

Combating Climate Change: A Human Rights Imperative

**Presented by Ross C. “Rocky” Anderson
President, High Road for Human Rights Education Project
High Road for Human Rights Advocacy Project**

**Winter Conference for Activists
Healthy Planet Mobilization Committee
February 14, 2009**

As we were developing a new grassroots organizing human right organization, High Road for Human Rights, and discussing with various people our unique approach, we often saw them nod in agreement as we talked about genocide, human trafficking, and torture as being part of our human rights agenda. But as we mentioned climate change as being one of the areas of human rights focus for High Road, we often noticed a confused look on the faces of many of those with whom we were discussing the issue. They would say things like, “Climate change is an environmental, trade, or economic issue.” “Why would you combine climate change with those human rights issues?” we were often asked.

Although many of the human rights threatened by climate change have been well established since at least the adoption of the Universal Declaration of Human Rights in 1948, and although anthropogenic climate change has been recognized by much of the mainstream scientific community for decades, the discussion about whether human activities resulting in climate change should be viewed through a human rights lens has, amazingly, barely begun. The human rights community has been astoundingly derelict, ignoring the greatest human rights threat ever faced.

On December 11, 2007, just over fourteen months ago, John von Doussa, President of the Human Rights and Equal Opportunity Commission in Australia, noted:

Whilst there is now plenty of discussion about the responses that governments should be making to address the predicted consequences of climate change, the focus seems to have been largely

on the economic, trade and security issues. The social and human rights implications rarely rate a mention.¹

A Background Paper entitled “Human Rights and Climate Change,” issued by the Australian Human Rights and Equal Opportunity Commission in 2008,² notes:

In responding to climate change, governments have traditionally approached it as an ecological problem or more recently, as an economic one. To date the social and human rights implications of climate change have received little attention.³

During the December 2007 Conference of the Parties to the United Nations Framework Convention on Climate Change and its Kyoto Protocol, the United Nations Deputy High Commissioner for Human Rights noted as follows:

In the lead up to this momentous gathering in Bali, the world heard extensively about the grave threat that climate change poses on the environment and economic growth. Much less was heard about the human dimension of climate change.⁴

She then stressed in a statement unprecedented for a U.N. official, “that the existing body of human rights norms and principles offers a solid foundation for responsible and effective thinking and action in this regard.”⁵ In light of the failure of the UN to take effective action thus far, the timid reflections about the human rights implications of climate change are reminiscent of the UN’s tragic, truly pathetic, record of inaction in the face of major genocides and human trafficking.

¹ John von Doussa, “Climate Change: Catastrophic Impacts and Human Rights,” University of Adelaide Research Tuesday, December 11, 2007 (<http://www.safecom.org.au/climate-change-human-rights.htm>)

² “Human Rights and Climate Change,” 2008 Human Rights and Equal Opportunity Commission (http://www.hreoc.gov.au/about/media/papers/hrandclimate_change.html)

³ *Id.* at 2 (page references to web site publication)

⁴ “Climate Change and Human Rights,” Address by Ms. Kyung-wha Kang, Deputy High Commissioner for Human Rights, Office of the United Nations High Commissioner for Human Rights, Conference of the Parties to the United Nations Framework Convention on Climate change and its Kyoto Protocol, 3-14 December 2007, Bali, Indonesia.

(<http://www.unhchr.ch/hurricane/hurricane.nsf/0/013DC0FAA475EC87C12573B10074796A? . . .>)

⁵ *Id.*

In June 2007, the Prime Minister of Tuvalu, noted that, because Tuvalu's very existence is at great risk because of rising oceans, climate change presents an unprecedented threat to Tuvalu's "fundamental rights to nationality and statehood, as constituted under the Universal Declaration of Human Rights and other international conventions."⁶ Yet bold, effective action has yet to be taken to solve this historic challenge.

The International Council on Human Rights Policy did not add climate change to its research program until 2007.⁷ Its first publication on the issue was published just last year. As noted in that publication, "the mainstream climate change literature and debate has, until very recently, given little or no attention to human rights concerns."⁸

When one considers the well-established fundamental human rights standards regarding which there is now almost universal agreement, one must wonder why the consideration of climate change in a human rights context has taken so long, particularly since the application of human rights principles will aid significantly in combating climate change.⁹ In fact, one is left perplexed indeed as to why the human rights community seems to have been so somnolent – so absolutely irresponsible – in the face of the imminent human rights disasters caused by climate change – the most widespread and catastrophic tragedies in the history of humankind.

The consequences experienced already from human-caused global warming include the severe melting of glaciers around the world, the Arctic Ice Cap, parts of Greenland, and the Antarctic; rising oceans; desertification of millions of acres of previously productive lands; the killing of major coral

⁶ Apisai Ielemia, "A Threat to Our Human Rights: Tuvalu's Perspective on Climate Change," June 2007 (http://findarticles.com/p/articles/mi_m1309/is_2_44/ai_n27399052/pring?tag=artBody:col1)

⁷ "Climate Change and Human Rights: A Rough Guide," International Council on Human Rights Policy, 2008, at inside cover.

⁸ *Id.* at 2.

⁹ "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 salience to the main themes discussed in the IPCC's fourth assessment report, for example it is remarkable that human rights are scarcely signaled in almost 3,000 pages of analysis. This would appear to indicate a near complete disciplinary disconnect, an impression borne out by a glance at the 10,000-strong participants' list for the recent (thirteenth) Conference of the Parties of December 2007, among whom no more than a tiny handful hailed from human rights backgrounds. . . . 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." *Climate Change and Human Rights: A Rough Guide*, at 3.

reefs; the destruction of major forests by bark beetles that now survive warmer winters; major droughts; and significantly reduced snowpack in areas that depend upon snowpack for water supplies.

Business-as-usual spells disaster for our Earth and for many, if not most, of its inhabitants. Hundreds of millions of people will be driven by rising oceans from their coastal-area homes; water will be unavailable to farmers and others depending on major glacial systems, including the Himalayas and the Tibet-Qinghai Plateau, which feed all the major rivers of Asia; forests will be killed off at a rapidly-increasing rate; deserts will expand; fisheries will collapse; many species will become extinct; and heat waves will kill more and more people. Planet Earth will be a very different, far less habitable place for our children and those who follow. The earliest and most severe effects will be sustained mostly by particularly vulnerable people in many parts of the world.

International law enshrines certain fundamental human rights, beginning with those set forth in the Universal Declaration of Human Rights, adopted by the General Assembly of the United Nations in 1948. An elaboration of other human rights has been set forth in later human rights treaties.

Among the rights impacted by climate change are the rights to life, liberty and security of person, guaranteed by the Universal Declaration of Human Rights.¹⁰ The right to life of children receives specific protection in the Convention on the Rights of the Child. Climate change is having, and will increasingly have, an enormously adverse impact on human life, both directly and indirectly. In fact, it may have a greater impact on the right to life than any other event in history. The effects may be abrupt, as during a severe heat wave, like the one that took 35,000 European lives in 2003; during a hurricane that is far more intense as a result of warmer ocean waters; or during a rapid flood caused by radical shifts in precipitation patterns. The effects may also appear more gradually, as with adverse impacts on agriculture and water resources, and the spread of vector-borne diseases.

¹⁰ The International Covenant on Civil and Political Rights also provides that “every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.” Article 6(1), International Covenant on Civil and Political Rights.

These effects of climate change implicate other expressly guaranteed human rights, such as the right to adequate food under several international treaties, including the International Covenant on Economic, Social and Cultural Rights, where the state parties recognize “the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing.”¹¹ As noted in the earlier referenced Background Paper of the Australian Human Rights & Equal Opportunity Commission:

There is little doubt that climate change will detrimentally affect the right to food in a significant way. Regional food production is likely to decline because of increased temperatures accelerating grain sterility; shift in rainfall patterns rendering previously productive land infertile; accelerating erosion; desertification and reducing crop and livestock yields; rising sea levels making coastal land unusable and causing fish species to migrate; and an increase in the frequency of extreme weather events disrupting agriculture.¹²

The adverse impacts of climate change on the right to water resources are likely far greater than any other threat ever posed to that right. In his book, *Plan B 3.0* Lester Brown demonstrates that the violations of the right to water are not limited to future projections; they have already occurred, and are occurring at rapidly increasing rates. I offer here only a few examples provided in Brown’s *Plan B 3.0*:

[T]he Gangotri glacier, the principal glacier that feeds the Ganges River, is melting at an accelerating rate and could disappear entirely in a matter of decades. The Ganges would become a seasonal river, flowing only during the monsoon season.

Glaciers on the Tibet-Qinghai Plateau that feed the Yellow and Yangtze rivers are melting at 7 percent a year. . . . [T]wo thirds of these glaciers could disappear by 2060.

These glaciers in the Himalayas and on the Tibet-Qinghai Plateau feed all the major rivers of Asia, including the Indus, Ganges,

¹¹ Article 11(1), International Covenant on Economic, Social and Cultural Rights.

¹² “Human Rights and Climate Change,” 2008 Human Rights and Equal Opportunity Commission, at 4 (citing Alan Dupont and Graeme Pearman, *Heating Up the Planet: Climate Change and Security* (Lowy Institute Paper 12, 2006), at pp. 30-31 (<http://www.lowyinstitute.org/Publication.asp?pid=391>))

Mekong, Yangtze, and Yellow Rivers. It is the water from these rivers that irrigates the rice and wheat fields in the region.¹³

According to Brown, water tables are now falling in countries that contain more than half the world's people, including the big three grain producers – China, India, and the United States.¹⁴ Compounding the problem is the inundation of salty sea water from rising oceans, threatening the drinking water supplies of coastal regions.

All of this, of course, impacts the public health, which is guaranteed as a basic human right. As one additional example, a joint study by the World Health Organization and the London School of Hygiene and Tropical Medicine found that global warming may have already caused more than 160,000 deaths a year from malaria and malnutrition and that the number of climate change-caused deaths from disease could double by 2020.¹⁵

Other essential human rights are threatened by climate change, including the right to human security, the right of indigenous people to strengthen their cultural life, and the right to maintain livelihoods and homes.

As noted by the United Nations Deputy High Commissioner for Human Rights, “most of the work on climate change has to date focused on mitigation and adaptation strategies to address its causes and consequences to the environment.”¹⁶ Not until the past several months has there been any significant discussion of whether climate change should be addressed within a human rights framework.

If a human rights approach were taken, would anything be different in terms of combating climate change and, if so, would it be an improvement over the status quo?

¹³ Lester R. Brown, *Plan B 3.0 – Mobilizing to Save Civilization*, (New York and London:: W.W. Norton & Company, 2008), at 4.

¹⁴ *Id.* at 68.

¹⁵ Shaoni Bhattacharya, “Global Warming Kills 160,000 a Year,” *New Scientist*, October 1, 2003.

¹⁶ “Climate Change and Human Rights,” Address by Ms. Kyung-wha Kang, Deputy High Commissioner for Human Rights, Office of the United Nations High Commissioner for Human Rights, Conference of the Parties to the United Nations Framework Convention on Climate Change and its Kyoto Protocol, 3-14 December 2007, Bali, Indonesia.

Succinctly answering the question, the Australian Human Rights & Equal Opportunity Commission posed the issue as follows:

What . . . , if anything, does the modern human rights discourse offer or require from governments when developing appropriate responses to the impacts of climate change? The answer, it appears, is “a lot”. As noted by the Deputy High Commissioner, states have a positive obligation to protect individuals against the threat posed to human rights by climate change, regardless of the causes. The most effective means of facilitating this is to adopt a “human rights-based approach” to policy and legislative responses to climate change; an approach that is *normatively* based on international human rights standards and that is *practically* directed to promoting and protecting human rights.¹⁷

Essential human rights identified under international law provide a principal advantage of addressing climate change through a human rights framework.

Other tremendous benefits in combating climate change will accrue from addressing the issue in a human rights context – by constantly putting a human face to the problem. As the Deputy High Commissioner for Human Rights has noted, “[a] human rights perspective shifts the focus more directly to individuals and to the effect of climate change on their lives.” No more will the discussion be so abstract to most people. To put a face to the issue – considering the impacts on real people, with real families, and real heartbreak – will create more political and moral will than all the statistics about parts-per-million carbon dioxide atmospheric concentration. Recent research demonstrates that people are far more emotionally moved, and hence moved to act, when they learn of personal stories and impacts on individuals rather than impersonal facts and figures.¹⁸

Viewing climate change through a human rights lens will also provide the best means of focusing on how mitigation and adaptation efforts will impact those who are most vulnerable. Instead of a larger economic, cost-benefit analysis, policies relating to climate change will, within a human rights framework, be required to take into account impacts on individuals

¹⁷ *Id.*

¹⁸ See, e.g., Paul Slovic, “ ‘If I look at the mass I will never act’: Psychic numbing and genocide,” *Judgement and Decision Making*, Vol. 2, No. 2, April 2007, pp. 79-95.

and equities as between different people and different communities. Discrimination will be prohibited. Related to those considerations will be the allocation of resources and financing of both mitigation and adaptation measures. For particularly vulnerable states, and when indigenous populations might be adversely impacted, mitigation and adaptation policies would have to take into account the specific impacts on specific people and communities, with a view in advance to the likely human rights effects of measures such as deforestation, biofuel substitution, and emissions trading.¹⁹

One reason proffered for the disconnect between those historically involved in climate change policy-making and the human rights community has been that, on one hand, “the study of climate change began among meteorologists, became firmly entrenched in the physical sciences, and has only gradually reached into the social sciences,” with the basic orientation remaining in the field of economics, while “[h]uman rights organizations . . . are unlikely . . . 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.”²⁰

However, with the unequivocal human rights standards that are firmly part of international law, and with the tremendous advantages of applying a human rights framework to climate change – the most urgent challenge facing our planet today – the human rights community and those who have historically constituted the primary climate change community must join forces, with an emphasis on human impacts, now and far into the future; equity; and effective, practical, urgent solutions. The human rights community need not, and must not, refrain from participating until it is too late to prevent or significantly ameliorate the otherwise-imminent global tragedy of irreversible catastrophic climate change.

The Australian Human Rights & Equal Opportunity Commission provides an extraordinary conclusion with respect to the crucial role of the human rights community in successfully combating climate change:

The values that inspired the drafters of the Universal Declaration of Human Rights provide a powerful point of reference in the climate change context. That document was an international

¹⁹ *Id.* at 7.

²⁰ *Id.* at 3.

response to the human tragedy of extreme nationalism, fascism and world war. It established a set of entitlements and rights – civil, political, cultural, social and economic for ‘all members of the human family’ to prevent the ‘disregard and contempt for human rights that have resulted in barbarous acts which have outraged the conscience of mankind’. While the drafters of the Universal Declaration of Human Rights were looking back at a human tragedy that had already happened, we are now looking at a human rights tragedy *in the making*. Allowing that tragedy to evolve would represent ‘a systematic violation of the human rights of the poor and of future generations’.²¹

Let us all join to “make more noise” about what could be the most devastating violations of global human rights in history, to breathe life into the long-ignored principle of “Never Again,” and to effectively and collaboratively act with the urgency necessary to combat catastrophic climate disruption and the resulting world-wide tragedy that will occur if we fail to meet our most basic moral imperatives.

²¹ “Human Rights and Climate Change,” 2008 Human Rights and Equal Opportunity Commission, at 15.