



United Nations  
**Human Rights**

OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS



# **BRIEFING PAPER**

February 2020 **CONFERENCE**

## Description of Committee

The Human Rights Council is an inter-governmental body within the United Nations system made up of 47 States responsible for the promotion and protection of all human rights around the globe. It has the ability to discuss all thematic human rights issues and situations that require its attention throughout the year. It meets at the UN Office at Geneva. It replaced the UNHRC.

The United Nations Commission on Human Rights was established in 1946 to weave the international legal fabric that protects our fundamental rights and freedoms. Composed of 53 States members, its brief expanded over time to allow it to respond to the whole range of human rights problems and it set standards to govern the conduct of States. It also acted as a forum where countries large and small, non-governmental groups and human rights defenders from around the world voiced their concerns.

### The UNHRC priority areas:

**The UNHCR's mission is to promote and protect human rights around the world.**

During times of conflict it strives to protect the most vulnerable people and ensure their basic human rights are protected. These are based off of Universal Declaration of Human Rights, made in 1948 to ensure the horrors of WW2 would never be repeated. They address concerns about human rights violations and bring attention to those without a voice.

According to the organisation, these considerations must be reflected in all climate change actions:

1. To mitigate climate change and to prevent its negative human rights impacts
2. To ensure that all persons have the necessary capacity to adapt to climate change
3. To ensure accountability and effective remedy for human rights harms caused by climate change
4. To mobilize maximum available resources for sustainable, human rights-based development
5. International cooperation
6. To ensure equity in climate action
7. To guarantee that everyone enjoys the benefits of science and its applications
8. To protect human rights from business harms
9. To guarantee equality and non-discrimination
10. To ensure meaningful and informed participation



## The Issue at hand: Climate change infringing on our human rights

Secretary General António Guterres has staunchly and consistently advocated for States to take the issue of climate change seriously and expressed his view that climate change will also affect food and water insecurity and competition over resources.

It has long been recognized that a clean, healthy and functional environment is integral to the enjoyment of human rights, such as the rights to life, health, food and an adequate standard of living. Anthropogenic climate change is the largest, most pervasive threat to the natural environment and human societies the world has ever experienced.

While the United Nations and national governments acknowledge that climate change and the responses to it can impact on human rights, there is less agreement on the corresponding obligations of governments and private actors to address this problem.

The relationship between human rights and the environment has been much debated over the past few decades, supported by UNEP, OHCHR and the Human Rights Council-appointed Special Rapporteur, specifically the identification of positive, mutually reinforcing links between the fields of law and policy.

Climate change will have a profound effect on the enjoyment of human rights for individuals and communities across the planet. This is not merely an abstract, future possibility. Climate change is already affecting temperatures, hydrologic conditions, ecosystem functioning, and agricultural productivity in many regions. Displacement is also an imminent prospect for some communities, such as those situated in the rapidly melting Arctic and low-lying coastal areas. Recent reports from the IPCC set out the parameters for what we can expect:

- By 2099 the world is expected to be on average between 1.8°C and 4°C hotter than it is now.
- Large areas are expected to become drier—the proportion of land in constant drought expected to increase from 2 per cent to 10 per cent by 2050.
- Meanwhile, the proportion of land suffering extreme drought is predicted to increase from 1 per cent at present to 30 per cent by the end of the 21st century.
- Rainfall patterns will change as the water cycle becomes more intense. In some places this means that rain will be more likely to cause severe floods (washing away top-soil and causing flooding). Changed rainfall patterns and a more intense water cycle mean that extreme weather



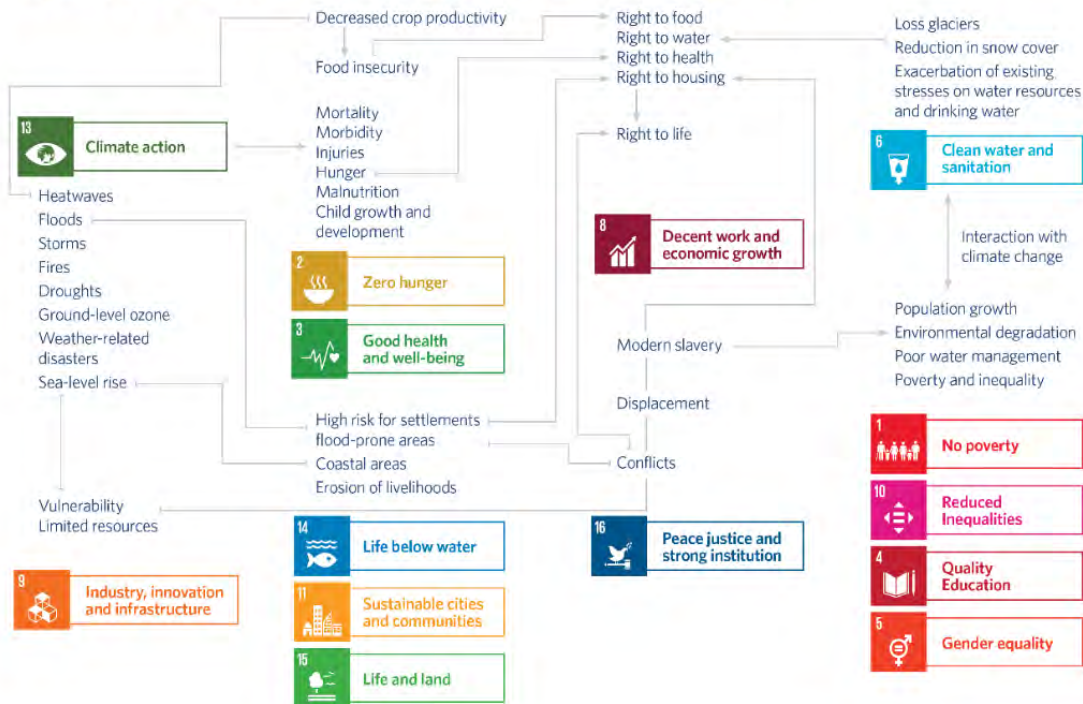
events such as droughts, storms and floods are expected to become increasingly frequent and severe. For example, it is estimated that the South

- Asian monsoon will become stronger with up to 20 per cent more rain falling on eastern India and Bangladesh by 2050.
- On the other hand, less rain is expected at low to mid-latitudes; by 2050 sub-Saharan Africa is predicted to have up to 10 per cent less annual rainfall.
- Less rain would have particularly serious impacts for sub-Saharan African agriculture which is largely rainfed: the 2007 IPCC report of the Second Working Group estimates that yields from rain-fed agriculture could fall by up to 50 per cent by 2020.
- Some fish stocks will migrate towards the poles and colder waters and may deplete as surface water run-off and higher sea temperatures lead to more frequent hazardous algal blooms and coral bleaching.
- Furthermore, climate change is predicted to worsen a variety of health problems leading to more widespread malnutrition and diarrhoeal diseases and altered distribution of some vectors of disease transmission such as the malarial mosquito.
- Meanwhile, melting glaciers will increase the risk of flooding during the wet season and reduce dry-season water supplies to one-sixth of the **world's population, predominantly in the Indian sub-continent**, parts of China and the Andes.
- Melting glaciers will increase the risk of glacial lake outburst floods particularly in mountainous countries like Nepal, Peru and Bhutan. Global average sea level, after accounting for coastal land uplift and subsidence, is projected to rise between 8 cm and 13 cm by 2030, between 17 cm and 29 cm by 2050, and between 35 cm and 82 cm by 2100 (depending on the model and scenario used).
- The number of people flooded per year is expected to increase by between 10 and 25 million per year by the 2050s and between 40 and 140 million per year by 2100s, depending on the future emissions scenario.

The statistics above translate into a simple fact that on the current trends the **“carrying capacity” of large parts of the world, i.e. the ability of different ecosystems to provide food, water and shelter for human populations**, will be compromised by climate change.



## Impact of climate change on human rights



## HOW CLIMATE CHANGE AFFECTS HUMAN RIGHTS

### RIGHT TO LIFE:

**400,000**

premature deaths linked to climate change



### RIGHT TO FOOD:

**20%**

increase in global hunger and malnutrition could occur by 2050



**250,000**

additional deaths expected due to climate change between 2030 and 2050

### RIGHT TO ADEQUATE HOUSING:

**26.4 M**

people internally displaced yearly due to weather-related disasters since 2008



### RIGHT TO WATER, SANITATION AND HEALTH:

With an increase in the global average temperature **higher than 2°C**:

**1 BILLION**

people will see a severe reduction in water resources

**23%**

of the population in central sub-Saharan Africa will face increased risk of death and poor health

**62%**

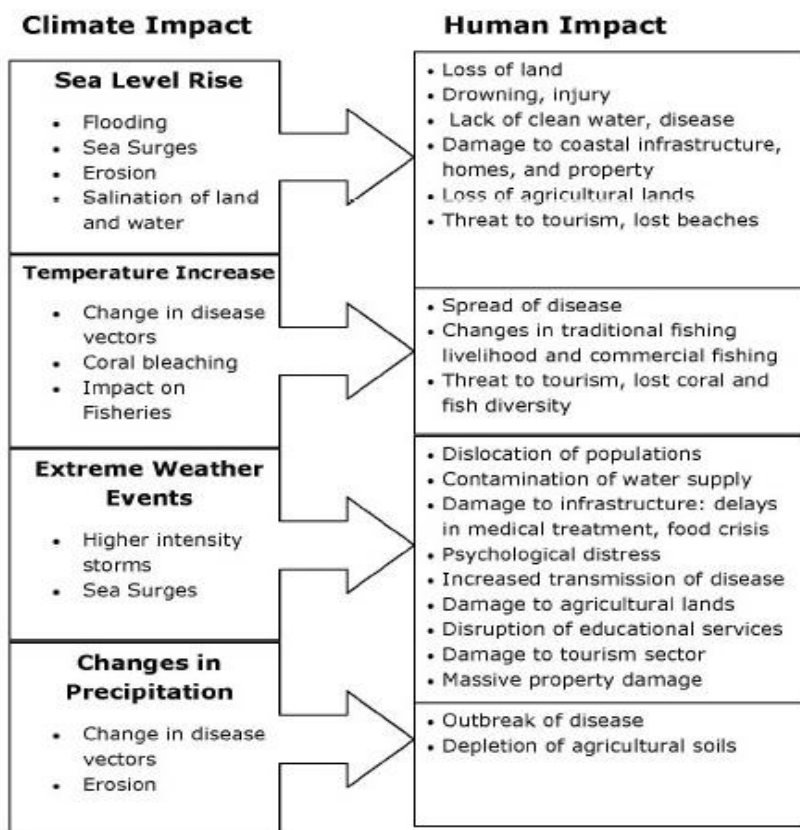
of the people in South Asia will face increased risk of death and poor health



The increase in global average temperature should be kept as low as possible and **not beyond 1.5°C**



## What are the challenges for Member States and the Human Rights Council?



OHCHR released a report in 2009 describing how the observed and projected impacts of climate change have implications for the enjoyment of human rights and for the obligations of states under international human rights law.

The report found that “an increase in global average temperatures of approximately 2°C will have major, and predominantly negative, effects on ecosystems

across the globe, on the goods and services they provide,” that it will “exacerbate the harmful effects of environmental pollution,” and that these effects “have implications for a wide range of human rights.”

Despite concluding that there is “broad agreement that climate change has generally negative effects on the realization of human rights,” OHCHR noted that “it is less obvious whether, and to what extent, such effects can be qualified as human rights violations in a strict legal sense.”

This statement reflected the position of many developed countries that were willing to accept that climate change could interfere with the enjoyment of human rights, but would not concede that this interference constituted a violation of international human rights law. OHCHR justified this conclusion by citing challenges of causation, attribution, and future harm associated with climate change.

The main challenge for Member States and the Committee is trying to get developed countries to accept responsibility and significant action against climate change, as doing so can be very damaging to certain aspects of the economy. Another challenge is debating whether climate change does/should constitute as a violation of human rights law in the eyes of the UN and member states.



### The Key Issue: Who takes a lead and responsibility?

The UN High Commissioner for Human Rights emphasized the responsibilities that all States have to ensure full coherence between efforts to advance the green economy, on the one hand, and their human rights obligations on the other, in an open letter to all Permanent Missions in New York and in Geneva.

A human rights-based approach also calls for accountability and transparency. It is not only States that must be held accountable for their contributions to climate change but also businesses which have the responsibility to respect human rights and do no harm in the course of their activities. States should make their adaptation and plans publicly available, and be transparent in the manner in which such plans are developed and financed.

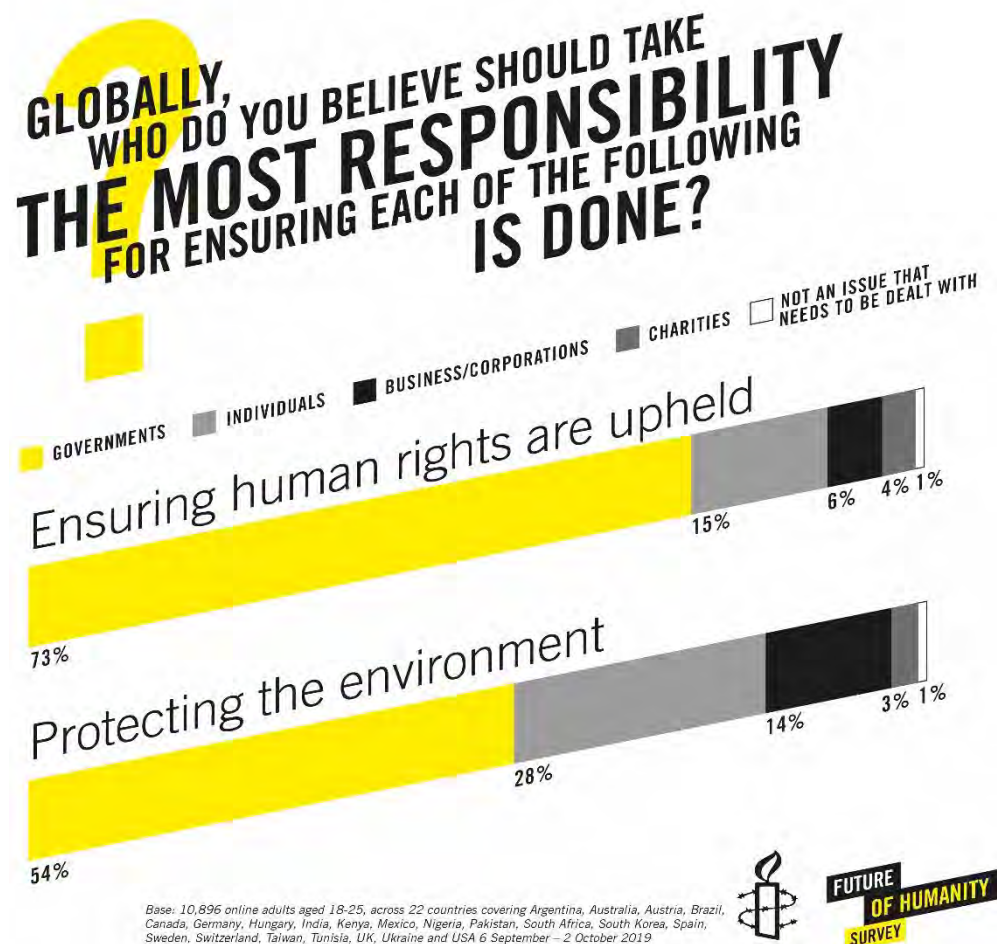
Accurate and transparent measurements of greenhouse gas emissions, climate change and its impacts, including human rights impacts, will be essential for successful rights-based climate change mitigation and adaptation efforts. Because of the impacts of climate change on human rights, States must effectively address climate change in order to honour their commitment to respect, protect and fulfil human rights for all. Since climate change mitigation and adaptation measures can have human rights impacts; all climate change-related actions must also respect, protect, promote and fulfil human rights standards.



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### Other Issues:

- The core international human rights treaties do not directly address the obligations of private parties to respect human rights, but there are some standards for non-state actors that countries are beginning to incorporate into domestic law. This means businesses infringing on human rights by contributed to climate change are not challenged.
- Indigenous peoples, and residents of small island states and Least Developed Countries, are also among those who will be the first to suffer from climate change. Emerging evidence suggests that the livelihoods and cultural identities of indigenous peoples across all regions, such as the Inuit from North America, indigenous populations in Latin America, Central Asia and the Pacific Rim, are threatened by the detrimental impacts of Climate change partly because their means of subsistence are highly dependent on nature. This means the most vulnerable people suffer the earliest and who protects them?
- There is no legal status as to whether climate change is infringing on our **human rights**. **Currently states and businesses can't be in human rights violation for their contribution to climate change.** Should that be changed?





### What had been previously done?

First, in December 2005, the Chair of the Inuit Circumpolar Conference (ICC) submitted a petition to the Inter-American Commission on Human Rights (IACHR) requesting relief for human rights violations resulting from the impacts of global warming and climate change. The petition specifically alleged that the United States—the largest cumulative emitter of greenhouse gas (GHG) emissions to date—**had violated the Inuit’s human rights by failing to adopt adequate GHG controls**. Although the IACHR never issued a decision, the petition did succeed in drawing public attention to the severe effects of global warming on the Inuit and sparking further dialogue about the human rights implications of climate change.

**Second, in November 2007, the Small Island Developing States adopted the Male’ Declaration on the Human Dimension of Global Climate Change. The Male’ Declaration** was the first international agreement to explicitly recognize that **“climate change has clear and immediate implications for the full enjoyment of human rights.”** It also called upon the **Conference of the Parties (COP)** to the UNFCCC and the UN human rights bodies to launch a collaborative process for assessing the human rights implications of climate change.

That same month, OHCHR issued a public statement for the Bali Climate Change Conference (COP-13) acknowledging that **“climate change can adversely affect the fundamental human rights of present and future generations”** and reminding the COP that governments have both moral and legal obligations to protect and promote basic human rights when tackling climate change.

The Kyoto Protocol is an international treaty which extends the 1992 United Nations Framework Convention on Climate Change (UNFCCC) that commits state parties to reduce greenhouse gas emissions, based on the scientific consensus that (part one) global warming is occurring and (part two) it is extremely likely that **human-made CO<sub>2</sub> emissions have predominantly caused it. The Kyoto Protocol was adopted in Kyoto, Japan, on 11 December 1997 and entered into force on 16 February 2005. There are currently 192 parties to the protocol.**

The Paris Agreement central aim is to strengthen the global response to the threat of climate change by keeping a global temperature rise this century well below 2 degrees Celsius above pre-industrial levels and to pursue efforts to limit the temperature increase even further to 1.5 degrees Celsius. Additionally, the agreement aims to strengthen the ability of countries to deal with the impacts of climate change. To reach these ambitious goals, appropriate financial flows, a new technology framework and an enhanced capacity building framework will be put in place, thus supporting action by developing countries and the most vulnerable



countries, in line with their own national objectives. The Agreement also provides for enhanced transparency of action and support through a more robust transparency framework.



## Possible solutions/ solution examples

Many of the earth's resources are especially vulnerable because they are influenced by human impacts across many countries. As a result of this, many attempts are made by countries to develop agreements that are signed by multiple governments to prevent damage or manage the impacts of human activity on natural resources. This can include agreements that impact factors such as climate, oceans, rivers and air pollution. These international environmental agreements are sometimes legally binding documents that have legal implications when they are not followed and, at other times, are more agreements in principle or are for use as codes of conduct. These agreements have a long history with some multinational agreements being in place from as early as 1910 in Europe, America and Africa. Some of the most well-known international agreements include the Kyoto protocol and the Paris agreement.

## China

Formal environmental protection in China House was first stimulated by the 1972 United Nations Conference on the Human Environment held in Stockholm, Sweden. Following this, they began establishing environmental protection agencies and putting controls on some of its industrial waste. China was one of the first developing countries to implement a sustainable development strategy. In 1983 the State Council announced that environmental protection would be one of China's basic national policies and in 1984 the National Environmental Protection Agency (NEPA) was established. Following severe flooding of the Yangtze River basin in 1998, NEPA was upgraded to the State Environmental Protection Agency (SEPA) meaning that environmental protection was now being implemented at a ministerial level.

Pollution control instruments in China

Command-and-control	Economic incentives	Voluntary instruments	Public participation
Concentration-based pollution discharge controls	Pollution levy fee	Environmental labeling system	Clean-up campaign
Mass-based controls on total provincial discharge	Non-compliance fines	ISO 14000 system	Environmental awareness campaign
Environmental impact assessments (EIA)	Discharge permit system	Cleaner production	Air pollution index
Three synchronization program	Sulfur emission fee	NGOs	Water quality disclosure
Deadline transmission trading		Administrative permission hearing	
Centralized pollution control	Subsidies for energy saving products		
Two compliance policy	Regulation on refuse credit to high-polluting firms		
Environmental compensation fee			

China has taken initiatives to increase its protection of the environment and combat environmental degradation:

- China's investment in renewable energy grew 18% in 2007 to \$15.6 billion, accounting for ~10% of the global investment in this area.
- In 2008, spending on the environment was 1.49% of GDP, up 3.4 times from 2000.
- The discharge of CO (carbon monoxide) and SO<sub>2</sub> (sulphur dioxide) decreased by 6.61% and 8.95% in 2008 compared with that in 2005.
- China's protected nature reserves have increased substantially. In 1978 there were only 34 compared with 2,538 in 2010. The protected nature reserve system now occupies 15.5% of the country; this is higher than the world average.

## Mexico

With over 200,000 different species, Mexico is home to 10-12% of the world's biodiversity, ranking first in reptile biodiversity and second in mammals—one estimate indicates that over 50% of all animal and plant species live in Mexico.

The history of environmental policy in Mexico started in the 1940s with the enactment of the Law of Conservation of Soil and Water, three decades later, at the beginning of the 1970s, the Law to Prevent and Control Environmental Pollution was created. In the year 1972 was the first direct response from the federal government to address eminent health effects from environmental issues. It established the administrative organization of the Secretariat for the Improvement of the Environment in the Department of Health and Welfare.

The ministry is responsible for addressing the following:

- Promote the protection, restoration, and conservation of ecosystems, natural resources, goods, and environmental services and facilitate their use and sustainable development.
- Develop and implement a national policy on natural resources
- Promote environmental management within the national territory, in coordination with all levels of government and the private sector.
- Evaluate and provide determination to the environmental impact statements for development projects and prevention of ecological damage
- Implement national policies on climate change and protection of the ozone layer.





- Direct work and studies on national meteorological, climatological, hydrological, and geohydrological systems, and participate in international conventions on these subjects.
- Regulate and monitor the conservation of waterways

In November 2000 there were 127 protected areas; currently there are 174, covering an area of 25,384,818 hectares, increasing federally protected areas from 8.6% to 12.85% its land area.

### Questions a resolution must answer

- What actions has your country taken on the matter?
- **What is your country's stance** on the matter?
- Has your country signed or ratified any relevant treaties?
- Are human rights being violated in your country by climate change?
- What future plans

### Questions to consider

- **What is your country's stance on protest and** demonstrations about climate change? Do you maintain freedom of expression?
- Climate change threatens the enjoyment of all human rights, including the rights to health, water, food, housing, self-determination, and life itself. What action is your country taking to maintain human rights at a time of climate crisis?
- **What is your country's stance on protecting the rights of others outside your** country that may be impacted by climate change?

### Useful Websites

<https://www.amnesty.org/en/countries/>

