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INFORMAL LUNCH MEETING ON ENVIRONMENT,
CLIMATE CHANGE AND HUMAN RIGHTS

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On 22 February 2011, the Geneva Office of the Friedrich-Ebert-Stiftung (FES) in co-operation with the Center for International Environmental Law (CIEL), Earthjustice and WaterLex invited delegates and NGO experts to discuss the scope and follow-up on the draft resolution on environment and human rights, to be tabled at the 16th session of the UN Human Rights Council.

The present report tries to summarize and give background on the issues discussed at the meeting.

The background of the draft resolution

Focus of the meeting was the draft resolution on environmental impacts concerning human rights, presented by Ambassador Iruthisham Adam of the Permanent Mission of the Maldives. In 2005, the former Commission on Human Rights adopted resolution 2005/60 on human rights and the environment as part of sustainable development. The Human Rights Council adopted resolutions 7/23 and 10/4 on *Climate Change and Human Rights* in 2008 and 2009 respectively. The current initiative of a HRC resolution on *Environment and Human Rights* can be seen as a follow-up to both initiatives.

The latest version of the resolution discussed calls for the preparation of an analytical report on the impacts of environmental issues

on the enjoyment of human rights by the Office of the High Commissioner for Human Rights (OHCHR). It may also call for OHCHR to organize an expert workshop, aiming to clarify those impacts.

A possible purpose of this report on human rights and the environment could be to combine the study of various environmental issues and their negative implications for the full enjoyment of all human rights in one approach (including e.g. the right to life, the right to housing and the right to water). Yet, it needs to be stressed that this should not result in the weakening of existing mandates.

Addressing sustainable development and green economy as a new emphasis, the preliminary preparations of the UN Conference on Sustainable Development in Rio 2012, could be of special interest. For example regarding the green economy, the environment must be seen as infrastructure, not as external factor of the economy. This aspect is highlighting the environment as a basic role for economy and society and can be drawn upon as background for the OHCHR-report demanded in the resolution.

Embedding the resolution in the global environmental and climate change context

Considering the topic and outcome of the HRC Social Forum from 4 to 6 October 2010

(human rights related impact of climate change), the significance of this emphasis may also gain ground. In consequence, an initiative aiming at a HRC resolution on human rights and climate change may be expected this summer. Such a resolution would have a more specific focus and include a mandate of a Special Procedure on the issue.

Looking at the terms of climate change, where already two resolutions of the UN Human Rights Council and one report of the Office of the UN High Commissioner of Human Rights recognized the relationship between climate change and human rights, yet, practical achievements remain to be proven. As an outcome of the Cancún UN Climate Conference, the HRC resolutions and the OHCHR report are referenced in the UNFCCC negotiation texts. This fact could be used as a feedback loop: participating parties – which are at the same time members of the Human Rights Council – should integrate the respect for human rights in every step of climate activities. A Special Procedure on human rights, focusing on climate change effects and consequently monitoring the impact of climate change on human rights, could help them to strengthen this connection.

The chance of a cross-regional and holistic approach

The initiative of a resolution on human rights and environment is supported by a cross-regional group of states. This is a special opportunity for developing countries to bundle their forces, but also to cooperate with industrially developed countries. As the formers are most affected by the environmental impacts on human rights, a general cross-regional approach is ensuring a parallel advancing on all levels.

The importance of a holistic approach is that it strengthens the discussion about other environmental issues in relation with human rights and broadens the aspect of the topic (right to water, right to food etc.). Direction and target should be a profound effect on and a bigger forum within the UN Human Rights Council but also reaching to the public.

The topic should be addressed combining the environmental impact on individual rights on the one side and the collective rights on the other side. Those two perspectives are completing the holistic approach focusing simultaneously on individual and society. The resolution on human rights and environment

is the first to illustrate environmental issues with a human face and focusing on a holistic approach.

Stressing the developmental character of environmental impacts on human rights should be of great concern. Developing countries in particular, should be given a chance for greening their economy while ensuring human rights at the same time. High standards and international obligations, generally promoted by industrialized countries, often ignore special circumstances in developing and least developed countries. The emphasis should lie in an inclusive approach combining human rights, environment and sustainable development.

Further aspects of human rights law

When it comes to climate change in particular, the Convention on the Rights of the Child may offer a chance and basis to include views of future victims into the resolution. This is the case as the Convention on the Rights of the Child is the only one to include a reference to the rights of the next generation, which will be severely affected by

future impacts of climate change. In addition to that, NGOs that are emphasizing on the rights of the child are frequently taking a climate change view into account. The crucial role of civil society should also be taken into account to create a direct channel of communication and mainstreaming.

Interlinkages and focus on long-term targets of the initiative

In terms of possible targets of the expected resolution on human rights and climate change, it could transport human rights considerations into the UN Framework Convention on Climate Change (UNFCCC) and UN Children's Fund (UNICEF). The coming meetings of the Conference of the Parties (COP) to the UNFCCC in particular, could be the focus of particular attention since the year 2012 is setting a new starting point in negotiations on a follow-up to the Kyoto Protocol.

While some links on human rights, environmental and climate issues have been established, other potential connections to UN-system organizations could be made.

On the author:

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