

I was told yesterday by a number of colleagues present here today that I probably had the easiest job as rapporteur of this whole seminar, because, due to lack of time, there was no discussion after the presentations made under the heading “**the adverse impacts of climate change on the full enjoyment of human rights and their inter-linkages**”.

I tend to think that my job actually is harder as I would not want to simply repeat what our five speakers has said so clearly and eloquently – nor bore the audience for that matter - but rather to draw some comments on the main thrust of the different presentations and what it says about the way human rights interconnect or not.

We had the privilege of hearing from so many different perspectives: special procedures of the Human Rights Council, International Organisation, Regional human rights organizations, and civil society. And it is the complementarity of these perspectives as we look at climate change and human rights that I would like to highlight here.

They all made the case of the adverse impacts of climate change on communities and on their human rights. Statements that

“climate change can be considered as the single most important threat to food security in the future” and “climate change is the biggest threat to the enjoyment of a safe and healthy environment” still resonate.

Likewise, all the speakers highlighted the fact that human rights can provide a response and/or that human rights should be taken on board in all strategies and policies in relation to climate change.

To begin, we had a presentation by Mr. Chaloka Beyani, Special Rapporteur on the human rights of internally displaced persons, which gave us a good sense of the status of the adverse impact of climate change in the world, as documented by him as well as by other special procedures of the Human Rights Council – SR Migrants, SR on adequate housing, SR on the right to food. Actually, the SR on the right to water and sanitation also focused a lot on the impact of climate change.

The impact of droughts and desertification on livelihood, rising temperatures in air and sea on sea levels and affecting habitability / survival especially of small island states, the movement of people caused by tropical cyclones, hurricanes and other natural disasters induced by climate change. The estimates that 150 millions people could be displaced by climate change-related phenomena, such as desertification, increasing water scarcity, floods and storms, even if mostly within the boundaries of the affected state. Migration, internal and beyond borders in relation to climate change, are likely to be durable and requiring also durable solutions.

M.Beyani presented the need for a human rights approach and highlighted the critical role of Cancun and the UNFCCC in this regard. He highlighted the role of Disaster Risk Reduction -

mitigation and preparedness. He made the case for HRBA to be used to strengthen at all levels, not just in humanitarian response, but also in mitigation and adaptation strategies. He finally gave practical examples of the framework provided by the IDPs Guidelines and the principles in play, such as displacement as an option of last resort and the possibility of return.

The second speaker, M. Crowley, from an UNESCO, shared the following views:

There is that generic understanding that climate change is a human rights concern but also that human rights offer important elements for a response. What is meant in practice is however unclear and that is because there is no human rights challenge that is unique to climate change.

Climate change is an aggregate phenomenon, based on the socio-economic system on how our societies work; it affects societies as a whole; if it is not addressed with adequate policies, it will only contribute to exacerbate inequalities, divide and vulnerabilities. Involuntary migration, as already highlighted by the previous speaker, is just one of its visible consequences.

In normative terms, there is no specific human rights linked to climate change – it is all the human rights system that we need to think about.

M. Crowley made the point that the human rights specificities of climate change derive from differentiated vulnerability / which depends on the capacity to cope. He also made the case for human rights to inform and guide all policies in relation to climate change, not just in regard to the response once a climate-change related disaster happens, but also in coping/adaptation/mitigation strategies. Climate change is a knowledge-driven agenda, there is also the need for a human rights based approach to climate change to be anticipatory. In this regard, knowledge also needs to be considered in human rights terms – i.e. every aspect of vulnerabilities need knowledge.

To share the experience of the Inter-American Commission on Human Rights, we had the pleasure of hearing Professor Dinah Shelton, its current Chair. Her presentation focused on the add-value of a human rights based approach to climate change and highlighted the following main points:

- Nothing else is working! Efforts through environmental law and sustainable development have so far not contributed to tangible results; States have the obligation to respect human rights and environmental resources and processes are vital to a whole range of human rights. So there are more than ample grounds to bring these together.

She then shared a few concrete examples that the Commission received in relation to climate change:

- The Commission received a petition from the Inuit concerning climate-change in the Arctic and the impact on their rights. It covers not only impacts on the right to food, the right to housing, and the right to life, but even the right to culture, because of the impact of climate change on their way of life.
- The Commission held a hearing on the impact of glacier melting in the Andes on Bolivian communities which lost their water supplies. This case highlighted the disproportionate impact on vulnerable groups in particular indigenous peoples as well as the fact that climate change represents the biggest threat to the enjoyment of a safe and healthy environment.

- The Commission also had the opportunity to focus on such aspects as for example: procedural rights, such as the right to environmental information, the right to know (prior information and prior consultation) environmental conditions and projects that may have an impact on one's community.
- There was also the issue of vulnerable individuals and groups – from past or current discrimination – even within the boundaries of rich countries.

To conclude, Prof Shelton highlighted the jurisdiction limits of the Commission :

- The Commission can't look at trans-boundary aspects;
- The Commission can not condemn directly or make recommendations to non-state actors;
- There is also the political reality that the most negative reaction from States has been when the commission had taken up environmental cases.

From civil society, we heard from Andrea Carmen, Executive Director of the International Indian Treaty Council as a representative of indigenous peoples - one of the groups that are the most impacted by the effects of climate change. Starting off with a restatement of human rights obligations of States, including that affirmation in article 1 common to the ICCPR and the ICESCR that “in no case may a people be deprived of its own means of subsistence”, she presented the numerous provisions of the United Nations Declaration on the Rights of Indigenous Peoples that was adopted by the General Assembly in September 2007. The Declaration does not only identify the rights of indigenous peoples but also can serve as guidelines for the identification of sustainable and participatory solutions in relation to climate-change adaptation and mitigation policies and strategies.

- The relation to lands, territories and resources, the right to the conservation and protection of the environment and the productive capacity of their lands, the obligation to seek and obtain free and informed consent prior regarding projects affecting those lands, territories and resources but also about any relocation possibilities.
- The right to be secure in their own means of subsistence.
- The right to participate in decision-making processes.

She also provided concrete examples of how climate change has impacted indigenous communities throughout the world due to disappearing water, weather conditions leading to the incapacity of growing staple food, melting ice blocks threatening the physical existence of villages.

We also heard from Anita Nayar, Executive Committee Member, Development Alternatives with Women for a New Era (DAWN), who represented the voice of women in this debate on human rights and climate change as another group that is disproportionately vulnerable to and affected by climate change. The argument brought forward was that a human rights based approach to climate change would imply the integration of a woman/gender perspective. However, the argument was made that it is very difficult to integrate a gender perspective due to the predominant climate change discourse. As an example, some would view population growth as being one element responsible for climate change, in such a way that reducing population growth would necessarily be considered as a possible response but impacting women and their empowerment fully. Throughout, she highlighted situations where actions were promoted but with negative consequences – such as the need to invest in rural areas translating itself in biofuels production without consideration of impact on food security.