

Climate Wrongs and Human Rights

Putting people at the heart of climate-change policy

In failing to tackle climate change with urgency, rich countries are effectively violating the human rights of millions of the world's poorest people. Continued excessive greenhouse-gas emissions primarily from industrialised nations are – with scientific certainty – creating floods, droughts, hurricanes, sea-level rise, and seasonal unpredictability. The result is failed harvests, disappearing islands, destroyed homes, water scarcity, and deepening health crises, which are undermining millions of peoples' rights to life, security, food, water, health, shelter, and culture. Such rights violations could never truly be remedied in courts of law. Human-rights principles must be put at the heart of international climate-change policy making now, in order to stop this irreversible damage to humanity's future.

Summary

'Within an international community based upon the rule of law and universal values of equality, human rights and dignity, it is surely wrong for small, vulnerable communities to suffer because of the actions of other more powerful resource-rich countries, actions over which they have no control, and little or no protection.' – President Gayoom, Republic of the Maldives¹

'Human rights law is relevant because climate change causes human rights violations. But a human rights lens can also be helpful in approaching and managing climate change.' – Mary Robinson, President, Realising Rights²

Climate change is set to undermine human rights on a massive scale. International human-rights law states that, *'In no case may a people be deprived of its own means of subsistence.'* But – as the Inter-governmental Panel on Climate Change (IPCC) has documented in detail – rich countries' continued excessive greenhouse-gas emissions are depriving millions of people of the very water, soil, and land on which they subsist.

Oxfam International believes that realising human rights is essential to lift people out of poverty and injustice. Our staff and local partners work with communities in over 100 countries, and are increasingly witnessing the devastating effects of more frequent and severe climatic events on poor people's prospects for development. According to the IPCC, climate change could halve yields from rain-fed crops in parts of Africa as early as 2020, and put 50 million more people worldwide at risk of hunger. Almost half a million people today live on islands that are threatened with extinction by sea-level rise. And up to one billion people could face water shortages in Asia by the 2050s due to melted glaciers. These kinds of impacts, in turn, are likely to lead to mass migration across borders, and increasing conflict over scarce resources.

Rich countries' emissions are effectively violating the rights of millions of the world's poorest people. Twenty-three rich countries – including the USA, western Europe, Canada, Australia, and Japan – are home to just 14 per cent of the world's population, but have produced 60 per cent of the world's carbon emissions since 1850; and they still produce 40 per cent of annual carbon emissions today. In 1992, these countries committed to return their annual emissions to 1990 levels by 2000. Instead, by 2005 they had allowed their collective emissions to rise more than ten per cent above 1990 levels – with increases exceeding 15 per cent in Canada, Greece, Ireland, New Zealand, Portugal, Spain, and the USA. Their collective failure to act has raised the scientific risk - and the political risk – of global warming exceeding the critical threshold of 2oC.

Economics – which influences many current climate-policy debates – approaches decision-making by weighing up competing costs and benefits. But in a global context, how can the financial costs of cutting emissions in the richest countries be compared with the human costs of climate change for the world's poorest people? The implications of such a trade-off are appalling. Human-rights principles provide an alternative to the assumption that everything – from carbon to malnutrition – can be priced, compared, and traded. Human rights are a fundamental moral claim each person has to life's essentials – such as food, water, shelter, and security – no matter how much or how little money or power they have.

When the Universal Declaration of Human Rights was drawn up in 1948, its authors could not have imagined the complex global interconnectedness that climate change would create. Human-rights laws and institutions now need to evolve fast to rise to this unprecedented challenge, if they are to provide a means of stopping human rights worldwide from being further undermined by rich countries' excessive greenhouse-gas emissions.

Sixty years on from the Universal Declaration, this paper sets out a new vision for a rights-centred approach to climate-change policies. It uses the norms and principles of human rights to guide national and international climate policy making now (Table 1).

Based on these principles, Oxfam calls for urgent action on the following human-rights hotspots:

Table 1: A rights-centred approach to climate-change policy making

Human rights principles for policy making	Policies for tackling climate change	
	Mitigation – reducing greenhouse-gas emissions: essential to respect and protect human rights	Adaptation – building resilience to unavoidable impacts: now essential as a remedy for failing to respect and protect human rights
Guarantee a core minimum – a basic standard of rights for all	States must implement national and international mitigation targets and policies that minimise the risk of exceeding 2°C warming	States must target disaster relief and adaptation initiatives to safeguard the essential claims – to life, food, water, shelter, and health – of the most vulnerable people
Focus on vulnerability and those whose rights are most at risk	States must ensure their mitigation policies do not undermine vulnerable people's rights, domestically or overseas	States must ensure that support for adaptation is channelled to the most vulnerable communities, such as women, minority groups, and children
Ensure participation of people whose rights are affected by policies	States must ensure that the most affected communities and groups have effective voice in setting national and international mitigation targets and policies	States must ensure that the most affected communities participate in, and have ownership of, the design and implementation of adaptation initiatives in order to safeguard their rights
Provide accountability and remedies for violations	States must report publicly on results in implementing mitigation targets and policies	States must ensure effective and transparent governance of national and international adaptation strategies and funds
Deliver on international co-operation to realise rights worldwide	States must take on emissions cuts in line with their national responsibility for causing climate change and their capability to assist	States must finance international adaptation based on their national responsibility for causing climate change and their capability to assist

- **Rich countries must lead now in cutting global emissions to keep global warming well below 2°C.** Global emissions must fall at least 80 per cent below 1990 levels by 2050, with rich countries delivering domestic cuts of at least 25–40 per cent by 2020.
- **Rich countries must provide the finance needed for international adaptation.** They have so far delivered only \$92m to the fund set up for the least-developed countries – less than what people in the USA spend on sun-tan lotion in one month. Innovative financing is urgently needed to raise at least \$50bn per year.
- **Rich countries must provide the finance needed for low-carbon technologies in developing countries.** Over 20 years, their contributions to multilateral climate funds for technology transfer have been on average \$437m annually: western Europeans spent ten times that much buying vacuum cleaners last year. Commitment to a new scale of financing must be delivered in the post-2012 regime.
- **Rich countries must halt their biofuel policies** which are undermining poor people's right to food, and leading to land and labour rights violations. Developing-country governments must likewise protect poor people's rights through domestic regulation of biofuel production.
- **Developing countries must focus their adaptation strategies on the most vulnerable people** by putting poor communities at the heart of planning, addressing women's needs and interests, and providing social-protection schemes.
- **Developing countries must have ownership in managing international adaptation funds** and, in turn, must be accountable to vulnerable communities for how the finance is spent.
- **Companies must call on governments to act with far greater urgency in cutting global emissions**, and must not lobby to block effective regulation.
- **Companies must take significant steps to cut their global emissions** in line with keeping global warming well below 2°C.
- **Companies must ensure that their mitigation or adaptation projects do not undermine people's rights**, either due to the technologies used, or due to implementing them without consulting affected communities.
- **Companies that source and sell globally can go much further in building communities' climate resilience** through their own supply-chain operations.

The ongoing climate negotiations – from Bali in 2007 to Copenhagen at the end of 2009 – are the best available chance for achieving the international co-operation needed to prevent dangerous climate change and to enable communities to adapt. That is why human rights must be placed at the heart of their deliberations. Indeed the impacts of climate change on the rights of the world's most vulnerable people will be the critical test of whether these negotiations succeed.

1 How climate change undermines human rights

'The frequency of the flooding is worse compared to ten years ago. Last October we had water up to our knees for four days. We don't know why the weather is changing. We are very worried about losing our home, about losing our crops, about going hungry.'

- Ho Si Thuan, a rice farmer in Quang Tri province, Viet Nam

'In the past there was enough rain...but now things are different. The rains have disappeared. The drinking water that we used to fetch from the riverbeds can no longer be found. There is a lot of thirst; even the few livestock we own have so little water. What can I do to address this thirst? I get so anxious. There aren't enough words to express the pain.'

- Martina Longom, a farmer and mother in Kotido district, Uganda

International human-rights law states that, *'In no case may a people be deprived of its own means of subsistence.'*³ Yet, due to excessive greenhouse-gas emissions produced primarily by rich countries, millions of the world's poorest people's rights are effectively being violated. They are losing the rainfall, crop land, biodiversity, and seasonal predictability that they subsist on – and that they depend on for their rights to life, security, food, shelter, health, and culture.

The Universal Declaration of Human Rights states that, *'Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realised.'*⁴ Yet, as the world's scientists have made clear, rich countries' failure to act with urgency in tackling climate change is leading towards social and international dis-order (Table 2).

Sixty years after the Universal Declaration of Human Rights, this paper sets out an approach to designing climate-change policies with human-rights norms and principles at their core, and highlights some hotspots where the current direction of climate policy is dangerously off course.

The international recognition of human rights – from 1948 onwards – has been crucial in establishing universal values. Human rights set in place for every person a fundamental claim to life's essentials – such as food, water, shelter, and security – no matter how much or how little money or power they have. But there has been slow progress, nationally and internationally, over the past six decades in realising those rights. Millions of people – especially in developing countries – are now highly vulnerable to the coming impacts of climate change.

Table 2: How climate change undermines human rights

Human-rights norms in international law	Current and projected impacts of climate change upon human rights
<p>The Right to Life and Security</p> <p>‘Everyone has the right to life, liberty and security of person.’ (UDHR, Article 3)</p>	<ul style="list-style-type: none"> • There will be more deaths, disease, and injury due to the increasing frequency and intensity of heat waves, floods, storms, fires, and droughts. • Rising sea levels will increase the risk of death and injury by drowning. Up to 20 per cent of the world’s population live in river basins that are likely to be affected by increased flood hazard by the 2080s. • Heat waves are likely to increase deaths among elderly or chronically sick people, young children, and the socially isolated. Europe’s 2003 heat wave – induced by climate change – resulted in 27,000 extra deaths.*
<p>The Right to Food</p> <p>‘The State Parties to the present Covenant, recognise the fundamental right of everyone to be free from hunger...’ (ICESCR, Article 11)</p>	<ul style="list-style-type: none"> • Future climate change is expected to put close to 50 million more people at risk of hunger by 2020, and an additional 132 million people by 2050. • In Africa, shrinking arable land, shorter growing seasons, and lower crop yields will exacerbate malnutrition. In some countries, yields from rain-fed agriculture could fall by 50 per cent as soon as 2020. • In parts of Asia, food security will be threatened due to water shortages and rising temperatures. Crop yields could fall by up to 30 per cent in Central and South Asia by 2050.
<p>The Right to Subsistence</p> <p>‘Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing...’. (UDHR, Article 25)</p> <p>‘In no case may a people be deprived of its own means of subsistence.’ (ICCPR, Article 1.2 and ICESCR, Article 1.2)</p>	<ul style="list-style-type: none"> • Water: By 2020, between 75 million and 250 million people in Africa are likely to face greater water stress due to climate change. Reduced water flow from mountain glaciers could affect up to one billion people in Asia by the 2050s. • Natural resources: Approximately 20–30 per cent of plant and animal species assessed so far are likely to be at increased risk of extinction if average global temperatures rise more than 1.5–2.5°C. Coral bleaching and coastal erosion will affect fish stocks – currently the primary source of animal protein for one billion people. • Property and shelter: Millions more people risk facing annual floods due to sea-level rise by the 2080s, mostly in the mega-deltas of Asia and Africa. On small islands, too, sea-level rise is expected to exacerbate inundation, storm surge, and erosion, threatening vital infrastructure, settlements, and facilities that support the livelihoods of island communities.
<p>The Right to Health</p> <p>‘The State Parties to the present Covenant recognise the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.’ (ICESCR, Article 12)</p>	<ul style="list-style-type: none"> • Child malnutrition will increase, damaging growth and development prospects for millions of children. • Increasing floods and droughts will lead to more cases of diarrhoea and cholera. Over 150,000 people are currently estimated to die each year from diarrhoea, malaria, and malnutrition caused by climate change.* • Changing temperatures will cause some infectious diseases to spread into new areas. It is estimated that 220–400 million more people will be at risk of malaria. The risk of dengue fever is estimated to reach 3.5 billion people by 2085 due to climate change.

Sources: Universal Declaration of Human Rights (UDHR); International Covenant on Civil and Political Rights (ICCPR); International Covenant on Economic, Social and Cultural Rights (ICESCR); the Intergovernmental Panel on Climate Change (IPCC) 2007, Working Group II; *World Health Organisation.

The rights of vulnerable social groups, including elderly people, disabled people, and marginalised communities, are particularly at risk:

Women's rights. *'State Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families.'* (Convention on the Elimination of All Forms of Discrimination against Women, Article 14). Inequalities between women and men – in the community, in the economy, and before the law – mean that women typically carry more responsibilities, but have fewer rights realised. Women produce up to 80 per cent of food grown in sub-Saharan Africa, and 60 per cent in Asia. Yet only five per cent of agricultural services are directed to women farmers, and they own just two per cent of the land and receive one per cent of agricultural credit worldwide.⁵ In addition, women and girls spend many more hours fetching fuel and water during floods or droughts in poor countries. Women are also the main carers for sick children and family members, and will usually be the first in the family to eat less when food is scarce. As a result, climate impacts put women's rights to food, life, security, and health particularly at risk.

Minorities' rights. *'Persons belonging to [ethnic, religious or linguistic] minorities shall not be denied the right, in community with other members of their group, to enjoy their own culture.'* (International Covenant on Civil and Political Rights, Article 27). Minority and indigenous peoples are among the worst affected by the impacts of the changing climate, but are often the last to be assisted during disasters. In India's severe floods of 2007, for example, the Dalit community were struck hardest, because they lived in flood-prone areas in low-quality housing, and they received emergency relief last, if at all.⁶ Furthermore, many minority and indigenous groups have a close interaction with natural resources in their livelihoods and cultures. Changing weather patterns that erode resources – such as forests, Arctic ice sheets, and entire islands – threaten the survival of whole cultures, from the Sami people of the Arctic to island communities in the Pacific.⁷

Children's rights. *'Every child has the inherent right to life...State Parties shall ensure to the maximum extent possible the survival and development of the child.'* (Convention on the Rights of the Child, Article 6). Climate change is set to add to the threats that millions of children already face to their health and safety, food security, education, and livelihoods.⁸ In the next decade, up to 175 million children are likely to be affected each year by the kinds of disasters brought about by climate change.⁹ The effects can last a lifetime: in Niger, children under three who were born in a drought year and were affected by it are 72 per cent more likely to be stunted due to severe nutritional

deficits. Likewise, in Ethiopia children under six born in the same situation are 41 per cent more likely to be stunted.¹⁰ Worldwide, as early as 2010 there may be as many as 50 million environmentally displaced refugees, most of whom will be women and children.¹¹

2 Putting human rights at the heart of climate-change policy making

*'Safeguarding of human rights should be a key consideration in efforts to address the impact of climate change...the existing body of human rights norms and principles offers a solid foundation for responsible and effective thinking and action in this regard.'*¹²

– Kyung-wha Kang, UN Deputy High Commissioner of Human Rights

Why look at climate change through the lens of human rights? First, human rights help to anchor international policy making in the most widely shared set of international norms, and provide clear principles against which to assess current policy proposals. Second, a human-rights lens focuses attention on the people who are most vulnerable to climate impacts, yet whose voices are often heard least in debates, and insists that safeguarding their basic interests is non-negotiable. Third, human rights help to start identifying who is responsible for taking action and for bearing the costs of adjustment. Fourth, only a rights-centred approach captures the magnitude of injustice brought about by climate change, and acts as a moral spur to action.

Indeed, some governments and institutions are already calling for climate change to be addressed as a matter of human rights:

- Thirty-nine small-island developing states set out the Male' Declaration on the Human Dimension of Global Climate Change in late 2007, highlighting the impact of climate change on their people's human rights to life, property, an adequate standard of living, food, health, and cultural life.¹³
- In late 2007, eminent human-rights lawyers in Asia and the Pacific, known as the Advisory Council of Jurists, recommended that the region's governments recognise 'the right to the environment', and that they tackle climate change on the grounds of respecting this and other rights.¹⁴
- In March 2008, The UN Human Rights Council called on the Office of the UN High Commissioner for Human Rights to conduct a detailed study of the relationship between human rights and climate change by March 2009, and to present the

findings to the world's climate negotiators at the United Nations Framework Convention on Climate Change (UNFCCC).¹⁵

This motivation to tackle climate change because of human rights is reinforced by both economic and security interests.¹⁶ But economic incentives and enlightened self-interest alone will not ensure that the international community addresses climate change in a way that respects and protects the rights of the world's poorest people. This is why it is essential to put human rights at the centre of climate-change policy making now.

Litigate or negotiate?

'Climate change shows up countless weaknesses in our current institutional architecture, including its human rights mechanisms.'

– Mary Robinson, President, Realising Rights

As evidence grows linking specific floods, droughts, and hurricanes to human-induced climate change, so the pressure for legal action will grow too, on behalf of people whose rights are effectively being violated by countries and corporations that have long been producing excessive greenhouse-gas emissions. Several court cases have been brought – and some won – using national and international laws, but few have yet used human-rights law to seek redress.¹⁷

Innovative cases are leading the way. In 2005 an alliance of Inuit from Canada and the USA filed a high-profile petition with the Inter-American Commission of Human Rights, arguing that, *'the effects of global warming constitute violations of Inuit human rights for which the United States is responsible'* – including their rights to land, property, culture, subsistence, health, life, and security.¹⁸ The Inuit case – which received a hearing rather than a full court process – has proved important in drawing public attention to the issue, highlighting the damage that one country can inflict upon distant people, and raising critical questions of liability.

The barriers that such cases face highlight the inadequacies of international human-rights mechanisms to respond to a level of global interconnectedness which the authors of the Universal Declaration on Human Rights could not have imagined sixty years ago.

Human-rights litigation demands evidence that an injury has been caused to the rights of identifiable people, by an identifiable actor – in a court that recognises them both – as well as evidence that the injury could be redressed. That's a particularly tough challenge for people whose rights are being undermined by excessive emissions from

diverse countries and companies, and for whom more severe weather events are already unavoidable, but yet to come.¹⁹

Worse still, there is no obvious venue where cases that address international impacts can be brought. Even when rich countries have signed up to binding regional human-rights instruments (as in the Americas and Europe), they still cannot be sued by people living outside of the region. So where can people from sub-Saharan Africa, South Asia, or the Pacific go to make the case for their rights against the world's richest countries?

Human-rights laws and institutions must evolve fast to rise to the unprecedented international challenge that climate change creates. Creative human-rights lawyers could push to have courts recognise future injury (because of the delay between emissions and climatic events), and joint liability (since emissions come from multiple sources) in such cases. They could likewise seek to clarify and activate international legal obligations (due to the far-reaching international impacts of greenhouse-gas emissions), and call for an international venue (perhaps under the UNFCCC) where people whose rights are effectively being violated by other countries' emissions can seek some form of redress.

In parallel to this much-needed legal innovation, however, the norms and principles of human rights can and must be used now to guide policy making, both in international negotiations and in national policy processes. That is the focus of the rest of this paper.

Human-rights principles for policy making

Human-rights principles impose three overriding obligations on all states:

- **Respecting rights:** States must refrain from interfering with people's enjoyment of their rights.
- **Protecting rights:** States must prevent people's rights from being violated by third parties (such as individuals, companies, or other countries).
- **Fulfilling rights:** States must take action – including legislative, administrative, budgetary, and judicial measures – towards the full realisation of people's rights.²⁰

States must simultaneously realise these rights by:

- **Guaranteeing a core minimum:** States must ensure that everyone enjoys at the very least a basic standard of their rights, whatever the resources initially available.

- **Focusing on vulnerability:** States must focus first on those who are disadvantaged and whose rights are most at risk, in order to eliminate discrimination.
- **Ensuring participation:** States must enable people to participate in designing and implementing policies that will affect their rights.
- **Providing accountability:** States must establish mechanisms to monitor and report publicly on the status of rights, and to respond to violations by providing remedies for those affected.
- **Delivering on international co-operation:** All states – especially those with the economic means – must help realise human rights worldwide through international assistance and co-operation.²¹

What do these human-rights principles imply for states' responsibilities – nationally and internationally – in tackling climate change? There are three specific implications:

1. Mitigation – reducing greenhouse-gas emissions – is critical for respecting and protecting people's rights from being violated by climate change. Countries' excessive emissions are creating climate impacts that directly interfere with the natural resources on which people depend, and so countries are effectively violating people's rights. Cutting excessive public- and private-sector emissions would fulfil one of the strongest obligations for states – at the core of human rights – which is to refrain from actions that harm others.

2. Adaptation and disaster relief are now owed as remedies to people whose rights are being, or will be, violated by climate-change impacts. Countries' continued failure to cut their emissions significantly will trigger future climatic events that threaten to violate the rights of millions of people. The most important remedy now is to support vulnerable communities in adapting, so that floods, droughts, and unpredictable weather do not automatically undermine their food and water supplies, health, housing, culture and safety. And when severe climatic events do cause damage, compensation through disaster relief and recovery is likewise essential as a remedy.

3. Both national and international action are essential to respect and protect rights in the face of climate change. Each country's government is held responsible for safeguarding the human rights of its people, to the extent possible. But people everywhere are vulnerable to the impacts of greenhouse-gas emissions produced elsewhere. Due to their primary role in causing climate change to date, rich countries therefore have an international responsibility to lead in cutting global emissions, and to ensure that people in

developing countries can both adapt to impacts, and adjust to low-carbon futures. These responsibilities are reflected in the UNFCCC's principle of tackling climate change '*in accordance with their common but differentiated responsibilities and respective capabilities*'.²² If emissions from developing countries – such as Brazil, China, Singapore, and South Africa and others – continue to grow unchecked, then their international responsibility will likewise grow.²³

The following sections set out the implications of these principles specifically for policies on mitigation and adaptation, and for private-sector action, identifying some policy hotspots in each case.

3 Cutting global emissions

The fundamental way to reduce further risks of undermining millions of people's rights to life, security, subsistence, food, and health is to urgently reduce global greenhouse-gas emissions.

How can human-rights principles guide how this is done?

- **Guarantee a core minimum: Implement international and national mitigation targets and policies that have a low risk of exceeding 2°C warming.** Governments setting targets for cutting emissions must aim to respect the rights of all, including poor people, women, indigenous people, elderly people, and children – and 2°C is the critical threshold.²⁴
- **Focus on vulnerability: Ensure mitigation policies do not violate vulnerable people's rights.** In identifying strategies for cutting emissions – such as promoting biofuels, hydropower, or reduced deforestation – all governments must ensure that their policies do not undermine the rights of vulnerable people, in their own country or overseas.
- **Ensure participation: Ensure that the most affected populations and social groups have effective voice in setting mitigation targets and policies.** Countries with populations at greatest risk – such as the least-developed countries (LDCs), small-island developing states, and those in sub-Saharan Africa – must be allowed to participate fully and have effective voice in international negotiations on mitigation. Organisations representing indigenous people, women, and children, must also be able to participate effectively, nationally and internationally.
- **Provide accountability: Report publicly on results in implementing mitigation targets and policies.** Governments must demonstrate how they are turning national targets into policy and practice, and whether this is succeeding in cutting

emissions, both through public-sector action and private-sector regulation.

- **Deliver on international co-operation: Countries must take on emissions cuts in line with their national responsibility for causing climate change and their capability to assist.** Rich and high-emitting countries must move first, fastest, and furthest on this basis, so that developing countries can still realise rights within the constraints of the remaining atmospheric space.²⁵

Human-rights hotspots on mitigation

On the basis of these principles, where are mitigation policies far off track for delivering on rights? Three hotspots are highlighted.

1. Rich countries must lead by setting emissions targets and policies that safeguard the rights of the most vulnerable people.

The science is clear: global warming must stay well below 2°C to avoid creating irreversible climate impacts that would undermine millions of people's rights. To keep the risk of exceeding 2°C low, global emissions must peak by 2015 and then fall by at least 80 per cent below 1990 levels by 2050.²⁶

Emissions trends, however, are heading in the opposite direction among the 23 rich countries, known as Annex II under the UNFCCC.²⁷ These countries are home to just 14 per cent of the world's population but have produced over 60 per cent of cumulative carbon dioxide emissions since 1850, and still produce 40 per cent of annual emissions today.²⁸ In 1992, they committed to cut their annual greenhouse-gas emissions back to 1990 levels by 2000.²⁹ Instead, by 2005, their collective emissions had risen by more than ten per cent over 1990 levels – with increases exceeding 15 per cent in Canada, Greece, Ireland, New Zealand, Portugal, Spain, and the USA.³⁰ Likewise, corporate emissions in the four most carbon-intensive sectors – oil and gas, mining, electric power, and utilities – increased significantly from 2001 to 2006.³¹

Speaking on behalf of G8 leaders in July 2008, Prime Minister Fukuda of Japan said, *'After today's G8 summit we agreed to set the aim for a reduction of the entire global emissions of gases to 50 per cent by 2050 as a target to be taken up by the entire world'*. This is an utterly inadequate pledge to come out of the G8 leaders' meeting at such a critical time. Without a base year, it is meaningless; without a mid-term target, it is unrealistic; and without a commitment to rich countries making the vast majority of cuts, it is deeply unjust. Little wonder that South Africa's environment minister dismissed it as, *'an empty slogan without substance'*.³²

Few acknowledge that 50 per cent cuts on 1990 levels would lead to an alarming fifty-fifty chance of exceeding 2°C.³³ No one would risk putting their own child on a plane with that chance of crashing. Yet the G8 leaders propose to put humanity on an equally devastating course.

Rich countries must start now to show leadership in reducing global emissions by cutting their domestic emissions by at least 25–40 per cent below 1990 levels by 2020. Are there signs of progress? The EU has committed to make 20 per cent cuts by 2020, rising to 30 per cent if other rich countries take similar measures, and Australia's ratification of the Kyoto Protocol likewise helps to build momentum. But Canada has indicated that it does not plan to meet its commitment under the Kyoto Protocol, and the USA has so far made no national commitment, so further delaying urgent action. Rich countries must also commit to financing emissions cuts overseas – in line with their responsibility for causing climate change and their capability to assist.

2. Rich countries must deliver the finance and technology needed for poor countries to realise rights on a low-carbon pathway.

Since rich countries' excessive emissions have left the rest of the world with so little atmospheric space, the global reductions required now threaten the right to development in poor countries. Rich countries must therefore deliver the finance and technology needed for poor countries to develop on low-carbon pathways and realise rights at the same time. This obligation was written into the UN climate convention in 1992,³⁴ but over 15 years later, little has been delivered.

In 2030 alone, around \$176bn in low-carbon investment and financing will be needed so that developing countries can keep their emissions within safe levels.³⁵ Yet developing-country emissions on average need to peak as early as 2020, so significant financing is needed far sooner. Private finance will be crucial for this, but so too is public finance to achieve investment on the scale needed. Public finance is needed for: research and development for trialling new technologies; guarantees to leverage private investment; building local capacity to develop, adapt, and maintain technology; and licensing fees in cases where intellectual property rights act as a barrier to technology transfer.

Since 1991, total finance contributed to the Global Environment Facility for investing in emissions-reducing technology in developing countries has been just \$3.3bn.³⁶ The World Bank's new Clean Technology Fund now aims to raise a further \$5bn by 2010.³⁷ This

will bring rich countries' multilateral funding for clean-energy technology transfer over 20 years to \$8.3bn – equivalent to \$437m per year: western Europeans spent ten times that amount buying vacuum cleaners last year.³⁸ Private finance is, of course, crucial too: the GEF technology fund has leveraged a further \$14bn of private-sector investment, and the Clean Development Mechanism currently generates investments of around \$5bn a year.³⁹ But the total is still nowhere close to what is needed to enable developing countries to curb their emissions and realise human rights at the same time. Rich countries must significantly step up their financing to deliver the scale of energy transformation needed.

In addition, rich countries are counting the financing for reducing developing-country emissions as part of their long-standing commitment to give 0.7 per cent of national income as official development assistance (ODA). Furthermore, it has so far been provided on a voluntary basis and not at all proportional to rich countries' relative responsibilities and capabilities. Voluntarism is clearly failing to generate funding on the scale required. Innovative and mandatory mechanisms for raising finance for technology are urgently needed, such as levies on carbon taxes, cap-and-trade schemes, or other carbon-cutting market mechanisms.

3. Rich countries must halt biofuel policies that undermine poor people's rights to food, land, and decent work.

Rapid rich-country action to cut carbon emissions is essential, but measures must be smart. Several approaches – such as initiatives to reduce emissions from deforestation, and some projects under the Clean Development Mechanism – have already raised human-rights concerns. Likewise, the current rush into biofuels is both failing to deliver emissions cuts, and undermining the rights of people in developing countries.

The UN Special Rapporteur on the Right to Food states that, *'Governments must recognize their extra-territorial obligations towards the right to food. They should refrain from implementing any policies or programs that might have negative effects on the right to food of people living outside their territories'*.⁴⁰ Rich-country policies, especially in the the USA and EU, are breaching this obligation. Their biofuel targets are creating a 'scramble to supply' in the developing world, forcing up food prices, while undermining labour rights and land rights.

Food prices have risen over 80 per cent in the last three years, with grain-price rises costing developing economies \$324bn last year alone – more than three times what they received in aid.⁴¹ Rich-country biofuel programmes have been identified by the International Monetary Fund, among others, as a principal driver of this crisis,⁴²

and may already be responsible for having pushed 30 million people into poverty.⁴³

The rights of workers on biofuel plantations are often routinely violated through poor working conditions, forced labour, and bans on forming trade unions. Likewise, the Chair of the UN Permanent Forum on Indigenous Issues has warned that 60 million indigenous people worldwide are at risk of displacement due to biofuel plantations.⁴⁴ The UN Declaration on the Rights of Indigenous Peoples states that relocation of indigenous people must not take place *'without their free, prior and informed consent'*, nor before *'agreement on just and fair compensation'*.⁴⁵ Yet these principles are, in practice, the exception rather than the rule for communities whose land rights are often undermined by companies and local officials who view consent and compensation as unnecessary administration, rather than human rights. Developing-country governments clearly have the primary obligation to protect people's rights in such situations, but rich countries must also amend their policies.

The EU has guaranteed that only biofuels deemed 'sustainable' will count towards its proposed target of ten per cent renewable energy for transport. But calls to include human rights within the EU's sustainability framework have been ignored, meaning that biofuels produced in ways that undermine human rights may still be labelled as sustainable, and still eligible for subsidies.⁴⁶

Rich-country governments must put poor people's rights before the interests of their agricultural and industrial lobbies by dismantling support for biofuels which offer no perceivable climate benefit so far, and by putting human rights at the heart of any biofuel-sustainability frameworks.

4 Adapting to unavoidable impacts

Since rich countries have failed to cut their emissions significantly over the past 15 years, many severe climate impacts are already happening, and future ones are unavoidable. If left unaddressed, they would create food, water, and health crises for millions of people. Adaptation and disaster relief are the only way to remedy these effective violations of poor people's rights. Adaptation – which must be integrated into national planning – can build vulnerable communities' resilience so that floods, droughts, sea-level rise, and hurricanes do not automatically undermine their rights to life, food, water, shelter, and health. But disaster relief will also still be essential if severe events hit.

Every government is responsible for drawing up a national adaptation strategy to safeguard people's rights. But what would a rights-centred approach to adaptation look like?

- **Guarantee a core minimum: Design adaptation strategies and disaster-preparedness policies** to ensure poor people's essential claims to food, water, shelter, and health.
- **Focus on vulnerability: Ensure support for adaptation is channelled to the most vulnerable communities**, such as women, marginalised ethnic groups, and children. Developing countries with particularly vulnerable communities – such as small-island developing states, the LDCs, and others in sub-Saharan Africa – must get priority in receiving international adaptation finance.
- **Ensure participation: Ensure that vulnerable communities have ownership of adaptation initiatives**, by building on their knowledge, practices, and institutions. Internationally, vulnerable developing countries must have a major role in governing adaptation funds on behalf of their affected communities.
- **Provide accountability: Ensure effective and transparent governance of adaptation strategies and funds.** Governments must be accountable to affected communities for the success of adaptation plans, and must report publicly on the results. Internationally, adaptation finance must likewise be managed efficiently and transparently.
- **Deliver on international co-operation: Rich countries must finance adaptation based on their national responsibility and capability.** That finance must be: at the scale needed; provided as grants; new and additional to ODA commitments, and delivered predictably to enable effective planning.⁴⁷

Human-rights hotspots on adaptation

'No community with a sense of justice, compassion or respect for basic human rights should accept the current pattern of adaptation'.⁴⁸

– Desmond Tutu, Archbishop Emeritus of Cape Town

Three hotspots on adaptation policies are highlighted here for urgent action.

1. All governments must ensure that national adaptation focuses on those people whose rights are most at risk.

National adaptation strategies must put communities at the centre of planning, focus particularly on women's needs and interests, and

guarantee essentials through social protection. Good practice is emerging – and it is working – but needs to spread much faster.

Local communities, who already hold much of the knowledge, experience, and resources needed to build resilience, must have ownership over the design and implementation of adaptation strategies. Farming communities in the wetlands of north-east Bangladesh, for example, have long been used to regular annual flooding. But now there are often early flash floods which threaten the rice harvest, the staple crop of the area. The government and NGOs have supported local farmers in running trials to test 17 different crops for flood resilience. The farmers can now choose how to diversify their cropping practices, so increasing their food and income security.⁴⁹ Scaling up community-owned approaches like this one will be central to successful national strategies.

Safeguarding women's rights must also be at the core of adaptation strategies. Yet a focus on women is missing from the text of the UNFCCC: gender-disaggregated data are not even required in national reporting on impacts or adaptation. Likewise, the vast majority of National Adaptation Programmes of Action (NAPAs), drawn up by the 50 LDCs, acknowledge the importance of addressing gender in adaptation, but fail to propose specific activities to ensure it happens. One exception is Malawi, which plans to build women's resilience by digging more boreholes and planting new trees to ensure easier access to water and fuel, and by promoting micro-credit schemes so women can diversify their incomes.⁵⁰ If adaptation strategies do not take account of women's needs and interests from the start, they risk failing to protect the rights of at least half of the population.

Social-protection schemes can guarantee rights in the face of climate change. Temporary shocks – such as droughts or floods – often lead to a spiral of destitution. When emergency aid arrives too little and too late, families are left with no food or cash and so are forced to sell their livestock or tools, and stop paying for schools and clinics. This short-term distress strategy exacerbates their long-term vulnerability to future shocks. Social-protection schemes providing food, livestock, or cash can break this cycle and safeguard poor people's right to subsistence, whatever shocks they face. In drought-prone Ethiopia, 85 per cent of the population depend on rain-fed agriculture, and so are highly vulnerable. The national Productive Safety Net Programme, covering five million people in 2005, guarantees five days of work each month to all rural households, in return for food or cash worth \$4 for each family member. Many households involved in the first year said they ate better, avoided selling off their belongings, and kept children in school for longer, all thanks to the scheme.⁵¹ Social-

protection schemes such as these will be essential as part of integrated adaptation strategies to safeguard the rights of the poorest.⁵²

International estimates of the costs of adaptation must likewise focus on the adaptation needs of the most vulnerable communities, and not just follow a mainstream economic analysis which is likely to fail to safeguard human rights in its calculations (see Box 1).

Box 1: When mainstream economics ignores human rights

Economic analysis typically fails to take account of human rights because of the underlying assumptions and methods that economics uses. The approach to estimating the costs of adaptation in the UNFCCC's important report, *Investment and Financial Flows to Address Climate Change*, is a case in point.

In estimating the costs of agricultural adaptation, the authors assume that *'the majority of additional investment needed [for activities such as irrigating new areas, adopting new practices and moving processing facilities] would come from private sources, such as domestic agriculture, food and fisheries producers and processing firms and multinational seed companies, chemical companies and companies in manufacturing industries'*. But this top-down analysis assumes that those affected should cover the costs, and furthermore ignores the significant cost of safeguarding the rights to food and subsistence of the most vulnerable farmers: the developing world's 400 million smallholders and labourers, especially women who farm on common land, and often without irrigation, or access to credit. Where poor people's rights are at stake, this analytical approach goes strongly against the human-rights principle of providing a remedy by meeting the cost of the impacts that are being imposed upon poor people.

In estimating the costs of adapting to health impacts in developing countries, the authors focus on the expected increase in cases of malnutrition, malaria, and diarrhea – diseases whose incidence is greatest among the poorest households. The additional cost of treating these diseases will be \$4–5bn per year by 2030, but the authors assume that, *'based on current financing trends of health care, this amount is likely to be paid for mainly by the families of those affected'*. The analysis does go on to recognise that, *'in countries where private individuals cannot cope with the additional cost of treatment, new and additional public financing will be necessary'*. But the presumption is that households will pay, until proven otherwise – even though the occurrence of malnutrition and diarrhea due to a lack of food or clean water are surely, in themselves, strong indications of household poverty. A human-rights approach instead calls for significant international funding for public investment in water services, low-cost malaria treatments, and social-protection schemes to ensure that vulnerable families do not face malnutrition in the first place.

Source: Oxfam and UNFCCC (2007)

2. Rich countries must urgently deliver international adaptation finance.

Since rich countries' excessive emissions have put poor people's rights at risk in developing countries, human-rights norms create a strong obligation for them to provide a remedy by financing adaptation. This is recognised and reinforced in the UN climate convention: *'The developed country Parties...shall also assist the developing country Parties that are particularly vulnerable to the adverse effects of climate change in meeting costs of adaptation to those adverse effects.'*⁵³ To date, however, they are seriously failing to deliver.

Funding is nowhere close to scale. Oxfam estimates at least \$50bn will be needed annually for adaptation in all developing countries, and far more if global emissions are not cut fast enough.⁵⁴ Simply meeting the most urgent and immediate adaptation needs of the 50 LDCs, for example, will cost at least \$2bn. But total pledges to the LDC Fund are just \$173m.⁵⁵ And finance so far delivered to that fund is \$92m – less than what people in the USA spend on sun-tan lotion in one month.⁵⁶

Worse still, most rich countries are raising adaptation finance by diverting long-promised aid increases. In 1970, rich countries committed to contribute 0.7 per cent of their national income as ODA, but 38 years later they are collectively contributing far less than half of that. In July 2008, G8 leaders pledged \$6bn to the World Bank's Climate Investment Funds, all being counted towards promised ODA increases: this is simply diverting aid away from much-needed investments in health, education, and food security. So far only the Netherlands, which has already reached the 0.7 target, has committed to providing climate finance in addition, recognising that financing adaptation is a new obligation arising out of their responsibility for creating excessive emissions.

Adaptation finance must be provided as grants, since people in poor countries should not be expected to repay the funds needed to remedy violations of their rights. The World Bank-administered Pilot Programme for Climate Resilience (PPCR) – largely funded by the UK government – was first designed primarily as a loan-based scheme but, in the face of much protest, will now provide a better mix of grants and concessionary loans to developing countries: a step forward, but still not in line with the human-rights principle of providing a remedy.

If all countries contributed international adaptation finance in line with their responsibility for emissions, and their capability to assist, then the USA, EU, Japan, Canada, and Australia would provide 95 per cent of the funding due (with the USA and EU together providing over 75 per cent), according to Oxfam's Adaptation Financing

Index.⁵⁷ Yet these countries are not raising adaptation finance in any way that reflects their fair shares, so are failing to provide a remedy in proportion with their international responsibility.

Rich countries' poor delivery shows that they will fail to finance adaptation through voluntary contributions. Binding financing targets may be needed, just as binding targets already exist for emissions. Innovative financing mechanisms are also urgently required. The UNFCCC's Adaptation Fund is currently financed by a two per cent levy on carbon credits generated under the Clean Development Mechanism (CDM) – but this levy will only raise at most \$5bn by 2030. Possible additional sources include a global carbon tax, auctioning carbon permits under cap-and-trade schemes, or levies on airline and maritime emissions. Rich countries must move fast in agreeing to put such innovative finance in place.

3. Developing-country governments must have ownership in governing international adaptation funds.

Since adaptation finance is owed to safeguard the rights of communities facing climate impacts, their governments must have ownership in managing international adaptation funds and, in turn, must be accountable to those communities when spending the finance.

Developing countries have rightly secured strong representation in governing the UNFCCC's Adaptation Fund, constituting the majority of the 16-member board, with four places reserved for Africa, small-island states, and the LDCs: *'A major victory'*, according to the Chair of the LDC Group, and an arrangement that gives *'developing countries a more direct and equitable voice in how funds are prioritized and spent'*, according to South Africa's environment minister.⁵⁸

These gains, however, are at risk due to a proliferation of competing funds with less representative governance but large financial backing. The World Bank-administered PPCR aims to support developing-country governments, civil society, and affected communities in determining how to integrate adaptation into national planning: important for promoting national participation and accountability. But early plans for the PPCR's international governance proposed a 'donor-only' board which would keep recipient countries informed through an 'annual outreach forum'.⁵⁹ Protest from developing countries and NGOs alike led to significant improvements in the fund's structure: the board now includes representatives from developed and developing countries, including board members from the Adaptation Fund, and the PPCR has an in-built sunset clause, to shut down and pass on lessons learned to the Adaptation Fund by 2012.

Other new funds are springing up, however, which inappropriately set up rich countries as 'donors', and fail to ensure ownership by the countries affected. The EU's Global Climate Change Alliance has been established in order to finance the response to climate change in developing countries, including adaptation. The EU has launched it with \$80m of non-ODA funding, but invites member states to contribute to it out of their ODA budgets, diverting much-needed increases in aid finance. Furthermore, it will most likely be delivered through traditional EC channels, instead of giving developing countries the lead in determining how the finance should best be used. The government of Japan and the United Nations Development Programme have likewise launched a \$92m initiative (again, counted as ODA) for adaptation in Africa, but without clear plans to ensure that developing countries have strong ownership in its governance.

Instead of creating a proliferation of funds, rich countries should support the UNFCCC's Adaptation Fund, and focus on ensuring that its structures and guidelines will likewise hold governments accountable for delivering finance to the communities whose rights are most at risk.

5 The private sector: what role on rights and climate change?

Human-rights obligations fall primarily on states, and part of every state's responsibility is to protect people's rights by regulating private-sector activity. At the same time, all companies have an obligation to ensure that their activities do not undermine human rights. This requires them to monitor and report on the impacts of their operations, and to take all necessary steps to avoid negative impacts. Leading companies are going further, promoting the fulfilment of rights through their corporate operations.⁶⁰

Companies are among the most powerful actors affecting climate change, both in producing major greenhouse-gas emissions, and in interacting with communities that are facing climate impacts. So what responsibilities for human rights do they have, in the face of climate change?

Respecting rights. All companies have the responsibility to:

- **Take significant steps to cut their direct and indirect emissions** in line with keeping global warming well below 2°C.
- **Monitor and report on the direct and indirect emissions of their operations**, providing complete and externally verified information to the public.

- **Ensure their mitigation or adaptation projects do not undermine people's rights**, either due to the technologies they use, or due to implementing them without consulting affected communities.
- **Refrain from lobbying or using influence** to block effective regulation or agreements that aim to tackle climate change.

Fulfilling rights. Companies aiming to promote human rights should:

- **Call on governments to show leadership** in setting emissions targets for 2020 and 2050 that will keep global warming below 2°C, and support the ambitious policies needed to achieve this.
- **Create and disseminate technologies to reduce greenhouse-gas emissions**, such as renewable energy systems, and energy-efficient appliances.
- **Create appropriate, affordable, and accessible technologies for adaptation**, such as small-scale irrigation, drought-tolerant seeds, medicines, and weather-related insurance, as is relevant, to help poor people adapt effectively.
- **Contribute to building community resilience.** Companies that source and sell globally should ensure that vulnerable communities integral to their supply chains – such as farmers, workers, and consumers – build their resilience to climate-change impacts.

Private-sector hotspots on human rights

Two hotspots for action are highlighted here.

1. Companies must go much further in promoting urgent action on climate change.

In the run up to the UN's 2007 Climate Conference in Bali, the business leaders of 150 leading global companies – from the USA to Europe, Australia, and China – called for a '*sufficiently ambitious, international and comprehensive legally-binding United Nations agreement to reduce greenhouse gas emissions*', in order to give business long, legal, and loud signals to scale up investment in low-carbon technologies.⁶¹ Such calls for strong international leadership are much needed, but many companies are failing to back them up with commitments and action.

In July 2008, over 80 CEOs of major global companies called on the G8 leaders to aim for the 'unambiguous' goal of at least halving global greenhouse-gas emissions by 2050.⁶² By failing to set a base year, however, they made their own recommendation highly

ambiguous. Against any plausible base year, this ambition falls far short of what is needed to stay below 2°C of warming.

Worse, some companies are still actively lobbying to block precisely the policy frameworks needed to shift investments from high- to low-carbon. Europe's car manufacturers (through the European Automobile Manufacturers' Association, ACEA), for example, have already weakened the EU's proposals to make vehicles more fuel efficient, and are lobbying to weaken them further.⁶³ Similarly, the International Air Transport Association (IATA) strongly opposed the European Parliament's vote in July 2008 to bring aviation into the European Emissions Trading Scheme (ETS), in an apparent attempt to prolong the international community's lack of emissions regulation for the aviation sector.⁶⁴

In May 2009 the World Business Council on Sustainable Development will co-host the 'World Business Summit on Climate Change' in Copenhagen, aiming to send a strong message to international negotiators on how to create and implement a successful post-2012 framework.⁶⁵ Multinational companies must seize this opportunity to call for bold action in the international negotiations, by calling for global emissions cuts of at least 80 per cent on 1990 levels by 2050, and by supporting the formation and implementation of the progressive policies needed to make this possible.

2. Companies can go much further in supporting community resilience through their own supply chains.

Too few companies have started exploring how their own operations can be made climate resilient, let alone how their strategies for achieving supply-chain resilience could help or harm the communities – farmers, workers, neighbours, and consumers – they interact with in developing countries. This is a new area, with many uncertainties regarding climate impacts, but early planning is needed. Examples from three sectors are:

- **Agriculture: Collaborate in supply-chain resilience.** Climate change can destroy entire harvests or cripple yields if farmers don't have the resources and technology needed to adapt to more erratic rainfall or more frequent floods. Companies sourcing their agricultural supply chains across Africa, Asia, and Latin America must move faster in working collaboratively with small farmers and local communities to ensure that together they build the resilience needed to withstand the impacts. Sourcing companies could, for example, support smallholders in getting irrigation and other technologies they need to adapt to less reliable rainfall.

- **Water: Address core operations.** Across India, communities have accused major soft-drinks multinational corporations of using too much water in their operations, leaving households without access to water, one of their most basic rights. Such conflicts between companies and communities are set to worsen as climate change severely reduces water availability in many developing countries. All companies must ensure that their operations respect the community's right to water; the World Business Council on Sustainable Development's ongoing work in this area is very welcome.⁶⁶ It is essential that more companies look not only at their own water needs, but also at how to integrate communities' rights to water into their operational plans.
- **Insurance: Provide micro-products to reduce vulnerability.** Financial services for insurance, credit, savings, and remittances can play an enormous role in enabling communities to build their resilience to climate-change impacts. The financial industry is moving faster than other sectors to pilot new services in developing countries in response to climate change. In order to ensure such services are affordable for poor women and men in farming communities in Ethiopia, Oxfam has begun collaborating with major insurance companies to develop weather-related micro-insurance schemes for smallholders facing erratic rainfall and drought.

6 From climate wrongs to human rights

Economics and enlightened self-interest together create powerful reasons for urgently tackling climate change. But the irrefutable case for acting is not just because it pays to do so, nor just because it is in all countries' long-term interest to do so, but because rich countries cannot keep violating the human rights of individuals – especially the world's poorest people – by continuing to produce excessive greenhouse gas emissions.

The human-rights community – from the UN to national institutions and NGOs – must become more engaged in climate-policy debates, nationally and internationally. The upcoming study on climate change by the UN Office of the High Commissioner for Human Rights will be important in clarifying states' legal obligations to act, and in calling for climate policies that put human-rights principles first.

Human-rights law and institutions must evolve much faster to rise to the unprecedented international challenge that climate change

creates.⁶⁷ The International Criminal Court may have seemed inconceivable just ten years ago, but today it holds individuals to account for genocide, war crimes, and crimes against humanity. Well within the next ten years, there must likewise be an effective way of holding states and companies to account for the impact of their greenhouse-gas emissions upon the rights of millions of people.

Based on human-rights principles, Oxfam calls for urgent action on the following hotspots to be addressed in policy making now:

- **Rich countries must lead now in cutting global emissions to stay well below 2°C.** Global emissions must fall at least 80 per cent below 1990 levels by 2050, with rich countries delivering domestic cuts of at least 25–40 per cent by 2020.
- **Rich countries must provide the finance needed for international adaptation.** They have so far delivered only \$92m to the fund for the least-developed countries – less than what people in the USA spend on sun-tan lotion in one month. Innovative financing is urgently needed to raise at least \$50bn per year.
- **Rich countries must provide the finance needed for low-carbon technologies in developing countries.** Over 20 years, their contributions to multilateral climate funds for technology transfer have been on average \$437m annually: western Europeans spent ten times that much buying vacuum cleaners last year. Commitment to a new scale of financing must be delivered in the post-2012 regime.
- **Rich countries must halt their biofuel policies** which are undermining poor people's right to food, and leading to land and labour rights violations. Developing-country governments must likewise protect poor people's rights through domestic regulation.
- **Developing countries must focus their adaptation strategies on the most vulnerable people** by putting poor communities at the heart of planning, addressing women's needs and interests, and providing social-protection schemes.
- **Developing countries must have ownership in managing international adaptation funds** and, in turn, must be accountable to vulnerable communities for how the finance is spent.
- **Companies must call on governments to act with far greater urgency in cutting global emissions,** and must not lobby to block effective regulation.

- **Companies that source and sell globally can go much further in building communities' climate resilience** through their own supply-chain operations.

Developed- and developing-country governments can and must do far more to stop climate change from causing the greatest violation of rights in the twenty-first century. These current two years of climate negotiations – from Bali in 2007 to Copenhagen in 2009 – provide the best available chance to get right the international policies needed to prevent dangerous climate change and to enable vulnerable communities to adapt. The impacts of climate change on the rights of the world's most vulnerable people will be the critical test of whether they succeed.

Notes

¹ Speech given to the UN General Assembly, 8 July 2008, available at: www.maldivesmission.ch/fileadmin/Pdf/Speeches/Message_by_HEP_-_climate_change_and_vulnerability__Final_.pdf (last checked by author 30 July 2008)

² International Council on Human Rights Policy (ICHRP) (2008) 'Climate change and human rights: a rough guide', Geneva: ICHRP.

³ International Covenant on Civil and Political Rights (ICCPR), Article 1.2, and International Covenant on Economic, Social and Cultural Rights (ICESCR), Article 1.2.

⁴ Universal Declaration of Human Rights, Article 28.

⁵ International Federation of Agricultural Producers, and Women's World Summit Foundation, available at: www.un.org/womenwatch/feature/wrwd/2003 (last checked by author 15 July 2008).

⁶ Minority Rights Group (2008) 'State of the World's Minorities 2008'.

⁷ *Ibid.*

⁸ Save the Children UK (2007) 'Legacy of disasters: the impact of climate change on children', London: Save the Children UK, available at: www.savethechildren.org.uk/en/docs/legacy-of-disasters.pdf (last checked by author 18 June 2008)

⁹ *Ibid.* This estimate was made by Save the Children, based on data in 'World Disasters Report 2006' and assuming current trends continue.

¹⁰ UNDP (2007) 'Fighting climate change', Human Development Report 2007–8, New York: UNDP.

¹¹ 'As ranks of "environmental refugees" swell worldwide, calls grow for better definition, recognition, support', UN University's Institute for Environment and Human Security, 7 March 2007, cited in Save the Children (2007) *op.cit.*, available at: www.ehs.unu.edu/index.php/article:130?menu=44 (last checked by author 18 June 2008)

¹² 'Climate Change and Human Rights', address by Ms. Kyung-wha Kang Deputy High Commissioner for Human Rights. Conference of the Parties to the UNFCCC, 3–14 December 2007, Bali, Indonesia, available at: www.unhchr.ch/hurricane/hurricane.nsf/view01/013DC0FAA475EC87C12573B10074796A?opendocument (last checked by author 14 March 2008).

¹³ Male' Declaration on the Human Dimension of Global Climate Change, available at: www.meew.gov.mv/news/indexhd.php (last checked by author 14 March 2008).

¹⁴ Asia Pacific Forum, Advisory Council of Jurists. Observations and Recommendations – Reference on the Right to Environment, available at:

www.asiapacificforum.net/acj/references/right-to-environment (last checked by author 14 March 2008).

¹⁵ UN Human Rights Council (2008) 'Human Rights and Climate Change', A/HRC/L.21/Rev.1, available at: www.foreign.gov.mv/v2/Documents/L21%20item%203%20REV.1.pdf (last checked by author 12 June 2008).

¹⁶ N. Stern (2008) 'Key elements of a global deal on climate change', London: London School of Economics, available at: www.lse.ac.uk/collections/granthamInstitute/publications/KeyElementsOfAGlobalDeal_30Apr08.pdf (last checked by author 15 July 2008).

¹⁷ For many examples see www.climatelaw.org.

¹⁸ Petition to the Inter-American Commission on Human Rights Seeking Relief from Violations Resulting from Global Warming Caused by Acts and Omissions of the United States, available at: www.inuitcircumpolar.com/files/uploads/icc-files/FINALPetitionICC.pdf (last checked by author 27 July 2008).

¹⁹ ICHRP (2008), *op.cit.*

²⁰ 'Maastricht Guidelines on Violations of Economic, Social and Cultural Rights' 1997, available at: www1.umn.edu/humanrts/instree/Maastrichtguidelines_.html (last checked by author 12 June 2008).

²¹ These principles are set out in documents including the Universal Declaration of Human Rights; the Maastricht Guidelines on Violations of Economic, Social and Cultural Rights; the Report of the Special Rapporteur on the right of everyone to the enjoyment of physical and mental health 2005 (UN Doc E/CN.4/2005/51); and the Report of the Special Rapporteur on the Right to Food, 2005 (UN Doc E/CN.4/2005/47).

²² UNFCCC (1992) Article 3.1.

²³ EcoEquity, Christian Aid, SEI, and Heinrich Böll (2007) 'The right to development in a climate constrained world: the Greenhouse Development Rights Framework', Berlin: Heinrich Böll Foundation.

²⁴ Tearfund, Christian Aid, Practical Action, and Oxfam (2007) 'Two degrees, one chance: the urgent need to curb global emissions', available at: www.tearfund.org/webdocs/website/Campaigning/Policy%20and%20research/Two_degrees_One_chance_final.pdf (last checked by author 15 July 2008).

²⁵ EcoEquity *et al.* (2007), *op. cit.*

²⁶ M. Meinshausen (2005) 'On the risk of overshooting 2°C', paper presented at Scientific Symposium 'Avoiding Dangerous Climate Change', MetOffice, UK, February 2005. See also M. Parry, J. Palutikof, C. Hanson, and J. Lowe (2008) 'Squaring up to reality', *Nature*, available at: www.nature.com/climate/2008/0806/full/climate.2008.50.html#top (last checked by author 30 July 2008).

²⁷ Annex II countries include: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Japan,

Luxembourg, the Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, the UK, and the USA.

²⁸ World Resources Institute (2008), 'Climate Analysis Indicators Tool 5.0', available at: www.cait.wri.org (last checked by author 30 July 2008). Data include carbon dioxide emissions only due to limited availability. Most recent available data are for 2004.

²⁹ UNFCCC (1992) Article 4.2.

³⁰ World Resources Institute (2008b). 'CAIT-UNFCCC Version 2.0'. Data include total greenhouse-gas emissions, including land-use change and international bunkers, for all Annex II countries.

³¹ Carbon Disclosure Project (2007) 'Global FT500 Report 2007', available at: www.cdproject.net/download.asp?file=CDP5_FT500_Report.pdf (last checked by author 8 July 2008). Data cover the FT500 companies.

³² 'SA rejects G8 climate deal as empty slogan', *The Citizen*, (July 2008), available at: www.citizen.co.za/index/article.aspx?pDesc=70725,1,22 (last checked by author 30 July 2008).

³³ Meinshausen (2005), *op.cit.*, and UNDP (2007), *op.cit.*

³⁴ UNFCCC (1992) Articles 4.3, 4.5 and 4.7.

³⁵ UNFCCC (2007) 'Investment and financial flows to address climate change', Bonn: UNFCCC.

³⁶ UNFCCC (2007) 'An assessment of the funding necessary to assist developing countries in meeting their commitments relating to the Global Environment Facility replenishment cycle', note by the Secretariat, FCCC/SBI/2007/21, available at <http://unfccc.int/resource/docs/2007/sbi/eng/21.pdf> (last checked by author 7 July 2008).

³⁷ World Bank (2008) 'Q&A – Climate Investment Funds', available at: http://siteresources.worldbank.org/INTCC/Resources/Q&A_CIF_July_1_08.pdf (last checked by author 30 July 2008).

³⁸ Euromonitor (2008). In 2007, retail sales of vacuum cleaners in western European were \$4.36bn.

³⁹ UNFCCC (2007) *op. cit.*

⁴⁰ UN Commission on Human Rights (2005) 'The right to food: report of the Special Rapporteur on the Right to Food', Geneva: UNCHR, available at: www.righttofood.org/new/PDF/rapport_officiel_CDH_2005_engl.pdf (last checked by author 28 July 2008).

⁴¹ World Bank (2008), 'Double Jeopardy: responding to high food and fuel prices', World Bank: Washington DC, available at: <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:21827681~pagePK:64257043~piPK:437376~theSitePK:4607,00.html> (last checked by author 30 July 2008)

⁴² Simon Johnson, Chief Economist of the IMF, estimated that biofuels account for '20–30 per cent' of price rises. *The Today Programme*, BBC Radio 4, 14 April 2008.

-
- ⁴³ Oxfam International (2008) 'Another inconvenient truth: how biofuel policies are deepening poverty and accelerating climate change', Oxford: Oxfam GB.
- ⁴⁴ 'Biofuel threat to indigenous people', 15 May 2007, available at: <http://mwcnews.net/content/view/14507/235/> (last checked by author 28 July 2008).
- ⁴⁵ UN Declaration of the Rights of Indigenous Peoples, Article 10, available at: <http://daccessdds.un.org/doc/UNDOC/GEN/N06/512/07/PDF/N0651207.pdf?OpenElement> (last checked by author 15 July 2008).
- ⁴⁶ The European Commission has argued that the inclusion of human rights within its sustainability framework would be illegal under WTO law. However, there is no jurisprudence on which to base this argument.
- ⁴⁷ Oxfam International (2007) 'Adapting to climate change: what it will take in poor countries and who should pay', Oxford: Oxfam International, available at: www.oxfam.org/en/policy/briefingpapers/bp104_climate_change_0705 (last checked by author 13 March 2008).
- ⁴⁸ UNDP (2007) 'Human Development Report 2007', New York: UNDP.
- ⁴⁹ Climate Change Cell, Department of Environment, Government of the People's Republic of Bangladesh (2007) 'Supporting the people of Bangladesh towards climate-resilient development'.
- ⁵⁰ Malawi NAPA 2006, pp 10–11, cited in WEDO (2008) 'Gender, Climate Change and Human Security', New York: WEDO, available at: www.wedo.org/files/HSN%20Study%20Final%20May%2020,%202008.pdf (last checked by author 8 July 2008).
- ⁵¹ UNDP (2008) 'Human Development Report 2008', New York: UNDP.
- ⁵² Also see C. Moser and A. Norton (2001) 'To claim our rights: livelihood security, human rights and sustainable development', London: ODI, available at: www.odi.org.uk/rights/Publications/tcor.pdf (last checked by author 15 July 2008).
- ⁵³ UNFCCC (1992) Article 4.4.
- ⁵⁴ Oxfam International (2007), *op.cit.*
- ⁵⁵ GEF (2008), 'Status report on the Climate Change Funds as of March 4 2008', Available at: www.thegef.org/interior_right.aspx?id=21012 (last checked by author 30 July 2008).
- ⁵⁶ Euromonitor International. In 2007, US retail sales of sun-protection and after-sun products were \$1.17bn.
- ⁵⁷ Oxfam International (2007), *op.cit.*
- ⁵⁸ S. Granich and M. Kelly (2008) 'The Bali Road Map', *Tiempo* 66, available at: www.cru.uea.ac.uk/tiempo/portal/archive/pdf/tiempo66low.pdf (last checked by author 13 March 2008).
- ⁵⁹ Consultation draft on climate investment funds, World Bank, 22 January 2008.

⁶⁰ J. Ruggie (2007) 'Business and human rights: mapping international standards of responsibility and accountability for corporate acts', report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, UN Human Rights Council A/HRC/4/035.

⁶¹ The Prince of Wales's Corporate Leaders Group on Climate Change. Press Release, 30 November 2007. '150 Business leaders call for legally binding UN framework to tackle climate change', available at: www.balicomunique.com/pressrelease.html (last checked by author 12 March 2008).

⁶² World Business Council for Sustainable Development (2008) 'CEO Climate Policy recommendations to G8 leaders, July 2008', available at: www.wbcsd.org/DocRoot/hTR3nsUWPLXEqBYaX1FR/CEO_Climate_Policy_Recommendations_to_G8_leaders.pdf (last checked by author 10 July 2008).

⁶³ Greenpeace International (2008) 'Driving Climate Change', Amsterdam: Greenpeace International, available at: www.greenpeace.org/raw/content/international/press/reports/DrivingClimateChange.pdf (last checked by author 15 July 2008).

⁶⁴ International Air Transport Association (2008) 'European ETS vote: the wrong answer', IATA press release 8 July 2008, available at: www.iata.org/pressroom/pr/2008-07-08-01.htm (last checked by author 30 July 2008)

⁶⁵ Copenhagen Climate Council (2008) 'World Business Summit on Climate Change', available at: www.copenhagenclimatecouncil.com/index.php/the-world-business-summit-on-climate-change-2 (last checked by author 30 July 2008).

⁶⁶ World Business Council for Sustainable Development (2008), 'Water and Sustainable Development: executive brief', available at: www.wbcsd.org/includes/getTarget.asp?type=d&id=ODk4Nw (last checked by author 30 July 2008).

⁶⁷ ICHRP (2008), *op.cit.*

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