



Literature Review:

Human Rights and Climate Change

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I. Key Resources and Intergovernmental Reports

Thomas Stocker, et al., [Climate Change 2013: The Physical Science Basis, Working Group I Contribution to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change \(IPCC 2013\)](#)

This contribution by Working Group I to the IPCC's Fifth Assessment Report outlines "new evidence of climate change based on many independent scientific analyses from observations of the climate system, paleoclimate archives, theoretical studies of climate processes and simulations using climate models." The group details observed changes in the climate system—including changes in the atmosphere, ocean, cryosphere, and land surface—and discusses both natural and anthropogenic drivers of climate change. It also explains projections of future global and regional climate change, using an aggregation of different climate models. These projections cover predicted change in temperature, water cycle, air quality, ocean, cryosphere, sea level, biogeochemical cycles, and climate stabilization.

Christopher Field, et al., [Climate Change 2014: Impacts, Adaptation, and Vulnerability, Working Group II Contribution to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change \(IPCC 2014\)](#)

This contribution by Working Group II to the IPCC's Fifth Assessment Report "evaluates how patterns of risks and potential benefits are shifting due to climate change" and "considers how impacts and risks related to climate change can be reduced and managed through adaptation and mitigation." Part A-1 of this report is likely the most relevant to the project; it outlines observed impacts, vulnerability, and exposure to climate change in the world. These include impacts on both natural and human systems—such as hydrological systems, water resources, biological species, crop yields—and different vulnerabilities and exposures of certain populations. Crucially, the group finds with medium evidence, high agreement, that "people who are socially, economically, culturally, politically, institutionally, or otherwise marginalized are especially vulnerable to climate change and also to some adaptation and mitigation responses"—thus reinforcing how climate change (and responses to climate change) can impact people's ability to enjoy their human rights at varying degrees. The report also describes adaptation processes, decision-making in the context of climate change, resilience building processes, and future risks and adaptation opportunities by region and sector.

Ottmar Edenhofer, et al., [Climate Change 2014: Mitigation of Climate Change, Working Group III Contribution to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change \(IPCC 2014\)](#)

Working Group III of the IPCC Fifth Assessment Report "provides a comprehensive and transparent assessment of relevant options for mitigating climate change through limiting or preventing greenhouse gas (GHG) emissions, as well as activities that reduce their concentrations in the atmosphere." While some of these mitigation options appear strictly technical, the report is comprehensive in describing the implication of mitigation on human rights and social impact. The group finds that "issues of equity, justice, and fairness arise with respect to mitigation and adaptation" and that "climate policy intersects with other societal goals creating the possibility of co-benefits or adverse side effects. These intersections, if well-managed, can strengthen the basis for undertaking climate action." Furthermore, for each category of mitigation (energy systems, transport, buildings, industry, agriculture and forestry, and human settlements and infrastructure, the report details potential social barriers and opportunities, as well as potential impacts of mitigation on human society and functioning. Lastly, Section IV of Working Group III's report

assesses policies, institutions, and finance; thus, the group takes into consideration, at least incidentally, the linkages between mitigation and the international human rights regime.

UNFCCC Conference of the Parties, [Report on the Conference of the Parties on its sixteenth session, held in Cancun from 29 November to 10 December 2010, FCCC/CP/2010/7/Add. 1](#) (United Nations March 15, 2011)

The decisions taken by the Ad Hoc Working Group on Long-term Cooperative Action under the Convention (also known as the Cancun Agreements) at COP 16 are relevant to this project because of their recognition of U.N. Human Rights Council's resolution 10/4 on human rights and climate change, which "recognizes that the adverse effects of climate change have a range of direct and indirect implications for the effective enjoyment of human rights and that the effects of climate change will be felt most acutely by those segments of the population that are already vulnerable." Furthermore, the Agreements emphasize "that Parties should, in all climate change related actions, fully respect human rights." This was the first time that a COP had articulated such a mandate for states parties to the UNFCCC.

U.N. Human Rights Council, [Resolution 7/23: Human rights and climate change](#). A/HRC/Res/7/23 (United Nations March 28, 2008)

The United Nations Human Rights Council (HRC) draws on a body of existing reports, treaties, resolutions, and programs regarding human rights, the environment, and sustainable development to make this resolution. Based on these findings, the Council requests that the U.N. High Commissioner for Human Rights conduct a "detailed analytical study on the relationship between climate change and human rights, to be submitted to the Council prior to its tenth session." The resolution encourages states, other relevant international organizations or intergovernmental bodies, and other stakeholders, to consult with and contribute to the study.

U.N. Human Rights Council, [Resolution 10/4: Human rights and climate change](#). A/HRC/Res/10/4 (United Nations March 25, 2009)

This HCR resolution reaffirms a variety of treaties, declarations, resolutions, and principles pertaining to human rights, climate change, and sustainable development. The Council decides to hold a panel discussion on the relationship between climate change and human rights at its 11th session "in order to contribute to the realization of the goals set out in the Bali Action Plan." The resolution invites the participation of all relevant stakeholders; welcomes "steps taken ... to facilitate exchange of information in the area of human rights and climate change," including the recent decision by the Special Rapporteur to prepare a thematic report on the impact of climate change to the right of adequate housing; and invites other special procedure mandate holders to similarly consider the impact of climate change on their respective mandates. The Council also requests that the OHCHR summarize the panel discussion and participate at a senior level during both the High-level Meeting on Climate Change at the upcoming 64th General Assembly session and the upcoming 15th Conference of the Parties of the UNFCCC.

U.N. Human Rights Council, [Resolution 18/22: Human rights and climate change](#), A/HRC/Res/18/22 (United Nations Oct. 17, 2011)

This HCR resolution finds that "climate change-related impacts have a range of implications, both direct and indirect, for the effective enjoyment of human rights"—including the rights to life, adequate food, highest attainable standard of health, adequate housing, self-determination, and safe drinking water and sanitation. Crucially, it also affirms that "human rights obligations, standards and principles have the potential to inform and strengthen international and national policymaking in the area of climate change, promoting policy coherence, legitimacy and

sustainable outcomes.” In the resolution, the HRC requests that the U.N. High Commissioner for Human Rights convene a seminar on the relationship between climate change and human rights and calls upon countries and other stakeholders to participate in the seminar.

U.N. Human Rights Council, [Resolution 19/10: Human rights and the environment](#), A/HRC/Res/19/10 (United Nations April 19, 2012)

The HCR, recalling a variety of human rights instruments and resolutions and mindful of the need for further clarification of human rights obligations relating to the environment, decides in this resolution to appoint “an independent expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy, and sustainable environment.” The expert will be tasked with studying the human rights obligations, including “non-discrimination obligations” relating to a safe, clean, healthy, and sustainable environment. The expert will also identify and exchange best practices relating to these obligations, make recommendations consistent with the expert’s mandate, contribute a human rights perspective to the U.N. Conference on Sustainable Development, apply a gender perspective, work closely with other special procedures and subsidiary organs of the HRC, and submit a first report to the HRC in its 22nd session and thereafter.

U.N. Human Rights Council, [Resolution 26/27: Human rights and climate change](#), A/HRC/Res/26/27 (United Nations July 15, 2014)

This resolution by the HRC “reiterates ... concern that the adverse effects of climate change have a range of direct and indirect implications for the effective enjoyment of all human rights—and that the effects of climate change will be felt most acutely by individuals and communities around the world that are already in vulnerable situations.” It emphasizes the need to address, “as they relate to States’ human rights obligations, the adverse consequences of climate change for all” and encourages state to enhance international dialogue and cooperation on the relationship between climate change impacts and human rights. The resolution then announces its intention to incorporate a “full-day discussion on the specific themes relating to human rights and climate change on the basis of the different elements contained in the present resolution” into the program at its 28th session. The discussion will include two panels: one on challenges and possible pathways for ensuring human rights through climate change policy and another on “how climate change has an adverse impact on States’ efforts to progressively realize the right to food.” The HRC invites the participation of relevant stakeholders and special procedures mandate holders and requests a summary report from the OHCHR.

Kyung-wha Kang, [“Climate Change and Human Rights,” Address by Deputy High Commissioner for Human Rights](#) (United Nations 2007)

Deputy High Commissioner for Human Rights Kyung-wha Kang’s delivered this address on the human rights implications of climate change to COP 13 in Bali in December of 2007. Noting that “much less [has been] heard about the human dimension of climate change,” Kang sheds light on these potential “human consequences” and notes that the “human rights approach compels us to look at the people whose lives are most adversely affected and to urge governments to integrate their human rights obligations into policies and programs to deal with climate change.” She enumerates the universal rights that climate change threatens, and also makes reference to *procedural* human rights, such as access to information or justice and participation in decision-making, as increasingly relevant considerations in climate change discussions. She observes that certain populations are particularly vulnerable to climate impacts—such as the poor, women, and indigenous peoples.

U.N. High Commissioner for Human Rights, [Report of the Office of the United Nations High Commissioner for Human Rights on the relationship between climate change and human rights](#), A/HRC/10/61 (United Nations Jan. 15, 2009)

In response to the HRC resolution 7/23—which requested that the OHCHR, “conduct, within existing resources, a detailed analytical study of the relationship between climate change and human rights”—the OHCHR submitted this report to the Human Rights Council at its tenth session. Of great relevance to this project is Chapter II of the report, “Implications for the Enjoyment of Human Rights,” which gives particular focus to climate change’s effects on specific rights, its effects on specific groups, the “human rights implications of climate change-induced displacement and conflict,” and the human rights implications of measures to *address* climate change. The report find that although climate change threatens the full enjoyment of various human rights, it does constitute a *violation* of human rights. Chapter III outlines relevant obligations to provide protection to individuals whose rights are affected by climate change or by measures taken to respond to climate change under international human rights law, at both the national and international level.

The Office of the High Commissioner for Human Rights, [“The human rights impacts of climate change”: United Nations Joint Press Kit for Bali Climate Change Conference](#) (United Nations December 2007)

This press kit by the OHCHR on the human rights impacts of climate change briefly lists the universally recognized human rights that are under “direct threat” from climate change. More compellingly, however, it evokes the language of foundational human rights instruments in asserting that “all human rights are indivisible, interdependent, and interrelated.” The press kit thus urges states to “bear in mind that they have not only moral but legal obligations to protect and promote basic human rights enshrined in the Universal Declaration of Human Rights and international human rights law” when addressing climate change. The text also addresses the uneven distribution of climate impacts, noting that the poorest and most marginalized groups are most vulnerable to climate change—including small-scale farmers, women in rural areas, refugees, indigenous peoples, small island states, and least developed countries. Lastly, the kit highlights “the false dichotomy between environmental friendly measures and economic growth,” which has permeated global discussions on climate change. It argues instead for a rights-based approach to climate change action—especially given that “ample evidence suggests that the benefits of strong and early action far outweigh the economic costs of not acting. Climate change, if left unchecked, could have a very serious impact on growth and development.”

Human Rights Council, [Panel Discussion on the Relationship between Climate Change and Human Rights](#) (United Nations June 15, 2009)

This document summarizes the panel discussion held at the Human Rights Council’s eleventh session in response to HRC resolution 10/4. The full topic of the panel was “the implications of climate change for the full enjoyment of human rights, especially for members of vulnerable population groups, and the relevance of this for climate change policy.” It aimed to improve understanding of the nature of these implications, how they should intersect with climate change policy-making, and how climate change and environmental degradation may relate to human rights laws and mechanisms. The panel summary records an observes that “climate change-related events would directly affect the enjoyment of a range of human rights and would negatively affect the capacity of States to protect human rights.” Delegates to the panel established the merits that a human rights perspective can add to discussions of climate change impacts. These include the direct attention that the rights of vulnerable populations receive, the empowerment of individuals and communities in decision-making, the introduction of accountability frameworks, strengthened and more holistic policy-making, and the centering of the climate change debate “more directly

on the real-life effects on the lives of individuals and communities.” Panel members also discussed the UNFCCC as a means to address climate change; the UNFCCC “remained the comprehensive global framework” for the issue, but many observed that “a lack of resources did not allow the poorest countries to deal effectively with climate change and its adverse effects ... in the absence of international assistance and cooperation.”

John Knox, [Compilation of good practices: report of the Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment](#), A/HRC/28/61 (United Nations Feb. 3, 2015)

The UNHRC requested this compilation of good practices by John Knox, the Independent Expert on Human Rights and the Environment, in its resolution 19/10. The report describes good practices of relevant actors, including governments, international organizations, civil society, and corporations on the application of human rights obligations that pertain to the environment. Such obligations include “(a) procedural obligations to make environmental information public, to facilitate public participation in environmental decision-making, to protect rights of expression and association, and to provide access to legal remedies; (b) substantive obligations, including obligations relating to non-State actors; (c) obligations relating to transboundary harm; and (d) obligations relating to those in vulnerable situations.” While the report does not solely address good practices of using human rights obligations that intersect solely with climate change, it does detail various human rights obligations relating to climate change and to transboundary environmental harm. These practices are outlined on pages 17-19 of the document. In the concluding remarks, the Independent Expert specifically emphasizes the importance of clarifying and implementing human rights obligations relating to transboundary environmental harm, in particular with regard to the global harm caused by climate change.

John Knox, [Mapping Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment: Focus report on human rights and climate change](#) (United Nations June 2014)

John Knox published this mapping report in response to HRC Resolution 26/27, which requests that HRC Special Procedures mandate holders give special consideration to human rights and climate change within the context of their individual mandates. The report maps specific references to, or statements on, climate change from a series of reviewed 14 human rights sources. These sources include international human rights covenants, U.N. human rights bodies and mechanisms, regional human rights systems, and international environmental instruments. For each source, Knox lists the rights elaborated by the source that are threatened by climate change, as well as statements made that are relevant to obligations. Sources that had particularly extensive reference to or statements on climate change were the International Covenant on Economic, Social, and Cultural Rights (ICESCR); the U.N. General Assembly and Human Rights Council; Special Procedures (easily the most extensive source on the topic); global and regional environmental agreements; non-binding international environmental instruments; and Asia-Pacific, Arab and African regional agreements and the European Social Charter.

Special Procedures Mandate-Holders of the HRC, [A New Climate Change Agreement Must Include Human Rights Protections for All: An Open Letter from Special Procedures mandate-holders of the Human Rights Council to the State Parties to the UN Framework Convention on Climate Change on the occasion of the meeting of the Ad Hoc Working Group on the Durban Platform for Enhanced Action in Bonn](#) (United Nations October 17, 2014)

This open letter by Special Procedures mandate-holders and experts of the HRC urges all states parties to “ensure full coherence between their solemn human rights obligations and their efforts to

address climate change.” The experts urge parties to do so by recognizing “the adverse effects of climate change on the enjoyment of human rights, and [adopting] urgent and ambitious mitigation and adaptation measures to prevent further harm.” The letter emphasizes the need for concrete language in the 2015 climate agreement to ensure the protection, promotion, and fulfillment of human rights in all climate change related actions. The Special Procedures experts also ask the states parties at COP 20 in Lima to “launch a work program to ensure that human rights are integrated into all aspects of climate actions.” The letter supports its arguments with observations of the unequal distribution of climate change impacts globally and how these detract from the enjoyment of human rights worldwide. It ends by enumerating ways in which states parties should fulfill their human rights obligations with respect to climate change policy; for instance, they should guarantee procedural rights, such as public participation in decision-making, and they must ensure the protection of human rights defenders from violence, “including in relation to climate change.”

U.N. Secretary-General, [Climate change and its possible security implications: Report of the Secretary-General](#), A/64/350 (United Nations September 11, 2009)

While this report of the U.N. Secretary-General discusses the *security* implications of climate change, it approaches the question “from a perspective of interdependence between human vulnerability and national security.” It notes that “climate change threatens food security and human health, and increases human exposure to extreme events”; climate change also has “implications for rights, security, and sovereignty of the loss of statehood because of the disappearance of territory.” Part II of the document, which enumerates channels linking climate change and security, notes that the “first channel runs from climate change impacts to threats to the well-being of the most vulnerable communities. Submissions in this vein sometimes identify climate change as a threat to human rights.” Part III outlines the specific threats climate change poses to human well-being, including threats to agriculture and food security, water, health, coastal areas, and human settlements. It also specifically mentions the threats to health and economic rights of indigenous peoples that the melting of Arctic sea ice (as a result of climate change) may have.

Antonio Benjamin, et al., [Oslo Principles on Global Climate Change Obligations](#) (Oslo Principles April 2015)

The Oslo Principles on Global Climate Change Obligations is a series of legal principles adopted by a group of experts in international law, human rights law, environmental law, and other law on March 1, 2015. The principles outline “the current obligations that all States and enterprises have to defend and protect the Earth’s climate and, thus, its biosphere” and “basic means of meeting those obligations.” The principles’ preamble notes that “[c]limate change threatens the well-being of the Earth,” including harm to human communities. It identifies human rights law as a source of the principles and enumerates the rights threatened by climate change, including but “not limited to, the right to life, the rights to health, water, food, a clean environment, and other social, economic and cultural rights, and the rights of children, women, minorities and indigenous peoples.” Also relevant to this project are pages 15 to 30 of the [associated commentary](#) by the experts on the principles; here, the experts discuss in detail the precise human rights obligations of states as they pertain to various rights affected by climate change.

World Bank, [Environmental and Social Framework: Setting Environmental and Social Standards for Investment Project Financing \(Second Draft for Consultation\)](#) (World Bank July 2015)

This draft framework “sets out the World Bank’s commitment to sustainable development, through a Bank Policy and a set of Environmental and Social Standards that are designed to support

Borrowers' projects, with the aim of ending extreme poverty and promoting shared prosperity.” While these project safeguards do not deal exclusively with human rights or with climate change, the draft states as a primary objective the intention “to ensure that the development process fosters full respect for the human rights, dignity, aspirations, identity, culture, and natural resource-based livelihoods of Indigenous peoples”; furthermore, its vision for the future expresses a global commitment to “stronger collective action to support climate change mitigation and adaptation, recognizing this is as essential in a world of finite natural resources.” The draft emphasizes an intention to formulate projects so as to minimize contributions to climate change, but does not discuss the human rights implications of such an intention. Human rights considerations that the Bank does outline include involuntary resettlement, indigenous peoples' rights, information disclosure, consultation and participation, and a grievance and accountability mechanism. In analyzing these safeguard policies, one should also note that [Human Rights Watch finds](#) the new draft policies to represent a “dangerous rollback in environmental [and] social protections.”

Siohbhán McInerney-Lankford, et al., [Human Rights and Climate Change \[electronic Resource\]](#) : A Review of the International Legal Dimensions (World Bank 2011.)

The World Bank Study seeks to outline “a comprehensive and current review of the legal and policy frameworks governing the interface of human rights and climate change.” Its introductory and second chapters are most relevant to this project; the chapters link climate impacts and human rights by enumerating a number of rights (right to life, right to adequate food, right to health, right to water, etc.) that climate change impacts threaten. The remainder of the study outlines the conceptual framework by which international environmental and human rights law operate and intersect—the sources of international law, “human rights approaches” of public international law, and the principles of the UNFCCC, the Kyoto Protocol, and human rights documents. The study also covers the application of human rights law to climate change, including lessons from “environmental human rights jurisprudence” and the tentative “emergence of a self-standing ‘human right’ to an environment of a particular quality under international law.” The text examines how climate change affects the enjoyment of human rights, how measures to address climate change affect the realization of human rights (often with disparately distributed impacts), and how human rights have “potential relevance to policy and operational responses to climate change, and may promote resilience to climate change.”

International Council on Human Rights Policy, [Climate Change and Human Rights: A Rough Guide](#) (ICHRP 2008)

This comprehensive report by the International Council on Human Rights Policy explains a spectrum of human rights concerns raised by anthropogenic climate change and by the strategies devised to address it. It discusses “where climate change will have direct and indirect human rights impacts, and where human rights principles might sharpen policy-making on climate change”—including in adaptation and mitigation policies. The guide provides several important perspectives and dimensions to the relationship between climate change and human rights. These include possible benefits and drawbacks of the rights-based approach to climate change, the “human rights dimensions” of mitigation and adaptation practices, attempted climate change litigation that invokes human rights law, procedural rights affected by climate change and implicated in climate policy, and the “conceptual concerns” of ethics and rights in the international climate regime. The guide emphasizes that “human rights applications [to climate change] will be most useful if they are narrowly tailored to specific problems.”

Kevin Watkins, et.al., [Fighting Climate Change: Human Solidarity in a Divided World](#) (United Nations Development Program 2007/2008)

This Human Development Report for the United Nations Development Program (UNDCP) examines how climate change can affect human development. It frames climate change as “a human tragedy in the making” and argues that “allowing that tragedy to evolve...would represent a systematic violation of the human rights of the world’s poor and future generations and a step backwards from universal values.” It notes that climate change will undermine international developments efforts to reduce poverty, and details how “low human development traps” can arise from climate shocks and disasters. Chapter two of the report is particularly relevant to this project, as it includes explanations of various climate risks: food security, water stress, rising sea levels and extreme weather exposure, ecosystems and biodiversity, and human health. The latter Chapters 3 and 4 cover mitigation and adaptation techniques, respectively, and both do refer to human rights. For instance, the text notes that “social justice and respect of human rights demand stronger international commitment on adaptation.”

Reports on Specific Countries and Regions

Small Island States Conference on the Human Dimension of Global Climate Change, [Male’ Declaration on the Human Dimension of Global Climate Change](#) (Maldives Mission to the EU 2007)

In November of 2007, representatives of small island developing states (SIDS) met in the Maldives for a Small Island States Conference on the Human Dimension of Global Climate Change. According to the [Maldives mission](#) to the European Union, “the outcome of the Conference was the Male’ Declaration on the Human Dimension of Global Climate Change which for the first time in an international agreement explicitly said that “climate change has clear and immediate implications for the full enjoyment of human rights.” The declaration grounds itself in the findings of the IPCC, the principles of various human rights instruments, and the provisions of relevant U.N. declarations, resolutions, and programs. It requests a commitment from the international community to engage in “a formal process that will ensure a post-2012 consensus to protect people, planet and prosperity by taking urgent action to stabilize the global climate.” It also requests that the Conference of the Parties of the UNFCCC seek the cooperation of the OHCHR and the HRC in assessing the human rights implications of climate change, that the OHCHR “conduct a detailed study into the effects of climate change on the full enjoyment of human rights,” and that the HRC convene a debate on human rights in climate change in March 2009.

African Commission on Human and Peoples’ Rights, [Resolution on Climate Change and Human Rights and the Need to Study its Impact in Africa](#), ACHPR/Res.153(XLVI)09 (ACHPR November 2009)

This is the first resolution by the African Commission on Human and Peoples’ Rights (ACHPR) regarding climate change and human rights. The resolution evokes the mandate of the African Charter to promote human and peoples’ rights, the U.N. Declaration on the Rights of Indigenous Peoples, and other relevant international conventions. It also notes that GHG emissions “remain relatively high in developed countries.” The resolution expresses concern that climate change negotiation draft texts lack human rights safeguards and that COP 15 in Copenhagen made “no clear reference” to the human rights principles that have been enshrined in the Maputo Convention and other relevant African human rights instruments.” It thus “urges the Assembly of Heads of State and Government of the African Union to ensure that human rights standards safeguards, such as the principle of free, prior and informed consent, be included into any adopted legal text on climate change as preventive measures against forced relocation, unfair

dispossession of properties, loss of livelihoods and similar human rights violations.” It also calls on the assembly “to ensure that special measure[s] of protection for vulnerable groups ... are included in any international agreement or instruments on climate change” and to “take all necessary measures to ensure that the African Commission on Human and Peoples’ Rights is included in the African Union’s negotiating team on climate change.” Lastly, the Commission decides to carry out a study on the impact of climate change on human rights in Africa.

African Commission on Human and Peoples’ Rights, [271: Resolution on Climate Change in Africa](#), ACHPR/Res.271(LV)14 (ACHPR 2014)

This brief resolution by the ACHPR was adopted at the 55th Ordinary Session of the commission in Angola in April and May of 2014. It recalls the provisions of Article 45 of the African Charter and recalls its 2009 Resolution 153, in which the Commission “decided to carry out a study on the impact of climate change on human rights in Africa.” It then “[r]equests the Working Group on Extractive Industries, Environment and Human Rights Violations in Africa ... to undertake an in-depth study on the impact of climate change on human rights in Africa” and calls on civil society and other relevant stakeholders to support the working group.

Organization of American States, [General Assembly, Resolution 2429: "Human Rights and Climate Change in the Americas"](#), AG/Res. 2429 (XXXVIII-O/08) (OAS June 3, 2008).

This resolution, adopted by the Organization of American States at its fourth plenary session in June 2008, resolves to reaffirm various international commitments on human rights, sustainable development, and climate change and to pursue efforts “from within the OAS to counter the adverse effects of climate change, and to increase the resilience and the capacity of vulnerable states and populations.” It also requests that the Inter-American Commission on Human Rights contribute to ongoing efforts to determine the links between climate change impacts and the enjoyment of human rights with the HRC, the OHCHR, the IPCC, and the OAC Department of Sustainable Development. The resolution invites interested states and civil society organizations to contribute to this process, and requests the Permanent Council and the Permanent Executive Committee of the Inter-American Council for Integral Development to report on the implementation of this resolution at the 39th General Assembly session.

ASEAN Intergovernmental Commission on Human Rights, [Workshop on Human Rights, Environment and Climate Change](#) (AICHR September 2014)

The Association of Southeast Asian Nations (ASEAN) has not made any explicit connection between human rights and climate change on paper. (The ASEAN Joint Statement on Climate Change 2014 merely acknowledges climate change’s impact on food security and poverty alleviation in the ASEAN region, while the 2007 Singapore Declaration on Climate Change, Energy and the Environment, of which the association is a signatory, expresses concern about the adverse impact of climate change on socioeconomic development and health without using concrete human rights language.) Despite this, the ASEAN Intergovernmental Commission on Human Rights (AICHR) is in the process of conducting workshops on climate change and human rights. The first of these workshops was the Workshop on Human Rights, Environment and Climate Change in September 2014. This press release describes the workshop as “[i]n line with the implementation of the ASEAN Human Rights Declaration.” The participants of the workshop “envisioned that this workshop will pave a way to develop an ASEAN Network between human rights with the environment and human rights and climate change.” Another workshop is scheduled on September 26, 2015 on “The Implementation of Human Rights Obligations Relating to the Environment and Climate Change.”

U.S. Delegation to the U.N. Human Rights Council, [“U.S. on Climate Change”](#) (Mission of the United States Geneva 2014)

This statement by the U.S. delegation to the U.N. Human Rights Council clarifies the United States’ position on the utility of a U.N. resolution that would link climate change to human rights at the 26th session of the HRC. The U.S. agrees to join consensus on the resolution on question, noting that “as we said regarding the last resolution on this topic, we agree that the effects of climate change have a range of direct and indirect implications for the effective enjoyment of human rights.” However, the delegation notes “a number of serious concerns” that the resolution raises. It notes that “by including language in the resolution on issues beyond the competence and expertise of this body, the sponsors have attempted to insert the Human Rights Council into expert climate negotiations taking place in other UN fora.” Furthermore, it finds the resolution’s affirmation of human rights instruments limited, because some states have not fully accepted the instruments themselves. Lastly, the delegation finds that the resolution includes inappropriately selective quotes from the UNFCCC and “addresses the issue in polarized terms of north versus south opposition.” The U.S. asserts that the language of the resolution in question shall in no way affect what has been agreed upon under the UNFCCC thus far.

Shiela Watt-Cloutier, [Global Warming and Human Rights](#) (Earth Justice and CIEL 2007)

The author of this Earth Justice and Center for International Environmental Law (CIEL) reference sheet is Sheila Watt-Cloutier, the plaintiff who filed the Inuit petition to the Inter-American Commission on Human Rights in 2005. It focuses specifically on how climate change is affecting the enjoyment of human rights in the Americas, with an emphasis on the threat this poses to “indigenous peoples whose culture is inextricably tied to the environment, and to poorer nations and communities that lack the economic resources necessary to adapt to the profound changes brought about by global warming.” It thus outlines the human impacts of climate changes specifically in the Americas, with descriptions on how melting ice and snow, sea level rise, changed weather patterns, forest destruction, changes in species habitats, human health, cultural impacts, and potential further climate impacts will likely affect human functioning in the Americas. It also specifies concrete human rights that will be violated by the effects of climate change in the region: the rights of indigenous peoples, the rights to life, physical integrity and security, the right to use and enjoy property without undue interference, the right to the preservation of health, the right of peoples not to be deprived of their own means of subsistence, and the right of peoples to enjoy the benefits of culture. Lastly, the reference describes how different human rights principles and instruments dictate states’ obligations to protect these rights.

Human Rights and Equal Opportunity Commission, [Background Paper: Human Rights and Climate Change](#) (HREOC 2008)

This background paper by the Human Rights and Equal Opportunity Commission considers how climate change affects human rights obligations in Australia. The paper asserts that “the human costs of climate change directly threaten fundamental human rights.” While Part I of the paper is useful to this project generally (it specific human rights and the ways that climate change affects and threatens them), Parts II and III discuss *Australia’s* human rights obligations under the international human rights regime and how Australia specifically can uphold these obligations within climate change responses. The paper advocates a human rights-based response to adaptation, as well as to aid for overseas adaptation measures, disaster management, and “climate change refugee” policy.

II. The Effect of Climate Change on the Exercise of Human Rights

Earth Justice and CIEL, [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](#) (Earth Justice 2005)

This 2005 petition, submitted by the Inuk activist Sheila Watt-Cloutier—with the support of the Inuit Circumpolar Conference, Earth Justice, CIEL, and 62 other named individuals—is framed “on behalf of all Inuit of the Arctic Regions of the United States and Canada.” The petition elaborates that “the culture, economy and identity of the Inuit as an indigenous people depend on the ice and snow,” and yet “[n]owhere on Earth has global warming had a more severe impact than the Arctic.” It describes in detail how these changes to the Arctic—impacts on sea ice, snowfall, permafrost, water levels, weather patterns, and animal or plant species health—“violate the Inuit’s fundamental human rights protected by the American Declaration of the Rights and Duties of Man and other international instruments.” The petition seeks to hold the United States, as the world’s largest polluter and member of the Organization of American States, responsible for these violations. Watts-Cloutier, as petitioner, thus requests that the Inter-American Commission investigate and confirm the harms suffered by the named individuals and other Inuit; hold a hearing to investigate the petition’s claims; prepare a report “setting forth all the facts and applicable law”; and recommend mitigation and adaptation plans by the United States to reduce emissions and to protect Inuit culture and resources.

District Court of the Hague, [Judgment: Urgenda Foundation v. Kingdom of the Netherlands Regarding the failure of the Dutch State to take sufficient actions to prevent dangerous climate change](#) (Urgenda Foundation 2015)

This landmark case brought by the Urgenda Foundation against the state of the Netherlands represents the first time that a court has determined a state’s obligation to take climate change mitigation measures. The case relied on a variety of legal instruments and principles to make its decision—one of which involved human rights obligations. One of Urgenda’s original claims for the Hague District Court demanded a court ruling that “the hazardous climate change that is caused by a warming up of the earth of 2°C or more ... which according to the best scientific insights is anticipated with the current emission trends, is threatening large groups of people and human rights.” The district court noted that “the case-law of the [ECtHR] has increasingly reflected the idea that human rights law and environmental law are mutually reinforcing ... even though no explicit right to a clean and quiet environment is included in the [European] Convention [on Human Rights] or its protocols, the case-law of the Court has shown a growing awareness of a link between the protection of the rights and freedoms of individuals and the environment.” It also drew upon the Oslo Principles of Climate Change Obligations, which themselves incorporate international human rights law. Urgenda notes on its [website](#) that this is “the first case in the world in which human rights are used as a legal basis to protect citizens against climate change.”

Marcos Orellana Cruz and Alyssa Johl, [Climate Change and Human Rights: A Primer](#) (CIEL 2013)

This primer by CIEL summarizes how “climate change impacts and response measures are affecting the full and effective enjoyment of human rights.” The text argues that “at the extreme, climate impacts and response measures threaten to destroy many cultures of peoples around the world, render their lands uninhabitable, and deprive them of their means of subsistence”—which contradicts the rights elaborated in core international human rights instruments. The center recommends “increased attention to the human dimensions of climate change” so as to ensure that mitigation and adaptation measures adequately respect and protect human rights. The Center

therefore advocates a rights-based approach to climate change solutions, as this will “enable States to use indicators and mechanisms anchored in the well-established human rights system to address the challenges posed by the changing climate.” Thus, after describing climate-related human rights concerns, the primer lists both relevant activities of the Human Rights Council, the UNFCCC and other policy processes (such as the 2007 Malé Declaration, the 2005 Inuit Petition), while also detailing mechanisms through which a rights-based approach could be formed.

Center for International Environmental Law and CARE International, [Climate change: tackling the greatest human rights challenge of our time](#) (CIEL February 2015)

This short brief by CIEL and CARE International enumerates recommendations for effective action on climate change and human rights. The text systematically lists how various climate impacts (sea level rise, temperature increase, extreme weather events, and changes in precipitation) will impact humans and human livelihoods—and the precise human rights that are implicated by such human impact. CIEL and CARE then outline the human rights obligations states have in face of climate change (through a rights-based approach) and ways in which human rights can be better integrated into the climate regime. Other recommendations include “urgent and ambitious mitigation action”—limiting global temperature increase to 1.5 degrees Celsius—and the guarantee of access to information, full participation, and justice in decision-making at all levels.

Siohbhán McInerney-Lankford, [Human Rights and Climate Change: Reflections on International Legal Issues and Potential Policy Relevance](#), chapter of *Threatened Island Nations: Legal Implications of Rising Seas and a Changing Climate* (Cambridge University Press 2013)

This chapter of *Threatened Island Nation* highlights the ways in which human rights law may contribute to climate change policy and discussion, noting that “it would be difficult to identify a human right that is not potentially negatively affected by climate change, whether from slow-onset change in the natural environment or increasingly frequent sudden environmental disasters and extreme weather events.” Furthermore, the chapter’s “central contention is . . . that legal and policy discussions of global climate change are not complete without some consideration of international human rights obligations.” Of most relevance to this project are parts five and six of the chapter, which discuss the “mutual relationship” of human rights and climate change law obligations and accompanying policy implications of human rights obligations to global climate policy. Also of note is the introductory material of part two, which establishes “what makes climate change a human rights issue.”

Sumudu Atapattu, [Global Climate Change: Can Human Rights \(And Human Beings\) Survive This Onslaught](#) (Colorado Journal of International Environmental Law 2008)

Atapattu’s article explains that “the consequences [of climate change] extend beyond harm to the natural environment and human health and implicate the whole range of human rights recognized under international law—civil, political, economic, social, and cultural.” The responses of the international community have been inadequate, however, and should instead “take a holistic approach to climate change that addresses its impacts on human rights, economic development, and international conflict.” Atapattu explains that because “a broad range of human rights may be violated as a result of global climate change . . . adaptation strategies—as it is no longer possible to rely solely on mitigation measures—must themselves be informed by a human rights approach in order to ensure that they do not further violate the protected rights of vulnerable communities.” The article discusses protected rights that may be affected by climate change, and asserts that all solutions to climate change should themselves include a human rights component.

Oxfam International, [Climate Wrongs and Human Rights: Putting people at the heart of climate-change policy](#) (Oxfam International 2008)

This briefing paper by Oxfam argues that “[i]n failing to tackle climate change with urgency, rich countries are effectively violating the human rights of millions of the world’s poorest people” and that instead “[h]uman-rights principles must be put at the heart of international climate-change policy.” The paper enumerates various international human rights norms (right to life and security, right to food, right to subsistence, and right to health) and the ways in which they are or will be jeopardized by current and projected climate change impacts; it also elaborates which vulnerable populations are most susceptible to climate-related risks and harm. Oxfam then discusses the difficulties and dynamics of human rights litigation on climate change issues and provides a detailed recommendation of the mitigation and adaptation policies that should be taken in a rights-centered approach to climate change policy.

Ross Anderson and Patrick Thronson, [Achieving Climate Protection: Fostering an Essential Focus on Human Rights and Human Impacts](#) (Notre Dame Journal of Law, Ethics & Public Policy January 1, 2013)

This article “seeks to advance the treatment of the climate crisis within the framework of human rights to provide avenues of redress for victims of greenhouse-gas pollution by industrialized nations, to improve the effectiveness of messaging regarding the climate crisis, and to appropriately acknowledge the immense suffering” that will occur as a result of climate change. The article is unique in that it addresses the trend of widespread climate denial in the United States and the “absence of, or active hostility toward, framing . . . the climate crisis as a human-rights issue by the U.S. federal government.” After establishing that humans will be affected by “the results of human-caused climate chaos”—with an emphasis on how poorer nations that are least capable of adaptation will be most profoundly harmed—Anderson and Thronson advocate a rights-based approach to communicating climate change that would better stress the legal and ethical obligations of states and citizens to address climate change.

Gustav Lanyi, [Climate Change and Human Rights: An Unlikely Relationship?](#) (Alternative Law Journal 2012)

Lanyi’s brief article describes climate change’s impacts on economic, social, and cultural rights—specifically the right to food, to water, to health, and to housing—and on civil and political rights—specifically the right to life and indigenous cultural rights. These rights are discussed both in the context of Australia and internationally. Although the article covers much of the same material as other sources in this literature review, it is notable in two ways. First, it distinguishes between direct and indirect impacts of climate change on the enjoyment of human rights: “the impact of climate change on rights can be felt *directly* from extreme weather events that are caused by climate change . . . [it] can also result in *indirect* impacts on human life through deterioration in health, declining access to safe drinking water, increased susceptibility to diseases, and several other consequences.” Second, the article organizes the human rights discussed by their relevance to the two primary human rights covenants; it also includes discussion of the jurisprudence of the covenants’ respective treaty bodies.

Marc Limon, [Human Rights and Climate Change: Constructing a Case for Political Action](#) (Harvard Environmental Law Review 2009)

While the majority of this article examines “implications of Resolution 7/23 for global climate change responses” and argues that the obstacles to incorporating human rights into climate change policy “are mainly practical difficulties, related in particular to the entrenched ‘path dependence’ of the two policy areas,” it is the concluding section of this article that provides a

particularly unique perspective on climate change and human rights. The conclusion addresses how climate change may affect international human rights policy, with the assertion that “the issue of climate change points to the need for a reconceptualization of human rights, and suggests the need for a reconsideration of the utility of environmental rights.” Limon argues that “[i]t is clear that climate change itself does not directly affect human rights. Rather, global warming causes environmental change, which in turn affects human rights.” Thus, the lack of “an explicit right of a safe and secure environment” represents a significant gap in international human rights law. Furthermore, the article critiques the international justice system for inadequate treatment of transboundary climate justice issues.

John H. Knox, [Linking Human Rights and Climate Change at the United Nations](#) (Harvard Environmental Law Review 2009)

In this report, John Knox comments on the then-recently published OHCHR report regarding the relationship between climate change and human rights, which found that “climate change threatens the enjoyment of a broad array of human rights” but does not necessarily violate human rights. Knox’s article describes the circumstances that precipitated the OHCHR’s report (with a significant role by the Maldives) and discusses the legal validity of the report’s findings, including its determination that states have legal obligations (including the right of international cooperation) to address climate change. Knox supports the report’s findings but identifies points that deserved greater attention; for instance, the report “says very little about the content of the states’ duties concerning climate change.” Knox also discusses how the OHCHR report may impact future debates on climate change and human rights, particularly within the United Nations; he specifically addresses U.N. Human Rights Council Resolution 10/4 and notes the indirect effects such reports may have on raising public consciousness on climate impacts.

Amy Sinden, [Climate Change and Human Rights](#) (Journal of Land Resources & Environmental Law 2007)

Amy Sinden’s article conceptualizes climate change as power imbalance between the “haves” and “have nots” of the world. Framing climate change as a moral issue, she argues that “human rights is . . . the law’s best response to profound, unthinkable, far-reaching moral transgression. More fundamentally, it is the law’s strongest condemnation of the exploitation of the weak by the powerful.” With this logic in place, she advocates for the use of human rights law to grapple with the problem of global climate change. Her concluding paragraph summarizes her position well: “[t]hinking of climate change as a human rights issue can help us see that it is not just a matter of aggregate costs and benefits but of winners and losers—of the powerful few preventing the political system from acting to protect the powerless many. But perhaps even more importantly, treating climate change as a human rights issue simply begins to imbue it with a sense of gravity and moral urgency.”

The Effect of Climate Change on Specific Rights

Sébastien Jodoin and Katherine Lofts, [Economic, Social and Cultural Rights and Climate Change: A Legal Reference Guide](#) (CISDL, GEM, and ASAP 2013)

This guide—compiled by Center for International Sustainable Development Law (CISDL), the Governance, Environment and Markets (GEM) Initiative at Yale University and Academics Stand Against Poverty (ASAP)—examines the connections between climate change and human rights, with a particular focus on the International Covenant on Economic, Social and Cultural Rights (ICESCR). It reviews the ways in which the international climate change regime evokes human

rights principles and provides a basic summary of international human rights law concepts, including the ICESCR framework. Furthermore, the guide enumerates several rights listed in the ICESCR (equality and non-discrimination, the rights to work and social security, the right to an adequate standard of living, the right to education, and the right to culture) and describes how climate change mitigation and adaptation policies interact with each. According to Jodoin and Lofts, the ICESCR “provides an important legal justification for an international response to climate change founded on a rights-based approach.”

Paul Hunt and Rajat Khosla, [Climate Change and the right to the highest attainable standard of health, Chapter of Human Rights and Climate Change](#) (Cambridge University Press 2010)

This book chapter discusses the inclusive right of the highest attainable standard of health—a right that extends “not only to timely and appropriate medical care but also to the underlying determinants of health, such as access to safe water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions, access to health-related education and information . . . and freedom from discrimination”—in the context of climate change impacts. The piece both explains how climate change jeopardizes the right to the highest attainable standard of health and how states have an obligation to respect this right by taking reasonable steps to slow down and reverse climate change. It enumerates climate change’s direct impacts (from exposure to thermal temperatures, extreme weather events, increased production of pollutants and aeroallergens) and indirect impacts (from its effect on regional food productivity and the increased transmission of water, food, and vector-borne diseases) on human health. It then outlines the right-to-health framework, its principles, and components.

Raquel Rolnik, [Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, A/64/255](#) (United Nations August 6, 2009)

This report was submitted by Raquel Rolnik, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, pursuant to HRC resolution 6/27 on human rights and climate change. It discusses “how the impacts of climate change have consequences for the fulfilment of the right to adequate housing.” The report summarizes “the scope and severity of climate change, its implications for extreme weather events and its impact on urban and rural areas, including unplanned and unserved settlements, on human mobility and on small islands and low-lying coastal zones.” It particularly notes the adverse effect climate change impacts may have on unplanned and unserved settlements, which lack adequate resources for protection and are particularly susceptible to climate change-related disasters. Climate change impacts thus “aggravate existing risks and vulnerabilities” this is also discussed particularly within the context of increased human mobility. Rolnik also describes the relevant obligations under the international human rights regime in connection to the right to housing, stressing “the essential role of international cooperation to address the inevitable impacts of climate change.” The report addresses how mitigation and adaptation policies may affect the right to adequate housing and how policies may be strategized to better protect that right. The report ends with the Special Rapporteur providing preliminary recommendations and conclusions on the relationship between climate change and the right to adequate housing.

Mac Darrow, et al., [Climate Change and the Human Rights to Water and Sanitation: Position Paper](#) (UN OHCHR)

Although this position paper was written and prepared independently, Special Rapporteur on the right to water Catarina de Albuquerque endorsed its content and supports its recommendations. The paper describes legal obligations applicable to the human rights to water and sanitation, as well as those applicable to climate change. It then discusses the adverse impacts of climate change on the

human rights to water and sanitation—particularly on water and sanitation availability, quality, accessibility, affordability, and acceptability. Lastly, the paper makes suggestions on how the human rights to water and sanitation can be integrated into climate change policy; it specifically discusses how this right may interact with various levels and components climate policy, including national adaptation measures, international aid and financing for mitigation and adaptation, private sector and technology policy, procedural rights, and intersectional coordination and mobilization of policy. It notes that “the importance of water and sanitation for successful climate mitigation and adaptation, and the rights to water and sanitation more specifically, must be properly and adequately reflected within the agreement to be reached by ... [COP 16]” and thus concludes with a series of recommendations to guide relevant decision-makers in climate negotiations and policymaking.

Magdalena Sepúlveda Carmona, [Report of the Independent Expert on extreme poverty and human rights, A/65/259](#) (United Nations August 9, 2010)

Part III of this report (which discusses the seventh Millennium Development Goal of ensuring environmental sustainability) discusses how climate change can threaten the right to life and physical integrity. Magdalena Sepúlveda Carmona, the Independent Expert and later the Special Rapporteur on extreme poverty argues that environmental threats disproportionately affect people living in extreme poverty, and that extreme weather events and crises from climate change-related environmental degradation “pose real and direct threats to their ability to live their lives in dignity.” People living in extreme poverty mostly “rely on natural resources for their basic means of survival and are less able to prepare for, or adapt to, climate change and its effects.” Thus, “[e]xtreme weather events caused by climate change can create vicious circles by increasingly forcing persons living in extreme poverty to over-exploit natural resources as a coping mechanism to ensure survival.” Special protection programs, she notes, can help protect the most vulnerable and marginalized from the shocks of climate change impacts.

Olivier de Schutter, [Report submitted by the Special Rapporteur on the right to food, Olivier de Schutter, A/HRC/16/49](#), (United Nations December 20, 2010)

In this report, Special Rapporteur on the right to food Olivier de Schutter introduces agroecology as a “mode of agricultural development which not only shows strong conceptual connections with the right to food, but has proven results for fast progress in the concretization of this human right for many vulnerable groups” In Part II of the report, he discusses the impacts climate change has on the enjoyment of the right to food. He states that that “climate change, which translates in more frequent and extreme weather events, such as droughts and floods and less predictable rainfall, is already having a severe impact on the ability of certain regions and communities to feed themselves.” Furthermore, average temperature changes, less fresh water availability, and sea level rises (with the associated salinization of water) threaten “the ability of entire regions, particularly those living from rain-fed agriculture, to maintain actual levels of agricultural production.” De Schutter notes that “by 2080, 600 million additional people could be at risk of hunger, as a direct result of climate change.” In Section D of Part III, the report also discusses how agroecology contributes to climate change adaptation measures.

Anand Grover, [Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, A/62/214](#) (United Nations August 8, 2007)

The Special Rapporteur on the right to health, Anand Grover, submitted this report during the sixty-second session of the U.N. General Assembly. Although the report concerns the right to health generally, Paragraphs 100-102 discuss climate change as a “key obstacle” to the enjoyment of the right to health. The report states that “warmer and wetter conditions resulting from climate

change are increasing the range and season of vectors, such as mosquitoes and tsetse flies, which spread diseases such as malaria, dengue and yellow fever, and encephalitis.” Furthermore, climate change impacts on the hydrological cycle will result in more droughts and floods, which will in turn pose threats to health. The Special Rapporteur elaborates this process in detail: “As clean water sources evaporate, people resort to more polluted alternatives that may lead to epidemics of water-borne diseases. Likewise, floods not only increase the risk of drowning and destroying crops, they also spread disease by extending the range of vectors and by washing agricultural pollutants into drinking water supplies.” The report condemns the international community’s failure to adequately consider the health impact of global warming; it includes in its conclusion a request for the HRC “to urgently study the impact of climate change on human rights generally and the right to the highest attainable standard of health in particular.”

Lorena Aguilar, [Training Manual on Gender and Climate Change](#) (IUCN, UNDP, AND GGCA 2009)

This training manual on climate change and gender by the IUCN, UNDP, and the Global Gender and Climate Alliance (GGCA) recognizes that “women and men experience climate change differently, and that gender inequalities worsen women’s coping capacity” and that “women are important actors of change and holders of significant knowledge and skills related to mitigation, adaptation, and the reduction of risk in the face of climate change.” The text introduces gender and gender mainstreaming (which the text argues “is not an issue of voluntary action, but a legal obligation) and outlines how international law can be used as a framework for mainstreaming gender in climate change. Specifically, it identifies human rights as a starting point for this framework, including a detailed discussion of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and of gender in other international instruments. The document also identifies causes vulnerability and risk for women—especially poor women—to climate change. The final four modules of the manual describe detailed pathways for gender mainstreaming in adaptation, as well as gender-sensitive strategies for mitigation, technology development and transfer, and climate change financing mechanisms.

François Crépeau, [Report of the Special Rapporteur on the human rights of migrants to the General Assembly, A/67/299](#) (United Nations August 13, 2012)

Part III of this report by the Special Rapporteur on the human rights of migrants is a thematic section that discusses the consequences of climate change impacts on migration. Crépeau discusses “the technical aspects of climate-change-induced migration, including questions of definitions, identifying the places and persons most affected and considering where climate-change-induced migrants are moving towards.” The report also examines climate-induced migration under international law, including the “inadequacy of existing categories.” He notes that climate change will result in an increased frequency and intensity of extreme weather events and the gradual processes (e.g. desertification or soil and coastal erosion). Accordingly, “[t]hose effects of climate change and their adverse consequences for livelihoods, public health, food security and water availability will have a major impact on human mobility, as one natural response will be to migrate.” Crucially, however, Crépeau emphasizes the complexity of identifying causation in migration; he explains that “the question of identifying those who have migrated as a result of climate change might be a challenging, if not impossible, task: the impacts of climate change often contribute to a cluster of causes that lead to migration.” The report ends with concrete recommendations to be taken by states and relevant actors.

Jane McAdam and Marc Limon, [Human Rights, climate change and cross-border displacement: the role of the international human rights community in contributing to effective and just solutions](#) (Universal Rights Group August 2015)

This policy brief by noted human rights and climate change displacement scholars McAdam and Limon begins with a preface by John Knox, who notes that “beyond expressing concern about a possible human rights protection gap for the increasing number of people who are expected to be displaced across borders in the context of climate change, the international community has not done enough to consider how to fill that gap.” The report traces the political history of efforts to integrate human rights into climate change policy. More uniquely, it then outlines how human rights are implicated in climate change-related displacement and the policy gaps that need to be filled in order to further extend protection to those who are displaced. The brief also provides concrete recommendations to human rights policymakers. These include the recommendation to make HRC information on human rights and climate change easily available to states parties to the UNFCCC, to further develop relevant platforms and initiatives such as the Geneva Pledge, to provide practical expertise on the adoption of a rights-based approach to climate change policy when requested, to promote the “bridging role” of Special Procedures, and to leverage Universal Periodic Review and national communications reporting processes under the HRC and the UNFCCC respectively. McAdam and Limon stress a need for strong cooperation on policy solutions between the U.N. human rights pillar and other aspects of the international system, such as the Nansen Initiative, the UNHCR, the IOM, and the U.N. Office for Disaster Risk Reduction.

Environmental Justice Foundation, [Falling through the Cracks: A Briefing on Climate Change, Displacement, and International Governance Frameworks](#) (EJF 2014)

This briefing by the Environmental Justice Foundation (EJF) also frames the complicated issue of how climate-induced displacement interacts with human rights. Of specific note to this project is Part 7, which addresses the frameworks governing human rights and how they may lead to solutions for climate-induced displacement. The EJF “argues that current international human rights standards are of limited utility to situations of climate-induced displacement in that they fail to explicitly govern the issue and neither inform policy nor offer sufficiently strong grounds upon which to pursue litigation.” However, the brief does frame certain rights that climate change does affect (the right to life, the right to enter one’s own country, the right to adequate food and housing, the freedom to choose one’s residence, and the right to the highest attainable standard of health) as “human rights enshrined within international ... law which may apply to situations of climate-induced displacement.” It identifies several spaces in the human rights regime in which the issue of climate-induced displacement highly complicates traditional readings of instruments.

III. The Effect of Climate Change Responses on the Exercise of Human Rights

John Knox, [Climate Change and Human Rights Law](#) (Virginia Journal of International Law 2009)

This essay by John Knox, prior to his appointment as U.N. Independent Expert or Special Rapporteur on human rights and the environment, discusses how human rights law might be applied to global responses to climate change. Noting that “climate change already interferes with the human rights of vulnerable communities and is an enormous threat to human rights everywhere,” Knox argues that states have human rights obligations in relation to climate change. Indeed, “human rights law imposes duties on states to respond to climate change regardless of whether they can be held responsible for ‘causing’ it.” He examines the possibility of environmental human rights jurisprudence applying to global climate change mitigation measures “on the basis of the duty of international cooperation.” Interestingly Knox also notes that human rights law may constrain the measures states take to respond to climate change; for instance, environmental human rights jurisprudence might require states’ decision-making to meet certain procedural requirements. Furthermore, because “all human rights may be relevant, not just those likely to be directly affected by climate change,” it follows that states’ responses to climate change could not infringe on civil rights such as freedom of expression (unless in extremely specific circumstances) or discriminate against groups.

Naomi Roht-Arriaza, [‘First, do no harm’: Human Rights and Efforts to Combat Climate Change](#) (Georgia Journal of International and Comparative Law 2010)

This law article discusses “ways in which the emerging climate change treaty regime, and its domestic implementation, are creating unanticipated human rights problems.” It discusses how human rights have been at times adversely impacted by flexibility mechanisms—specifically the Clean Development Mechanism (CDM)—biofuels and energy, and forest preservation through REDD. Indeed, Roht-Arriaza argues that “the climate change regime’s single-minded focus on carbon reduction has unintended negative consequences.” She then concludes with a discussion on how the current climate change regime can address human rights concerns and language, observing that “[i]f emerging climate change mitigation and adaptation efforts are to ‘do no harm,’ and if they are to avoid a human rights-related backlash, then human rights must somehow be incorporated into the regime.”

Gonzalo Oviedo and Annelie Fincke, ["Indigenous Peoples and Climate Change"](#) (European Parliament 2009)

This 2009 E.U. report discusses “the specific challenges which indigenous peoples face as a consequence of climate change and related policy response measures.” Of specific note in this report are mentions of climate change impacts on indigenous women and a discussion of how mitigation (including renewable energies, nuclear power, and REDD) and adaptation measures may impact indigenous peoples’ rights. The report also highlights international responses and EU-specific responses to the concerns of indigenous peoples generally and in respect to climate change. The report finds that “human vulnerability to the impacts of climate change (and to the potential impacts of climate change mitigation and adaptation measures) merits further study and extensive coordination with international instruments and processes, such as the United Nations Permanent Forum on the Rights of Indigenous Peoples. International climate policies have not been adequately tailored to address the rights of indigenous peoples.” The report thus offers recommendations “to rectify this gap.”

Mary Robinson Foundation – Climate Justice, [Incorporating Human Rights into Climate Action](#) (Mary Robinson Foundation October 2014)

This brief summary of research by the Mary Robinson Foundation attempts to “assess the extent to which countries are respecting human rights in climate action.” Research draws from NAPAs and National Communications submitted to the UNFCCC since 2010, as well as reports to the HRC’s Universal Periodic Review (UPR). The booklet, which also features a number of statistical infographics, examines various venues of climate change policy on mitigation and adaptation in order to determine the extent to which human rights were considered in each. Developed countries were much less likely to evoke substantive rights in their National Communications than developing countries were; however, the two groups were equally likely to address procedural rights. Furthermore, in their national reports to the UPR, “developing countries highlighted the impacts of climate change on human rights more frequently”; the countries that were most likely to highlight these impacts were small island developing states and Least Developed Countries. The research ends with recommendations on how states may better integrate human rights into their climate change policies.

Alysa Johl and Sébastien Duyck, [Promoting Human Rights in the Future Climate Regime](#) (Ethics, Policy and Environment Journal October 2012)

This commentary argues that “the implementation of climate change policies—in relation to both mitigation and adaptation—may ... lead to the infringement of the rights of indigenous peoples and local communities” but that the international climate change regime has not yet addressed this human rights concern. Johl and Duyck therefore offer four “concrete options available to the parties in the upcoming negotiations to guarantee the respect of substantial and procedural rights of all the stakeholders and to offer a redress mechanism in the case of loss and damages caused by climate change.” In addition to these recommendations, the commentary emphasizes the need to establish institutional legally binding safeguard systems for human rights, particularly within climate finance, that should then in turn be carefully implemented through independent, transparent monitoring systems.

Climate Finance and Safeguards

Oscar Reyes, [Critical Issues for Channeling Climate Finance via Private Sector Actors](#) (Bond Development and Environment Group 2013)

This briefing on climate finance from the public sector stresses the importance of upholding human rights through safeguards and policy when conducting climate finance. The text argues: “Whatever the source and channel of climate finance, it is vital to ensure that adequate and reliable climate finance reaches the poorest and most vulnerable people, that its impacts can be clearly evaluated and monitored, and that adequate social, environmental and human rights safeguards are in place to protect recipient communities.” Because of this, it finds leveraging private finance to be an insufficient way to raise funds for climate mitigation and adaptation. It notes that all climate finance (from any source) should focus on outcomes and impacts, and that better data on impacts is particularly needed. The report also echoes the recommendations of U.N. human rights experts in noting that “climate financing should not add to the debt burden of poor countries that are not responsible for climate change”; this would deter the enjoyment of human rights by those who already are most vulnerable to climate change. Lastly, it argues that “public finance should not be channeled through financial intermediaries unless there are robust social, human rights and environmental safeguards in place, along with transparent monitoring and reporting mechanisms and adequate public oversight.”

Human Rights Council, [“World Bank: Dangerous Rollback in Environmental, Social Protections”](#) (Human Rights Council August 4, 2015)

This brief news article by Human Rights watch highlights the potential of World Bank’s new draft safeguard policies to “vastly weaken protections for affected communities and the environment at the same time as the bank intends to finance more high-risk projects.” Nineteen independent environmental and human rights groups endorsed this viewpoint on August 4, 2015. The article notes that the new framework lacks mandatory requirements, incentives, accountability structures, and a detailed budget. It frames the new safeguards as a “dilution of existing protections for environmental and social issues.”

Global Environment Facility, [GEF Policies on Environmental and Social Safeguard Standards and Gender Mainstreaming](#), GEF/C.40/10/Rev.1 (GEF Council May 26, 2011)

The Global Environment Facility (GEF) is the largest public funder of projects that focus on improving the global environment. This set of safeguard policies will thus be applied to any GEF-funded climate mitigation and adaptation measures. The policies only explicitly express a need to “foster full respect for ... dignity, human rights, and cultural uniqueness” within the context of safeguards to protect indigenous peoples. However, the policies also indirectly adhere to certain human rights standards; for instance, they emphasize the policy to prevent involuntary resettlement, to protect physical cultural resources, and to “promote the goal of gender equality through GEF operations.” It also includes means for procedural rights, such as access to participation and information through free, prior, and informed consultations.

African Development Bank Group, [Integrated Safeguards System: Policy Statement and Operational Safeguards](#) (African Development Bank Group December 2013)

This publication by the African Development Bank Group (AfDB) states the group’s policy and operational safeguards. The Integrated Safeguards System represents “a cornerstone of [AfDB’s] strategy to promote growth that is socially inclusive and environmentally sustainable” and was developed through extensive consultations. The Safeguard System states an intention to consider climate change risks and vulnerabilities in bank projects. It also encourages states “to design and implement sustainable projects, including the development of skills to address contemporary issues such as climate change.” From a human rights perspective, the document’s preamble notes that economic and social rights are “an integral part of human rights, and accordingly affirms that it respects the principles and values of human rights as set out in the UN Charter and the African Charter of Human and Peoples’ Rights.” It expresses a safeguard on involuntary resettlement, land acquisition, population displacement, and compensation and another on labor conditions, health, and safety. Although not expressly stated, it follows that these safeguards would logically apply to any mitigation or adaptation projects financed by the AfDB.

Asian Development Bank, [Policy Paper: Safeguard Policy Statement](#) (ADB 2009)

This document was drafted for the Asian Development Bank (ADB)—a regional bank that helps finance a range of developing projects in Asia and the Pacific, including those to mitigate and adapt to climate change. It notes the “challenge of preventing further impoverishment resulting from environmental degradation and involuntary resettlement” and acknowledges the special needs and rights of other vulnerable groups. The statement takes particular care to establish safeguards for indigenous peoples’ rights, as, “[o]f the 250 million Indigenous Peoples in the world, some 70% are in Asia and the Pacific.” ADB formulates its policy around protection of the environment, indigenous peoples, and involuntary resettlement. It seeks to “avoid, minimize, or mitigate adverse social and environmental impacts, including the rights of those likely to be affected or marginalized by the development process.”

European Bank of Reconstruction and Development, [Environmental and Social Policy](#) (EBRD 2014)

This policy by the European Bank of Reconstruction and Development (EBRD) establishes the Bank's environmental and social safeguard policies regarding any development projects financed by the bank—including those that implement climate mitigation, adaptation, or resiliency. The policy notes the responsibility of its clients to respect “human rights, [avoid] infringement on the human rights of others, and [address] adverse human rights impacts that their business activities may cause, or to which they may contribute.” It further requires assessment of the social and environmental impact of any projects; social impact is defined as “impacts on individuals, community and workers, resulting from the business activity to be supported and the way in which their working conditions, socio-economic status, cultural identity, human rights and/or health may be affected.” It specifically stresses a need to mitigate gender-specific adverse impacts, to “enhance the positive gender impact of projects” where relevant, and to fully respect the dignity, culture, and human rights of indigenous peoples in any project implementation.

Mitigation and Human Rights

Annalisa Savaresi, [REDD+ and Human Rights: Addressing Synergies between International Regimes](#) (Ecology and Society Journal 2013)

This paper highlights concerns over the tension between human rights and the REDD+ climate change mitigation under the UNFCCC. Savaresi notes the potential impact of REDD+ on “the rights, interests, and legitimate expectations of the numerous communities that rely upon forests for their livelihood, shelter, and survival.” These include “the potential loss of traditional territories and restriction of rights of indigenous and local communities to access to, use of, and/or ownership of land and natural resources; lack of equitable benefit-sharing of REDD+ activities; exclusion of indigenous and local communities from designing and implementation of REDD+ policies and measures; and loss of traditional ecological knowledge.” The mechanism may threaten the enjoyment of economic, social, and cultural rights—as it may disrupt traditional lifestyles and livelihoods or endanger the right to food—as well as the enjoyment of civil and political rights, such as the right to property and the right to respect for private and family life. In addition to these substantive human rights, procedural rights (access to justice, information, and participation) must also be upheld within such mitigation strategies. The paper reviews the current human rights safeguards and guidelines in place to address the social impact of REDD+ activities. Savaresi finds that stronger integration of human rights obligations and instruments into REDD+ would help address some of the human rights problems implied by the mechanism.

Jeanette Schade and Wolfgang Obergassel, [Human rights and the Clean Development Mechanism](#) (Cambridge Review of International Affairs 2014)

This paper notes that, even though COP 16 in Cancún emphasized that “Parties should, in all climate change related actions, fully respect human rights’ ... so far there is no further guidance.” It then argues that CDM mitigation technique has led to the violation of relevant human rights norms, using illustrative case studies of projects in Bajo Aguán, Honduras and in Olkaria, Kenya. The first case, which reflects private investment with no international safeguards at all, “shows that the current absence of any international safeguards can lead to registration of highly problematic projects.” The second—which was subject to World Bank operational policies and thus did protect some substantial rights (the right to an adequate standard of living and to health)—“suggests that safeguards, introduced here as a side effect of World Bank involvement, can have a

positive impact, but that it is necessary to have them based on human rights. It therefore seems recommendable that the UN climate regime develop mandatory human rights safeguards.”

Philippe Cullet, [The Kyoto Protocol and Vulnerability: Human Rights and Equity Dimension](#) (International Environmental Law Research Centre 2010)

This paper, published originally in the Cambridge University Press 2010 book *Human Rights and Climate Change*, addresses how both the mitigation and adaptation policies outlined in the Kyoto Protocol interact with, or have the potential to interact with, human rights. The piece observes that a number of entry points exist in the current regime for human rights considerations; one of these entry points is the notion of vulnerability. The paper outlines how the current international climate change regime can be “thought afresh to make it more effective at capturing the varying vulnerabilities of different developing countries.” Of note to this project, it examines how human rights overlap with mitigation (“climate change commitments should not lead to any reduction in measures currently taken to progressively realise human rights”) and adaptation measures (“there is an immediate connection between ongoing climate change-related damages and the realisation of human rights”). It includes a detailed description of the CDM mechanism of the Kyoto Protocol, which “does not include a framework that would ensure that projects are prioritised in accordance with their impacts on the poor and vulnerable and the environment in general. This is of concern because there are many climate change friendly activities that are neither environmentally nor socially progressive and can thus have negative impacts on the realisation of human rights.” The paper also advises a reconsideration of “differential treatment” under the UNFCCC to be broadened beyond “the basis of the fiction of legal equality of states alone.”

Adaptation and Human Rights

Margaux Hall, et al., [Avoiding Adaptation Apartheid: Climate Change Adaptation and Human Rights Law](#) (Yale Journal of International Law 2012)

Although this paper does describe in detail the ways in which climate change impacts implicate the enjoyment of certain human rights, its primary focus is on the legal framework of adaptation to climate change—on which “human rights commentators have expended significantly less effort analyzing” in comparison to mitigation frameworks. Given how unevenly the burdens of adaptation to climate change are distributed, the article argues that “future work of international bodies, NGOs, and commentators must be more rigorous in recognizing and discussing the legal doctrinal differences between the human rights issues in climate change mitigation and those in climate change adaptation.” Furthermore, “a human rights approach is far more able to address adaptation ... While bringing human rights claims against a state for its failure to mitigate can be conceptually problematic, particularly in terms of attaching liability to a legal duty-holder, bringing similar claims because of a state’s failure to adapt is more conceptually sound.” It argues for a rights-based approach to adaptation, in which policymakers incorporate human rights as a consideration for decision-making, as an “adaptation prioritization tool,” as a means for political mobilization for increased adaptation actions, and as a way to craft proactive policy.

Center for International Environmental Law, [Climate Change and Community-Based Relocation: Supporting Adaptation, Protecting Human Rights](#) (CIEL January 2014)

This summary report by the CIEL describes the proceedings of the Warsaw Dialogue during COP 19, which “provided an opportunity for participants with diverse perspectives on climate-induced displacement and relocation to share their knowledge and expertise.” The Warsaw Dialogue was part of the Many Strong Voices (MSV) Program—“an alliance of people and organizations in the Arctic and Small Island Developing States (SIDS) collaborating to address the challenges of

climate change.” The Dialogue discussed decision-making within communities that face relocation, international means to protect the rights of those displaced by climate change (including international finance and policy), and current policy gaps that require strategic address.

International Union for the Conservation of Nature, [Ecosystem-based Adaptation](#) (IUCN)

On this site, International Union for the Conservation of Nature (IUCN) describes its approach to ecosystem-based adaptation (EbA), which seeks to promote human rights. This approach involves “the conservation, sustainable management, and restoration of ecosystems to help people adapt to the impacts of climate change ... [which] are accessible to the rural poor in developing countries and can be cost-effective.” The IUCN argues that this integrated mechanism for adaptation is ideal because “the ability of people to adapt to climate change is inextricably linked to their access to basic human rights and to the health of the ecosystems they depend on for their livelihoods and wellbeing. If adaptation policies and programs are to be effective, they must integrate efforts to sustain and restore ecosystem functions and promote human rights under changing climate conditions.” The EbA approach to adaptation also operates under a “no-regret” approach to adaptation, which does not worsen vulnerabilities to climate change but that may increase “adaptive capacities and measures that will always have a positive impact on livelihoods and ecosystems regardless of how the climate changes.”