Category: Obligation to Provide Access to Legal Remedies

Sub-Category: Regional Tribunals and Mechanisms

Name of Good Practice: Actions of the **African Commission on Human and Peoples’ Rights**

Key Words: Access to Justice, Extractive Industry, Jurisprudence, Monitoring, Regional, Right to a Healthy Environment, Right to Health, Tribunal

Implementing Actors: Regional Organisation: African Commission on Human and Peoples’ Rights

Location: Africa

Description: The African Charter on Human and Peoples’ Rights sets out a wide spectrum of human rights, including, in Article 24, the right of all peoples to “a general satisfactory environment favourable to their development”, and in Article 16(1), the right of every individual “to enjoy the best attainable state of physical and mental health.”

The Charter established the African Commission on Human and Peoples’ Rights to protect and promote rights under the Charter. The Commission has addressed environmental concerns in a variety of ways, including through its decisions on complaints, the adoption of resolutions, and the establishment of special mechanisms to address environmental issues.

In *Social and Economic Rights Action Centre v. Nigeria,* Communication No. 155/96 (2001) (*Ogoniland case*), the Ogoni people in Nigeria alleged environmental degradation and health problems resulting from an oil consortium’s contamination of the environment. The Commission found, among other things, that Article 24 requires the State to take “reasonable and other measures to prevent pollution and ecological degradation, to promote conservation, and to secure an ecologically sustainable development and use of natural resources.” The Commission stated that “the care that should have been taken”, including by taking reasonable measures to prevent pollution and ecological degradation from oil production, “was not taken.”

In May 2014, the Commission adopted a resolution on climate change and human rights, which requests States to “ensure that human rights standards safeguards, such as the principle of free, prior and informed consent, be included into any adopted legal text on climate change as preventive measures against forced relocation, unfair dispossession of properties, loss of livelihoods and similar human rights violations.” In addition, the Commission established a Working Group on Extractive Industries, Environment and Human Rights Violations in 2009 with a mandate that includes examining the impact of extractive industries in Africa and researching violations of Article 24 of the Charter. In 2014, the Working Group undertook a research and information mission to the Republic of Zambia.

Further Information: Information about the African Commission’s environmental work is available on its web page, <http://www.achpr.org/>.