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**ORAL STATEMENT**

**81st Ordinary Session of the African Commission on Human and Peoples' Rights  
17 Oct – 6 Nov 2024**

**Agenda Item 5(xii): Activity Report of the Chairperson of the Working Group on Extractive Industries,  
Environment and Human Rights Violations in Africa**

Honourable Chairperson,

Companies have a responsibility to respect all human rights wherever they operate, whichever sector they operate in, and regardless of their nationality or size. This is a widely recognised standard of expected conduct as set out in international business and human rights frameworks. The responsibility of companies to respect human rights is independent of a state's own human rights responsibilities and exists over and above compliance with national laws and regulations protecting human rights.

In this statement, we emphasize that despite efforts to legislate and establish appropriate structures, national authorities and companies in the Republic of Congo continue to face challenges in fully respecting international and regional human rights standards in the exploitation and management of the country's natural resources.

In the shadow of industries that generate wealth for Congo, communities suffer environmental, economic and social rights violations. Oil is the main source of revenue for Congo, constituting 68% of the country's exports. Oil companies, including TotalEnergies EP Congo and Wing Wah Exploration and Production, have been responsible for multiple spills of crude oil into water sources such as the Loémé river and the Loubi lagoon. The spills have caused a shortage of fish and residents of affected villages have reportedly suffered from health problems, particularly diarrhoea, when they eat fish from these water sources. There is no public information on human rights impact assessments eventually made sometimes years after the incidents.

Similarly, a group of residents of Vindoulou, a neighbourhood on the outskirts of the economic capital Pointe-Noire, has been complaining for years about the smoke coming out of the Metssa Congo factory. They say that the smoke affects their health. Metssa Congo, a subsidiary of the Indian group Metssa, operates a plant that recycles lead-acid batteries to produce lead bars for export. The factory is in the middle of a residential area and 50m from a school attended by about 500 children. Lead blood tests conducted twice in 2023 on a sample of 18 individuals, including nine children, revealed alarming lead levels in their blood, exceeding the World Health Organization's alert thresholds, thereby confirming serious lead contamination.

We would like to take this opportunity to commend the prompt response of the Congolese authorities regarding the Metssa case. Indeed, last June, few weeks after Amnesty International released a report on these cases, the Ministry of environment suspended the company's activities. In August, an investigative commission was established, and it is currently working to assess the health impact on the local populations and the modalities for relocating the company to an industrial zone. The findings of the investigation have not yet been made public.



In conclusion, despite a strong legislation on environmental issues, the authorities in Congo have rarely been proactive in assessing the potential human rights impact of companies' activities. When incidents such as oil spills occur, authorities have also often failed to effectively identify the potential human rights impact and to ensure that the responsible companies fully repair the damage caused, compensate those affected, and take effective measures to prevent further incidents

Amnesty International calls on the African Commission to urge Congolese authorities to:

- Ensure businesses act responsibly and comply with their environmental and human rights obligations;
- Carry out regular and make public environmental impact assessments, in accordance with the country's 1991 law on the protection of the environment;
- Ensure all companies fully repair environmental damage linked to their activities and compensate victims in line with the Congolese law.
- Make the investigation report into Metssa recycling plant public and, depending on its findings, ensure that effective remedies are provided to those harmed by Metssa Congo's operations in Vindoulou, and the relocalisation of the plant in an industrial zone.