

*Natural Resources Governance in the Global South: Achieving Distributive Equity, Procedural Inclusion and Recognition Justice for Indigenous and Local Communities*

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**Kariuki Muigua**

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## **Natural Resources Governance in the Global South?: Achieving Distributive Equity, Procedural Inclusion and Recognition Justice for Indigenous and Local Communities**

**Kariuki Muigua\***

### **Abstract**

*This paper critically discusses how the ideal of sound natural resources governance can be attained in the Global South. The paper observes that the Global South is endowed with natural resources. It argues that if well governed, natural resources can drive development and prosperity in the Global South. However, the paper notes that the ideal of sound natural resources governance is yet to be attained in the Global South undermining Sustainable Development. The paper discusses some of the key challenges undermining effective natural resources governance in the Global South. In particular, the paper notes that failure to effectively involve indigenous and local communities undermines the quest towards sound and equitable natural resources governance. Consequently, the paper examines how distributive equity, procedural inclusion and recognition justice can be achieved for indigenous and local communities towards effective natural resources governance in the Global South for Sustainable Development.*

### **1.0 Introduction**

Natural resources are valuable assets which can bring considerable wealth and prosperity for countries, regions and the global economy contributing to livelihoods, food security, human well-being and the green economy, as well as generating trade and enterprise at local, national, regional and international levels<sup>1</sup>. It has been observed that 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 livelihoods<sup>2</sup>. Natural resources are important for local, national, regional and the global economy since they provide raw materials for many industries while also supporting livelihoods thus spurring economic growth<sup>3</sup>. In addition, natural resources provide humanity with vital services including food, water, clean air, energy and medicines thus supporting human health and well-being<sup>4</sup>.

Sound natural resources governance is therefore important towards maximising benefits from resources such as land, water, forests, minerals, oil and gas for development. Natural resources governance covers

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\* PhD in Law (Nrb), SC, FCI Arb (Chartered Arbitrator), OGW, LL. B (Hons) Nrb, LL.M (Environmental Law) Nrb; Dip. In Law (KSL); FCPS (K); Dip. in Arbitration (UK); MKIM; Mediator; Consultant: Lead expert EIA/EA NEMA; BSI ISO/IEC 27001:2005 ISMS Lead Auditor/ Implementer; ESG Consultant; Advocate of the High Court of Kenya; Professor of Environmental Law and Conflict Management at the University of Nairobi, Faculty of Law; Member of the Permanent Court of Arbitration (PCA) [June, 2026].

<sup>1</sup> Transparency International., 'Natural Resource Governance' Available at <https://knowledgehub.transparency.org/topics/natural-resource-governance> (Accessed on 11/06/2026)

<sup>2</sup> 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 11/06/2026)

<sup>3</sup> Muigua. K., Wamukoya. D & Kariuki. F., 'Natural Resources and Environmental Justice in Kenya.' Glenwood Publishers Limited, 2015

<sup>4</sup> Ibid

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laws, policies, norms, institutions and processes that determine how power and responsibilities over natural resources are exercised, how decisions on natural resources are made, and how citizens, including women, men, the youth, indigenous peoples and local communities, participate in and benefit from the management of natural resources<sup>5</sup>. It has been observed that natural resources governance focuses on the sustainable management, conservation and proper use of natural capital for prosperity<sup>6</sup>. Effective natural resources governance contributes to the resilience and protection of natural resources for the benefit of current and future generations<sup>7</sup>.

Bolstering natural resources governance is therefore a key pillar towards development and prosperity. Through good governance, natural resources including land, oil, gas, forests, water and minerals can propel economic and social transformation at all levels<sup>8</sup>. Further, if well governed and equitably managed, natural resources can foster the attainment of human rights including the right to food, water, energy, health among others<sup>9</sup>. Sound natural resources governance is therefore important towards Sustainable Development.

This paper critically discusses how the ideal of sound natural resources governance can be attained in the Global South. The paper observes that the Global South is endowed with natural resources. It argues that if well governed, natural resources can drive development and prosperity in the Global South. However, the paper notes that the ideal of sound natural resources governance is yet to be attained in the Global South undermining Sustainable Development. The paper discusses some of the key challenges undermining effective natural resources governance in the Global South. In particular, the paper notes that failure to effectively involve indigenous and local communities undermines the quest towards sound and equitable natural resources governance. Consequently, the paper examines how distributive equity, procedural inclusion and recognition justice can be achieved for indigenous and local communities towards effective natural resources governance in the Global South for Sustainable Development.

## **2.0 Natural Resources Governance in the Global South: Opportunities and Challenges**

The Global South, including Africa, Latin America, the Caribbean and parts of Asia, comprise of some of the most resource-rich regions and nations on Earth. It has been observed that countries in the Global South have different endowments and dependencies on different natural resources<sup>10</sup>. For instance, coal,

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<sup>5</sup> International Union for Conservation of Nature., 'The Natural Resource Governance Framework' Available at <https://portals.iucn.org/library/efiles/documents/2021-031-En.pdf> (Accessed on 11/06/2026)

<sup>6</sup> Food and Agriculture Organization of the United Nations., 'Governance of Natural Resources' Available at <https://www.fao.org/platforms/family-farming/areas-of-work/governance-of-natural-resources/en> (Accessed on 11/06/2026)

<sup>7</sup> Ibid

<sup>8</sup> Organisation for Economic Co-operation and Development., 'Natural Resources and Development' Op Cit

<sup>9</sup> Food and Agriculture Organization of the United Nations., 'Natural Resources Governance and the Right to Adequate Food' Available at <https://openknowledge.fao.org/server/api/core/bitstreams/815b4983-0882-428b-9b92-157bc354ea53/content> (Accessed on 11/06/2026)

<sup>10</sup> Natural Resources, Energy and Climate Obstruction in the Global South., Available at [https://cssn.org/working-groups/fossil-fuels-and-climate-obstruction-in-the-global-south/#:~:text=Global%20South%20countries%20have%20different%20endowments%20and,Indigenous%20peoples%2C%20activists%2C%20and%20civil%20society%20organizations\\*\\*](https://cssn.org/working-groups/fossil-fuels-and-climate-obstruction-in-the-global-south/#:~:text=Global%20South%20countries%20have%20different%20endowments%20and,Indigenous%20peoples%2C%20activists%2C%20and%20civil%20society%20organizations**) (Accessed on 12/06/2026)

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hydropower, natural gas, and oil-dependent nations, as well as megadiverse and land, water, forest-rich countries in the Global South differ in their histories, development trajectories, and political structures<sup>11</sup>.

Among the resource-rich regions in the Global South is Africa which is endowed with vast natural resources including arable land, water, oil, natural gas, minerals, forests and wildlife<sup>12</sup>. In particular, Africa is home to the world's largest uncultivated arable landmass<sup>13</sup>; some of the largest and longest rivers in the world (the Nile and the Congo)<sup>14</sup>; the world's second largest tropical forest (the Congo basin rainforest)<sup>15</sup>; and major freshwater lakes in the African Great Lakes Region including Lake Victoria, Lake Tanganyika, Lake Malawi/Nyasa and Lake Turkana<sup>16</sup>. Africa's natural resources also include rich biodiversity comprising of a wide range of vital ecosystems, species, and genetic diversity<sup>17</sup>. This includes iconic megafauna such as elephants, lions, and giraffes, as well as unique plant species and vital ecosystems like tropical rainforests, wetlands, savannas, and coral reefs<sup>18</sup>. Africa also has a rich extractives sector. For example, it is estimated that the continent 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>19</sup>.

In addition to Africa, it has been pointed out that natural resources are critical for the economies of the Latin America and Caribbean (LAC) region<sup>20</sup>. The LAC region is rich in natural resources including oil, metals, copper, silver, sugar, rubber, grains and coffee which have played a significant role in the economic growth of the region while also exposing it foreign conquest in the past centuries<sup>21</sup>. It is estimated that the LAC region is home to nearly 20 percent of the world's oil reserves, 25 percent of several strategic metals and 30 percent of the world's primary forests including the Amazon which is the world's largest tropical rainforest<sup>22</sup>. Further, Asia possesses immense resource wealth including vast deposits of fossil

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<sup>11</sup> Natural Resources, Energy and Climate Obstruction in the Global South., Available at <https://cssn.org/working-groups/fossil-fuels-and-climate-obstruction-in-the-global-south/> (Accessed on 12/06/2026)

<sup>12</sup> United Nations Environment Programme., 'Our Work in Africa' Available at <https://www.unep.org/regions/africa/our-work-africa> (Accessed on 12/06/2026)

<sup>13</sup> African Development Bank Group., 'African Natural Resources Center' Available at [https://www.afdb.org/fileadmin/uploads/afdb/Documents/Publications/anrc/AfDB\\_ANRC\\_BROCHURE\\_en.pdf](https://www.afdb.org/fileadmin/uploads/afdb/Documents/Publications/anrc/AfDB_ANRC_BROCHURE_en.pdf) (Accessed on 15/05/2026)

<sup>14</sup> Ibid

<sup>15</sup> Ibid

<sup>16</sup> Great Lakes of Africa., Available at <https://www.greatlakesofafrica.org/> (Accessed on 15/05/2026)

<sup>17</sup> 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 12/06/2026)

<sup>18</sup> Ibid

<sup>19</sup> United Nations Environment Programme., 'Our Work in Africa' Op Cit

<sup>20</sup> World Bank Group., 'Natural resources in Latin America and the Caribbean : beyond booms and busts? (English)' Available at <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/464161468012034300> (Accessed on 12/06/2026)

<sup>21</sup> Ibid

<sup>22</sup> United Nations Economic Commission for Latin America and the Caribbean., 'Natural Resources Outlook in Latin America and the Caribbean. Executive summary' Available at <https://www.cepal.org/en/publications/48997-natural-resources-outlook-latin-america-and-caribbean-executive-summary#:~:text=Abstract,reconsidered%20role%20of%20natural%20resources.> (Accessed on 12/06/2026)

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fuels including oil and natural gas in the Middle East, numerous minerals, forests, fisheries, arable land and water<sup>23</sup>.

Due to its immense resource wealth, sound natural resource governance can be platform for development and prosperity in the Global South. Natural resources generate revenue for governments, employment, and support the livelihoods of millions of people all over the Global South<sup>24</sup>. In particular, it has been observed that indigenous peoples and local communities who primarily live in the Global South heavily depend on natural resources including forests, land and freshwater resources for the livelihoods and well-being<sup>25</sup>.

Despite its resource endowments, it has been observed that the Global South is yet to reap full benefits from its natural capital<sup>26</sup>. Poor natural resource governance is resulting in the loss of natural capital in the Global South through illegal activities such as illegal mining, deforestation, unregulated fishing and illegal trade in wildlife<sup>27</sup>. Further, it has been observed that revenues from natural resources, especially extractive industries in the Global South, in most cases concentrate wealth and power in the hands of a few, thereby fueling inequality, poverty and high levels of corruption<sup>28</sup>. The Global South is also exploited by multinational corporations from the Global North through unfair and unjust resource extraction contracts which lead to inequitable benefit-sharing agreements and embezzlement of profits through tax evasion<sup>29</sup>. Lack of inclusivity, diversity and participation in decision-making processes also undermines sound natural resource governance in the Global South. In particular, it has been observed that marginalized and vulnerable groups including women, the youth, indigenous peoples and local communities suffer persistently low levels of representation and participation in environmental and natural resource decision-making processes in the Global South undermining the ideal of sound natural resources governance and environmental democracy<sup>30</sup>.

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<sup>23</sup> Natural Resources of Asia., Available at <https://www.nextgurukul.in/wiki/concept/icse/class-8/geography/asia-peoples-and-their-economic-activities/natural-resources-of-asia/3964454> (Accessed on 12/06/2026)

<sup>24</sup> United Nations Economic Commission for Latin America and the Caribbean., 'Natural Resources Outlook in Latin America and the Caribbean. Executive summary' Op Cit

<sup>25</sup> Guardians of the Earth: The Essential Role of Indigenous Peoples in the Protection of Natural Resources., Available at <https://globalgoals.org/news/guardians-of-the-earth-the-essential-role-of-indigenous-peoples-in-the-protection-of-natural-resources/> (Accessed on 12/06/2026)

<sup>26</sup> Auty. R. M., 'Natural Resources, Development Models and Sustainable Development' Available at <https://www.iied.org/sites/default/files/pdfs/migrate/9243IIED.pdf> (Accessed on 12/06/2026)

<sup>27</sup> United Nations Environment Programme., 'Our Work in Africa' Op Cit

<sup>28</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_Industries_and_Conflict_Guidance_Note_Practitioners_2010_EN.pdf) (Accessed on 12/06/2026)

<sup>29</sup> Capital flight from Africa: Resource Plunder and the Poisoned Paradises in Tax Havens., Available at <https://taxjustice.net/2021/03/24/capital-flight-from-africa-resource-plunder-and-the-poisoned-paradises-in-tax-havens/#:~:text=In%20a%20world%20with%20weak,what%20to%20do%20about%20it> (Accessed on 12/06/2026)

<sup>30</sup> United Nations Development Programme., 'Environmental Governance: Bolstering inclusive and effective governance systems that champion environmental justice and sustainability' Available at <https://www.undp.org/nature/our-work-areas/environmental-governance> (Accessed on 02/01/2026)

In light of the foregoing challenges, it is imperative to strengthen natural resources governance in the Global South, including through harnessing the role of indigenous and local communities, towards Sustainable Development.

### **3.0 Involving Indigenous and Local Communities in Natural Resources Governance in the Global South**

The abundance of natural resources including arable land, water, forests, minerals, oil and gas provides opportunities to unlock development and prosperity in the Global South. However, due to poor resource governance, the Global South is yet to maximise value from its rich natural capital. In particular, failure to involve key stakeholders including indigenous and local communities undermines sound natural resources governance in the Global South.

It is therefore imperative to involve indigenous and local communities in order to attain the ideal of sound natural resources governance in the Global South. It has been observed that for many centuries, indigenous peoples and local communities have been successful guardians of the world's biodiversity and natural resources through their innovation, knowledge and practices<sup>31</sup>. Many indigenous and traditional practices are rooted in a deep understanding of and respect for ecological systems and promote sustainable natural resources use<sup>32</sup>. These practices have a minimal impact on the environment and are highly adaptive to ecological changes, fostering healthy and resilient ecosystems<sup>33</sup>. For example, it has been observed that local knowledge of plants, animals, ecosystems, landscapes, and resource management systems has enabled indigenous peoples and local communities to work with nature for many centuries ensuring sound environmental and natural resources governance<sup>34</sup>.

Involving indigenous and local communities in natural resources governance can therefore yield sustainable outcomes. Indigenous and local communities all over the world have been engaging in natural resources governance including ecosystem management and biodiversity conservation since time immemorial<sup>35</sup>. It has been observed that due to their interaction with nature, indigenous peoples and local communities have developed Traditional Ecological Knowledge (TEK) which has enabled them to ensure sound biodiversity conservation and ecosystem management for many centuries<sup>36</sup>. TEK has been identified as experiential knowledge developed by indigenous peoples and local communities over millennia based on their close and intimate relationship with nature<sup>37</sup>. In addition, TEK also refers to a cumulative body of

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<sup>31</sup> United Nations Environment Programme World Conservation Monitoring Centre., 'Championing Indigenous Peoples' Stewardship of Biodiversity' Available at <https://www.unep-wcmc.org/en/news/championing-indigenous-peoples-stewardship-of-biodiversity> (Accessed on 12/06/2026)

<sup>32</sup> United Nations Development Programme., 'Indigenous knowledge is crucial in the fight against climate change – here's why' Available at <https://climatepromise.undp.org/news-and-stories/indigenous-knowledge-crucial-fight-against-climate-change-heres-why> (Accessed on 12/06/2026)

<sup>33</sup> Ibid

<sup>34</sup> Sinthumule. N., 'Traditional Ecological Knowledge and its Role in Biodiversity Conservation: A Systematic Review' *Frontiers in Environmental Science.*, Volume 11 (2023)

<sup>35</sup> Bixcul. B., 'Indigenous Peoples, Biodiversity, and the Responsibilities of Financial Institutions' Available at <https://www.culturalsurvival.org/news/indigenous-peoples-biodiversity-and-responsibilities-financial-institutions> (Accessed on 12/06/2026)

<sup>36</sup> Ibid

<sup>37</sup> Ibid

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knowledge, practices and beliefs, handed down from generation to generation by cultural transmission, which focuses on the relationship between living organisms (including humans) and their environment<sup>38</sup>. TEK includes traditional and sustainable approaches to agriculture, hunting, fishing, water management, forestry and ecosystem management thus strengthening the resilience of both people and planet in light of environmental threats such as climate change, biodiversity loss and environmental degradation<sup>39</sup>.

By involving indigenous and local communities in environmental decision-making processes, it is possible to harness their TEK towards effective and sustainable natural resources governance in the Global South. In order to achieve this goal, there is need to promote distributive equity. It has been observed that distributive equity focuses on fair, just and equitable allocation resources, opportunities and benefits across the society<sup>40</sup>. Distributive equity is a fundamental concept of justice that seeks to address the fairness of resource allocation within a society<sup>41</sup>. Distributive equity can be achieved in natural resources governance in the Global South through fair, transparent and equitable benefit-sharing arrangements that enhance benefits to indigenous and local communities for resource extraction and use in their territories<sup>42</sup>.

Fostering procedural inclusion is also key towards sound natural resources governance in the Global South. This ideal seeks to ensure that indigenous peoples and local communities are actively and meaningfully involved and included in environmental and natural-resources decision-making processes<sup>43</sup>. Procedural inclusion can be achieved by respecting and upholding the right to Free, Prior and Informed Consent (FPIC) for indigenous peoples and local communities in environmental and natural resources governance<sup>44</sup>. FPIC has been described as a fundamental right of self-determination that ensures participation by all people with a particular focus on indigenous peoples and local 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>45</sup>. It has been argued that by fostering the right to FPIC, it is possible to promote sound natural resources governance including through consulting with indigenous peoples and local communities in order to ensure that activities taking place on their territories, including mining, resource extraction and infrastructure development, are conducted in a sustainable manner in order to minimize their negative impacts<sup>46</sup>. It is therefore necessary to uphold the

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<sup>38</sup> Traditional Ecological Knowledge., Available at <https://www.bia.gov/service/fuels-management/traditional-knowledge> (Accessed on 12/06/2026)

<sup>39</sup> International Fund for Agricultural Development., 'Indigenous Peoples' Available at <https://www.ifad.org/en/indigenous-peoples#:~:text=Indigenous%20Peoples%20are%20the%20custodians,investments%20based%20on%20their%20perspectives> (Accessed on 12/06/2026)

<sup>40</sup> Distributive Justice., Available at <https://www.ebsco.com/research-starters/politics-and-government/distributive-justice> (Accessed on 12/06/2026)

<sup>41</sup> Ibid

<sup>42</sup> Brink, M., 'Implementation of Access and Benefit Sharing Policies in Sub-Saharan Africa: Inventory, Analysis and Proposals.' Available at <https://edepot.wur.nl/280508> (Accessed on 12/06/2026)

<sup>43</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>44</sup> Ibid

<sup>45</sup> Ibid

<sup>46</sup> Free, Prior and Informed Consent: Lessons learned from REDD+ and other conservation strategies., Available at [https://www.fauna-flora.org/wp-content/uploads/2023/05/FFI\\_2014\\_Free-Prior-and-Informed-Consent.pdf](https://www.fauna-flora.org/wp-content/uploads/2023/05/FFI_2014_Free-Prior-and-Informed-Consent.pdf) (Accessed on 12/06/2026)

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right of indigenous and local communities to FPIC by obtaining their free, prior and informed consent especially in environmental and natural resource projects in order to foster sustainable outcomes that ensure sound natural resources governance.

Achieving recognition justice is also necessary towards effective and sustainable natural resources governance in the Global South. It has been observed that recognition justice focuses on including and representing all relevant voices in decision-making processes at all levels<sup>47</sup>. The concept of recognition justice focuses on recognising (and adequately valuing) different bodies of knowledge and understandings<sup>48</sup>. This concept is fundamental in natural resources governance since it acknowledges and upholds the role of different bodies of knowledge towards sustainable outcomes<sup>49</sup>. In particular, recognition justice acknowledges the vital role that TEK plays in environmental governance and therefore seeks to include this knowledge systems in decision-making processes<sup>50</sup>. It is therefore necessary to achieve recognition justice for indigenous and local communities by harnessing their TEK towards sound natural resources governance<sup>51</sup>.

#### **4.0 Conclusion**

There is need to foster sound natural resources governance in the Global South in order to foster Sustainable Development. In order to achieve this goal, it is imperative to achieve distributive equity, procedural inclusion and recognition justice for indigenous and local communities towards harnessing their knowledge, wisdom and practices for sound natural resources governance.

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<sup>47</sup> van Uffelen. N., 'Revisiting Recognition in Energy Justice' *Energy Research & Social Science.*, Volume 92, October 2022

<sup>48</sup> Ibid

<sup>49</sup> Community Participation and Recognition Justice in Border Environmental Governance., Available at [https://www.researchgate.net/publication/341919493\\_Community\\_Participation\\_and\\_Recognition\\_Justice\\_in\\_Border\\_Environmental\\_Governance](https://www.researchgate.net/publication/341919493_Community_Participation_and_Recognition_Justice_in_Border_Environmental_Governance) (Accessed on 12/06/2026)

<sup>50</sup> Ibid

<sup>51</sup> Traditional Ecological Knowledge., Op Cit

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