**Malta input - Questionnaire on the impact of new technologies for climate protection on the enjoyment of human rights**

**Core questions (for all stakeholders)**

1. **Which new technologies for climate protection (NTCP) are of particular importance when it comes to impact on human rights? List three most relevant and explain your choice.**

Solar radiation management which specifically uses stratospheric aerosols (ex: when using sulfur-based aerosols) has the potential to be of severe impact. Due to the lack of knowledge about the precise impacts arising from their use, one can assume that they have the potential to lead to negative climate impacts similar to those due to Climate Change in terms of magnitude and multi-dimensionality. There could also be indirect impacts relating to health of individuals exposed to these particles. Issues of territoriality would also come into play, complicating such discussions further.[[1]](#footnote-1)

Approaches which lead to a rigid understanding of the global ecosystem protection, which aims to preserve the carbon-storage above other attributes of the ecosystems could lead to methods which could actually endanger the biodiversity and indigenous uses of such land.

Ambient air capture [[2]](#footnote-2) also has the potential to impact Human Rights. This may be more accessible by more developed countries, as it could lead to unfair advantages in what development is permitted if such carbon removal helps them remain within carbon emission thresholds (which affects how much development can take place). Other forms of carbon capture which are less technologically advanced may have more equitable access.

1. **What kind of NTCP may contribute to human rights promotion and protection? Please, explain how.**

Nature-based systems will increase resilience (both of nature and of economies) and will therefore improve the situation across a broad spectrum of human rights, such as for example a reduction in poverty.

Technology which is most easily accessible by those with different ranges of access to resources will be the most equitably shared globally.

1. **What are the key human rights challenges and risks arising from NTCP and from which in particular? Do NTCP create unique and unprecedented challenges or risks, or are there earlier precedents that help us understand the issue area?**

The main key challenges would be that of limited access and the unfair advantage that some countries would have on other countries. This would increase the need for aid from developed to less developed countries. This issue is already the subject of negotiations which are difficult, therefore this would make that worse.

Certain NTCPs are more difficult to predict than others. As mentioned, stratospheric aerosols are a unique case given that they are released into the stratosphere and would therefore transcend territorial limits.

1. **What specific human rights may be affected by the use of NTCP? Please, explain how. Who are the rights-holders that potentially would be the most affected by the use of NTCP? Are they also the most affected by climate change? How could they and the society at large be engaged in the decision-making process?**

Equality and human dignity would be affected by the use of NTCP, due to limited access to NTCP by certain countries (e.g. LDCs and developing countries). International negotiations can therefore help in mitigating these potential risks.

In line with point 3, if natural systems are further disrupted by certain NTCPs and exacerbate existing conditions, more people will be displaced. Greater movement could increase the amount of displaced people in specific countries and complicate asylum processes.

In a more general sense, there could also be issues with the human right to a clean and healthy environment.

1. **Is the existing international and your national human rights framework adequate to safeguarding human rights of those affected by the use of NTCP? Why or why not? If not, what principles may be identified in order to address the gaps? List them according to priority.**

The national human rights framework does not tackle NTCP explicitly. Similarly, legal approaches at an international level are difficult to operate and therefore a more devolved approach at a regional level may be more effective.

1. **Given that NTCP may present potential risks for the enjoyment of human rights, to what extent do human rights legal obligations require the States to pursue other climate protection policies presenting less risks of harm, including mitigation and adaptation measures?**

NTCP should be included within future climate strategies (both mitigation and adaptation) at both national and EU/International level. However, more research is needed in order to understand how these can be included within the national policy context.

1. **As opposed to focusing on selected few technologies, do you think a holistic and inclusive approach will help reduce any gaps in the existing system for addressing human rights challenges from NTCP?**

A holistic and inclusive approach would definitely help in reducing any gaps related to human rights and NTCP. It would also be beneficial for an official compendium of what constitutes NTCPs to be developed, for greater clarity on the subject when discussing with stakeholders from different backgrounds.

1. **What should be the responsibilities of key stakeholders (UN agencies, states, NHRIs, civil society, technical community and academia, private sector) in mitigating the risks of NTCP to human rights and/or fostering its protection?**

Key stakeholders should make sure that implementing NTCP do not pose any harm to human rights. Regulatory frameworks are needed at both national and international level. Furthermore, the role of certain stakeholders – such as academia and the expert community – is crucial in supporting research on this topic.

Also, all decisions should be evidence-based and taken in accordance with the precautionary principle. If not enough knowledge is available to prove that no significant negative consequences will arise from certain actions, then pursuing those actions could lead to unpredictable negative consequences and would be irresponsible. Although these impacts mostly refer to natural systems, these are the factors which will inevitably have an interplay with human society and therefore human rights.

**Specific questions for States**

1. **In your country, what are the main human rights challenges arising from the implementation of climate change national plans and policies? List and describe them briefly.**

Human rights are not explicitly tackled by the National Climate Change Policy.

1. **Is your country involved in or supports in any way the development, implementation or use of NTCP?**

N/A from a climate change perspective.

1. **What measures, if any, (legislative, administrative, institutional, or other) have been put in place to regulate the use of NTCP? Have the human rights challenges arising from such activity been taken into account in their adoption?**

The Ministry for the Environment, Energy and Enterprise (MEEE) has engaged in the #ClimateOn Campaign at national level as well as will be contributing to the Action for Climate Empowerment (ACE) framework on an international level. Furthermore, a vulnerability and risk assessment (VRA) for local economy is being carried out. Although these do not tackle explicitly the issue of NTCP and human rights, they do have indirect effects.

Empowering individuals to be better informed about the impacts of climate change in their daily life will lead to better integration of these considerations into decision making. A similar process occurs in the case of better information being developed (as seen in the VRA) regarding these impacts.

1. <https://www.wilsoncenter.org/article/solar-radiation-management> [↑](#footnote-ref-1)
2. <http://www.geoengineering.ox.ac.uk/www.geoengineering.ox.ac.uk/what-is-geoengineering/what-is-geoengineering/> [↑](#footnote-ref-2)