

ACHPR / Res. 417 (LXIV) 2019: Resolution on the human rights impacts of extreme weather in Eastern and Southern Africa due to climate change

The African Commission on Human and Peoples' Rights (the Commission), meeting at its 64th Ordinary Session, held in Sharm el Sheikh, Arab Republic of Egypt, from 24 April to 14 May 2019:

Considering the provisions of Articles 22 and 24 of the African Charter on Human and Peoples' Rights (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;

Considering also the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) which requires of State Parties to take measures to protect and assist persons who have been internally displaced due to natural or human made disasters, including climate change;

Recalling its Resolution 153 on Climate Change and Human Rights and the Need to Study its Impact in Africa adopted at its 46th Ordinary Session in November 2009; Resolution 271 on Climate Change in Africa, adopted at its 55th Ordinary Session in May 2014; and Resolution 342 on Climate Change and Human Rights in Africa adopted at its 58th Ordinary Session in April 2016;

Mindful of the findings of the 5th Report of the Intergovernmental Panel on Climate Change of 2014, which found that human activities cause global warming; and that impacts from recent climate-related extremes, such as heat waves, droughts, floods, cyclones, and wildfires reveal significant human and ecosystem vulnerability to climate variability;

Further recalling its Press Release of 08 April 2019 on Cyclone Idai and the subsequent flooding in Mozambique, Malawi and Zimbabwe in which it expressed its solidarity with the government and people affected by the thousands of deaths and hundreds of thousands of displacements;

Concerned by the consequences of cyclone Kenneth which ravaged the east coast of Africa within just more than a month after cyclone Idai, resulting in dozens of further deaths and displacements in Mozambique, Tanzania, Comoros, Madagascar, Seychelles, Malawi and Mayotte Island;

Deeply Concerned by the human rights implications of the two cyclones, including destruction of homes and other property, closure of schools and offices, the heightened risk of large-scale cholera outbreaks and the specific vulnerability of displaced women and girls to gender based violence and exploitation;

Further Concerned by the lack of preparedness by State Parties to the increased risks of extreme weather events as a result of climate change and lack of coordinated adaptive strategies to increase the resilience of their people to climate change;

Appreciating the commitment of the African Union (AU) to address the humanitarian crisis through support of USD 350 000 to the three countries affected by cyclone Idai and “immediate dispatch of a high level assessment mission to be led by the Permanent Representative Committee’s (PRC) Sub-Committee on Refugees, Returnees and IDPs to assess the situation firsthand”;

The Commission:

1. Commends the efforts of affected countries to provide urgent humanitarian relief and undertake the process of recovery and reconstruction and urges them to facilitate the provision by humanitarian actors of the urgent relief that affected communities require;
2. Commends the mobilization of additional support from the AU and the international community for recovery and reconstruction efforts;
3. Supports the efforts of the AU, in particular the decision to task the PRC Sub-Committee on Refugees, Returnees and IDPs to undertake a mission to the affected areas;
4. Strongly urges the affected State Parties to ensure that the human and peoples’ rights of affected persons and communities, including vulnerable groups, are protected, and that they are not subjected to further violations resulting from lack of security institutions and health services as a result of the cyclones,
5. Urges that women and girls in particular are protected from exposure to sexual abuse and manipulation in relation to accessing humanitarian assistance and other basic necessities such as shelter and food;
6. Reiterates its call to all African States and the international community to support the ongoing efforts and provide immediate emergency relief to the affected areas and to mobilize resources for the reconstruction of the infrastructure and rehabilitation of the livelihoods of people in the affected areas;
7. Calls on African countries to reaffirm the African Union common position on humanitarian effectiveness adopted by the African Union in January 2015 and accelerate the process of creation and operationalization of the African Humanitarian Agency;
8. Urges State Parties to the African Charter to ensure that contingency plans and emergency measures are put in place to increase the level of preparedness for an increase in extreme weather events and unstable weather patterns as the consequences of climate change intensify;
9. Encourages State Parties to fully integrate climate change considerations and the human and peoples’ rights consequences into their broader development plans;
10. Encourages State Parties, the AU and Regional Economic Communities to strengthen regional and continental cooperation in relation to climate change adaptation and mitigation and response to climate change induced humanitarian crisis taking full account of

the human and peoples' rights considerations of present and future generations;

11. Calls on the AU to declare 2021 the African Union Year on Climate Change, for the mobilization of awareness of Member States and Regional Communities of the challenges of climate change, in particular for vulnerable communities, and preparedness through putting in place structures for adaptation, mitigation, humanitarian relief and reconstruction; and
12. Remains seized of this matter through its commitment to prepare a Study on Climate Change and Human Rights in Africa.

Done in Sharm el Sheikh, 14 May 2019