



Report

# CLIMATE CHANGE AND HUMAN RIGHTS — THE WAY FORWARD IN THE HRC

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The Geneva Climate Change Concertation Group (GeCCco) and the Geneva Interfaith Forum on Climate Change and Human Rights (GIF), as well as further NGOs concerned about the impact of climate change on human rights hosted a side event to the 28th session of the HRC on 6 March 2015 in the Palais des Nations, Geneva.

Moderator Felix Kirchmeier of Friedrich Ebert Foundation (FES) welcomed the audience and introduced the panellists. As a first speaker, Human Rights Council (HRC) president Ambassador Joachim Rucker reminded the audience of the deplorable fact that the most vulnerable groups to anthropogenic climate change, and also the most severely affected by its impacts, are innocent in terms of its causation. This is reflected by the Office of the High Commissioner for Human Rights (OHCHR) findings from 2009 which show that 98 % of the people affected by climate disasters live in developing countries. In this context, by way of analogy he referred to the history of the Easter Island which used to be completely forested and is today devoid of trees. This, he held, demonstrated the consequences of ruthless human overuse of the environment which can lead to the extinction of an entire culture. States therefore had to be prompted to protect the rights of all segments of their population. The

paradigm of victim vs. perpetrator could not persist because climate change had global effects, and the perpetrator of a single event could not be directly identified. As a consequence, States should jointly live up to their obligations to protect individuals - even if the source of the cause or the effects of their actions were located beyond the borders. Since there was only a short window of years left to address climate change, the focus must be set on what technology beyond borders and efforts must be taken in order to discontinue the run from conference to conference without effective outcome. The aim should be a fair transition to a carbon neutral world and to design policies that not only mitigate climate change but also protect human rights in a global context. In order to create meaningful measures, he concluded, the requirement to respect human rights must be integrated into climate change policies. One important step to effectively address the issue was the sharing of

solutions, including technologies and innovative ideas on energy efficiency. For the evolution of agreeable measures, the just mentioned human rights linkage should be used as a tool for shaping climate policies. The upcoming Conference on Climate Change in December 2015 in Paris should thus be regarded as a chance to define a common approach. A shift must take place from the understanding of climate action as a sharing of burdens towards a sharing of solutions. The focus of the HRC therefore was an emphasized recognition of the linkage between climate change and human rights. The HRC president underscored the importance of realigning States' ambitions and formulated an absolute need to go well beyond the narrow ambitions of many current negotiation positions. This must be understood as a necessity if we, humanity want to avoid a scenario similar to the fate of the Easter Island as was mentioned earlier. In conclusion, Ambassador Rücker announced the German support for the 'Geneva Pledge on Human Rights and Climate Action', initiated by Costa Rica at the United Nations Framework Convention on Climate Change (UNFCCC) meeting in February. The pledge aspires to strengthen the coherence between human rights and climate policy.

The next speaker, Pelenise Alofa of the Kiribati Climate Action Network, voiced the claims of around 10 million people from the Pacific. She recalled the importance of the Pacific region to the climate system, the ocean serving as carbon sink, and illustrated the alarming rise of sea level which the Kiribati people have to face. Pictures gave an impression of the dramatic consequences which a recent collapse of seawalls had on the islands, including a temporary flooding of a hospital and further buildings, depicting direct impacts on the people's human rights in reference to adequate housing or access to sanitation. She stressed the need for rapid global action in adaptation and disaster management. There could not, she held, be any use of a notion of development that at the same time imperils the right to life. Consequently she promoted a recommendation

of the HRC which should include: the recognition of the link between climate change and human rights, the granting of a special rapporteur mandate on the subject and a program to ensure respect for human rights in climate change action.

Andrea Rodríguez Osuna, legal advisor in the Climate Change Program of AIDA from Mexico, outlined the work of the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP), undertaken at their session in Geneva in February 2015 on the subject of climate change. She stressed the Working Group's efforts to recognize the impact of climate change on human rights not only in the preamble but in the main body of the future Climate Agreement. Ms. Osuna underscored the threat of climate change which, she held, went far beyond the scope of environmental implications but represented one of the greatest human rights challenges of our time. A focus should be put on both, the development of new and the improvement of existing accountability mechanisms for the Convention in Paris. Besides, she presumed that capacity-building would be necessary to enable activists to define and to deal with human rights and climate change requirements. As a third point, she expressed the need for a considerable improvement of access to justice. Finally, in all these endeavours, participation must be promoted to ensure the integration of protection clauses for human rights into the process of designing policies.

As the next speaker, Valeriane Bernard of Brahma Kumaris revealed the faith-based approach towards the issue. She emphasized her belief in a moral responsibility of humanity to care for all inhabitants of the earth as an essential path to finding a solution to the threat of climate change impacts. Recalling the fact that climate change did not consider borders and concerns the future of mankind, the problem can consequently only be tackled by a common approach. Hence, the future strategy must fulfil a paradigm shift and not adopt the division of profiteers vs. sufferers.

Richard Pearshouse, representative of Human Rights Watch (HRW), presented latest results

and associated photos from climate change research in Kenya. According to his data, a rising adverse impact on the access to water can be observed in the country. The lack of water not only generated droughts, but made agricultural activity more and more difficult, threatened livelihoods and must therefore be seen as a driving factor of conflicts. All these impacts had alarming negative effects on health, but regardless of these circumstances there was of yet no existing adaptation plan in Kenya. In this context, Mr. Pearshouse raised concern about the lack of transparency and the existence of corruption issues in climate funding. On these grounds, he supports the inclusion of human rights language in climate change negotiations to create stronger leverage in urging countries to address climate-related problems.

Nicolaas Schrijver, member of the UN Committee on Economic, Social and Cultural Rights (CESCR) and Professor of Public International Law at Leiden University, completed the panel by adding the perspective of the UN Treaty Body system. First, he highlighted the most relevant human rights - individual and collective - which are potentially impaired by climate change. Referring to the case of Kiribati discussed earlier, he stressed that the very right to life was at stake. He illustrated the three main working methods of human rights treaty bodies and explained how climate change could be addressed within them. The methods consist of 1. The review of reports submitted by state parties. These deal with implementation issues and could include assessments of the relation between human rights and climate change; 2. The drafting of General Comments, where especially in Comments relating to health and elderly people a new interpretation of the scope and implications of climate change could serve to raise awareness. Similarly, a General Comment could provide a link to the Sustainable Development Goals (SDGs); and 3. The reception of communications or petitions which could tackle in the case of the Committee on Economic, Social and Cultural Rights complaints

on violations of human rights, labour rights and social security linked to climate change.

After all panellists had expressed their views and demands, the floor was for questions and comments. The audience voiced the need for an urgent recognition of the frequent overlap of carbon-related areas and indigenous livelihoods. Additionally, there was greater demand for political (and financial) support to the use and distribution of such technologies which could support adaptation efforts. As an example, members of the audience mentioned an existing technology to extract water from the air in order to use it on the ground. The current caveat to this subject is its non-profitable character in financial terms rendering it still unattractive for companies to launch. Efforts should be taken by states to get access to the licenses and promote the use of such technologies. Another attendee underscored first the historical responsibility of the main causers of climate change and second the difficulty to take into account both obligations on mitigation and the right to development. Especially with regard to Least Developed Countries (LDCs), this strategy may not always be affordable. Thereupon, the audience expressed the necessity of a common approach characterized by solidarity in mitigation and adaptation, for example in fostering technological development and improving technical exchange.

Furthermore, participants mentioned the methodological demand for the integration of indicators for the measurement of climate change impacts on human rights in an effective legally-binding instrument. Answering a question on need and legitimization of the NGO call for the creation of a new Special Procedure mandate on climate change and human rights, a participant stated that the categorization of climate change as one of the greatest challenges to human rights by the High Commissioner must legitimize a special-procedure mandate assigned with the issue. Also, a call for a Special Rapporteur mandate as both a focal point and guidance in future climate change action was raised. Members of the audience argued that

contemporary obligations were not enough because in the current situation, potentially affected people can only hope for governments to adopt technological fixes for problems where they exist. There should be clear responsibilities and obligations to act where the technological possibilities are realistic. This would be evident to progressively realize economic, social and cultural rights – regardless of the status of a country. Others highlighted the special responsibility of wealthier countries to ensure the right to life globally. This should be realized, for example, by the reduction of energy consumption in order to incorporate the issue of climate justice into this debate. For the realization of such approaches, participants proposed to inquire into the possibility of redirecting existing funds (e.g. for the MDGs) to climate change and human rights activities. The importance of extraterritorial obligations (ETOs) as an instrument – complementary to technological exchange – to address the global use of fossil energy, was emphasized as well as the necessity of more obligations to those countries that provoked most emissions. In this context, a reference to the publication ‘Global Energy Justice’ (Cambridge University Press, 2014) was made.

Pelenise Alofa closed the session with an appeal not to forget that we, humanity, knew how to solve the problem of climate change and therefore had to accept the responsibility to act accordingly. The whole issue of climate change impacts threatening human rights is based upon a short-sighted rush towards prosperity. Referring to the traditional greeting in her language, “Te Mauri, Te Raoi ao Te Tabomoa - health, peace and prosperity,” a sustainable way of development had to consider the succession of health, peace and prosperity one after the other. Jumping directly to prosperity, and leapfrogging health and peace, would make mankind forget the real needs of future generations.

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