



## Front for the Liberation of the State of Cabinda v. Republic of Angola

Communication 328/06

**Country:** Angola

**Region:** Africa

**Year:** 2013

**Court:** African Commission on Human and Peoples' Rights African Commission on Human and Peoples' Rights

**Health Topics:** Disasters and emergencies, Poverty, Public safety

**Human Rights:** Right to a clean environment, Right to development, Right to property, Rights to the benefits of culture

### Facts

The state of Cabinda was declared annexed by Angola without any Cabindan participation in 1975. Despite protests by the Cabindan people, Angola exercised sovereignty over Cabinda. Groups in Cabinda attempted to re-claim autonomy of their country in 2002, but Angola undertook a massive military campaign against them. Angola's large military force committed numerous documented human rights violations in Cabinda.

Cabinda filed a complaint against Angola claiming that Angola had committed numerous violations, including various human rights violations, incorrectly banning the only independent human rights organization in Cabinda, economically exploiting Cabindan resources through control over licensing of Cabindan resources, and economically dominating the Cabindan people. Cabinda claimed that it was culturally, linguistically, and identifiably separate from Angola and that in committing these acts, Angola had violated Articles 14 (right to property), 19 (right to equality), 20 (right to self determination), 21 (right to natural resources), 22 (right to economic, social, and cultural development) and 24 (right to a general satisfactory environment) of the African Charter on Human and Peoples' Freedoms ("Charter"). They asked the African Commission on Human and People's Right ("Commission") to appoint a Special Rapporteur to undertake fact-finding and make recommendations, as well as for \$50,000 USD to cover the cost of legal fees.

### Decision and Reasoning

The Commission held that the complaint failed to show a violation of Articles 14, 19, 20, 21, 22 and 24 of the Charter. Angola did not submit any arguments regarding the complaint, so the Court judged the Admissibility on the arguments in the complaint only. Cabinda failed to show that they had a strong or profound cultural attachment to their land and the natural resources to the extent that they must be protected by the state. Additionally, Cabinda did not sufficiently prove that they had been treated unfairly by Angola, citing references to the ability of Cabindans to vote in elections and the promotion of a multicultural and multilingual society by Angola. Cabindan representatives were in the Angolan Parliament and there was no proof of a policy with the goal of "Angolanization of Cabinda".

### Decision Excerpts

"Although the Complainant contends that the people of Cabinda suffer unequal treatment as compared to the rest of Angola in terms of comparatively higher levels of unemployment, poverty, infant mortality and disease, no tangible evidence or data has been adduced to support these claims." Para. 119.

"The Commission also believes that the right to pursue economic and social development is attainable within the framework of an existing state insofar as different groups and communities are represented in decision-making institutions of the given state." Para. 126.

"The Respondent State has shown that elected representatives of the people of Cabinda are in the Angolan Parliament which exercises oversight supervision of the management of natural resources. As this Commission noted in *SERAC v Nigeria*, the State has the right to exploit natural resources in its territory. However, the Commission believes that Article 21 of the African Charter presupposes that that right is held in trust for the people. The Respondent State's submission that it effectively manages natural resources for the

benefit of all peoples in Angola has not been challenged. The Commission therefore finds no violation of Article 21 of the Charter.” Para. 132.

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