

## Kenya's Civil Society and Extractive Industries: Buying into Neoliberalism?

It is astonishing that after over a century of resource extraction on the African continent, accompanied by a bloody colonial history, decades of war in mineral-rich countries like the Democratic Republic of Congo (DRC) and the gradual impoverishment of communities living in resource-rich areas, civil society in Kenya does not interrogate extraction from a historical and informed perspective.

Civil society organizations are often tasked with the difficult and painstaking work of advocating on behalf of, or in solidarity with, communities engaged in battles with some of the world's most powerful companies and governments. While many have worked tirelessly, prioritizing the views of the communities they work with, others have found their niche within the now dominant neoliberal economic framework, unable or unwilling to challenge the basic underlying principles of this framework.

In November of last 2013, civil society organizations hosted a seminar on the extractive industries in Kenya. Titled 'Kenya's New Natural Resource Discoveries: Blessing or Curse?' and organized with the aim of addressing potential opportunities, challenges, impacts and policy implications of Kenya's newly discovered resources, including oil, this was a rare opportunity to have an open and informed debate about the implications of mining, oil and resource extraction in the country.

Kenya extracts soda ash, limestone, gold, cement and gemstones, but its resources are not exploited on a scale comparable to neighbouring Tanzania, Uganda or the Democratic Republic of Congo. However, the recent discovery of commercially viable oil reserves in Turkana (<http://www.businessdailyafrica.com/...>), the impending arrival of a new port and oil refinery on the island of Lamu, enormous rare earth and titanium deposits found in Kwale (<http://allafrica.com/stories/201307...>), and discoveries of gold in Narok and Migori (<http://www.businessdailyafrica.com/...>)

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[www.businessdailyafrica.com/...](http://www.businessdailyafrica.com/...)) have caught the eye of new investors, hungry to turn a handsome profit from the country's untapped resources.

One would think that these discoveries would signal alarm for the civil society organizations whose objective is, presumably, to advocate for the rights of communities living on or around these deposits of wealth. Combined with a myopic and simplistic vision of development embodied in 'Vision 2030' (<http://www.vision2030.go.ke/>) and promoted by the current conservative government of Uhuru Kenyatta, the future of Kenya's marginalized communities living in resource-rich areas is precarious to say the least.

Perhaps civil society organizations do not understand the urgency of the looming changes that are coming to this country. Aside from Tax Justice Network Africa's highly relevant analysis on illicit financial flows and transfer pricing during the extractives conference, and a few sensible points and analysis raised by participants from Ghana and other countries, the framework of the conference seemed to pander to the very same neoliberal agenda that has enabled and perpetuated a decades-old colonial pillage of resources across the continent.

The conference began, astonishingly, with an introduction by the Kenyan Chamber of Mines, a body formed in the year 2000 whose stated purpose is to 'represent the interests of Kenya's miners, exploration companies and mineral traders'. Its representative mentioned briefly that a company called Aviva Mining, owned by African Barrick Gold, was embarking on an exploration project along Ndori Greenstone Belt in Western Kenya (<http://www.africanbarrickgold.com/e...>).

Not a single person batted an eye at the mention of African Barrick Gold, a company among the five largest in Africa and majority owned by Canadian mining giant, Barrick Gold. In July 2013, the London legal firm, Leigh Day, announced (<http://www.leighday.co.uk/News/2013...>) that it would be suing African Barrick Gold and North Mara Gold Mine Limited, on behalf of villagers from North Mara, Tanzania, for liability in the deaths and injuries of local villagers.

According to Leigh Day, "the claims relate to incidents occurring over the last three years, including one in which five young men were shot and killed on 16 May 2011". African Barrick Gold earlier came under scrutiny for a toxic chemical spill into River Thigithe in North Mara, which reportedly had serious health impacts on the villagers living in the area (<http://www.miningwatch.ca/fr/node/6356>). Clashes between villagers and police at the North Mara gold mine have continued in 2014 (<http://allafrica.com/stories/201401...>) and, at African Barrick Gold's Buzwagi Gold Mine, villagers complain that their water sources have been contaminated and their homes destroyed by the mine (<http://www.aljazeera.com/indepth/fe...>)

Despite North Mara's proximity to Kenya, only a few kilometres from the border, no mention was made of these recent events. Nor was there any mention of the messy and complex history of the titanium project in Kwale District in Kenya, where a company called Tiomin initially wanted to mine the mineral on land occupied by villagers in Maumba and Nguluku in 2005. At the time, villagers were infuriated at the crumbs offered in compensation for the land they would lose. Now in the hands of a company called Base Resources, the titanium project is scheduled to begin extraction in 2014 (<http://www.reuters.com/article/2014...>) 'after being delayed since 2006 due to financing constraints, environmentalist protests, compensation disputes with local farmers and government red tape.'

In DRC, among the wealthiest countries in the world, a decades-old conflict fueled by reserves of minerals worth \$24 trillion dollars (<http://www.un.org/apps/news/story.a...>) has devastated the country. During a presentation about communities seeking to benefit from a mine operated by Anglo gold Ashanti in Mongbwalu, nothing was said of the company's alleged dubious connections with a rebel group that carried out an attack on Mongbwalu in which hundreds of people were killed between 2002 and 2003 (<http://www.hrw.org/sites/default/fi...>)

AngloGold Ashanti has also recently come under scrutiny (<http://www.aljazeera.com/indepth/fe...>) for allegations that the security officers deployed around its gold mine in Geita, Tanzania, have killed a number of people including a 16-year old boy and villagers scavenging through the company's mine dumps for remnants of gold. In Colombia, near the la Colosa mine owned by Anglogold Ashanti, two activists were assassinated last year for their alleged opposition to large-scale mining projects in the area (<http://nacla.org/blog/2013/11/12/le...>).

### Resistance Here and Elsewhere

Lest we forget our history, it is important to remember that mining and resource extraction were pillars of the colonial enterprise on the African continent. Those who are today celebrated for their role in resisting imperial domination were wholly opposed to the siphoning off of resources to the colonial metropolis: Patrice Lumumba was assassinated in 1961 following his staunch opposition to the Belgian-backed secession of mineral-rich Katanga state (<http://www.theguardian.com/global-d...>); Author, playwright and activist, Ken Saro-Wiwa was executed in 1995 with eight other Ogoni activists by President Abacha in Nigeria, for mobilizing against oil giant, Royal Dutch Shell (<http://www.theguardian.com/business...>); and

many other ordinary people who have given their lives to fighting against injustice.

Julius Nyerere, Tanzania's first president, argued in favour of leaving the country's resources in the ground until Tanzanians themselves developed the skills to mine them for the benefit of the country.

Elsewhere in the world, individuals, communities and even governments have started taking more concerted action against multinational mining companies whose forays into various countries invariably result in devastating social and environmental consequences. In 2010, the government of Costa Rica denied a subsidiary of Canadian company, Infinito Mining, a concession to build an open-pit gold mine in a tropical forest. The country is now facing a \$1 billion lawsuit for having rejected the company's plan (<http://www.miningwatch.ca/news/cana...>).

Last year, Romanian citizens took to the streets in the thousands to protest a controversial mining project by Canadian company, Gabriel Resources Ltd, which would have razed mountaintops to extract silver and gold (<http://www.aljazeera.com/indepth/fe...>). The country's parliament finally voted against the project in November.

From Romania to South Africa to Papua New Guinea, and even Turkana, communities are rising up, mobilizing against the layered and varied injustices that accompany large-scale mining practices.

But here in Nairobi, it is business as usual. A few civil society organizations are advocating to leave the minerals in the ground. Others have mentioned the first and foremost principle of Free, Prior and Informed Consent of communities (<http://www.culturalsurvival.org/new...>), and its relevance to those who are willing to fight for their lands, who dare to say no. But there was little to no serious engagement

with these questions during the discussion.

Instead, we talked about Corporate Social Responsibility as a progressive solution and the World Bank's redress mechanisms for human rights abuses. It is a given, without the consent, for instance, of those in Turkana who staged protests against Tullow Oil in 2013 (<http://allafrica.com/stories/201310...>), that extraction will go ahead. We are not asking, 'Should we mine or extract? Should communities have to relocate from their ancestral lands for a mining project? Should this be our vision of development? What do those communities say?' We are already asking, 'What can we do to make it better? How can we make this new enterprise nice and clean? How can we engage with companies and convince them to be responsible?' Rather than having communities from Kwale, Turkana, North Mara, Geita or the Niger Delta give testimonies about their very real first-hand experiences with large-scale mining and oil companies, we listen to NGO representatives who have flown in from other countries.

It is astonishing that after over a century of resource extraction on the African continent, accompanied by a bloody colonial history, decades of war in mineral-rich countries like the DRC and the gradual impoverishment of communities living in resource-rich areas, civil society in Kenya does not interrogate extraction from a historical and informed perspective.

Of course, many have not been at the frontline of resistance. Yet at the very least, the voices of communities who find themselves suddenly sitting on top of a gold mine or an oil well, communities whose livelihoods will be threatened by companies churning out billions of dollars of profit every year, should not be drowned out by a sanitized and watered-down perspective that fits within a framework of business as usual.