

ACHPR/Res.153 (XLVI) 09: RESOLUTION ON CLIMATE CHANGE AND HUMAN RIGHTS AND THE NEED TO STUDY ITS IMPACT IN AFRICA

The African Commission on Human and Peoples' Rights, (African Commission), meeting at its 46th Ordinary Session held from 11 to 25 November 2009 in Banjul, The Gambia,

Bearing in mind 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);

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;

Considering the provisions of the United Nations Declarations on the Rights of Indigenous Peoples, which recognises the rights of indigenous peoples and communities to their ancestral lands, cultures, lifestyles and a safe satisfactory environment;

Noting Article II of the African Convention on the Conservation of Nature and Natural Resources (Maputo Convention) of 11 July 2003, which among other things, provides for "socially acceptable development policies and programmes" guided by human rights principles, including the right to development and the right of all peoples to a satisfactory environment favourable to their development;

Recalling that the Convention on Biological Diversity urges states Parties thereto to "... *respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities...protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements*";

Noting further that African regional standards for the protection of the environment, management of natural resources and human rights are consistent with provisions of the Convention on Biological Diversity of 5 June 1992, to which more than 40 African States are parties;

Taking note that climate change is principally the result of emissions of greenhouse gases, which remain relatively high in developed countries;

Concerned that the negotiations on climate change leading to the Copenhagen Conference in December 2009, make no clear reference to human rights principles, such as the rights to traditional knowledge and intellectual property of local and indigenous communities, as well as the principle of free, prior and informed consent by communities, as enshrined in the Maputo Convention and other relevant African human rights instruments;

Concerned further that the lack of human rights safeguards in various draft texts of the conventions under negotiation could put at risk the life, physical integrity and livelihood of the most vulnerable members of society notably isolated indigenous and local communities, women, and other vulnerable social groups; The African Commission hereby:

1. **Urges** the Assembly of Heads of State and Government of the African Union 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;
2. **Urges** the Assembly of Heads of State and Government to ensure that special measure of protection for vulnerable groups such as children, women, the elderly, indigenous communities and victims of natural disasters and conflicts are included in any international agreement or instruments on climate change;
3. **Calls on** the Assembly of Heads of State and Government to take all necessary measures to ensure that the African Commission on Human and Peoples' Rights is included in the African Union's negotiating team on climate change;
4. **Decides** to carry out a study on the impact of climate change on human rights in Africa.