiting the gene revolution (biotechnology); benefiting from information and communication technology

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<sup>125</sup> Ibid, pg. 139

<sup>126</sup> ‘Environmental Democracy: An Assessment of Access to Information, Participation in Decision-making and Access to Justice in Environmental Matters in Selected European Countries’, pg 11, *European Regional Report*, The Access Initiative Europe; See also *Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters*, Aarhus, Denmark, on 25 June 1998 (the Aarhus Convention)

<sup>127</sup> Hazen, S., (1998), *Environmental Democracy*, Available at <<http://www.ourplanet.com>> [Accessed on 25 February, 2014].

<sup>128</sup> Ibid

<sup>129</sup> Ibid

<sup>130</sup> *Africa's Technology Gap: Case Studies on Kenya, Ghana, Uganda and Tanzania*, pg iii, Op.cit.

<sup>131</sup> Ibid

<sup>132</sup> FAO, ‘Science And Technology To Meet The Challenges: Food-Security, Poverty-Alleviation, And Sustainability’ Available at <http://www.fao.org/docrep/005/ac483e/ac483e08.htm> [Accessed on 24 February, 2014].

revolution and promoting knowledge-based development; managing natural resources (land, water, and biodiversity); addressing environmental concerns; managing climate change; and minimizing adverse impacts of natural disasters.<sup>133</sup> Sound scientific and technology knowledge application to agriculture, fisheries, and forestry, and to rural, coastal, and urban ecosystems and human systems within which hunger and poverty persist can help alleviate the problem of poverty.<sup>134</sup>

## 6.9 Climate Change

The *United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification* has a very broad and potentially effective objective which is to combat desertification and mitigate the effects of drought in countries experiencing serious drought and/or desertification, particularly in Africa, through effective action at all levels, supported by international cooperation and partnership arrangements, in the framework of an integrated approach which is consistent with Agenda 21, with a view to contributing to the achievement of sustainable development in affected areas.

In order to achieve this objective the Convention further provides for guiding principles which are *inter alia*: the Parties should ensure that decisions on the design and implementation of programmes to combat desertification and mitigate the effects of drought are taken with the participation of populations and local communities and that an enabling environment is created at higher levels to facilitate action at national and local levels; the Parties should, in a spirit of international solidarity and partnership, improve cooperation and coordination at sub regional, regional and international levels, and better focus financial, human, organizational and technical resources where they are needed; the Parties should develop, in a spirit of partnership, cooperation among all levels of government, communities, non-governmental organizations and landholders to establish a better understanding of the nature and value of land and scarce water resources in affected areas and to work towards their sustainable use; and the Parties should take into full consideration the special needs and circumstances of affected developing country parties, particularly the least developed among them.<sup>135</sup>

There are of course many other international instruments which seek to address the problem of climate change. If these principles are actualized, it is possible to effectively address this problem of climate change in order to achieve sustainable development.

There is need for combined efforts from national, regional to international community to tackle the problem of climate change and this will ultimately impact positively on the fight against poverty.

## 7.0 Conclusion

From the foregoing, it is evident that there is a hope for Africa. There are many opportunities for effective utilization of resources to fight poverty. The potential for Africa's natural resources is high.

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<sup>133</sup> Ibid

<sup>134</sup> Ibid

<sup>135</sup> United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Principle 3

If it can utilize its resources maximally, effectively and sustainably, Africa has the potential to eradicate poverty amongst its people through equitable utilization of its resources. The change may be gradual, even discouraging, but the ultimate goal of eradicating poverty is worth pursuing.

For effective utilization of Africa's resources to fight poverty, there is a need to adopt the foregoing recommendations since if all of them were effectively applied, they will highly contribute to reduction of poverty in Africa.

Under Article 23 of the RIO+20 Report, the state parties reaffirmed the importance of supporting developing countries in their efforts to eradicate poverty and promote empowerment of the poor and people in vulnerable situations, including removing barriers to opportunity, enhancing productive capacity, developing sustainable agriculture and promoting full and productive employment and decent work for all, complemented by effective social policies, including social protection floors, with a view to achieving the internationally agreed development goals, including the Millennium Development Goals.

It is noteworthy that each African country faces specific challenges to achieve sustainable development and eradication of poverty.<sup>136</sup> However, if each of these countries explores the best resource exploitation practices to make maximum use of the natural resources in their territory, it is indeed possible to eradicate poverty to achieve sustainable development, equity, justice, non-discrimination and fairness in society and Africa as a continent.

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<sup>136</sup> Article 32, RIO+20 Report  
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