

148: Resolution on the Establishment of a Working Group on Extractive Industries, Environment and Human Rights Violations in Africa

The African Commission on Human and Peoples' Rights (the African Commission), meeting at its 46th Ordinary Session held in Banjul, The Gambia from 11th to 25th November 2009:

Recalling all relevant regional and international human rights instruments and, specifically Articles 21 and 24 of the African Charter on Human and Peoples' Rights, on the right of all peoples to freely dispose of their wealth and natural resources and to a general satisfactory environment favorable to their development;

Recalling the unconditional responsibility of States Parties to prevent all forms of violations of human and peoples' rights including the violations of human and peoples' rights by Non-State Actors;

Bearing in mind the 2003 report of the African Commission's Working Group of Experts on Indigenous Populations/Communities and specifically the findings on the various violations of the rights of indigenous populations/communities;

Deeply concerned by human rights violations by non-state actors in particular the sector of extractive industries, including mining, oil, gas, and timber extraction;

Concerned by the increasing rate of the destruction of the African environment and ecosystem by extractive industrial activities with impunity;

Convinced of the necessity of an improved protection of human rights through development of jurisprudence on holding non-state actors accountable for human rights violation in Africa;

Having authorized and considered a report on the preliminary study on: The Role of Non-State Actors in the Violation of Human and Peoples' Rights in Africa: The Quest for a New Paradigm;

Having considered also a review of international law and jurisprudence on the violations of the rights of indigenous peoples by transnational and other business enterprises;

Decides to establish a Working Group on Extractive Industries and Human Rights Abuse in Africa with the following mandate:

- Examine the impact of extractive industries in Africa within the context of the African Charter on Human and Peoples' Rights;
- Research the specific issues pertaining to the right of all peoples to freely dispose of their wealth and natural resources and to a general satisfactory environment favorable to their development;
- Undertake research on the violations of human and peoples' rights by non-state actors in Africa;
- Request, gather, receive and exchange information and materials from all relevant sources, including Governments, communities and organizations, on violations of human and peoples' rights by non-state actors in Africa;
- To inform the African Commission on the possible liability of non-state actors for human and peoples' rights violations under its protective mandate;

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- Formulate recommendations and proposals on appropriate measures and activities for the prevention and reparation of violations of human and peoples' rights by extractive industries in Africa;
 - Collaborate with interested donors institutions and NGOs, to raise funds for the Working Group's activities;
 - Prepare a comprehensive report to be presented to the African Commission by November 2011;
- Appoints** Commissioner Mumba Malila as the Chairperson and Commissioner Soyata Maiga as member of the Working Group for an initial period of two years.

Done in Banjul, The Gambia, 25 November 2009.