

# **From Intent to Practice: Securing Environmental Justice in the Extractive Industry for Posterity**

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**Table of Contents**

Abstract..... 3

1.0 Introduction ..... 3

2.0 Environmental Justice Problem in the Extractive Industry ..... 5

3.0 Securing Environmental Justice in the Extractive Industry..... 9

4.0 Conclusion ..... 12

References ..... 13

# **From Intent to Practice: Securing Environmental Justice in the Extractive Industry for Posterity**

**Kariuki Muigua\***

## **Abstract**

*This paper critically examines how the ideal of environmental justice can be actualised in the extractive industry. The paper posits that the extractive industry plays a key role in driving human progress and prosperity. However, the paper also notes that the extractive industry is fuelling several environmental justice concerns with grave impacts on people and planet. The paper discusses the environmental justice problems in the extractive industry. In light of these concerns, the paper argues that fostering environmental justice in the extractive industry is necessary for Sustainable Development. It suggests steps through which environmental justice can be secured in the extractive industry for posterity.*

## **1.0 Introduction**

Securing environmental justice is a key ideal towards protecting people and planet. Environmental justice envisages the equitable treatment and involvement of people of all races, cultures, nations, and socioeconomic backgrounds in the development, implementation, and enforcement of environmental programs, laws and policies<sup>1</sup>. Further, environmental justice has also been defined as the just treatment and meaningful involvement of all people in environmental decision-making processes in order to ensure full protection from disproportionate environmental and health impacts, and equitable access to a clean, healthy, sustainable, and resilient environment<sup>2</sup>. It has been argued that environmental justice entails the right to have access to natural resources; not to suffer

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<sup>1</sup> United Nations Development Programme., 'Environmental Justice: Securing our Right to a Clean, Healthy and Sustainable Environment' Available at <https://www.undp.org/sites/g/files/zskgke326/files/2022-06/Environmental-Justice-Technical-Report.pdf> (Accessed on 27/11/2025)

<sup>2</sup> Environmental Justice Factsheet., Available at <https://css.umich.edu/publications/factsheets/sustainability-indicators/environmental-justice-factsheet> (Accessed on 27/11/2025)

disproportionately from environmental policies, laws and regulations; and the right to environmental information, participation and involvement in decision-making<sup>3</sup>. This ideal is attained when every person enjoys the same degree of protection from environmental and health hazards and has access to the decision-making processes to have a clean, healthy, and sustainable environment<sup>4</sup>.

It has been argued that achieving environmental justice is key in protecting people from the disproportionate impacts of environmental hazards including the triple planetary crisis of climate change, biodiversity loss and pollution. For example, developing countries are the most affected by climate change among other environmental threats despite contributing the least<sup>5</sup>. In addition, disadvantaged and marginalized groups including indigenous peoples, local communities, women and the youth are hit the hardest with less ability to adapt to the consequences of environmental hazards including climate change and biodiversity loss<sup>6</sup>. Climate change, pollution, environmental degradation and biodiversity loss among other environmental challenges are undermining human rights including access to adequate food, clean water and sanitation, education, housing, development, life, and the right to a clean, healthy and sustainable environment with disproportionate impacts on the poor and vulnerable<sup>7</sup>. Further, environmental hazards including the triple planetary crisis are widening social and gender inequality and leading to violence and marginalization<sup>8</sup>.

Realising environmental justice is therefore necessary towards protecting people and planet including through securing the right to a clean, healthy and sustainable

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<sup>3</sup> Ako. R., 'Resource Exploitation and Environmental Justice: the Nigerian Experience' Available at <https://www.elgaronline.com/display/edcoll/9781848446793/9781848446793.00011.xml> (Accessed on 27/11/2025)

<sup>4</sup> United States Environmental Protection Agency; 'Environmental Justice.' Available at <https://www.epa.gov/environmentaljustice> (Accessed on 27/11/2025)

<sup>5</sup> United Nations Development Programme., 'Five Steps to Environmental Justice' Available at <https://www.undp.org/blog/five-steps-environmental-justice> (Accessed on 27/11/2025)

<sup>6</sup> Ibid

<sup>7</sup> Ibid

<sup>8</sup> Ibid

environment. It has been argued that environmental justice provides a platform towards ensuring accountability in the protection of rights and the prevention and punishment of wrongs related to the disproportionate impacts of environmental challenges on the poor and vulnerable in society<sup>9</sup>. Environmental justice is anchored in human rights and is a key tool towards actualizing the human right to a clean, healthy, and sustainable environment<sup>10</sup>. Fostering environmental justice is therefore vital for sustainability.

This paper critically examines how the ideal of environmental justice can be actualised in the extractive industry. The paper posits that the extractive industry plays a key role in driving human progress and prosperity. However, the paper also notes that the extractive industry is fuelling several environmental justice concerns with grave impacts on people and planet. The paper discusses the environmental justice problems in the extractive industry. In light of these concerns, the paper argues that fostering environmental justice in the extractive industry is necessary for Sustainable Development. It suggests steps through which environmental justice can be secured in the extractive industry for posterity.

## **2.0 Environmental Justice Problem in the Extractive Industry**

According to the United Nations, the extractive industry recovers raw materials from the earth, process them, and turn them into products and services for use by consumers<sup>11</sup>. These raw material include fossil fuels (such 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>12</sup>. In addition, the extractive industry has been

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<sup>9</sup> United Nations Development Programme., 'Environmental Justice: Comparative Experiences in Legal Empowerment' Available at <https://www.undp.org/sites/g/files/zskgke326/files/publications/Environmental-Justice-Comparative-Experiences.pdf> (Accessed on 27/11/2025)

<sup>10</sup> United Nations Development Programme., 'Environmental Justice and the Right to a Clean, Healthy, and Sustainable Environment' Available at <https://www.undp.org/rolhr/human-rights/environmentaljustice> (Accessed on 27/11/2025)

<sup>11</sup> United Nations., 'Transforming Extractive Industries for Sustainable Development' Available at <https://digitallibrary.un.org/record/4014707/files/1377619-EN.pdf> (Accessed on 28/11/2025)

<sup>12</sup> Ibid

defined to cover 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>13</sup>. The extractive industry therefore physically extracts natural resources including oil, gas and minerals from the earth, processes them and sells them for domestic and international consumption<sup>14</sup>. The industrial processes and activities that fall under the extractive industry include drilling and pumping, quarrying, and mining<sup>15</sup>.

Well governed extractive industries are key in driving global, regional and national development for human progress and prosperity. For example, it has been observed that since the industrial revolution, extractives such as fossil fuels and minerals have underpinned our global economic system, shaping geopolitics and the course of human development<sup>16</sup>. In particular, it has been argued 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>. Further, mineral extraction plays a dominant role in the economies of many countries globally<sup>18</sup>.

It has been argued that the extractive industry provides numerous opportunities for job creation and economic growth especially for developing countries<sup>19</sup>. For example, Africa is endowed with extractives including viable deposits of oil and gas and vital minerals

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<sup>13</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 28/11/2025)

<sup>14</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 28/11/2025)

<sup>15</sup> Extractive Industries., Available at <https://opendevelopmentmekong.net/topics/extractive-industries/> (Accessed on 28/11/2025)

<sup>16</sup> United Nations., 'Transforming Extractive Industries for Sustainable Development' Op Cit

<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 28/11/2025)

<sup>18</sup> United Nations Environment Programme., 'About Extractives' Available at <https://www.unep.org/explore-topics/extractives/about-extractives> (Accessed on 28/11/2025)

<sup>19</sup> National Action Plan on Business and Human Rights., 'Extractives Sector' Available at <https://globalnaps.org/issue/extractives/> (Accessed on 28/11/2025)

including gold, diamonds, cobalt, copper and platinum<sup>20</sup>. Consequently, it has been noted that the extractive industry including mining and oil and gas production is a major source of investment and revenue in many African countries<sup>21</sup>. Blessed with a significant proportion of the world's oil and gas reserves and solid mineral resources, Africa is home to a vibrant and dynamic extractives sector<sup>22</sup>. It has been pointed out that the revenue generated from extractive industries in Africa has been a significant source of finance for public infrastructure development and investments in key sectors such as education, health, energy and agriculture<sup>23</sup>. The extractive industry therefore drives economic growth and supports the livelihoods of communities all over the world<sup>24</sup>. The United Nations notes that the extractive industry has immense potential to drive economic growth, support Sustainable Development, and reduce poverty especially in developing countries<sup>25</sup>.

Well governed extractive industries can therefore spur Sustainable Development particularly for developing countries who rely on revenue from extractives to finance their development agenda. However, the extractive industry is also fuelling environmental injustices all over the world. For instance, the extractive sector is a major source of human rights violations<sup>26</sup>. It has been noted that indigenous peoples and local communities are usually evicted from their lands and territories to support mining and oil extraction processes often without adequate consultation and compensation<sup>27</sup>. In particular, it has been argued that key human rights abuses in the extractive sector in

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<sup>20</sup> United Nations Environment Programme., 'Our Work in Africa' Available at <https://www.unep.org/regions/africa/our-work-africa> (Accessed on 28/11/2025)

<sup>21</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 28/11/2025)

<sup>22</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, 2024

<sup>23</sup> Ibid

<sup>24</sup> United Nations Environment Programme., 'About Extractives' Op Cit

<sup>25</sup> United Nations., 'Transforming Extractive Industries for Sustainable Development' Op Cit

<sup>26</sup> National Action Plan on Business and Human Rights., 'Extractives Sector' Op Cit

<sup>27</sup> Ibid

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>28</sup>. Further, in some cases, the extractive sector has been associated with forced labour, child labour and poor working conditions with grave impacts on the vulnerable<sup>29</sup>.

In addition, the extractive industry can undermine the ideal of environmental justice by fuelling environmental degradation<sup>30</sup>. For example, it is estimated that the extractive sector is responsible for almost half of world's carbon emissions thus contributing to the climate crisis<sup>31</sup>. Further, 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>32</sup>. Clearing of land and vegetation to support these activities often leads to biodiversity loss by destroying vital habitats and causing the migration of species<sup>33</sup>. In addition, mining and oil and gas extraction are major causes of air, soil and water pollution with grave impacts on people and planet<sup>34</sup>. Pollution from the extractive industry damages and degrades critical ecosystems including freshwater resources while undermining fundamental human rights including the rights to health and clean water<sup>35</sup>. In light of the foregoing, it has been argued that the extractive industry has negative impacts on the environment by fueling environmental degradation thus threatening the

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<sup>28</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 28/11/2025)

<sup>29</sup> National Action Plan on Business and Human Rights., 'Extractives Sector' Op Cit

<sup>30</sup> Ibid

<sup>31</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 28/11/2025)

<sup>32</sup> Ibid

<sup>33</sup> Ibid

<sup>34</sup> Ibid

<sup>35</sup> National Action Plan on Business and Human Rights., 'Extractives Sector' Op Cit

right to a clean, healthy and sustainable environment and affecting the livelihoods and health of vulnerable people living adjacent to mining and oil and gas exploration sites<sup>36</sup>. In light of the foregoing, it is imperative to secure environmental justice in the extractive industry for sustainability.

### **3.0 Securing Environmental Justice in the Extractive Industry**

Fostering environmental justice in the extractive industry is a crucial goal for sustainability. The extractive industry has the capacity to drive economic growth and human progress especially in resource-rich developing countries. However, unsustainable practices and poor governance of the extractive industry undermines the quest for environmental justice by fuelling environmental degradation and human rights violations<sup>37</sup>. The adverse impacts associated with the extractive sector including pollution, climate change, environmental degradation and biodiversity loss harm both people and planet with adverse consequences for vulnerable groups such as local communities and indigenous peoples who live adjacent to extractive operations<sup>38</sup>. Consequently, securing environmental justice is key in harnessing the benefits of the extractive sector while minimizing its negative impacts. It has been argued that by minimizing its social and environmental impacts, the extractive industry can drive economic growth and support communities towards prosperity<sup>39</sup>.

In order to secure environmental justice in the extractive industry, it is imperative to uphold the rights of the vulnerable including indigenous peoples and local communities<sup>40</sup>. Poor governance and unsustainable practices in the extractive industry disproportionately impact indigenous peoples and local communities since they are evicted from their lands and territories while also being negatively affected by pollution,

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<sup>36</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>37</sup> National Action Plan on Business and Human Rights., 'Extractives Sector' Op Cit

<sup>38</sup> Ibid

<sup>39</sup> United Nations Environment Programme., 'About Extractives' Op Cit

<sup>40</sup> National Action Plan on Business and Human Rights., 'Extractives Sector' Op Cit

climate change and biodiversity loss associated with extractives<sup>41</sup>. In particular, it has been argued that upholding the right of indigenous and local communities to Free, Prior, and Informed Consent (FPIC) is key in achieving environmental justice in the extractive sector<sup>42</sup>. Through FPIC, it is possible to secure environmental justice in the extractive sector by ensuring that extractive activities do not harm vulnerable populations and obtaining adequate compensation for indigenous peoples and local communities in cases where they lands and territories are obtained to support extractive industries<sup>43</sup>. It has been argued that embracing FPIC in the extractive industry demonstrates a deeper commitment to engage with indigenous peoples and local communities to reach shared agreement, allowing people to have a meaningful voice in deliberative decision-making processes related to their own development<sup>44</sup>.

Further, in order to secure environmental justice in the extractive industry, it is pertinent to prioritise environmental conservation including through fostering the right to a clean, healthy and sustainable environment<sup>45</sup>. Unsustainable practices in the extractive industry are undermining the right to clean, healthy and sustainable environment by causing pollution, biodiversity loss, destruction of habitats and ecosystems, water scarcity and climate change among other impacts<sup>46</sup>. This raises environmental injustices since the adverse consequences of the extractive sector affect the livelihoods and rights of vulnerable groups including the rights to health and clean water<sup>47</sup>. As a result, it is imperative to prioritise environmental conservation in the extractive industry including through locating mines in safe sites, minimising waste by embracing circularity,

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<sup>41</sup> Ibid

<sup>42</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 28/11/2025)

<sup>43</sup> Ibid

<sup>44</sup> Buxton. A., & Wilson. E., 'FPIC and the Extractive Industries: A Guide to Applying the Spirit of Free, Prior and Informed Consent in Industrial Projects' Available at <https://www.ied.org/16530ied> (Accessed on 28/11/2025)

<sup>45</sup> United Nations Environment Programme., 'Why does extractives matter?' Op Cit

<sup>46</sup> Ibid

<sup>47</sup> National Action Plan on Business and Human Rights., 'Extractives Sector' Op Cit

conserving water and restoring the environment and ecosystems at the end of the mining and oil and gas exploration cycle<sup>48</sup>. Through this, it is possible to secure the right to a clean, healthy and sustainable environment for environmental justice.

In addition, there is need to embrace sound labour practices in the extractive industry in order to protect vulnerable communities who rely on this sector for their livelihoods. It has been argued that challenges such as death, injury and disease among mineworkers remain high with mining being the most hazardous occupation when the number of people exposed to risk is taken into account<sup>49</sup>. Further, challenges such as the use of child labour and poor pay for workers undermine sustainability in the extractive industry<sup>50</sup>. Therefore, embracing sound labour practices including through ensuring the health and safety of workers, prohibiting the use of child labour and providing adequate compensation for workers is key in protecting the vulnerable for environmental justice<sup>51</sup>.

Ensuring equitable sharing of benefits in the extractive sector is also vital in securing environmental justice<sup>52</sup>. It has been argued that lack of sustainable benefits for host communities from the exploitation of natural resources is a major challenge in harnessing the potential of the extractive sector<sup>53</sup>. This often feeds conflicts and underdevelopment with grave impacts on vulnerable host communities<sup>54</sup>. As a result, there is need to ensure transparent, accountable and inclusive management of revenues from extractive

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<sup>48</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 28/11/2025)

<sup>49</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 28/11/2025)

<sup>50</sup> National Action Plan on Business and Human Rights., 'Extractives Sector' Op Cit

<sup>51</sup> Ibid

<sup>52</sup> Ibid

<sup>53</sup> Ibid

<sup>54</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 28/11/2025)

industries for the benefit of everyone including indigenous and local communities for justice and development<sup>55</sup>.

Through the foregoing, it is possible to foster environmental justice in the extractive industry.

#### **4.0 Conclusion**

Fostering environmental justice in the extractive sector is vital in the quest for Sustainable Development. It is important to pursue this ideal by upholding the rights of vulnerable groups through FPIC, prioritising environmental conservation, fostering sound labour practices and ensuring equitable benefit-sharing<sup>56</sup>. Securing environmental justice in the extractive industry is an achievable dream. It is imperative to pursue this ideal globally for posterity.

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<sup>55</sup> Ibid

<sup>56</sup> National Action Plan on Business and Human Rights., 'Extractives Sector' Op Cit

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