



The extractive industry and human rights in Africa: Lessons from the past and future directions

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ABSTRACT

Although the extractive industry has contributed to the socio-economic development of many African countries, it has also led to incidences of human rights violations in many rural communities. However, the use of an evidence-based approach to search, locate, explore and synthesize the literature systematically in order to understand the nature and pattern of human rights violations within the extractive industry remains limited. Consequently, this study employs the systematic review method to determine the nature and drivers of human rights abuses within the extractive industry in Africa. Of the 791 articles retrieved from the search of the databases, 58 articles met the inclusion criteria and were included in evidence synthesis. Based on the thematic analysis conducted on the articles that met the inclusion criteria, we find that human rights abuses tend to be associated with the violation of economic, social, and cultural rights, tensions over land ownership, the loss of livelihood, and community marginalization. We conclude the study with some policy implications and suggest avenues for future research.

1. Introduction

The relationship between resource extraction and sustainable development in Africa has largely remained contested. Indeed, while the World Bank and African governments/elites are often quick to point out that resource extraction contributes to the economic development of African countries, others have emphasized the negative socio-economic impacts of the extractive industry on the poor and marginalized communities (Akabzaa and Darimani, 2001; Idemudia, 2007; Tuokuu et al., 2018). As primarily an exporter of primary commodities, African governments pursuit of economic development through resource extraction with the adoption of neoliberal economic policies like the structural adjustment programs (SAPs) in the 1980s resulted in the liberalization of codes and laws that also allowed for the influx of foreign multinational corporations (MNCs) into rural communities where resource extraction tends to take place (Campbell, 2003, 2010; Tuokuu et al., 2019). As a result, in contrast to the 1960s that was dominated by African governments' pursuit of nationalization of economic policies, the domain of opposition to MNC activities in the 1990s invariably shifted from host governments to local communities (Harvey, 2006). These contestations over the activities of MNCs in rural communities often resulted in a

widespread incidence of corporate-community conflict and associated human rights violations. For example, local protests over incidences of environmental degradation associated with the operation of Shell in the Niger Delta area of Nigeria led to the displacement of the Ogoni people and the violations of their human rights (Obi, 2009). These kinds of incidences resulted in reputational damage, increased social risks, and associated costs for MNCs.

Consequently, a combination of stakeholder pressure via global initiatives such as the United Nations Guiding Principles on Business and Human Rights (UNGPs), and MNCs' enlightened self-interest have allowed MNCs to recast their role as not only part of the problem of human rights abuse but also as a part of the solution (Idemudia, 2014). Indeed, efforts by MNCs to address the negative social, economic and political consequences of resource extraction were often framed in the discourse of ecological modernization (see Dryzek, 1997) that suggest that sustainable resource extraction based on the use of appropriate technology will generate win-win outcomes for government, MNCs, and local communities. A key part of this push for sustainable resource extraction has also been the concern for how best MNCs can respect human rights, undertake human rights due diligence practices, and support corporate-based non-judicial access to remedies for

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stakeholders whose rights have been violated (McPhail and Adams, 2016). This is because while there continue to be debates about the nature and scope of human rights obligations of multinational corporations (see Arnold, 2016; Hsieh, 2017), there is now the societal expectation that business has both a negative duty to avoid human rights violations and a positive duty to help protect victims from, and remedy violations by others (Santoro, 2015). Indeed, Ruggie (2008) has suggested that in a globalized world, where MNCs can be more powerful than some states, and as corporations have become the dominant form of economic activity (Connolly and Kaisershot, 2015), businesses have the corporate responsibility to respect human rights. Wettstein (2015) has thus argued that in a post-Ruggie era, it is not those who support corporate human rights obligations who must defend their views; rather it is those who do not.

Nevertheless, Aaronson and Higham (2013, p.33) have suggested that when it comes to the relationship between MNCs and human rights in developing countries, “firms are still not ready to be safe rather than sorry.” This is particularly disconcerting given that it has been suggested that business adherence to human rights policies is directly linked to sustainable profits (Arkani and Theobald, 2005). Similarly, in contrast to the conventional wisdom that suggests that state repression creates a stable, compliant, and inexpensive context for foreign direct investment (FDI), Blanton and Blanton (2016) showed that the protection of human rights facilitates foreign direct investment by reducing risk and contributing towards economic efficiency and effectiveness. Consequently, in so far as business and human rights are informed by rights-based approaches to development and merit-based notions of access and entitlement, there is a need to pay attention to the complexities of human rights abuses in Africa’s extractive industry (Kemp and Vanclay, 2013). Although several studies have been conducted on human rights abuses/violations within the extractive industry in Africa (e.g. Handelsman, 2002; Campbell, 2009; McPhail and Adams, 2016; Siakwah, 2017; MatebesiMarais, 2018), to the best of our knowledge, no study has employed the systematic review method to assemble and synthesize available evidence on the *drivers and patterns* of human rights violations and the proposed strategies to *remedy* them in the extractive industry. In other words, studies on human rights violations within the extractive industry in Africa as the principal unit of analysis are only beginning to emerge. Yet, insights from such a systematic review can help to positively redirect the efforts of MNCs geared towards addressing their human rights obligations as well as identify existing knowledge gaps that still need to be filled.

According to Sepu Iveda et al. (2004, p. 3), human rights are “inalienable fundamental rights to which a person is inherently entitled simply because she or he is a human being.” Handelsman (2002) put human rights into five categories: civil, cultural, economic, political and social rights; and these include property, development, health and safety, and environmental issues. Thus, human rights abuses or violations, or exploitations are said to occur when human beings are prevented in any form from fully enjoying any of these rights. Nonetheless, our study focuses on human rights from a narrow or specific viewpoint within the extractive industry in Africa. The purpose of this study, therefore, is twofold:

- 1) To undertake an evidence-based systematic review of existing literature to determine the drivers and patterns of human rights violations and to propose strategies for the remedy of human rights abuses in Africa’s extractive industry.
- 2) To consider the policy implications and identify avenues for future research.

2. Method

To achieve the objectives of the study, we employed an evidence-based systematic review method to explore human rights abuses and/or violations within Africa’s extractive industry. According to Brisbois

and Loe (2016), systematic reviews are structured literature reviews that are useful for reviewing extant bodies of knowledge, synthesizing major findings, and identifying emerging knowledge gaps. In synthesizing the evidence, we specifically reviewed the literature on human rights violations within the extractive industry in Africa. The systematic review method organizes theoretical and empirical works by following a pre-defined protocol to answer a specific research question (Mensah et al., 2016). Although the systematic review method is commonly applied in the health and medical fields, it is increasingly becoming instrumental in the social sciences to search for evidence to improve policy and practice (Pullin and Stewart, 2006; Tranfield et al., 2003). In this study, we adopted a protocol that is suited to social science inquiry, and for the following reasons: First, it allows us to effectively and efficiently answer our research objectives (see Lavis et al., 2005; Tuokuu et al., 2019). This is because the systematic review process enhances the robustness of the results and the quality of the conclusion(s). Second, it improves the transparency in methodology, making it easy to replicate the results and improves their validity (Tuokuu et al., 2019). Also, based on the recommendation of Mulrow (1994), we further provide the following as justification for using the systematic review method:

The systematic review method allows us to efficiently integrate existing data on human rights violations within Africa’s extractive industry. This is useful as our findings will help in decision-making at both governmental and corporate levels.

The method allows for large pieces of information to be synthesized into palatable pieces for easy digestion. This provides the avenue for only critical and relevant information related to a specific area such as the patterns and drivers of human rights abuses to be unearthed from the literature.

The different studies in systematic reviews provide an interpretive context which is absent in other studies. This gives the opportunity for the generalizability of scientific findings.

Additionally, unlike traditional reviews which are often criticized for their haphazard and bias nature, systematic reviews are able to reduce some levels of bias, although their greater accuracy are yet to be established.

Each step of the systematic review method is well-organized, replicable, and transparent (Ismail et al., 2021). Hence, this paper reviewed published peer-reviewed articles through “a replicable, scientific and transparent process” to unearth the evidence (Tranfield et al., 2003, p. 209).

2.1. Literature search strategy

The search strategy for the study followed a specific protocol in search of high-quality data to address the research problem. A protocol describes the methodology employed to “search, identify and describe the evidence” (Chiwona-Karlton et al., 2017). It also defines the criteria for data inclusion and exclusion (Pullin and Stewart, 2006). The sources of data used for the review were limited to scholarly publications from 1980 to 2019 for the following reason; it was at the beginning of the 1980s that the World Bank and the International Monetary Fund (IMF) introduced the structural adjustment programs (SAPs) by advising resource-rich countries in Africa to liberalize the mining sector (Akabzaa, 2009; Akabzaa and Darimani, 2001).

The sources of data or studies consulted for our study were those undertaken within the setting of Africa. Only peer-reviewed English language publications were consulted. The literature search was performed between January and February 2020 and restricted to the following databases: Web of Science, Scopus, Sociological Abstracts, Geobase, Worldwide Political Science Abstracts, and others, including Google Scholar. The keyword search was based on the following strings “human rights” OR “human rights abuses” OR “human rights violations” OR “exploitation” OR “forced evictions” OR “extractive industry” OR “oil and gas” OR “mining” OR “Africa” OR “Africa South of the Sahara”

OR “Sub-Saharan Africa” OR “Central Africa” OR “Southern Africa” OR “Northern Africa” OR “Eastern Africa” OR “Western Sahara” OR “East Africa” OR “Central African Republic” OR “West Africa” AND (Morocco) OR (Libya) OR (Cameroon) OR (Chad) OR (Algeria) OR (Congo) OR (Democratic Republic of Congo) OR (Congo, Demographic Republic) OR (Congo, Republic) OR (Equatorial Guinea) OR (Gabon) OR (Burundi) OR (Djibouti) OR (Eritrea) OR (Ethiopia) OR (Egypt) OR (Kenya) OR (Rwanda) OR (Somalia) OR (Sudan) OR (Tanzania) OR (Tunisia) OR (Uganda) OR (Angola) OR (Botswana) OR (Lesotho) OR (Malawi) OR (Mozambique) OR (Namibia) OR (Swaziland) OR (Zambia) OR (Zimbabwe) OR (Benin) OR (Burkina Faso) OR (Cape Verde) OR (Cote D’ivoire) OR (Gambia) OR (Gambia, The) OR (Ghana) OR (Guinea) OR (Guinea-Bissau) OR (Liberia) OR (Mali) OR (Mauritania) OR (Niger) OR (Nigeria) OR (Senegal) OR (Sierra Leone) OR (Togo) OR (South Sudan) OR (Madagascar) OR (Comoros) OR (Mauritius) OR (Sao Tome and Principe) OR (Seychelles) OR (South Africa).

2.2. Study selection

A total of 791 articles were retrieved from the search of the databases consisting of 48 articles from the Web of Science, 145 articles from Scopus, 370 articles from Geobase, 92 articles from Sociological Abstracts, 119 articles from Worldwide Political Science Abstracts, and 17 articles retrieved from other sources, including Google Scholar. After that, a five-stage screening method was employed to screen for articles relevant to the study protocol. First, articles retrieved based on keyword searches were imported into RefWorks to facilitate the removal of duplicates. Second, the titles were screened by reading the title of each published paper to see if they relate to the research objectives or deal with a human rights-related issue. Third, the screening of titles and abstracts of included screened articles was done to see if they met the following criteria or protocol: (a) Africa’s setting; (b) published in peer-reviewed journals; (c) English language publications; (d) the full text must be accessible from the selected databases; (e) published between January 1980 and December 2019; and (f) the article addresses a human rights issue (s) in the extractive industry. Articles that did not meet all the above were excluded from the study. To reduce subjectivity or the study’s level of bias, the fourth stage involved cross-checking of articles by consulting the co-authors of this manuscript who constituted the review team on their views about the selected articles. The final step included a full-text screening of articles that met all the inclusion criteria (see Table 1 for details). A total of 131 full-text articles were read by the review team to determine their suitability for the study. In the end, 58 studies met the inclusion criteria and were included in evidence synthesis. Employing a pre-designed data extraction form, all 58 eligible studies were extracted according to the author (s) and year of publication, country of study, study objective, methodology, key findings, and conclusion. Fig. 1 shows a summary of searching, screening, and included studies.

2.3. Mapping content

The content of the included studies was mapped by extracting

Table 1
List of articles that met the inclusion criteria.

No.	List of Databases	No. of articles based on keywords	No of articles after removing duplicates	No. of articles based on title	No. of articles based on abstract	No. of articles based on full text
1	Web of Science	48	35	34	34	10
2	Scopus	145	145	31	29	11
3	Geobase	370	370	40	33	19
4	Sociological Abstracts	92	63	15	5	3
5	Worldwide Political Science Abstracts	119	117	23	17	8
6	Others	17	13	13	13	7
7	Total	791	744	157	131	58

information using the following questions:

- What is (are) the aim (s)?
- What kind of human rights issues has been covered in the existing literature within Africa’s extractive industries?
- What are the methods used?
- What is the geographical scope?
- What strategies have been adopted to ensure the respect and protection of human rights in the extractive industries?

2.4. Quality assessment of data and analysis

To ensure the validity and reliability of the data, individual published papers were read by the review team before a final decision was made regarding their quality and relevance. Thematic searches were carried out on all 58 included studies using line by line coding to find common themes. Based on the suggestion of Gruenhagen and Parker (2020), Table 2 was constructed to provide details of the data outcomes (contexts, methods, and themes).

3. Results and discussions

3.1. Overview of publications

Of the 58 studies that met the inclusion criteria, eleven studies were on South Africa, nine studies on Ghana, four studies on Zimbabwe, two studies on Tanzania, eight studies on the Democratic Republic of Congo, nine studies on Nigeria, one study each on Botswana, Kenya, Burkina Faso, Zambia, and Angola. Additionally, ten studies were in sub-Saharan Africa. The studies on sub-Saharan Africa were either case studies or comparative studies between or among countries (e.g., South Africa and Nigeria, Niger, and Mali). The implication is that most of the studies on human rights in Africa are concentrated in a few countries, such as South Africa, Ghana, Nigeria, and the Democratic Republic of Congo (henceforth, D.R. Congo). This is not surprising given that governments in these countries tend to rely heavily on natural resource revenue (except South Africa) and are rentier states. The history of apartheid and the racialization of resource extraction processes often manifested in widespread community protest might explain the inclusion of South Africa in this group.

Also, 32 out of the 58 included studies representing 55.2% are conceptual, whereas the rest of the 26 included studies representing 44.8% are empirical. Of the 26 empirical studies, 20 articles employed a qualitative research strategy, five articles employed a mixed-methods approach, and one article employed a quantitative research paradigm. Most qualitative studies employed in-depth interviews as the primary data collection tool to solicit views of various human rights issues either in the oil and gas sector or the mining industry. Also, studies that employed a mixed-methods approach relied mostly on interviews, focus group discussions, and observations as the primary data collection tools. The only study that employed a quantitative research strategy used GIS data. The implication is that empirical studies on human rights in the extractive sector are only beginning to emerge. This is consistent with

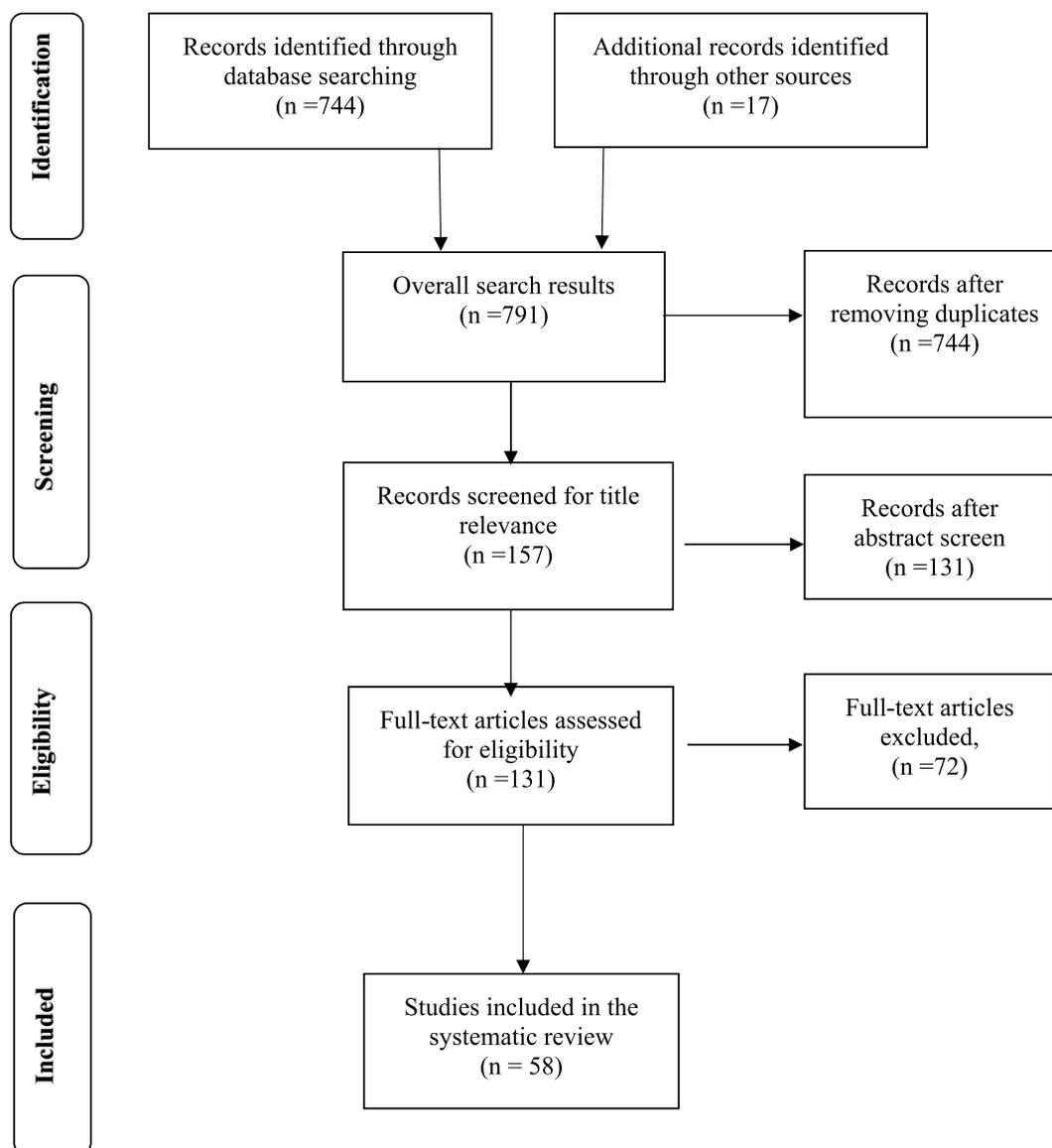


Fig. 1. Preferred Reporting Items for Systematic Reviews and Meta-Analyses (PRISMA) flow chart.

Schrempf-Stirling and van Buren (2020, p.37) assertion that “empirical studies only started appearing in 2001”. However, given that much of the empirical works tend to be qualitative studies, the extent to which their findings can be generalized outside their specific context remains a challenge.

3.1.1. Nature and drivers of human rights abuses in Africa’s extractive industry

Given that resource extraction in Africa tends to take place in a rural setting, the evidence extracted from the 58 studies that met the inclusion criteria suggests that the incidence of human rights violations is often associated with issues of *Economic, Social, and Cultural Rights*. However, the violation of *Civil and Political Rights* is key and often tied to land ownership. While there is a number of ways in which resource extraction enables human rights violations, we focus on the dominant three here. These violations tend to arise in the context of conflict or competition over land ownership, loss of traditional sources of livelihood, and lack of community participation in decision-making.

3.1.2. Tensions over land ownership

Land remains a vital resource across Africa (Barbier, 1997), as it

serves both cultural and economic functions for rural dwellers (Kidido et al., 2015). As a result, competition between MNCs and community members over land use for either mineral extraction or for agricultural purposes in which community members loss access to their land often amount to the violation of their civil and political rights with its associated consequences for their economic, social and cultural rights. For example, Andrews (2018a,b) noted that as of 2010, 56 million hectares of land were acquired globally by investors, of which 29 million hectares were acquired in sub-Saharan Africa. These acquisitions of Africa’s lands have led to the loss of both property and livelihoods, which sometimes result in tensions. Fifteen studies in our review focus their discussions on the tensions that exist between communities and mining companies over the ownership of land. For instance, Debrah et al.’s (2018) study discusses the competing demands for land between mining companies and mining communities in sub-Saharan Africa. Their study argues that while communities claim birthright over the ownership of lands, mining companies, on the other hand, claim mineral rights over the ownership of the same. These tensions and ownership claim sometimes result in violent conflicts. For instance, in South Africa, Mtero (2017), Matebe-siMarais (2018) report that mining has led to the disposessions of agricultural and land-based rural activities leading to tensions between

Table 2
Contexts, methods and themes extracted from articles reviewed.

1. Context	Count
South Africa (S.A)	11
Ghana	9
Zimbabwe	4
Tanzania	2
D.R. Congo	8
Nigeria	9
Botswana	1
Kenya	1
Burkina Faso	1
Zambia	1
Angola	1
sub-Saharan Africa (S.A., Nigeria, Niger, and Mali)	10
2. Methods	Count
Conceptual	32
Qualitative	20
Quantitative	1
Mixed methods	5
3. Themes	Count
Tensions over land	15
Resource extraction induces loss of livelihoods	7
Lack of community participation in decision-making	7
Corporate social responsibility programs	5
Formalization of small-scale mining	5
Enshrining community as a stakeholder	6

mining companies and mining communities. The situation is not different in Zimbabwe (Bhatasara, 2013; Madimu et al., 2018) and Ghana (Lawson and Bentil, 2014; Ayelazuno, 2014; Kidido et al., 2015), where several villages have been displaced to make way for large-scale industrial mining operations. Apart from violent conflicts arising from land ownership claims, the dispossessions of community lands have also led to economic and social hardships (Korah et al., 2019) and deprivations (Yankson, 2010) in many mining communities.

Similarly, pastoralists are also displaced from their lands in Kenya (Mkutu et al., 2019). In Tanzania, conflicts over land rights often favor foreign companies, which has led to conflicts between communities and multinational mining companies (Lauwo and Otusanya, 2014). However, in recent times, conflicts over land ownership in Tanzania have shifted from communities against foreign investors to communities against the state (Pedersen and Jacob, 2017). This is probably the case since a recent review of the country's mining laws favors state mining operations than multinationals. In a comparative study of South Africa and Nigeria's mines, Kamga and Ajoku (2014) found that corporations blatantly abuse people's human rights, including displacing whole communities of their lands. Keenan (2008) found a similar problem in both Niger and Mali, where the exploitation of Tuareg lands by Uranium mining companies is a significant cause of the conflicts in the two countries, and a threat to the livelihoods of many people. Consequently, these tensions over land ownership have become a significant concern for the subalterns (marginalized populations) who are now very much aware of their rights over the ownership of indigenous lands (Andrews, 2018a,b).

3.1.3. Resource extraction induces loss of livelihoods

The core sources of livelihood for members of rural communities in Africa tend to be subsistence agriculture. Farming and fishing are not only major sources of income and employment but are central to the organization of village life. However, resource extraction either mining or the extraction of crude oil does not only lead to the displacement of these traditional sources of livelihoods but also the capital-intensive nature of the process of resource extraction often means very few people displaced can be absorbed into gainful employment within the extractive industry (Idemudia, 2009a). This issue was for example captured by Madimu et al. (2018) in the conflict between miners and farmers in Zimbabwe. Similarly, Korah et al. (2019) demonstrated how resettlement programs that are meant to address the displacement of

local community members often exacerbate poverty leading to economic and social hardship for local communities in Ghana. This situation was also empirically captured by Mtero (2017) in the context of South Africa where mining has resulted in the dispossession and displacement of agricultural and land-based rural activities. Matebesi-Marais (2018) have also identified lack of employment opportunities and complaints about the consequences of mining as a major source of tension between communities and mining companies. Associated with the loss of livelihood is the environmental impact of resource extraction on the rights of community members to a healthy environment. For example, incidences of sustained environmental pollution in the Niger Delta area of Nigeria have been known to be both a source of corporate-community conflict and human rights violations (see Ajibade and Awomuti, 2009; Umukoro, 2018).

3.1.4. Lack of community participation in decision-making

Traditionally, communities have been the least regarded actors and historically neglected in policy and other related discussions relating to mineral development (Mate, 2002). While in recent years, local communities have been reintroduced as stakeholders into the previously binary relationship between the state and corporation (Ballard and Banks, 2003), the extent to which this stakeholder status has led to the recognition of local communities as a stakeholder that should influence the decision about their future as it relates to mineral extraction remains limited.

Community members have the right to know how their resources are used and to contribute to the decision-making regarding exploiting the resources found in their localities. Our analysis reveals the lack of community participation in the decision-making processes within the extractive industry is both an important driver of conflict and violations of rights of community members. Seven studies support this theme. In South Africa's mines, Farrell et al. (2012) reveal that mining companies do not recognize legitimate community representation and participation in decision-making, especially those at the grassroots (see, also, Mwanana, 2014; citation(s) 'Blanton and Blanton (2006); Hayem, 2015' has/have been changed to match the date in the reference list. Please check here and in subsequent occurrences, and correct if necessary. > Hayem, 2016). These concerns were corroborated by a recent study by Leonard (2019) that there is a lack of inclusion of local community concerns over mining development in South Africa. While Bhatasara (2013) discusses the institutional exclusion of local people regarding decision-making in Zimbabwe, Mkutu et al. (2019) explain that in Kenya, the locals are excluded from decision-making and benefit-sharing arrangements from the mines. The situation in Nigeria is not different. Okeagu et al. (2006), report that the lack of local community participation in petroleum exploitation decisions has had detrimental effects in petroleum communities. The lack of community participation sometimes leads to agitations (Tuokuu et al., 2018), conflicts (le Billon, 2005), or violence (le Billon, 2001). This incidence, in turn, provides the context within which the human rights of community members are violated due often to the violent response of the state to community protest.

3.2. Areas of consensus in dealing with human rights abuses in the extractive industry

Analysis of the extant literature highlighted a number of recommendations on how to address human rights abuses associated with resource extraction, but the three common initiatives often suggested are discussed below.

3.2.1. Corporate social responsibility programs

A variety of issues linked to human rights abuses such as failure to adhere to international environmental standards (Kamga and Ajoku, 2014; Esterhuysen et al., 2016), the use of divide and conquer strategies to fractionalize communities and capture community leaders (Leonard,

2019), failure to meet community developmental expectation and dispute over compensations (Oyefusi, 2009), and the inability of community members to get access to remedy in local court (see Donnelly--Saalfeld, 2009) seems to lead to the recommendation that MNCs need to adopt and pursue corporate social responsibility principles and practices in their engagement with local communities. Here, CSR is often understood in terms of the responsibility to meet negative injunction duties (i.e. do no harm) and affirmative duties (i.e., contribute to community development) (Idemudia, 2007a,b). This is largely consistent with the expectation that MNCs do not only do what it takes to respect human rights throughout their operations in all types of environments, but also need to proactively engage in activities aimed at preventing actions or activities that can undermine human rights (Gwanyanya, 2015, Deva et al., 2019). The turn to CSR initiatives as a vehicle to ameliorate human rights abuses seems to stem from the position that such programs would not only allow MNCs secure their *social license to operate* and therefore limit social risk and associated cost for MNCs, but it would also allow them to contribute to sustainable community development. As such, Debrah et al. (2018), have suggested that community members should push for the enforcement of 'social license to operate' in mine sites. Similarly, because many farmers have lost their farmlands to multinational mining corporations in Ghana, alternative livelihood programs have been introduced to create employment opportunities for the people (Yankson, 2010). While alternative livelihood programs are useful when done well, Gapa (2017) believes wealth re-distribution is the right thing to do.

3.2.2. Formalization of small-scale mining

The study further reveals that the formalization of small-scale artisanal mining (ASM) will ensure that communities benefit fully from their natural resources. According to Debrah et al. (2018), the current process of granting mineral rights over community lands remains problematic. Therefore, formalizing communities' rights with that of mining companies will reduce the tensions and ensure transparency. Perks (2012) agrees, stating that a formalization of the informal ASM sector will help address some of the conflicts in the sector, especially conflicts between large-scale mining companies and ASM operators. As noted by Maria and Taka (2012), artisanal miners lack the policy framework to back their operations. Thus, creating opportunities for the formalization of the activities of ASM where a company has displaced artisans will address some of the problems (Spiegel, 2015). This recommendation appears to be borne out of concerns over how collusion between government and MNCs tend to marginalize local community members, the need to create livelihood opportunities for displaced youth (Pokorny et al., 2019), and to facilitate a more inclusive mining regime that allows community members to participate in the extraction of their natural resources (Tuokuu et al., 2020).

3.2.3. Enshrining community as stakeholder: active participation

The need for communities to be involved in resource extraction decision-making that goes beyond mere ad hoc consultation to active engagement was often cited as a way to ameliorate incidences of human rights abuses. For example, Umukoro (2018) argued that the Nigerian government must also involve the local people in the decisions around the exploitation of oil and the distribution of its benefits. Indeed, it has been shown that the strength of community voices in decision-making would not only secure community buy-in but might also serve to ameliorate the frequency of corporate-community conflicts (Idemudia and Ite, 2006; Tuokuu et al., 2018). However, given that there can often be a disjuncture between the worldviews of communities and MNCs, Ayelazuno (2014) has suggested that there is a need for local communities to organize themselves into a social movement capable of holding MNCs accountable and effecting demand for wealth redistribution. For instance, the lack of local community participation in decisions around petroleum exploitation in Nigeria was argued to have had detrimental effects on oil-producing communities (Okeagu et al., 2006). Active

community involvement in decision-making is seen not only as a strategy to address the unequal power relations among the stakeholders (i.e. government, MNCs, and community), but also as a basis for a possible collaboration for preventing and redressing human rights abuse. For example, Steele (2013) alluded to the fact that ending incidences of human right abuses require efforts by government, industry, and the public at large.

3.3. Distributive justice as a human rights issue

Although the above themes emerged from our literature analysis, one critical area within the extractive industry that is worthy of note is distributive justice. Distributive justice deals with the (in)equality in the distribution of goods, responsibilities, risks and impacts of extraction (Walker, 2009). With distributional justice, the idea is to understand the benefits and burdens communities derive from extractive activities. Questions that arise from distributive justice relates to the principles required to achieve a just distribution and the particular benefit to be distributed (Wan, 2014). Young (1983) contend that a distributional analysis of justice should examine how risks, benefits and responsibilities will be distributed among various organizations, corporations, state organs, state environmental organizations, municipal governments and local communities in a development project. Accordingly, an unequal distribution of harms and disproportionate burdens raises questions around recognition of indigenous lands and the less regarded perspectives expressed by anti-mining groups in a stakeholder engagement process. In the context of extractive industry, communities expect to receive a fair share of the benefits from the operations of a mining or oil company. These benefits range from compensation, royalties, taxes, employment, training opportunities, local infrastructure improvement. When communities perceive that the benefits derived from the activities of a mining or oil company is fair, it builds trust and acceptance of the industry (Kemp et al., 2011; Zhang et al., 2015; Moffat et al., 2014). Thus, communities are much interested in the benefits they derive from extractive activities and actions to mitigate the burdens on stakeholder groups in communities (Zafra-Calvo et al., 2017).

Despite the growing invocation of benefits to justify oil and mining activities, marginalized groups often bear the burden of environmental risks, have unfair or unequal access to environmental goods and less pathways to participate in environmental decision-making (Shrader-Frechette, 2002). Hence, Rawls (1971) has argued that community members must be knowledgeable about the goods, opportunities, wealth and income to be distributed in order to fully benefit from the activities of extractive companies. Rawls, however, asserts that any form of inequality in the distribution of benefits must align with the preferences of marginalized groups, and consider the current and future generations of the people within these communities. By focusing on contemporary and intergenerational distribution, basic questions of how benefits and burdens from extractive activities are distributed in communities can be addressed (Wan, 2014).

Also, understanding injustices in mining communities revolves around environmental and social impacts of mining. While mineral mining and oil companies continue to use social development programs to engage communities and gain their trust to avoid community-company conflicts, this industry led community development, often, do not meet stakeholders' expectations (Watts, 2005; Frynas, 2005a,b). For instance, an examination of community company partnership in Nigeria shows that social development programs have been unable to ameliorate the negative social, economic and environmental impacts of oil production (Idemudia, 2007a,b, 2009a). Similarly, gold mining companies in Ghana have not been able to wane themselves off the negative distributional impacts of their activities such as water pollution and land degradation (Andrews, 2018a,b; Essah, 2022; Tuokuu et al., 2019). The result is that these social development programs have created patronage, paternalism and dependence in oil and mining communities (Frynas, 2005a,b; Quist and Nygren, 2015), and have

contributed to environmental injustices and human rights violations at both the local and global levels.

4. Conclusion and future directions

The aim of this systematic review was to synthesize available evidence in the literature on the *drivers and patterns* of human rights abuses in the extractive industry as well as identify the common suggestions on how to address these abuses. Our analysis showed that the pattern of abuse is often in terms of the violation of economic, social, and cultural rights and the core drivers of human rights abuses are contestations over land ownership, the associated loss of livelihood, and the marginalization of communities in decision-making. Much of the suggestions on efforts to address human rights abuses in the sector focused on CSR programs, formalization of ASM, and active community engagement. The implication is that the literature on business and human rights within the extractive industry in Africa tend to focus on document incidence of human rights abuses as opposed to analyzing how MNCs seek to address their human rights obligations. Indeed, while the extant works are critical for better understanding of the nature of the human rights problems in the sector, there is a need to move towards examining the effectiveness of the different processes and practices that MNCs are putting in place to address their human rights obligations. This is particularly important given that several MNCs are increasingly signing up to global initiatives such as the UN global compact and the voluntary principles of security and human rights as means to demonstrate their commitments to become corporate human rights defenders. Put differently, future research can usefully examine the extent to which corporate commitment to such global initiatives have necessarily yielded positive human rights dividend for local communities on the ground. There is the need for future research to probe how corporate commitments to global initiatives have yielded human rights outcomes within the extractive industry in Africa. Similarly, a crucial assumption underpins the idea that it is in the best interest of MNCs to respect human rights and rely on the notion that they require social licenses to operate. While the concept of social licenses to operate has been a subject of various critiques (see [Owen and Kemp, 2013](#)), we still do not know whether and how poor communities can enforce social license to operate or what other effective alternative corporate accountability strategies that local communities might be deploying to ensure MNCs respect their human rights.

Furthermore, the responsibility to protect human rights continues to rest with the state, yet, very few African countries have created a national action plan for the implementation of the UNGPs. At present, we know very little why this is the case and its implications for the ability of MNCs to meet their responsibility to respect human rights as stipulated by the UNGPs. Finally, there is also the need to examine the relative effectiveness of the different confrontational and collaborative strategies that local civil society groups have adapted in not only raising awareness about human rights abuses, but also holding MNCs accountable to their human rights obligations. There is, therefore, some fruitful research avenues that when explored can help us gain a better holistic understanding of the relationship between MNCs and human rights within the extractive industries in Africa.

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Declaration of competing interest

The authors declare no conflict of interest in the study.

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