

Human Rights and the Climate Crisis: Acting Today to Prevent Tragedy Tomorrow

SUMMARY

1. There is no doubt that the failure of the international community to urgently and adequately respond to climate change will lead to violations of the human rights for millions of people – particularly the poorest people in the world. The climate crisis will cause increased floods, droughts, storms and sea-level rise leading to starvation, increases in the range and spread of diseases exacerbating current health problems, further water scarcity and massive displacement – affecting the right to food, health, subsistence, and the right to life for people around the world. Moreover, the political instability arising from the mass displacement of populations could ultimately pose a threat to the enjoyment of all human rights in seriously affected countries. The moral imperative to act now cannot be disputed.
2. Countries are also obligated to protect the human rights affected by climate change under international, regional and domestic law. Failure by countries to prevent dangerous climate change by reducing their greenhouse gas emissions will test the effectiveness of the human rights legal framework, as climate change victims will number in their millions.
3. The worst effects of climate change, and associated human rights violations however, can be prevented. The science of what is needed to prevent dangerous climate change is clear. We must keep global mean temperature rise as far below 2°C as possible compared to pre-industrial levels.¹
4. Greenpeace's position is that we can and must prevent dangerous climate change; and the resulting human rights violations. The critical priorities from a human rights perspective are to **reduce global greenhouse gas emissions** and **effective adaptation for unavoidable impacts**.
5. To achieve this, the international community must strengthen its cooperation to prevent dangerous climate change under the United Nations Framework

¹ International Climate Change Task Force (2005), *Meeting the Climate Challenge*, available at <http://www.americanprogress.org/kf/climatechallenge.pdf> . See also 1939th Meeting of the Council of Ministers of the European Union, Luxembourg, 25 June 1996: 'the Council believes that global average temperatures should not exceed 2 degrees above pre-industrial level.'

Convention on Climate Change and the Kyoto Protocol. Under this process, the following elements are critical:

Emission Reductions – A peak in global GHG emissions by 2015 and then a reduction by at least 50% by 2050 (from 1990 levels).

Industrialised countries must reduce GHG emissions by at least 30% on 1990 levels by 2020 and at least 80% by 2050.

More countries, including developing countries must commit to binding emission limitation targets under the Kyoto Protocol.

Clean Technology Deployment Mechanism – A new Clean Technology Deployment Mechanism to kick start a rapid switch to clean, efficient, renewable technology in developing countries.

Deforestation Reduction Mechanism – with the necessary scale and financing to move towards zero deforestation in the next decade.

Adaptation Mechanism – with a reliable financing mechanism linked to real need and coupled to a large international effort to scale up adaptation action. Minimum funding required is \$50bn per year.

6. The UN Human Rights Council has an important role to play in highlighting the urgency of preventing dangerous climate change. We urge that the UN Human Rights Council follow through on this critical initiative to actively engage on the issue of climate change and human rights and urge all nations to adopt real solutions. The cost of inaction is immeasurable in terms of human rights violations.
7. This paper is structured as follows: Part One: Overview of the Climate Crisis; Part Two: Impacts of the Climate Crisis on Human Rights; Part Three: Impacts of Mitigation Strategies on Human Rights; Part Four: Legal Obligations for Human Rights Violations; and Part Five: Solutions to the Climate Crisis – Acting Today to Prevent Tragedy Tomorrow.

PART ONE: THE CLIMATE CRISIS

8. Climate change is the greatest environmental threat facing humanity. The Intergovernmental Panel on Climate Change (“IPCC”) reported in 2007 that the impacts of climate change are already being felt, particularly in the poorest countries around the world – those with least capacity to adapt and the least historical responsibility for causing climate change.²

² Intergovernmental Panel on Climate Change (2007), *Climate Change 2007: Synthesis Report*, [hereinafter: IPCC Synthesis Report 2007], available at: http://www.ipcc.ch/pdf/assessment-report/ar4/syr/ar4_syr.pdf

9. Projected temperature increases are now between 1.1°C to 6.4°C – with a best estimate range of 1.8°C to 4.0°C – leading to far-reaching impacts.³ By way of example, agricultural production, including access to food in many parts of Africa is projected to be severely compromised by climate change.⁴ In some African countries, yields from rain-fed agriculture could be reduced by up to 50% in as little as 12 years.⁵
10. On the other side of the planet, small island states are particularly vulnerable to the impacts of climate change. Sea-level rise is expected to exacerbate inundation, storm surge, erosion and other coastal hazards, threatening essential infrastructure, settlements and facilities that support the livelihood of island communities.⁶
11. The scientific consensus is clear that anthropogenic GHG emissions are the leading cause of climate change.⁷ Global GHG emissions from human activities have increased 70% between 1970 and 2004.⁸ Approximately two-thirds of human induced GHG emissions comes from energy production and use, including transport, heat and power.
12. To prevent dangerous climate change global mean temperature rise must be kept as far below 2°C as possible compared to pre-industrial levels, by reducing GHG emissions. The failure to prevent climate change threatens human rights on an unprecedented scale.

PART TWO: IMPACTS OF THE CLIMATE CRISIS ON HUMAN RIGHTS

13. The 1948 Universal Declaration of Human Rights (“UDHR”) 1948 provides that “... everyone is entitled to a social and international order in which [their] rights and freedoms ... can be fully realized.” The International Covenants on Civil and Political Rights (“ICCPR”) and on Economic, Social and Cultural Rights (“ICESCR”), both derived from the UDHR are legally binding on the vast majority of the world’s countries.
14. In addition to international law, human rights are protected in a number of regional agreements and the domestic law of many countries. For example, regional agreements include the American Convention on Human Rights and the American Declaration on the Rights and Duties of Man, the European Convention of Human Rights, and the African Charter on Human and Peoples’ Rights.

³ *Ibid.*

⁴ *Ibid* at p.50.

⁵ *Ibid.*

⁶ *Ibid* at p.52.

⁷ *Ibid* at p.39.

⁸ Intergovernmental Panel on Climate Change (2007), *Climate Change 2007: Synthesis Report: Summary for Policymakers*, p.5. available at: http://www.ipcc.ch/pdf/assessment-report/ar4/syr/ar4_syr_spm.pdf

15. The following section sets out a number of human rights and describes the impacts that will result from climate change, unless urgent international action is taken. Many of the more serious impacts are projected to affect people in countries already struggling with human rights issues – which will be seriously aggravated by the climate crisis.

Right to Life

16. **Legal Basis:** Article 3 of the UDHR: “Everyone has the right to life, liberty and security of the person.” Article 6(1) of the ICCPR: “... every human being has the inherent right to life.” The ICCPR General Comment on the right to life states that protection of this right requires States to adopt positive measures.⁹

17. **Climate Change Impacts:** The World Health Organisation has estimated that since the 1970s deaths caused by the impact of climate change amount to 150,000 every year.¹⁰ Such deaths are resultant from increasing instances of diarrhoea, malaria and malnutrition, primarily in Africa and other developing regions.¹¹ Increasing intensity and frequency of heat waves, floods, storms, and droughts caused from climate change is projected to lead to more deaths.

Right to Food

18. **Legal Basis:** Article 11(1) of the ICESCR: “The State Parties to the present Convention recognise the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.” Article 11(2) of the ICESCR recognises: “the fundamental right to freedom from hunger and malnutrition.”

19. **Climate Change Impacts:** Around 800 million people are currently at risk of hunger.¹² The lack of adequate nutrition currently causes around 4 million deaths annually.¹³ Almost half of these deaths are in Africa.¹⁴ Climate change will exacerbate this – expected changes in the frequency and severity of extreme climate events, and increased risk of fire, pests and disease outbreak will have significant consequences on food and forestry production and food insecurity.¹⁵

⁹ CCPR General Comment No 6, available at:

<http://www.unhchr.ch/tbs/doc.nsf/0/84ab9690ccd81fc7c12563ed0046fae3>

¹⁰ McMichael A.D et al, (2004) ‘Global Climate Change’ in M.J. Ezzati et al (eds), *Comparative Quantification of Health Risks: global and regional burden of disease due to selected major risk factors*, World Health Organisation, Geneva, pp.1543-1649, cited in the *Stern Review Report on the Economics of Climate Change*, p. 75, [hereinafter: Stern Review] available at http://www.hm-treasury.gov.uk/independent_reviews/stern_review_economics_climate_change/stern_review_Report.cfm

¹¹ *Ibid.*

¹² *Ibid.* p.72.

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ *Ibid.*

¹⁵ IPCC. 2007: Summary for Policy Makers. In: *Climate Change 2007: Impacts, Adaptation and Vulnerability. Contribution of Working Group II to the Fourth Assessment Report of the*

20. Projected climate change is expected to put close to 50 million more people at risk of hunger by 2020, and an additional 132 million people by 2050.¹⁶ According to the Stern Review, if global temperatures are permitted to increase by 3°C, 250-550 million additional people may be at risk of hunger – over half in Africa and Western Asia.¹⁷

Right to Subsistence

21. **Legal Basis:** Article 25 of the UDHR: “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing ...” Article 1.2 of ICCPR and ICESCR: “In no case may a people be deprived of its own means of subsistence.”
22. **Climate Change Impacts:** The climate crisis will lead to rising sea levels causing the displacement of millions of people from their homes and means of making a living. By way of example, in the Indian subcontinent, if global temperature rises to 4-5°C, rising sea level and drought will displace about 125 million migrants from Bangladesh and other coastal areas.¹⁸ Many of these people will not have the skills and resources to shift occupations.¹⁹ The inhabitants of Papua New Guinea’s Cartaret Islands face the destruction of their traditional livelihoods through salt water contamination, sever storms and the destruction of ecosystems on which they depend. The Cartaret islands are expected to be submerged by 2015.²⁰

Rights of Indigenous Peoples

23. **Legal Basis:** The Declaration of the Rights of Indigenous Peoples reaffirms the human rights enshrined in other international law instruments as they apply to indigenous peoples including rights to life, health, subsistence, to practice cultural traditions, to not be disposed of their land, and to self determination.²¹ Article 29 of the Declaration explicitly addresses environmental protection: “Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources.”
24. **Climate Change Impacts:** Climate change is already impacting on the rights of indigenous peoples. The effects of rising sea level and melting permafrost

Intergovernmental Panel on Climate Change, M. L Parry et al, Cambridge University Press, Cambridge, UK, p.7-22.

¹⁶ *Ibid.*

¹⁷ Stern Review, supra at note 10.

¹⁸ Rajan, S. C. (2008), *Blue Alert: Climate Migrants in South Asia: Estimates and Solutions*, Greenpeace India Society

¹⁹ *Ibid.*

²⁰ McAdam, J.(2007), *Climate Change ‘Refugees’ and International Law*, NSW Bar Association, available at <http://www.nswbar.asn.au/circulars/climatechange1.pdf>

²¹ The UN adopted the UN Declaration on the Rights of Indigenous Peoples in September 2007, http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

caused by climate change is impacting on the Inuit subsistence way of life in the Arctic regions of the United States and Canada. As another example, the impacts of climate change are projected to have severe impacts on the lives of the indigenous people of the Torres Strait Islands, Australia, including decreased freshwater, increased exposure to disease, erosion impacts on essential infrastructure and degradation of significant cultural sites.²²

Right to Development

25. **Legal Basis:** Declaration on the Right to Development: Article 1: “The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.”²³

26. **Climate Change Impacts:** The climate crisis will have severe impacts on the right of poor countries to development. Food production and access to water will be compromised by changed climatic patterns, infrastructure will be affected by rising sea-levels and melting permafrost, thus diverting limited resources to meet the costs of adapting to climate change.

Right to a Clean and Healthy Environment

27. **Legal Basis:** There is growing recognition of, and explicit legal protection for the right to a clean and healthy environment. For example, Article 24 of the African Charter of Human and Peoples Rights’ provides for a right to a general satisfactory environment favourable to development. Article 11 of the Additional Protocol to the American Convention on Human Rights provides for a right to a healthy environment. In the European Union, while not explicit in the European Convention on Human Rights, the Courts have relied on the right to life, privacy and family life to provide redress in cases where applicants sought relief for environmental harm, holding that severe pollution violated the right to well being and family life.²⁴

28. Outside of the human rights legal framework, there is also international recognition of a right to a healthy environment. For example, the Stockholm Declaration of 1972 recognises a right to a healthy environment by stating that:

Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being ...

²² See Center for International Environmental Law case studies on the impacts of climate change on vulnerable communities, available at:

http://www.ciel.org/Publications/Climat/CaseStudy_TorresStraitAus_Dec07.pdf

²³ Declaration on the Right to Development adopted by General Assembly Resolution 41/128 of 4 December 1986, <http://www.unhcr.ch/html/menu3/b/74.htm>

²⁴ See eg, European Court of Human Rights, 9 December 2004, *Lopez-Ostra v Spain*, Application No 16798/90 (1995) 20 EHRR 277, European Court of Human Rights, 9 June 2005, *Fadeyeva v Russia*, Application No 55723/00, Reports of Judgments and Decisions 2005-IV.

29. The right to a healthy environment is also one of the fundamental tenets of the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters. Although the Aarhus Convention does not create a substantive right to a healthy environment; it does create procedural rights to assert ‘the right to live in an environment adequate to his or her health and wellbeing.’²⁵
30. **Climate Change Impacts:** Climate change will fundamentally affect the right of people to live in a healthy environment. In addition to the impacts of climate change outlined above in relation to other human rights, the impacts on water caused by changed climatic patterns will seriously affect the right to a healthy environment. For example, communities relying on glacial melts for their water supply face severe consequences including communities in the large parts of the Indian sub-continent, parts of China and in the Andes.²⁶ The cities of La Paz, Lima and Quito and up to 40% of agriculture in the Andean valleys rely on glacier meltwater, such that climate change impacts will expose 50 million people in this region to loss of dry-season water.²⁷

PART THREE: IMPACTS OF MITIGATION STRATEGIES ON HUMAN RIGHTS

Rights of Indigenous Peoples

31. In addition to the impacts the climate crisis will have on the rights of indigenous peoples, mitigation strategies to respond to climate change can impact on human rights. For example, the expansion of biofuels can have severe impacts on the human rights of indigenous peoples. The expansion of oil palm plantations for biofuels (and the food sector) in Indonesia, Malaysia and Papua New Guinea has led to the displacement of indigenous and other forest people.²⁸

Right to Development

32. It has been asserted that the right to development is incompatible with mitigation strategies as development requires further investment in CO₂ polluting industries to increase economic growth. However, climate action is in fact a development opportunity for developing countries to shift to a low carbon economy. This requires massive investment in energy efficiency and renewable energy by industrialised countries to assist developing countries realise their development right.

²⁵ Preamble, para 7 of the Aarhus Convention.

²⁶ Stern Review, supra at note 10, p.63.

²⁷ *Ibid*

²⁸ See eg, Cotula, L., Dyer, N. and Vermeulen, S., (2008), *Fuelling Exclusion? The biofuels boom and poor people's access to land*, IIED and FAO, London, available at: <http://www.iied.org/pubs/pdfs/12551IIED.pdf> who note in Indonesia “Palm oil production has been accompanied by a history of repression and coercion, lack of information and loss of land rights.”

Incorporating Human Rights into Mitigation Strategies

33. In sum, it is critical that all mitigation strategies are assessed to ensure they respect human rights.

PART FOUR: LEGAL OBLIGATIONS FOR HUMAN RIGHTS VIOLATIONS

State Liability

34. It is clear from the above discussion that unabated climate change will lead to widespread denials of the enjoyment of human rights across the globe. However, given the nature of the issue of climate change, there are a number of legal hurdles that will test the ability of the human rights legal framework to provide redress for the countless victims of the climate crisis. Firstly, rights, in particular civil and political rights, have traditionally been conceived as having a 'negative' character, meaning States are not necessarily obliged to take proactive steps to safeguard the enjoyment of these rights – such as preventing dangerous climate change.
35. This view however, is now clearly outdated. The ICESCR explicitly sets out rights of a positive character, for whose full realisation States must strive through proactive steps. Moreover, the UN Human Rights Committee, which is responsible for oversight of compliance with the ICCPR, has confirmed that the civil and political rights set out in the Covenant impose an obligation of due diligence on States, to prevent action by private parties which would deprive others of the enjoyment of these rights:²⁹

The legal obligation under article 2, paragraph 1, is both negative and positive in nature. ... [T]he positive obligations on States Parties to ensure Covenant rights will only be fully discharged if individuals are protected by the State, not just against violations of Covenant rights by its agents, but also against acts committed by private persons or entities that would impair the enjoyment of Covenant rights in so far as they are amenable to application between private persons or entities. There may be circumstances in which a failure to ensure Covenant rights as required by article 2 would give rise to violations by States Parties of those rights, as a result of States Parties' permitting or failing to take appropriate measures or to exercise due diligence to prevent, punish, investigate or redress the harm caused by such acts by private persons or entities.

36. Second, human rights law generally addresses violations by individual offenders directly responsible for the act or omission causing the human rights breach. Climate change does not neatly fit this model as multiple actors contribute to the warming climate and resulting impacts on the lives of millions. However, this issue is less complex than it first appears.

²⁹ Human Rights Committee, General Comment 31, Nature of the General Legal Obligation on States Parties to the Covenant, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (2004), paras. 6-8.

37. The attribution of liability for a wrongful act of a State is governed by general international law. The most authoritative restatement of the law in this area, is the International Law Commission's (ILC) *Draft Articles on State Responsibility for Internationally Wrongful Acts*. Although the issue is not directly addressed, the commentary clearly endorses the view that where several States, through their own wrongful acts or omissions, cause damage, each one of them is individually responsible for the consequences. The ILC cites with approval the pleadings of the United States in the *Aerial Incident Cases* before the International Court of Justice (*United States of America v. Bulgaria*):³⁰

In all civilized countries the rule is substantially the same. An aggrieved plaintiff may sue any or all joint tortfeasors, jointly or severally, although he may collect from them, or any one or more of them, only the full amount of his damage.

38. Domestic legal systems have provided remedies in similar situations before, such as liability principles in tort law.³¹ When faced with multiple polluters Courts have shifted the burden of proof and held the defendant liable unless he or she can mitigate responsibility by proving the proportional liability of the other wrongdoers.³²

39. The principle is therefore that each State which fails to take effective action to reduce its contribution to the threat of dangerous climate change can be held responsible for the resulting denial of human rights. The level of liability will depend on the overall historical contribution of the State in question to the problem and their capacity to act. In the case of climate change, while the number of responsible States is significant, it is clear that there are key countries with a high capacity to act and whose historical contribution is disproportionate and that they should have taken earlier action to mitigate their GHG emissions.

40. The third issue in attributing liability for human rights violations caused by not responding to the climate crisis is that human rights treaties generally limit States' obligation to protect human rights to national borders. However, the impacts of climate change occur in all countries; and the most egregious human rights breaches caused by the climate crisis will be in countries that contributed least to GHG emissions and will affect first and foremost those people that have no responsibility for growing GHG emissions.

³⁰ Memorial of 2 December 1958, in *I.C.J. Pleadings, Aerial Incident of 27 July 1955*, at p. 229, quoted in International Law Commission, "Draft Articles on Responsibility of States for Internationally Wrongful Acts, with Commentary," Yearbook of the International Law Commission (2001), vol. II, part 2, Commentary to Article 31, p. 93, note 471.

³¹ International Council on Human Rights Policy (2008), *Climate Change and Human Rights, A Rough Guide*, Switzerland.

³² *Ibid.*

41. It would seem the principle of territorial responsibility for human rights flows from practical considerations and from the principle of non-intervention in international law. However, clearly, it was never the purpose of this principle to permit States to engage in activities resulting in extraterritorial human rights violations.
42. Human rights jurisprudence confirms this point of view. While case law is not extensive (yet), there is jurisprudence supporting extraterritorial responsibility by stating that states have responsibility for “(1) state actions taken in other countries; (2) human rights protections in countries where they exercise ‘effective control,’ and (3) some violations committed abroad by private actors who fall under their jurisdiction.”³³ The Inter-American Commission on Human Rights has held that a state “may be responsible under certain circumstances for the acts and omissions of its agents which produce effects or are undertaken outside that state’s own territory.”³⁴
43. There is also a broadly recognised obligation for States to prevent transboundary environmental harm,³⁵ an obligation which is clearly implicated by a failure to curb GHG emissions and could be invoked in a human rights claim. States have exclusive control over GHG emissions within their territory and their failure to prevent continued GHG emissions will lead to human rights denials. Claims with high potential for success are likely in relation to states demonstrating unwillingness to cooperate internationally to prevent human rights violations from climate change, and states that have cooperated but failed to meet their obligations under the UNFCCC and Kyoto Protocol. Article 2 of the ICESCR also speaks to the positive obligation of states to “assist and cooperate” with other states in the realisation of ICESCR rights.
44. Finally, the principles on which the UN was founded express a broader obligation to protect human rights than strictly within a state’s national boundaries as evidenced through Articles 55 and 56 of the UN Charter where nations committed to cooperate to promote universal respect for, and observance of, human rights. The nature of this responsibility is not based on potential causation but rather gives voice to a shared, global responsibility based on our common humanity.

Private Entities and Liability for Human Rights Violations

45. While international human rights law commits States, the obligations in relation to protecting human rights include regulating the activities to private industry.

³³ *Ibid*, p.4.

³⁴ *Saldano v. Argentina, Petition*, Inter-Am. C.H.R., Report No. 38/99, OEA/ Ser.L./II.102, doc. 6 rev. ,17 (1999), available at [http:// www.cidh.org](http://www.cidh.org).

³⁵ *Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion*, 1996 ICJ Reports 226, 241-42 (July 8, 1996) (“the existence of the general obligation of states to ensure that activities within their jurisdiction and control respect the environment of other states or of areas beyond national control is now part of the corpus of international law relating to the environment.”)

Moreover, companies are required to conduct their business in a manner that does not violate human rights.

46. There are clearly industries contributing disproportionately to the climate crisis. In some cases, industries have been indicted for actively spreading misinformation to reduce the seriousness of the problem in an effort to allow them to continue polluting without responsibility. This issue has already been raised in the courts. The Native Village of Kivalina has filed proceedings in the US against major CO² emitters for damage caused by climate change, and submitted that some of defendants conspired to create false debate about global warming to deceive the public. There is also evidence that some industries have actively lobbied against Government responses to curb CO² emissions leading to significant delay in much needed response to the climate crisis. For example, the car industry in Europe has been actively lobbying to undermine EU fuel efficiency legislation.³⁶

Climate Change, Human Rights and Litigation

47. In sum, the inability to realise human rights will be clear if climate change continues as projected. Establishing legal liability may not be straightforward, but it is highly likely to follow as the international legal framework is certainly sufficiently broad to accommodate such claims. The climate crisis is unprecedented and undoubtedly will lead to new precedents establishing liability for human rights violations.
48. The first case alleging human rights violations for contribution to climate change has already been brought. The well known Inuit petition filed with the Inter-American Commission of Human Rights alleged “the effects of global warming constitute violations of Inuit human rights for which the United States is responsible.”³⁷ While the Commission did not find the case admissible, it proceeded to a public hearing on the case in 2007.
49. Action is needed now to prevent the need for widespread legal redress for human rights violations. If climate change continues past the 2°C threshold the need for humanitarian aid and the international human rights legal system will be stretched beyond capacity. While some litigation is unavoidable as climate change impacts are already affecting human rights, the worst effects can and must be avoided. Greenpeace advocates that human rights organisations and bodies commit to responding to the climate crisis to protect human rights. We must focus on mitigating the worst effects by reducing GHG emissions; and committing to meaningful adaptation.

³⁶ Greenpeace International (2008), *Driving Climate Change*, Amsterdam, available at: <http://www.greenpeace.org/raw/content/international/press/reports/DrivingClimateChange.pdf>

³⁷ Petition to the Inter American Commission on Human Rights Seeking Relief From Violations Resulting From Global Warming Caused by Acts and Omissions of the United States, available at: http://www.ciel.org/Publications/ICC_Petition_7Dec05.pdf

PART FIVE: SOLUTIONS TO THE CLIMATE CRISIS – ACTING TODAY TO PREVENT TRAGEDY TOMORROW

50. The science is clear. To avoid the most catastrophic impacts of climate change and associated widespread human rights violations immediate action is needed to keep global mean temperature rise as far below 2°C as possible. States must urgently cut GHG emissions. Global emissions must peak by 2015 and then be reduced by at least 50% by 2050 from 1990 levels. This is achievable. The IPCC confirmed that all greenhouse gas stabilisation levels can be achieved with currently available technologies or those in development.³⁸
51. To achieve the necessary emissions reductions the international community must not only continue its commitment to the UNFCCC and the Kyoto Protocol which together provide the legal framework governing the state parties' obligations to respond to the climate crisis and reduce emissions, but the climate agreements must be strengthened to provide real solutions.
52. The world has an urgency to act and while industrialised countries should take the lead in reducing greenhouse gas emissions, all countries should contribute to climate change mitigation according to their historical responsibilities for greenhouse gas emissions and their economic and social capacities to act. We set out below what is required to respond to the climate crisis.

Emission Reductions

53. **Developed countries** – emission reduction commitments, as a group, must be at least 30% by 2020 (from 1990 levels) and virtually complete decarbonisation (greater than 80% reductions) by 2050.
54. **Developing countries** – developing countries need to take on measures to limit greenhouse gas emissions. This can take on different forms, starting from developing sectoral targets to setting economy-wide caps. Some countries with a clear capacity to act, should take on economy-wide commitments soon. Others will have to follow after 2020, when they have developed their capacity to act, which industrialised countries must actively support with technology transfer and financing. All developing countries should develop measurable, reportable and verifiable mitigation actions in the second commitment period, that will allow them to reduce their emissions, by for example setting a renewable energy or energy efficiency target or by developing programs to halt deforestation..

Clean Technology Deployment Mechanism

55. The parties to the Kyoto Protocol need to adopt a massive new Clean Technology Mechanism system aimed at kick-starting a rapid switch to clean, efficient, renewable technology in developing countries. Developing countries need assistance to follow a low carbon path to development. The availability of

³⁸ IPCC, Synthesis Report, supra at note 2.

resources and technology from the industrialised countries is critical as is the capacity and ability of the developing countries to act. New and effective forms of clean technology cooperation and deployment combining financing with set goals and policies are required to enable developing countries as a group to contribute to the global effort.

Deforestation Reduction Mechanism

56. A Deforestation Reduction Mechanism is required that provides the necessary scale and financing to move towards zero deforestation within the next decade. The reductions from forest protection must be *additional to* cuts in industrial emissions. Tropical forests contain up to 40% of the world's terrestrial carbon and play a powerful role in mitigating the growing instability of the climate. Therefore, addressing deforestation must be a critical component responding to the climate crisis in the next phase of the Kyoto Protocol.
57. Funding for this mechanism must be linked to developed country emission reduction commitments and the resulting reductions must be additional to cuts in fossil fuel emission targets by developed countries. The world needs deeper cuts in both fossil fuel and deforestation emissions in order to keep us well below a 2°C rise in global mean temperatures.
58. Actions funded under the Deforestation Reduction Mechanism must explicitly protect the rights of indigenous peoples. To achieve this indigenous people must fully participate in the implementation of the Deforestation Reduction Mechanism to ensure the protection of their livelihoods and that the benefits of forest protection are equitably shared.

Adaptation

59. As discussed above, impacts on human rights from the effects of climate change are already occurring. While every effort must be made to reduce emissions to prevent the worst impacts of climate change, we also need real commitments to adaptation for the impacts on climate change that cannot be prevented. This includes an Adaptation Mechanism track under the Kyoto Protocol with a reliable financing mechanism linked to real needs and coupled to a large international effort to scale up adaptation action. The funds currently available to assess and counter the projected impacts do not begin to provide anywhere near the scale of funding required: \$50bn per year is required as a minimum.
60. The strengthened adaptation mechanism must ensure consistent and sufficient funding linked to the costs of adaptation and damages for the most vulnerable countries and should prioritise the most vulnerable communities and those with the least capacity to cope with climate change impacts.

Universal Periodic Review

61. The Human Rights Council's new Universal Periodic Review Mechanism provides an opportunity for the Council to highlight that protecting human rights requires not only an assessment of the current status of human rights within states involved in the reporting process, but the mechanisms which each state has put in place to ensure protection of rights in the future. For example, the Human Rights Council could request information from the OHCHR on the proactive approach taken by countries under review in respect to reducing GHG emissions.

Expert Mechanism on the Rights of Indigenous Peoples

62. The Expert Mechanism on the Rights of Indigenous Peoples created by the Human Rights Council which will hold its first meeting from 1 to 3 October this year could be directed to consider the impact of climate change on the rights of Indigenous Peoples to provide the Human Rights Council with in depth information with which to carry out its work.

Treaty Monitoring Bodies

63. The Human Rights Council could recommend Treaty Bodies such as the Human Rights Committee give significant consideration to the connection between climate change and human rights in assessing State compliance with treaty obligations.

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