



Human Rights Abrogation Through Resource Extraction in Kenya: A Policy Analysis

Oscar Kipkeeteri Mwangi¹

¹ Strathmore University

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Correspondence: omwangi@aol.com

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Author notes

Oscar Kipkeeteri Mwangi is affiliated with Strathmore University and focuses on Law research in Africa.

Abstract

{ "background": "Resource extraction projects in Kenya have proliferated over recent decades, particularly in the extractive industries such as oil and mining. These activities often involve significant investment from foreign entities and government incentives designed to boost economic growth. However, concerns have been raised regarding the potential adverse impacts on human rights, including environmental degradation and social unrest.", "purposeandobjectives": "This policy analysis article aims to examine the extent of human rights abrogation linked with resource extraction in Kenya, focusing on legal frameworks and policies that govern these projects. The objectives are to identify how existing laws facilitate or hinder protection of human rights during such operations, and to propose recommendations for more robust human rights safeguards.", "methodology": "The analysis is based on a review of relevant legal documents, government policy guidelines, and case studies from the extractive industries sector in Kenya. A comparative approach is used to assess how international standards are integrated into national policies, with particular attention given to cases where human rights violations have occurred or were reported.", "findings": "Analysis reveals that while there are provisions for environmental impact assessments (EIAs) and social impact assessments (SIAs), their implementation often falls short of expectations. In some instances, EIAs fail to identify all potential risks, leading to inadequate mitigation measures. Similarly, SIAs frequently overlook the rights of local communities affected by extraction projects.", "conclusion": "The current legal framework in Kenya provides a weak foundation for the protection of human rights during resource extraction projects. The inadequacies identified suggest that more rigorous oversight and enforcement mechanisms are required to ensure compliance with international standards.", "recommendations": "To address these findings, it is recommended that Kenya should strengthen its legal frameworks by mandating comprehensive EIAs and SIAs, ensuring full public participation in decision-making processes, and providing adequate resources for human rights monitoring. Furthermore, greater support should be given to affected communities through compensation schemes and community development initiatives.", "keywords": "Human Rights, Resource Extraction, Legal Frameworks, Kenya", "contributionstatement": " }

Keywords: *Kenya, Human Rights, Extractivism, Jurisprudence, Legal Pluralism, Stakeholder Engagement, Developmental Law*

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