

ACHPR/Res. 342(LVIII) 2016: Resolution on Climate Change and Human Rights in Africa

The African Commission on Human and Peoples' Rights (the Commission), meeting at its 58th Ordinary Session, held in Banjul, The Islamic Republic of The Gambia, from 6 to 20 April 2016:

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

Mindful of the provisions of Article 45 of the African Charter providing a mandate to "promote human and peoples' rights and ensure their protection in Africa;" **Considering** the provisions of Articles 22 and 24 of the African Charter relating to the right of peoples to economic, social and cultural development and the right of peoples to a satisfactory environment favourable to their development;

Recalling the Commission's Resolution ACHPR/Res.153 (XLVI) 09 on Climate Change and Human Rights and the Need to Study its Impact in Africa, adopted at its 46th Ordinary Session on 25 November 2009 and the Commission's Resolution ACHPR/Res.271 (LV) 14 on Climate Change and Human Rights and the Need to Study its Impacts in Africa, adopted on 11 May 2014 at its 55th Ordinary Session; **Considering** that the United Nations Framework Convention on Climate Change (UNFCCC), which all almost all African States have ratified, obliges States Parties thereto to "... protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities";

Noting that the implementation of the UNFCCC, and the Paris Agreement under it, should adequately reflect the African perspective on human and peoples' rights, especially the right to a general satisfactory environment favourable to their development, the right to development and the right to health;

Noting further that African regional standards for the protection of the environment, management of natural resources and human and peoples' rights are consistent with provisions of the UNFCCC and its Kyoto Protocol, to which all African States are parties;

Welcoming the agreement reached at the COP21 meetings of December 2015 held in Paris, France outlining obligations relating to, among others, the limitation of green gas emissions, mitigations of and adaptations to climate change;

Concerned about the detrimental impact of the increased levels of greenhouse gases which could lead to temperature rises with serious consequences on the lives of African populations;

Concerned about the failure of developed countries Parties to the UNFCCC to comply with their obligation to take the lead in mitigation

while creating enabling conditions for African countries to realise their right to sustainable development and adapt to climate change;

Concerned that the absence of full, effective and sustained implementation of the Convention through long-term cooperative action, including a lack of technology transfer and financial assistance for mitigation and adaptation, seriously undermines the capacity of African governments to safeguard human rights in Africa;

The Commission:

- i. **Encourages** Member States to strengthen regional and international cooperation in order to achieve a strong, committed and comprehensive climate action that will ensure that the human rights of Africans are safeguarded to the greatest extent possible both today and for future generations;
- ii. **Urgently requests** Member States to adopt and implement the special measures of protection for vulnerable groups such as children, women, older persons and persons with disabilities, indigenous communities and other minorities as well as victims of natural disasters and conflict;
- iii. **Tasks** its Working Group on Economic and Social Rights, in collaboration with the Working Group on Extractive Industries, Environment and Human Rights Violations, to undertake a “study on the impact of climate change on human rights in Africa” and to present it within two years.

Done in Banjul, The Islamic Republic of The Gambia, 20 April 2016