

University of Dayton

eCommons

Biennial Conference: The Social Practice of
Human Rights

2023 – Decolonization and Development for
Africa and People of African Descent

Nov 2nd, 1:45 PM - 3:15 PM

The Role of African Regional Human Rights Bodies in Addressing the Negative Impacts of Climate Change

Ebenezer Durojaye
ebenezerdurojaye19@gmail.com

Assim Usang
University of the Western Cape, uassim@uwc.ac.za

Bright Nkrumah
University of the Free State, bright.nkrumahup@gmail.com

Amar Mahadew
University of Mauritius

Follow this and additional works at: https://ecommons.udayton.edu/human_rights

Durojaye, Ebenezer; Usang, Assim; Nkrumah, Bright; and Mahadew, Amar, "The Role of African Regional Human Rights Bodies in Addressing the Negative Impacts of Climate Change" (2023). *Biennial Conference: The Social Practice of Human Rights*. 1.
https://ecommons.udayton.edu/human_rights/2023/concurrent1b/1

This Event is brought to you for free and open access by the Human Rights Center at eCommons. It has been accepted for inclusion in Biennial Conference: The Social Practice of Human Rights by an authorized administrator of eCommons. For more information, please contact mschlange1@udayton.edu, ecommons@udayton.edu.

Panel on The role of African Regional Human Rights Bodies in Addressing the Negative Impacts of Climate Change

Undoubtedly one of the greatest challenges humanity has got to contend with in recent times, is that of climate change. Climate change and environmental degradation pose great threats to the enjoyment of individual rights across the world. In its first ever resolution on climate change in 2008, the Human Rights Council affirmed that “climate change poses an immediate and far-reaching threat to people and communities around the world and has implications for the full enjoyment of human rights” (UNHRC, Resolution 7/23 ‘Human Rights and Climate Change’, 28 March 2008, un Doc. A/hrc/res/7/23). Subsequently, the first report of the first Special Rapporteur on human rights and the environment noted that “environmental degradation can and does adversely affect the enjoyment of a broad range of human rights, including rights to life, health, food and water’.”(UNHRC, ‘Report of the Independent Expert on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment’, Preliminary Report, John H. Knox, 2012, A/hrc/22/43, p. 12).

It is now greatly agreed that climate change and environmental degradation can undermine the enjoyment of human rights. This ranges from the right to life, dignity, food non-discrimination and health. In the celebrated case of *Urgendra* case, the applicant brought an action against the government of Netherlands from failing to contain greenhouse gas (ghg) emissions, there-by failing to sufficiently avert dangerous climate change. The applicant thus claimed that the government has been in breach of duty of care towards present and future generations. The major issue for determination in this case was whether the government had a duty of care towards *Urgendra* to limit emissions on a higher scale than it was planning to do. This case is significant in the sense that it portrays the important role court and other human rights bodies can play in holding states accountable to address climate change.

Against this backdrop, this panel, made up of distinguished experts from Africa, will examine the roles regional human rights bodies such as the Africa Commission, the African Expert Committee on the Rights of the Child and the African Court can play in in holding African governments accountable for human rights violations arising from climate change. The Panel is a joint initiative of the Dullah Omar Institute, University of the Western Cape, Free State Human Rights Centre and the Department of Law, University of Mauritius The panel explores how regional human rights bodies can contribute towards ameliorating the impact of climate change and advancing human rights in this regard. It will seek to draw lessons from other jurisdictions regarding the application of a rights-based approach to climate change.

Key words

Climate change, human rights, African human rights bodies, accountability

Panellists

Prof Ebenezer Durojaye- Professor and Head of the Socio-economic rights Project at the Dullah Omar Institute, University of the Western Cape. He has long experience working in the field of socio-economic rights and has published widely in this area. He has wide knowledge about the African human rights system. And has provided technical support to the African Commission. These include participating in the drafting of important documents such as resolutions and general comments. Between 2012-2014 he provided technical support to the UN Special Rapporteur on extreme poverty and human rights

Prof Usang Assim- Associate Professor and Acting Head of the Children's Project at the Dullah Omar Institute, University of the Western Cape. Her expertise is in the area of children's rights and she has worked in the field for more than a decade. She has provided technical support to the African Committee of Experts on different aspects of children's rights, including climate change.

Dr Bright Knkrumah- He is a post-doctoral researcher at the Free State Human Rights Centre. His research areas include human rights and the African human rights system. He has published widely in the different areas of human rights including climate change, rights of persons with albinism and environmental issues.

Prof Amar Mahadew- Associate Professor of Law at the University of Mauritius. His areas of research include socio-economic rights and access to justice. He has extensive experience working at the African regional level and has published widely in the area of human rights.