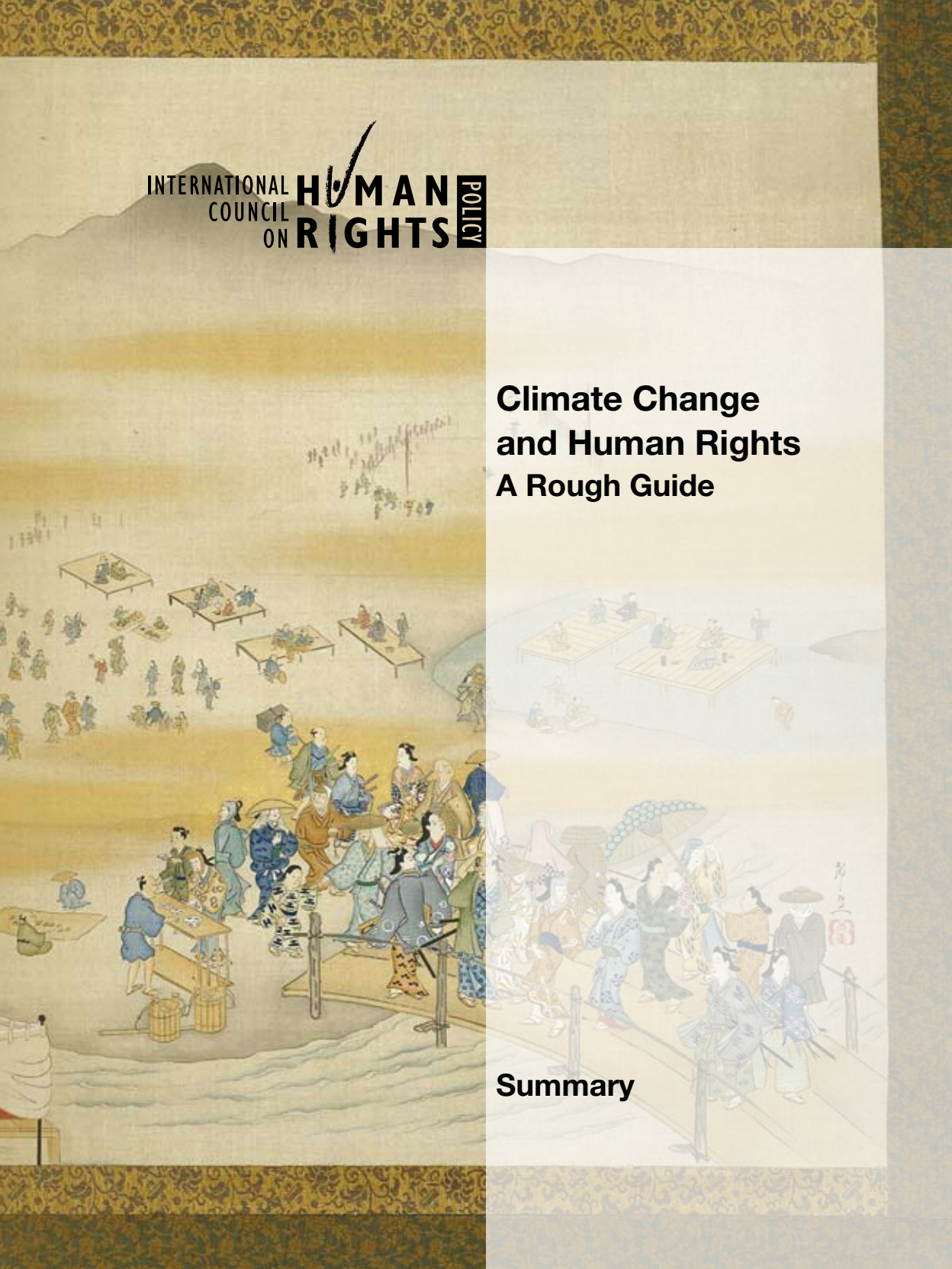


Climate Change and Human Rights A Rough Guide

Summary



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FOREWORD

by Mary Robinson

As I write these lines, new tragedies are unfolding for thousands of individuals and families in China and Myanmar. It is sobering to reflect on how poorly equipped we are to manage the devastation wrought by natural catastrophes. We lack early warning systems, efficient response mechanisms, and – as the suffering of the Burmese people in particular cruelly reminds us – the global solidarity and coordination needed to deliver help where and when it is most needed.

We know there will be more natural catastrophes in future. But they will not always involve horrific headlines and images of hurricanes and tsunamis. More commonly, they will be cumulative and unspectacular. People who are already vulnerable will be disproportionately affected. Slowly and incrementally, land will become too dry to till, crops will wither, rising sea levels will undermine coastal dwellings and spoil freshwater, species will disappear, livelihoods will vanish. Occasional cataclysms will exacerbate these trends. Mass migration and conflicts will result. Only very gradually will these awful consequences reach those whose lifestyles and activities are most to blame.

Climate change will, in short, have immense human consequences.

We have known this for a long time. This report is not by any means the first to draw attention to the urgency of the many human impacts that climate change will entail, nor to broach the difficult justice questions it raises, nor to inquire into its long term implications for development. Each of these concerns has been discussed repeatedly since the United Nations Framework Convention on Climate Change (UNFCCC) was opened for signature in May 1992, and indeed before then. What this report does for the first time, however, is think through the human rights implications of climate change and ask how the substantial body of international human rights law and experience can help us to prepare.

Human rights law is relevant because climate change causes human rights violations. But a human rights lens can also be helpful in approaching and managing climate change. The human rights framework reminds us that climate change is about suffering – about the human misery that results directly from the damage we are doing to nature. Many communities already feel the adverse effects of warming temperatures – yet so far few remedies are available to them. While we cannot say precisely who will be affected in future, or how severely, the signs are nevertheless clear. Where information is still lacking, as it often is, we know where and how to gather it. As this report makes clear, if we build human rights criteria into our future planning, we will better understand who is at risk and how we should act to protect them.

Attending to human rights also means recognizing that as we take steps to address climate change, we must not do so at the cost of the most vulnerable. It is surely possible to repair our environment while still assuring our fellow human beings a path out of poverty and insecurity. Ensuring that good information exists – and that it is in the hands of those most affected – can enhance participation in efforts to prevent and manage climate change. Beyond that, we must design with care global and regional programmes that substitute fuels, preserve forests, apply new technologies, or redesign markets. At each step we must ask where the heaviest burden falls and whether it should be shared otherwise.

Finally, human rights make clear that government obligations do not stop at their own borders. For example, states have a special responsibility to monitor and, where necessary, regulate the behaviour of private entities within their purview, including those operating abroad. This is especially important in the case of climate change, where the causes are generally found in private acts. Large emitters must not fall through the net of a global system that (rightly) imposes different obligations on rich and poor countries. Rather, entrepreneurial ingenuity must be harnessed towards equitable solutions that can target and head off unacceptable human harms.

Climate change already threatens the livelihoods of peoples in distant corners of the world, from North Alaska to the Pacific islands. It is contributing to rising prices for grains and staples that are undermining food security for millions, particularly in countries with unstable weather patterns. It poses a profound threat to development in states that currently lack the resources to fulfil basic human rights.

The scope of these problems – and of the action required to treat them – reach beyond previous human challenges. Yet in the sixteen years since the UNFCCC was signed, global negotiations have proceeded at a glacial pace. We have collectively failed to grasp the scale and urgency of the problem. Climate change shows up countless weaknesses in our current institutional architecture, including its human rights mechanisms. To effectively address it will require a transformation of global policy capacity – from information-gathering and collective decision-making to law enforcement and resource distribution.

This year, as we celebrate the 60th anniversary of the Universal Declaration of Human Rights, it is worth remembering that document's injunction that “everyone is entitled to a social and international order in which [their] rights and freedoms ... can be fully realized”. Climate change disrupts that order. But perhaps it is also an opportunity, if we are willing to grasp it, to create the kind of international and social order that the framers of the Universal Declaration dreamed of.

Mary Robinson, President, Realizing Rights: The Ethical Globalization Initiative.

CLIMATE CHANGE AND HUMAN RIGHTS: MAKING THE LINK

As a matter of simple fact, climate change is already undermining the realisation of a broad range of internationally protected human rights: rights to health and even life; rights to food, water, shelter and property; rights associated with livelihood and culture; with migration and resettlement; and with personal security in the event of conflict. Few dispute that this is the case.

Moreover, the interlinkages are deep and complex. The worst effects of climate change are likely to be felt by those individuals and groups whose rights protections are already precarious. This is partly coincidence. As it happens, the most dramatic impacts of climate change are expected to occur (and are already being experienced) in the world's poorest countries, where rights protections too are often weak. But the effect is also causal and mutually reinforcing. Populations whose rights are poorly protected are likely to be less well-equipped to understand or prepare for climate change effects; less able to lobby effectively for government or international action; and more likely to lack the resources needed to adapt to expected alterations of their environmental and economic situation. A vicious circle links precarious access to natural resources, poor physical infrastructure, weak rights protections, and vulnerability to climate change-related harms.

At another level, the close relation between climate change and human rights vulnerability has a common economic root. Rights protections are inevitably weakest in resource-poor contexts. But resource shortages also limit the capacity (of governments as well as individuals) to respond and adapt to climate change. Worse, where governments are poorly resourced, climate change harms will tend to impact populations unevenly and unequally, in ways that are *de facto* discriminatory because the private capacity of individuals to resist and adapt differs greatly.

The construction of an international climate change regime too has rights implications. Mitigation policies have clear human rights dimensions. On one hand, any strategy (or mix of strategies) that is successful at global level will tend to determine the long-term access that many millions of people will have to basic public goods. On the other, choices made in the shorter-term – such as whether and where to cultivate biofuels or preserve forests – will affect food, water and health security and by extension the cultures and livelihoods of particular persons in particular places.

Adaptation policies will raise comparable human rights concerns. Adaptation may be reframed as a compensatory or corrective response to potential or actual climate change-related human rights violations. Adaptive interventions before or during climate change impacts reduce the likelihood that rights violations might result from those impacts; adaptation actions after the fact may

provide redress where violations have already taken place. Indeed, discussions of adaptation at international and government level (as opposed to autonomous local measures) already assume a rights basis for policy construction, even if it is rarely articulated in those terms. At the same time, adaptation actions can themselves affect human rights – such as, for example, if communities or individuals are forcibly removed from disaster or flood-prone areas, or, less forcibly, expected to conform to new economic policy imperatives (by adopting different cash crops or energy sources, for example).

Despite the obvious overlaps outlined above, the mainstream climate change literature and debate has, until very recently, given little or no attention to human rights concerns. This has been so even though the reports of the Intergovernmental Panel on Climate Change (IPCC) have steadily examined the social impacts of climate change – in particular on food, water and health – and have progressively expanded their sphere of reference to include the social as well as the physical sciences. Moreover, perhaps unavoidably, climate change analyses generally remain aggregated at continental or subregional level: the available information is still not sufficiently nuanced to cover the situation of individuals and communities who experience climate impacts directly as rights infringements. This too reflects the resource asymmetries that everywhere inform climate change discussion and research. Information is far more detailed for those areas likely to experience lesser impacts than for those where the consequences will be most devastating.

The paucity of rights-specific information is not, of course, merely a cause of the negligible analysis of the human rights dimensions of climate change, it is also a consequence. Given their obvious importance to the main themes discussed in the IPCC's fourth assessment report, for example, it is remarkable that human rights are scarcely signalled in almost 3,000 pages of analysis. Since the IPCC reports are essentially literature reviews, the shortage of rights references no doubt indicates a mere vacuum in the literature rather than any conclusion, bias or failing on the part of the IPCC authors. That vacuum says as much about an absence of interest in climate change among human rights professionals to date as vice versa.

What explains this mutual disinterest? The primary cause appears to be a kind of disciplinary path-dependence. The study of climate change began among meteorologists, became firmly entrenched in the physical sciences, and has only gradually – if inevitably – reached into the social sciences. The basic orientation has remained pre-eminently, though not solely, economic. Climate change negotiations have centred on consensus-driven welfare-based solutions, approaches that have historically thrived independently of and in parallel to human rights. Human rights organisations, for their part, are unlikely, as a matter of professional orientation, to take up issues framed as “hypothetical” or scenario-based, quite aside from the disciplinary boundaries that have long existed between environmental and human rights law. It may be that consideration of “new and additional” future harms simply escapes the ordinary

purview of human rights analysis. The confluence is consequently marginal: on the few occasions human rights are mentioned in the IPCC reports, it is almost exclusively in connection with harms that have already taken place.

The silence appears to be due, then, to a significant and entrenched disciplinary gap between the climate change and human rights arenas. This situation is unlikely to last, however. Climate change is profoundly transformational, and as it becomes increasingly felt, it will leave no field of policy untouched. Human rights are especially relevant given the immense threat to their fulfilment that climate change poses. As climate harms are increasingly felt, protection will be sought in the law and language of human rights. In this context, the International Council on Human Rights Policy (ICHRP) has produced a report investigating the linkage between climate change and human rights, attempting to bridge the language gaps between the two disciplines and to propose research agendas that can in time underpin policy steps. That report is summarised here.

SUMMARY CONCLUSIONS: RESEARCH AND ADVOCACY AGENDAS

The following summary conclusions gather the principal areas for further work that are raised and recommended in the full ICHRP report. They do not detail specific rights affected by climate change, such as rights to food, water, shelter and health; or rights associated with gender, indigenous peoples, non-discrimination, migration and conflict – though all these issues evidently require more research. Rather, like the report itself, the following synopsis suggests cross-cutting research and advocacy agendas that will be relevant to all or many human rights.

ADAPTATION

Forecasting human rights impacts. Efforts to assess the human impacts of climate change can be improved by applying human rights tools and principles. This would require refining methods for forecasting the social impacts of expected physical and meteorological changes on individuals and communities. This in turn implies first identifying threats to rights (likely breaches of human rights thresholds) and those persons and communities who are particularly vulnerable. It involves, second, assessing the presence or absence of safeguards, the availability of climate change-related information and public access to it, and the capacity of institutions to manage each of these concerns.

Local monitoring and forecasting. Climate change is measured at macro level, but will be experienced locally. There is an enormous need to improve the ability to monitor local social and economic impacts, including their rights implications. It will not be possible to operationalise or finance adaptation or compensation programmes equitably or effectively in the absence of much more detailed information about local impacts on livelihoods and vulnerability, and about how different groups of people will be affected. It will be necessary to develop methodologies for tracking impacts on specific rights (food, health, water, shelter, property, and so on) and more general vulnerability. This work too will require research into institutional capacity and the robustness of process rights (such as access to information).

Adaptation funding and programming. There is widespread agreement that the amounts needed for effective adaptation are far in excess of current funds. Research into expected human rights impacts will help to clarify the appropriate scale and orientation of adaptation funding, as well as operationalising its expenditure in ways that are accountable, transparent and effective. More accurate forecasting of the human rights impacts of climate change will not only help mobilise international funds, it will assist local planners to set priorities for adaptation programmes.

The right to information as a policy tool. Much of the extensive and nuanced information required to prepare sensibly for future climate change harms is still lacking. The most affected persons are often not well informed either about likely climate changes, or their effects, or the availability of adaptation funding. This simultaneously affects their rights and detaches policy-makers from some of the best sources of local information. A sound and proactive approach to information-gathering and dissemination (as recommended in the Aarhus Convention), including burden sharing where needed, will help.

Mutually reinforcing obligations under the UNFCCC and the ICESCR (International Covenant on Economic, Social and Cultural Rights). States' obligations under the ICESCR and the UNFCCC overlap: both prioritise respect for and fulfilment of social and economic rights through development and poverty eradication. Under the ICESCR, states' primary obligations are to those under their jurisdiction, whose rights they are required to support using "the maximum of available resources" including "through international assistance and cooperation". With similar objectives, the UNFCCC also includes obligations between states, to provide international support for adaptation and technology transfer programmes. Together, the two treaties create a matching architecture of rights and duties between states, citizens, and the international community – but more research is needed to clarify their content.

Technology transfer. This is relevant both to adaptation (irrigation, seawalls, crop selection, desalination and so on) and longer-term mitigation (renewable energies, other climate-friendly technologies). Although transfer of technology is entrenched in the UNFCCC and is considered to be a condition of developing country participation in addressing climate change, progress has been slow. If new and existing technologies are not made available where they are needed, there will be direct human rights consequences. This is true not only for those who are most vulnerable but also for whole societies, as they will soon be unable to rely for development on outmoded and carbon-intensive technologies. Attention to human rights priorities can help inform and guide evolving policies for the appropriate transfer of technology, by identifying pressing needs and potential solutions.

Access and governance in adaptation. The 1998 Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters contains exemplary provisions on proactive information collection and distribution, and the involvement of affected persons in regimes that will affect them. The Convention imposes an obligation on signatory states (so far exclusively European) to apply its provisions in international negotiations. This is highly relevant to climate change negotiations, and in particular to the governance of adaptation funds, which is systemically skewed towards developed countries.

MITIGATION

“Dangerous” global warming. Until recently, international policy was converging on a greenhouse gas stabilisation target that would keep global warming to 2°C above preindustrial levels. Such a target already carries significant human rights consequences, because some areas will be affected much more severely than others, directly harming the lives and livelihoods of many thousands. Although these costs have not yet been calculated adequately, some actors are nevertheless now abandoning the 2°C target as “unrealistic”. A human rights analysis requires taking stock of the full human costs of any chosen path of action and setting policy accordingly. It will be critical to gather sound information about the specific human rights consequences of any suggested stabilisation target.

Biofuels. Biofuel production has recently surged, contributing to rising food prices in a number of countries, many of which are already vulnerable to the likely future impacts of a changing climate. Given the scale and influence of biofuel investment (assuming it presents a climate-friendly alternative to carbon fuels), it is essential to ensure that programmes take account of social and human rights impacts.

Reduced Emissions from Deforestation and Degradation (REDD). A key feature of the nascent REDD regime is its potential to increase the financial benefits accruing from control over forest resources. These benefits might fall to forest-dependent indigenous populations, which might in turn yield human rights benefits. Unless human rights safeguards are built into REDD programming from the outset, however, better established and resourced actors are likely to obtain most of the benefit.

Forecasting long-term impacts on development. Globally, greenhouse gas reduction will require alternative development paths, particularly in poorer countries. These paths will have consequences for human rights protection and fulfilment. What steps should be being taken to ensure that human rights protection does not diminish, but increases, as development paths shift? Will technology transfers advance or impede human rights protection? Will they reflect a country’s development needs rather than the economic interests of exporting countries?

The long-term effects of a global emissions market. The immense influence that emissions trading will have on the long-term economic prospects of non-Annex I countries has barely been registered, let alone researched, in many of the poorest countries. In the mid to long-term, the market might conceivably have the paradoxical effect of prohibiting those most in need of carbon-based development from being able to afford it, to the detriment of human rights fulfilment. For this and related reasons, the scope and likely distributive effects of carbon markets should be closely scrutinised. Forward research into appropriate and meaningful transfer of technologies would also help.

The role of private companies in the context of “common but differentiated responsibilities”. Under any post-Kyoto arrangement, different countries will accept different emissions caps. Quite properly, many states will not have caps for the moment. However, companies that face penalties if they emit greenhouse gases in wealthy countries will have an incentive to shift operations to developing countries. Such an outcome would distort the intent of the UNFCCC’s differential regime, because it would transfer the emissions burden to poorer countries with low or no caps. This would result in only minor development dividends in host countries, while the benefits of emissions are redirected to rich country consumers, in the form of finished products and profits. Research is needed to establish the likelihood of this outcome, identify measures to prevent it, and provide incentives for more equitable investment that would in turn strengthen human rights protections.

Other mitigation strategies. It would be useful to analyse the likely human rights impact of other proposed strategies, not broached in the ICHRP report, including carbon taxes or nuclear energy. Where countries are weighing up different mitigation options, human rights might help comparative evaluation.

ADVOCACY

Including human rights in a post-Kyoto regime. Given the relevance of human rights to so much of the climate change problem – to its impacts but also to the policies being prepared for treating it – it would seem valuable to recognise and reference human rights principles within the climate change regime. Treaties under the UNFCCC umbrella could usefully note that actions taken in the context of adaptation, mitigation and technology transfer should respect human rights. This would underline legal obligations; redirect attention to where harms will be worst felt; and help to set programme priorities.

Bringing climate change into human rights advocacy. Few if any human rights organisations have begun to talk seriously about climate change. The subject no doubt appears complex. Because the worst injuries are forecast to occur in future, they do not provide an obvious handle for human rights advocacy agendas. Yet climate-related harms are increasingly inevitable and are likely to be severe. In addition, climate change will ultimately have an impact on the protection and fulfilment of numerous human rights for vast numbers of people. Human rights activists should therefore engage with climate change and develop strategies to lessen the harms it is likely to cause.

Targeting adaptation and technology transfer. Human rights advocates can help to flesh out adaptation agendas in particular countries and identify how transfers of technologies can help alleviate climate-related suffering and head off future global warming. This would assist in-country policy-makers, and provide leverage at international level where adaptation funding and technology transfer have been slow in coming. Robust legal tools (under human rights and climate

change law) can be used to press governments to create policies and provide funding for addressing climate change impacts, locally and internationally.

Constructing a mitigation regime. Mitigation policies have clear human rights dimensions. On one hand, any strategy (or mix of strategies) that is successful at global level will tend to determine the long-term access that many millions of people will have to basic public goods. On the other, choices made in the shorter-term – such as whether and where to cultivate biofuels or preserve forests – will affect food, water and health security, and by extension cultures and livelihoods throughout of the world. Over time, however, an initial information gap between poorer and richer countries has meant that the former have participated relatively little in defining the key mitigation regimes, such as the emissions market. If this trend continues, it will exclude many of the least resourced countries from shaping a global carbon trading regime that will directly affect their futures.

The right to development and the Millennium Development Goal (MDGs). For many of those involved in climate change negotiations, the right to development brings together the human rights and developmental concerns that climate change raises. The right to development is not an easy tool to grasp or use, but given the profound threat that climate change poses to the MDGs, on one hand, and the gradual progress that has been made over the years in achieving agreement on the content of the right to development, on the other, it may be worth investigating the contribution it might make to climate change discussion.

LEGAL AND ETHICAL RESEARCH AGENDAS

Several conceptual, ethical and legal questions are relevant to the impact of climate change on human rights. The following issues merit further investigation:

- State responsibility for climate change harms, to other states and to the individuals harmed.
- Liability of private actors for their role in harms caused at a distance.
- The conflicts and confluences between different justice claims in a future climate regime.
- Comparison of the entrenchment of new alienable emissions rights, rather than human rights, under international law.
- As understanding improves and injuries deepen, consideration of climate change as a crime rather than a tort?

CONCLUSION: MOBILISING HUMAN RIGHTS IN THE CONTEXT OF CLIMATE CHANGE

Climate change is already threatening livelihoods and food and water security across the globe. It will pose an immense challenge to the development aspirations of the world's poorest countries. It will destabilise and reorient current global economic growth patterns, and raise questions of justice and distribution that current global institutions, including human rights ones, are not equipped to address. For all these reasons, it cannot be presumed that governments and others will act quickly to halt dangerous anthropogenic interference with the atmosphere. Negotiators and policy-makers will need to overcome unproductive habits of analysis and of negotiation and reach for new solutions.

Climate Change and Human Rights: A Rough Guide suggests that, though applying human rights tools and principles will not solve all these problems, it can generate some forward momentum. They help refocus policy on the human suffering that climate change is causing and will continue to cause. They can provide clarity and direction by recognising the moral link between local causes and distant effects. (For example, is climate change relevant to the “responsibility to protect”, which has been under discussion in diplomatic and human rights circles since the General Assembly adopted it in 2005? When it comes to climate change harms, “protection” across borders can be achieved without ever leaving home.) They also provide a shared and legally codified moral language around which consensus can be built. This is relevant when it comes to finding solutions, both at international level, where binding agreement must be reached, and at intra- and transnational levels, where many of the causes of climate change lie.

As a matter of law, the human rights of individuals must be viewed in terms of state obligations. It is the state that is responsible for human rights fulfilment. This assignation of responsibility may seem inadequate in the context of climate change, where rights to food, water, shelter, health, and culture (known as “social and economic rights”) in developing countries are threatened primarily by actions undertaken elsewhere. Nevertheless, when poor countries insist on access to the energies that will preserve their capacity to develop, on adaptation funding and on the transfer of technologies, these requests are fully consistent with their obligations to protect and fulfil social and economic rights domestically. Since states are under an obligation to “take steps ... to the maximum of [their] available resources” to fulfil those rights, they are also obliged to ensure that, insofar as they can influence international assistance and cooperation, the latter contribute to fulfilment of their citizens’ social and economic rights and do not undermine them.¹

1 International Covenant on Economic, Social and Cultural Rights, Article 2(1).

The special responsibility of wealthy countries to mitigate climate change at home and to aid in climate change adaptation abroad is widely accepted. The climate change regime thus dovetails nicely with states' human rights obligations, where adaptive actions help in the protection or fulfilment of human rights. Whereas developed countries are exhorted, rather than obliged, by human rights law to help underwrite the protection and fulfilment of the human rights of citizens in poorer countries, the same states have a stronger "duty to assist" under the climate change treaty. Human rights considerations are clearly relevant to adaptation policies and technology transfer. The ICHRP report suggests that climate change responses can be made more timely and effective if policy-makers include human rights criteria when assessing future harms, identify areas of likely vulnerability and evaluate comparatively the various policy measures available for treating identified challenges.

There are a number of specific areas where policies can benefit from applying human rights thresholds (defined as minimum acceptable levels of protection). Such thresholds would clarify assessment of threats to basic social rights – water and food security, exposure to diseases, access to housing, shelter and land, availability of resources on which livelihoods depend. In each of these areas, human rights-sensitive climate change scenarios can help to locate risks and to assess the existing base of institutions and resources for mitigating those risks. They can suggest how best to head off threats in advance. The extensive information needs for sound adaptation policy are well-known; in addressing them, a human rights focus can be critical in orienting research to the most useful ends.

Human rights thresholds are also relevant to global and local mitigation policies. Where fuel substitution is contemplated, for example – such as switching to biofuels or nuclear power – policy guidance will be improved through attention to the likely human rights outcomes. In this context, environmental impact assessments should be distinguished from the assessment of human rights impacts (an intervention can have harmful human rights effects even if its overall environmental impact is good). Mitigation policies too, such as REDD programmes, must be seen in their local context. Monetising forest preservation bestows new opportunities and resources upon particular groups in particular places. But redistribution of this kind is not automatically benevolent, and needs to be evaluated in terms of actual and predictable impacts. Finally, overarching global schemes, such as emissions trading and the clean development mechanism, involve considerable transfers of development potential, including use rights to the atmosphere, much of it from public into private hands. These regimes must be scrutinised for their likely long-term effects, particularly in countries most in need of development capacity.

Beyond this, rich states must ensure that the equitable provision of "common but differentiated responsibilities" does not work only to enrich companies that can profitably switch operations to countries with low or no emissions caps. The companies in question are primarily large emitters that have significant presence

(and political influence) in poor countries: oil, gas and other extractive and energy companies; manufacturers reliant on high-carbon production processes; loggers and industrial farmers who generate or benefit from other greenhouse gas emissions (such as methane or the elimination of carbon sinks); vehicle producers and other companies reliant on carbon-based energy distribution systems. Human rights concerns also arise where companies (including mining or private water companies) rely on or control basic resources, such as water, that will be rendered scarce by climate change. In all these areas of concern, the well-known weaknesses of the international human rights legal framework, as well as the recent history of attempts to overcome them, may hold lessons and cautions for those developing the climate change regime.

Over the long-term, private companies have other distinctive responsibilities. Some play a key role in consolidating development paths in many countries, because they drive energy distribution and use patterns, and generate the technological innovations on which economies are built. Where poorer countries are not yet locked into carbon intensive economies, technical innovation and transfer should be initiated immediately, to make possible and to promote alternative development paths. The patents and investment on which innovation depends are often controlled privately. Richer states will need to ensure that this area of policy is properly and equitably regulated. This is vital if entrepreneurial forces are to be effectively ignited and harnessed to provide climate and developmental solutions together.

Finally, the rights to information and participation are relevant. Many states, particularly in Europe, are obliged to inform their citizens about environmental threats; to compile information in a proactive way; and to ensure that stakeholders are proactively consulted about public policies that affect them. Furthermore, parties to the Aarhus Convention are obliged to promote the same principles of access to information and public participation when they are involved in international negotiations. On these grounds, the policies governing information distribution and participation in the international climate change regime might be revisited, particularly where decision making is channelled into international financial institutions, such as the World Bank, with narrow executive constituencies.

If conditions are to be created to control climate change and foster a sustainable world for everyone – including those most at risk – states everywhere will need to accept and actively implement mutual obligations that go well beyond the narrow ambit of many current negotiating positions. In doing so, they will need to remain attentive to their own obligations, to the development and human rights needs of the people whose lives climate change will affect most, and to the incidental and accidental regulatory failures that have left too many individuals exposed to date.

POSTSCRIPT

by Romina Picolotti

As this publication goes to press, the Organization of American States has just approved Resolution 2429 on Human Rights and Climate Change in the Americas. The resolution calls on the hemisphere's various development and human rights agencies to help States understand the adverse effects of climate change on the most vulnerable populations of the region, and to build the ability of States to adapt to evolving climate phenomena more effectively.

There is little doubt now that climate change has serious development impacts, and seriously threatens the capacity of individuals and communities to realize their human rights. The causes of global climate impacts, originating historically in industrialized nations, economies, and industrial sectors, not only affect the lives of millions and even billions of people: they also place undue strains on other States to uphold their international human rights commitments. And unfortunately, some of the most climate vulnerable States and communities are also some of the most human rights sensitive.

Thinking about climate change from a human rights perspective is not only a fundamental necessity in terms of guiding our international development policy framework, but also offers us an invaluable opportunity to reappraise the most pressing needs of a highly inequitable global society, with greatly differing social, environmental and economic levels of development.

The international debate on climate change has largely focused on the discussions between a handful of nations in terms of their commitments, or failure to commit, to emissions reductions. Further, much current information, statistics, and policy debate revolves around, and is generated by, States and actors that are part of the climate problem, limiting discussion of their commitments to the costs they are willing to forego in order to slow climate change.

The debate hence is largely focused on the economic and industrial costs of addressing climate change. This emphasis leaves out a more important focus on the human and environmental costs of climate variation to vulnerable groups and climate-sensitive ecosystems. Some of the more active current negotiators pay lip service to their intention to support adaptation, but the reality is that both adaptation actions in developing countries, and the commitments to financing adaptation from industrialized countries, remain far below what is needed.

The global climate crisis is not just a matter of fixing industry so that it can produce profitably and contaminate less. There is a far more pressing issue facing us: how to address the negative climate impacts of development that is irresponsible in terms of its human and environmental costs. Mitigation and adaptation are two fundamental pillars of the climate debate. Technological equity and efficiency (mitigation) and the capacity of communities to brace

themselves in the face of climate change (adaptation), are both fundamental to advance international climate change negotiations.

We need to shift our attention to the opportunities offered by transferring modern technologies (accompanied by financial transfers) from industrialized societies to developing countries, to work towards energy efficiency and security. This will ensure that developing countries can continue to develop while nevertheless working to phase out contaminating industries. It will also benefit many millions of people in some of the world's poorest regions, by providing cost efficient energy solutions that also help the environment.

We also must focus on helping climate vulnerable countries and communities effectively address the disastrous negative impacts of climate change on their quality of life and their ability to protect and realize basic human rights. For the most part, climate vulnerable countries and communities have contributed little or nothing to the current climate crisis, yet they bear a disproportionate portion of its burden. A climate-justice agenda and a proper understanding of the development imbalances caused by climate change, will be critical to effectively infuse the climate change debate with human rights in a way that is equitable for the most climate-vulnerable groups.

Human rights provide a framework within which to think through the risks of climate change and the policy structures and mechanisms required to provide effective responses to those that most need them.

States and affected communities must begin by understanding who is affected by climate change and in what way, so that appropriate policy and normative responses can be devised. As is evident from recent natural phenomena related to climate change – such as droughts, floods, fierce storms, water temperature changes, and habitat destruction, and the devastating impacts on human life and the natural environment these are causing – it is imperative that we address the social dimension of climate change without delay.

Thinking through climate change from a development perspective and through a human rights lens, as the present report recommends, will undoubtedly serve us well as we develop national climate strategies and programs and mitigation and adaptation policies, and as we identify the appropriate and necessary financing, allocate resources, and generally set the tone for future negotiations and global policy geared to equity and balance in our global climate policy.

Throughout this process, nothing is more important than to remember and understand the perspective of the climate victim. It falls to States, and to us, acting as individuals and in organizations, to address the human emergencies that anthropogenic activities are causing in global society, because they threaten our lives, our health, our safety and our environment.

Romina Picolotti, Secretary of Environment and Sustainable Development, Argentina.

ABOUT THE COUNCIL

The International Council on Human Rights Policy was established in Geneva in 1998 to conduct applied research into current human rights issues. Its research is designed to be of practical relevance to policy-makers in international and regional organisations, in governments and inter-governmental agencies, and in voluntary organisations of all kinds. The Council is independent, international in its membership, and participatory in its approach. It is registered as a non-profit foundation under Swiss law.

Climate change at the International Council

The International Council added climate change to its research programme in 2007. In addition to this report, which maps the links between human rights and climate change, the Council will prepare a second project in 2008-09 that will examine one issue in more depth. In addition, the Council is editing a book of articles on climate change and human rights that will be published by Cambridge University Press in 2009. For more information about these pieces of work, please contact the International Council or Stephen Humphreys, the Research Director responsible (at humphreys@ichrp.org).

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To address climate change effectively will require a transformation of global policy capacity – from information-gathering and collective decision-making to law enforcement and resource distribution. ... Human rights law is relevant because climate change causes human rights violations. But a human rights lens can also be helpful in approaching and managing climate change. The human rights framework reminds us that climate change is about suffering – about the human misery that results directly from the damage we are doing to nature. ... As this report makes clear, if we build human rights criteria into our future planning, we will better understand who is at risk and how we should act to protect them.

From the Foreword by Mary Robinson

“This report is the first systematic treatment of [this subject]. It is at the same time a concise and lucid analysis of the social, economic, legal and ethical impact of expected climate changes. It should be of interest to specialists and generalists alike.”

Dharam Ghai, Former Director,

United Nations Research Institute for Social Development

“Excellent.”

Tariq Banuri, Senior Fellow, Stockholm Environmental Institute

“Very good ... an important contribution to the human rights-climate change dialogue, not least in how it sets out a pragmatic agenda that can be addressed by countries.”

*John Drexhage, Director, Climate Change and Energy Program,
International Institute for Sustainable Development (IISD)*

“A thoughtful and thorough report.”

*Wolfgang Sachs, Director, Globalization and Sustainability Program,
Wuppertal Institute, and Professor, University of Kassel, Germany*

“A really useful piece of work ... Its nuance and clarity about difficult subjects will be invaluable to anyone looking for help with the ethical dilemmas of climate change.”

*Benito Müller, Director, Energy and Environment,
Oxford Institute for Energy Studies*

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