

Climate Change, Climate Knowledge and Human Rights

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Thank you for the opportunity to offer a UNESCO angle on the important topic under discussion here today.

I doubt that there is any need here to revisit the general argument that climate change is a human rights concern and that human rights offer an indispensable basis for climate change response. These points have been made extensively in the last four years and, in broad terms, are not really controversial.

On the other hand, as many previous contributors to the debate have noted, they are also very generic.

In factual terms, it would be hard to isolate any human rights challenge specifically, directly and uniquely related to climate change. This, however, is not a weakness, and is not designed to express a reservation about the human rights approach to climate change. On the contrary, the whole point is that climate change is a comprehensive, “total” social process that is driven by the ways in which societies – indeed, it would be more appropriate to talk here about “socio-ecosystems” – operate as integrated wholes. Furthermore, climate change impacts are not separable or sectoral. Climate change affects the entire fabric of a society, filtered through their characteristic processes of production, consumption, distribution, as well as its beliefs, values and imagination. It is clear enough, in practical terms, that climate change – especially if not addressed by adequate policies – will tend to aggravate social inequalities and sharpen social injustice. However, this also means that background conditions unrelated to climate dynamics will be crucial in determining how human rights realization will be affected by climate change in particular cases.

An extreme argument in this regard would be that every aspect of a human rights based response to climate change corresponds to action that is required anyway by general human rights considerations as applied to societies in which inequalities have tended to increase, thereby sharpening differential vulnerability. The IPCC 3rd Assessment Report proposed an oft-quoted and very convenient analysis of vulnerability into three components that are conceptually independent, though often correlated in practice: exposure, sensitivity and adaptive capacity. In these terms, the pro forma argument that there is nothing specific to say in human rights terms about climate change would mean, first, that both sensitivity and adaptive capacity are generic, in the sense that climate change is just another social risk factor, and, secondly, that in combination they significantly outweigh exposure as a determinant of vulnerability.

I am not endorsing this argument for a generically “social welfare” approach to climate change – just noting that it has some *prima facie* plausibility. Furthermore, it is analytically useful in pointing to the key claims that would need to be sustained in order to refute it. First, it would need to be shown that there are at least certain groups (or situations) in which sensitivity to climate change and low adaptive capacity coexist with adequate protection against other risks. Secondly, evidence would be required that there are at least certain groups (or situations) in which exposure outweighs other vulnerability factors. The second point could in principle be the cause of the first – but this is not necessarily the case. An alternative possibility, especially where well institutionalized social protection systems exist,

¹ The views expressed in this paper are those of the author and, except where specifically stated otherwise, should not be regarded as official statements of a UNESCO position on the topics addressed.

is that such systems will deal poorly with the effects of climate change precisely because they have been developed over time to respond to entirely different social patterns of risk. In other words, institutional inertia, or path dependency, could be mediating factors in creating specific, separable climate-driven vulnerability. The question is whether this theoretical possibility is actually in evidence.

In normative terms, there is clearly no human rights principle specifically and uniquely related to climate change – nor is it obvious that there should be. If we, in this meeting today, were empowered to create, by *fiat*, a new climate-specific human right, would we necessarily do so? I rather doubt it. And even if we did so, it would probably not be a distinctive new principle, but a statement of how existing principles apply to specific factual situations or hypotheses.

On the other hand, there is clearly some kind of right to enjoy a situation in which the legal duty to avoid dangerous anthropogenic interference with the climate is honoured. However, it would be awkward to suggest that this be regarded as a *human* right. First, it is not connected to any individualizable situation – though this point is not decisive, since the Universal Declaration of Human Rights does enshrine an analogous non-individualizable right to enjoy an international system conducive to the realization of human rights in general. Secondly, and more importantly, human rights logically *ground* positive legal commitments. It would be odd to base them on contingent positive legal commitments – however significant in terms of climate change response.

To put things very simply, therefore, the human rights specificity of climate change depends on and derives from analysis of differential vulnerability, which in turn highlights a distinctive and often neglected feature of climate change – that it is inherently knowledge-driven.

Once severe climate impacts have occurred, their causation is likely to be of limited significance in human rights terms. The rights of people rendered homeless, displaced, impoverished by recurrent drought, afflicted by the changing geographical distribution of endemic diseases can be interpreted directly in terms of mainstream economic and social rights that may be violated or neglected – or rendered unrealizable – in practice, but will nonetheless be conceptually detachable from the factual circumstances that bring them into play. Consideration may of course be given to the creation of specific institutional entitlements based on a causal connection between climate change and individual or collective situations of need, distress or disadvantage. However, such a welfare approach, because of the kinds of conditionality it entails, is a complement to rather than an expression of a human rights based approach.

The one clear – but hypothetical – exception in this regard would be the creation of any kind of climate-specific asylum regime, which to be effective would necessarily correspond to rights-based (rather than resource-based) and collective (rather than individualized) situational conditionality. I do not propose to discuss this issue here.

A truly human rights based approach to climate change must therefore be anticipatory. The reason we are here at all is that we have increasingly detailed, albeit imperfect knowledge about things that might happen. The knowledge is imperfect, of course, partly for contingent reasons, because of gaps in observation systems or modelling, or ongoing research efforts that have not yet borne fruit, but partly also because of the inherent complexity of the climate system. However, this in no way undermines the authority of climate science. Contrary to what tends to be suggested by “denialists” in public debate, quantifiable scientific uncertainty does not express the limitations of science, but on the contrary its power.

Based on this knowledge, we have duties, which are legally recognized between states in international law, to prevent as far as possible negative impacts that may arise, and to cope with them in so far as they are unavoidable. Coping, here, does not refer to what will need to be done once severe impacts occur. As noted earlier, this may be very challenging in practice, but does not raise conceptual difficulties. What is at stake here is rather adaptation, which is a matter of reducing vulnerability for any given level of exposure, by reducing sensitivity and enhancing adaptive capacity. Adaptation is therefore just as knowledge-driven and anticipatory as mitigation.

The implications of this argument are two-fold – one very familiar; the other less familiar and of specific concern to UNESCO.

The familiar implication is that mitigation and adaptation should themselves be human rights based. It is possible in principle to imagine measures that might be defended on grounds of technical efficiency but would clearly be unacceptable in human rights terms – for example forced resettlement of populations living in highly exposed locations, or rationing of energy, water or other scarce resources without due regard for social justice. It is sometimes argued in the public domain that the world will have to choose between democracy and sustainability, and should therefore scrap democracy. There is no reason to accept these terms of debate. All the more so that any claim about the technical efficiency of a proposed measure itself depends on imperfect – and therefore legitimately contestable – foreknowledge.

As stressed by the Global Migration Group during UNESCO's chairmanship in the second semester of 2011, migration in response to climate change is, in itself, neither an appropriate nor an inappropriate response. It depends on the circumstances, on the agency available to the migrants, on their destination and on the background conditions that shape the movement of people. It is not realistic in general terms to insist that people have an overriding interest in staying where they are – and perhaps therefore a right to do so. On the contrary, migration, if properly managed and set within a normatively defensible background legal framework, can sometimes constitute an effective adaptation option that is entirely supportive of migrants' rights. Yet it is also possible that migration should in fact increase vulnerability, when the destinations open to migrants and attractive to them for reasons of socio-economic opportunities are also susceptible to sea-level rise and other climate-induced pressures. It is precisely because migration (like other hypothetical adaptation options) cannot be reduced to a technical calculus that a rights-based framework is indispensable.

Furthermore, the suggestion that technical and normative considerations exist in separate universes is a fundamental misinterpretation of what climate change means as a driver of social change. It is not a "natural" process that affects societies from the "outside" – it is part of the metabolism of a socio-ecosystem. The challenge of building sustainable societies, in other words, cannot just be about technologies – or even institutions. The "soft" infrastructures in the minds of members of society – their attitudes, beliefs and behavioural patterns – are intimately intertwined with the "hard" infrastructures of steel and concrete through which we shape the world – and ourselves.

The less familiar implication of the previous argument is that knowledge itself should be considered in human rights terms. The right to enjoy the benefits of scientific progress (article 27(1) of the UDHR) is one of the less developed and institutionalized human rights. It does nonetheless bear directly on climate change. Without detailed understanding of differential vulnerability, adaptation will be just a word. Yet every aspect of vulnerability is knowledge-intensive: exposure requires credible modelling (for instance of rainfall); sensitivity calls for precise understanding of the interfaces in socio-ecosystems (for instance those driving

agricultural productivity); and without knowledge of the challenges they may face, it is pointless to expect societies to “adapt”.

Nor are these concerns purely abstract. To take just one example, arguably the biggest immediate human rights concern in relation to climate change in the Sahel is the lack of basic observational and modelling capacities, which hampers any attempt to adapt. Farmers in marginal semi-desert areas need some idea of how rainfall might evolve. To neglect their interests in international scientific cooperation is simply to abandon them to their fate – to reduce *ex ante* adaptation to *ex post* coping. They are entitled to expect more. The human right to receive more has long been recognized – but not acted upon.

Emphasizing the anticipatory and knowledge-driven character of climate change thus shifts the human rights perspective in subtle but significant ways. Rather than focusing on the negative impacts that might occur – important as they are – such a perspective invites us to focus on what we can do to avoid them, through mitigation and adaptation based on equitable universal access to the benefits of science. This is not an alternative to the human rights agenda – it is a core component of it.