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Agenda Item 6(iii): Activity report of the chairperson of the Working Group on Extractive Industries, Environment and Human Rights Violations

Honourable Chairperson,

Amnesty International welcomes this opportunity to address the African Commission on Human and Peoples' Rights (African Commission) following the presentation of the inter-session activity report of the Chairperson of the Working Group on Extractive Industries, Environment, and Human Rights Violations.

Amnesty International is concerned that people across the continent may become collateral damage from actions taken by State and Non-State actors to tackle the climate crisis. Here are two examples of forced evictions related to energy transition in mining and conservation initiatives that highlight this form of collateral damage.

The climate crisis requires the world to take drastic actions, to move away from fossil fuels and turn to less-polluting renewable energy sources. More than 60 percent of the cobalt, a key component in producing rechargeable batteries found in electric vehicles and other electronics and is important to renewable energy technology, is deposited in Africa.

Amnesty International has documented human rights violations as the result of the extraction of cobalt and copper in Lualaba province, in the Democratic Republic of Congo. Our findings, confirmed by satellite imagery, suggest entire communities are forcibly evicted from their homes and farmlands to give way to the expansion of industrial mines extracting copper and cobalt amidst increasing global demands driven by the energy transition. Victims, community leaders, and human rights defenders denounce minimal or no consultation and a lack of adequate access to information prior to evictions, in some cases a lack of prior notice, inadequate valuation and compensations, lack of effective remedies, and excessive use of force. Amnesty International interviewed communities who were resettled by multinational companies, and observed families lack access to clean water, electricity, and social infrastructures such as affordable schools, or health centers.

While it is important for States to take action to safeguard our biodiversity and contribute to mitigating the climate crisis, we are concerned that some solutions are designed and implemented in a manner that does not take into consideration the communities' interests and that is not human rights compliant.

More than 70,000 Indigenous Maasai people are at risk of being evicted from their ancestral grazing lands to make way for a hunting tourism initiative on a lease, granted to a company of the



United Arab Emirates in the town of Loliondo, in Arusha, Tanzania. People are being evicted from their communal land despite a pending case at the East Africa Court of Justice.

Through Resolution 489 on the Recognition and Protection of the Right of Participation, Governance and Use of Natural Resources by Indigenous and Local Populations in Africa, and Resolution 231 on the Right to Adequate Housing and Protection from Forced Eviction, as well as the Guidelines and Principles on Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights, this august Commission established normative standards to guide State Parties to the Charter to prevent the abuses and violations we have documented and highlighted above. These cases illustrate an increasingly dire situation and the failure of States to respect their human rights obligations under the Charter and implement the Commission's guidelines.

States are sacrificing the dignity, human rights, and well-being of entire communities in the name of development and policies supposed to respond to the climate crisis. There is no doubt that our communities and populations need and deserve sustainable development. We recognize that States can position themselves as "solution country" to mitigate the climate crisis, but not at cost of our humanity and to the profit of multinational companies.

Amnesty International calls on the Commission to conduct a study on forced evictions in conservation and mining settings to further strengthen the regional legal framework to protect the population from unethical development, conservation, and climate change mitigation initiatives that lead to gross human rights violations and abuses. In searching for climate solutions, let's not look back on this time with regret. Human rights and Indigenous knowledge must be at the heart of climate solutions.

We call on the Commission to urge State parties to the Charter to:

1. End all forms of forced evictions in conservation and mining settings as recommended by Resolution 231.
2. Adopt a moratorium on all evictions until adequate safeguards are put in place to ensure that all evictions comply with international human rights standards.
3. Ensure that where evictions are inevitable, there are adequate safeguards in line with regional and international standards, including the UN Basic Principles and Guidelines on Development-based Evictions and Displacement, and comply with international human rights standards. These standards must include a mandatory inclusive and comprehensive consultation process including prior notice and access to information, provisions creating avenues for evictees to challenge evictions, guaranteed, providing adequate compensations based on a valuation done by an independent body, and access to effective remedies.
4. Ensure that prior to any eviction, companies, and authorities establish basic infrastructures such as schools, health centers, water, and electricity, effective public



transport systems, and any other basic services agreed upon through consultations with individuals and communities affected, are in place.

5. Ensure that evictions are only carried out in full compliance with international human rights law, as a last resort and after all other feasible alternatives to eviction have been explored in genuine consultation with all affected people.
6. Investigate, and prosecute those responsible for human rights violations and abuses, including security forces, and companies involved in forced evictions in conservation and mining settings.