

## **Office of The United Nations High Commission for Human Rights**

### **Commentary and textual Suggestions:**

Commentaries on the Rights on Business, Right to Development and Human Rights and Climate Change

**To:** Intergovernmental Working Group on the Right to Development 21st Working Group Session

**Submitter:** Innoeva Development Foundation

**Status:** NGO

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**The adverse effects of climate change on the full and effective enjoyment of the human rights of people in vulnerable situations. Where possible, please share specific examples and stories.**

The impacts of climate change and environmental degradation are now widely recognized as having the potential to threaten the enjoyment of a wide range of human rights including right to education, health housing, water and sanitation. Additionally, Climate change, energy access and environmental degradation are equity issues, with children and young people often being the most vulnerable and affected. Addressing climate change, energy access and environmental degradation is therefore vital for building a more sustainable future for children. In addition, refugees, displaced persons, and stateless persons are on the frontlines of the climate emergency, and being the most vulnerable, endangered species of animals, and plants have also been affected by unregulated forest activities and poaching activities. The rate of consumption of fossil fuel and damages caused by international and multinational oil companies in riverine communities in Africa and specifically Niger Delta region in Nigeria is alarming. In 2020, another oil spillage was recorded in Niger Delta Region of Nigeria with a serious criminal case against the companies involved in such violations. It is imperative that climate actions are well integrated with the SDGs and humanitarian responses to ensure that the achievement of these don't cause unintended harm to the environment.

The promotion of rights to development as adopted under the United Nations Human Rights Council states the right of global citizens to access development as needs that should be addressed. Under the considerations of the various international instruments for adopting the Sustainable Development Goals 2030 Agenda which affirms that The Sustainable Development must be achieved in three dimension of economic, social and environmental frameworks in such a manner that is balanced and with harmony with nature. Herein science and nature interrelates and is considered under paragraph (a) of draft article 3 Human persons and People-Centered Development. (OHCHR 2013).

**Policy, legislation, practice or strategy of Nigeria Government in compliance with applicable international human rights law, to promote an approach to climate change mitigation and adaptation, as well as loss and damage that ensures the full and effective enjoyment of the human rights of people in vulnerable situations. With identification of relevant mechanisms for ensuring accountability for these commitments including their means of implementation.**

The Federal Government of Nigeria has passed into law the Climate Change Act 2021 which was signed by the President of Nigeria. The emissions target legislation which allows for the mainstreaming of climate change actions and the establishment of The National Council of Climate Change. The Act also provides an environmental and economic accounting standards with a definite push for NetZero emission

set at 2060 is a living standard for promoting The Nigeria Climate Change Policy Response and Strategy human rights related issues, mitigation, adaptation and finance are within the approach for improving on its NDCs and National Climate Targets.

Within this legislation is the consideration for gender, children and women protection in vulnerable situations. The means within which are covered under the mechanisms of the National Climate Change Action Plan.

**Summary of the adverse effects of climate change have affected people in vulnerable situations, taking into account multiple and intersecting forms of discrimination (i.e. discrimination based on a combination of multiple grounds, including disability, gender, race, color, sex, language, religion, nationality and migration status).**

The historical and projected climate data by sector, impacts key vulnerabilities as well as the adaptation measures in context of climate change effect in Nigeria between 1991-2020 as revealed by the World Bank is presented to public use as a tool to build strong understanding of current climate conditions for future scenario cases data.

According to the World Bank, Nigeria is characterized by three distinct climate zones, a tropical monsoon climate in the South, a tropical savannah in the greater central region and the Sahelian hot and semi-arid climate in the North. The decline in the gradient reveals how rainfalls amounts from north to south is measured, with the southern region experiencing greater rainfall during rainy season of March to October with an average of annual rainfall ranging between about 2,000 mm – 4,000 mm in the Niger Delta where shorter dry seasons are experienced with their exposure to incessant flooding. The case is worsened by degraded lands. In the Southern region, the seasonal rainfall ranges between April and September and dry season between March to December each year characterized by dry hamartan posing risks for fire disasters. Annual rainfall amounts lead up to 500 mm – 750 mm in the North with a high degree of variance which generally amount to flooding and droughts.

Talking about topography, temperature on the lowlands and high geographical locations varies between 21°C and 27°C. Generally speaking, for the country, temperature increase of 0.03°C per decade were observed between 1901 – 2016 with the highest measured in the past 30 years at 0.19°C per decade. This certainly is a red flag.

**Other Relevant info relevant to Nigeria:**

Mean Annual Temperature:	27.24°C
Mean Annual Rainfall:	1162.82mm

Nigeria Climate Risk Profile

Nationally Determined Contribution 2021

Third National Communication

**Mechanisms and tools that are in place to measure and monitor the impacts of climate change on the full and effective enjoyment of the human rights of people in vulnerable situations.**

Toolkits to measure, monitor the impacts of climate change are within the framework for IPCC Working Group I standard reporting as well as the various UNEP, UNICEF and UNDP standards.

The Secretary General's Report on the impacts of climate change on the human rights of people in vulnerable situations requested by the Human Rights Council resolution 47/24

The 7<sup>th</sup> Meeting of the Parties of Aarhus Convention – Environment Democracy and its Defenders. In compliance with the Aarhus convention (Earth Justice Switzerland)

The meetings of parties to both treaties adopted the Geneva Declaration on Environmental Democracy for Sustainable, Inclusive and Resilient Development is seen as a support to the Right to clean and sustainable environment

UNICEF Toolkit on Climate Change and The Climate Crisis and the Declaration of on Children, Youth and Climate Action; A Child Rights Crisis Side event during the high level COP26 addresses issues that generally affects or of concern children in vulnerable conditions and those considered as seriously at risk of neglect. Also debated was the consideration that ought to be given to marginalized population and indigenous people, a case which was brought up by the European Union after it almost suffered a setback for debate and negotiation.

The Nigeria Meteorological Agency, NIMET in alliance with some other government department and agencies are working collaboratively to measure seasonal rainfall prediction to set out key indicator for vulnerabilities and time masking of events of Disaster and Risk Management and prevention. This certainly should have effect on key outcomes as it relates to the protection of human rights of people in the disaster prone areas.

The National Adaptation Plan: Federal Ministry of Environment Department of Climate Change in Partnership with Ministries of Women Affairs, Ministry of Agriculture

The National Action Plan for the promotion and protection of human rights in Nigeria as response to the Vienna Declaration and Program of Action, adopted at the world Conference on Human Rights in 1993 has since staggered until its expiration in 2013 but revised by the Ministry of Justice. The Nigeria Human Right Commission and non-governmental stakeholders have drafted and finalized input to the draft on National Action Plan for The Promotion and Protection of Human Rights 2021-2025 (NHRC) with the new reports including the Draft National Action Plan (NAP) on Business and Human Rights and honoring suggestions of The African Charter on Human and People's Rights. (NHRC).

### **Examples of good practices and challenges in the promotion, protection, and fulfilment of the human rights of people in vulnerable situations in the context of the adverse effects of climate change.**

The UNDRR and UNC approach in response to the best practices in Disaster and Risk Response, The IPCC, The UN Energy Compacts on 24/7 Carbon Free Energy, The Climate coalitions and fossil free public finance coalition, The Beyond Oil and Gas Alliance (BOGA), The BIG Shift Global, The Coalition for Digital and Environmental Sustainability and the Global response through keeping the earth temperature within 1.5°C until 2040 are good way to support this ambition.

The call for clean air quality and deployment of IQ Air to measure the air quality in disaster prone areas, the development of digital earth observatory solutions to monitor Water Sanitation and Hygiene (WASH) and the continuous campaign on ending open defecation by UNICEF in alliance with other Intergovernmental Organizations, Development Finance Institutions and Multilateral Organizations are remarkable examples.

The UNEP UNEA activities and youth engagement in the process is one of such best practices to reckon, The UNEP open data approach to accessing live relevant information on water use, flow and control, air quality test toolkits and general information about environment and climate in the deployment of earth observation tools are quite notable, Talanoa Dialogues are useful in projecting local actions and amplifying local voices of people in vulnerable conditions.

Additionally, The United Nation Resource Management has a strong approach to keep the circularity and circular economy to a fixed percentage from 9% of the state of circular economy worldwide. Adopting Circular Economy best practices is in a way going to reduce marine plastic liter, conserve the coastal and marine ecosystems. This were subject of discussions during the Ocean's Pavilion open discussions at United Nations Framework Convention on Climate Change (UNFCCC) COP 26 with the special Rapporteur on Oceans.

The Launch of the Right here, Right Now Global Climate Alliance is also to be noted amongst the best practices.

The 3rd Edition of the OHCHR-UNEP Bulletin prepared to the occasion of CBD COP15 with focus on biodiversity support in human rights action. (<https://spark.adobe.com/1lei9PJzB3QVa>)

## **Examples and good practices that highlight international and multilateral cooperation and approaches that are implemented through close consultation with and active involvement of people in vulnerable situations.**

A UN Human Rights Committee decision in January 2020 noted that under international human rights law, people displaced as a result of disaster across borders have the right to resist migration to any country where they will face more harm to their right of life and avoid circumstances where they are likely to face threats, torture and/or deprivation or other inhuman degrading treatment or punishment.

UNHCR has responded alongside partners to the UN Secretary General's call to Action for Human Rights and as well fully committed to support member states in responding to the protection of needs of displaced persons as a result of land degradation, climate migration due to drought, oil spillage in contest of disaster and environmental degradation. (UNHCR: The human right to safe, clean, healthy and sustainable environment).

The United Nations Sahel Plan has placed within close consideration for Climate Action putting women, youth and Children in the radar of protection. Similarly, Nigeria has passed her climate change bill into Climate Change Act which seeks within all reasonable alignment with the Paris Agreement in Adaptation, Mitigation, Finance and the NDCs. The COP 26 recognizes the importance of the best available science for effective climate action and policy making to meet the science based targets.

The COP26 welcomes the contribution of Working Group I to the Intergovernmental Panel on Climate Change Sixth Assessment Report and the World Meteorological Organization reports.

The COP 26 Presidency in its **Article VIII** urges parties to swiftly begin implementing The Glasgow work program on action on Climate Empowerment ACE, respecting, promoting and considering the respective obligations on human rights, gender equality and empowerment of women.

Also acknowledging that climate change is a common concern of humankind, Parties should consider in their actions or responses respect, promote, and consider in their respective obligations the right to health, the right to indigenous peoples, local communities, migrants, children and persons with disabilities as well as people in vulnerable situations and the right to development, gender equality, women empowerment and intergenerational equity

A typical example is the decade long examination on the issues of environment and right to life, right to health, right to food and culture with the Council reporting its mandate to study and make clear the relationship between state's obligation to protect environment first in order to protect human right and in 2018 a final report issued report on framework principles on the Human Right norms as an obligation through *(i) procedural obligations (ii) substantive obligations (iii) and careful consideration to protect the rights of people in marginal communities with states having the power to enact laws, make or change policies crucial to recognize the rights to environment as generally adopted in the Stockholm declaration to the right to freedom, equality and adequate life conditions in the midst of developments. However multilateral states haven't totally fulfilled their obligations.*

Our Organization [INNOVEA DEVELOPMENT FOUNDATION] has joined many non-state actors, over 500 best practices and 1000 civil societies calling for the same right to healthy environment; calling for climate justice, making claims for Governments at all levels to recognizing the legal, socio-economic and environmental justice using the opportunity of the IPCC report to adjust in a timely manner to save the planet from reckless ruins. This is the historic and formal recognition of **the right to a clean, healthy and sustainable environment as a human right through the Council's Resolution 48/13** on October 8, 2021. With an incredible gathering of over 1,300 endorsements, from 83 countries, 5, 000 virtual campaign on **#HealthyEnvironmentForAll**. <https://undocs.org/A/HRC/RES/48/13> . These inputs covers the right to food, clean air, water, healthy environment as it relates to the general context of the Sustainable Development Goals.

## **How to support climate action that promotes the full and effective enjoyment of the human rights of people in vulnerable situations.**

In order to promote full and effective enjoyment of liberty and freedom of movement, speech and protection against political violence or scapegoating, people in vulnerable conditions indeed should be given a voice louder than that of their oppressors who typically are polluters, or even Government in many cases. They should be protected from victimization as well as blackmail whilst they have their right to agitate for a cleaner, healthy, safe and sustainable environment, which according to the Declaration at the 48<sup>th</sup> Session of the Human Rights has been adopted. (Coalition of Civil Society Organizations on Right to Sustainable Environment)

Hence, the causative effects of these human rights violations in the case of oil spillage, environmental degradation for instance should have a strong punitive approach to violators and effective remediation response to climate harm, Disaster and Risk Reduction and emergency response to situations to oil spillage, leading to leachates into smaller water bodies, destruction of aquatic and destroying entirely the coastal ecosystems puts the health, livelihoods and lives of human, aquatic animals in jeopardy culminating entirely in an environmental crime which also violates entirely the rights to safe and healthy environment. Likewise, the promotion of Development and deployment of Renewable Energy as alternatives to fossil fuel whose explorative processes often characterize detrimental environmental pollution (oil spillage, carbon emission) should unequivocally be admissible in the rights conventions.

Mining activities without doubt have long term effect on the health and mutation and birth deformities for children born in areas where intense mining activities of certain minerals like cobalt are prevalent. Hence, primitive and verifiable resource control measures and mechanisms is imminent for standardizing the mining laws in sync with appropriate environmental rights laws. Much of these must be captured in responses to environmental protection plans and the overall statements that should be reflected for environmental human rights defender's protection.

The practicality of the defense against oppressive media and suppression of the rights of fundamental human rights and environmental rights defenders should be reflected in their protection in every form.

The right to move freely, invest freely, do business and every civic obligation freely without discrimination against their health, religious beliefs, financial or even economic status. This case should in no way jeopardize their rights to pursue any other vision or ambitions because they had engaged previously in environmental rights activities.

The protection against Government harassment, restrictions of financial activities and all forms of exposure to risks, racist abuse, hate speeches, and shaming.

Foreign organization who pose as investors in Africa for instance fail to respect the culture, practice and the humanities of 'We The Peoples' of Africa.

Ten years after the adoption of the Guiding Principles, the UN Human Rights Commissioner Michelle Bachelet at COP26 called for Government and other authorities and actors alike to focus on achieving rights based just-transition for people and planet, and constituencies, in particular the business constituency needs to understand and factor this in their business formulation and consideration of rights approach to building sustainable business models.

### **The Commissioner said in her COP 26 statement**

*"The people who are at most risk from the adverse effect of climate change – including the poor and marginalized communities should be the first recipients of those resources. And those directly affected should have a seat at the roundtable – their meaningful participation is key to effective and equitable action. States also need to agree to environmental and social safeguards, and ensure that those harmed when climate action is taken under Article 6 of the Paris Agreement have access to effective remedies."*

Finally, the digital rights and protection of the rights of use of digital tools for Activist groups, individual EHRD is paramount and the cybersecurity framework standard is a succinct recommendation to protect the digital natives from identity thefts, doxing, phishing, incessant and unwarranted breach of privacy, inappropriate and unauthorized use of personal data, information theft for scandalous purposes and false positive alarms for the purpose of blackmail cyber stalking and cyber bullying in an age where activism has gone digital, we all as Environmentalists or EHRDs need a secure digital identity protection. This should be incorporated in cyber Laws of nationalities and generally accepted as another obligations and human rights protection at the UNHCR.



## References

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<https://unfccc.int/sites/default/files/resource/Improved%20Marakesh%20Partnership%202021-2025.pdf>

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### Department of Climate Change Nigeria Federal Ministry of Environment The Nigerian Climate Change Policy 2021

<https://climatechange.gov.ng/national-policy-on-climate-change/>

### The Nigeria Human Rights Commission Draft National Action Plan for the Promotion and Protection of Human Rights 2021-2025 (UNHCR, OSIWA, UNICEF, UNFPA Shehu Musa Yar'Adua Foundation Embassy of Switzerland in Nigeria)

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Center for International Energy Law

DRYAD Project

UNEP

BirdLife International

WWF

Children Environmental Rights Initiative