

Resolution on the Renewal of the Mandate and Reconstitution of the Working Group on Extractive Industries, Environment and Human Rights Violations in Africa - ACHPR/Res.539 (LXXIII) 2022

Dec 12, 2022

The African Commission on Human and Peoples' Rights (the Commission), meeting at its 73rd Ordinary Session, held from 20 October to 9 November 2022, in Banjul, The Gambia:

Recalling its mandate to promote and protect human and peoples' rights in Africa under the African Charter on Human and Peoples' Rights (African Charter);

Aware that in the exercise of its mandate, the Commission has established various mechanisms for the promotion and protection of human and peoples' rights in Africa;

Bearing in mind specifically Articles 21 and 24 of the African Charter, on the right of all peoples to freely dispose of their wealth and natural resources, and to a generally satisfactory environment favorable to their development;

Recalling and Reaffirming its previous Resolutions on the need for an improved protection of human rights and the environment, especially through improving the regulatory framework for the activities of the extractive industries, developing effective continental mechanisms for monitoring the human rights impact of the activities of the extractive industries and the development of jurisprudence on holding non-state actors accountable for human rights violations in Africa;

Recalling in particular, Resolution ACHPR/Res. 148(XLVI) 2009, establishing the Working Group on Extractive Industries, Environment and Human Rights Violations in Africa (the Working Group);

Recalling further Resolutions by which the Commission tasked the Working Group with additional responsibilities, including: ACHPR/Res.236 (LIII) 2013 and ACHPR/Res.271 (LV) 2014, mandating the Working Group to conduct respectively, studies on the impact of Illicit Flight of Capital from Africa on human rights and the impact of Climate Change on human rights, which studies are still ongoing; as well as Resolution ACHPR/Res. 364(LIX) 2016 on Developing Reporting Guidelines with Respect to the Extractive Industries;

Also Recalling Resolutions on the renewals of the mandate and the reconstitution of the Working Group, namely ACHPR/Res.321 (LVII) 2015, ACHPR/Res. 353 (EXT.OS/XX) 2016, ACHPR/Res.386 (LXI) 2017, ACHPR/Res.425 (LXV) 2019 and Resolution ACHPR/Res. 459 (LXVI)

2020; as well as Resolution ACHPR/Res. 523 (LXXII) 2022 on the Extension of the Mandate and Membership of Six Special Mechanisms of the African Commission on Human and Peoples' Rights which extended, inter alia, the term of the Commissioner-members and independent Expert Members of the Working Group to 2nd November 2022;

Noting with satisfaction the work accomplished by the Working Group under the leadership of Commissioner Solomon Ayele Dersso and all the former chairpersons in the discharge of its mandate; and Recognizing its importance as well as the need to allow it to continue to carry out its mandate;

Appreciating the important contributions and work done by the outgoing independent Expert Members of the Working Group during their term;

Bearing in mind the Standard Operating Procedures on the Special Mechanisms of the Commission (the SOPs on Special Mechanisms) adopted at its 27th Extraordinary Session held from 19 February to 4 March 2020 in Banjul, The Gambia;

Noting in particular the guidelines set out in the SOPs on Special Mechanisms, including the general roles and responsibilities of mandate holders, the composition of the mechanisms, the appointment of members and the duration of their mandate as well as the code of conduct for mandate holders;

Further noting the decisions taken during this 73rd Ordinary Session regarding the allocation of responsibilities among the Commissioners;

1. Decides to:

- i. Extend the mandate of the Working Group for a period of 2 years, taking effect from 09 November, 2022;
- ii. Renew the mandate of **Commissioner Solomon Ayele Dersso** as Chairperson of the Working Group, for a period of two years effective 09 November 2022;
- iii. Appoint **Commissioner Litha Musyimi-Ogana** as Vice-Chairperson, for the same period;
- iv. Appoint for the same period, **Commissioner Mudford Zachariah Mwandenga**, as a Member; and
- v. Appoint the following Expert Members for the same period:

- **Mr. Korir Sing'Oei (East Africa)**
- **Mr. Welena Da Silva (West Africa)**
- **Mr. Jean Pierre Mujyambere (Central Africa)**
- **Dr. Esther Makhetha (Southern Africa)**

2. Requests the re-advertisement of the call for applications for Expert Members of the Working Group with a focus on candidates from the North African region, and additional preference for female candidates, in line with Article III.7 of the SOPs on Special Mechanisms of the Commission, pertaining to regional and gender balance of the composition of Special Mechanisms.

Done in Banjul, The Gambia, 09 November 2022