

Human Rights Violations and Environmental Protection in Africa: Gunjur's Experiences

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ABSTRACT: In Africa, the confluence of environmental preservation and human rights abuses, especially in relation to extractive industries, is a critical problem that impacts many communities. To demonstrate the intricacies and difficulties encountered by local populations in resource-rich regions, the Gunjur community provides a relevant case study. The Gunjur community has been greatly impacted by extractive industries like sand mining and fishing, despite being situated in an area rich in natural resources. Many people believe that these sectors are essential to economic growth, yet they also regularly cause serious environmental damage and violations of human rights. The experiences of the community serve as a reminder of the "resource curse," a larger pattern in which nations with abundant natural resources frequently experience more poverty, violent conflicts, and environmental damage as opposed to prosperity. The human rights-based approach focuses particularly on the requirement for 'meaningful participation' and how a rights-based approach can provide a means to reconcile environmental protection, social development, and economic activities. The study's objective is to identify the relationship between human rights violations and the environment. Gambia is a signatory to major environmental agreements, including UNFCCC, UNBD, UNCCD, World Heritage Convention, and Kyoto Protocol, committing to sustainable environmental management and promoting biodiversity. The ACE Impact Project (2019) in The Gambia prioritizes environmental protection in sustainable development policies, adhering to political, legal, and regulatory frameworks for Gambian environmental management. The Gambia is experiencing a significant increase in environmental protection and human rights violations, which are crucial for the protection and enjoyment of human rights. Human rights and the environment are inseparable. The local ecology has been ruined by Gunjur's sand miners. Due to the sea's high tide, the area where sand is mined is submerged in water. Crocodiles and other aquatic creatures use the area as a breeding habitat. The study utilized an exploratory research design, collecting primary data through an interview guide with 20 respondents, including local Gunjur residents, sand miners, and Chinese fishmeal staff, and analyzing the results. The study shows the destruction of vegetation and women's gardens, encroaching sand miners in ecotourism areas, and a Chinese fishmeal factory affecting Gunjur's living standards. Waste products are dumped into the sea, causing a foul odor, and exporting fish products to China and other countries, violating UN Sustainable Development Goals.

KEYWORDS: Environmental Protection, The Gambia, ACE Impact Project, China, Gunjur, World Heritage Convention, sustainable, UN

1. INTRODUCTION

One of the top priorities of The Gambia's sustainable development policy is environmental conservation. The political, legal, and regulatory foundations for Gambian environmental management laws, rules, and standards are rigorously respected and adhered to by the ACE Impact Project (Africa Centres of Excellence for Development Impact, 2019). Rapid urbanisation in Gambian society is causing environmental degradation through land clearing, beach sand removal, and rising sea levels. Inappropriate waste disposal and contaminated drinking water are causing health issues. The situation is not an ecological catastrophe but a slow degradation of natural resources, declining productivity, and increasing population pressure. This degradation directly impacts livelihoods and well-being for a large portion of Gambian society. The procedural approach to environmental issues ensures access to information, public participation, and justice in decision-making. It is relevant to human rights, shaping environmental laws, and promoting democratic decision-making processes. It also provides mechanisms for challenging administrative decisions and seeking redress. Environmental issues are not just about environmental degradation or quality but also involve social conflicts that discriminate and marginalise people for economic growth. Climate change affects human rights in specific ways but may also

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affect rights not directly linked to climate change in the long run.

Human rights such as life, self-determination, development, food, water, sanitation, health, and property are all greatly impacted by climate change, causing severe impacts on human enjoyment. Climate change may impact human rights, even those not directly affected by it. Despite not acknowledging climate change's violation, the international community still imposes legal obligations on states under human rights law to protect individuals affected by climate change and environmental harm, primarily derived from the Paris Agreement and human rights law.

The Gambia's coastal and marine environment is under threat from coastal erosion, sand mining, and pollution, causing land loss and significant economic implications. The erosion rate is estimated at 1-2 meters per year, impacting the country's economy and potentially causing environmental degradation in neighbouring countries. The Gambia is among the top ten most vulnerable countries to coastal erosion and sea-level rise globally, with beach sand mining posing a significant threat to coastal vegetation and marine biodiversity. The creation of NEAPs, or national environmental action plans in Africa has been a significant initiative to address the challenge of implementing sustainable development policies. These plans aim to address the root causes of environmental problems, involving various sectors and stakeholders. One such framework is the Gambia Environmental Action Plan (GEAP). This study looks at the institutional and management concerns affecting the GEAP's implementation, focussing on inclusive participation and development in combating environmental issues.

Case studies on African NRM policy implementation emphasize the importance of clear objectives, accurate identification of factors influencing outcomes, and structured implementation to maximize compliance from implementing agents and target groups, highlighting the need for effective management. Implementation responsibility is assigned to a sympathetic agency, with integrated structures, incentives, rules, financial resources, and support. Leaders possess strategic management and political skills, and policy objectives are supported by constituency groups and stakeholders. Socioeconomic and political conditions remain stable. The six ideal conditions for policy implementation are crucial for maximizing success and identifying the most suitable management options based on the prevailing conditions.

2. STATEMENT OF THE RESEARCH PROBLEM

Environmental degradation along coastal areas is primarily caused by human activities like sand mining, deforestation, bush burning, and desertification. These activities contribute to global warming and damage aquatic animals, leading to increased sea levels, erosion, and the Green House Effect. Sand mining in The Gambia is causing water-filled pits, drowning children, and damaging agricultural production. Chinese-owned fishmeal factory Golden Lead is disrupting the fishing community by using large quantities of fish. The company has been ordered to pay a bond, treat wastewater, and pay for contaminated water testing.

Chinese fishmeal manufacturer Golden Lead opened a factory in Gambia, promising jobs and a fish market. Three years later, accusations of overfishing, pollution, and tourism have angered local communities, highlighting Chinese firms' underhand tactics in Africa. Biomedical scientist Ahmed Manjang raised concerns over phosphate levels in Kombo Coastal Areas water from unregulated fishmeal factories, leading to an out-of-court \$25,000. The Gambian government allowed Golden Lead to reopen waste pipes, despite environmental concerns. The Chinese-run factories along the South Western coastline have also been closed due to pollution. Golden Lead depletes bonga fish stocks, impacting local communities and pushing them out of business. The number of food insecure Gambians has increased from 5 to 8 percent due to dwindling bonga fish supplies for fishmeal and oil. As artisanal fishermen struggle to compete with Chinese mechanised trawlers, prices of bonga have risen to unprecedented highs, affecting fish smokers and mongers. A basket that would traditionally go for \$2 now costs \$10.

The Changing Markets Foundation's report, "Fishing for Catastrophe," highlights the growing risks of fishmeal and fish oil (FMFO) fishing, threatening communities' livelihoods, nutrition, and food security, while the oceans are being pushed to the brink by climate change, pollution, and overexploitation (Bob, 2019). The report revealed Golden Lead's illegal sale of fishmeal to Vietnam before being relabelled for Chinese export, allowing the company to bypass food safety regulations. Despite concerns over Chinese fishmeal factories' dangers to coastal communities, Gambia's government remains open to investors to strengthen its relationship with China. The country is part of China's Belt and Road Initiative, receiving a \$33 million grant for agriculture and fisheries development. The Gambian markets struggle with inadequate fish, leading to high prices and food shortages. Instead, fish oil and fishmeal are produced and exported to China, Europe, and beyond. This research explores people's perceptions and experiences, advocating for inclusive participation in environmental hazards.

3. METHODOLOGY

The study explores social reactions to environmental protection and human rights in The Gambia through an exploratory research design, using semi-structured interviews and purposive sampling for in-depth data collection.

4. EMPIRICAL REVIEW

Globalisation and environmental degradation have threatened human security, with the environmentalism of the poor often resulting in resource conservation and clean environments. In order to address localised risks to environmental security from corporate externalities, such as ecological costs not included in market prices, the environmental justice movement—often linked to the United States and South Africa—was born (Martinez-Alier, 2003). Brigitte In her master's thesis, Lisa Mamle Okley emphasises how overfishing, urbanisation, and development pose a threat to Ghana's coastal areas and marine resources. 75% of Ghana's rural population works in agriculture, which depends heavily on the country's biodiversity. Poor farming methods, urbanisation, debt, and insufficient environmental regulations all contribute to poverty, resource depletion, and environmental deterioration. Similar gold mining incidents have been documented in Peru (Martinez-Alier, 2003), where Indigenous and tribal people have suffered from pollution and deforestation of their (claimed) lands, and Suriname (MacKay, 2002), where a drop in the global price of gold prevented the forced relocation of communities and made mines in the interior of a tropical rainforest with abundant biodiversity commercially unviable.

Scholars argue that human activity, including waste production and resource consumption, is causing environmental stress and human rights remain unfulfilled. Globalisation, proponents of both green political theory and human rights theory, exacerbates these issues, despite over fifty years of campaigning and legislation. Instead of looking at how economic globalisation affects these issues, few scholars have examined the relationship between human rights and environmental sustainability in the context of globalisation. They have mostly focused on empirical analyses and the overlap between legal issues in environmental protection and human rights (Agyeman et al 2003; Anderson & Boyle (eds) 1996; Bosselmann 2001; Johnston 1995; Lowi & Shaw (eds) 2000; Picolotti & Tailant (eds) 2003; Zarsky (ed) 2002).

In the past ten years, both human rights theorists and green theorists have suggested environmental human rights; however, neither group of academics has established a convincing synthesis of environmental theory with human rights theory. While human rights theorists who have proposed environmental rights have generally sought to rethink existing human rights without paying close attention to what environmental sustainability would entail (Langlois, 2001; Stammers, 1999), green theorists have tended to take human rights as they are and add environmental rights to the existing portfolio (see, for example, Eckersley, 1996; Hancock 2003; Hayward, 2005a).

The relationship between human rights and the environment has been the object of several theoretical discussions, mostly focusing on the nature of this relationship and the possible recognition of a human right to a healthy environment. The discussion consists of three main and potentially interconnected arguments: i) the environment constitutes a precondition for the enjoyment of human rights, ii) human rights should be used as tools to address environmental issues, ensuring adequate levels of protection, and finally, iii) the necessity of integrating human rights and environmental protection to achieve sustainable development (Catalão, 2020).

LEGAL FRAMEWORK

The National Environmental Management Act (NEMA) 1994 in The Gambia aims to establish a sustainable development system by defining the legal basis for environmental management and promoting environmental impact assessment (EIA). It also provides guidelines for environmental disputes, promotes community access to justice, and enhances public participation in environmental protection, aligning with SDGs 16 and 13.

Preservation, development, and promotion of Gambian arts and culture are the goals of the 2003 National Centre of Arts and Culture Act. In order to preserve, promote, and commemorate the nation's artistic, cultural, and historic legacy, the Act calls for the creation of a centre that will act as a guardian of such legacy. The Centre has a governing board and operates independently. Any discovery of historical or cultural significance must be reported right once to the Centre, which will take the appropriate steps to evaluate its significance and decide how best to conserve it (Africa Centres of Excellence for Development Impact, 2019).

The following are some additional rules that are in place to aid with the NEMA's implementation:

- i. The Environmental Quality Standards Regulations (EQSR), which created an Environmental Quality Standards Board whose main duty is to recommend environmental quality standards to the NEMC and to review the standards on a regular basis. This law's requirements are applicable to groundwater, surface freshwater, saline waterways, and ambient air.
- ii. Pollutant-producing processes must be registered under the Environmental Discharge (Permitting) Regulations (EDPR). If these procedures have a higher potential for pollution than what is allowed by the Environmental Quality Standards, the NEA may not grant permits for them to release their waste.
- iii. The Department of Water Resources is putting the new Water Management Act into effect through the National Water Management Act (2007), which calls for the prudent use and management of the nation's water resources.

5. FINDINGS AND DISCUSSION

The study surveyed Gunjur respondents about the connection between human rights violations and environmental protection,

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revealing a strong concern for environmental protection. Respondents reported human rights violations in their environment and called for government protection. They protested against a Chinese fishmeal factory in Gunjur due to bad odor and sand mining activities, highlighting the conversation's essence. Respondents emphasized the importance of taking ownership and participating in decision-making processes to conserve the environment, while the government should monitor activities for healthy and clean living. A respondent states that youths attempted to change the drama but were arrested and taken to Brikama Magistrate Court for removing a factory waste pipe leading to the sea. It was revealed that the factory sample underwent a scientific laboratory test in a developed country, confirming its presence of harmful elements for aquatic animals and humans.

Respondents emphasized the importance of enhancing the environment for people to enjoy their rights and the connection between human rights and the environment. The majority of respondents in the sand mining regions were unable to recognise the connections between environmental protection and human rights. Two out of five respondents disagreed with the notion that the environment is a requirement for exercising human rights. The respondent asserts that "Human rights exist because we are human and cannot be granted any other species." Human rights and environmental conservation are two separate and unrelated concepts. The environment is inhabited by humans, so preserving it is essential to preventing harm to them. Human rights and a healthy environment are guaranteed when environmental issues are resolved. Chinese fish-meal staff emphasize the interconnectedness of the environment and human rights, prioritizing human welfare and cultural heritage while acknowledging environmental depletion due to a lack of knowledge. Chinese operation in fish meal is accused of polluting areas and catching juvenile fish, violating international standards. Respondent processed fish and fish meal, buying from Senegalese and other nationals. The Gambia's efforts to maintain a clean environment and respect international standards are challenging due to the high cost of fish. Respondent suggests Gambia's government should locate sand mining sites far from residents, as children from the area play there and two died last year.

The research reveals that sand mining has destroyed the ecosystem of Gunjur, especially the women's garden, who are engaged in an informal sector for economic production. These miners have destroyed the areas. The engagement of women in gardening to support their families' needs—food, shelter, education, etc.—has stopped because the sand miners have destroyed the environment. The area is filled with water from the sea as a result of high tide. The rainy season is the worst; even accessing the beach is a problem. The eco-tourism has stopped because the tourists can no longer access the hotels and restaurants around the beach. There is only one access road to the area, but it is now encroached by the miners. The aquatic animals and other reptiles are harboured in the area, which makes it difficult for one to go to the area. One has to be cautious around the area because crocodiles' dwell in the area. Unfortunately, the children do go to the area to play, and some die there. Children's lives are no longer safe because it's within the environment, and the safety of the children is at stake.

However, the trees there fell for the extraction of sand, and other economic trees were cut down for the purpose of firewood collection. The trees are used for gaseous exchange. It helps in rainfall and anchors the soil firmly from soil erosion. This caused wind erosion, thereby making it environmentally unfriendly. This might seem good, but it is against the principles of human rights. Human beings have a right to a healthy environment and a right to life, but it has dampened the survival of humans in our environment. Two cases are recorded for the deaths of children caught by crocodiles in these sand mining areas. From Sanyang areas, stretches toward Gunjur area on the same belt have completely been mined, which makes it difficult to access the river.

Furthermore, the bilateral agreement between the Republic of The Gambia and the Chinese government on the establishment of a Chinese fishmeal factory has caused harm to the people of Gunjur. The factory is situated along the coast of Gunjur and is mainly engaged in fishing for the exportation of fish products abroad. The juvenile fish caught by them as a result of the nature of their nets have been disposed of at the seashore and thrown into the sea. The availability of fish consumed by the indigenous people compared to before is inadequate. Fish are now expensive in Gunjur and the Gambia in particular. The Chinese have controlled our fishing industry. The other fishermen from Senegal, Guinea, and other African countries have made an arrangements with the Chinese people for the buying of their fish. The Chinese offer good payment at the expense of the local people. One respondent confirmed that if a fish is sold for two hundred and fifty dalasi, the Chinese would pay for five hundred dalasi. This makes the fishermen sell their fish products to the Chinese people. They do have secret meetings for the selling of their fish to the Chinese Fishmeal Factory. The Chinese would even be giving them loans for the maintenance of their fishing net or other needs, which would be deducted from their money for any further transactions. The inadequate fish is insufficient as it goes against the UN Sustainable Development Goals.

In addition, the fishmeal generates a bad odour from the factory that disturbs the community of Gunjur, as the respondents claimed. One respondent said that the factory has a waste pipe that leads to the sea. The waste products from the factory are dumped into the sea, which contaminates our river bodies. This makes the killings of certain aquatic animals that could be virtually seen around the shores. This has created an uprising from the people of Gunjur who went to remove the waste pipe leading from the factory to the sea. Aggrieved inhabitants of Gunjur uprooted the pipe, which created chaos in the area. Some people in Gunjur were arrested by state security men, and the case was taken to Brikama Magistrate Court. The people of Gunjur won the case, and

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those arrested were acquitted and discharged. The people of Gunjur took a sample of the waste products of the fishmeal factory that were dumped into the sea and were taken to an advanced laboratory in Europe for scientific testing in the lab. The result from the test confirmed that it's not helpful for aquatic animals and humans. Some people who take baths in the seawater end up having skin rashes. The scientific evidence was taken to the Ministry of Fishery for proper advice to the government for the stoppage of activities of the Chinese factory in Gunjur.

The government claimed that the result was unrealistic and should not be considered for implementation. The Chinese are not even doing any social cooperative responsibility for the people of Gunjur. The construction of the road from the Fish Landing Site (FLS) to the highway, which was promised to be built by the Chinese as one of their social cooperative responsibilities, has never been realised. The worst of it is that even the rotten fish are processed and taken abroad. The people of Gunjur are left with bad odours regardless of their location. The factory could have been a great help to the people of Gunjur and the Gambians in general if it was used for the overall benefit of the Gambian people. Every product processed in the factory is sent to China, Europe, and other parts of the world. The products from the Chinese fishmeal are never sold to the Gambian market.

6. CONCLUSION

From 2012-2022, environmental protection and human rights issues in The Gambia pose significant threats to Gunjur's people, particularly children, posing significant threats to their well-being. The Rights-Based Approach (RBA) to the Right to a Healthy Environment (RHE) emphasizes the importance of meaningful participation in addressing environmental degradation and contestation in relation to human rights and development. It frames environmental degradation as a choice rather than a side effect of development, emphasizing the need for equal and globally shared benefits and burdens. The RBA to RHE promotes sustainable development and participatory democracy by framing environmental contestation as intricate debates about the equalisation of benefits and responsibilities. A deliberative agreement on issues of public policy can be reached through meaningful engagement. According to the RHE narrative developed in this thesis, the RHE is important and shouldn't be undervalued or replaced by other rights within the context of human rights. The RHE is significant because it experimentally applies environmental law and human rights concepts to achieve the long-awaited goals of equality, justice, and fairness within environmental bounds. According to the study, sustainable development depends on the creation of an Environmental Court to resolve environmental disputes, advance community access to justice, and increase public involvement in environmental protection (Jumas, Maskun, Wahid, A. Y., & Magassing, A. M. (2024).

7. RECOMMENDATIONS

1. The government of The Gambia should give precedence to international environmental laws when dealing with factories or companies that impact the ecosystem.
2. The Gambia government should relocate the sand miners to a separate area because the area where they mine sand is within the eco-tourist development area. Most people cannot access motels and restaurants in the area as a result of the ditches. These tourists contribute to the economic development of the country through foreign exchange.

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