



# Aide Mémoire

## Climate Change and Human Rights

September 2011

There is sufficient evidence right now, that climate change exacerbates the already dire situation with respect to access to land, water, and resources, and this, in turn, will trigger massive displacement, riots and violent conflicts. In our former Aide Mémoire of February 2010, we highlighted some of the most pertinent assessments and prognostics. Thus, we do not need to repeat the indications assessed then. Meanwhile, also the Conference of the Parties to the UN Framework Convention on Climate Change (UNFCCC) accepted that the preservation and promotion of human rights should be an essential reference for further deliberations within this context; see the Cancún Agreements, December 2010.

There are a number of documents and publications which expressly seek to combine the human rights with the climate change regime; see e.g. Catarina de Albuquerque (2010); *Climate Change and the Human Rights to Water and Sanitation*. Position Paper, Geneva; Olivier de Schutter (2010); *Report submitted by the Special Rapporteur on the right to food*. Document A/HRC/16/49, Geneva; Stephen Humphreys (ed.) [2009]; *Human Rights and Climate Change*, Cambridge University Press; Jane McAdam (ed.) [2010]; *Climate Change and Displacement, Multidisciplinary perspectives*. Oxford-Portland; UN Office of the High Commissioner for Human Rights (2009); *Report of the Office of the United Nations High Commissioner for Human Rights on the relationship between climate change and human rights*. Document A/HRC/10/61, Geneva; UN Social Forum (2011); *Report of the 2010 Social Forum (Geneva, 4-6 October 2010)*. Document A/HRC/16/62, Geneva; UNICEF / Innocenti Research Centre (2008); *Climate Change and Children: A Human Security Challenge*, New York-Florence. Recently, the International Council on Human Rights Policy (2011) published a kind of guideline on *Human rights and climate technology policy. Using technology to protect rights in a climate-constrained world*. Geneva, making the human rights approach feasible for climate change and the negotiations on technology transfer.

In the German context, we would like to stress the endeavours of Kindernothilfe (Umweltschutz ist Kinderrecht, Dossier 9-2010), FIAN (Human Rights in a Changing Climate, 2011), terre des hommes (Sonnige Zukunftsaussichten? Klimawandel, Wasser und die Rechte von Kindern und zukünftigen Generationen, 2011) and Vereinte Evangelische Mission (Exhibition "Klima der Gerechtigkeit"), who altogether stress the need of an active involvement in order to make the human rights provisions an indispensable benchmark for any further climate negotiations and vice versa to make use of the Human Rights Council and its procedures in order to develop genuine mechanisms for assessing the phenomena of climate change in terms of human rights.

The Maldives started this process on March 2008 with Resolution A/HRC/RES/7/23. Resolution A/HRC/RES/10/4 continued this process requesting a panel discussion in 2009.

In March 2011, a resolution was tabled by Switzerland and the Maldives on human rights and environment (A/HRC/RES/16/11) which might be seen as a complementation of the debate on climate change but can also be interpreted as a kind of dilution. According to our understanding, climate change requires a very genuine engagement for two reasons: The irreversibility of facts and the urgency for the already effected local people.

In order to adequately address this problems, we expect from the German government the following steps to:

- endorse the implementation of the resolution which is going to be presented to the HRC 18<sup>th</sup> session by Bangladesh and the Philippines on a seminar next year on climate change and human rights;
- endorse a new mandate of the Special Procedures which will systematically address the effects of climate change;
- endorse the involvement of such a new mandate into the negotiations of the Conference of the Parties to the UNFCCC (as the Special Rapporteur on the Right to Food e.g. is doing in relation to FAO);
- support all pertinent Special Procedures by all means in order to enable them for studies of the effects of climate change and to include their findings in their reports to the Council;
- support a joint report by mandate holders representing the rights to food, adequate housing, drinking water, and sanitary facilities;
- re-think the current reluctance on extraterritorial obligations in the context of climate change.
- support a stronger involvement of marginalized groups (i.e. women, children), who are often particularly affected, but rarely participate (– in a serious manner-) in political decision- making or in implementing measures regarding climate change.