

Resolution on Climate Change and Forced Displacement in Africa - ACHPR/Res. 491 (LXIX)2021

Dec 31, 2021

The African Commission on Human and Peoples' Rights (the African Commission), meeting at its 69th Ordinary Session held virtually from 15 November to 5 December 2021;

Recalling its mandate of promotion and protection of human and peoples' rights in Africa, pursuant to Article 45 of the African Charter on Human and Peoples' Rights (the African Charter);

Considering its Resolutions ACHPR/Res.114(XXXXII) 07 on Migration and Human Rights, ACHPR/RES.333(EXT.OS/XIX) 2016 on the situation of migrants in Africa, ACHPR/Res.369(LX) 2017 on the situation of internally displaced persons in Africa; ACHPR/Res.470 (LXVII) 2020 on the protection of refugees, asylum seekers, internally displaced persons and migrants in the fight against the COVID-19 pandemic in Africa; and ACHPR/Res. 484 (EXT.OS/XXXIII) 2021 on the respect for the principle of non-refoulement of asylum seekers and refugees;

Further recalling the implementation commitments from the 1st Meeting of the Conference of States Parties to the Kampala Convention held in Harare, Zimbabwe, in April 2017;

Further recalling the provisions of the UN Guiding Principles on Internal Displacement;

Considering the commitment of States Parties in the preamble of the Kampala Convention to provide durable solutions to situations of internally displaced persons by establishing an appropriate legal framework for their protection and assistance, and to adopt measures aimed at preventing and putting an end to internal displacements by eradicating the root causes, especially those caused by natural disasters;

Further considering the vulnerability of refugees, internally displaced and stateless persons who are among the most affected by the climate emergency;

Taking into account the findings of the Office of the High Commissioner for Human Rights which indicate that weather events have triggered an average of 21.5 million new displacements each year, more than twice as many as displacements caused by conflict and violence;

Deeply concerned about the direct effects on forced displacement of increasingly frequent and intense natural disasters due to climate change;

Concerned about increased poverty, food insecurity, water shortages and lack of access to other natural resources on which communities depend for their survival, due to climate change;

Recalling the need to meet the requirements of those living in climate-sensitive areas, where they generally lack the resources to adapt to an increasingly hostile environment;

Bearing in mind the role of the Commission under Article 45, paragraph 1(a) of the African Charter on Human and Peoples' Rights, which authorises it to "(...) give its views or make recommendations to Governments";

The Commission:

1. Reminds States of their treaty obligations and the commitments they have made by embracing the standards and policies of the African Union relating to the protection of asylum seekers, refugees and migrants on the continent, in particular the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa and the 2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention);
2. Calls on States to add climate change and its impact on populations on their agenda and to take the necessary measures to prevent forced displacement as a result of climate change;
3. Urges the African Union to develop a plan of action to address forced displacement due to climate change, by ensuring inter alia that factors contributing to climate change are strictly controlled, including deforestation and over-exploitation of natural resources without any consideration of the impact on the environment and the climate;
4. Encourages States to work in a proactive manner with displaced populations and adjust their national plans for livelihood support and resilience accordingly; and
5. Calls on States to continue making progress in promoting the rights of people displaced by the climate crisis and developing long-term solutions for their benefit.

Done virtually, on 5 December 2021