Human rights violations in Africa’s mining sector
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INTRODUCTION: 
Why the need for a compilation on human rights abuse in the mining sector in Africa?

Abena (not her real name—cover photo) sat forlornly in front of what remained of their compound after heavy machines from a mining company had pulled down their family house to make way for their operations. Like most inhabitants of communities ‘unfortunate’ to be blessed with mineral resources, Abena’s lot represents the fate of communities affected by mining activities. Apart from loss of livelihood, heritage, and displacement/dislocation, they also suffer abuses from security personnel from either the mining companies or the state any time their protests or intended actions are perceived to run counter to the interests of the mining companies.

There is established correlation between the extractive industries and the human rights violations. Mining operations have long been associated with the most severe human rights violations, with mining companies accused of varying levels of complicity in those violations.

In his interim report of February 2006, Professor John Ruggie, UN Special Representative on human rights and transnational corporations (TNCs), presented an overview of the 65 cases of corporate human rights abuse he had examined from 27 countries around the world. Ruggie noted: “The extractive sector – oil, gas and mining – utterly dominates this sample of reported abuses with two thirds of the total... The extractive industries also account for most allegations of the worst abuses, up to and including complicity in crimes against humanity. These are typically for acts committed by public and private security forces protecting company assets and property; large-scale corruption; violations of labour rights; and a broad array of abuses in relation to local communities, especially indigenous people.” Ruggie concluded: “The extractive sector is unique because no other sector has as enormous and as intrusive a social and environmental footprint.”

At a higher level, academic studies point to a strong correlation between dependence on natural resources and increased risk of conflict in developing countries. Studies have shown that countries with a high dependence on commodities like minerals run a risk of civil war that is 40 times greater than countries with no primary commodity exports.

UNCTAD’s authoritative World Investment Report for 2007 also examines the particular challenges posed by multinationals from the extractive industries.
The report draws attention to the threat of human rights violations at the hands of both public and private security forces protecting company assets. While UNCTAD notes that there have been many reported abuses by private security forces, including those guarding mining installations; it also highlights the issue of corporate complicity when companies rely on state forces to provide security.

The writers of the African Charter on Human and Peoples Rights were informed by such a correlation between human rights violation and mining thus they stated clearly in article 21.1 that the right of people to freely dispose of their wealth and natural resources shall be exercised in the exclusive interest of the people, and in no case shall the people, be deprived of it. It goes further to provide that in case of spoliation of wealth and natural resources, the dispossessed people shall have a right to adequate compensation.

The African Charter has been ratified by 53 countries and provides the norms and basis for institutional processes and structures of the protection and promotion on human rights in Africa. It recognizes collective rights i.e. people’s rights as opposed to individual rights and encompasses a number of rights that in itself promotes and depicts the importance of community rights, environmental sustainability and national development.

This report is pertinent because even though the African Charter took special interest in the exploitation of Africa’s resources, majority of human rights violations and civil wars on the continent have been sustained because of the quest for natural resources. People have been forced off their land by mining projects and those protesting have been intimidated, beaten or shot. Human rights abuses have occurred where the army or police are contracted to protect mining property, especially in situations of civil war.

This compilation seeks to bring out a variety and degree of human rights abuse on the continent in a specific time frame which will provide the basis for its readers to understand not just the variety of the violations, but the perpetrators (company and states) behind the violations. It ends with a summary of recommendation to all parties to ensure that human rights violations in the mining sector are curbed.

Lindlyn Tamufor
Brief profile of major mining activities and mining companies in Africa

Most of the major companies active in African mining concentrate on gold, platinum, diamond, base metals and coal.

They include such companies as AngloGoldAshanti, Gold Fields, and Harmony gold mining companies with operations in South Africa, Zimbabwe, Namibia, Ghana, Mali, Tanzania, Guinea and Burkina Faso.

The ZCCM (Zambia Consolidated Copper Mines) owned Kabwe lead and zinc operations with AngloAmerican holding just over 27% of the equity. These mines were closed in 1994. Following privatisation of ZCCM in March 2000, AngloAmerican, through its subsidiary ZCI, continued to hold investment in the Kabwe operations, as well as assuming control of Konkola Copper Mines (KCM). In January 2002, Anglo American essentially pulled out of the country and in 2004, KCM was taken over by Vedanta Resources plc.

Anglo American is set to become Africa’s largest zinc producer with new projects in Namibia and South Africa.

Official diamond production is mined and marketed by global leader De Beers, which has marine and land-based operations in Namibia, South Africa and Botswana.

Heavy mineral sands such as titanium and zirconium are mined by BHP Billiton and Anglo American in South Africa and Mozambique.

BHP Billiton and Avmin dominate Africa’s manganese production through their subsidiaries Samancor and Assmang. South African coal producers, Ingwe (subsidiary of BHP Billiton), Anglo Coal (subsidiary of AngloAmerican) and Duiker (subsidiary of Glencore) are responsible for most coal production in Africa. Kumba Resources dominates iron ore production.

African Platinum Group Elements (PGE’s) productions are dominated by Anglo Platinum and Implats who are the world’s leading platinum and palladium producers with operations restricted to the Bushveld Complex in South Africa. South Africa is also the world’s leading chromite producer with production dominated by Samancor and Assmang.
Some cases of human rights abuse in Africa’s mining sector

Human rights practitioners have distinguished between three types of corporate complicity in such abuses. ‘Silent complicity’ is held to exist where companies fail to speak out against clear patterns of human rights violation in the areas where they are operating. ‘Beneficial complicity’ pertains when companies are the beneficiaries of human rights abuses committed by state forces – as in many of the cases described in this report. ‘Direct complicity’ occurs when a company violates the rights of communities by failing to comply with regulations which protect the communities.

BURKINA FASO

Drowning at Mana Mine Site, Daona District, Kona
July 26 2006
Three young shepherds drowned in an open pit that the SEMAFO mining company dug. This pit is located at about hundred meters away from the village. The incident was reported to the Mayor. He took no action on it, and did not address the community on their loss. The Administrative Head (Prefet) tried to take some action on the matter but he was transferred to another location. The communities believe that he was transferred because he was trying to take some action on their behalf against the company.

The inhabitants of the village were not relocated and compensated but the company started work. According to the public enquiry report, the SEMAFO Mining Company has to compensate the population and relocate them to a new site. The new site for relocation was still under construction when the population received a deadline of 17 August, 2006 to quit their settlements.

SIERRA LEONE

4 people killed in protests against Koidu Holding Mining.
December 13 2007
After several years protesting against the impact of diamond mining at the Koidu mine in Sierra Leone, local people invaded the Koidu Holdings site on 13 December 2007 in protest against the mining operations’ impact on their living conditions. Residents claimed that the company had failed to compensate affected families and had not respected the terms of the mining contract. This was the second protest in a month against the company’s activities.
The police was called by the company to curb the protest. When they arrived on the scene, they shot and killed four protesters.

Following the protest and killing, the government of Sierra Leone ordered suspended operations at Koidu Holdings Mining Company’s site in the town of Koidu in Kono district and a 10:00 pm to 6:00 am curfew was imposed in the area.

Members of parliament who visited Kono following the uprising issued a statement on 17 December condemning what they called “heavy handed action taken” in quelling the unrest.

MALI

Gold-mining giants cause health and social problems

October 9 2007

Open-cast gold-mining operations in Africa by multinationals have created an ecological and health time-bomb and failed to help local people out of poverty.

With the opening of the Sadiola mines in 1996 by La Societe d’Exploitation des Mines d’Or de Sadiola (SEMAP) for large-scale gold mining, there has been massive destruction of the environment and the livelihood sources of the community. Women who were originally economically active in farming, gold washing, market gardening etc became jobless because of loss of their lands to the mining company. Skilled labour migrated to work in the mines, which in turn led to a sharp rise in population, resulting in an overburdening of the already-limited social facilities.
Cyanide and mercury are two toxic substances used to purify the minerals during mining. Its contamination of the groundwater had led to cases of paralysis, blindness and numerous miscarriages. In two villages in the southwestern region of Sadiola in Mali, four out of five women miscarried. The Sadiola health district was originally built to cater for about 450 people. With increased population and spread of diseases, mainly respiratory due to the high level of dust circulation caused by mining activities, the health facilities also became incapable of catering for the needs of the increased population.

The communities have also expressed dissatisfaction over compensation packages of the government and mining companies. The Chief of Farabacouta noted that the rice fields in Sadiola have been partly destroyed by roads and mining activities, hence rendering the activity unprofitable, but this was not taken into consideration during payment of compensation.

In Tabacota conflict arose between the community and the mining company when 14 cows died as a result of eating cyanide-contaminated food. The company refused to compensate for the loss of the cattle, the reason being that the pipe burst leading to the cyanide spill occurred long before the cattle were allegedly poisoned. The administrative authorities were unable to compel the mining company to compensate the community for the cattle loss.

There has been no effective framework or institution for dispute resolution. The communities have lost confidence in local authorities that have been mandated to settle disputes. Very little thought was given by decision-makers in Mali to address the conflicts that are inevitable with the introduction of any new project or scheme. Tension between the people and the community and the presence of immigrants from other neighbouring West African countries has made life difficult for the indigenous population. This has created deep mistrust between the community, the administration and the mining companies.

**DEMOCRATIC REPUBLIC OF CONGO**

**Labor Conditions in the mines of the Democratic Republic of Congo**

**December 2007**

Labour conditions in the artisanal mines are deadly. Tens of thousands of people dig for copper and cobalt with their bare hands, without any protective clothing or equipment. In most cases, the only tools they have are spades, hammers and shovels. In some mines, people work day shifts, take a short break, then return to work at night. Scores of people have died from work-related accidents, most often when they are trapped under collapsing mineshfts.
The risks are well-known to the authorities and to the companies buying from these mines. Fatal accidents occur regularly and the government has not adopted any strategy of prevention. The last known was on October 15, 2007 in Tshikapa (Kassai).

Apart from accidents, the lack of protective equipment and clothing exposes miners to a variety of other health hazards. Miners climb down the mine-shafts with bare feet, without ropes or other equipment, then spend several hours working underground, in extreme heat and near darkness, with just a few torches and candles. Workers who clean the minerals before they are packed in bags may stand in water for hours at a time, often barefoot, washing the minerals with bare hands, handling gravel and dust without gloves and working in a polluted environment. Workers popularly known as “kwanda” (a nickname meaning dromedaries) work in especially bad conditions, carrying bags of 50 kg of minerals on their shoulders, sometimes two at a time, then loading them onto trucks. Middlemen at Didioviani mine, near Likasi, would pay the kwanda 200 francs (less than US $0.5) to carry bags over a distance of 100 metres and 250 francs for a distance of 150 metres. A miner in Likasi said that kwanda who worked for the trading company SOMIKA are paid 1,400 francs (around US $3) for a full day’s work without a break.

The suspected presence of uranium remains a real concern for many people working in and around the copper and cobalt mines. High levels of radio-activity were one of the factors which led to the official closure of Shinkolobwe mine in February 2004. Sources in Katanga have reported that even though Shinkolobwe remains officially closed, clandestine digging continues with the complicity of police and military responsible for guarding the mine directly profiting from the mining.
TANZANIA

Death in the pits of Barrick Gold

On June 1 2006, a local villager Kieva Yohanna was shot five times in the back after having allegedly entered the mine complex of Barrick Gold illegally. Human rights activist in the area have confirmed that his death marks the sixth violent death linked to Barrick’s security operatives in less than a year.

In July 2005, police shot and killed Marwa Nyansinge on the grounds of the Nyabigena Primary School. He was targeted by police for allegedly stealing petroleum from the North Mara Gold mining company, then owned by the Canadian gold mining company Placer Dome and later bought by Barrick Gold Mines. As mine operatives fled the scene of the shooting they struck and killed another villager, Bhoke Maseke, who was holding a child.

ZAMBIA

KCM (Vedanta) and the pollution of the Kafue River

Vedanta Mines took over the Konkola Copper Mines (KCM) of Zambia in 2004. KCM is an integrated operation in Zambia, comprising underground and open pit mines, a leaching plant and smelting and refining facilities.

A polluted water body which communities depend on
On November 6 2006, the entire Chingola district was faced with a water supply crisis following pollution of the Kafue River by a spillage of mining effluents from the KCM plant. The two water companies that supply around 75,000 people in Chingola residential areas, Nkana Water and Sewage Company (NWSC) and Mulonga Water and Sewage Company (MWSC), were forced to shut down their plants when the Kafue River turned blue when a pipe delivering slurry from the tailings leach plant at KCM burst, releasing into the water effluents that raised chemical concentrations to 1,000% of acceptable levels of copper, 77,000% of manganese and 10,000% of cobalt.

The result was that residents of Chingola Township were cut off from supplies of freshwater for six days. Some residents of more informal settlements in the area, such as Hippo Pool Township, who do not have access to piped water, have always drawn their drinking water from the Kafue. In cases where piped water had been cut off, others were forced to go direct to the river. Although the Government attempted to provide water tankers and to discourage people from going direct to the Kafue, residents have complained that there was insufficient water, and newspapers reported that some families continued going to the Kafue.
Unfilled mine pits: breeding ground for mosquitoes, Bonte, Ghana

Locals in search of gold from leftover pits
Community members showing off polluted water

Mined out pits
Consuming water as polluted as that in the Kafue, eating fish from the river, or plants watered with polluted water is likely to have wide-ranging short-term and long-term health implications. Between them the chemicals spilled into the river cause lung and heart problems, respiratory diseases and liver and kidney damage. In the short term, a large number of residents are suffering from diarrhoea, eye infections and skin irritations. These are likely to be only the early signs of poisoning that will have long-term impacts. Exposure to manganese can cause ‘manganism’ a disease of the central nervous system affecting psychiatric and neurological functions. Brain damage effects in the local population may only show up in future generations.

Vedanta has been termed as unethical by the world’s second largest sovereign pension fund, operated by the Norwegian government. In November of 2007 sold all its shares (worth around US$13 million) in Vedanta Resources plc. After nearly two years of research, the fund found out that continuing to invest in the UK company would present “an unacceptable risk of contributing to grossly unethical activities”.

Digging close to habitations, Prestea, Ghana
Operations of Shell have been opposed for years

Militant groups in the Niger delta have fought the government and the oil industry for 15 years, demanding a greater share of oil revenues and compensation for environmental damage. In 1995 the writer and campaigner Ken Saro-Wiwa was executed after leading a peaceful uprising of the Ogoni in opposition to Shell.

On 25 February 2006, a federal high court in Port Harcourt, ruled that Shell must compensate communities in Bayelsa state for degrading their creeks and spoiling crops and fishing. The decision was a major victory for the Ijaw people - who have campaigned for compensation for more than a decade - and one of Shell’s worst legal setbacks.

Communities have repeatedly accused Shell of letting its oil spill into the rivers of the Niger delta, degrading the environment, spoiling crops and poisoning fish. Shell says most spills are caused by saboteurs trying to steal the oil for sale by international criminal syndicates on the world market.

Minister of Mines issues permits without State approval and uprisings in mining regions.

In February 2008, The Federal Executive Council of Nigeria approved a new Mining and Metal Policy for the country. The law was aimed at capturing more...
income from mining for the government - and presumably its people. However, following the passage a number of local people of Okenke in Kogi Central were murdered by police when they protested against alleged violation of a benefits-sharing agreement, made with an iron ore mining company.

Trouble had started on 25 February when youths in Adavi Local Government Area of the state attacked six trucks belonging to Global Infrastructure Holding Limited (GIHL) at Ogaminana area in protest against the concession of Itakpe Iron Ore Mining Company to the company.

The six trucks carrying iron-ore concentrates from the mining company to Port Harcourt were allegedly vandalised by the youths who accused the Federal Government of not taking care of their interest in the agreement reached with GIHL.

The youths were accosted by some of the riot policemen drafted to maintain peace in the area. The policemen were hired by the company to effect the release of the trucks held hostage by the youths. The youth that were shot down by the police were yet to be identified.
SOUTH AFRICA

Facing an asbestos epidemic

Dozens of South Africans still die of asbestos-related diseases every year, despite the closure of asbestos mines in the mid-1980s.

The most recent victims, a 19-year-old and a 60-yr-old man from Kuruman in the Northern Cape, died in January 2008 from secondary pollution from asbestos.

The two deaths came also after the announcement of the government’s intention to introduce new legislation to prohibit the use, manufacture, import and export of asbestos and any materials containing the mineral fibers.

The government of South Africa has been trying to prohibit the use and manufacture of asbestos because the fiber had a long latency period and problems could manifest only years after people were exposed to it.

It could take up to 30 years for the disease to manifest and that is why the asbestos epidemic is becoming visible now.

Asbestos was a popular insulator because of its heat resistant properties until it was banned around the world.

Asbestos mining stopped in South Africa in the mid-1980s, but people are still being diagnosed and die from associated illnesses on a regular basis.

Abandoned mined pit
Resistance to relocation by Angloplat and Anglo American.

There has been strident resistance to Angloplat/Anglo American’s plans to forcibly relocate up to 10,000 people in Limpopo, and the death of twelve mineworkers at the company’s biggest platinum mine since the beginning of the year 2006.

In June 2007 the South African government planned legislation to safeguard the life and livelihoods of workers in the country’s platinum industry - who are dying at an unacceptably high rate; and to address the companies’ failures to recognize the rights of many of the communities who are being impacted by the huge and unparalleled expansion of that industry.

However, the government of South Africa has noted that the immediate challenge facing the mining industry was the rising number of workers who die or are injured in the line of duty. Mining companies should be held directly responsible for injuries and fatalities that take place in mines in an effort to ensure that occupational safety became a priority.

GHANA

On or about June 6, 2006 the youth of Ntotroso in the Asutifi District of Brong Ahafo Region went on a peaceful demonstration against the perceived failure of Newmont Ghana Gold Limited to keep promises of employment it had made to them. The afternoon after the demonstration, three (3) vehicles (one Tata bus, one Pick-up truck, and one Mitsubishi Pajero) full of soldiers arrived at Ntotroso. On arrival, the soldiers numbering about 60, unleashed an indiscriminate assault on the people using canes and the butt of their guns. They went from house to house, brutalising and forcing them out of their dwelling places. They finally “kidnapped” 13 people and detained them in police cells at Sunyani, the regional capital, for three (3) days. They released them without charge. Victims of these brutalities include:

- Alhaji Aziz Saani, Ntotroso Zongo
- Nana Akwasi Amakyi III, former Chief of Ntotroso Town, Asutifi District, Brong Ahafo
- Nana Kyei, Chief Priest, Ntotroso Town, Asutifi District, Brong Ahafo
- Ruth Ntim, Ntotroso Town, Asutifi District, Brong Ahafo.
In a second case, on or about February 2, 2006, soldiers shot at five (5) farmers in Teberebie in the Wassa West District of Western Region in Ghana for allegedly using an access route around the rock waste dump belonging to AnglogoldAshanti Iduapriem Mine Limited. The five (5) farmers and their contact details are:

- Kwaku Kyei - wounded by gunshot
- Kennedy Owusu - wounded by gunshot
- Kwaku Ofori - wounded by gunshot
- Cudjoe Agboshie - beaten
- Anthony Baidoo

On or about June 20, 2005, Awudu Mohammed went with two of his colleagues to carry out small scale mining (galamsey) around a place popularly called Crusher-Top near Sanso. On their way back home they saw the security patrol team of AnglogoldAshanti made up of two police men and three private security of the company in a Toyota Land Cruiser advancing towards them heralded by sporadic warning shots. So Awudu and his colleagues took to their heels. In the process they shot at Awudu Mohammed and his intestines gushed out of his stomach. Awudu was subsequently admitted at Komfo Anokye Teaching Hospital in Kumasi and operated upon by a team of surgeons led by Dr. Turkson.

On June 9, 2004, the private security of AnglogoldAshanti and the Obuasi Police arrested Clement Baffoh for allegedly engaging in illegal small scale gold mining in the concession of the company. Clement Baffoh is a 27 year old man from Aduaneyede near Obuasi. Whilst in the custody of the police and private security of AnglogoldAshanti, Clement died the same day. Anglogold assisted the family to bury the deceased but denied any wrongdoing. The matter has still not been investigated. Dr. Kofi Adomako of Komfo Anokye Teaching Hospital performed the autopsy on the deceased but the result has since not been disclosed to the deceased’s family.

On September 30th, 2007, the youth of Anwia and Teleku-Bukaazo in the Western Region protested the activities of Adamus Resources Limited, a mining company undertaking exploration for possible surface gold mining in the area. The Ghana Police Service responded to the protests by invading the communities. About 18 youth were arrested and detained, several people were molested and houses and property were destroyed. The Western Regional Minister set up a Committee to investigate the report. Unfortunately the recommendations of the Committee failed to capture the concerns of the youth, the basis upon which they went on the protest.
The constitutions of most countries in Africa guarantee certain inalienable rights and freedoms. These include the protections of the right to life, liberty, dignity, own property, food, health, favorable environment. However, there are numerous violations which go unreported and unresolved everyday in communities affected by mining. From the case studies above violation of community rights through mining activities are far ranging and have ominous consequences. A summary of the types of rights violated in mining activities does not exclude the importance of other rights but brings to the fore the atrocity and the depth of the violations.

The right to life
The right to life is not limited to its operation but to the right to not have one’s life taken away illegally. It certainly entails one’s ability to enjoy a qualitative life devoid of activities of other human agents that are likely to reduce or eliminate the quality of one’s life. Health hazards posed by mining companies reduce the life span of community people living on the fringes of mining activity.

The right to Development
In terms of Article 22 of the African Charter on Human and Peoples Rights, all people have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind. The Charter therefore obligates states parties to halt any activities that hinder the realization of a Peoples right to development.
In 1979, the UN General Assembly adopted resolutions which adopted Resolution 32/130 giving recognition to development as a human right. Thus in violating the social and economic rights of communities, mining corporations also violate the right of the communities to development.

**Right to a clean and healthy environment**

The African Charter provides in Article 24 that all people shall have the right to a generally satisfactory environment favorable to their development. Studies have shown that the activities of mining companies lead to environmental pollution which prevents communities from carrying out their normal activities and causes health hazards. Pollution of streams by mining tailings or cyanide is recurrent in mining active zones. The downstream effects are poisoned water bodies and polluted air.

Polluted environment infringes upon the enjoyment of other fundamental rights such as the right to life and the right to the enjoyment of mental and physical health.
Protection of home and property
The owner or lawful occupier of any land subject to a mineral right is entitled to and may claim from the mining company compensation for the disturbance of the rights as the owner or occupier. Communities as a people are also entitled to protect their cultural and social heritage.

Mining companies are mandated to compensate communities for the loss of property but compensation of property is not limited to homes or farmlands but includes loss of means for livelihood. Undervaluation of property and undercompensation of farm lands and crops to make way for mining activity constitutes a violation to the right to own property. Loss of cattle and other forms of livestock due to mining activity constitutes a violation to the right to property.

Most constitutions protect the right to own property. Mining laws in most African countries guarantee that companies compensate people for the loss of property due to mining activity, however, this right has been disrespected and this constitutes a grave violation for communities who often end up with no property or means of livelihood due to mining activities.
Addressing human rights violations in the mining sector

The rights of local communities are violated because mining companies treat compliance with the law and constitutions as a business cost that must be avoided. Companies try to cut cost by externalising the cost of their operations rather than internalising it. So they reduce their cost by not providing adequate compensation, or not taking adequate environmental and safety measures, or not cleaning up the mess from their activities. State complicity with mining companies in violating human rights has further put communities in dire situations. A state which does not respect the minimum legal requirement for the operation of mining companies reinforces rights violations by companies. Involvement of soldiers and police in the provision of security for mining companies or the state’s failure to act by ignoring deaths caused by mining activities amount to abetting and aiding human rights violations.

Communities are predominantly weak in defending their rights because in most parts of Africa communities are usually ignorant of their rights and cannot purport to enforce a right that they are ignorant of. Thus mining titles are given off before communities are consulted on their rights, and even when communities are consulted, the process is a fallacy in itself. Local communities are treated as obstacles to mining both by the companies and the state and its institutions, and the violations of their rights are hardly reported.

It is pertinent that local communities, mining corporations and the states in Africa amend their actions to ensure that the rights of people are not violated in the extraction of our resources.

Local communities need to mobilise and fight for the protection of their rights. Incidents of human rights violations must be reported by communities to local courts and local centres of human rights. Rights violations which are not brought out encourage human rights violators to continue in their path. Communities need to ensure effective solidarity in participating in mining processes.

Civil Society should work with all stakeholders to ensure that human rights violations in the mining industry are curbed through education, advocacy and lobbying. The state and its institutions should constantly be supplied with information about human rights violations. NGOs should work with other pan African bodies like the African Commission to ensure that community rights are protected.

Human Rights Commissions have been entrusted with the essential mandate of protecting and promoting human rights. Thus they must take on the mantle
of educating communities on their rights and also ensuring that human rights violations in mining communities are investigated and due action is taken to correct the wrong.

**Mining companies** must ensure that they respect the laws of the state in their activities. The notion of corporate social responsibility is a band aid to cover the wounds of human rights violations. The utmost respect of the environmental, labour, and compensation requirements is a starting point to better relations with regulatory bodies and communities.

**The State** must provide legal aid for poor communities who cannot afford court actions against mining companies. Communities in most cases are forced to consult private legal practitioners to take up their cases based on an arrangement of the award of a percentage of the damages as fees because they cannot afford the cost of private legal representation. Legal representation is a heavy burden for most communities who are ignorant of the law and it is essential that they be provided with counsel through legal aid to avoid injustice and denial of basic human rights.

In relation to corporations, the state should execute due diligence in reprimanding and prosecuting its agencies and corporations whose activities cause loss of life or limb to local communities. The culture of impunity in mining activities and communities should be brought to a halt by the state.

**The African Commission** has been given the mandate to promote and protect human rights, interpretations of the Charter and undertake tasks referred to it by the AU. The Commission has further more been entrusted to work with other partners. Thus NGOs can prepare shadow reports on human rights aspects in their countries, which they present to the Commissioners for their considerations before they make recommendations to states.

The African Commission can also receive individual complaints against States, State institutions and non-state actors in complicity with the state. The aim is to redress the violation complained of between the individual and the state concerned. The Commission may adopt methods of investigation appropriate to the complaints before it and their decisions come as declarations and recommendations to the parties concerned, which have the effect of initiating a remedy for the violation complained off.

**The International community** should denounce and end the support and funding of companies that perpetrate human rights violations or collaborate with states to violate human rights. Measures should be taken by the international community to ensure that companies provide compensation for the human rights violations they cause.
Kenyasi, Ghana September 2005 - Local farmer drowned in pond created by a mining company.