

*Natural Resources and Restorative Justice in Africa: Enacting Law to Ensure Benefit-Sharing,
Equity and Prosperity*

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Table of Contents

Abstract.....	3
1.0 Introduction	3
2.0 Natural Resources and Restorative Justice in Africa: An Appraisal	5
3.0 Promoting Restorative Justice towards Equitable Use and Management of Africa's Natural Capital for Sustainable Development	7
4.0 Conclusion	9
References	11

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Kariuki Muigua*

Abstract

This paper examines how Africa can effectively harness its vast natural resources for development and prosperity. The paper posits that the abundance of natural resources in Africa provides opportunities to transform the continent and unlock Sustainable Development. However, the paper notes that poor natural resource policies undermine the effective and equitable use of Africa's natural capital as an engine for development. In particular, the paper notes that poor resource governance including through unsustainable extraction of natural resources and inequitable benefit sharing frameworks are key challenges that hinder progress towards Sustainable Development in Africa. Consequently, the paper argues that it is imperative to promote equitable access, use and management of natural resources towards restorative justice in Africa. The paper suggests how this ideal can be realised by enacting laws and policies to ensure equitable benefit-sharing, equity and prosperity.

1.0 Introduction

The abundance of natural resources in a country is often associated with development and prosperity. For instance, natural resources including oil, gas, forests, land, water and minerals are at the heart of economic and social progress, providing raw materials for many industries while also supporting livelihoods¹. Resource-based development has been identified as a major approach to development all over the world where nations and regions utilize their natural resource endowments as the primary driver of socio-economic growth and prosperity². This includes the extraction, processing, export and use of natural resources including minerals, fossil fuels such as coal, oil and gas, forest resources, and agricultural products³. Consequently, it has been correctly observed that the abundance of natural resources is a great advantage for a country's economic and social development, while resource shortage is associated with underdevelopment⁴.

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¹ Organisation for Economic Co-operation and Development., 'Natural Resources and Development' Available at <https://www.oecd.org/en/topics/sub-issues/natural-resources-and-development.html#:~:text=If%20well%20managed%2C%20oil%2C%20gas,economic%2C%20social%20and%20environmental%20hazards>. (Accessed on 21/09/2026)

² Natural Resources & Regional Economic Development | Comparative Examples., Available at <https://study.com/academy/lesson/natural-resources-regional-economic-development-comparative-examples.html> (Accessed on 21/09/2026)

³ Ibid

⁴ Bridge. G., 'Natural Resources' *International Encyclopedia of Human Geography*, 2009., pp 261-268

Due to their vital role in ensuring human well-being and development, the sustainable use and management of natural resources is considered a fundamental element of both human rights and socio-economic development⁵. It has been argued that if well harnessed and equitably managed, natural resources can unlock all three dimensions of sustainability: social justice, environmental conservation, and economic development⁶. The sustainable use and management of natural resources strives for balance between these dimensions: maintaining the long-term use of resources for economic growth while maximizing social benefits and minimizing environmental impacts⁷. In particular, it has been observed that in Africa, which is endowed with natural resources, equitable use and management of the continent's natural capital can be a gateway to Sustainable Development across its economic, social and environmental dimensions⁸. However, challenges such as poor resource governance, unsustainable resource extraction and inequitable benefit-sharing arrangements undermine the ability of natural resources to unlock Sustainable Development in resource-rich regions including Africa⁹. Consequently, equitable access, use and management of natural resources is necessary towards promoting development and prosperity both globally and in Africa.

This paper examines how Africa can effectively harness its vast natural resources for development and prosperity. The paper posits that the abundance of natural resources in Africa provides opportunities to transform the continent and unlock Sustainable Development. However, the paper notes that poor natural resource policies undermine the effective and equitable use of Africa's natural capital as an engine for development. In particular, the paper notes that poor resource governance including through unsustainable extraction of natural resources and inequitable benefit sharing frameworks are key challenges that hinder progress towards Sustainable Development in Africa. Consequently, the paper argues that it is imperative to promote equitable access, use and management of natural resources towards restorative justice in Africa. The paper suggests how this ideal can be realised by enacting laws and policies to ensure equitable benefit-sharing, equity and prosperity.

⁵ International Institute for Sustainable Development., 'The Sustainable Use of Natural Resources: The Governance Challenge' Available at <https://www.iisd.org/articles/deep-dive/sustainable-use-natural-resources-governance-challenge> (Accessed on 21/09/2026)

⁶ Ibid

⁷ Ibid

⁸ United Nations Environment Programme., 'Natural Capital: The Gateway to Sustainable Development in Africa' Available at <https://www.unep.org/news-and-stories/story/natural-capital-gateway-sustainable-development-africa> (Accessed on 21/09/2026)

⁹ United Nations Environment Programme., 'Our Work in Africa' Available at <https://www.unep.org/regions/africa/our-work-africa> (Accessed on 21/09/2026)

2.0 Natural Resources and Restorative Justice in Africa: An Appraisal

Africa is one of the most resource rich regions in the world. The continent is endowed with natural resources including oil, natural gas, arable land, minerals, water resources, forests and wildlife¹⁰. It is estimated that Africa is home to nearly 30 percent of the world's natural resources¹¹. In particular, it has been observed that Africa is home to the world's largest uncultivated arable landmass¹²; some of the largest and longest rivers in the world (the Nile and the Congo)¹³; the world's second largest tropical forest (the Congo basin rainforest)¹⁴; and major freshwater lakes in the African Great Lakes Region including Lake Victoria, Lake Tanganyika, Lake Malawi/Nyasa and Lake Turkana¹⁵. Africa's natural resources also include rich biodiversity comprising of a wide range of vital ecosystems, species, and genetic diversity¹⁶.

Africa also has a rich extractives sector hosting nearly 30 percent of the world's mineral reserves and significant proportions of the planet's oil and natural gas reserves¹⁷. In addition, it has been observed that as the global quest towards clean and sustainable energy intensifies, the demand for critical energy transition minerals presents an important opportunity for many African countries to spur economic and social development¹⁸. Africa is endowed with critical minerals including cobalt, chromium, copper, manganese, graphite, nickel and rare earths which are essential elements of modern, clean and sustainable energy technologies including wind turbines, solar panels and electric vehicles¹⁹. Due to the abundance of critical raw materials in Africa, it has been argued that the continent is at the heart of the global transition towards a clean, low-carbon and sustainable future for people and planet²⁰.

The abundance of natural resources in Africa is blessing that can transform the continent towards a path of development and prosperity. For example, it has been observed that the exploitation and use of natural resources including arable land, forests, water, fisheries, oil, natural gas and

¹⁰ United Nations Environment Programme., 'Natural Capital: The Gateway to Sustainable Development in Africa' Op Cit

¹¹ Natural Resource Governance Institute., 'Sub-Saharan Africa' Available at <https://resourcegovernance.org/regions/sub-saharan-africa> (Accessed on 22/09/2026)

¹² 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 (Accessed on 22/06/2026)

¹³ Ibid

¹⁴ Ibid

¹⁵ Great Lakes of Africa., Available at <https://www.greatlakesofafrica.org/> (Accessed on 15/05/2026)

¹⁶ African Development Bank Group., 'Biodiversity' Available at <https://www.afdb.org/en/topics-and-sectors/topics/biodiversity#:~:text=Africa%20is%20one%20of%20the,%2C%20savannas%2C%20and%20coral%20reefs.> (Accessed on 22/06/2026)

¹⁷ Ibid

¹⁸ Natural Resource Governance Institute., 'Sub-Saharan Africa' Op Cit

¹⁹ Africa's Critical Minerals: Africa at the Heart of a Low-Carbon Future' Available at <https://mo.ibrahim.foundation/sites/default/files/2022-11/minerals-resource-governance.pdf> (Accessed on 22/09/2026)

²⁰ Ibid

mineral resources constitute the main economic activity in most African countries generating revenue for national growth while also supporting livelihoods at both national and local levels²¹. The United Nations Environment Programme (UNEP) correctly observes that tapping into Africa's rich natural capital is a viable solution towards unlocking the continent's development potential and pulling millions out of the poverty trap²². In addition, it has been pointed out that the abundance and ongoing discoveries of natural resources in Africa provides a source of revenue for advancing human development and supporting African countries on the path to self-sufficiency²³.

Despite its vast resource potential, several challenges undermine the capacity of Africa to harness its natural resources for Sustainable Development. For example, it has been observed that most of Africa's natural capital including oil, gas, minerals, and arable land remains underdeveloped hindering the continent's development agenda²⁴. Unsustainable use and extraction of Africa's natural resources including its minerals, oil, gas, forests, land and water has also been linked to environmental challenges such as deforestation, environmental and land degradation, biodiversity loss and pollution with negative impacts on people and planet²⁵. In addition, UNEP observes that due to poor policies and resource governance, Africa is losing a huge share of its natural capital through illicit financial flows, illegal mining, illegal logging, the illegal trade in wildlife, unregulated fishing, deforestation and environmental degradation and loss²⁶. Further, natural resources in Africa have been a source of corruption, injustices and inequalities rather than spurring development in the continent. For instance, revenues from the extractive industry in Africa in most cases concentrate wealth and power in the hands of a few, thereby fueling inequality, poverty and high levels of corruption²⁷. Further, private entities, including Multinational Corporations involved in exploitation of natural resources in Africa, have often

²¹ Neumann, L., 'Natural resources and development' Available at <https://www.dandc.eu/en/article/review-essay-relevant-reading-natural-resources-and-development> (Accessed on 22/09/2026)

²² United Nations Environment Programme., 'Is Africa's Natural Capital the Gateway to Finance Its Development?' Available at <https://www.unep.org/news-and-stories/story/africas-natural-capital-gateway-finance-its-development> (Accessed on 22/09/2026)

²³ African Development Bank Group., 'Delivering on the Promise: Leveraging Natural Resources to Accelerate Human Development in Africa' Available at <https://www.afdb.org/en/topics-and-sectors/initiatives-partnerships/african-natural-resources-centre/delivering-on-the-promise-leveraging-natural-resources-to-accelerate-human-development-in-africa> (Accessed on 22/09/2026)

²⁴ World Bank Group., 'Africa's untapped natural resource potential could be the engine for economic transformation' Available at <https://blogs.worldbank.org/en/african/africas-untapped-natural-resource-potential-could-be-the-engine-for-economic-transformation> (Accessed on 22/09/2026)

²⁵ 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

²⁶ United Nations Environment Programme., 'Our work in Africa' Op Cit

²⁷ 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 22/09/2026)

been accused of failing to enhance benefits to local communities by focusing on maximising profits which are often channeled out of the continent²⁸.

The foregoing challenges in the natural resources sector in Africa fuel inequalities, injustices and underdevelopment. For example, Africa is often associated with the *resource-curse phenomenon* which suggests that rather than witnessing high levels of development, countries endowed with natural resources face challenges such as underdevelopment, poverty and resource-based conflicts²⁹. Challenges such as poor resource governance, inequitable benefit-sharing frameworks, and mismanagement of profits from Africa's natural resources continue to drive the resource-curse syndrome in the continent with attendant consequences on development, peace, security, justice and stability³⁰. In light of these inequalities and injustices, it is imperative to ensure restorative justice in access, use and governance of natural resources in Africa for peace, prosperity and development.

3.0 Promoting Restorative Justice towards Equitable Use and Management of Africa's Natural Capital for Sustainable Development

The abundance of natural resources in Africa provide opportunities to unlock Sustainable Development. However, poor resource governance is fuelling challenges such as inequitable benefit-sharing, unsustainable resource extraction, corruption and resource-based conflicts which undermine the role of natural resources as a gateway to Sustainable Development in Africa. Consequently, restorative justice is a key agenda in the natural resources sector in Africa towards peace, equity, development and prosperity. Restorative justice is an appropriate and effective approach to justice since it focuses on preventing conflict, fostering dialogue, promoting accountability, building sustainable and durable relationships and repairing harm by enabling individuals and communities to communicate effectively and positively³¹.

In particular, it has been argued that restorative justice can be an appropriate tool of sound natural resources governance by promoting democratic principles including collaboration, dialogue, accountability and equity in access, use and management of natural resources including

²⁸ 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 22/09/2026)

²⁹ 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 22/09/2026)

³⁰ 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 (Accessed on 22/09/2026)

³¹ Restorative Justice Council., 'What is Restorative Justice?' Available at <https://restorativejustice.org.uk/what-restorative-justice> (Accessed on 22/09/2026)

forests, water, land, minerals, and oil and gas³². Due to current injustices and inequalities faced by vulnerable populations including indigenous and local communities who are usually excluded in natural resources governance, restorative justice provides a tool that can address harms and injustices in resource governance and empower communities through participation in decision-making processes³³. Restorative justice therefore provides a solution towards addressing current harms and injustices in natural resource governance in Africa including corruption, inequitable benefit-sharing, environmental degradation and unsustainable resource extraction. It has been observed that restorative justice practices can empower indigenous and local communities who depend on natural resources for their livelihoods and well-being while also harnessing indigenous knowledge systems including Traditional Ecological Knowledge (TEK) in order to ensure sound resource governance for posterity³⁴.

It is therefore necessary to inculcate restorative justice practices into natural resources governance in Africa towards Sustainable Development. In particular, it is imperative to enact laws and policies that ensure benefit-sharing, equity and prosperity. For instance, it has been observed that natural resources benefit-sharing in Africa has been unfair, unjust and inequitable where local communities that interface with the resources and who bear the highest costs of overexploitation and conservation being the least beneficiaries³⁵. Failure to enhance equitable benefit-sharing of Africa's natural resources is a major cause of inequalities and injustices while also fuelling natural resource-based conflicts that are prevalent throughout the continent³⁶. It is therefore necessary to enact and implement laws and policies that ensure that benefits accruing from Africa's natural resources are shared equitably with tangible benefits for local communities in order to foster development, peace, justice and prosperity³⁷.

Promoting equity and inclusion is also key towards harnessing Africa's natural capital for peace, development and prosperity. In particular, there is need to ensure that indigenous peoples and local communities are actively and meaningfully involved and included in environmental and natural-resources decision-making processes for equity, inclusivity and justice³⁸. Indigenous peoples and local communities in Africa have utilised their TEK to ensure sound governance of the environment and natural resources including through protecting forests, water resources and

³² Jones. E., 'Restorative Justice and the Way Forward for Natural Resource Communication' *Experiments in Democracy*, volume 1, issue 2., 2025

³³ Ibid

³⁴ What is environmental Restorative Justice?., Available at <https://why-me.org/what-is-environmental-restorative-justice/> (Accessed on 22/09/2026)

³⁵ Kenya Wildlife Conservancies Association., 'Factsheet: Natural Resources (Benefit Sharing) Bill 2022.' Available at <https://kwcakenya.com/download/factsheet-natural-resources-benefit-sharing-bill-2022/> (Accessed on 22/09/2026)

³⁶ Fagbadebo. O., Binza. M., Kabange. M., 'Resource-Based Conflicts in Africa' Op Cit

³⁷ Ibid

³⁸ 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

biodiversity, and utilising sustainable agricultural practices that avoid environmental and land degradation³⁹. Ensuring effective and meaningful involvement of indigenous and local communities in Africa including through upholding their Free, Prior and Informed Consent (FPIC) in environmental and natural resources governance is therefore necessary towards utilising TEK among other indigenous practices and knowledge systems for restorative justice.

In addition, in order to effectively ensure that Africa's natural resources are utilised as a gateway towards development and prosperity, countries have been urged to negotiate and enter into fair and equitable extractive contracts⁴⁰. It has been observed that unfair and inequitable extractive contracts in Africa are fuelling challenges such as inequitable benefit-sharing arrangements, transfer pricing, profit shifting, tax avoidance and unsustainable resource extraction which lead to human rights violations, conflicts and environmental degradation⁴¹. Consequently, the *African Charter on Human and Peoples' Rights*⁴² urges all states to take necessary measures in order to eliminate all forms of foreign economic exploitation particularly those practiced by international monopolies in order to enable the people of Africa to fully benefit from the advantages derived from their national resources⁴³. Consequently, there is need for African countries to enter into transparent, fair and equitable natural resource contracts that comply with national laws, human rights, environmental standards and global policy instruments including the Extractive Industries Transparency Initiative (EITI) in order to uphold the continent's resource sovereignty towards development and prosperity⁴⁴.

4.0 Conclusion

Embracing restorative justice practices is necessary towards harnessing Africa's natural resources for development. In particular, there is need to enact and implement laws and policies that ensure benefit-sharing, equity and prosperity with focus on maximizing benefits to indigenous and local communities, involving the public in natural resource decision-making processes for equitable and sustainable outcomes, and negotiating fair and equitable natural resources contracts.

³⁹ Egeruoh-Adindu. I., 'Leveraging Indigenous Knowledge for Effective Environmental Governance in West Africa.' Available at <https://www.scirp.org/journal/paperinformation?paperid=121949#:~:text=Indigenous%20knowledge%20systems%20such%20as,effective%20in%20promoting%20environmental%20sustainability> (Accessed on 22/09/2026)

⁴⁰ Muigua. K., 'Exploited, Poor and Dehumanised: Overcoming the Resource Curse in Africa.' Available at <https://kmco.co.ke/wp-content/uploads/2020/05/Exploited-Poor-and-Dehumanised.pdf> (Accessed on 22/09/2026)

⁴¹ Ibid

⁴² Organization of African Unity (OAU), *African Charter on Human and Peoples' Rights* ("Banjul Charter"), 27 June 1981, CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982)

⁴³ Ibid., article, 21 (5)

⁴⁴ Hilson. G., & Maconachie. R., 'Good Governance' and the Extractive Industries in Sub-Saharan Africa' Available at <https://www.tandfonline.com/doi/abs/10.1080/08827500802045511> (Accessed on 22/09/2026)

*Natural Resources and Restorative Justice in Africa: Enacting Law to Ensure Benefit-Sharing,
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Moulding restorative justice in natural resources governance in Africa is therefore a vital solution towards leveraging the continent's vast natural capital for Sustainable Development.

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