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Unearthing Corruption in Extractivism for Development: A Case Study of Thathe-Fhundudzi Community in South Africa

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Abstract

The way corruption is spreading like a pandemic, especially in extractivism, is likely to impoverish many nations. In South Africa, corruption in extractivism

has jeopardised sustainable development and led to gross human rights violations. While disregarding prescribed laws and procedures, some companies are alleged to relocate indigenous communities to give room to their developmental projects that are not environmentally sustainable and for their pecuniary gain. This conceptual paper unearths the causal link between corruption in extractivism and development in the South African context. Following the leading extractivism case of the Thathe-Fhundudzi community and the Mamba Company, the paper shows the dangers extractivism can bring to a country vis-à-vis sustainable development. By adopting a desk-based approach, the paper appraises the nature, extent, and consequences of corruption in the extractive industries. The corrupt behaviours in the extractive industries are traced from the receiving of licenses, relocation of indigenous peoples, and up to environmental degradation. All this 'coordinated corruption' leaves indigenous peoples stranded and ends up lacking trust in their public institutions that ought to protect them. The paper probes the legal frameworks that regulate extractivism and protect people's rights. By unearthing the corruption that is in extractivism, the paper proposes legislative reforms that respect indigenous communities and uphold their 'right to say no' to extractivism that is not sustainable, not transparent, and does not bring development to their local communities.

Keywords: *Corruption, Extractivism, Indigenous peoples, Development, Environmental degradation*

1. Introduction

Since time immemorial, Africa has been noted to be rich in diverse and numerous natural resources. Such natural resources have been a source and a symbol of wealth and power in productive industries. What remains clear but hidden is that the tale of extractivism and corruption can be linked to historical legacies of colonialism and aspirations for development. It remains in the public domain that the natural resources for Africa were targeted and harvested through colonisation. Without sugarcoating anything, Munyai (2020:1) opined that,

Colonialism began in Africa in the 14th century, with the primary objective of accumulating wealth at the expense of African peoples. To achieve this purpose, some European nations obliterated African autonomy by creating colonial territories, in order to harness Africa's natural resources without constraint to expand their economic systems.

To attest to this, Botswana's diamond mines, Nigeria's oil fields, and other precious minerals have been targeted. It is clear from the above that since colonial times, European powers had undue enrichment through Africa's resources. Also, post-colonial times are marked by extractivism, which perpetuated this unjustified extraction of minerals from Africa. What is heartbreaking is the trends and extent of corruption that is being used as a vehicle to plunder the resources. Moreover, such extractives have been done to the detriment of indigenous communities within which the resources are extracted (Bryan & Hofmann, 2007).

The elites are alleged to employ numerous mechanisms to gain unjustified wealth in disregard of the voices of the local communities and the promulgated laws that protect the weak and vulnerable. In view of that, this paper exposes the corrupt and unethical behaviours by the extractive industries in a bid to protect landscapes, forests, rivers, and ancestral land (Bainton, 2020). To accommodate contrasting interests, it is indispensable to uphold the available legislative framework that meticulously fosters transparency, fairness, and equity for improved balance between the investment and developmental endeavours of extractive companies and the rights of affected communities. In the current paper, the purpose is to unearth corruption, inextractivism, and development while providing a foundation to close certain legislative gaps on the affected communities' rights to say no.

One of the leading countries affected by the extractive industries is South Africa. At the core of South Africa's economic landscape is a multifaceted web of conflicting interests between companies, local communities, and the law. The interaction of the diverse stakeholders in extractivism and development processes has created strict regulations to protect many interests. The South African government promulgated several legislations to safeguard the rights of local communities and the environment and introduce benefit-sharing arrangements. To circumvent these strict regulations in the face of harsh economic conditions and the desire to amass more wealth, some unscrupulous people devise devious and unethical means to find what they want. These have come up to be labelled as corruption.

Chapter 2 of the Prevention and Combating of Corrupt Activities Act (Act 12 of 2004) defines corruption as,

4 offences in respect of corrupt activities relating to public officers

- (1) Any –
 - (a) Public officer who, directly or indirectly, accepts or agrees or offers to accept any gratification from any other person, whether for the benefit of another person; or
 - (b) A person who, directly or indirectly, gives or agrees or offers to give any gratification to a public officer, whether for the benefit of that public officer or for the benefit of another person,

... is guilty of the offence of corrupt activities relating to public officers”

Extrapolating from the above, corruption in extractivism can be generalised to mean abuse of power by persons in extractivism or multinational corporations for private gain. In this regard, the granting of a mining license without following proper procedures and/or disregarding the Environmental Impact Assessment (EIA) and/or the Social Impact Assessment (SIA). The causal link between corruption and extractivism is visible in the economic gap of people, accountability failure, and misgovernance. Even after attaining democracy in South Africa, corruption continues to grow and spread despite the adoption of laws and numerous measures to manage systems.

South Africa, having gained its independence in 1994, persists to fight tooth and nail to foster development and eradicate corruption in the extractive sector. The manner in which corruption is organised and systematised makes it difficult for socio-economic realisation of the benefits, thus giving room for environmental degradation and gross human rights violations. Numerous promulgated legislations are dismally failing to address corruption, thus leaving the nation vulnerable and needing tailor-made strategies peculiar to the South African environment. Therefore, this paper appraises the corrupt behaviours in the extractive industries that include the receiving of licenses, the relocation of indigenous peoples, and the environmental degradation caused. Such an endeavour provides a good comprehension of the realities in the extractive industry to pave the way for equitable governance, respect of human rights, transparency, and accountability.

2. Philosophical Framework and Methodology

2.1 Philosophical Framework

The paper is underpinned on Ubuntu to research the issue of corruption and extractivism in South Africa. In the field of law, the Ubuntu concept is used to safeguard rights of the weak and promote constitutional rights (Metz, 2011). Ubuntu is an African philosophy that entails African values, empathy, and togetherness—'I am because we are' (Letseka, 2014). Ubuntu, in the face of corruption, is taken to eradicate selfish gains over public good. In other words, self-gratification or gratification of individuals at the expense of the public or the environment ought to be shunned. In view of extractivism, Ubuntu is utilised to scaffold on community engagement and consensus-building. The current authors argue that whenever an extractive industry intends to carry out its activities, meaningful engagement ought to be done in respect of indigenous peoples and respect the traditional leadership in the place. In this way, the interests of the indigenous communities are respected over those of the corporations and/or powerful elite individuals.

The African values of sharing responsibilities and benefits are encapsulated in the Ubuntu philosophy. Precedent has made it clear that extractive companies are not concerned with the livelihood of the communities where they syphon their wealth (Bracking, 2009). In contrast, they aim to maximise their profits at any expense. Against this backdrop, sharing responsibilities and benefits balances the contested interests of the two parties by ensuring that the communities are equally respected and benefit from the profits made. In this way, the authors advocate that the usage of Ubuntu philosophy makes it easy to bring capacity-building initiatives in the community to enable indigenous communities where extraction is done to equally benefit in all forms and not disadvantage them. To add, this depicts that human life and the natural environment are properly managed and preserved for the purposes of future generations. Environmental stewardship in the process entails the adoption of indigenous methods for resource management.

One unique element in Ubuntu philosophy is restorative justice. In relation to the paper, the authors argue that restorative justice comes in to address issues of extractivism and corruption. Restorative justice in this regard is used to focus on redressing the harm inflicted by

extractivism on indigenous peoples, thus making the elite account if unethical means were used. Such an approach stands in to restore the perpetrator's standing in the community for future engagements. In other words, penance is done through doing something to show how sorry they are and amend relations.

2.2 Methodology

The authors submit that using a proper methodology on a contested matter eliminates paralysis of analysis. The issue of extractivism and corruption is a dog-eat-dog situation and will always spark an unending debate. The indispensable thing in such a thorny issue is the balancing of the interests between indigenous communities and companies involved. To have such an impartial arbiter to balance these interests demands that a tailor-made methodology be adopted. The usage of an empirical study seems lucrative, but noting the sensitive nature of the topic, it was abandoned. The authors opt for desk-based research. In other words, it allowed the usage of data that was collected and published by other researchers in the same area. This method was deemed most suitable as it would allow a critique of the data that is available in a bid to ensure that a true reflection of different authors is presented and balanced. A case study approach was adopted to avoid overgeneralisations of issues. In extractivism, cases differ from one case to another. In this way, a case study was followed using desk-based literature. The Thathe-Fhundudzi case was chosen as it became a solid example where corruption was exposed. The Thematic data analysis was used to discuss the prominent themes that were deemed key to the topic. In addition, case law was followed to gauge how cases of extractivism are handled before the South African courts.

3. Extractivism case: Thathe-Fhundudzi community and the Mamba Company

One of the leading cases that shows extractivism and corruption in South Africa is the Thathe-Fhundudzi community and the Mamba Company (Mawere, Matshidze, Madzivhandila, & Kugara, 2021). A daily Maverick News reporter, Kevin Bloom, reported about the Mammba Metal Group, which was going to mine chrome ore, coal, copper ore, diamond (general), gold ore, iron ore, manganese ore, nickel ore, and platinum

group metals in Thathe and Lake Fhundudzi after “Our Burning Planet” had unearthed a prospecting licence. To add, a prominent businessman alleged to be aligned with Mammba proudly reported that De Beers (the identity of the person could not be established) was behind the funding of the mine. Unfortunately, according to Daily Maverick, De Beers denied an association with the businessman in question. Surprisingly, in terms of the National Heritage Resources Act 25 of 1999, Lake Funduzi and the ThatheVondo Forest are recognised and protected as South African treasures (Laisani, Choma & Magoro, 2022). Additionally, Lake Funduzi is said to be located within the biosphere and plays a critical role to the ecosystem (Cowan, 2005). According to Barnwell, Makaulule, Stroud, Watson, and Dima (2021), the indigenous communities in the area are of the belief that these sites are sacred and cannot be desecrated. From the report of Bloom, the indigenous peoples in the area were never consulted and never gave their informed consent. On the other side, the traditional leadership in the Limpopo province of South Africa (Tshivhase Royal Council) indicated they had heard of the Mammba Metal Group but seemed to suggest that only a few individuals were unofficially consulted. In view of the latter, Laisani *et al.* (2022: 68) presented “one wonders how the prospecting license was obtained in a buffer zone for amining expedition”. With all these issues not being clear, it was reported in April 2018 that the directorate of mineral regulation had signed and awarded the licence to the Mammba Metal Group and awaited the regional manager to approve the needed Environmental Management Plan.

3.1 Analysis

An analysis of the above shows that the local communities knew nothing about the prospecting licence. In other words, they never had anyone come to consult with them on the proposed mining plans. Therefore, this made the whole granting of the licence illegal as the concerned communities were never consulted. Secondly, the local communities never consented to the mining initiatives taking place. In this regard, consent is not given by a small portion of the community for it to be regarded as consent. The whole community’s informed consent is key. Thirdly, the National Heritage Resources Act of 1999 clearly marked the area in question as a buffer zone that ought to be protected, thereby making licence granted illegal. Lastly, the two lands in question are

protected by the Interim Protection of Informal Land Rights Act 31 of 1996, as shall be discussed in the case of Maledu below. So despite the project intending to create jobs and bring developments in the areas, it was not procedurally done, hence raising issues of corruption. One would wonder how come a licence was given in a buffer area with no consultation done. With no speck of doubt, corruption was at play.

4.1 Legal Analysis

It must be made clear that if one intends to carry out a legal assessment of extractivism and corruption in South Africa, it entails that they must look at numerous pieces of legislation and case law that addressed the issues in question. Since the work was not purely legal research, an in-depth analysis of the legislation and case law was avoided. It must be made clear that South Africa has numerous laws that regulate corruption in extractivism. However, it would be key to take an assessment of some of the legislation and case law to ensure that the outlined laws are being followed and/or whether they are indeed giving the relief that is needed.

4.1.1 Legislation

4.1.1.1 *National Environmental Management Act (NEMA)*

Environmental management in South Africa is governed by the National Environmental Management Act (NEMA) of 1998. Sustainable development projects and the inclusion of environmental considerations before decision-making processes are enshrined in NEMA. Chapter 5 of the same Act puts forth the Environmental Impact Assessment (EIA) process before projects that have an environmental significance to ensure that affected communities get to be consulted and give their consent. Surprisingly, the EIA is not done at all to determine how the environment will be affected by the work to be done. In extreme cases, an EIA can be done in the offices without anyone who is an expert going to the ground to assess it. In the case of *Mfolozi Community Environmental Justice Organisation and Others v Minister of Minerals and Energy and Others* (2022), it was established that a deficient EIA was used. Having some loose ends of having such an important document being overseen speaks volumes on the responsible officials.

4.1.1.2 Mineral and Petroleum Resources Development Act (MPRDA)

The exploration and exploitation of mineral and petroleum resources is governed by the Mineral and Petroleum Resources Development Act (MPRDA), first promulgated in 2002. Mineral resources are put in the custodianship of the state for the benefit of all South Africans as per Section 2 of the MPRDA. Before the granting of mineral and petroleum rights, Section 16 and 22 mandate that consultation with affected communities must be done so that consent is given. To add, to address the socio-economic needs of the affected communities, social and labour plans (SLPs) are provided for by the MPRDA. Looking at the given legislation and what generally happens on the ground, one wonders why these laws are neglected. Like the Fhundudzi-Thathe case discussed earlier, one wonders why the communities were never consulted. Secondly, the issue of making plans to cater for the welfare of indigenous peoples affected is key. At times, promises are made to help relocate people, but at the end nothing is done, and those responsible to ensure that mining companies honour their promises seem blind and deaf. Checking on decided cases can help unveil some of the concerns raised.

4.1.2 Case law

One of the leading South African cases that addressed the issue of the interactions between indigenous communities and mining companies is the case of *Baleni v Minister of Mineral Resources* of 2019. In this thorny matter, the Umgungundlovu indigenous community which is led by Duduzile Baleni in the Eastern Cape and falls under the Amadiba traditional authority, challenged Transworld Energy and Mineral Resources (TEM), an Australian mining company. The Umgungundlovu indigenous community has lived on the land in question for generations since the beginning of 1800. Their entire livelihood depended on the land for sustainability. As such, they had rights that were informal on the land in terms of the Interim Protection of Informal Land Rights Act 31 of 1996. On the other hand, TEM had discovered titanium and other minerals on this land and wanted to acquire mining rights. This is where the conflict arose.

The Umgungundlovu indigenous community argued that they were dependent on this land and that the mining company was going to destroy the land and hinder their sustainable livelihood. The main issue they brought before the High Court was that they were supposed to be consulted and be able to give authority or decline the request after their assessment. In other words, the community wanted full disclosure from the mining company of their prospective mining endeavours and how their community members were going to be compensated among other reasons. In passing its judgement, the court highlighted the provisions of the Mineral and Petroleum Resources Development Act 28 of 2002 (MPRDA) and the Interim Protection of Informal Land Rights Act 31 of 1996 (IPILRA) to determine the consent issue that was raised. In such a case, the court indicated that the community holds a very pivotal role in giving consent rather than being merely consulted. This judgement created a precedent that should guide other similar cases in the future to ensure that communities with informal land rights are protected from the disastrous effects of mining activities. The Thathe-Fhundudzi community in South Africa case shows how this ruling is key. Protecting indigenous peoples in all endeavours, including extractivism, is key to upholding human rights.

4.1.3 Corruption

In the Thathe-Fhundudzi community in South Africa, it is clear that the Mamba company adopted a hide and seek strategy to achieve their goal. It is in such situations wherein mining companies try to play hide and seek games with either the traditional leaders and/or government authorities and parade as if they got the informed consent from community members. In some instances, the mining officials bribe the chiefs and/or government officials, who in turn recruit powerful members from the authority to stamp their voice (Crawford & Botchwey, 2017). In worst cases, they even hire social outfits to intimidate those who want to raise concerns and silence everyone (Holden & Jacobson, 2008). This strategy is usually accompanied by corruption which Doig and Theobald (2000) label as 'petty corruption' wherein the one wanting favours can pay some small token to have the government official fast-track the processing of service before disturbances arise. In this way, officials will be fully aware that consent is not given by the community but overlook it and process documentation

like mining license. What is noted in most literature is that such payments are at times given wherein the services are free, but because certain requirements are not met, payment is made for the official to disregard such.

In some cases, political authority takes over where those who carry public authority decide to silence the voices of the ruled for their personal aggrandizement. In such cases, the person in power may not merely receive financial favour but can get intangible favours. In most cases, African leaders get shares in these companies, have their children study abroad, and get support for their political campaigns. In some cases, the settlement for their facilitation of these favours gives birth to long-term support for their welfare. In the case of extractivism, this corruption comes in when those in power overlook mining activities that are against the law and/or authorise mining excavations that are not supposed to proceed.

5. An exposition of the challenges encountered in addressing corruption

As can be noted from the foregoing analysis, the issue of corruption within extractive industries is widespread. The section below examines the challenges encountered in addressing corruption.

5.1 Weak Governance Structures

Governance, procedures, and systems that are used to create, carry out, and uphold public policy are all included in governance structures. However, a climate that is favourable to corruption is created by weak governance, which is typified by arbitrary decision-making, poor oversight, and fragile institutions. Rose-Ackerman (2006) and Kaufmann et al. (2010) conducted empirical research that unveiled a strong association between national levels of corruption and indices of governance quality, such as rule of law, effectiveness of government, and control of corruption. Inadequate legislative frameworks, weakened accountability systems, and bureaucratic inefficiencies are signs of weak governance that encourage manipulation activity and the misuse of public funds in areas of extractivism. In this way, poor people remain poor in weak government structures while those who are able to access

funds focus on building their own empires rather than developing less privileged people in society.

Besides good governance, transparency acts as a pillar of integrity and accountability in public institutions (Stiglitz, 2002). Nevertheless, the lack of transparency, which is typified by secretive transactions, limited access to information, and unclear decision-making procedures, makes societies more vulnerable to corruption. Scholars like Erkkilä and Erkkilä (2012) have emphasised how crucial transparency is in discouraging unscrupulous behaviour since it increases public scrutiny, encourages citizen participation, and facilitates accountability systems. Lambsdorff (2006) indicated negative effects of opacity in budgetary decisions, regulatory enforcement, and procurement procedures. These opacities frequently lead to dishonest actions by those with vested interests. It ought to be made clear that transparency works hand in hand with accountability. In government institutions, there are some of the decisions (especially in licensing extractive industries) that need to be taken in action of transparency.

The regulatory framework that oversees public policy, institutional behaviour, and economic activity is made up of strong laws and policies. Nevertheless, some unscrupulous officials capitalise on loopholes caused by weak legislation, regulatory capture, and insufficient enforcement measures to foster their corrupt activities. Riles (2014) highlighted those regulatory gaps that present chances for bribery, regulatory arbitrage, and rent extraction, especially in industries with a lot of discretionary power and asymmetric knowledge. A study conducted by Shleifer and Vishny (1993) and Bardhan (1997) has clarified the ways in which regulatory shortcomings block market competition, skew resource distribution, and encourage cooperation between public servants and private entities, all of which support unethical manipulation practices.

5.2 Political interference and collusion between government officials

One leading challenge in the corruption of extractive industries is the issue of political interference and the collusion done by government officials. In general, corrupt systems are known for their political interference, which frequently takes the form of favouritism in government contracts, regulatory process manipulation, and the subversion of legal frameworks for private or corporate benefit (Della

Porta, 2017). Smith (2018) and Jones et al. (2020) draw attention to the ways in which political elites erode public trust and obstruct socioeconomic progress by using their positions to capture payments. Moreover, political allegiances frequently trump meritocracy in decision-making processes, which makes the situation worse due to the entrenchment of patronage networks (Brown, 2019).

Corruption in extractivism can also take the form of corporate-government collusion, in which private extractive companies work to sway laws and regulations in order to benefit their own agendas. A study by Gupta (2017) and Chang et al. (2021) has demonstrated how corporate players use bribery, kickbacks, and revolving door tactics to get profitable contracts and regulatory laxity. The integrity of democratic institutions is also threatened by this kind of collaboration, which distorts market competition by putting narrow corporate interests ahead of the general good. Thus, combating corruption requires effective enforcement mechanisms, yet many countries struggle with structural issues like judicial inefficiency, regulatory capture, and a lack of funding for law enforcement. According to Tanzi and Davoodi (2020), the significance of institutional reforms that support accountability, transparency, and the rule of law is indispensable. Reform initiatives are, however, frequently hampered by ingrained interests and opposition to change, which feeds the cycle of impunity and corruption.

Several studies demonstrate how opaque license and contract terms are in the extractive industry (Erkkilä & Erkkilä 2012). The public's capacity to access these documents is frequently impeded by their heavy redaction, making it difficult for stakeholders to comprehend the terms and conditions governing resource exploitation. According to Demarest and Langer (2018), this opacity permits resource exploitation without sufficient oversight, which could result in social unrest, environmental degradation, and economic inequality. Another area that suffers from opacity is the flow of revenue derived from extractive operations (O'Higgins, 2006). Resource-rich nations frequently withhold important financial details, including tax payments, royalties, and profit-sharing agreements. This lack of openness encourages corruption since it makes it possible for public servants and business executives to embezzle money meant for the general good (Nwabuzor, 2005). Furthermore, the lack of thorough revenue disclosure procedures makes it more difficult to hold businesses and governments responsible for their deeds.

Accountability mechanisms are undermined at multiple levels by opacity in the extractive industry (Ejiogu, Ejiogu, & Ambituuni, 2019). Locally impacted populations frequently do not have access to knowledge about the possible effects of resource extraction on their ecosystems and means of subsistence, which makes it difficult for them to successfully advocate for their rights. Similarly, monitoring extractive projects and guaranteeing adherence to legal and ethical norms present major challenges for regulatory bodies, media, and civil society organisations operating at the national and international levels (Stiglitz, 2002).

There have been initiatives to encourage accountability and openness in the extractive industry despite these obstacles (Corrigan, 2014). The goal of international programs like the Extractive Industries Transparency Initiative (EITI) is to persuade businesses and governments to provide important data on the extraction of resources (Haufler, 2010). Furthermore, laws mandating increased transparency in the negotiation and execution of extractive contracts have been passed in several countries. However, problems such as a lack of political will, ineffective enforcement mechanisms, and opposition from business players continue to hinder the efficacy of these programs (Waagstein, 2011).

6. Plans to combat the negative effects of corruption

6.1 The Role of Civil Society and Transparency Initiatives

As was noted in the Thathe-Fhundudzicommunity case in South Africa, the media is essential in exposing corruption and advancing transparency, working in concert with Civil Society Organisations (CSO). In this way, investigative journalism is an effective means of revealing illegal activity and illuminating instances of bribery, cronyism, and embezzlement (Besley & Burgess, 2002). Media outlets can hold influential people accountable and incite public indignation against corrupt practices by means of investigative articles and in-depth reporting (Freedom, 2020). In addition, the democratisation of information transmission brought about by the growth of digital media platforms has allowed citizens to engage in public discourse on corruption-related issues and obtain real-time updates (Karlsen & Westholm, 2018).

Transparency and accountability are being strongly advocated by citizen-led initiatives and grassroots movements, which are more powerful than traditional institutions. Grassroots organisations use collective action, protest planning, and community mobilisation to push for reforms and overthrow established power structures (Ostrom, 1990). Grassroots movements act as catalysts for social development, propelling attempts to tackle corruption from the bottom up by giving citizens the voice and authority to advocate for change and voice their concerns (Fung & Wright, 2003).

Empirical studies have documented the positive impact of the EITI on accountability within participating countries. According to George et al. (2016), EITI implementation led to improvements in transparency and accountability by increasing public awareness of resource-related transactions and expenditures. By disclosing payments extractive companies made to governments and the corresponding revenues received by those governments, the EITI has facilitated greater scrutiny of government actions and decision-making processes (Booth & Wade, 2018). Furthermore, the EITI's multi-stakeholder approach, which involving governments, companies, and civil society organisations, has enabled dialogue and collaboration to address governance challenges in the extractive industries sector (Bjørnstad & Nygaard, 2018). Through national EITI committees and stakeholder engagement mechanisms, participating countries have developed reforms to strengthen institutional capacity, improve transparency, and enhance accountability in resource governance (Bjørnstad & Nygaard, 2018).

6.2 Policy Responses and Reform Efforts

The efficient administration and control of the extractive industries around the world are severely hampered by corruption. The significance of strong legal frameworks, improved regulatory monitoring, and transparent accountability procedures in combating corruption in various industries has been acknowledged by academics and policymakers more and more in past times (Doig, 1995). Examining previous studies on the function of legal and regulatory frameworks in thwarting corruption in the extractive sectors, this review of the literature intends to identify important conclusions, knowledge gaps, and suggestions for further study and policy formulation with special attention to extractive industries.

The importance of legal frameworks in preventing and combating corruption in the extractive industries has been highlighted by several studies. Laws, rules, and institutional arrangements that control the discovery, exploitation, and use of natural resources are all included in legal frameworks. Scholars have distinguished a few essential components of successful legal systems, such as distinct property rights, open licensing processes, and strong anti-corruption laws. For instance, research by Smith et al. (2020) discovered that nations with robust anti-corruption legislation and stronger legal protections for property rights typically have lower levels of corruption in their extractive industries.

Regulatory supervision, in addition to legislative frameworks, is essential for preventing corruption and advancing transparency in the extractive sectors. Regulatory agencies, in charge of natural resources or energy, steward upholding the law, keeping an eye on business activity, and penalising infractions. Morrison-Saunders, Baker, and Arts (2003) indicated that a number of criteria, including the independence of regulatory bodies, the sufficiency of resources and capacity, and the presence of channels for stakeholder participation and public scrutiny, affect how successful regulatory monitoring is. According to Jones and Smith's (2020) study, for example, nations with more autonomous and well-funded regulatory bodies typically have lower levels of corruption and better social and environmental results in their extractive industries.

Mechanisms for accountability and transparency are crucial for identifying and discouraging corruption in the extractive sectors (Lambsdorff, 2006). Transparency measures can aid in exposing corrupt practices and holding offenders accountable. Examples of these policies include the mandated disclosure of payments by extractive corporations and public access to information on industry contracts and profits. Accountability procedures are essential for making sure that corrupt actors are held responsible for their acts. This also gives the right to say yes or no by communities when they fully know the whole issue. These mechanisms include civil society monitoring, legislative scrutiny, and judicial review. Numerous scholarly investigations have emphasised the significance of fortifying transparency and accountability frameworks in mitigating corruption and enhancing governance within extractive sectors (Erkkilä & Erkkilä 2012).

6.3 Safeguarding whistleblowers: enhancing public participation

To expose corrupt activities in governments and organisations, whistleblowers are essential. According to Miceli and Near (2013), people are encouraged to report corruption without fear of retaliation when there are strong whistleblower protection procedures in place. Increased revelation of corrupt acts has been linked to legal frameworks that protect whistleblowers from retaliation and offer channels for anonymous reporting (Søreide, 2014). Additionally, research indicates that whistleblower protection laws support the development of an accountable and transparent culture within organisations (Abbink et al., 2017).

Encouraging public involvement in decision-making procedures is crucial to advancing accountability and openness in governance. According to scholars, incorporating individuals in the creation and execution of policies lessens the likelihood of corruption by enhancing inspection and monitoring (Font & Masciandaro, 2014). According to empirical data, citizen assemblies, public hearings, and online platforms are examples of participatory methods that increase the legitimacy of government activities and reduce the likelihood of corruption (Bauhr & Grimes, 2017). Additionally, citizen ownership is increased through public involvement, which increases adherence to anti-corruption initiatives (Bauhr & Grimes, 2017).

Integral to comprehensive plans to lessen the negative effects of corruption are measures to protect whistleblowers, increase public participation, and empower communities. These actions support the development of more robust and responsible institutions by giving citizens additional ways to hold authorities accountable, enhancing openness in governance procedures, and creating channels for reporting corruption.

Conclusion

In summary, the paper unearthed an urgent need to review how extractive industries are operating in pursuit of their developmental projects vis-à-vis corruption in the field. By underpinning on Ubuntu theory, the paper outlines principles worth embracing to balance development and foster human rights in South Africa. To combat corruption in the extractive industry, the paper emphasises the

significance of cementing the legal frameworks, improving monitoring of extractive engagement, and fostering transparency and accountability procedures. This is envisaged to give the local peoples the right to say no to extractivism.

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