



**Dialogue** on  
**Globalization**

CONFERENCE REPORT  
FES GENEVA

**FES / CIEL Side Event at  
UNFCCC Bonn Climate Talks  
“Climate Change and Human Rights”  
Bonn, 2 June 2009**

*FELIX KIRCHMEIER*

**Panelists:**

*Ulrik Halsteen, Office of the UN High Commissioner for Human Rights*

*Vicky Tauli-Corpuz, Chair of the UN Permanent Forum on Indigenous Issues*

*Gladys Branche, Women's Coordinator, Sierra Leone Labour Congress, Vice President, ITUC*

*Stephen Porter, Center for International Environmental Law*

**Moderator:** *Türkan Karakurt, Fiedrich-Ebert-Stiftung*

The UN Human Rights Council, composed by 47 States elected by the UN General Assembly, has recognized the climate change & human rights linkage in two resolutions adopted in 2008 and 2009 by consensus. The Office of the UN High Commissioner for Human Rights prepared an analytical study on how climate change affects human rights and how obligations in human rights law must influence the States' decisions regarding climate change. This side event explored how climate change negotiations can incorporate a human rights dimension, bringing recent activities of human rights organizations to the attention of negotiators and participants at the "climate talks". The discussion addressed various options whereby the UNFCCC could address the human rights elements of climate change mitigation, adaptation, financing & technology transfer.

Welcoming the participants and opening the panel discussion, **Türkan Karakurt** pointed out that the aim of this side event was not to start but to rather deepen a dialogue that has already started between the environmental movement, the human rights organizations and the climate change negotiators. While for a long time climate change had been viewed as a danger to environment and ecosystems, the poor and most vulnerable communities are already experiencing it as a threat to human and social systems.

She stressed that the human rights community was deeply concerned about the growing negative impacts climate change has on the enjoyment of many human rights, naming the right to safe water and sanitation, the rights to food and adequate housing and the right to health as some examples. Resource-poor countries will suffer the worst consequences, while it is the rich world that is predominantly responsible for human induced climate change. In turn, the most vulnerable lack the institutional, technical and financial means to adapt.

From the outset she insisted that using a human rights lens to address the impacts of climate change should not be seen as imposing an additional dimension or burden to the already complex nature of the international climate negotiations but would rather already lie at the heart of the ongoing negotiations on mitigation and adaptation as they were targeted to protect human life and the highest possible standard of living.

A clear reference and inclusion of universally agreed human rights law, standards and norms in the coming Copenhagen treaty could enable States

to use indicators, standards, processes and instruments anchored in the human rights system to effectively address the challenges that came along with the impacts of climate change. The effects of forced migration or resettlement due to natural disaster, the loss of housing due to flooding, the possible loss of livelihoods as a result of adaptation programs could otherwise create, if not addressed by a climate policy in full compliance with the international human rights law, frictions and conflict with adverse long term effects.

Human Rights Law is guided by the notions of equality and social justice – it obliges states to cooperate internationally to achieve best results – these principles should be guiding the climate negotiations as well and hence could be of inspiration to a common understanding of a just and equitable climate treaty. As CC alters the context of development in the countries of the Global South; their specific needs for financing and technology transfer on the one hand and for participatory mechanisms on the other need to be addressed - here the International Covenant on Economic, Social and Cultural Rights as well as the Declaration on the Right to Development could offer specific guidance.

The first speaker, **Ulrik Halsteen**, focal point for climate change at the Office of the High Commissioner for Human Rights (OHCHR) and main author of the OHCHR study on the human rights (HR) implications of climate change (CC) gave a short summary of the main interfaces between CC and HR.

The topic had been brought to the attention of the UN Human Rights Council through an initiative by the group of Small Island Developing States (SIDS) and representatives of indigenous peoples, resulting in two consecutive resolutions, passed by consensus, which confirmed the HR concerns linked to CC. The first resolution had called for research by OHCHR on the link of CC and HR, resulting in the mentioned study which highlights the most vulnerable groups of society and most affected areas. Using a "human rights lens", it does not stop at identifying environmental and ecological impacts but focuses on the human individual.

Turning to the concept of Climate Justice, Mr. Halsteen stressed that those who contributed the least to CC at the same time most suffered the consequences – while having the least capacities to adapt. Relating to this point, he explained how international HR standards could complement the CC negotiations: Mitigation and adaptation to CC

was not only a matter of burden sharing *between* states, but also *within* countries. The report by OHCHR showed who the most vulnerable segments of society were, and also who might be negatively affected by adaptation and mitigation measures themselves. Especially for those negatively affected by measures taken to fight CC, the HR concept of prior informed consent as well as the claim for access to social and health systems for individuals were important.

Concluding, he summed up the value added by international human rights obligations:

- They protect against CC induced harms on a national level,
- They evoke the general obligation of international cooperation in realizing HR,
- They protect individuals – not states.

Closing, he reminded the audience that the human cost for non-action on CC was simply too high.

**Vicky Tauli-Corpuz**, Chairperson of the UN Permanent Forum on Indigenous Issues, subsequently discussed the specific needs of indigenous peoples. Living often in the most vulnerable ecosystems and already hostile environments, they are seen as living on the frontline of climate change. Drawing from the experiences of representatives of indigenous peoples who already are strongly engaged in the climate debate, she stressed the need for direct lobbying for the HR case at the UNFCCC negotiations.

The Permanent Forum, she said, had since long studied the impacts of CC and of measures fighting it. Bio-fuels (generated by palm oil) for example had clear negative impact on the lives of indigenous peoples and thus showed how mitigation and adaptation measures could violate human rights. In the case of Indonesia, the UN Committee on the Elimination of Racial Discrimination (CERD) had “ruled” that oil plantation should be stopped. The same was true for projects under the REDD finance mechanism (Reducing Emissions through Deforestation and Forest Degradation). Money generated by this program would go directly to the state who in turn would expropriate the local indigenous population.

Contrary to general human rights, the rights of indigenous peoples had now found entry into the negotiation text for Copenhagen due to the persistent involvement of indigenous representatives. This was a success far beyond the former focus of solely reducing carbon emissions.

Further, she pointed to the capacities of indigenous communities in contributing to mitigation efforts. Indigenous knowledge of land and resource use could be beneficial on a national scale but would hardly ever be heard by governments.

She concluded her presentation with the call that rich countries have to compensate for the harm they caused, stating that by now, Indigenous Peoples were forced to become climate migrants, and sometimes, e.g. in the case of island states, even national sovereignty was undermined. Regarding claiming this compensation, she identified litigation cases in regional courts and the Concluding Observations of CERD as possible avenues for the future.

**Gladys Branche**, Vice-President of the International Trade Union Confederation (ITUC) and Women’s Coordinator of the Sierra Leone Labour Congress, addressed in her presentation the vulnerability in the African continent and the long term implications CC will have on the world of work, labor relations and social systems. She referred to the general situation of absence of environmental laws (or their implementation) on the continent. Adding to this, the very low awareness of the problem among populations focused rather on direct needs worsened the picture. Climate change as such was not yet understood in concept and risks.

While national action plans would be a possibility for the most vulnerable countries to call for assistance in adaptation, most African countries lacked the capacity to produce those documents. Yet, their high vulnerability was evident due to their heavy dependency on agriculture and noticeably increased incidents of environmental accidents and related health problems and threats to food security.

She concluded her presentation highlighting the following demands:

- HR need to be considered as minimum standards in developing adaptation and mitigation strategies;
- HR must be paramount on all levels;
- HR and social impact assessments should be conducted prior to the implementation of CC related projects, resulting in a human face of CC policies;
- Technology transfer and related training have to be provided to the most vulnerable;
- African governments have to take action on CC mitigation and adaptation;

- In a nationally and internationally coordinated effort, access to rights that have been violated has to be provided;
- Lacking figures for needs could not be a reason or excuse for non-action; if necessary, social data had to be collected.

Completing the panel, **Stephen Porter** from the Center for International Environmental Law (CIEL) reported the main recommendations vis-à-vis the CC negotiations that a loose coalition of organizations and individuals had worked out at a joint FES / CIEL workshop in January. The full set of recommendations can be read in the joint CIEL/FES 2009 publication: *Human Rights and Climate Change: Practical Steps for Implementation*.

At the outset, he drew the attention to the new publication "Anatomy of a Silent Crisis" by the Global Humanitarian Forum which for a first time gives numbers to the death toll of CC. He also stressed that human rights advocates did not push for new rights in the CC negotiations, but for the realization of enshrined rights. The duty of states was to cooperate and to protect rights. In this context this translated into obligations to come to good and equitable outcome in Copenhagen.

Yet, Copenhagen would only be one point on the way – specifics of the emerging climate regime

would have to be designed later. Identifying elements that had to enter the "deal" now, he called for inserting HR in the preamble of a forthcoming CC document, acknowledging the rights of indigenous peoples in the framework of REDD, and mainstreaming HR institutionally into the CC system (as referred to in chapter 5 of the CIEL/FES 2009 publication). Such mainstreaming had already been taken on by the CC system on other issues (e.g. gender) and could easily happen for HR concerns. Overall, he called for public participation in national level policies to avoid violations of HR from the start.

Turning to the emerging system of financing for "clean" development, he drew a parallel to the existing financing and lending system of the World Bank. There, it had also taken a sustained effort to include HR concerns – the same process might have to be repeated in face of the new, and probably substantial, finance flows which are to be expected under the CC regime.

He concluded with a summary that can be seen as "lessons learned" from all presentations of the panel: The inclusion of human rights into the climate change regime is legally not complicated - it's just about political will.

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