

# Multinational Corporations And their Impact on Human Rights in A f r i c a

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## Multinational Corporations & their Impact on Human Rights in Africa

### Summary of the Study

As the economic factor grows in the management of international relations, the major economic entities may have become more influential in the global reality than some countries, and began to intervene in the countries of Africa, creating what is known as neo-colonialism. Africa, the rich in resources yet still poor, has long been a coveted trophy for all major European countries. The bygone imperial glory and slavery has not really been whitewashed but rather transformed, taking new forms as economic imperialism practiced by major corporations that are frequently engaged in human rights violations.

Africa's rich natural resource endowment has turned out to be a curse rather than a blessing. It is estimated that 30% of the mineral resources extracted from the earth exist in Africa. Besides, Africa has the largest reserves of precious minerals in the world, and it is estimated that 12% of the oil produced in the world comes from Africa.

With the growing presence of the multinational corporations in Africa, as the number of Chinese companies alone has reached two thousand, forms of interference in the affairs of the African countries have increased, and of course forms of human rights violations practiced by these companies have been exacerbated.



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Despite global and regional efforts to improve the human rights situation in Africa, some non-state actors, topped by multinational corporations, still practice human rights violations in Africa. These violations included the following:

## 1 - Child labor:

Although an industrial agreement was signed in 2001 to eliminate child labor on cocoa farms in Ghana and Ivory Coast, some of the world's largest foodstuff and products companies like Nestlé, Cargill, Barry Kalibo, Mars, Olam, Hershey, are still receiving criticism due to employment violations and involvement in child labor.

In February 2021, eight children who claim they were used as slave labor on cocoa plantations in Ivory Coast have launched legal action against the world's biggest chocolate companies. They accuse the corporations of aiding and abetting the illegal enslavement of thousands of children on cocoa farms in their supply chains. The plaintiffs are seeking damages for forced labor and further compensation for unjust enrichment, negligent supervision and intentional infliction of emotional distress.

Five of the world's largest tech companies have been accused of being complicit in the death of children in the Democratic Republic of Congo (DRC) forced to mine cobalt, a metal used to make telephones and computers, in a landmark lawsuit. Six of the 14 children in the case were killed in tunnel collapses, and the others suffered life-altering injuries, including paralysis, as reported in the legal complaint. The lawsuit added that the children, some as young as 6 years old, were forced by their families' extreme poverty to leave school and work in cobalt

mining owned by the British mining company Glencore, and some children were paid as little as \$1.50 per day, for working 6 days a week.

The violation of children's rights by these companies poses a major obstacle to any attempts for sustainable development in Africa. The involvement of these companies in child labor violates paragraph 1 of Article 32 of the United Nations Convention on the Rights of the Child regarding the protection of children from economic exploitation.

## 2- Encroaching the States Sovereignty

That multinational corporations often benefit from laws or agreements that give them preferential advantages compared to African national companies. For example, the investment protection agreement signed between the Tanzanian and the Canadian governments has been observed to give several advantages to Canadian companies in Tanzania, including: Commitment not to transfer its profits abroad, and to submit any disputes that arise between the two parties to the International Center for Settlement of Investment Disputes (ICSID) instead of the Tanzanian national judiciary, and not to nationalize these investments under any circumstances, which is considered not only as an infringement of the Tanzanian people's right to development, but also as an infringement of the state's sovereignty whose relationships are supposed to be based on mutual respect and equality.

## 3- Infringement of Environmental Human Rights

A healthy and sustainable environment is a precondition for the realization of other human rights, including the rights to life, food, health and an adequate standard of living. The



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right to a sustainable and healthy environment is partly included in the right to health framework set out in the International Covenant on Economic, Social and Cultural Rights, which stipulates that states must realize the right to health by improving all aspects of environmental health, among other steps.

Shell Oil has recklessly spilled millions of liters of oil in the Niger Delta, destroying fertile farmland, polluting water and putting the health and livelihoods of local farmers and fisher folk at great risk.

A number of Nigerian farmers have filed a lawsuit before the Dutch courts against Shell, demanding compensation from Shell for the damage caused to their lands as a result of the oil spills. The Hague Court of Appeal held Shell's Nigerian subsidiary liable for two leaks that spewed oil over an area of a total of about 60 football pitches (soccer fields) in two villages, Uroma and Joy, saying that it could not be established "beyond a reasonable doubt" that saboteurs were to blame.

#### 4 - Infringement of the Right to Water

International companies entrusted with the work of the Renaissance Dam, such as the Chinese Voith Hydro Shanghai Limited (VHS) that builds the dam's generators, the Jazuba Construction Company, and the Italian firm Salini Impregilo, which is the main contractor building the dam, in addition to the French company Alstom, which supply turbines and generators and supervise the installation of all the electro-mechanical equipment for the Dam, are threatening the Egyptians and Sudanese right to water, which is a clear violation of



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international laws and human rights. The Committee on Economic, Social and Cultural Rights affirmed the rights of peoples to have access to clean water. Besides, in the General Comment No. 15 on the Right to Water, the committee added an obligation to protect that requires States parties to prevent third parties from interfering in any way with the enjoyment of the right to water. Third parties include individuals, groups, corporations and other entities as well as agents acting under their authority. The obligation includes, inter alia, adopting the necessary and effective legislative and other measures to restrain, for example, third parties from denying equal access to adequate water; and polluting and inequitably extracting from water resources, including natural sources, wells and other water distribution systems.

The right to water cannot be separated from other human rights, as it is closely related to the right to health and the right to life, and the exploitation of the right to water in an unsustainable manner in a way that deprives others from benefiting from it is contrary to all international conventions, especially in light of the globally growing phenomenon of water scarcity.

Also, the mentioned major international companies responsible for the establishment of Renaissance Dam Project, ignore the various studies cautioning against the negative consequences it does have on neighboring countries and, thus, violate the international and regional legal rules regulating the construction of such mega projects on international rivers.



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