

#. Gold Extractivism - Sudan



The inhabitants of Sawarda village in north Sudan demonstrate against the gold cyanidation site in the area. Source: Mohamed Salah, April 2017

Country of victims: Sudan

Signature: Conflict occupation and war (COW), corruption, right to health and environment

Obligations: to respect, protect and, fulfil, the right to land; Free, Prior and Informed Consent; for the indigenous people rights; right to environment

States breached their ETO: Russia- UAE- China - Turkey & (Sudan)

Description:

Background

After the Sudanese government lost the big share of the oil revenues as result of the independence of South Sudan, the Omar al-Bashir regime became very dependent on gold extraction as a main resource for the state budget. Since 2017, Sudan's gold production reached 105 tons per year, but this significant production has not improved, or developed the Sudanese economy, due to the mismanagement and corruption, as a substantial percentage of gold mining activities is controlled by warlords.

The Rapid Support Forces (RSF), in particular, has deep stakes in gold mining. It has recently displaced the National Intelligence and Security Services/General Intelligence Service

(NISS/GIS) as the major security actor in the industry. This has given it enormous influence and elevated its leader, Mohamed Hamdan Daglo 'Hemedti', close to the pinnacle of political power. Summary about the violations that took place:

- 50 to 80% of Sudanese gold is smuggled abroad, and United Arab Emirates (UAE) is, by far, the largest importer of Sudanese gold. Global trade data from 2018 show the UAE imported 99% of Sudan's gold exports. In 2012 alone, it was estimated that about 57 tons of Sudanese gold have been received without conducting proper due diligence as to whether it had come from a conflict zone.
- For Russian companies, Meroe Gold, a mining company on the UN sanctions list, is still active in Sudan, and has deep ties to Sudan's security forces. Also, the Russian company, Siberian Golden Stone, went unpunished for breaching an investment contract in which it promised to pay a US\$5 billion investment guarantee for the period from 2015–2019. The private military company, Wagner, protects the gold deposits exploited under name of company called (Meroe Gold Co. Ltd). Russian troops have been spotted in Umm Dafug locality, South Darfur state. The mine is located in a small valley in which several thousand residents live without access to hospitals, schools or properly maintained roads. What was little farmland there today is used mainly for the extraction of minerals. In April 2018, the workers gathered at the site October, 400 km north of Khartoum, to protest the government October 2017 contract allocating mineral rights to the Russian company. The Russian mercenaries involved in fired the protesters and killed one and injured 2 persons.
- For Turkey and China, they have concession contracts for gold mining in collaboration with the warlords who dominate gold production.
- The mercury and cyanide used to extract gold from the ore is highly toxic and lethal substance that affects the human body by preventing the transfer of oxygen from the blood to the rest of the body. The companies dispose of these wastes directly into the valleys and streams, polluting the surrounding environment (land soil and water resources)..

Lessons learnt:

No peace and security can be sustained without respecting, protecting and fulfilling Indigenous Peoples' right to self-determination and control over their land and natural resources, for their own economic benefit.

Jurisdiction:

The Sudanese judicial system lacks the integrity, capacity and resources to enforce laws or regulatory reforms, as it is subject to political interference.

The International Criminal Court (ICC) should be more engaged to investigate and prosecute gross human rights violations in Sudan also by third parties such as forcing local communities to leave their lands and homes for gold mining in collaboration with Sudanese warlords.

Strategies:

Additionally to the activities of the international human rights organisations, for monitoring and advocating for the international responsibility, against such gross violations in Sudan. The Sudanese organisations should receive more support and building their capacity to records the damage and losses that external actors (state or non-state) caused by to hold their responsibilities in providing effective remedies for the victims.

The state institutions should uphold their human rights obligations and sustainable-development commitments to carry out the necessary reforms, and consider the CSOs as main partner in the implementation the transitional justice strategy enshrined in the Comprehensive Peace Agreement, which includes reclaiming public assets taken by the former regime.

State responsibility

Remedies:

Domestic jurisdiction: judiciary system reform, building the capacity of the judges with adequate training to address illicit financial flows and the lack of transparency in the regulatory system.

State-to-state claims: Reconsider the concession contracts for the mining sector

Foreign jurisdiction: -----

International jurisdiction: The ICC should be more engaged to consider the gross human rights violations by the third parties.

Universal jurisdiction: UN organisations should mobilize and advocate international responsibility to build the state institutions and guarantee public participation of the people (CSOs and other civil entities) in building the peace process.

All states should consider implementing their ETOs and related recommendations of the UN experts investigating the gold trade in Darfur.

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