

HUMAN RIGHTS AND CLIMATE JUSTICE

November 2010, Cancún

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Universal Declaration of Human Rights, Article 28

Key messages

- Climate change is among the greatest threats to human rights in human history
- Climate change is already violating human rights especially of those who are vulnerable
- States are duty-bound to protect the rights of their own people and people everywhere
- Mechanisms are required to redress past injustices and realize the right to development
- Affirmative action is essential to ensure representation of countries and peoples in relevant international forums

Human rights are at risk

Climate change impacts including floods, droughts, hurricanes, sea-level rise and water salination are already interfering with individuals' and peoples' human rights, such as the rights to life, health, housing, food, water, an adequate standard of living, self-determination and the right not to be subjected to inhumane and degrading treatment.

Climate change is also exacerbating poverty and inequality, posing an additional constraint on the capacity of many countries to ensure their people's social, economic and cultural rights.

Urgent action is needed to stop climate change, first, by reducing and removing greenhouse gases, second, helping countries adapt to adverse impacts, and, third, providing all countries the resources and technology they need. This requires fair and equitable burden-sharing mechanisms. We must not only protect the rights of a privileged few while risking the rights of millions of people.

Duties beyond borders

All governments must protect, respect and fulfill rights, with particular attention to those who are vulnerable, such as local communities and indigenous peoples. They have a legal duty to protect the human rights of individuals and peoples nationally and internationally.

This implies affirmative cooperation so that every country is able to ensure the rights of its people. This cooperation is foreseen in the Climate Convention. Implementing and strengthening this

treaty is necessary to keep the planet safe and facilitating 'fair, rights-based' cooperation.

Respect, protect and fulfill

States have unambiguous legal duties under international human rights law to fulfill their climate commitments:

- **Respect.** States must refrain from any measure that adversely affects the rights of those who are marginalized, such as those living in vulnerable areas or communities.
- **Protect.** Positive action, including legislative measures, must be taken to stop climate change from interfering with rights. Private companies must be subjected to climate- and rights-protecting regulations.
- **Fulfill.** Mechanisms must be established to support the social and economic empowerment and development of countries that are otherwise unable to realize the basic human rights of their people.

Acknowledging responsibilities

In relation to climate change, human rights law must be applied with due regard for the special responsibilities of developed countries.

The Convention recognizes "the largest share of historical and current global emissions of greenhouse gases has originated in developed countries".

Developed countries thus have an obligation to "lead" by cutting their own emissions and by implementing a range of measures to enable developing countries. Meeting these commitments must be a crucial component of any rights-based approach.

Climate justice briefs #12 – Human rights and climate justice

We call upon States to recognize, respect and guarantee the effective implementation of international human rights standards and the rights of indigenous peoples ... in the negotiations, policies and measures used to meet the challenges posed by climate change.

People's Agreement, April 2010, Cochabamba

A rights-based agenda

States also have obligations to promote rights in negotiations on new climate laws and policies under the Convention and its Kyoto Protocol. They must thus reach agreements on shared vision, mitigation, adaptation, technology, finance and other issues that are individually sound, and collectively sufficient to realize rights and curb the climate crisis (see box).

A rights-based agenda – underpinned by science, engaged across all issues, and dedicated to a deal that adds up – can help ensure an outcome that addresses climate change and effectively promotes the human rights of all people, now and in the future.

The right to a remedy

The right to a remedy is at the heart of a rights-based agenda. To operationalize this right, a mechanism must be established to provide a remedy to individuals, communities or indigenous peoples whose rights are adversely affected by climate impacts and response measures.

Ensuring the right to a remedy also requires that developed countries responsibly repay their climate debts and release resources for financial compensation to climate victims in developing countries.

Key issues for negotiations

Realizing rights requires a substantive human rights and climate agenda, including:

- **A shared vision and global goal** that limits warming to levels that are safe. A goal allowing 2 degrees C of warming risks human rights violations on scales unprecedented in human history.
- **Equitable burden sharing** must be ensured through a paradigm that distributes the benefits and burdens fairly and is consistent with the Convention and human rights instruments.
- **Mitigation** by developed countries must be fair, science-based and sufficient to stabilize GHG concentrations to safe levels. Inadequate efforts risk increased warming, shifting the burden of mitigation to poor countries and compromising their capacity to realize human rights.
- **Adaptation** efforts must be effective in protecting the rights of all people against climate change impacts, particularly those who are vulnerable.
- **Technology transfer** must be environmentally and socially sound, and occur on scales consistent with peaking global emissions within a decade and stopping dangerous warming. It must enable all peoples and countries to realize human rights progressively without damaging the planet.
- **Finance** must be new and additional, adequate and predictable to enable all governments to protect, respect and fulfill the rights of their people. The \$100 billion to be “mobilized” under the Copenhagen Accord is dangerously insufficient.
- **Sectoral discussions** on forests, agriculture and other areas should adopt human rights-based approaches that integrate adaptation and mitigation along with development and human rights objectives. These objectives must include adequate safeguards for protection of the human rights of affected communities and a complaint mechanism for the provision of redress.
- **Carbon markets** – existing and proposed – should be re-examined from a human rights-based perspective. Proposals to sell to the most polluting corporations rights over the soil of the poorest farmer and enable these corporations to continue polluting, are unacceptable.

On these and other issues, a human rights-based agenda can help ensure rights are realized in each element of the negotiations, and that the pieces of the puzzle together connect into a global response capable of addressing climate change and realizing the rights of all people.

ActionAid

Arab NGO Network for Development
Asian Indigenous Women's Network
Campagna per la Riforma della Banca
Mondiale (CRBM), Italy
Friends of the Earth International

Institute for Agriculture and Trade Policy

International Forum on Globalization
International Rivers
JS - Asia/Pacific Movement on Debt and
Development (JSAPMDD)
Jubilee South

Nord-Sud XXI

Pan African Climate Justice Alliance
(PACJA)
Sustainable Energy & Economy Network,
Institute for Policy Studies
Tebtebba

Third World Network

Unnayan Onneshan Bangladesh
What Next Forum

Organizations contributing to the Climate Justice Briefs