

St. Julian's Declaration on Climate Justice

Commonwealth Forum of National
Human Rights Institutions
November 2015



The Commonwealth



Commonwealth Forum of
National Human Rights Institutions

Context

1. The Commonwealth Forum of National Human Rights Institutions (CFNHRI) is intended to be an informal and inclusive body of Commonwealth NHRIs and other national accountability mechanisms having a human rights mandate to support the broad objectives of promoting networking, sharing of information, experiences and best practices, encouraging countries to establish Paris Principles -compliant NHRIs, and assisting national institutions to fulfil their mandated activities.
2. 2015 has seen a number of major milestones reached for the future of human rights: the 3rd Conference on Financing for Development (July, Addis Ababa), the adoption of the Sustainable Development Goals (September, New York) and the 21st Conference of Parties on Climate Change (December, Paris). These international milestones are particularly important insofar as they set out an ambitious conceptual framework and associated work programme for coming decades, giving priority to a whole series of very varied and highly ambitious objectives which, if followed with action, have "the potential to transform societies".
3. We recognise the role of the United Nations Framework Convention on Climate Change (UNFCCC) and the Human Rights Council (HRC) in addressing the issue of climate change. They are separate and independent processes with their own mandates and areas of expertise. They should not and cannot substitute each other. However they can support each other, share expertise and good practices, while respecting the obligations undertaken in other processes in implementing their work.
4. Climate change issues are especially significant given that 45 of the 100 countries classified globally as most vulnerable to climate change are in the Commonwealth, 31 of which are small states and 27 are small island developing states. Increasing concern around water supply and food security, the rights of the indigenous peoples, health services, extreme weather events and rising sea levels, and emergency planning are examples of the way human rights are at risk from climate change. In recognition of the increasing impact of climate change on the human rights of people across the Commonwealth, the CFNHRI decided to establish a Working Group on the issue in 2009.
5. Climate change-related impacts have a range of implications, both direct and indirect, for the effective enjoyment of human rights. It is important to recognise that while these implications affect individuals and communities around the world, the effects of climate change will be

felt most acutely by those segments of the population who are already in vulnerable situations owing to factors such as geography, poverty, gender, age, indigenous or minority status and disability.

6. Human rights obligations and commitments have the potential to inform and strengthen international and national policymaking in the area of climate change, promoting policy coherence, legitimacy and sustainable outcomes. The concept of climate justice, which links human rights and development, provides a new approach to look at these issues and creates a platform to discuss a sustainable climate agenda.
7. There are a number of Climate Justice Principles that should inform a new legally-binding climate agreement to continue from the Kyoto Protocol, which is being implemented until 2020 and the Sustainable Development Goals:
 - Respect human rights
 - Support the right to development
 - Share benefits and burden equally
 - Ensure that decisions on climate change are participatory, transparent and accountable.

Declaration

We, Members of the Commonwealth Forum of National Human Rights Institutions attending the 'Biennial Meeting on 23 - 25 November 2015 at St. Julian's, Malta:

Affirm the key role of NHRIs in the promotion and protection of human rights in the Commonwealth.

Affirm the values and principles as contained in the Commonwealth Charter, in particular principles X and XIV; The Lake Victoria Commonwealth Climate Change Action Plan and the Perth Declaration on Food Security Principles.

Acknowledge that climate change is a global threat to human rights that significantly impacts on people's security, the right to food and water, adequate housing, mental and physical health and the rights of current and future generations, amongst others, so it requires global cooperation to solve, in accordance with the principle of international cooperation firmly entrenched in the UN Charter, the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action, the Rio+20 Declaration, United Nations Human Rights Council Resolutions 7/23 (2008), 10/4 (2009), 18/22 (2011) and 26/27 (2014) on Human Rights and Climate Change, Decision 1/CP.16 of the Cancun Agreement, the work of the UN

Independent Expert on Human Rights and the Environment and the Special Procedures Mandate Holders, including their 2014 joint letter to States to ensure full coherence between human rights and their efforts to address climate change; the Aarhus Convention on Access to Information, public participation in the decision-making process and access to environmental justice; and a host of human rights treaties and declarations and other core human rights instruments.

Recall that the relationship between climate change and human rights has been recognised by both the Conference of Parties to the United Nations Framework Convention on Climate Change (UNFCCC) and by the Human Rights Council (HRC), and can be further strengthened.

Take note of the contribution of human rights in the formulation, implementation and monitoring of policy and development projects, including the right to an effective remedy (in line with the Doha agreement, 2012).

Recognise the necessity for a greater interdependency between development, climate change and human rights, embodied in the notion of sustainable development.

Pay attention to the importance of active and free participation of the populations concerned, including the most

marginalised in climate change decision-making processes from the design of projects to their evaluation.

Emphasise the necessity to ensure explicit references to human rights law and principles in the new global climate agreement in order to guarantee the practical conditions for implementation in governmental initiatives to combat climate change.

Cognisant of the Mary Robinson Foundation – Climate Justice principles, which are rooted in the frameworks of international and regional human rights law and do not require the breaking of any new ground on the part of those who ought, in the name of climate justice, to be willing to take them on.

Acknowledge the importance of active engagement with international and regional human rights mechanisms as well as the UNFCCC and the Sustainable Development Goals.

Therefore, we declare as follows:

As a group of Commonwealth NHRIs, we commit

1. To take steps to increase our understanding of how human rights obligations inform better climate action by pursuing meaningful collaboration between national representatives in the above two processes;

2. To request input from the UN Human Rights Council/Office of the UN High Commissioner on Human Rights on how to operationalise human rights protections in climate action;
 3. To encourage national and international climate change frameworks to integrate human rights into their policies and actions, including at the new climate agreement (COP 21) and the Sustainable Development Goals;
 4. To develop rights-based guidance, which provides both a legal and moral basis to climate change action, rooted in dignity and equality, through the realisation of human rights;
 5. To develop a work programme on climate justice in order to monitor and evaluate efforts already made and still to be made to protect human rights within the context of climate action;
 6. To take steps to develop tools to ensure the protection of human rights within climate change policies and actions such as impact assessments and participatory indicators that are anchored in human rights at the national and international levels;
 7. To encourage Commonwealth nations, when appropriate, to exchange information and transfer green technologies, mainly for industrialised countries, and to support low carbon climate resilient strategies for the poorest;
 8. To promote the gender dimension of climate change, and in turn climate justice across the Commonwealth nations as the impacts of climate changes are different for women and men, with women likely to bear the greater burden in situations of poverty;
 9. To promote the principle of equality and non-discrimination in climate action, including the rights of children, older people, people with disabilities and indigenous peoples.
 10. To proactively seek dialogue with private actors to ensure they also contribute to the realisation of climate justice, including encouraging Commonwealth nations to hold accountable private actors for human rights violations;
 11. To encourage the Commonwealth nations to adhere to the Geneva Pledge to promote and respect human rights in climate action.
- As NHRIs, we commit
12. To take steps to ensure that human rights are integrated into all aspects of climate actions, including formulation, implementation and monitoring, with the active and free participation of the populations concerned;

13. To promote internal coordination between human rights and climate change actors, including through human rights national action plans and other related action plans;
14. To encourage climate justice education, producing new insights not only at the scientific but also at the sociological and political level, and to strengthen it where already in place;
15. To take appropriate steps to promote greater participation in national and international decision-making processes which are fair, accountable, open and corruption-free; these are essential to the growth of a culture of climate justice;
16. To strengthen monitoring and reporting on human rights and climate change, particularly under the UNFCCC and at the Human Rights Council including the Universal Periodic Review, and other UN and regional mechanisms to promote the sharing of information and the exchange of good practices on the integration of human rights into climate action;
17. To strengthen collaboration with civil society to ensure legitimacy and effectiveness in climate action.

**Adopted at the
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Commonwealth Secretariat

Marlborough House, Pall Mall
London SW1Y 5HX
United Kingdom

thecommonwealth.org

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