

OUTCOME DOCUMENT OF THE THEMATIC DEBATE ON
“Climate Change and Environmental Protection; A Human Rights Perspective”
DURING 16TH REGULAR SESSION OF THE IPHRC ON 26 NOVEMBER 2019

Jeddah 26 November 2019: The OIC Independent Permanent Human Rights Commission (IPHRC), during its 16th Regular Session, held a thematic debate on the subject of ‘*Climate Change and Environmental Protection: A Human Rights Perspective*’. IPHRC Vice Chairperson Mr. Adama Nana and **Dr. Abdalla Mosa Altayer, Chief Adviser and Director General of Cabinet, on behalf of the OIC Secretary General**, inaugurated the debate. Member of the UN Committee on Economic, Social and Cultural rights and representatives of the United Nations Environment Programme (UNEP), Statistical, Economic and Social Research and Training Centre for Islamic Countries (SESRI), Islamic Educational, Scientific and Cultural Organization (ISESCO) participated as key panelists. A large number of OIC Member and Observer States and their National Human Rights Institutions (NHRIs) actively participated and contributed to the discussion.

The Commission welcomed the best practices shared by the OIC Member States to mitigate the impact of climate change and ensure environmental protection through policy coherence, technology-based solutions, institutional capacity building and engagement of civil society, as well as to enhance collaboration with relevant partners in accordance with their obligations under respective international and regional human rights instruments. Based on the comprehensive discussion, the Commission adopted the following as the Outcome of this thematic debate:

Guided by the Islamic principles of ‘*Tauheed*’ (oneness of Allah) and creation of human being as ‘*Khalifah*’ (trustee) on the basis of ‘*Fitra*’ (natural state) highlights that Allah has created the universe and its various resources as a trust in our care for the use and welfare of all people and for all living beings who are encouraged to benefit from these resources while avoiding extravagance and wastefulness and conserving for the progeny;

Affirmed that ‘Islamic worldview represents a unique model for a transition to sustainable development by focusing on justice, degrowth (low consumption) and harmony between human and nature’¹. In Islam utilization of natural resources is the right and privilege of all people and all species. Hence, every Muslim is ordained to ensure the interests and rights of all others as equal partners on earth. Islamic governance models emphasize building and maintaining a healthy and clean environment based on sustainable development and consumption for human benefits and fulfillment;

Reaffirmed that a clean, healthy and functional environment and ecosystem is a right in and of itself, integral to the enjoyment of all other human rights, such as the rights to life, health, food, water, housing, and an adequate standard of living;

Recognized that environmental degradation adversely affects millions of people and the ecosystems, natural resources, and physical infrastructure upon which they depend². It represents an existential threat for many vulnerable communities, groups and various species. The erratic

¹<https://www.unenvironment.org/news-and-stories/story/how-islam-can-represent-model-environmental-stewardship>

² The Intergovernmental Panel on Climate Change (IPCC)’s Fifth Assessment Report (AR5)

weather patterns; decline in agricultural productivity and water levels; melting of icebergs and increasing sea levels are alarming telltale signs. These negative effects of environmental deterioration cause poverty, food and water insecurity and conflicts leading to mass migration, refugees and displaced population. It is estimated that 22% of global deaths attributed to air pollution are occurring in OIC countries and cost of land degradation alone could run into \$23 trillion by 2050³. Hence, these are not only environmental but also human rights issues.

Highlighted that climate change is one of the greatest threats to human rights of our generation, as it adversely impacts the full and effective enjoyment of the human rights enshrined in the international human rights instruments. Accordingly, protecting environment is crucial to ensuring fundamental rights to life, health, food and an adequate standard of living for individuals and communities across the world. Environmental protection is also important to secure the rights to a healthy environment, natural resources, participation in cultural heritage, and intergenerational equity and sustainability;

Affirmed that the ‘Third-generation or ‘Solidarity’ rights, which include the Right to Development and the Right to a healthy environment⁴ are important category of human rights that should be effectively implemented and recognized. These rights go beyond the civil, political and social rights, and are expressed in international law and many intergovernmental agreements;

Further Affirmed that States have a) Procedural obligations to ensure that the effected public is informed, involved and given access to remedies when rights are violated: (b) Substantive obligations to protect human rights from climate related harms, respond to core drivers of climate change and cooperate internationally to address transboundary impacts of climate change and safeguard human rights during mitigation and adaptation activities;

Recognized that private actors also have the responsibility to address human rights implications of climate change to ensure that they fully respect human rights in their activities;

Appreciated that 95 per cent of OIC Member States recognize the Right to a healthy environment through regional agreements and declarations including 40 States that have incorporated this right in their constitutions and national legislations;

Recalled that the OIC Charter aims ‘to preserve and promote all aspects related to environment for present and future generations’⁵ and that the global community, including the OIC Member States, agreed on a set of 17 interconnected and interdependent Sustainable Development Goals (SDGs) to be achieved by 2030, including SDG13 on climate. Change. In addition, 196 countries agreed at the United Nations Framework Convention on Climate Change (UNFCCC) during 21st Conference (COP 21) to establish ‘Paris Agreement’ on climate change with a commitment to ensure best efforts to limit changes in global temperatures to 1.5° Celsius and in any event well below 2 degrees Celsius in 2100 compared to the pre-industrial levels;

³ OIC Environment Report 2019 by SESRIC

⁴ Kiss, A & D Shelton. 2004. International environmental law. Ardsley, NY: Transnational Publishers, p 12ff; See reports of the UN Special Rapporteur on human rights and the environment, A/73/188 and A/74/161.

⁵ OIC Charter Preamble

Further recalled that Paris Agreement calls upon States to respect, promote and consider their respective Human rights obligations *when taking action to address climate change.*⁶. The 2nd Ten Year Program of Action of the OIC accords priority to *‘protect and preserve the environment, including through mitigation and adaptation’*⁷. The Rio Declaration on Environment and Development, The African Charter on Human and Peoples' Rights, the 2004 Arab Charter of Human Rights, also ensure many of these rights, such as right to natural resources and right to a healthy and satisfactory environment⁸. Human Rights Council (HRC) Resolution on *‘Human Rights and Climate Change’*⁹, its Special procedures and the Office of the High Commissioner for Human Rights too advocate for a human-rights based approach to mitigate the effects of climate change; UNEP’s report “Climate Change and Human Right”, which describes how governments and other actors may address climate change in a manner consistent with their obligations to respect, protect, promote and fulfill human rights. However, regrettably, some of these international and regional instruments form part of soft law which is based on the voluntary actions of States.

Identified that adherence to human rights, such as those that ensure public access to information, access to justice and meaningful and effective participation in decision making, contributes to judicious utilization and protection of environmental resources, and protects against potential for abuse during mitigation and adaptation measures. Thus, human rights-based approach to protect environment is instrumental in formulation of integrated policy action and strengthening of environmental laws;

Regretted that despite several international pronouncements and pledges, global targets on cutting Green House Gas (GHG) emissions, to limit the global warming below 1.5°C, have not been achieved. Developed countries, the major emitters of GHG, have failed to uphold their commitments. Resultantly, the developing countries bear disproportionate burden of the environmental degradation caused by uncontrolled consumption and irresponsible emission patterns;

Underscored that efforts to address climate change should not exacerbate inequalities within or between States. Particular care should be taken to comply with relevant human rights obligations related to participation of persons, groups and peoples in vulnerable situations in decision-making processes and to ensure that adaptation and mitigation efforts do not have adverse effects on the disadvantaged segments;

Endorsed that under the international human rights law, States have an obligation to prevent foreseeable human rights harm. UNFCCC call for States to protect future generations and to take action on climate change "on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities"¹⁰

⁶ https://unfccc.int/sites/default/files/english_paris_agreement.pdf

⁷ OIC-2025 POA

⁸ The African Charter on Human and Peoples Rights (Art. 24), the 1988 Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Art. 11, para 1), The 2004 Arab Charter on Human Rights (Art. 38).

⁹ A/HRC/41/L.24

¹⁰ UNFCCC 1992, Article 3 paragraph 1

Recognized that the OIC Member States are well endowed with environmental resources, which are inextricably linked to the livelihoods, employment opportunities and well-being of millions of people. Over the years, many OIC Member States have made tremendous progress in mainstreaming ‘sustainability’ into their national development agendas. Yet a lot more is required to be done. The OIC countries as a group are also highly vulnerable to environmental changes, especially low income and least developed member countries, due to lack of focus on ‘environmental sustainability’ and ‘climate resilience’ in urban development policies and ineffective adaptive capacities to deal with the vulnerabilities due to technological and financial limitations. Their higher environmental vulnerability emanates from high dependence on climate sensitive natural resources and low adaptive capacities.

Acknowledged the increasing awareness among OIC countries regarding the necessity of combating the negative impacts of climate change by embracing environment friendly policies and enhancing international collaborations. To this end, appreciated that most of the OIC Member States have ratified the UNFCCC, which reflects their seriousness to be part of global campaign to mitigate the challenges of climate change. Also appreciated the activities of the OIC specialized institutions that are helping Member States in employing climate-friendly technologies for economic development and capacity building to promote environmentally sustainable lifestyles.

Underscored that human rights education and raising public awareness on human rights issues enable informed social and political dialogue that help to strengthen environmental governance;

Reinforced the concept of ‘Climate justice’, which requires that climate action is consistent with existing human rights agreements, obligations, standards and principles. Those who have contributed the least to environmental damage (i.e. the poor, children, and future generations) unjustly and disproportionately suffer its harms. Equity in climate action requires that efforts to mitigate and adapt to the impacts of climate change should benefit people in developing countries, people in vulnerable situations, and future generations; Noted UNEP’s work in support of enhancing the capacity of states and others to understand and operationalize the links between human rights protection and the fair, just and sustainable management of natural resources; also the recent report “Safe Climate: A report of the Special Rapporteur on Human Rights and the Environment which concludes that a safe climate is a vital element of the right to a healthy environment¹¹.

Recommendations

At International Level

Called upon the industrialized countries to:

- a) meet their respective emission targets;
- (b) assist in eliminating the environmental challenges and their human rights consequences faced by developing countries by adopting climate friendly sustainable development policies; and
- (c) support countries in the global South to achieve net zero emissions by year 2050 through greater reliance on renewable sources of energy.

¹¹ (Safe Climate Report, OHCHR 2019)

To this end the international community must:

- (a) share resources, knowledge and technology needed to address climate change impacts;
- (b) extend international assistance to the developing countries in the form of technology transfer and financial support, which should be administered through participatory, accountable and non-discriminatory processes targeted towards most vulnerable;
- (c) cooperate to invent and disseminate affordable and environmentally clean /smart technologies, which should be fairly distributed between and within the countries;
- (d) ensure that global intellectual property regimes do not obstruct dissemination of mitigation and adaptation technologies;
- (e) engage in cooperative efforts to respond to climate-related displacement and migration as well as to address climate-related conflicts and security risks; and
- (f) recognize the right to a healthy environment at the global level.

OIC Member States

Called upon the Member States to undertake coordinated and accelerated actions, in accordance with the commitments made in the revised OIC Charter, its 2nd Ten Year Plan of Action, SDGs and UNFCCC to:

- (a) devise environmental laws, policy frame works, development plans and affirmative regulatory measures to prevent and address human rights harms caused by climate change especially anthropogenic emissions;
- (b) create enforcement mechanisms at the national and regional levels to benchmark the progress in establishing compatibility with the international environmental and human rights obligations and implementation of regulatory regimes;
- (c) adopt community led bottom-up human rights-based approaches for environment friendly sustainable developmental pathways;
- (d) ensure that appropriate adaptation measures are taken to protect and fulfil the rights of all persons, particularly those living in vulnerable areas;
- (e) guarantee effective remedies including judicial and other redress mechanisms for the affected individuals and communities. To this end the role of Ombudsman, NHRIs and civil society could be strengthened;
- (f) mobilize and allocate maximum available resources to address climate change, which should complement other efforts of governments to pursue realization of all human rights;
- (g) adopt innovative fiscal and non-fiscal measures based on the principle of ‘Climate Justice’ to minimize negative impacts on the poor;
- (h) mobilize additional resources to finance mitigation and adaptation efforts including active support for development and dissemination of new climate mitigation and adaptation technologies;
- (i) integrate the role of private sector in environmental protection strategies as part of corporate social responsibility and as viable business models to develop innovative mitigation and adaptive technologies;
- (j) ensure early-warning information regarding effects of climate change and natural disasters is available to all sectors of society;
- (k) develop and monitor relevant human rights indicators in the context of climate change, keeping disaggregated data to track varied impacts of climate change across demographic groups to enable effective, targeted and human rights compliant climate response;
- (l) promote awareness through education on impact of climate change and importance of environmental protection using print, electronic and digital media;

- (m) develop linkages between governments, NHRIs, religious institutions, media, community leaders to participate in designing and implementing environmental programmes including human rights impact assessments of these projects;
- (n) implement the right to a healthy environment as a freestanding right in accordance with their existing commitment and obligations;
- (o) enable Courts and other human rights mechanisms to ensure that business activities are appropriately regulated to support rather than undermine the efforts of States to combat climate change;
- (p) promote public- private- people partnership in formulation of disaster risk reduction and mitigation strategies for wider ownership and better coverage; and
- (q) cooperate with the UN Mechanisms and Special Procedures in implementation of laws and policies to deal with the climate change.-
