

Executive Summary

Summary

Global Humanitarian Forum

2009 Forum: Human Impact of Climate Change

Geneva, Switzerland

23-24 June 2009

23 June 2009

9:30 a.m. - 12:30 p.m.

human rights

Climate Change and Human Rights

- Mary Robinson, Honorary President, Oxfam International; Chancellor, University of Dublin; Former President, Ireland
- Türkan Karakurt, Co-Director, Friedrisch Ebert Stiftung, Geneva
- Kyung-wha Kang, Deputy UN High Commissioner for Human Rights
- Olivier De Schutter, UN Special Rapporteur on the Right to Food (Louvain)
- Maria Julia Olivia, International Trade and Environment Lawyer
- Stephen Humphreys, Research Director, International Council on Human Rights (ICHRP)
- Richard Hermer, Barrister, Doughty Street Chambers
- Yves Lador, Permanent Representative to the UN, Earthjustice
- M. J. Mace, Independent Advisor
- Miloon Kothari, Former UN Special Rapporteur on adequate housing; Coordinator, South Asia Regional Programme, Habitat International Coalition's Housing and Land Rights Network

The human rights of poor individuals, particularly women and children, and vulnerable communities are already being violated by the effects of climate change. Every day, peoples' rights to clean water and sanitation, food and adequate housing are being undermined by floods, droughts, rising coastal waters and extreme weather events. But whose responsibility is it to redress such violations?

Under international law, states have obligations to safeguard human rights from the effects of climate change through mitigation and adaptation measures. National responses to climate change cannot violate the human rights of, for example, indigenous peoples and forest dwellers. At the same time, states are obligated under human rights law to cooperate internationally to address threats to human rights.

These complex linkages pose a daunting challenge to existing international institutions. Do they have the capacity to address such highly complex issues? Participants pointed to the potential of the existing human rights framework to provide entry points to address the moral and legal implications of what has become a focal point for the human rights, environmental and development communities.

As the UN Climate Change Conference in Copenhagen approaches, the debate is heating up about whether human rights language should be included in any agreement. But the conundrum remains: how to enforce such rights? What about accountability mechanisms? Participants in two sessions discussed a wide range of challenges and potential solutions.

- Agriculture is a colossal consumer of fresh water and is responsible for 33% of greenhouse gases. Challenges include finding different means of production, increasing food supply to meet burgeoning population growth, and changing modes of consumption. A solution lies in eco-agriculture, which has the potential to enhance rural livelihoods, protect biodiversity and develop more sustainable agricultural systems.
- What can human rights issues bring to the climate change debate? A potential concrete entry point is technology transfer, as developing countries prepare adaptation measures. However, intellectual property issues must not become a barrier to progress, which is what happened with IP and health.
- It is important to leverage existing resources when assessing technology needs and vulnerability. For example, why not collaborate with the U.N. Food Insecurity and Vulnerability Information and Mapping Systems Initiative?
- Addressing climate injustice – the notion that the victims of climate change are not the perpetrators – involves increasing the accountability of states. An Optional Protocol to the International Covenant on Economic Social and Cultural Rights could obligate countries to report on climate change actions.
- The Maldives won an important victory with Resolution L30, which calls upon the UN Human Rights Council to hold a panel discussion on the relationship between human rights and climate change. Another means of galvanizing action could be to engage UN Special Rapporteurs who can wield influence in numerous ways, including issuing special reports and organizing missions.
- Litigation that uses the law creatively can be an effective component of the human rights toolkit. It forces an issue into the public domain and when the law is working at its highest level, it provides a means of redress to victims, holds offenders to account

and raises standards. However, obstacles abound in the grey area of human rights and climate change: demonstrating causation, determining fault and resolving thorny jurisdiction issues, to name a few. Another challenge is establishing the causal link between activity that exacerbates climate change and damage on the ground.

- Avenues of redress exist, such as the European Convention on Human Rights, the Inter-American Commission on Human Rights, and the African Commission on Human and Peoples' Rights, to name a few. An important precedent was set in December 2005 when the Inuit Circumpolar Conference filed a legal petition against the US at the Inter-American Commission on Human Rights to investigate the harm caused to the Inuit by global warming. If the Commission rules in favour of the Inuit, it could be referred by the US to the Inter-American Court of Human Rights for a legal judgement.

There is a critical role for civil society to play in months before Copenhagen and beyond, since successfully exploiting synergies among human rights, climate change and development will depend on all actors. Moderator Mary Robinson concluded that we must have a good division of labour and we need to be strategic. The principles of climate change and climate justice are developing. This is a running call for the human rights, development and environmental communities to come together."