



Dialogue on
Globalization

CONFERENCE REPORT
FES GENEVA

Practical Approaches to Integrate Human Rights and Climate Change Law and Policy

Parallel event to the 10th session of the
Human Rights Council

Geneva, 9 March 2009

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On Monday, 9 March 2009 the Geneva Office of the Friedrich-Ebert-Stiftung (FES) and the Center for International Environmental Law (CIEL) invited to a Panel discussion and launch of the new publication on practical approaches to integrate Human Rights and Climate Change Law and Policy. The panel was composed of:

Moderator: Türkan Karakurt, FES

Speakers:

Catarina de Albuquerque, Independent Expert on Access to Water and Sanitation

Olivier De Schutter, Special Rapporteur on the Right to Food

Raquel Rolnik, Special Rapporteur on Adequate Housing

Nathalie Bernasconi, CIEL

Dalindyabo Shabalala, CIEL

The fact that man-made climate change is taking place right now is so far widely recognized and barely questioned in its existence. To take it one step further it is also recognized that the realization human rights might be clearly dependent on the effects of climate change. Based on this interrelation FES Geneva in cooperation with CIEL conducted a workshop in January 2009 to discuss institutional approaches and measures to "Integrate Human Rights and Climate Change Policy and Law." The outcome of this workshop, a report on such possible practical measures and procedures was presented at this Parallel Event. Especially the roles of the UN Special Procedures as well as the Human Rights Council (HRC) were items of discussion.

Türkan Karakurt who moderated the panel discussion welcomed all participants and pointed out once again that the purpose of the meeting was not to discuss the existence of a link between the protection and promotion of human rights and climate change but how to respond to it. The focus should be on strategies, instruments and practical measures to protect human rights.

The following speaker, **Dalindyabo Shabalala** from CIEL provided the audience with a deeper understanding of the underlying rationale of the report. He stated that the real challenge was not to recognize the link between human rights and climate change but to process this knowledge and to succeed in both, the protection of human rights as well as the adaption to and mitigation of climate change.

He elaborated further that at the international level, climate change was so far mostly tackled by the UNFCCC, which has not been enough to

integrate and address the protection of human rights. For this reason it is now necessary to include the human rights framework as an additional way of underpinning the needs of adapting to and mitigating the effects of climate change in order to protect the most vulnerable countries in particular. He concluded by pointing out that the Resolution on Human Rights and Climate Change adopted by the HRC was indeed a starting point for which the workshop by FES and CIEL represents one possible necessary follow-up.

Subsequently his colleague and managing attorney of the CIEL Geneva Office, **Nathalie Bernasconi**, gave a short outline of the final report that was elaborated in the January workshop. In her remarks she focused especially on the possibility to use Special Procedures and the according mandate holders to address and strengthen endeavors to integrate human rights and climate change law and policy. The Special Procedures on housing, food, water, indigenous people and poverty were identified as being particularly suitable for engaging in this discussion. The mandate holders could for instance help in establishing a new Special Procedure mandate solely on Human Rights and Climate Change.

Additionally, she mentioned some other approaches described in the final report as for example the idea that the HRC could consider to call a Special Session on climate change. Another proposal would be to use the UPR or the Advisory Committee to advance actions on climate change and human rights. She also made very clear that the UNFCCC would remain one of the main and most important components in the whole discussion.

After these outlining contributions **Catarina de Albuquerque**, Independent Expert on access to water and sanitation took the floor. She first elucidated what a devastating impact climate change might have on the right to access to water – weather extremes, the rapid melting of glaciers and the reduction of snow all heavily affect the access and supply of water. She emphasized that she would be deeply ready to engage in the debate on climate change and human rights in her mandate.

Regarding the practical steps to address the human rights and climate change linkage she stated that the focus should lay on the Special Procedures rather than on the Human Rights Treaty Bodies. In her opinion an initiative of mandate holders who consider Climate Change to play an important role in their respective mandates to work on a joint report on human rights implications of climate change would be a good starting point. This report might also help in assessing whether there is a need for a new specific mandate or not. Joint position papers entailing more details concerning the main ideas and necessities of mandate holders on the human rights and climate change link could complement a joint report. She reiterated that the Leitmotif for all these various actions must clearly consist of cooperation and collaboration among the various mandate holders.

Olivier De Schutter, Special Rapporteur on the right to food began his statement by elucidating the two-fold way the role of agriculture can be evaluated in connection with climate change. On the one hand agriculture and therefore food production in general are going to suffer from climate change tremendously. Rising sea levels, extreme weather events and desertification in combination with a constant growth of population will likely contribute to a manifest decline in the overall food production by 2080. In addition, the burdens of these changes are shared highly uneven. The worst affected people are land users, people who are living off fishery and food producers who are most vulnerable on food security. On the other hand agriculture is a huge contributor to climate change as it produces 42% of all emissions worldwide and uses 70% of fresh-water resources. This course must be reversed through forms of sustainable and ecologically friendly agriculture.

The fact that agriculture plays such a two-fold role also explains its great relevance for the protection of human rights. Therefore two particular issues should be taken into account when dealing with climate change and human

rights. The UN Treaty Bodies should initially ask which adaptation and mitigation measures are taken by states. As a follow-up it should be inquired if the principles of non-discrimination, participation and accountability are taken into account by applying these measures and procedures.

Concluding his input, De Schutter mentioned the idea of using national monitoring systems much stronger than it is happening at present. These monitoring systems could be supervised and verified by international bodies what would assure a control mechanism that states actually take action in adapting and mitigating climate change. Furthermore the accountability of state governments would thus be enhanced.

Completing the panel, **Raquel Rolnik**, Special Rapporteur on Adequate Housing gave a short overview of her latest mission to the Maldives which was focusing on the effects of climate change on the housing situation in the country. She pointed out that the right to adequate housing represents an important issue in the country as the overcrowding of some islands as well as the increasing land scarcity are threatening sufficient and adequate accommodation for the population. And yet the reason for these problems is not so much perceived as the logical consequence of climate change but as the result of ongoing economic and social development which leads to population growth, new patterns of consumption and immigration. In this regard adaptation and mitigation measures must be applied very carefully not to destroy even more land and resources. She therefore advocated a necessary “out of the box thinking” that includes the affected populations in the decision making and finds a harmless way of adapting to and mitigating climate change.

As another key issue related with climate change and its consequences, Rolnik identified the displacement of persons as well as migration and refugees. The question how these issues could be tackled would display an entry point for deploying a human rights perspective.

In the following **discussion** it was pointed out that the human rights dimension is indeed gaining more and more weight, taking into consideration that one year ago these issues were not even on the agenda of UNFCCC state parties. And yet the discussion of practical approaches to integrate both regimes especially in relation to the role UNFCCC might play has not entered the debates preparing for the

Copenhagen Conference so far as until now no official request or proposal by any organization has been presented to it.

One question that was addressed to the panel dealt with the effects of capitalism on mitigation strategies and efforts. In this context it became clear that in the whole discussion around climate change and human rights the private sector in terms of "corporate social responsibility" is about to play an important role, of course as a problem but as a possible part of a solution, too. In another question, information about the definition of "most vulnerable countries" and the according allocation of adaptation funds was

addressed. The answer to this inquiry explicitly showed another possibility of connecting the climate change and human rights frameworks as the definition of "vulnerable" would offer an entry point for the human rights perspective into the debate.

Although time was short, given the set-up of Parallel Events at the HRC, it was a fruitful discussion that clearly showed the commitment of the present mandate holders to stronger engage in institutionalizing the link between climate change and human rights and contribute therefore to a better and more comprehensive protection of human rights

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