



Primary Human Rights Responsibility in Africa's Extractive Industries

By:

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The extractive industries play a vital role in the economies of several African states and have attracted significant foreign investment in Africa. However, the activities of the Transnational Corporations (TNCs) in these industries pose egregious threats to the human rights of members of host communities. In response to these threats, commentators have argued that in addition to host states' obligations, TNCs, as well as their home states, have significant roles to play in protecting and safeguarding human rights in host communities. This short piece argues that while these arguments may hold sway, host African states continue to have primary responsibility and should rise to their obligation to protect human rights of impacted communities against the harmful effects of TNCs' activities. Moreover, the controversies surrounding the extraterritorial jurisdiction of states and the silence of international law regarding enforceable obligation on TNCs demonstrate the difficulty in embracing the newer approaches regarding the roles of home states and TNCs.

protect their citizens from human rights violations and should not depend on external actors. It may be unnecessary to argue for home state responsibility and TNCs obligations if African states are genuinely willing to make TNCs face real consequences for human rights malfeasance. Insisting that the African states continue to have primary responsibility ensures that advocacy for human rights protection in the extractive industries remains focused on Africa's governments to achieve the desired result. However, the extent to which human rights violations in extractive industries will be curbed depends on the political will of governments in Africa. The idea that home states and TNCs have roles to play does not in any way shift human rights responsibility away from the African states.

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