

Submission of the Norwegian Government

Draft General Recommendation on the Gender-related dimensions of Disaster Risk Reduction in a Changing Climate

The Norwegian Government welcomes this opportunity to submit its observations on the Committee's draft General Recommendation on the Gender-related dimensions of Disaster Risk Reduction in a Changing Climate.

Norway has been a party to the Convention on the Elimination of All Forms of Discrimination against Women since 1981 and would like to reconfirm its commitment to comply fully with its treaty obligations. According to the Norwegian Human Rights Act of 1999, the provisions of the Convention and its Optional Protocol have the force of Norwegian law with precedence over any other legislative provisions that conflict with them.

The gender-differentiated impacts of climate change on women's and men's assets and well-being particularly in developing countries are well documented. The decision of the CEDAW Committee to address this issue in a General Recommendation is therefore both timely and appropriate and enjoys the full support of Norway. We recommend that the Committee include in the General Recommendation information about lessons learnt and good practices available from State Parties who have already implemented legislation and/or taken policy measures to address the gender-differentiated impact of climate change in their strategies and plans for disaster risk reduction.

The Norwegian Government considers, however, that parts of the draft General Recommendation go beyond the legal obligations of the Convention. One such example is section V, subsection D Business Actors and Extra-Territorial Obligations, paragraphs 41 and 42. In the Norwegian Government's view, the Convention is primarily territorial in nature and does not, as stated by the Committee, require States Parties to "regulate the activities of non-State actors within their jurisdiction (...) when they operate extraterritorially". Norway draws the Committee's attention to the UN Guiding Principles on Business and Human Rights. In the Norwegian Government's opinion, UN Guiding Principle 2 reflects more accurately the present legal state. In the commentary to Principle 2 it is acknowledged that "[a]t present States are not generally required under international human rights law to regulate the extraterritorial activities of businesses domiciled in their territory and/or jurisdiction". The Norwegian Government agrees with this latter statement. In the Norwegian Government's view, paragraphs 41 and 42 of the General Recommendation therefore need to be reconsidered, preferably deleted.

Furthermore, paragraph 68 of the draft General Recommendation refers to General Recommendation no. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women. The Norwegian Government submits that regulations concerning refugee and asylum status are not relevant when considering measures to handle population displacement caused by extreme weather events and environmental degradation resulting from climate change. The Norwegian Government

would caution against language that may suggest linkages between refugee and asylum protection on the one hand, and displacement through environmental or climate change on the other. It is the Norwegian Government's view that those displaced through environmental or climate change, are internally displaced if still in their home country and migrants if they have crossed a border.

Finally, concerning issues raised in the draft General Recommendation on which Norway has not provided specific comments, this should not be interpreted as either agreement or disagreement with its substance.