

# Shifting Development Paradigms: Community and Environmental Wellbeing Over Corporate Profit in Africa

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**Abstract:** *The prevailing paradigm in international business and investment increasingly prioritizes economic gains over the well-being of indigenous communities and the environment, particularly in developing nations. This article challenges this approach, focusing on Africa as a case study. Through a critical analysis of existing legal frameworks, policies, and practices, it argues for a shift towards a more holistic approach to sustainable development and foreign direct investment (FDI) that places the rights of indigenous communities and environmental protection at the forefront. Examining case studies and empirical data, the paper demonstrates the adverse effects of prioritizing profit-driven agendas in African communities and ecosystems. Drawing on principles of ethics, justice, social inclusion and sustainability, it proposes a new framework emphasizing human well-being and environmental safeguards while still promoting economic development through FDI. By reordering the priorities within existing legal instruments and advocating for community inclusion, and stronger enforcement mechanisms, the goal is to achieve a more accountable and equitable foreign investment standard, contributing to a sustainable future for all stakeholders in Africa.*

**Keywords:** sustainable development, foreign investment, human wellbeing and environment, marginalization of indigenous communities, Africa

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## INTRODUCTION

The concept of sustainable development, as outlined in the 1987 Brundtland Report, emphasizes meeting the needs of the present without compromising the ability of future generations to meet their own needs (WCED, 1987). However, this ideal often remains elusive, particularly in regions grappling with conflict and abundant natural resources. Paradoxically, nations most in need of development frequently become targets of economic and environmental exploitation perpetrated by both domestic and foreign entities (Sheffer, 2010). This paper delves into these dynamics within the African context, where a history of civil war and political instability converges with substantial foreign direct investment (FDI) and indigenous community marginalization.

To address the challenges of the current FDI paradigm, which prioritizes economic gains over indigenous community wellbeing and environmental protection, this paper argues for a shift towards a more holistic approach to sustainable development and foreign direct investment (FDI). By drawing on theories from human rights and inclusion, development studies, and law, we critically analyze existing legal frameworks, policies, and practices to demonstrate the adverse effects of profit-driven agendas on African communities and ecosystems.

To illustrate these negative consequences on local community wellbeing and their environment, case studies from different regions of Africa, including Zambia, Zimbabwe, the Niger Delta and the Democratic Republic of Congo are presented. These case studies highlight the persisting practices of environmental degradation, human rights abuses, marginalization of indigenous communities, and social disruption associated with the current FDI paradigm. To understand the underlying causes of these negative outcomes, we draw on theories from international relations and development studies. Dependency theory, for example, helps explain how the economic structures of many African countries have been shaped by their colonial past and dependence on foreign investment. Political economy theories provide insights into the power dynamics between multinational corporations and host governments, and how these relationships can influence the outcomes of FDI projects. Universal Human Rights principles and Business and Human Rights principles offer insights into the responsibilities of the government and corporations to protect, and respect the rights of indigenous communities, and the responsibility to remedy disputes that affect local communities.

## **PARADIGM, THEORY AND CASES OF PERSISTING FDI-RELATED HUMAN RIGHTS ABUSE**

**The Flawed Paradigm: A Case for Sustainable FDI in Africa** – Foreign direct investment (FDI) has emerged as a significant catalyst for economic growth across Africa. While it possesses the potential to stimulate job creation, facilitate technology transfer, and foster development, the continent's experience with FDI has been characterized by a complex interplay of benefits and drawbacks. The prevailing paradigm of FDI in Africa has often prioritized profit maximization over broader societal objectives, resulting in substantial environmental and social and cultural costs disproportionately borne by vulnerable populations. To address these challenges, a fundamental shift towards a more sustainable approach is necessary, integrating sustainable development principles into the legal and operational frameworks governing FDI.

Historically, Africa's FDI landscape has been heavily reliant upon the extraction of natural resources, leading to widespread deforestation, biodiversity loss, and escalating greenhouse gas emissions (Mabey & McNally, 1999). This pattern is exacerbated by the "pollution haven hypothesis," suggesting that corporations are attracted to regions with lax environmental regulations to minimize compliance costs (Mabey & McNally, 1999). The Niger Delta region in Nigeria serves as a poignant example of

the devastating consequences of this model, with oil extraction resulting in severe pollution, land degradation, livelihood loss, and social and cultural disruption.

Moreover, "race to the bottom" phenomenon, whereby countries compete to attract investment by offering increasingly lenient environmental and labor standards, has intensified the negative externalities associated with FDI. For instance, the electronics manufacturing industry has relocated production facilities from countries with stringent environmental regulations, such as those in Europe and North America, to countries in Southeast Asia and Africa with less stringent waste disposal regulations (Cobbing, 2008). This shift has contributed to significant environmental pollution and human rights abuses in these regions. Similarly, the mining sector, particularly in Africa, has faced criticism for its role in environmental degradation and human rights abuses, often driven by the pursuit of lower costs.

International financial institutions (IFIs) such as the World Bank and IMF have played a pivotal role in shaping FDI policies in Africa. Structural adjustment programs, often accompanied by conditionalities promoting liberalization and privatization, have created a more investor-friendly environment. While these policies aimed to attract FDI, they have frequently come at the expense of environmental and social protections. The emphasis on macroeconomic stability and fiscal discipline often overshadowed the importance of social equity and environmental sustainability. Furthermore, the conditionalities attached to IFIs' loans have sometimes led to trade-offs between short-term economic gains and long-term sustainable development. For instance, the push for rapid privatization of state-owned enterprises has often resulted in the transfer of assets to foreign investors with limited regard for public interest and the social and cultural impacts.

### **The Legal Framework: Investor Protection Over Domestic Interest**

The prevailing legal framework governing FDI is complex and multifaceted. International law, primarily through intergovernmental institutions, regulates three key aspects of FDI: *transboundary investment flows, investor protection, and investor responsibility*. The World Trade Organization (WTO) agreements on trade in services and goods, alongside bilateral and multilateral investment treaties, govern the movement of investments across borders.

Investor protection is central to bilateral investment treaties (BITs) and free trade agreements (FTAs), often encompassing provisions such as expropriation compensation, national treatment, and most-favored-nation status. BITs, in particular, prioritize investor protection, frequently including investor-state dispute settlement (ISDS) mechanisms. While traditionally restrictive of performance requirements, recent BITs have begun incorporating sustainability-related provisions (UNCTAD, 2015). FTAs, extending beyond investment to include trade in goods and services, often contain chapters on environment and labor, potentially fostering a more comprehensive framework for

sustainable development (Leal-Arcas, 2020). However, the effectiveness of these provisions varies widely, and their enforceability remains a challenge (Harrison, 2023).

Domestic investment laws provide the primary regulatory framework for FDI within countries. These laws vary significantly, reflecting different approaches to balancing investor interests with public policy objectives (Krajewski, 2020). Some countries have enacted comprehensive investment laws with strong environmental and social safeguards, while others rely on a patchwork of sectoral regulations (UNCTAD, 2015). Environmental and social impact assessments (ESIAs) are often mandated, but their effectiveness can vary depending on implementation and enforcement (Wasserman et al., 2023).

A comparison of these frameworks reveals significant disparities in their effectiveness in promoting sustainable development. BITs generally offer the weakest protections for the environment and society, while FTAs, especially those with comprehensive sustainability chapters, represent a step forward. Domestic investment laws hold the greatest potential for tailored regulations but often lack robust enforcement.

The effectiveness of these frameworks is influenced by several factors, including:

- The balance between investor protection and public interest.
- The strength of enforcement and accountability mechanisms.
- The inclusion of diverse stakeholders in policymaking.
- The coherence of investment, environmental, and social policies.

While the legal landscape for regulating FDI is evolving, with a growing recognition of the need for stronger sustainability provisions (UNCTAD, 2023), domestic investment laws offer greater flexibility but require robust implementation and enforcement. Additionally, the responsibility of investors towards host countries is gaining prominence, as evidenced by the increasing attention to corporate social responsibility and the development of soft law instruments like the UN Guiding Principles on Business and Human Rights (UNGPs) (Ruggie, 2011).

### **The Case of Africa: Social, Economic and Environmental Impact of FDI**

The legal framework governing FDI frequently prioritizes investor protection over social and environmental safeguards (Venkateswaran and Phillipose, 2025). This is evident in the numerous BITs that African countries have signed with foreign investors. For example, Nigeria has a vast network of BITs with countries across the globe. Many of these treaties contain provisions that prioritize investor rights over host country interests (Offor, 2025). Key features of these BITs include expropriation compensation, which provides for generous compensation packages for foreign investors in case of expropriation, even if it's for public interest reasons. Other features include clauses that often guarantee foreign investors treatment no less favorable than that accorded to domestic investors or investors from

other countries; and provisions for investor-state dispute settlement (ISDS), allowing foreign investors to bypass domestic courts and seek compensation from the host state through international arbitration.

A notable example of the impact of BITs on Nigeria is the case of the Nigerian Liquefied Natural Gas (NLNG) project. This joint venture between the Nigerian government, Shell, and other international oil companies benefited from a stable fiscal regime and tax holidays, as enshrined in the Nigerian Liquefied Natural Gas (Fiscal Incentives, Guarantees and Stabilization) Act (1993). While the NLNG has contributed significantly to Nigeria's economy, critics argue that the fiscal terms of the agreement were overly generous to the investors, leading to substantial revenue losses for the government. At the grassroots level, indigenous communities are often at the receiving end of these provisions that skew in favor of foreign investors, leaving local communities vulnerable to environmental hazards and reduced access to environmental benefits. While BITs can attract foreign investment, they can also hinder a country's ability to regulate in the public interest. Nigeria, like many other developing countries, faces the challenge of balancing the need to attract foreign investment with the imperative to protect its citizens and environment.

Another example of unsustainable FDI is the **mining projects in the Democratic Republic of Congo**. The mining sector in the Democratic Republic of Congo (DRC) has been a significant source of FDI, but it has also been associated with environmental degradation, human rights abuses, and conflict (Constantine & Wolff,2023). The exploitation of minerals such as coltan and diamonds has contributed to deforestation, pollution, and the displacement of local communities from their ancestral lands (Galli et al., 2022). The revenue generated by the mining sector has often not been equitably distributed, leading to social unrest and corruption (Wakenge et al., 2021).

There are, however, instances in Africa where FDI has been sustainable, a notable example is **M-Pesa in Kenya**. M-Pesa is a mobile money transfer service launched by Safaricom in Kenya. By providing access to financial services to millions of previously unbanked Kenyans, M-Pesa has contributed to poverty reduction, financial inclusion, and economic growth (Mpuga, 2017). The project has also had positive social and environmental impacts, such as empowering women and reducing the need for cash-based transactions, which can contribute to deforestation (de la Fuente & de la Fuente Robles, 2022). Another notable example is the **solar power projects in South Africa**. South Africa has experienced significant growth in the solar power sector, driven by both domestic and foreign investment. Solar power projects have contributed to the diversification of the country's energy mix, reduced reliance on fossil fuels, and created jobs (Kumba et al., 2023; Adebisi & Moloi, 2024). These projects have also had positive environmental impacts by reducing greenhouse gas emissions and promoting energy efficiency (Jain & Jain, 2017).

Several factors can influence the success or failure of sustainable FDI projects:

- **Government Policies:** Strong government policies and regulations are essential for ensuring that FDI is aligned with sustainable development goals.
- **Corporate Social Responsibility:** Companies that prioritize corporate social responsibility and ethical business practices are more likely to have positive impacts on host communities.
- **Local Community & Stakeholder Engagement:** Engaging with local communities, civil society organizations, and other stakeholders can help to ensure that FDI projects are socially and environmentally responsible.
- **Effective Governance:** Good governance and strong institutions are essential for ensuring that the benefits of FDI are distributed equitably and that negative externalities are minimized.

The attitude of prioritizing investor protection over social and environmental safeguards aligns with Elaine Sternberg's contention that the primary objective of a business is to increase its owners' wealth over time by selling products or services. She believes that using company resources for non-commercial activities, such as social responsibility initiatives, is equivalent to misappropriating company funds (Sternberg, 2000). Of course, this assertion has been challenged on the grounds of its contradiction to sustainable development principles (Ireland, 1999; Sjøfjell & Taylor, 2019). While proponents argue that FDI stimulates job creation and technological advancement, its benefits are often distributed unevenly, with local communities disproportionately bearing the brunt of adverse environmental and social consequences (Coumans, 2019; Elbra, 2024).

This skewed emphasis on profit over people and planet underscores a fundamental flaw in the current FDI paradigm. It is imperative to shift towards a model that integrates sustainable development principles from the outset, reverses prevailing practices of environmental and social marginalization of local communities in decision-making processes, ensuring that the benefits of FDI are shared equitably while minimizing its negative externalities.

## **SUSTAINABLE DEVELOPMENT LAW, HUMAN RIGHTS AND THEIR INHERENT LIMITATIONS**

### **The Role of Sustainable Development Law and its Limitations**

Sustainable Development Law (SDL) plays a crucial role in balancing economic growth with environmental protection and social justice in Africa, but its effectiveness is limited by its reliance on soft law and challenges in enforcement. Across Africa, the pursuit of economic growth is mostly the central focus. However, achieving this goal must be balanced with the need for environmental protection and social justice. The SDL emerges as a critical legal framework to navigate this complex terrain. The SDL seeks to reconcile economic development with environmental protection and social justice. The SDL constitutes a complex legal framework that endeavors to reconcile the often-conflicting imperatives of economic development, environmental protection, and social justice (Barral, 2012). It is a field characterized by its interdisciplinary nature, drawing upon principles and

instruments from international economic, environmental, and human rights law (Segger & Khalfan, 2004). At its core, SDL seeks to operationalize the concept of sustainable development, a notion that necessitates the accommodation, reconciliation, and integration of economic growth, social equity, and environmental stewardship. This tripartite balance is predicated upon the recognition of the interdependence of these dimensions. Economic growth, for instance, should not be pursued at the expense of environmental degradation or social inequality. Conversely, environmental protection must not hinder economic progress or compromise human well-being.

SDL employs a variety of legal mechanisms to achieve this delicate equilibrium. Environmental impact assessments, for example, mandate the evaluation of potential environmental and social consequences of development projects, thereby fostering a more integrated approach to planning and decision-making. International trade agreements increasingly incorporate sustainable development provisions, aiming to ensure that economic liberalization does not undermine environmental or labor standards. Moreover, human rights law, with its emphasis on dignity, equality, and non-discrimination, provides a crucial framework for safeguarding the social dimension of sustainability. However, much of SDL falls under the category of "soft law," lacking the binding force of traditional international law. Key instruments like the 1972 Stockholm Declaration and the 1992 Rio Declaration establish guiding principles but lack strong enforcement mechanisms. Similarly, the UNGPs provide a framework for corporate accountability (Ruggie, 2011), but implementation remains a challenge.

### **Challenges to Sustainable Development in Africa**

While the sustainable development (SD) framework offers a promising framework for reconciling economic growth, environmental protection, and social justice, its implementation in Africa is fraught with unique challenges that can hinder its effectiveness. These challenges include:

1. *Resource Constraints*: the scarcity of resources is one of the most significant challenges facing SD in Africa. Many African countries have limited financial and human capital, which can hamper the development and implementation of effective environmental and social policies. For instance, a *2020 Africa sustainable development report suggest that many African countries lack the necessary financial resources to invest in sustainable development initiatives* (UNDP, 2022).

2. *Historical Disadvantage*: Africa's history of colonialism and exploitation has left a lasting legacy of poverty, inequality, and environmental degradation. These historical disadvantages can create significant barriers to sustainable development. For example, the legacy of colonial land ownership patterns can hinder efforts to promote sustainable agriculture and protect biodiversity. The colonial legacy continues to shape the development trajectories of many African countries (Austin, 2010; Takudzwa, 2022).

3. *Environmental Marginalization and Climate Change Vulnerability:* Africa is particularly vulnerable to the impacts of climate change, such as droughts, floods, and extreme weather events. These climate-related challenges can exacerbate existing social and economic inequalities, undermine food security, and displace populations. Exposing vulnerable communities to environmental hazards and limited access to environmental benefits. Marginalized communities in Africa are the least responsible for climatic and environmental hazards, yet most affected by extreme heat and floods in many parts of Africa (Ghio et al, 2023; van Wesenbeeck et al 2016). A report by the Intergovernmental Panel on Climate Change (Trisos et al., 2022) highlights the disproportionate impacts of climate change on African communities.

4. *Conflict and Instability:* Many African countries have experienced periods of conflict and instability, which can disrupt development efforts and undermine the rule of law. Conflict can lead to displacement, destruction of infrastructure, and the breakdown of governance structures. In such environments, it is challenging to implement and enforce SD rights effectively. As noted by the United Nations Development Programme (UNDP, 2018), conflict can have a devastating impact on sustainable development.

5. *Governance and Institutional Weaknesses:* Weak governance and institutional capacity can also hinder the implementation of SD goals in Africa. Corruption, lack of transparency, and limited accountability can undermine the effectiveness of environmental and social policies. Additionally, the absence of strong institutions may make it difficult to enforce regulations and monitor compliance. Hope (2024) reported that corruption is a significant obstacle to sustainable development in many African countries.

Overall, sustainable development law and principles offer a promising blueprint for achieving a harmonious relationship between economic, environmental, and social goals, its implementation remains fraught with challenges. The short-term focus on economic growth often overshadows long-term sustainability considerations. Additionally, the complex interplay of national and international legal regimes can create inconsistencies and loopholes. Nevertheless, sustainable development law (SDL) continues to evolve as a dynamic field of law, adapting to the changing realities of a globalized and interconnected world.

### **Human Rights and the Capability Approach**

The human rights framework is yet another viable lens for assessing the social and cultural impact of FDI in indigenous communities. The United Nations Declaration on the Rights of Indigenous Peoples (2007), emphasizes the need to protect the rights of indigenous communities. Similarly, the Universal Declaration on Human Rights (UDHR, 1948) is the prime source of the human rights framework, providing individual and communities rights to own land and property, culture, religion, resources,

livelihood, and sacred sites. It equally provides for the right to development, and the right to approve or reject land and environmental marginalization.

The Human rights framework provides a set of canonical principles for ensuring that international development and FDI operations protect and respect the dignity of local communities. However, situations often arise where the immediate economic gains of government and investors erode the immediate and future wellbeing of local communities. The UN Guiding Principles on Business and Human Rights (UNGP's) provides a comprehensive framework for regulating the behavior of governments and corporations as it relates to FDI projects and the operational impact of their business activities on the social, cultural, economic and environmental lives of local and indigenous communities. The UNGP emphasizes the responsibility of states to *protect* human rights within their territory and reminds corporations of their responsibility to *respect* the human rights of individuals and communities where they do business and emphasizes access to remedy for victims of human rights abuse (Ruggie 2011). Though effective, a limitation of the UNGP is its inherent characteristic of being a soft law. Unlike hard law, such as the Universal Declaration on Human Rights (UDHR), the UNGP's are technically non-binding and are non-enforceable by courts, tribunals or regulatory bodies. However, the UNGP's can influence legal interpretation (Tautakitak, 2016).

Like the human right framework, Amartya Sen's (1999) *Capability Approach* emphasizes agency, the importance of empowering individuals in communities to pursue their goals and choices--such as the freedom to participation in decisions that affect their lives. The approach focuses on well-being and public reasoning, freedoms and the possibilities of increasing function and voice. Sen's capability approach and human rights share similarities. Both seek to foster equity, justice and responsible behavior, and community participation, promoting representation in decision-making processes. While they intersect in many respects, they however also differ in several ways. The human right framework is a set of established legal principles that are enforceable through established adjudicatory mechanisms (domestic courts and international bodies), capability is enforced by reforming policies to ensure that essential capabilities like health and clean environment, education, human rights and access to resources are accessible (Robeyns, 2006). The approach condemns the marginalization and disempowerment of people in society.

Combined, the human rights framework and the capability approach provide a formidable framework through which communities and their individual members can be protected and have agency in FDI related decision-making. However, implementation and enforcement of human rights and implementation of capability policies in African communities will require intentionality due to the prevalence government corruption and institutional weakness. If effectively enforced, especially at the grassroots levels, the negative consequences of may be curbed, and marginalization practices exchange for inclusive communication and participation.

## DISCUSSION

### **Social and Environmental Impact of Unsustainable Development in Africa**

The UN declared access to clean and healthy environment a universal human right (UN, 2022), yet local and indigenous communities in Africa continue to experience compound abuse of their human right to healthy and safe environment and the associated impacts on their social and cultural lives.

The **Niger Delta region of Nigeria** serves as a stark illustration of the human cost of unsustainable development in Africa, highlighting the devastating consequences of resource exploitation. Decades of oil exploration and extraction have inflicted severe environmental damage on the region, leading to widespread pollution, deforestation, and erosion of coastal wetlands. The resultant ecological catastrophe has had profound implications for the lives and livelihoods of local communities.

Oil spills, gas flaring, and pipeline sabotage have contaminated water sources, destroyed agricultural lands, and caused respiratory illnesses (Solomon et al., 2017). The health of residents, particularly women and children, has been disproportionately affected. Moreover, the region's rich biodiversity has been severely compromised, impacting local economies dependent on fishing and agriculture. The environmental devastation has been accompanied by social and economic disruption. Entire communities have been displaced to accommodate oil infrastructure, leading to the erosion of traditional livelihoods and social fabric. The influx of oil wealth has fueled corruption and inequality, exacerbating existing tensions and contributing to conflict (Chris et al., 2021).

Beyond the environmental and social impacts, the Niger Delta has also experienced gross human rights violations. The region has been militarized, with security forces often acting with impunity. Indigenous communities have faced harassment, intimidation, and extrajudicial killings in the name of protecting oil installations. The suppression of dissenting voices from the communities and the denial of basic rights have further marginalized and impoverished the local population (Chris et al., 2021).

The Niger Delta is not an isolated case. Similar and more recent patterns of environmental degradation, social disruption, and human rights abuses can be observed in other resource-rich regions of Africa, such as Zambia, Zimbabwe and the Congo Basin and the Democratic Republic of Congo. In February 2025, The Chinese-owned **Sino-Metals Leach Zambia Mine** spilled 1.5 million tons of highly acidic toxic mine waste into waterways that connect to the Kafue River in the city of Kitwe, polluting a river that serves as a major source of drinking water for communities. The corporation only deemed it fit to apologize until the Zambian government intervened and demanded adequate compensation (BBC, 2025). Another recent case is the **Chengxi Pvt Ltd. in Zimbabwe**, a Chinese-owned granite mining company, whose mining activities has caused water pollution, noise and dust in Mutoko local communities, resulting in land degradation and forced relocation with inadequate compensation

(Business and Human Rights Center, 2025). The **Kolwezi Cobalt Mine in the Democratic Republic of Congo** (DRC) exemplifies the negative consequences of unsustainable FDI practices. Cobalt, a key component in electronics, is mined in the DRC, often under harsh conditions with limited environmental regulations. Child labor and unsafe working practices are prevalent, raising serious human rights concerns (Moss, 2022; Schleich, 2024). Furthermore, mining activities have polluted water sources and disrupted traditional livelihoods. These cases highlight the need for stricter regulations, corporate accountability mechanisms, and a focus on responsible sourcing practices within the global supply chain.

The environmental and social crises in regions like the Niger Delta and Kolwezi are rooted in complex factors beyond the mere extraction of resources. Weak governance, corruption, and a lack of capacity within host countries contribute significantly to these challenges (Osawe & Uwa, 2023). Additionally, the global demand for resources, often driven by consumer habits in developed countries, fuels the exploitation of vulnerable regions. Multinational corporations play a pivotal role in these dynamics. While they bring investment and technology, their primary focus on profit maximization often leads to environmental and social trade-offs. The "race to the bottom" phenomenon, where countries compete to attract investment by offering lax environmental and labor regulations, further exacerbates the problem.

To address the human cost of unsustainable development, a fundamental shift in priorities is required. This includes strengthening environmental regulations by implementing and enforcing stricter environmental standards for extractive industries; promoting sustainable development through investing in renewable energy sources and diversifying economies to reduce reliance on resource extraction; respecting human rights by ensuring the protection of the rights of affected communities, including the right to consultation, participation, and remedy; supporting local livelihoods by investing in sustainable economic alternatives for communities dependent on resource extraction; and strengthening governance by improving transparency and accountability in the management of natural resources. By adopting these measures, it is possible to mitigate the negative impacts of resource extraction and create a more equitable and sustainable future for Africa.

### **A New Framework for Sustainable Development and FDI in Africa**

This article proposes a new framework for SD and FDI in Africa that prioritizes local community participation, human rights and environmental protection alongside economic development. The key elements include the strengthening of the soft law such that existing soft law instruments like the UNGPs will be made stronger through more robust reporting and accountability mechanisms. National governments should be encouraged to incorporate these principles into domestic legislation. Also, marginalization of local communities from decision making processes that affect their sociocultural and economic life must be addressed. For indigenous communities, land is more than just a piece of commodity. Land has a symbolic meaning that represents identity, connection with ancestry, and

survival (Kieh, 2018, Shipton,1994). Land has a spiritual meaning and is viewed through cultural lenses of continuity, where the living and ancestors have a stake in the management as a resource for future generations (Corriveau-Bourque 2010). Therefore, local communities must have a greater voice in decision-making processes related to FDI projects. This includes Free, Prior, and Informed Consent (FPIC) protocols that ensure communities understand the potential impacts of projects and have the power to approve or reject them. Again, rigorous and independent environmental impact assessments (EIAs) should be mandatory for all FDI projects, considering both short- and long-term consequences. Public participation in EIAs is crucial. Furthermore, there should be stronger legal frameworks to hold corporations accountable for human rights violations and environmental damage caused by their activities in Africa. This could involve establishing international courts with jurisdiction over corporate abuses. Additionally, transparency and disclosure should be engendered such that corporations operating in Africa are required to disclose their activities transparently, including financial records and environmental impact data. This information should be accessible to local communities and stakeholders. Moreover, African governments need support in developing the capacity to negotiate fair investment deals, enforce environmental regulations, and hold corporations accountable. This could involve technical assistance from international organizations and developed countries. Finally, there is a need for the exploration of alternative investment models that prioritize social and environmental sustainability alongside economic development. This could include impact investing and public-private partnerships with a focus on renewable energy, sustainable agriculture, and green infrastructure.

Overall, the current model of FDI in Africa is unsustainable. It prioritizes corporate profit at the expense of human well-being and environmental protection. By implementing the proposed framework, which emphasizes stronger soft law, community participation, environmental safeguards, corporate accountability, and transparency, a more equitable and sustainable future for Africa can be forged. This requires a concerted effort from African governments, international organizations, multinational corporations, and civil society. Only through a collaborative approach can the assurance that FDI will contribute to a future where economic development goes hand-in-hand with respect for human rights and environmental protection be guaranteed.

Based on the analysis and findings of this research paper, the following recommendations are offered:

- The regulatory framework for FDI in Africa should be strengthened to prioritize environmental and social safeguards, through policies that drive transparency and accountability in the extractive industries, particularly as it affects local and indigenous communities.
- Stakeholder engagements policies that increase the participation level of local communities in decision-making processes related to FDI projects and discourages marginalization practices of local communities should be strongly encouraged.
- Investments should be made in capacity building for African governments to effectively negotiate and regulate FDI.

- The development of alternative investment models that prioritize environmental sustainability should be encouraged.

While these recommendations are not a promised silver bullet for solving all of Africa's problems relating to FDI, by implementing these recommendations, African countries can harness the potential benefits of FDI while mitigating its negative impacts.

## CONCLUSION

This paper has argued for a fundamental shift in the paradigm of FDI in Africa, prioritizing human lives and the environment over corporate profits and discouraging marginalization of local and indigenous communities in FDI related projects in Africa. By examining the negative impacts of the current model and proposing a new framework, the paper contributes to the growing body of literature advocating for a more just and sustainable approach to development. It is essential to recognize that FDI can be a force for good, but only when it is harnessed responsibly and aligned with the needs and aspirations of local communities.

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