

# **Beyond Declarations to Concrete Action in Africa: Upholding Human Rights in the Extractive Sector for Sustainability**

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## **Beyond Declarations to Concrete Action in Africa: Upholding Human Rights in the Extractive Sector for Sustainability**

**Kariuki Muigua\***

### **Abstract**

*This paper critically examines the need to uphold human rights in the extractive sector in Africa. The paper argues that Africa's rich extractive sector holds immense potential to drive economic growth and human development in the continent. However, the paper also notes that the extractive sector in Africa is associated with several challenges including corruption, environmental degradation and human rights violations. The paper argues that human rights abuses are a key concern in the extractive sector in Africa undermining progress towards Sustainable Development, peace and prosperity. It examines some of the major human rights concerns in the extractive industry in Africa. In light of these challenges, the paper suggests reforms towards upholding human rights in the extractive sector in Africa for sustainability.*

### **1.0 Introduction**

The extractive sector refers to businesses and processes that lead to the extraction of raw materials from the Earth (such as oil, metals, mineral and aggregates) for processing and utilization by consumers<sup>1</sup>. The extractive sector has also been defined as the economic sector that encompasses the exploration and exploitation of resources from the Earth including rocks, minerals and rare earths<sup>2</sup>. According to the United Nations, extractive industries recover raw materials from the earth, process them, and turn them into products and services for use by consumers<sup>3</sup>. These raw material include fossil fuels (such

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<sup>1</sup> United Nations Trade and Development., 'Extractive Industries: Optimizing Value Retention in Host Countries' Available at [https://unctad.org/system/files/official-document/suc2012d1\\_en.pdf](https://unctad.org/system/files/official-document/suc2012d1_en.pdf) (Accessed on 17/07/2025)

<sup>2</sup> The Extractive Sector: how to avoid, reduce and offset impacts on biodiversity?., Available at <https://www.biodev2030.org/en/secteur/extractif/> (Accessed on 17/07/2025)

<sup>3</sup> United Nations., 'Transforming Extractive Industries for Sustainable Development' Available at <https://digitallibrary.un.org/record/4014707/files/1377619-EN.pdf> (Accessed on 17/07/2025)

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as coal, oil and gas), minerals (including bauxite, phosphate, potash, copper, gold and diamonds, rare earth minerals) and aggregates (such as sand, gravel and clay)<sup>4</sup>. The extractive industry therefore physically extracts natural resources from the Earth including oil, gas and minerals, processes them and sells them for domestic and international consumption<sup>5</sup>. The industrial and business processes that fall under the extractive sector include drilling and pumping, quarrying, and mining<sup>6</sup>.

Africa has a rich extractive sector. It is estimated that Africa is home to nearly thirty percent of the world's mineral reserves, eight per cent of the world's natural gas and twelve per cent of the world's oil reserves<sup>7</sup>. In addition, Africa holds nearly forty percent of the world's gold and up to ninety percent of its chromium and platinum<sup>8</sup>. The largest reserves of cobalt, diamonds, platinum and uranium in the world are all in Africa<sup>9</sup>. The continent is also emerging as a hub for rare earths. Significant deposits of rare earths are available in the Continent especially in Eastern and Southern countries including South Africa, Madagascar, Malawi, Kenya, Namibia, Mozambique, Tanzania, Zambia and Burundi<sup>10</sup>. Rare earths have been described as the catalysts of industrial societies in the 21<sup>st</sup> century since they are vital to key products from hi-tech items including smartphones and monitors to energy conversion systems such as wind turbines,

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<sup>4</sup> Ibid

<sup>5</sup> United Nations Development Programme., 'Extractive Industries for Sustainable Development' Available at <https://www.undp.org/sites/g/files/zskgke326/files/publications/Extractive-Industries-Brochure.pdf> (Accessed on 17/07/2025)

<sup>6</sup> Extractive Industries., Available at <https://opendevelopmentmekong.net/topics/extractive-industries/> (Accessed on 17/07/2025)

<sup>7</sup> United Nations Environment Programme., 'Our Work in Africa' Available at <https://www.unep.org/regions/africa/our-work-africa#:~:text=The%20largest%20reserves%20of%20cobalt,50%20percent%20of%20total%20wealth.> (Accessed on 17/07/2025)

<sup>8</sup> Ibid

<sup>9</sup> Ibid

<sup>10</sup> Italian Institute for International Political Studies., 'The Scramble for Africa's Rare Earths: China is not Alone.' Available at <https://www.ispionline.it/en/publication/scramble-africas-rare-earths-china-not-alone-30725> (Accessed on 17/07/2025)

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photovoltaic panels and electrical machinery and even military equipment including lasers and radar<sup>11</sup>.

The extractive sector has the potential to spur Sustainable Development both globally and in Africa. It has been argued that historically, extractive industries have been a major driver of economic growth, particularly for now-advanced economies that benefitted during and after the Industrial Revolution<sup>12</sup>. For many centuries, extractive industries particularly fossil fuels including oil and gas have underpinned the global economic system, shaping geopolitics and the course of human development<sup>13</sup>. According to the United Nations, the extractive sector has immense potential to drive economic growth, support Sustainable Development, and reduce poverty especially in developing countries<sup>14</sup>.

The extractive sector is driving economic growth, creating jobs and supporting communities all over the world<sup>15</sup>. For instance, it is estimated that mineral extraction plays a dominant role in the economies of nearly 63 countries globally<sup>16</sup>. Further, it has been noted that the consumption and demand for oil and gas continue to make it one of the major drivers for the global economy<sup>17</sup>. The extractive sector is particularly important in Africa. For example, it is estimated that minerals account for an average of seventy per cent of total African exports and about twenty eight per cent of its Gross Domestic

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<sup>11</sup> Ibid

<sup>12</sup> United Nations., 'Transforming Extractive Industries for Sustainable Development' Op Cit

<sup>13</sup> Ibid

<sup>14</sup> Ibid

<sup>15</sup> United Nations Environment Programme., 'About Extractives' Available at <https://www.unep.org/explore-topics/extractives/about-extractives> (Accessed on 17/07/2025)

<sup>16</sup> Ibid

<sup>17</sup> What Percentage of the Global Economy Is the Oil and Gas Drilling Sector?., Available at <https://www.investopedia.com/ask/answers/030915/what-percentage-global-economy-comprised-oil-gas-drilling-sector.asp#:~:text=Consumption%20and%20demand%20for%20oil,boost%20in%20demand%20and%20consumption.> (Accessed on 17/07/2025)

Product (GDP)<sup>18</sup>. The contribution of extractives to public finance in the Continent is significant, with some African countries' public revenue almost entirely dependent on them<sup>19</sup>.

Despite its potential to drive Sustainable Development, the extractive sector has been described as a double-edged sword<sup>20</sup>. It has been observed that extractive industries are fueling some of the most urgent and dire socio-environmental problems the world is currently facing, including climate change, biodiversity loss, environmental degradation, human rights violations especially for indigenous peoples, inequitable benefit-sharing, corruption and neo-colonialism<sup>21</sup>. Addressing these challenges is vital towards achieving sustainability in the extractive sector.

This paper critically examines the need to uphold human rights in the extractive sector in Africa. The paper argues that Africa's rich extractive sector holds immense potential to drive economic growth and human development in the continent. However, the paper also notes that the extractive sector in Africa is associated with several challenges including corruption, environmental degradation and human rights violations. The paper argues that human rights abuses are a key concern in the extractive sector in Africa undermining progress towards Sustainable Development, peace and prosperity. It examines some of the major human rights concerns in the extractive industry in Africa. In light of these challenges, the paper suggests reforms towards upholding human rights in the extractive sector in Africa for sustainability.

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<sup>18</sup> African Development Bank Group., 'African Natural Resources Center' Available at [https://www.afdb.org/fileadmin/uploads/afdb/Documents/Publications/anrc/AfDB\\_ANRC\\_BROC\\_HURE\\_en.pdf](https://www.afdb.org/fileadmin/uploads/afdb/Documents/Publications/anrc/AfDB_ANRC_BROC_HURE_en.pdf) (Accessed on 17/07/2025)

<sup>19</sup> Ibid

<sup>20</sup> Oxfam., 'Extractive Industries' Available at <https://heca.oxfam.org/what-we-do/extractive-industries#:~:text=A%20growing%20sector,already%20developing%20its%20gas%20resources> (Accessed on 17/07/2025)

<sup>21</sup> Extractive Industries., Available at <https://eia.org/campaigns/extractive-industries/> (Accessed on 17/07/2025)

## **2.0 Human Rights Concerns in the Extractive Sector in Africa**

Africa's rich extractive sector has the potential to accelerate progress towards Sustainable Development. It has been observed that extractive industries which include mining and oil and gas production, are a major source of investment and revenue in many African countries<sup>22</sup>. The extractive sector supports economic growth and job creation in many African nations<sup>23</sup>. Endowed with a significant proportion of the world's oil and gas reserves and solid mineral resources, Africa has been identified as the location of a vibrant and dynamic extractive industries sector.<sup>24</sup> Revenue generated from the extractive sector in Africa has been a major source of finance for public infrastructure development and investments in education, agriculture, health and the development of other economic sectors all over the continent<sup>25</sup>. The extractive sector therefore has the potential to drive economic growth and prosperity in Africa. It has been argued that if optimally exploited, extractive industries can result in huge tax and revenue benefits, multiplier economic effects and can have the transformative potential to address deep-seated poverty and inequality in Africa<sup>26</sup>.

Despite its potential benefits for Sustainable Development, the extractive sector in Africa is associated with several economic, social and environmental challenges. It has been observed that revenues from the extractive sector in Africa have not generated shared growth and poverty reduction<sup>27</sup>. Challenges such as rent seeking, corruption and currency appreciation have led some resource-rich African countries into what has been

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<sup>22</sup> African Development Bank Group., 'Governance of the Extractive Industries in Africa: Survey of donor-funded assistance' Available at <https://www.afdb.org/fileadmin/uploads/afdb/Documents/Publications/Strauss%20brochure.pdf> (Accessed on 17/07/2025)

<sup>23</sup> Ibid

<sup>24</sup> Nalule. V., Olawuyi. D., & Muinzer. T., 'The role of African extractive industries in the global energy transition: An analysis of barriers and strategies' *The Extractive Industries and Society.*, Volume 19, September 2024

<sup>25</sup> Ibid

<sup>26</sup> Oxfam., 'Extractive Industries' Op Cit

<sup>27</sup> African Development Bank Group., 'Governance of the Extractive Industries in Africa: Survey of donor-funded assistance' Op Cit

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termed the 'resource curse', sometimes resulting in instability, conflict and wars (Emphasis added)<sup>28</sup>. It has been argued that most mineral resources in Africa are extracted mainly for processing and use outside the continent, and mineral sectors have remained an enclave and disconnected from broader economies<sup>29</sup>. Further, the public debt and fiscal stress is rising in several mineral-rich African countries including Nigeria, the Democratic Republic of the Congo, Zambia, Angola and Mozambique<sup>30</sup>. Revenues from the extractive industry in Africa often concentrate wealth and power in the hands of the few, thereby fueling inequality, poverty and high levels of corruption<sup>31</sup>.

Africa is therefore yet to fully tap into its extractive sector. Poor governance of the extractive industry as evidenced by inadequate engagement of communities and stakeholders in development processes; unfair distribution of the benefits, costs, risks and responsibilities associated with the extractive industry; impacts on the environment, communities, and the local and national economies; and corruption and diversion of funds to satisfy individual gains at the expense of national and community interests is undermining the role of extractive sector in Sustainable Development in Africa<sup>32</sup>. Consequently, the extractive sector in Africa is associated with poverty, underdevelopment, corruption and resource-based conflicts<sup>33</sup>.

The violation of human rights is also a major problem in the extractive industry in Africa. For example, it has been pointed out that indigenous peoples and local communities are

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<sup>28</sup> Ibid

<sup>29</sup> Oxfam., 'From Aspiration to Reality: Unpacking the Africa Mining Vision.' Available at <https://wwwcdn.oxfam.org/s3fs-public/bp-africa-mining-vision-090317-en.pdf> (Accessed on 17/07/2025)

<sup>30</sup> Henri. A., 'Natural Resources Curse: A Reality in Africa.' *Resources Policy*, Volume 63, 2019

<sup>31</sup> The United Nations Interagency Framework Team for Preventive Action., 'Extractive Industries and Conflict' Available at [https://globalprotectioncluster.org/sites/default/files/2023-04/Extractive Industries and Conflict Guidance Note Practitioners 2010 EN.pdf](https://globalprotectioncluster.org/sites/default/files/2023-04/Extractive%20Industries%20and%20Conflict%20Guidance%20Note%20Practitioners%202010%20EN.pdf) (Accessed on 17/07/2025)

<sup>32</sup> Ibid

<sup>33</sup> Henri. A., 'Natural Resources Curse: A Reality in Africa.' Op Cit

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often involuntarily displaced during mining and oil and gas extraction activities<sup>34</sup>. It has been argued that key human rights abuses in the extractive sector in Africa include dispossession of land and accompanying displacement of people including indigenous peoples in the areas of new discoveries of gas, oil and minerals<sup>35</sup>.

The extractive sector in Africa also has negative impacts on the environment fueling environmental degradation thus threatening the right to a clean, healthy and sustainable environment and affecting the livelihood and health of people living adjacent extractive activities<sup>36</sup>. For example, it has been pointed out that the extractive sector is responsible for almost half of world's carbon emissions thus contributing to the climate crisis<sup>37</sup>. Further, the extractives sector contributes to air, water and land pollution<sup>38</sup>. The extractive industry is also linked to global biodiversity loss since a significant number of mining, and oil and gas exploration sites overlap with biodiversity protected areas<sup>39</sup>.

Another major human rights concern in the extractive sector in Africa involves the violation of labour rights<sup>40</sup>. For instance, the mining sector is associated with several concerns including deaths, injuries, and diseases among miners<sup>41</sup>. The extractive industry

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<sup>34</sup> Oxfam., 'Extractive Industries' Op Cit

<sup>35</sup> African Commission on Human and Peoples' Rights., 'State Reporting Guidelines and Principles on Articles 21 And 24 of the African Charter relating to Extractive Industries, Human Rights and the Environment' Available at <https://achpr.au.int/en/node/845#:~:text=despite%20its%20potential%20and%2C%20at,or%20exacerbated%20internal%20armed%20conflicts>. (Accessed on 17/07/2025)

<sup>36</sup> Ibid

<sup>37</sup> United Nations Environment Programme., 'Why does extractives matter?' Available at <https://www.unep.org/explore-topics/extractives/why-does-extractives-matter#:~:text=Pollution%3A%20the%20extractives%20sector%20contributes,has%20caused%20significant%20water%3B%20pollution> (Accessed on 17/07/2025)

<sup>38</sup> Ibid

<sup>39</sup> Ibid

<sup>40</sup> African Commission on Human and Peoples' Rights., 'State Reporting Guidelines and Principles on Articles 21 And 24 of the African Charter relating to Extractive Industries, Human Rights and the Environment' Op Cit

<sup>41</sup> International Labour Organization., 'Mining (Coal; other Mining) Sector.' Available at <https://www.ilo.org/global/industries-and-sectors/mining/lang--en/index.htm> (Accessed on 17/07/2025)

and in particular mining has been described as the most hazardous occupation globally when the number of people exposed to risk is taken into account<sup>42</sup>. Workers are often subjected to poor working conditions, low wages and lack of safety measures<sup>43</sup>.

The extractive sector in Africa therefore has negative impacts on human rights since it causes violation of land rights, environmental degradation, marginalisation of indigenous peoples and local communities and violation of labour rights. It has been observed that the exploitation of Africa's natural resources especially in the extractive industry is dominated by foreign multinational companies<sup>44</sup>. The activities of multinational companies in the extractive sector in Africa raise several challenges including human rights abuses, ethnic militancy, displacement of indigenous communities and environmental concerns including environmental degradation, loss of biodiversity and soil and air pollution as a result of oil spillages<sup>45</sup>.

In light of the foregoing challenges, it is imperative to uphold human rights in the extractive sector in Africa for sustainability.

### **3.0 Upholding Human Rights in the Extractive Sector for Sustainability**

The extractive sector is fueling widespread human rights violations in Africa. It is therefore necessary to move beyond declarations to concrete actions in order to safeguard human rights in the extractive sector in Africa. Achieving this ideal involves protecting land rights especially for indigenous peoples and local communities. These groups often face the risk of losing natural resources including land, and being involuntarily displaced during mining and oil and gas exploration activities<sup>46</sup>. Protecting the land rights of

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<sup>42</sup> Ibid

<sup>43</sup> Ibid

<sup>44</sup> Muigua, K., 'Utilizing Africa's Natural Resources to Fight Poverty' Available at <https://kmco.co.ke/wp-content/uploads/2019/06/Utilizing-Africas-Natural-Resources-to-Fight-Poverty-26th-March2014.pdf> (Accessed on 17/07/2025)

<sup>45</sup> Ajibade, L.T & Awomuti, A.A. 'Petroleum Exploitation or Human Exploitation? An Overview of Niger Delta Oil Producing Communities in Nigeria' *African Research Review* Vol. 3 (1), 2009. Pp. 111-124

<sup>46</sup> Oxfam., 'Extractive Industries' Op Cit

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indigenous peoples and local communities including through adequate compensation and resettlement is therefore key towards ensuring sustainability in the extractive industry<sup>47</sup>.

It is also vital to enhance participatory decision-making in the extractive sector in Africa including through representation of communities in all decision-making processes<sup>48</sup>. This is key towards safeguarding their rights and avoiding tensions between communities and investors including<sup>49</sup>. This ideal can be achieved by upholding the rights of indigenous and local communities to Free, Prior, and Informed Consent (FPIC)<sup>50</sup>. It has been noted that FPIC is a fundamental right of self-determination that ensures participation by indigenous communities in development projects in order to ensure that such projects are conducted in a sustainable manner taking into account their economic, social and cultural impact<sup>51</sup>.

Further, there is need to uphold labour rights in the extractive sector. Extractive activities such as mining can violate labour rights through poor working conditions, low wages and lack of safety measures leading to death, injury and diseases among workers<sup>52</sup>. It is therefore necessary to uphold labour rights by ensuring sound labour practices including good safety standards and paying workers a fair wage<sup>53</sup>. Investing in the tools, equipment

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<sup>47</sup> Ibid

<sup>48</sup> United Nations Development Programme., 'Extractive Industries for Sustainable Development in Kenya' Available at <https://www.undp.org/kenya/projects/extractive-industries-sustainable-development-kenya> (Accessed on 17/07/2025)

<sup>49</sup> Ibid

<sup>50</sup> Muigua. K., 'Maximising the Right to Free, Prior, and Informed Consent for Enhanced Environmental Justice in Kenya.' Available at <http://kmco.co.ke/wp-content/uploads/2019/03/Maximising-the-Rightto-FPIC-in-Kenya-Kariuki-Muigua-29th-March-2019.pdf> (Accessed on 17/07/2025)

<sup>51</sup> Owen, J.R. and Kemp, D., "Free Prior and Informed Consent', Social Complexity and the Mining Industry: Establishing A Knowledge Base," *Resources Policy*, Vol.41 (2014): 91-100

<sup>52</sup> International Labour Organization., 'Mining (Coal; other Mining) Sector.' Op Cit

<sup>53</sup> Sammour. J., 'What Exactly is Ethical Mining?.' Available at <https://www.daintylondon.com/blogs/news/what-is-ethicalmining#:~:text=Whether%20mining%20metals%2C%20diamonds%20or,its%20workers%20a%20fair%20wage> (Accessed on 17/07/2025)

and training needed to safeguard workers as much as possible is also key towards protecting labour rights in the extractive sector<sup>54</sup>.

Ensuring equitable benefit-sharing is also key towards upholding human rights in the extractive sector including the right to development<sup>55</sup>. It has been argued that natural resources benefit sharing in Africa has been inequitable with local communities that interface with the resources and who bear the highest costs of overexploitation and conservation being the least beneficiaries<sup>56</sup>. For example, multinational corporations involved in exploitation of natural resources in Africa have often been accused of failing to enhance benefits to local communities by focusing on maximising profits which are usually channeled out of the continent<sup>57</sup>. Failure to enhance equitable benefit-sharing of Africa's natural resources is a major cause of natural resource-based conflicts that are prevalent throughout the continent<sup>58</sup>. It is therefore necessary to ensure that benefits accruing from Africa's natural resources are shared equitably with tangible benefits for local communities in order to foster development, peace, and prosperity<sup>59</sup>.

Finally, there is need to strengthen environmental protection in the extractive sector including through upholding the right to a clean, healthy and sustainable environment<sup>60</sup>. The extractive sector is fueling major environmental threats in Africa and globally including climate change, biodiversity loss, environmental degradation and pollution<sup>61</sup>.

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<sup>54</sup> Ibid

<sup>55</sup> Kenya Wildlife Conservancies Association., 'Factsheet: Natural Resources (Benefit Sharing) Bill 2022.' Available at <https://kwakenya.com/download/factsheet-natural-resources-benefit-sharing-bill-2022/> (Accessed on 17/07/2025)

<sup>56</sup> Ibid

<sup>57</sup> Muigua. K., 'Multinational Corporations, Investment and Natural Resource Management in Kenya.' Available at <http://kmco.co.ke/wp-content/uploads/2018/11/Multinational-Corporations-Investment-and-Natural-Resource-Management-in-Kenya-Kariuki-Muigua-November-2018.pdf> (Accessed on 17/07/2025)

<sup>58</sup> Fagbadebo. O., Binza. M., Kabange. M., 'Resource-Based Conflicts in Africa' Available at [https://link.springer.com/chapter/10.1007/978-3-031-25151-1\\_6](https://link.springer.com/chapter/10.1007/978-3-031-25151-1_6) (Accessed on 17/07/2025)

<sup>59</sup> Ibid

<sup>60</sup> United Nations Environment Programme., 'Why does extractives matter?' Op Cit

<sup>61</sup> Ibid

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In light of these challenges, it has been suggested that the extractive industry can contribute to the achievement of the right to a clean, healthy, and sustainable environment by embracing sustainable practices including transitioning to renewable energy, conserving water among other resources, minimizing waste, and restoring the environment and ecosystems at the end of the mining and oil and gas exploration cycle<sup>62</sup>.

### **4.0 Conclusion**

Africa has a rich extractive sector that holds immense potential in driving Sustainable Development and human progress. However, human rights violations are a major threat to the viability of the extractive sector in Africa. It is therefore necessary to uphold human rights in the extractive sector in Africa for sustainability. This can be achieved through protecting land rights especially for indigenous peoples and local communities<sup>63</sup>; upholding the right to FPIC<sup>64</sup>; protecting labour rights<sup>65</sup>; ensuring equitable benefit-sharing<sup>66</sup>; and fostering sound environmental conservation including through protecting the right to a clean, healthy and sustainable environment<sup>67</sup>. Upholding human rights in the extractive sector in Africa is an imperative that can be achieved towards sustainability and prosperity now and tomorrow.

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<sup>62</sup> Sustainability in the Oil and Gas Industry., Available at [https://petrowiki.spe.org/Sustainability\\_in\\_the\\_oil\\_and\\_gas\\_industry](https://petrowiki.spe.org/Sustainability_in_the_oil_and_gas_industry) (Accessed on 17/07/2025)

<sup>63</sup> Oxfam., 'Extractive Industries' Op Cit

<sup>64</sup> Muigua. K., 'Maximising the Right to Free, Prior, and Informed Consent for Enhanced Environmental Justice in Kenya' Op Cit

<sup>65</sup> International Labour Organization., 'Mining (Coal; other Mining) Sector.' Op Cit

<sup>66</sup> Kenya Wildlife Conservancies Association., 'Factsheet: Natural Resources (Benefit Sharing) Bill 2022.' Op Cit

<sup>67</sup> United Nations Environment Programme., 'Why does extractives matter?' Op Cit

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