



The Human Side of Climate Change

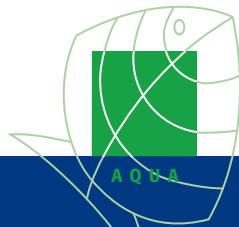
Human Rights Violations and Climate Refugees



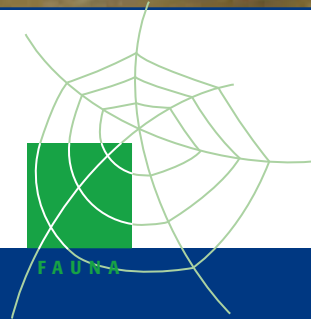
Foreword by
Prof. Cees Flinterman, advisory council



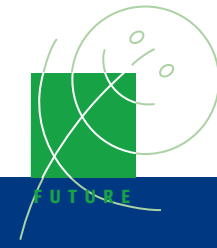
FLORA



AQUA



FAUNA



FUTURE

"Earth provides enough for everyone's need, not for everyone's greed."

Mahatma Gandhi

*“It is the poorest of the poor in the world,
and this includes
poor people even in prosperous societies,
who are going to be the worst hit.”*

Rajendra Pachauri,
Chair Intergovernmental Panel on Climate Change (IPCC)

*“As the effects of global warming become more real and tangible,
we are witnessing a new and growing interest in the human dimensions of climate change.
One reflection of this new perspective is an increasing
recognition that climate change will have direct implications for human rights.”*

Ms. Navanethem Pillay,
UN High Commissioner for Human Rights



The Kotido region has been
drying up forcing cattle herders
to move to lands further off.

Image: James Akena/ Oxfam

*“Today, millions of people
are already suffering
because of climate change.”*

Kofi Annan
Former UN Secretary General, President Global Humanitarian Forum

*“Although there is a growing awareness of the perils
of climate change, its likely impact on human displacement
and mobility has received too little attention.”*

António Guterres,
UN High Commissioner for Refugees



Report by: Stand Up For Your Rights
Amsterdam, 3 December 2009

www.StandUpForYourRights.org

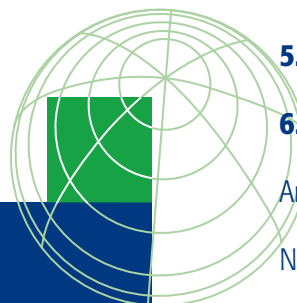


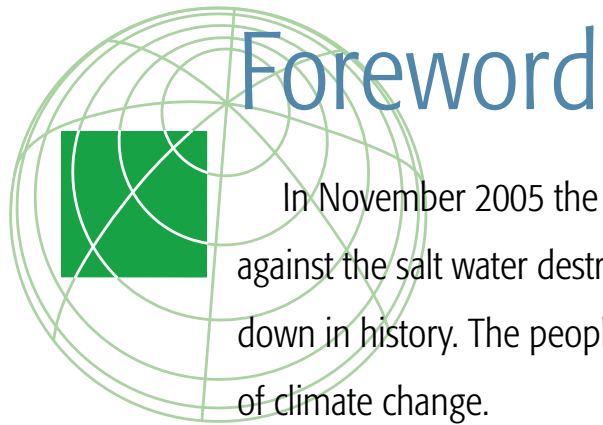
Safia Fungie Hasenna in field in Adamitullu Jiddo Kombolcha, Ethiopia. A combination of environmental degradation, prolonged drought and bursts of heavy rain has decimated her cattle and her crops.

Image: Zeresenay Berhane Mehar

Table of Content

Foreword by Prof. Cees Flinterman	4
Prologue	6
1. Introduction	8
2. Climate Change Impacts on Humans - Individuals and Groups	10
2.1 Environmental Problems Linked to Climate Change	10
2.2 Climate Change Impacts by Type	12
2.3 Regional Climate Change Impacts	13
3. A Human Rights Perspective	17
3.1 Human Rights Principles and Relevant Developments	17
3.2 Human Rights Affected by Climate Change	20
4. People on the Move	24
4.1 Climate Induced Human Migration	24
4.2 Climate Refugees and UNHCR	25
4.3 The Status of Climate Refugees under International Law	26
5. Climate Change: a Security Issue	30
6. Required Action	31
Annex I : The human effects of climate change in picture - video films	34
Notes	35





In November 2005 the almost one thousand people living on the Carteret atolls (Pacific Islands) stopped their battle against the salt water destroying their lands and property. They made a decision that literally made their local life go down in history. The people of the Carteret islands became the first recognised group to be officially evacuated because of climate change.

More and more people, especially those living in developing nations, are being displaced or choose to move away from areas hit by climate change. The first movements we saw were from islands or coastal areas, such as the Sunderbans in Bangladesh. Climate change, however, is also greatly impacting people all across Africa due to extreme droughts or rains.

Even people living as high up as the Tibetan Himalayas see and feel the impacts of climate change, where rising water levels in lakes (submerging many thousands of hectares of pastureland) have forced many people to rebuild their homes. Others continue living under the threat of flooding or collapsing of their family house, whilst having trouble making a living by herding their cattle because of degradation of grasslands. Others choose to move away.

As early as 1990, the UN's Intergovernmental Panel on Climate Change (IPPC) suggested that the "gravest effects of climate change may be those on human migration." Several recent reports and studies, including IPCC's, estimate that up to 150 million people will be on the move by 2050 due to environmental causes, predominantly climate change related. More often this group of people is referred to as 'environmental' or 'climate refugees'.

Climate change will pose a threat to global sustainable development, if not taken on in due time. Today it already affects the world's poorest and least empowered, in particular women and girls who are especially exposed to climate

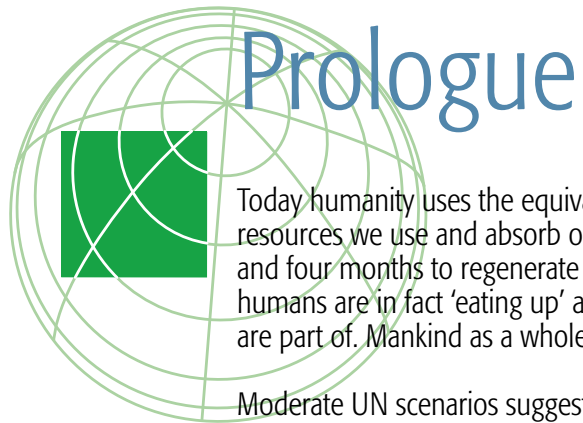
change related risks due to existing patterns of gender discrimination and inequality. Hundreds of millions are already struggling to survive. Climate change also progressively restricts the realisation of the Millennium Development Goals (MDGs). The need to mitigate the effects of climate change has held a high place on the international agenda, but one could question whether the reality of human suffering on an enormous scale, due to climate change, is being given the attention it deserves.

A healthy and safe environment, which includes the conservation of natural diversity, should be acknowledged and protected as a human right. As climate change causes millions of people to migrate, their rights must urgently be enshrined in and protected by international law.

We are facing an exceptional global challenge. A common challenge, in which all countries need to cooperate and all humanity should unite and take responsibility. Responsibility for historic emissions, for human rights, for climate induced migration and thus for the adoption of binding agreements on safe greenhouse gas emissions levels. Time is not on our side and ticking away.

As the Earth Charter Preamble starts: “We stand at a critical moment in Earth’s history, a time when humanity must choose its future.” Humanity deserves and needs a just, clear, global and binding agreement coming out of or following very soon on the Copenhagen UN Climate Change Conference.

Prof. Cees Flinterman¹
Stand Up For Your Rights Advisory Council Member
Member of the United Nations Committee on the Elimination of Discrimination Against Women (CEDAW)



Prologue

Today humanity uses the equivalent of well over one planet to provide the resources we use and absorb our waste. It would take the Earth one year and four months to regenerate what we use in a year. This means that humans are in fact 'eating up' and destroying the planet they live on and are part of. Mankind as a whole is living far beyond its means.

Moderate UN scenarios suggest that if current population and consumption trends continue, by the mid 2030s we will need the equivalent of two Earths to support us.² But, of course, we only have one planet Earth. Our home, which gives us a place to live, water to drink and food to eat. Slowly but surely we are destroying our home and common heritage and by doing so progressively limiting ourselves, our children and future generations to live a fruitful life.

Our planet should be a safe and prosperous place for us and for future generations to live life in balance with nature in all its diversity and beauty. And it can be, like Mahatma Gandhi said: "Earth provides enough for everyone's need, not for everyone's greed."

We are one. We all share this planet. We increasingly discover and acknowledge that no group or person can be disconnected from the human family and nature - as all is interconnected and interdependent. The acts by humans on one side of the planet are negatively impacting the lives, health and (potential to) development of humans on the other side of the globe.

On climate change, for instance, scientists agree that it has and will have the biggest impact on people in developing nations. Hindering them in the enjoyment and further realisation of their human rights. Causing those people - in increasingly bigger numbers - to seek an adequate standard of living elsewhere; to move and migrate.

In general, these are the people who have done least to cause climate change and have little to no means to combat or mitigate the impacts of climate change.

Looking away from the members of our human family that are affected, continuing to focus on short term economic profits for ourselves and a small group around us, could be compared to an arrogant hand (more developed nations) thinking it need not be connected to the body (the human family).

The hand succeeded in living a more prosperous life than the rest of the body for a short while. It was aware that such a standard of could cost the rest of the body to suffer, but it did not really care. It had other things to worry about. The hand, slowly but surely, became convinced it did not really need the body and would be better off without it. But what would happen, were the hand to succeed in cutting itself off? Although the body would undergo pain and stress and would be scarred and disabled without the hand, the body would probably survive and adapt. The hand, however, would soon discover that it cannot live disconnected from the body and it would die.

In reality, it is physically impossible for the hand to cut itself loose from the body. So no matter what, it will always be connected to and dependent on the body.

This situation is analogous to the human family - being the whole body - with developed countries as the hand. No part of the body, no individual or group, can separate itself from the global human family. No matter how hard it tries.

The sooner the hand becomes aware that it needs the whole body to be well nourished, balanced, happy and healthy to lead a prosperous, healthy and joyful life itself, the sooner such a life will be accomplished.

The developed countries really have been acting as the 'arrogant hand'. They have been prosperous at the cost of other members of the human family. Perhaps not always consciously, but they obviously chose not to have a close look at the impacts of their behaviour on the rest of the body. The hand in fact caused climate change, which at this time is hitting and hurting the rest of the body much more than the hand itself.

One could say that the next step for the hand would be trying to cut itself from the body. Fortunately the human rights framework prevents it from doing so: the hand too signed up for various treaties by which it recognises that all humans are equal in dignity and rights. Is the hand ready to discover and acknowledge that it truly is (inter-)connected to and (inter-)dependent on the human body?

In addition to this, to many members of the human family seem to act as the arrogant hand on a body that is our nature, our planet and all life on, in or around it. Climate change is one of the many symptoms off a sick body. A body that has been overworked and abused (e.g. hunting down species, over-fishing, deforestation and other loss of natural diversity – ecosystems and species loss). Will the hand remember its interconnectedness and interdependency with nature in time?

Climate change shows that humans still live in a world of inequality. Part of that is a global economy, which truly only serves a relatively small part of humanity. What happens in our day-to-day world proves that it is still not in all our hearts that we are one, that all humans are equal in dignity and rights, as set out in Article 1 of the Human Declaration on Human Rights (UDHR).

The same article 1 proclaims that humans '...are endowed with reason and conscience and should act towards one another in a spirit of brotherhood'. The world seems to have been acting on reason predominately for the first 61 years of the UDHR (in place since 1948). It's time for a world in which consciousness is balanced with reason and in which we at a global, regional and local level truly act towards one another in a spirit of brother/sisterhood.

We, at Stand Up For Your Rights, hope this report will inspire members of the human family all over our planet, including but not limited to world leaders, to take positive action to combat climate change and other environmental degradation, to act environmentally conscious, to help our family members that find themselves in unsafe situations or (at risk of) hurt and thus Stand Up For Their Rights.


This reports intends to empower our family members hit by climate change. It may be distributed freely. For communications purposes we decided to keep it a relatively short report and predominantly refer to online sources, where much more information can be found.

Please help spread the word to inspire and empower others. This could include forwarding this report.

Let the 'silent crises' mentioned in many recent reports no longer be silent. Let humanity act with reason and conscience. And let us, people the world over, act towards one another in a spirit of brother and sisterhood.

Jan van de Venis
Stand Up For Your Rights, Board Chair





1. Introduction

People all over the globe are anxiously anticipating the December 2009 United Nations Climate Conference in Copenhagen (COP 15) meetings. Current UN Secretary-General Ban Ki-moon referred to 2009 as the “Year of Climate Change” and many look at the ongoing climate change negotiations and the outcome with high hopes and expectations. At the top of the agenda at COP 15 is how to reduce further human impact and how to adapt to change that is and will be occurring.

Our world is warmer than it has been in two thousand years and if current trends continue, the global temperature will likely climb higher than at any time in the past two million years. There is broad scientific consensus that human activities have caused the rapid increase in global average temperatures over the past several decades. And that choices we make today will largely influence the future climate on our planet. We, humans, are changing the climate.

Of most concern is the increase in CO₂ levels due to emissions burning fossil fuel combustion resulting also in the release of particulate matter in the atmosphere. Land use, agriculture and deforestation are also elements of concern in the roles they play - both separately and in conjunction with other factors - in affecting the climate.

In short, CO₂ and other, even more potent, greenhouse gasses are being put into the earth’s atmosphere by or through the acts of humans and causing the Earth’s atmosphere to warm up and the climate to change.

People tend to talk about the effects of climate change in a somewhat disconnected future way. For instance: it will cause sea levels to rise and it will cause the Arctic ice to melt, etc. But the impacts of climate change are anything but just things that may happen in the future. Impacts are felt today and are expected to be felt increasingly in the near future.

Thus far the international community has focused primarily on the scientific aspects of climate change, with the aim of understanding the processes at play and mitigating the impact of human activity. Yet climate change is likely to more and more pose humanitarian problems and challenges.

Over the last two decades the number of recorded natural disasters has doubled from some 200 to over 400 per year. Nine out of every ten natural disasters today are climate-related and as many as 20 million people are estimated to have been displaced by climate-induced sudden-onset natural disasters in 2008 alone.⁵

According to a May 2009 report⁴ by the Global Humanitarian Forum, climate change is killing 300,000 people a year in a “silent crisis” that is seriously affecting hundreds of millions more. This report states that the effects of climate change are growing in such a way that it will have a serious impact on 600 million people, almost 10 percent of the world’s population, within 20 years. Almost all of these people will be living in developing countries.

Climate change also has an impact on the number of environmental refugees. Millions of people are on the move resulting from changing rain patterns, floods, droughts, storms, and rising tides. The number of environmental refugees is likely to rise significantly, to well over 100 million people by 2050, mostly due to climate induced migration.

The process of climate change – and the multiple natural disasters it will incite – will in all certainty add to the scale and complexity of human mobility and displacement.

Developing nations that lack the infrastructure or resources to respond to the impacts of climate change will particularly be affected. As this report will show, it

has become painfully clear that the world's poorest are likely to suffer most from climate change. Long-term global efforts to create a more healthy, prosperous, sustainable and peaceful world may be severely hindered by changes in the climate.

Climate change is initially projected to bring mixed effects, including some benefits such as reduced demand for heating, increased crop yields and increased forest growth. However, as climate change continues, its negative impacts (including more frequent winter floods, endangered ecosystems and increasing ground instability) will outweigh its benefits by far⁵.

Now that the effects of global warming become more real and tangible, we are witnessing growing interest in the human dimensions of climate change. There's a growing interest in climate induced migration and the status (or 'non status') of environmental refugees under international law and more and more the effects of climate change in relation to human rights are being researched and brought to the table as arguments to combat climate change.

Although not all human rights scholars would agree on a proclamation that climate change is violating human rights, a recent study by the United Nations High Commissioner on Human Rights on the relationship between climate change and human rights clearly affirms that climate change will have direct and grave implications on the realisation and enjoyment of human rights.⁶

We owe it to all members of our human family and to ourselves to act consciously on the seriousness of the threats caused by climate change and other environmental disruption.

Scientists agree that the effects of climate change which we see now, were caused by our CO₂ emissions of decades ago. And that, no matter what we do, the emissions of the last decades will have an effect on our global climate in

the years to come. Almost any new climate change report shows that we had underestimated the impacts of climate change in prior reports and that things are going much faster than we anticipated.

With our planet and eco-systems already being under stress, this means that we should be cautious; very cautious. And act based on a model which incorporates due care and the precautionary principle.

This report first presents a short overview of climate change (related) impacts on humans. It then discusses the effects of climate change impacts on the realisation of general human rights principles and on specific human rights issues. Subsequently it outlines the status of 'climate' or 'environmental' refugees under international law - the increasingly growing group of people that migrate as a consequence of climate change.

Acknowledgements

We are very grateful to everyone that helped create and shape this report. We specifically thank:

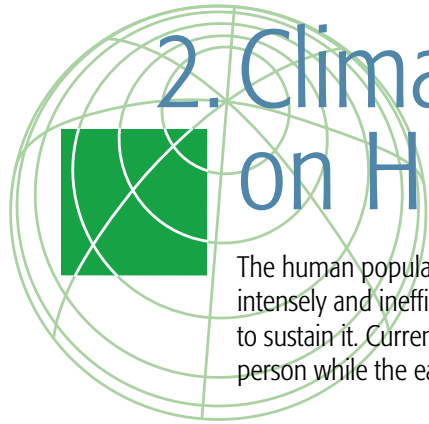
Alex van den Heuvel for his research and drafting work.

Tineke Lambooy, Sandra van Beest, Carolien Kernkamp and Thomas Blunden for editing.

Jos van Hout of Click Communicatie for the graphic design.

Images are all from Flickr.com, all under Creative Commons and all mention photographer/source.

2. Climate Change Impacts on Humans - Individuals and Groups



The human population is now so large and humans live and consume so intensely and inefficiently that the pressure on planet Earth exceeds its capacity to sustain it. Currently humanity's footprint is 2.7 global hectares (gha) per person while the earth's biological capacity is, on average, only 2.1 gha/person⁷.

Not every person on this planet draws on an equal share, though. To give some examples, people from the United States on average use about 9.5 gha, people from the Netherlands about 4 and people from Malawi and Bangladesh less than 1 gha.

According to UNEP, the declining environmental quality of planet Earth and the apparent increase in strength and frequency of natural hazards such as cyclones, floods and droughts are intensifying peoples' vulnerability to food insecurity, ill health and unsustainable livelihoods.

The impacts of climate change are obviously more extreme because of the general stress on natural resources and the environment of planet Earth. Some of these general environmental issues, with clear human dimensions and impact, are relevant or linked to climate change issues and are therefore mentioned here.

2.1 Several Environmental Problems Linked to Climate Change

Human activities cause serious environmental problems all over the globe and, in turn, often result in grave harm to human beings. Some examples of environmental problems with clear links to climate change and its impacts (they either contribute to climate change or limit people or natural systems in dealing with the effects of climate change) are:

• Air Pollution, Burning of and Perverse Subsidies on Fossil Fuels

Switching from, restricting or stopping fossil fuel emissions would not just mean restricting CO₂ and thus limiting climate change accelerating emissions, but would also restrict the environmental damage done whilst extracting, modifying and transporting fossil fuels.

Not many people are aware that by burning fossil fuels, by doing so polluting the air we breathe, we are responsible for the deaths of hundreds of thousands of people across the globe per year.

Particulate matter or fine particles, produced by traffic and industry is a big polluter of the air we breathe. The effects of inhaling particulate matter have been widely studied in humans and animals and include asthma, respiratory allergy, cardiovascular issues, lung cancer and premature death. Burning fossil fuels, besides deteriorating the health and standard of living of millions, takes lives.

According to the World Health Organisation⁹ 2.4 million people die each year globally from causes directly attributable to in and outdoor air pollution. According to the same report, this means 12,500 deaths per year in the United Kingdom, 41,000 in the United States, 37,000 in the Russian Federation, 120,000 in India and 275,000 in China due to outdoor air pollution. Globally this means about 865,000 deaths per year caused by outdoor air pollution alone. To put this number into perspective: the total annual traffic casualties in many countries add up five times less than the fatalities caused by outdoor air pollution alone.

Particulate matter, scientist found out earlier in 2009, may even accelerate climate change as the particles land on ice and snow fields darkens snow and ice, at the poles or high in mountains, reducing their ability to reflect sunlight.

As a result it melts more quickly, and exposes more dark land or water which absorbs even more energy, and so increases warming. The particulate matter does not leave the ice or snowfields: as the snow or ice warms and shrinks,

Diesel truck participating in Dragway race
Image: bcmacsac1



the particles stay on top, warming some more. This continuous cycle causes snowmelt streaming down mountains as much as a month earlier than previous, several studies found¹⁰.

'Perverse subsidies on fossil fuels'

Many people link subsidies to renewable energy forms. Not many know that price and production subsidies for fossil fuels are known to amount over US\$200 billion per year globally.¹¹ Recent reports even show that the subsidies on fossil fuels have gone up substantially in the last couple years as governments try to soften the blow of higher international oil prices, suggesting a global subsidy figure of close to US\$ 400 billion. This amount exceeds more than the entire GDP of North African countries combined!¹²

All this money is invested in the polluting, killing and environmentally destructive fossil fuels. Money that could well be spent either on long-term investment in renewable energy or on helping developing nations adapt and fight the effects of climate change. UNEP documents rightly calls these subsidies 'perverse' and encourages governments to consider reforming such perverse subsidies.¹³

• Stockbreeding

Whenever the causes of climate change are discussed, fossil fuels top the list. Although oil, natural gas, and especially coal are indeed major sources of human-caused emissions of carbon dioxide (CO₂) and other greenhouse gases (GHGs), increasingly it becomes clear that the life cycle and supply chain of domesticated animals raised for food have been vastly underestimated as a source of GHGs, and could in fact account for up to half of all human-caused GHGs.

An often cited 2006 report by the UN Food and Agriculture Organization (FAO), 'Livestock's Long Shadow'¹⁴, estimates that 18 percent of annual worldwide greenhouse gases (GHG) emissions are attributable to cattle, buffalo, sheep, goats, camels, pigs, and poultry.

This number, however is highly underestimated, according to a very recent World Watch report "Livestock and Climate Change" by Robert Goodland and Jeff Anhang¹⁵. This report concludes that livestock and their by-products actually account for at least 32.6 billion tons of CO₂ per year, or 51 percent of annual worldwide GHG emissions.



Image: akuban



*7 yr old Shanta Rame Ale using a water filter recently installed in the family home
Image: Oxfam International*

• Water stress and over-usage

According to UNEP reports, overexploitation of many of the surface water resources and great aquifers upon which irrigated agriculture (which consumes about 70 percent of available water) and domestic supplies depend has resulted in water stress or scarcity in many countries. Water quality is declining too: it is often polluted by microbial pathogens and excessive nutrients. Globally, contaminated water is the greatest single cause of human disease and death. About 1.2 billion people still lack access to clean drinking water, well over 2 billion lack access to basic sanitation, 80 percent of which (for both) are the rural poor.

• Marine

Many fish species are over-fished to the brink of extinction. Other marine life is being over-exploited, marine ecosystems are being destroyed to the extent that it outweighs nature's ability to maintain it. Marine ecosystems are under immense stress and will be less able to deal with the impacts of climate change such as increasing water temperature and acidification (see chapter 2.2) than healthy ecosystems would have.

• Forests

Forests all over the globe are under pressure due to human destruction. Forests have suffered under deforestation for wood supply for decades. They currently progressively face destruction for other reasons, often being set on fire to make

*In the few water sources that remain, the water is unsanitary.
Image: James Akena / OXFAM*

room for land for agriculture and stockbreeding for meat production or for the production of so-called “biofuels”. In other areas, pollution and hunting (bush-meat) create threats to local biodiversity. Many of the animals and (medicinal) plants that live in these forests face extinction and many of the people and cultures who depend on these forests for their way of life are also under threat.



• Toxics

Toxic chemicals in our environment threaten our rivers and lakes, our air, land, and oceans and all live on and in it. Ultimately ourselves and our future. Environmental exposure causes almost a quarter of all diseases.

• Development impacts

According to UNEP, without urgent action, over 70 % of the Earth's land surface could be affected by the impacts of roads, mining, cities and other infrastructure developments in the next 30 years.

• Reducing pollution at the cost of others

Reducing pollution in developed countries has been at the expense of the developing world, where industrial production and its impacts are often exported.

• The Earth's biological diversity

Earth's diversity is under increasing threat. The extinction rate of species is accelerating. Habitat destruction and/or modification are the main cause of biodiversity loss but invasive species are the second most important pressure.

2.2 Climate Change Impacts by Type

Climate change is initially anticipated to bring mixed effects, including some benefits such as reduced demand for heating, increased crop yields and increased forest growth. However, as climate change continues, its negative impacts (including more frequent winter floods, endangered ecosystems and increasing ground instability) are likely to outweigh its benefits.

Climate Change Impacts by Type According to the Intergovernmental Panel on Climate Change (IPCC):

• Changing sea levels and temperatures

Globally, the sea level could rise between 18 to 59 cm by the end of the century. Rising sea levels would flood some small, low-lying island states and put millions of people in all low-lying areas at risk of flooding.

• Extreme weather

Climate change will cause extreme weather events, such as floods, droughts and tropical storms, to become more frequent, more severe and thus more dangerous. Rising seawater temperatures result in heavier and more extreme cyclones, and typhoons.

• Plants and animals

If global temperatures rise by two degrees Celsius or more, 30 percent of all land-living species will be threatened by an increased risk of extinction.

• Marine Life

Marine biology experts warn that the world's oceans are turning acidic due to the build-up of carbon dioxide (CO₂) in the atmosphere. Scientists state the effects on marine life will be catastrophic.

As oceans absorb CO₂ from the air, the gas reacts with water to produce carbonic acid. The acid in turn consumes the existing carbonate in the sea that sea creatures need to build their shells. It is a problem that no living corals have encountered in their past evolutionary history.

Scientists stressed that increased ocean acidity is one of the gravest dangers posed by the build-up of atmospheric CO₂. Shell-building by marine organisms will slow down or stop.

Reef-building will decrease or reverse. This will have great impact on marine life and ecosystems, threatening coastal fisheries already under pressure, and weakening the natural barriers. This will entail depletion of food sources and depletion of the protection coral reefs offer to people living on islands and in coastal areas against tropical storms. And this whilst sea levels are still rising.

• Food and water

As temperatures increase and rainfall patterns change, crop yields are expected to drop significantly in Africa, the Middle East and India. Water availability for irrigation and drinking will be less predictable because there will be more variable rainfall. Salt-water intrusion from rising sea levels will reduce the quality and quantity of fresh water supplies. Droughts are likely to be more frequent. Up to an additional three billion people could suffer increased water shortages by 2080.

• Diseases

With rising temperatures, diseases such as malaria, West Nile disease, dengue fever and river blindness will shift to different areas. It is predicted that 290 million additional people could be exposed to malaria by the 2080s, potentially bringing back malaria to the U.S. or Europe.

• Rainforests

Large areas of Brazilian and central African rainforest will be lost if climate change results in significant reductions in rainfall in these areas – and this would be on top of the forest already being cut down or burned to clear land for agriculture.

• Vulnerable areas

Damaged areas - such as overgrazed rangeland, deforested mountainsides, areas that already are under pressure due to desertification and denuded agricultural soils - will be more vulnerable than previously to changes in climate. In any case, when climate shifts occurred thousands and tens of thousands of years ago, they generally took place more gradually. Natural systems had both more space and more time to adapt.

Safia Fungie Hasenna - Climate Witness - stands on her parched land in Ethiopia.

A combination of environmental degradation, prolonged drought and bursts of heavy rain has decimated Safia's herd of cattle and her crops.

Image: Zeresenay Berhane Mehar

2.3 Climate Change Impacts Regional

According to the IPCC reports, the effects of climate change are expected to be greatest in developing countries in terms of loss of life and relative effects on investment and economy. Livelihoods built for generations on particular patterns of farming may quickly become impossible. Similarly, the world's vast human population, much of it poor, is vulnerable to climate stress.

Millions live in dangerous places - on floodplains or in shantytowns on exposed hillsides around the enormous cities of the developing world. Often there is nowhere for them to go. In the distant past, man and his ancestors migrated in response to changes in habitat, but this time room for migration will be limited.

The following regional impact overview supports this view, but also shows impacts in developed nations and other areas on this planet Earth.

Africa

According to IPCC, Africa is one of the continents most vulnerable to climate variability and change. IPCC predicts the following natural events to occur (in summary):

- If not addressed, climate change is likely to place an additional 80-120 million people at risk of hunger; 70 to 80 per cent of these will be in Africa.
- By 2020, between 75 million and 250 million people are projected to be exposed to increased water stress due to climate change. If coupled with



increased demand, this will adversely affect livelihoods and exacerbate water-related problems.

- Those areas suitable for agriculture, the length of growing seasons and yield potential, particularly along the margins of semi-arid and arid areas, are expected to decrease. This would further adversely affect food security and exacerbate malnutrition in the continent.
- In some countries, yields from rain-fed agriculture could be reduced by up to 50% by 2020.
- In Africa it is predicted that by 2050 land areas may warm by as much as 1.6°C over the Sahara and semi-arid regions of southern Africa. This could mean people having to move from their home due to prolonged drought.
- In southern Africa and parts of the Horn, rainfall will decrease by about 10 per cent. Sea level will rise by around 25 cm, threatening low-lying areas of West Africa and coastal fisheries. Climate variability and the frequency and intensity of severe weather events will increase.

Image: pizzodisevo



Asia

Asia is a region particularly vulnerable to climate change as well. In respect of Asia the IPCC concludes:

- The timing and intensity of rainfall will become more erratic and inter seasonal.
- A 1°C increase in sea surface temperatures in the Bay of Bengal could increase tropical cyclone intensity by 10 per cent.
- It is estimated that 120 million to 1.2 billion will experience increased water stress by the 2020s, and by the 2050s the number will range from 185 to 981 million.
- Accelerated glacier melt will likely increase the number and severity of glacial melt-related floods, rock avalanches, slope destabilisation and decreased river flows as glaciers recede.
- Coastal areas, especially heavily-populated mega-delta regions in South, East and South-East Asia, will be at greatest risk due to increased flooding from the sea and, in some mega-deltas, flooding from the rivers.
- Climate change is projected to impinge on the sustainable development of most developing countries of Asia, as it compounds the pressures on natural resources and the environment associated with rapid urbanisation, industrialisation, and economic development.
- It is projected that crop yields could increase up to 20 per cent in East and South-East Asia while they could decrease up to 30 percent in Central and South Asia by the mid-21st century. Taken together, and considering the influence of rapid population growth and urbanisation, the risk of hunger is projected to remain very high in several developing countries.
- Other extreme events such as heat waves are also likely to increase as the climate becomes unstable through climate change.

Latin America and The Caribbean

Regarding Latin America and the Caribbean, the IPCC fourth assessment report 2007 concludes:

- Hurricanes and tropical storms will increase in intensity.
- Sea level rise is likely to hit coastal areas, leading to loss of coastal land, infrastructure, and biodiversity, as well as the intrusion of soil-contaminating saltwater.
- Sixty of Latin America's seventy seven largest cities are located on the coast. Warming in high mountain regions is melting glaciers, snow and ice, affecting farming and the availability of water to coastal cities and tourist activities. It is estimated that by 2025 about 70 percent of the population in South America and Mexico will live in regions with low water supply.
- By mid-century, increases in temperature and associated decreases in soil

water are projected to lead to gradual replacement of tropical forest by savanna in eastern Amazonia. Semi-arid vegetation will tend to be replaced by arid-land vegetation. There is a risk of significant biodiversity loss through species extinction in many areas of tropical Latin America.

- In drier areas, climate change is expected to lead to salinisation and desertification of agricultural land. Productivity of some important crops is projected to decrease and livestock productivity to decline, with adverse consequences for food security. In temperate zones, soybean yields are projected to increase.
- Some countries have made efforts to adapt, particularly through conservation of key ecosystems, early warning systems, risk management in agriculture, strategies for flood drought and coastal management, and disease surveillance systems. However, the effectiveness of these efforts is outweighed by: lack of basic information, observation and monitoring systems; lack of capacity building and appropriate political, institutional and technological frameworks; low income; and settlements in vulnerable areas, among others.
- A concrete example: The Uru Chipaya tribe of Bolivia is severely suffering from the effects of glacier melting. Water is disappearing fast in their area. The local river Lauca on which they depend has almost gone dry, having devastating effects on their livestock and crops. The water shortage is already creating fierce competition between the Uru Chipaya and neighbouring tribes, whom they accuse of diverting the water that is still available.

Although the burden of climate change effects is born by people in the less developed countries, the developed countries are starting to feel impacts as well. The devastating effects of Hurricane Katrina in August 2005 on New Orleans, USA, are well known. 90% of the southeast New Orleans population had to be evacuated. In 2003 a heat wave swept across Europe, leaving some 35,000 people dead as a (direct or indirect) result.

North America

The IPCC fourth assessment report summarises the situation as follows:

- Warming in western mountains is projected to cause decreased snow pack, more winter flooding, and reduced summer flows, exacerbating competition for over-allocated water resources.
- Disturbances from pests, diseases and fire are projected to have increasing impacts on forests, with an extended period of high fire risk and large increases in area burned.
- Moderate climate change in the early decades of the century is projected to increase aggregate yields of rain-fed agriculture by 5-20%, but with important variability among regions. Major challenges are projected for crops that are near the warm end of their suitable range or which depend on highly utilized water resources.
- Cities that currently experience heat waves are expected to be further challenged by an increased number, intensity and duration of heat waves during the course of the century, with potential for adverse health impacts. Elderly populations are most at risk.
- Coastal communities and habitats will be increasingly stressed by climate change impacts interacting with development and pollution.

Europe

For the first time, wide-ranging impacts of changes in current climate have been documented: retreating glaciers, longer growing seasons, shift of species ranges, and health impacts due to a heat wave of unprecedented magnitude.

- Nearly all European regions are anticipated to be negatively affected by some future impacts of climate change, and these will pose challenges to many economic sectors.
- Climate change is expected to magnify regional differences in natural resources and assets.
- Negative impacts will include increased risk of inland flash floods, and more frequent coastal flooding and increased erosion (due to storminess and sea-level rise).
- The great majority of organisms and ecosystems will have difficulty adapting to climate change.
- Mountainous areas will face glacier retreat, reduced snow cover and winter tourism, and extensive species losses (in some areas up to 60% under high emission scenarios by 2080).
- In Southern Europe, climate change is projected to worsen conditions (high temperatures and drought) in a region already vulnerable to climate variability, and to reduce water availability, hydropower potential, summer tourism and,



Forest fires increase
Image: Oxfam International

in general, crop productivity. It is also projected to increase health risks due to heat waves, and the frequency of wildfires.

- In Central and Eastern Europe, summer precipitation is projected to decrease, causing higher water stress. Health risks due to heat waves are projected to increase. Forest productivity is expected to decline and the frequency of peat land fires to increase.

Australia and New Zealand

- Water security problems are projected to intensify by 2030 in Southern and Eastern Australia and, in New Zealand, in Northland and some eastern regions.
- Significant loss of biodiversity is projected to occur by 2020 in some ecologically rich sites including the Great Barrier Reef and Queensland Wet Tropics. Other sites at risk include Kakadu wetlands, south-west Australia, sub-Antarctic islands and the alpine areas of both countries.
- Coastal development and population growth in certain areas are projected to exacerbate risks from sea-level rise and increases in the severity of storms and coastal flooding by 2050.
- Production from agriculture and forestry by 2030 is projected to decline over much of southern and eastern Australia, and over parts of eastern New Zealand, due to increased drought and fire.

Polar Regions

Climate change and global warming are also affecting the polar regions, threatening the way of life and livelihoods of the indigenous communities inhabiting the area. IPCC summarizes the situation:

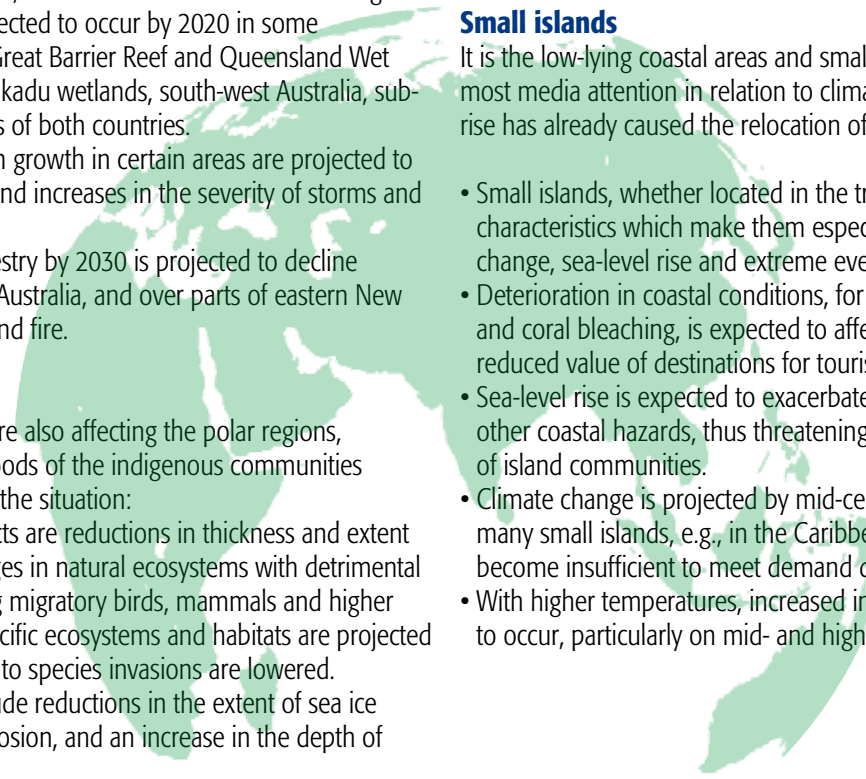
- The main projected biophysical effects are reductions in thickness and extent of glaciers and ice sheets, and changes in natural ecosystems with detrimental effects on many organisms including migratory birds, mammals and higher predators. In both polar regions, specific ecosystems and habitats are projected to be vulnerable, as climatic barriers to species invasions are lowered.
- In the Arctic, additional impacts include reductions in the extent of sea ice and permafrost, increased coastal erosion, and an increase in the depth of permafrost seasonal thawing.

- For human communities in the Arctic, impacts, particularly those resulting from changing snow and ice conditions, are projected to be mixed. Detrimental impacts would include those on infrastructure and traditional indigenous ways of life.
- Arctic human communities are already adapting to climate change, but both external and internal stressors challenge their adaptive capacities. Despite the resilience shown historically by Arctic indigenous communities, some traditional ways of life are being threatened and substantial investments are needed to adapt or re-locate physical structures and communities.
- A concrete example of climate change on indigenous communities in the polar region is the village of Shishmaref on Sarichef Island (Alaska, USA) and Tuktoyaktuk (Northwest Territories, Canada). The combined effects of reduced sea ice, thawing permafrost, storm surges and waves and droughts has had dramatic effects on the livelihood and public health infrastructure of the local communities, and has led to relocation or the abandonment of homes and other facilities.

Small islands

It is the low-lying coastal areas and small islands that have perhaps received the most media attention in relation to climate change. On some islands, sea-level rise has already caused the relocation of groups of people:

- Small islands, whether located in the tropics or higher latitudes, have characteristics which make them especially vulnerable to the effects of climate change, sea-level rise and extreme events.
- Deterioration in coastal conditions, for example through erosion of beaches and coral bleaching, is expected to affect local resources, e.g. fisheries and a reduced value of destinations for tourism.
- Sea-level rise is expected to exacerbate inundation, storm surge, erosion and other coastal hazards, thus threatening vital facilities that support the livelihood of island communities.
- Climate change is projected by mid-century to reduce water resources in many small islands, e.g., in the Caribbean and Pacific, to the point where they become insufficient to meet demand during low-rainfall periods.
- With higher temperatures, increased invasion by non-native species is expected to occur, particularly on mid- and high latitude islands.



3. A Human Rights Perspective



In various principles, factors and recent developments in the area of human rights, one could find support for a human rights based approach to climate change. This chapter will outline such principles and developments and will also show that a great deal of research and reporting, supporting such a human rights approach, has already been done by and on behalf of the UN over the last few years.

3.1 Human Rights Principles and Relevant Developments

Equity

Human rights conventions contain codifications of the principle of equity, more specifically in articles relating to equal treatment / non-discrimination. Human rights approaches can contribute concretely to efforts to tackle inequality. Examples of this are the human rights approach to poverty and the Millennium Development Goals. Climate change impacts are unequal and unfair as the impacts on the poorer parts of the world are expected to be much bigger than in the wealthier parts. Based on this the principle of equity paves the way for affirmative action and change based on human rights.

The normative basis of human rights

A human rights approach anchors the conceptual framework of climate change policies to a firm normative basis in international human rights. It provides clear principles against which to evaluate the policies and it makes visible the people that are affected by climate change and climate change policies.

A human rights-based approach will force to not merely develop policies focused solely on the climate itself, over the heads of the individual people, as it were, but to focus also directly on the individual, and without any form of distinction or discrimination. It will obligate States to protect, respect and fulfil the human rights of their subjects, by making the largest possible efforts to mitigate the effect of climate change in the course of implementing internationally agreed climate change policies. A human rights-based approach will also focus on inclusion of excluded and marginalised populations. It will further encourage participation and democratic processes and it will encourage accountability and transparency in policy decisions.

Human Rights and Business

Business has played its part in causing climate change. Business, however, could also play a key role in the mitigation of global warming, through investing in researching and implementing new energy technologies and energy efficiency measures which would result into reducing GHG emissions.

Traditionally 'business' or corporations were not seen as accountable actors in the Human Rights arena. Although it is still well recognised in international law that States have the primary responsibility to protect, respect and secure the fulfilment of human rights, the international arena is changing and also business have been, and will be, held accountable for human rights violations.

It has become obvious that, although the activities of businesses sometimes results in fulfilling certain human rights (such as work or education), many daily business practices negatively impact human rights. Companies may violate human rights through their employment practices, or through how their production processes impact on workers, communities and the environment.

During the 1980s and 1990s many companies adopted codes of conduct to improve their profile and policies.¹⁹

In April 2008 Professor John Ruggie, the UN Secretary-General's Special Representative on Human Rights and transnational corporations and other business enterprises, proposed a policy framework for the improvement of the relationship between business and business and human rights: **Protect, Respect and Remedy**.²⁰ This framework was accepted by the Human Rights Council unanimously and has won considerable acclaim globally with business and NGOs.

The framework rests on three mutually reinforcing pillars:

- 1 States** have a *duty to protect* their citizens against any human rights abuses by corporations, through appropriate policies, effective regulation and access to justice.
- 2 Companies** have a *responsibility to respect* the human rights of all those who have to deal with the corporation, including employees, customers and neighbours.
- 3 Victims** of corporate-related human rights violations should have *greater access to effective remedies*.

In April 2009 Prof. Ruggie published a follow-up report in which he addressed the question of how this framework can be implemented and further strengthened.²¹ In the report he identified several hurdles to be taken if the framework is to work effectively. In a speech, held in Geneva in early October 2009, Prof. Ruggie formulated five key challenges that need to be addressed:

- Almost all human rights are relevant to business, although some rights in specific circumstances may be more relevant than others. The policies of governments and companies should be based on this observation.
- Governments lack a sound set of instruments for managing the complex relationships between business and human rights. In particular such discrepancies are found between policies of government departments dealing with economic affairs or industry and departments involved in human rights.
- With few exceptions, even major multinationals lack a well-developed management system to conduct human rights due diligence. Companies focus so much on legal requirements for their actions that they only gradually discover their failure to meet the broad expectation that their actions will respect all human rights, which is at the basis of their 'social license to operate'.
- Most companies lack grievance mechanisms to which individuals and communities can bring concerns about the companies' activities. Again, a legalistic approach prevails: if we are not legally bound to do it, we will not do it. Companies thus deprive individuals and communities of an opportunity to resolve conflicts in a relatively simple manner, and themselves of an alarm system that can alert them before differences of views escalate into campaigns or lawsuits.
- The incidence of human rights abuses by companies is highest in countries with weak governance institutions, where laws are not enforced or lacking

altogether. This applies even more in countries that are in conflict. A systematic solution calls for better enforcement of existing laws, clearer standards and more innovative policy responses from states in which companies operate and where their headquarters are based.²²

More and more it becomes clear that the human rights framework binds business. And so it should. We agree with former UN High Commissioner for Human Rights, Ms. Mary Robinson's clear statement, that "*Human Rights are everyone's business*".

As said, business has been and is a major player with regard to GHGs emissions and other climate change causes. Business could, on the other hand, also contribute to cutting back GHG emissions by working more efficiently. It will play a crucial role regarding the introduction and further development of changes in technology, such as new technology for renewable energy. This report, with many others, shows that climate change is, and progressively will be, a threat to the realisation of human rights and that as the impacts of climate change grow, we know that it will increasingly violate human rights. Based on the *responsibility to respect human rights*, business should therefore take an active role into combating climate change and mitigating its affects.

Linking Human Rights and Environmental Issues, towards a Right to Environment

The 'climate change and human rights' debate has been preceded by a more general 'human rights and the environment' and 'a healthy environment as a substantive human right' debate over the past decades. International concerns with human rights, health and environmental protection have expanded considerably in the past several decades. The international community has created a vast array of international legal instruments, specialised organs, and agencies at both the global and regional levels to respond to identified concerns in these areas.

Often these have seemed to develop in isolation from one another. For instance, the Right to Health ("Everyone has the right to the enjoyment of the highest attainable standard of physical and mental health") has been recognised for long and was codified in the International Covenant on Economic, Social and Cultural Rights²³ (ICESCR) in 1966. The development of this right (for instance through "Special Comments" by the UN ICESCR Committee) has also emphasised the links between health and environment.

Yet, the links between human rights, health and environmental protection were apparent at least as early as the first United Nations Conference on the Human Environment, held in Stockholm in 1972. Indeed, health has seemed to be one of the subjects that bridges the two fields of environmental protection and human rights.

The Stockholm Declaration established a foundation for linking human rights, health and environmental issues, declaring: *"Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being."*

Following the Stockholm Declaration, a number of international human rights instruments progressively included environmental values in their protection systems, for example the Convention on the Elimination of All Forms of Discrimination against Women ('CEDAW', 1979), the Convention on the Rights of the Child ('CRC', 1989) and ILO Convention 169 concerning Indigenous and Tribal Peoples in Independent Countries (1989).

The UN Committee on Economic, Social and Cultural Rights has clearly linked the right to food and the right to health to the environment. The Committee argued that the right to food requires appropriate environmental policies, and that the successful protection of health is determined, among others, by a healthy environment.²⁴

Looking back in time, one can clearly distinguish a change in approach from merely linking human rights to environmental disruptions or violations, towards a healthy and clean environment as a separate human right. Professor Dinah Shelton also reaches this conclusion in her Working Paper prepared for the World Health Organisation.²⁵ This development currently continues to progress.

Examples of a codification of such a human right to environment are the regional American²⁶ and African²⁷ human rights treaties, the 2007 UN General Assembly Declaration on the Rights of Indigenous Peoples²⁸ and over 100 constitutions globally.

The European Convention on Human Rights (ECHR), however, currently lacks a codified substantive right to environment, but change is happening as we write this report²⁹: The Parliamentary Assembly of the Council of Europe (PACE) late September 2009 almost unanimously voted to acknowledge a Right to a healthy Environment in the ECHR. The (nearly non-amended draft) recommendation describes in detail what this right would mean and why we and future generations need for it to be codified.³⁰

Stand Up For Your Rights obviously applauds to this development and calls on the Committee of Ministers to swiftly accept this recommendation and act accordingly. For more information on this human right, international developments and case law, please see www.RightToEnvironment.org

Following over a hundred constitutions, two regional human rights treaties and many international declarations having done so, the time has come to acknowledge 'A Healthy and Clean Environment' as a substantive human right at global (UN), regional (e.g. ECHR) and local (domestic constitutional) level.

*Obviously, and as a basis for all other rights and life itself, all people have a right to an environment that is not harmful to their health or well-being and to have nature protected, for the benefit of present and future generations.*³¹

The time has come to acknowledge, protect and respect our human right to a healthy environment. Such a substantive human right will without doubt contribute to a rights based and thus a more human approach to climate change.

UN Human Rights bodies and Climate Change

In early 2008, in resolution 7/23, the UN Human Rights Council asked the Office of the High Commissioner on Human Rights (OHCHR) to undertake a detailed research into the relationship between climate change and human rights. After having received many submissions by a diverse group of actors and stakeholders, a consultation meeting was held in Geneva on 22 October 2008. All on the consultation and outcomes and all of the submissions and documents can be found on the specific OHCHR website on '[Human rights and climate change](#)'.³²

The outcome, an official OHCHR report on the matter was discussed by the Human Rights Council during its March 2009 meetings and has officially been made available to the COP15 meetings. The report recommends that human rights norms and standards need to be taken into consideration in climate change policies. This will ensure that action on both areas - human rights and climate change - will be harmonised, which in return will lead to sustainable results. It also stresses that the realisation of human rights needs to continue to be a central goal of national as well as international action in the area of climate change.

On 15 June 2009, during the 11th session of the Human Rights Council, a panel discussion took place on 'Climate Change and Human Rights'. What came out of this, is that OHCHR has taken on a more active role towards climate change, as Ms. Kyung-wha Kang, UN Deputy High Commissioner for Human Rights, said in her speech:

'... climate change-related impacts have a range of implications, both direct and indirect, for the effective enjoyment of human rights'. She referred to the coming Copenhagen Climate Change Conference (COP 15) negotiations: 'As you engage in those negotiations, you must bear in mind the grave human rights consequences of a failure to take decisive action now.'

In an official COP15 weblog³⁴, UN High Commissioner for Human Rights, Ms. Navanethem Pillay adds:

'Climate change is one of the most serious challenges mankind has ever faced and has serious implications for the realization of human rights. A human rights analysis brings into focus how lives of individuals and communities are affected and why human rights safeguards must be integrated into policies and measures to address climate change.'

3.2 Individual Protected Rights Affected by Climate Change

The following section will enumerate the specific human rights potentially at risk by climate change. Most of these, but not all, have been addressed in the mentioned 2009 OHCHR report as well.

The Right to Life

As the Deputy High Commissioner for Human Rights affirmed in her June 2009 Human Rights Council address, climate change can have both a direct and indirect impact on human life. Life might be immediately threatened on account of climate induced extreme weather events, such as heat waves, floods, storms, fires and droughts, or may be threatened gradually, through depletion of food supply, diminishing access to safe drinking water, deterioration in health and susceptibility to disease. The protection of the right to life is therefore closely related to the fulfilment of other rights, such as the right to food, water and sanitation, health and housing.

The right to life, enshrined in Article 6 of the 1966 International Convention on Civil and Political Rights ('ICCPR'), has extensive links to the environment. The most obvious connections manifest themselves in situations where people die

due to environmental pollution, such as the Bhopal gas leak and, quite recently, the toxic 'Proba Koala' dumping in Ivory Coast³⁵.

According to CCPR General Comment No 6³⁶, the right to life cannot properly be understood in a restrictive manner, and the protection of this right requires that States adopt positive measures. It could be linked to any environmental disruption that directly contributed to the loss of lives - including to air pollution causing 2.4 million deaths per year as mentioned in chapter 2.1. But also to casualties due to rising sea levels and extreme weather events due to climate change. The Committee has further clarified that the right to life imposes an obligation on States to take positive measures for its protection.³⁷

That state obligations entailing positive actions when it comes to the right to life and environmental issues, has been confirmed by the European Court of Human Rights in, for example, the 2008 Budayeva case³⁸. In this case³⁹ the European Court of Human Rights further confirmed that, in cases of natural disaster, a positive obligation lies on the State on which territory the disaster occurs, to act with due diligence to prevent threats to the life and property of persons.

The Court based its findings in this case on the recognition that a duty on States exists to protect life against the consequences of disasters by reaffirming that the right to life "does not solely concern deaths resulting from the use of force by agents of the State but also [...] lays down a positive obligation on States to take appropriate steps to safeguard the lives of those within their jurisdiction" emphasizing that "this positive obligation entails above all a primary duty on the State to put in place a legislative and administrative framework designed to provide effective deterrence against threats to the right to life."⁴⁰ Such threats would include climate change impacts and environmental disruption.

The Committee on the Rights of the Child clarified that the right to survival and development of the child must be implemented in a holistic manner, "through the enforcement of all the other provisions of the Convention, including rights to health, adequate nutrition, social security, an adequate standard of living, a healthy and safe environment ...".⁴¹

The Right to Health

The right to the highest attainable standard of physical and mental health is expressed in the International Covenant on Economic, Social and Cultural Rights ('ICESCR', Art. 12) and is referred to in other core international human rights treaties (e.g. CEDAW Arts. 12 and 14 and CRC Art. 24).



Medical checkup, India.

Image: Ray Witlin / World Bank

This right, closely linked to the right to life, is often violated in cases of pollution of air, land or water. For example, poorly regulated industries and mines cause severe contamination among local people, resulting in a slew of physical problems and thus impacting health. The CESCR General Comment 14 on the right to the highest attainable standard of health⁴² specifically refers on, several occasions, to healthy environmental conditions.

Obviously, climate change impacts that deteriorated health cause a violation of this right as well. Examples of that are: increased diseases and injuries due to extreme weather events, increases in malnutrition, an increased burden of diarrheal, cardio respiratory and infectious diseases, malaria and other vector borne diseases in some parts of the world”.

The UNDP 2007/2008 Human Development Report states in addition to this that population displacement undermines the provision of medicare and vaccination programmes, complicating the handling of infectious diseases and making them more deadly. It further reminds that “forced migrants, especially forced to flee quickly from climate events, are also at greater risk of sexual exploitation, human trafficking and sexual and gender-based violence”.

The Right to Adequate Food

The right to adequate food is expressed in a number of international human rights treaties, such as the ICESCR (Art. 11, and additionally the fundamental right to be free from hunger, Art. 11 (2)), CRC (Art. 24) and the Convention on the Rights of Persons with Disabilities (Art. 25(f) and Art. 28, para.1). It is also implied by general provisions on an adequate standard of living of the CEDAW (Art. 14, para.2(h)) and the International Convention on the Elimination of All Forms of Racial Discrimination (Art. 5(e)).

Elements of the right to food include the availability of adequate food (including through the ability to feed oneself from natural resources) and accessible to all individuals under the jurisdiction of a State. Equally, States must ensure freedom from hunger and take necessary action to alleviate hunger, even in times of natural or other disasters.⁴³

The IPCC reports set out that food scarcity is likely to rise dramatically owing to extreme droughts storms and other events caused by climate change, which in turn result in failing harvests. Consequently, the right to physical and economic access at all times to adequate food or means for its procurement, will progressively be under pressure.

The Right to Water and Sanitation

Although this right is not codified as such in an international treaty, more frequently it is accepted and invoked as such through CESCR General Comment No. 15.⁴⁴ It is obviously linked to the rights to life and health. Without access to clean drinking, cooking and bathing water in adequate quantities, individuals and communities worldwide die and suffer serious illnesses. Billions already lack access to clean and safe drinking water.

This number, according to the IPCC reports, is likely to rise dramatically due to glacial melt and other climate change impacts. While human rights treaties do not explicitly contain the right to water as such, international human rights law has recognised the right to water as an integral part of other human rights. Why? Well, water is the most essential ingredient for life. No water = No life.

In the mentioned CESCR General Comment No. 15, the Committee acknowledged, that access to water and sanitation is an independent right. It defines the right as entitling “everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses”, such as for consumption, cooking, personal and domestic hygienic requirements.⁴⁵ Other international human rights treaties also refer to access to water regarding an adequate standard of living (CEDAW, Art. 14) or to combat disease and malnutrition (CRC, Art. 24).

Water shortages are also predicted to be a main source of (armed) conflict in the future. Water problems and drought are seen as main contributing factors to the Darfur conflict. Water scarcity is most particularly felt in the Middle East, North Africa and sub-Saharan Africa, but also in other regions of the world. The Director-General of UNESCO, Mr. Koïchiro Matsuura, on the occasion of World Water Day 2009, stated in his address, among others, that “...competition over water is [...] leading to serious tensions between different groups of users”.

Some have even raised the spectre of future “water wars”.⁴⁶ These conflicts could potentially cause major refugee flows to move within or across borders.



Local farmers try to plant through the ongoing drought.
Image: James Akena/ OXFAM

The Right to Adequate Housing

The right to adequate housing is included in several international human rights treaties as an element of the right to an adequate standard of living (e.g. Art. 11 ICESCR; Art. 14 CEDAW and Art. 27 CRC). The Committee on Economic, Social and Cultural Rights has clarified the right to housing in several of its general comments, such as General Comment No. 4, 7 and 12. It has defined the right as “the right to live somewhere in security, peace and dignity”.⁴⁷ Basic elements of this right include security of tenure, protection against forced evictions,⁴⁸ availability of services, materials, facilities and infrastructure, affordability, habitability, accessibility, location and cultural adequacy.⁴⁹

Many coastal human settlements will be directly impacted by sea level rise and storm surges. In the polar region and in low-lying island States such impacts have already led to the relocation of peoples and communities. Settlements in low-lying mega-deltas are also particularly at risk, as is shown by the fact that millions of people and homes have been affected by flooding in recent years.

Right to Development

This right⁵⁰ enunciated in UN GA Declaration on the Right to Development (Resolution 41/128 of 4 December 1986) shares considerable common ground with the right to a healthy environment. A holistic model of sustainable development recognises that environmentally destructive economic progress does not produce long-term societal progress.

Impacts on the poorer parts of the world are expected to be bigger than in the wealthier parts. The less developed nations have done little to cause global warming. However, they are most exposed to its effects and also have fewer resources for coping with the effects of climate change. Whilst they are eager for economic development themselves, they are prognosed to be limited in this due to climate change.

The Right to Self-determination

The right to self-determination is a fundamental principle of international law. Article 1 of the ICCPR and ICESCR establishes that “all peoples have the right of self-determination”, by virtue of which “they freely determine their political status and freely pursue their economic, social and cultural development”.

Important aspects of the right to self-determination include the right of a people not to be deprived of its own means of subsistence and the obligation of a State party to promote the realisation of the right to self-determination, including for people living outside its territory. Sea-level rise and extreme weather events related to climate change are threatening the habitability and, in the longer term, the territorial existence of a number of low-lying island States. Equally, changes in the climate threaten to deprive indigenous peoples of their traditional territories and sources of livelihood. Either of these impacts would have implications for the right to self-determination.

According to the mentioned recent OHCHR Climate Change and Human Rights report: ‘...it is clear that insofar as climate change poses a threat to the right of peoples to self-determination, States have a duty to take positive action, individually and jointly, to address and avert this threat.’⁵¹

Right of Access to Information and Right to Participate

The United Nations Framework Convention on Climate Change commits party States to promote and facilitate public access to information on climate change. Further, access to information is implied in the international human rights to freedom of opinion and expression. Jurisprudence of regional human rights courts has also underlined the importance of access to information in relation to environmental risks.

Women and Children’s Rights

Although CEDAW and CRC have been referred to in relation to many of the rights mentioned before, women and children’s right deserve specific attention. Why? Well:

Women and children are even more impacted by environmental disruption than men, because they are even more dependent than men upon primary natural resources for food and water, such as land, forests and water sources. As set out before, 80 % of the 1.2 billion people that lack access to clean drinking water are the rural poor. And, more specifically, of the 1.3 billion people living in extreme poverty 70 % are women.

Women are especially exposed to climate change-related risks due to existing gender discrimination, inequality and inhibiting gender roles. It is established that women, particularly elderly women and girls, are affected more severely and are more at risk during all phases of weather-related disasters: risk preparedness, warning communication and response, social and economic impacts, recovery and reconstruction. The death rate of women is markedly higher than that of men during natural disasters (often linked to reasons such as: women are more likely to be looking after children, to be wearing clothes which inhibit movement and are less likely to be able to swim).⁵²

Children are more vulnerable than adults to diseases because their immune systems and detoxification mechanisms are not fully developed making them also more vulnerable to contaminated water (bacterially or viral) and environmental pollution in general. The higher vulnerability of women and children is generally recognised in international law, which has resulted in human rights instrument such as the CEDAW and CRC.

Studies show⁵³ that climate change will exacerbate existing health risks and undermine support structures that protect children from harm. Overall, the health burden of climate change will primarily be borne by children in the developing world. For example, extreme weather events and increased water stress already constitute leading causes of malnutrition and infant and child mortality and morbidity.

The world of tomorrow will consist of today's children. Children are central actors in promoting behaviour change required to mitigate the effects of global warming. Children's knowledge and awareness of climate change also influence wider households and community actions.

The Convention on the Rights of the Child, which enjoys near universal ratification, obliges States to take action to ensure the realization of all rights in CRC for all children in their

jurisdiction, including measures to safeguard children's right to life, survival and development through, inter alia, addressing problems of environmental pollution and degradation.

The Rights of Indigenous People

Some of the most obvious examples of climate change impacts involve indigenous peoples, whose lifestyles often depend on their relationship with the natural environment. Impacts of climate change on the Arctic environment and tropical islands and indigenous people having their forests disappear through logging, for example, have disproportionate effects on local culture.

In September 2007, the UN General Assembly adopted the UN Declaration on the Rights of Indigenous Peoples, which - for the first time in a UN Declaration - acknowledged the conservation and protection of the environment and resources as a human right under international law (Art 29).

Also other relevant rights of indigenous peoples are expressed in this declaration and in the core international human rights treaties ICCPR and ICESCR, in particular with regard to the right to self-determination and rights related to culture. The rights of indigenous peoples are enshrined as well in ILO Convention No. 169 (1989) concerning Indigenous and Tribal Peoples in Independent Countries.

The OHCHR emphasises that indigenous peoples, who often live on marginal lands and in fragile ecosystems which are particularly sensitive to changes in the physical environment, face serious threats from climate change, coupled with pollution and environmental degradation.

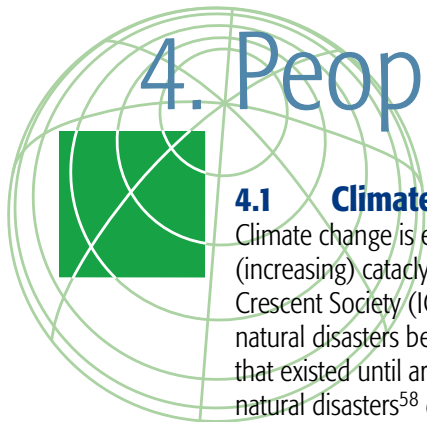
Climate change related effects have caused harm to the traditional livelihoods of Inuit communities in polar regions and some communities have already relocated. Indigenous communities of low-lying island States face similar problems.⁵⁴

Apart from the impact on their right to food, concerns have also been raised that demand for bio fuels, to cut down greenhouse gas emissions, could negatively affect the rights of indigenous peoples to their traditional lands and culture.⁵⁵

*Inutu Seoni near her flood damaged hut in Liyoyela Village
Image: James Oatway / OXFAM*



4. People on the Move



4.1 Climate Induced Migration in Numbers

Climate change is expressed through slow-onset climatic processes and through (increasing) cataclysmic events, such as natural disasters. The International Red Crescent Society (ICRC) World Disaster Report 2009 reports a number of 3.950 natural disasters between 1999 and 2008⁵⁶, a marked increase from the pattern that existed until around the 1950s.⁵⁷ The total number of people affected by natural disasters⁵⁸ during that period stands at 2,698,813,000; the number of people killed at 1,145,812 persons. Many people affected have moved to other places.

The 2009 OHCHR Climate Change and Human Rights report distinguishes between four main climate change-related displacement scenarios⁵⁹.

Displacement caused by:

- Weather-related disasters (cyclones, hurricanes and flooding);
- Gradual deterioration of the environment and slow onset disasters (desertification, flooding of coastal zones and possible total submersion of low-lying island nations);
- Increased disaster risks resulting in relocation of people from high-risk zones, and;
- Social upheaval and violence attributable to climate change-related factors.

Current estimates of numbers of people that will (be forced to) move as a consequence of such climate change or cataclysmic climatic events, still revolve around the calculations of Prof. Norman Myers' 2005 "Environmental Refugees, An Emergent Security Issue" report : anywhere between 50 and 200 million people by 2050.

The International Organization for Migration (IOM) puts this number anywhere between 25 million and one billion persons, depending largely on

"which of the scenarios for the advance of climate change put forward by the Intergovernmental Panel on Climate Change will materialize" (the good, the bad, or the ugly).

One of the world's leading humanitarian agencies, Care International, has stated on this that "...estimates of the numbers of migrants and projections of future numbers are divergent and controversial, ranging from 25 to 50 million by the year 2010 (Norman Myers, 2005) to almost 700 million by 2050 (Christian Aid, 2007). The IOM takes the middle road with an estimate of 200 million environmentally-induced migrants by 2050".

UNHCR puts the figure of people forced to leave on account of climate change and other environmental reasons, for 2008, on 42 million, consisting of an estimated 16 million refugees and asylum seekers and 26 million Internally Displaced Persons (IDPs).

A factor making it difficult to closely estimate a number of refugees is the multi-level drivers for people to move. Most scholars and activists agree that there is a variety of reasons for people to leave their home ground in the wake of severe climate change, related to environmental, social, political and economic factors.

Poverty and the absence of governmental assistance for example could be the main reason and climate change might then be the final push. But even where severe climatic factors exist, people are not always willing to pack up and leave their homes. Strong ties to country, land, community and family might inhibit their departure. Even when people decide to move, most will relocate within their country or region, hoping perhaps that their forced migration will be temporary.

Climate induced migration flows can be expected to follow the same pattern as conflict and war induced migration currently do: the largest caseload UNHCR deals with are refugees that flee just across the borders of their conflict-ridden countries, or with people that relocate internally.

Only a minority actually crosses multiple borders into long distance flight, to seek asylum in known asylum countries, particular in the North. The same factors as just mentioned might hamper many to take this road.



Image: dominiqueb
Housing migrants in an urban area

Not only do people have to deal with fear and gross uncertainty in regard to leaving their country for far away alien land and cultures (many overcome this to take the step nonetheless), but there is the financial factor as well. It usually costs people thousands of dollars to be smuggled from anywhere in the South into the North. Many of the migrants involved simply do not have such financial resources.

The majority of climate induced migration might therefore be expected to be either within the affected country, or within the region, across the borders of the affected country.

4.2 'Climate Refugees' and UNHCR

The UN Refugee Agency (UNHCR) is progressively confronted with groups of people that are already suffering from climate change and are forced to leave their homes in search of a new beginning. They acknowledge that Earth's climate is changing at a rate that has exceeded most scientific forecasts. As set out on their websites, for UNHCR, the consequences of climate change are enormous. Scarce natural resources such as drinking water are likely to become even more limited. Many crops and some livestock are unlikely to survive in certain locations if conditions become too hot and dry, or too cold and wet. Food security is an immediate concern in many parts of the world. People will have to try and adapt to this situation, but for many this will mean a conscious move to another place if they are to survive. This has the potential to spark conflicts with other communities, as an increasing number of people compete for a decreasing amount of resources.

According to an October 2009 UNHCR the organisation is still reluctant to accept the terminology of 'Climate Refugee'. UNHCR and many academics claim this term is a misnomer as

'Refugee' is a term of art in international law, referring to persons who flee from and/or cannot return to their countries because of a fear of persecution on specified grounds, or because of generalised violence. Among those people who are or will be displaced across borders as a result of, among other factors, climate change, there are and will be refugees - but a sizeable number may not meet the refugee definition. While these persons may need some form of international protection, it would be wrong to identify them as 'refugees' or to equate their needs and status with those of refugees. To do so would only undermine the existing refugee regime and the existing legal definitions, to the detriment of bona fide refugees.'⁶⁴



Image:
ItzaFineDay

Clinging to such a definition could mean that in a certain situation, two people fleeing from a country both on the run from an equal lethal threat or violence, would be treated differently under international law. Dictionaries proclaim a refugee to be: 'One who flees in search of refuge, as in times of war, political oppression, or religious persecution' or 'A person who has fled from some danger or problem'.⁶⁵

We see no reason why a 'climate change related displaced persons' or 'refugees from climate change' could not be qualified as such: Climate Refugees. New times ask for new approaches. Climate refugees and environmental refugees are real and out there. By the millions, unfortunately. Let us call them what they are: 'Climate Refugees' or 'Environmental Refugees'.

“Impacts on biodiversity, agriculture, water supply, and so on, will certainly alter human settlement patterns. Environmental change can contribute directly to migration by pushing people out of uninhabitable areas, turning them into forced migrants, or, more specifically, environmentally displaced persons. If such forced migration pushes across borders, people become undocumented migrants and fall outside of the protection of international law given that they do not have refugee status. The lack of protection of forced migrants is a gap in international law that requires urgent attention especially in view of the projected scale of population movements.”

Yvo de Boer, Executive Secretary of the United Nations Framework Convention on Climate Change, Address at the The Hague Debates, May 22, 2008

4.3 The Status of ‘Climate Refugees’ under International Law

Climate migrants will further be referred to as ‘Climate Refugees’. But do these Climate Refugees have the same rights and protection under international law as ‘normal’ refugees? This chapter will show that the answer to that question is: ‘No’.

Although as human beings, climate refugees are entitled to their human rights as expressed in international and regional human rights treaties - think of the right to life, right to food and safe drinking water, right to an adequate standard of living and the highest attainable standard of health - as a group they are not recognised under international law as such and do not receive the protection of law as other refugees do.

The variety of factors for migration (economic, political, etc.) complicates the legal issues of definition and protection in relation to climate refugees – such persons might often not flee purely because of climatic reasons. Climatic events might be the last push.

The term ‘refugee’ has a defined meaning under international law. The 1951 Convention relating to the Status of Refugees, as modified by the 1967 Protocol, states that a refugee under international law is a person who: “owing to well-founded fear of being persecuted for reasons of race, religion, nationality,

membership of a particular social group, or political opinion, is outside his country of nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country”.⁶⁶

The constituting elements are therefore that he or she needs to have a well-founded fear of persecution, that the persecution is performed by a persecuting agent, and that it occurs on the basis of one or more of five specific grounds. An imperative is that he or she also needs to be outside his or her country of origin.

Obviously, at the time of drafting, the drafters did not anticipate climatic events as a potential persecuting agent. As we have seen before, even to date UNHCR does not consider ‘environmental refugees’ to be refugees under the legal mandate. UNHCR recognises the problem of popular displacements due to climatic disasters and changes and has stated it is willing to assist in this matter, but international law has not yet recognised environmental refugees as such.⁶⁷

There are two regional human rights instruments, however, that contain a definition of refugees that could – in theory – be interpreted as also including persons that flee due to environmental reasons:

The Convention Governing the Specific Aspects of Refugee Problems in Africa includes in its refugee definition people forced to flee due to “events seriously disturbing public order”.

The Latin American 1984 Cartagena Declaration on Refugees, an inspiration to the legislation of many countries in the region, contains the same element of circumstances disturbing the public order as part of the refugee definition (Cartagena III(3)).

Although, undoubtedly, the drafters had not envisaged environmental disasters or climate change as becoming public disorder events, nonetheless, this particular element in the refugee definition of both legal instruments is broad enough for it to be considered open to interpreting environmental events into it. UNHCR admits that jurisprudence on this question is scarce.⁶⁸

According to UNHCR, a climate migrant could theoretically fall within the refugee definition, if this person is displaced by causes of nature and his or her government consciously withholds vital assistance on account of his or her political belief, religion, race, ethnic origin or social group, causing the person to flee the country. This could be seen as classic persecution, for which the person classifies as a refugee, although UNHCR admits this will occur in few cases.⁶⁹

The concept of ‘environmental refugees’ has been under discussion ever since the mid-1980s. Essam El-Hinnawi, is generally accepted having been the first to define the term⁷⁰, as:

“those people who have been forced to leave their traditional habitat, temporarily or permanently, because of a marked environmental disruption (natural and/or triggered by people) that jeopardized their existence and/ or seriously affected the quality of their life.”

Today more and more definitions come into circulation. The Organization for Economic Cooperation and Development (OECD), to name another example, uses the definition: “An environmental refugee is a person displaced owing to environmental causes, notably land loss and degradation, and natural disaster”.⁷¹

It is clear that there is no consensus on an appropriate definition of ‘environmental refugee’ in international law, at the UN and among environmental experts as of yet.⁷² Moreover, even the use of the term itself has stirred up controversy. Opponents have argued that it is a misuse of the legal term ‘refugee’. Other terms have been proposed, including ‘climate change migrants’, ‘environmentally induced forced migrants and ‘forced climate migrants’.⁷³

Setting clear definitions generally serves a better implementation of rules. Trying to leave climate refugees out of the scope of the refugee definitions, however, leads to unacceptable consequences: it leaves climate refugees without the basic aid and legal protection they need.

Non-refoulement for Climate Refugees

Under international law, specifically under refugee law, there is a principle that defines that refugees should not be returned to places where their lives or freedoms could be threatened. This principle is called non-refoulement and is a well established legal principle in international law relating to refugees:

The 1951 Refugee Convention prohibits, through Article 33(1), the return of a person “to the frontiers of territories where his life or freedom would be threatened”; and

The 1984 Convention against Torture prohibits refoulement through Article 3(1).

The principle of non-refoulement finds expression also in other (regional) human rights instruments, for example the European Convention on Extradition prohibits extradition to places where a person is at risk and Protocol 6 to the

ECHR prohibits refoulement to a country where a person faces the death penalty.

Additional regional instruments and non-binding documents that affirm the principle include the [Principles Concerning Treatment of Refugees](#), adopted by the Asian-African Legal Consultative Committee (Article III(3)); the [Declaration on Territorial Asylum](#) adopted by the United Nations General Assembly (Res 2132 (XXII), Article 3); the [Convention Governing the Specific Aspects of Refugee Problems in Africa](#) (Article II(3)); the [American Convention on Human Rights](#) (Article 22(8)) and the 1984 [Cartegena Declaration](#) (Section III, paragraph 5).⁷⁴

We have already addressed that ‘climate refugees’ generally do not fit the official definition of ‘refugee’ due to the lack of (fear of) persecution on specified grounds. However, where people are forced to flee across borders due to cataclysmic climatic events, the general principle not to be refouled could come into play if return to the country of origin would mean return to an imminent threat to life.

It could be argued that persons fleeing their country due to natural disasters should be protected against refoulement, if their life is threatened in their country of origin in direct or indirect manner, and they are unable to relocate within the territory of their country either physically or without their life being threatened there as well. Examples of such natural disasters are tropical cyclones, hurricanes, floods and island-sinking.

Even UNHCR argues that, while such climate migrants do not fall within the refugee definition, the principle of non-refoulement could, by analogy, be applied in the context of climate induced cross-border flight. UNHCR has recently taken on the position that the non refoulement principle could implicitly apply to threats to life from natural disasters or climate change.⁷⁵

Best Practices in Various States

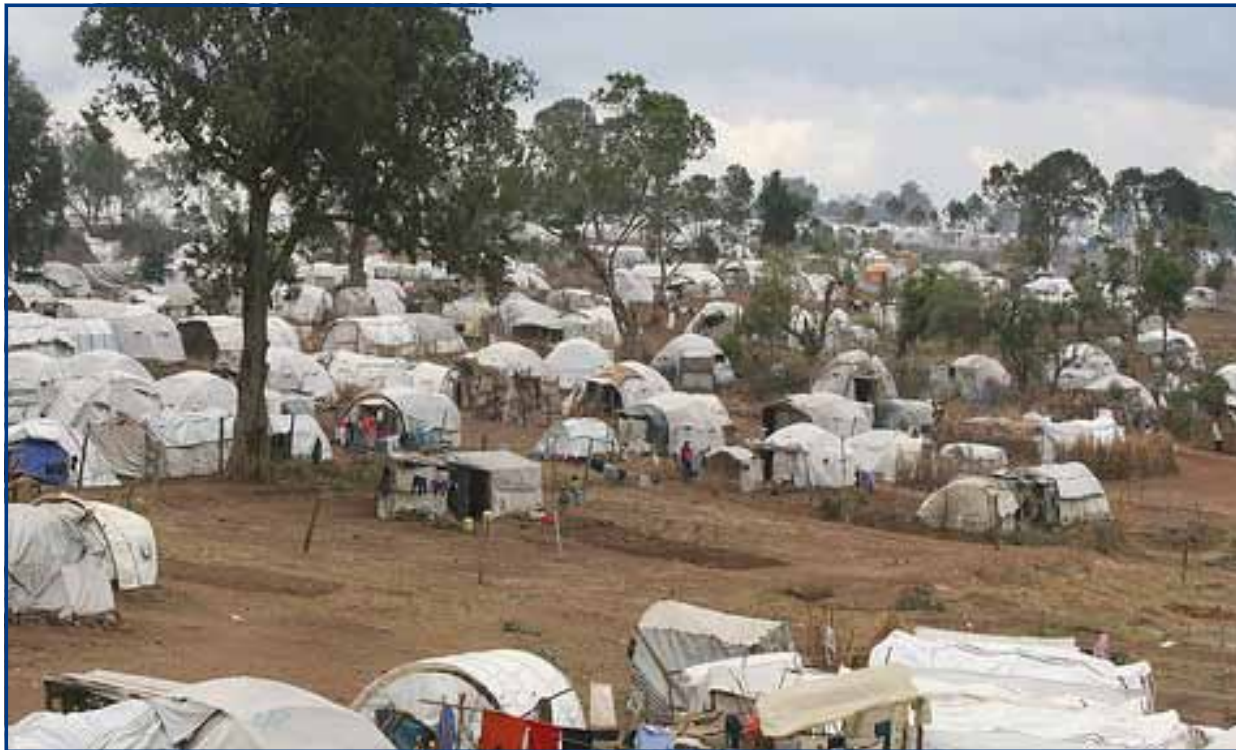
Some States have taken measures to protect persons displaced and across borders because of environmental reasons.

The USA enacted the Temporary Protected Status in 1990, providing safe haven for those who do not meet the legal definition of refugee, but nonetheless cannot return to their countries of origin because of (potential) risk. According to the US Immigration and Nationality Act, safe haven can be given if the following three conditions are fulfilled (1.) there has been an environmental disaster in

the foreign State resulting in a substantial, but temporary, disruption of living conditions; (2.) the foreign State is temporarily unable to handle adequately the return of its own nationals; and (3.) the foreign State officially has requested such designation.

Temporary protected status can be issued for periods of 6 to 18 months and be extended for these periods if conditions remain unchanged in the designated country. Cut-off dates and registration deadlines are meant to reduce the potential pull factor, whereby people would take advantage of TPS in order to enter the United States. The US government has discretion in the designation of countries for which safe haven is given.⁷⁶

Several Scandinavian countries have also decided to extend complementary refugee protection for environmental reasons: The preparatory works to the Finnish Aliens Act acknowledges that such complementary protection may be necessary, although it prefers internal relocation in the home country and humanitarian aid.



The Swedish Aliens Act provides for complementary protection for environmental reasons, by including a clause on individuals who are “unable to return to the country of origin because of an environmental disaster”. This on condition that no internal relocation alternative to a safe area within the home country exists. Application of the law may furthermore be restricted if Sweden’s absorption capacity is overwhelmed. This would occur only in exceptional situations however, since Sweden reasons that capacity problems should first be tried to be solved in other ways, through international and in particular European cooperation.

In the discussions regarding a new Aliens Act in Norway, the Ministry of Immigration recognised the need to be able to grant (possibly temporary) residence permits to applicants who come from areas affected by humanitarian disaster, including natural disaster.

Denmark has, on discretionary grounds, granted humanitarian asylum to single women and families with young children from areas with extremely difficult living conditions, for example due to famine or drought.⁷⁷

After the South East Asian tsunami disaster in December 2004, a number of countries extended stay of removal for persons who could not return to their places of origin due to the local destruction cause by the tsunami, for example the UK. Israel was the first to do so, after the local UNHCR office appealed to the Israeli authorities to stay deportations of rejected asylum seekers from the affected region.⁷⁸ These efforts were made as a humanitarian gesture.

Climate Refugees who are ‘Internally Displacement Persons’ (IDPs)

Persons fleeing climatic events within the borders of their own country are protected by the rules on Internally Displaced Persons (IDPs), through the Guiding Principles on Internal Displacement⁷⁹. These rules on IDPs contain strong obligations for States regarding persons that are on the move. This chapter will demonstrate that this creates a situation where internally displaced people enjoy a higher level of protection and rights than those who cross borders due to climatic events.

*Refugee Kamp in Kenya
Image: MothersFightingForOthers*

The Guiding Principles are based upon international humanitarian and human rights law and are intended to serve as an international standard to guide governments, international organisations and all other relevant actors in providing assistance and protection to IDPs.⁸⁰ Principles relevant to climate change and human rights are:

Internally displaced persons shall enjoy the same rights and freedoms under international and domestic law as others in their country. The Principles must be observed by all authorities, groups and persons irrespective of their legal status and applied without any adverse distinction. National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction, and IDPs have the right to request and receive such protection and assistance, without being persecuted or punished for making such a request.

The Guiding Principles also contain clauses to protect from displacement. Principle 5 commits all authorities and relevant international actors to respect and ensure respect for their obligations under international law, including human rights and humanitarian law, under all circumstances, in order to prevent and avoid conditions that might lead to displacement.

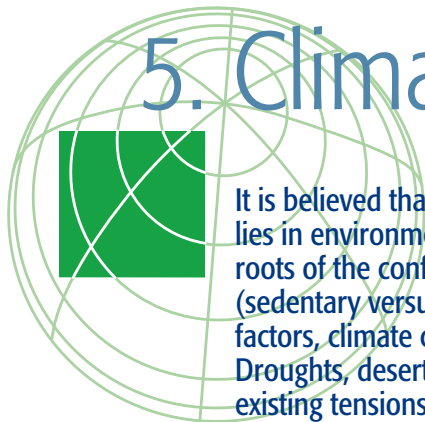
Principle 6 prohibits arbitrary displacement through ethnic cleansing, as collective punishment, because of armed conflict, unless it is to ensure the safety of the persons involved, or in cases of military necessity, in cases of large-scale development projects, when there is no justifiable public interest, or in cases of disasters, unless safety and health reasons require relocation.

The Guiding Principles remind the relevant actors of the human rights of displaced persons such as the right to life, the right to dignity and physical, mental and moral integrity, the right to liberty and security of person and many more specific rights⁸¹ (Principles 10 to 23).

The Guiding Principles confirm that competent authorities have the primary duty and responsibility to establish conditions and provide the means allowing internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country (Principle 28).

The Guidelines clearly state how IDPs are protected. The rules on IDPs do not exclude displacement due to climate change related events or impacts. However, as soon as a Climate Refugee crosses a border, that person is currently not regarded as a refugee under international law and treated differently. At this time people who are internally displaced due to environmental / climatic events enjoy a higher level of protection and rights than those who (are forced to) cross borders. Despite this legal framework of Guiding Principles, practice shows that protection of climate related IDPs is not what it should be according to the same Principles. In fact, as many (UN and NGO) reports confirm, climate related IDPs often lack any (legal) protection.

5. Climate Change: a Security Issue



It is believed that one of the main causes of conflict in Darfur, Sudan lies in environmental changes. Although it is recognised that the roots of the conflict lies in a mix of social (ethnic/tribal), economic (sedentary versus pastoral communities), political and environmental factors, climate change is believed to have contributed significantly. Droughts, desertification and water scarcity assumingly have pushed existing tensions to a boiling point and might have tipped the scale from low intensity competition to full scale violent confrontation. Scenario's which could become reality in other parts of the world as well and not in the far away future.

The UNDP 2007/2008 Human Development Report mentioned that "...large scale population displacement will redraw the ethnic map of many countries, bringing previously separate groups into close proximity with each other and in competition for the same resources. In the context of poor governance, poverty and easy access to small arms these situations can easily turn violent".⁸³


In early 2009 OHCHR report referred to a study, according to which "...the effects of climate change interacting with economic, social and political problems will create a high risk of violent conflict in 46 countries - home to 2.7 billion people. These countries, mainly in sub-Saharan Africa, Asia and Latin America, are also the countries which are particularly exposed to projected negative impacts of climate change".⁸⁴ This report refers to studies identifying climate change as a key challenge to global peace and stability.⁸⁵ This was also recognised by the Norwegian Nobel Committee when, in 2007, it awarded the Nobel Peace Prize jointly to the IPCC and Al Gore for raising awareness of man-made climate change. In 2007, the Security Council held a day-long debate on the impact of climate change on peace and security.

In October 2009, a multi-university team of researchers published the results of - what they claim - is the first comprehensive examination of the potential impact of global climate change on armed conflict in sub-Saharan Africa. The results of this research confirms that climate change is indeed a security risk as, in the case of sub-Saharan Africa, it could increase the likelihood of armed conflict or civil war by more than 50% by 2030. This would mean up to an additional 400,000 deaths if future wars are as deadly as current wars.⁸⁶

Along with the UN Security Council, UNDP, the reports mentioned above and other authoritative sources⁸⁷, we confirm that climate change increasingly will be a security issue and a threat to stability and peace.



*Burning village painting at encampment for Darfur
Image: FutureAtlas.com*



6. Required Action

Since climate change was addressed by the UN Human Rights Council in 2008, climate change attained more recognition as a human rights issue. The debate about climate change related refugees and their position under international law also received more attention. This is significant as it is often difficult to identify or prove the causal connection between climate change impacts, the acts or omissions of the State (or of private actors) and the effects on human rights.

Although it may not always be obvious whether and to what extent effects of climate change can be qualified as human rights violations in a strict legal sense for which an individual State could be held accountable, it is obvious that human rights instruments impose comprehensive obligations upon State parties.

Thus, even though (individual) States may not be held accountable for the negative effects on humans of climate change on the whole or for occurring natural disasters, they have a duty to take all available measures to protect the lives of their people, both in the prevention as well as the response stages. A human rights-based approach to climate change means active application by States of the principles of non-discrimination and equality recognised as core principles and rights in many covenants.

When a State ratifies an international human rights instrument it commits to ensuring that the rights contained in the instrument are upheld vis-à-vis the persons within its territory or subject to its jurisdiction. Any signatory State to a specific human rights convention is further obliged to committing to respect, protect and fulfil the rights contained in that convention.

The obligation to respect means that a State must refrain from interference with or limitation of the enjoyment of human rights. The obligation to protect lies on the State the responsibility to protect the persons under its jurisdiction against human rights abuses, whether by private or state actors. The obligation to fulfil means that States must take positive steps to facilitate the enjoyment of basic human rights. No matter what the cause of the threat to human rights might be, a State has positive obligations to use all means to its disposal to uphold the human rights affected.

As set out in this report, climate change increasingly will be a threat to specific human rights that are protected under conventions. Furthermore climate change will have direct and grave implications on the realisation and enjoyment of human rights. States therefore need to act based on their duty to protect human rights.

All States, both individually and joined by others, must respond to the effects of climate change if any State is to live up to its international human rights obligations. This means doing all it can to prevent and to respond to the threats to human rights resulting from climate change and to provide access to remedies in the event of violation of these rights.

Most effectively this would be done by adopting a human rights-based approach in responding to the climate change impacts. The failure to meet its obligations in the climate change context could lead to complaints being lodged against the relevant State with the UN treaty monitoring bodies.

International human rights law complements the United Nations Framework Convention on Climate Change by underlining that international cooperation is not only expedient but also a human rights obligation and that its central objective is the realisation of human rights.

The OHCHR report further concludes: “The physical impacts of global warming cannot easily be classified as human rights violations, not least because climate change-related harm often cannot clearly be attributed to acts or omissions of specific States. Yet, addressing that harm remains a critical human rights concern and obligation under international law. Hence, legal protection remains relevant as a safeguard against climate change-related risks and infringements of human rights resulting from policies and measures taken at the national level to address climate change.”⁸⁸

Climate change-related impacts have a range of implications for the effective enjoyment of human rights. The effects on human rights can be of a direct nature, such as the threat extreme weather events may pose to the right to life, but will often have an indirect and gradual effect on human rights, such as increasing stress on health systems and vulnerabilities related to climate change-induced migration.

This report shows that already tens of millions of people are on the move seeking refuge from climate change impacts and that this number is likely to increase to up to hundreds of millions of people in the next decades. We have set out that, especially as soon as they cross borders, these climate refugees lack the appropriate protection, which they need and deserve.

We need to ensure that these climate refugees will receive treatment and protection at an equal level as other refugees. Some writers suggest part of the solution for climate refugees would be to force accountability on the part of states under the major human rights conventions and questioning the treatment of asylum seekers based on this, as suggested by Hathaway⁸⁹.

Others, like Westra, argue that the results of the present economic oppression of local communities in developing countries are akin, if not equal, in their effects to the consequences of many crimes against humanity; that starvation and the other deprivations of extreme poverty should be treated as belonging to the same category and that climate refugees as well as other environmental migrants suffer the worst consequences, as they are amongst the most vulnerable, without either domestic or international protection.⁹⁰ Some suggest using humanitarian law ('the law of war') as this could be beneficial for crimes that are, for the most part, apolitical, and which attack humanity⁹¹.

Indian Family
Image: StuckInCustoms.com



Perhaps the most practical and efficient work on providing legal protection for climate refugees and other environmental refugees came from Professor Michel Prieur and his team of renowned co-designers who, late 2008, suggested a new convention: The Convention on the International Status of Environmentally-Displaced Persons.⁹²

As climate change causes millions of people to migrate, their rights must urgently be enshrined in and protected by international law.

More and more alarming reports show that as people are progressively forced to migrate due to climate change, it could in fact become a key challenge to global peace and stability.

Out of all reports, books and quotes which refer to human rights conventions, international law, refugee law, humanitarian law, etc., one clear message is voiced:

climate change needs to be taken on urgently and can only be dealt with through cooperation by all members of the international community. By all States, not by just a few.

Equally, international assistance is required to ensure sustainable development pathways in developing countries and enable them to adapt to now unavoidable climate change.

Yet, there are also measures individual States can take to prevent possible rights violations. Adaptation measures, taken in advance, can limit the risks and damage caused by climate change.

Disaster Risk Reduction is a crucial, internationally recognised defence against climate change and popular displacement, so much so that the UN has established a special institution to deal with the issue, the UN International Strategy for Disaster Reduction. The views of OHCHR mentioned, are consistent with the outcome of the 2005 World Conference on Disaster Reduction, which offers guiding principles and priorities for action.

The application of a human rights approach in preventing and responding to the effects of climate change serves to empower individuals and groups, who should be perceived as active agents of change and not as passive victims.

The increasing realisation of the impacts of our acts and of the human dimensions in relation to climate change must serve as a collective call for immediate and decisive global action, which includes the adoption of binding agreements on safe greenhouse gas emissions levels.

This report intends to empower our family members that have been, are and will be hit most by climate change. We encourage you all to help spread the word to inspire and empower others. This could include forwarding this report. Let's ensure the 'silent crises' shall no longer be silent.

We have shown the urgent need for the leaders of our world to act on behalf of all people belonging to the human family and of our beautiful planet Earth. Leading is about responsibility. We call on our leaders to act and - including other things - sign the deal in Copenhagen and beyond. Realistically, climate change will not end around or shortly after COP15. The core solution lies in a paradigm shift needed at a global level.

A sustainable future for all life on planet earth requires a transformation from a world which serves the wants of a few to a world which serves the needs of all members of the human family.

A world where Article 1 of the Universal Declaration on Human Rights will not be a politically correct statement, but reality:

*“All human beings
are born free and equal in dignity and rights.
They are endowed
with reason and conscience
and should act towards one another
in a spirit of brotherhood.”*



Annex 1 The Human Side of Climate Change in View

Pacific, Tuvalu Island

http://www.thesinkingoftuvalu.com/the_documentary_king_tide_trailer.php
http://news.bbc.co.uk/player/nol/newsid_7200000/newsid_7204500/7204507.stm?bw=bb&mp=wm&asb=1&news=1&ms3=54&ms_javascript=true&bbcws=2

Pacific, Kiribati Islands

<http://www.youtube.com/watch?v=qvKEWqOXd1U>
<http://www.youtube.com/watch?v=gGTb9OB17xc&feature=related>

Papua New Guinea, Carteret Islands

<http://www.youtube.com/watch?v=NHtqe2nhXiM&NR=1>
<http://www.youtube.com/watch?v=ajkjbmfjDrQ&NR=1>

Asia, Bangladesh

<http://www.youtube.com/watch?v=1dxSTPTdASw&hl=nl>

Asia, India, Sagar island, Sunderbans, Bengal

<http://it.truveo.com/Climate-change-refugees-take-refuge-in-Sunderbans/id/1074021643>

Asia, Maldives

http://news.bbc.co.uk/2/hi/south_asia/7946072.stm

Asia, China, Hongsibao

http://news.bbc.co.uk/2/hi/in_pictures/8029688.stm

North Pole region, Alaska, Shishmaref

<http://www.youtube.com/watch?v=2tVg4DUZw4c> (Part I)
<http://www.youtube.com/watch?v=1wc-FnV4jn0&feature=related> (Part II)
http://www.youtube.com/watch?v=uTyon_kXtl&feature=related (Part III)

Africa, Uganda

<http://www.guardian.co.uk/environment/video/2009/jul/06/climate-change-uganda>

The Americas, Bolivian Andes

<http://www.guardian.co.uk/environment/video/2009/apr/20/bolivia-climate-change>

General Discussions on Climate Change, Migration and Environmental Refugees

http://www.youtube.com/watch?v=n5CHtYR_Sik&hl=nl

Notes

- 1 Prof. Cees Flinterman is Honorary Professor of Human Rights - Netherlands Institute of Human Rights (SIM), Member of the UN Committee on the Elimination of Discrimination against Women (CEDAW), Member of the Netherlands Advisory Council on International Affairs and Former Director of the Netherlands Institute of Human Rights (SIM) and the School of Human Rights Research.
- 2 More data and information on our global footprint, see http://www.footprint-network.org/en/index.php/GFN/page/world_footprint
- 3 From the 2009 report 'UNHCR Climate change, natural disasters and human displacement: a UNHCR perspective report'. This and other recent UNHCR publications on climate change and forced migration are available online at: www.unhcr.org/climate.
- 4 The Anatomy of A Silent Crises. Download from http://ghfgenève.org/Portals/0/pdfs/human_impact_report.pdf.
- 5 Unless specifically mentioned differently in a footnote, all data, facts and figures presented under this paragraph are from the IPCC, 2007: Summary for Policymakers Documents: Impacts, Adaptation and Vulnerability; The Physical Science Basis; and Mitigation as drafted by or on behalf of The Intergovernmental Panel on Climate Change, Climate Change 2007.
- 6 More on this and on other UN 'Human Rights and Climate Change' information see: <http://www2.ohchr.org/english/issues/climatechange/index.htm>
- 7 Supra note 2. Most data in this chapter is from the IPCC reports mentioned and from the NJCM, Dutch Section of the International Commission of Jurists, August 2008 OHCHR study Climate Change and Human Rights Stakeholder input. Download location: http://www2.ohchr.org/english/issues/climatechange/docs/submissions/International_Commission_of_Jurists_Dutch_Section_NJCM_ClimateChange_HR.pdf
- 8 When referring to UNEP, this report refers to the data and conclusions as set out in UNEP Global Environmental Outlook 4 (GEO 4) Summary Report and the UNEP Global Environmental Outlook 3 (GEO 3) Conclusions Report.
- 9 World Health Organisation, Estimated deaths & DALYs attributable to selected environmental risk factors, country profile 2007.
- 10 See for instance <http://www.independent.co.uk/environment/climate-change/soot-reduction-could-help-to-stop-global-warming-1224481.html> and <http://www.sciencedaily.com/releases/2009/01/090112093336.htm>
- 11 UNEP, Global Green New Deal, Policy Brief, March 2009. Download at <http://www.unep.ch/etb/publications/Green%20Economy/UNEP%20Policy%20Brief%20Eng.pdf>
- 12 As Trevor Morgan, principle author of the UNEP report on energy subsidies and climate change titled "Reforming Energy Subsidies: Opportunities to Contribute to the Climate Change Agenda" explains in an interview. See: <http://www.globalsubsidies.org/en/subsidy-watch/commentary/revealing-high-cost-energy-subsidies-interview-with-trevor-morgan>
- 13 Idem. Page 10.
- 14 Download at <http://www.fao.org/docrep/010/a0701e/a0701e00.HTM>
- 15 Livestock and Climate Change, What if the key actors in climate change are... cows, pigs and chickens? Download at <http://www.worldwatch.org/files/pdf/Livestock%20and%20Climate%20Change.pdf> Robert Goodland retired as lead environmental adviser at the World Bank Group after serving there for 23 years. In 2008 he was awarded the first Coolidge Memorial Medal by the IUCN for outstanding contributions to environmental conservation. Jeff Anhang is a research officer and environmental specialist at the World Bank Group's International Finance Corporation, which provides private-sector financing and advice in developing countries.
- 16 Again, IPCC, 2007: Summary for Policymakers. Documents: Impacts, Adaptation and Vulnerability; The Physical Science Basis; and Mitigation as drafted by or on behalf of The Intergovernmental Panel on Climate Change, Climate Change 2007.
- 17 Another example of the effects of climate change in Africa is Lake Chad. According to NASA observations Lake Chad is now 1/20th of the size it once was. Lake Chad lies at the intersection of four countries, Chad, Niger, Nigeria and Cameroon. The enormous shrinkage of the lake is said to have been caused, in part, by climate change (other reasons experts mention are for example poor water management). The disappearing of Lake Chad negatively effects the environment, fishery and agriculture and is leading to popular movement and relocation of settlements. This is according to research done by NASA, the German Aerospace Centre and the National Space Research and Development Agency (NSRDA). The NSRDA estimates that the effects of the drying of Lake Chad affect some 25 million lives.
- 18 The Guardian online, Bolivia: Water people of Andes face extinction, April 24, 2009, at: <http://www.guardian.co.uk/world/2009/apr/24/andes-tribe-threat-bolivia-climate-change>
- 19 Examples of such codes are found on [our website](#) under 'Business' and are: [Guidelines for Multinational Enterprises](#) (Organisation for Economic Co-operation and Development, OECD); [Declaration of Principles concerning Multinational Enterprises and Social Policy](#) (International Labour Organization, ILO); [ICC Rules of Conduct and Recommendations](#) (International Chamber of Commerce, ICC); and [Global Compact](#) (United Nations Global Compact).
- 20 Protect, Respect and Remedy: a Framework for Business and Human Rights,

- United Nations Human Rights Council (A/HRC/8/5), New York, 7 April 2008. Download at http://www.unglobalcompact.org/docs/issues_doc/human_rights/Human_Rights_Working_Group/29Apr08_7_Report_of_SRSG_to_HRC.pdf
- 21 Business and human rights: Towards operationalizing the “protect, respect and remedy” framework, United Nations Human Rights Council (A/HRC/11/13), New York, 22 April 2009. Download at <http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/A.HRC.11.13.pdf>
 - 22 Opening Remarks at the Consultation on operationalising the framework for business and human rights presented by the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, Professor John G. Ruggie (SRSG), Geneva, 5-6 October 2009.
 - 23 International Covenant on Economic, Social and Cultural Rights, (16 Dec. 1966), 993 U.N.T.S.
 - 24 Committee on Economic, Social and Cultural Rights (CESCR), general comments No. 12 (1999) on the right to adequate food (Art. 11), para. 4, and No. 14 (2000) on the right to the highest attainable standard of health (Art. 12), para. 4.
 - 25 For a more extensive outline of these approaches, see the working paper by Professor Dinah Shelton: Health and Human Rights Working Paper Series No 1, Human Rights, Health & Environmental Protection: Linkages in Law& Practise, A Background Paper for the World Health Organisation, Prof. Dinah Shelton, London, 2002.
 - 26 Article 11 of the Additional Protocol American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (1988) is titled: “Right to a healthy environment” and proclaims (1.) Everyone shall have the right to live in a healthy environment and to have access to basic public services and (2.) The States parties shall promote the protection, preservation and improvement of the environment The Protocol provides for both a right to environment and a right to health. Article 10 states that (1.) Everyone shall have the right to health, understood to mean the enjoyment of the highest level of physical, mental and social well-being.
 - 27 The African Charter on Human and Peoples’ Rights (1981) contains both a right to health and a right to environment. Article 16 of the Charter guarantees the right to enjoy the best attainable state of physical and mental health to every individual. Article 24 declares that all peoples shall have the right to a general satisfactory environment favourable to their development.
 - 28 Article 29 of the Declaration declares that Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.
 - 29 It must be said here that the European Court on Human Rights has developed jurisprudence which accepts for several sorts of environmental disruption to be human rights violations, mostly under Article 2 (right to life), Article 6 (procedural rights) and Article 8 (family life) of the European Convention on Human Rights (ECHR). The Court has given its most explicit judgements based on Article 8.
 - 30 <http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc09/EDOC12003.htm> , the ink of the final recommendation was still wet when we published this report, but will likely be online in due time.
 - 31 www.RightToEnvironment.org
 - 32 <http://www2.ohchr.org/english/issues/climatechange/index.htm>
 - 33 UN Doc. A/HRC/10/61, 15 januari 2009.
 - 34 For the full blog on the COP15 website, see <http://en.cop15.dk/blogs/view+blog?year=2009&month=6&blogid=677>
 - 35 For the report of the Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights and his ‘Proba Koala’ visit to The Netherlands, see [http://www.reliefweb.int/rw/RWFiles2009.nsf/FilesByRWDocUnidFilename/VVOS-7VZR9F-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2009.nsf/FilesByRWDocUnidFilename/VVOS-7VZR9F-full_report.pdf/$File/full_report.pdf)
 - 36 <http://www.unhcr.ch/tbs/doc.nsf/0/84ab9690ccd81fc7c12563ed0046fae3>
 - 37 Human Rights Committee, general comments No. 6 (1982) on Art. 6 CCPR, para. 1 and 5, and No. 14 (1984) on Art. 6 CCPR, para. 1.
 - 38 Budayeva and Others vs. Russia, Application, 15339/02, 21166/02, 20058/02, 11673/02 and 15343/02 [2008] (20 March 2008).
 - 39 The Court was asked to confirm that the Russian government had failed to fulfil its obligations under Article 2 of the European Convention on Human Rights (ECHR), namely to protect the right to life. The case concerned events between 18 to 25 July 2000, when a mudslide led to a catastrophe in the Russian town Tynauz: it threatened the applicants’ lives and caused eight deaths, among them the husband’s of one of the applicants. The Court found that the Russian government breached Article 2 ECHR, both in its substance and in its procedural aspects. First, the authorities omitted to implement land-planning and emergency relief policies despite the fact that the area of Tynauz was particularly vulnerable for mudslides, thus exposing the residents to “mortal risk”. Second, the Court determined that the lack of any state investigation or examination of the accident also constituted a violation of Article 2 ECHR.

- 40 Quote taken from: Walter Kälin and Claudine H. Dale, Disaster risk mitigation – why human rights matter (2008).
- 41 Committee on the Rights of the Child, general comment No. 7 (2006) on implementing rights in early childhood, para. 10.
- 42 [http://www.unhchr.ch/tbs/doc.nsf/\(symbol\)/E.C.12.2000.4.En](http://www.unhchr.ch/tbs/doc.nsf/(symbol)/E.C.12.2000.4.En)
- 43 CESCR, general comment No.12(1999) on the right to adequate food (art.11).
- 44 [http://www.unhchr.ch/tbs/doc.nsf/0/a5458d1d1bbd713fc1256cc400389e94/\\$FILE/G0340229.pdf](http://www.unhchr.ch/tbs/doc.nsf/0/a5458d1d1bbd713fc1256cc400389e94/$FILE/G0340229.pdf)
- 45 CESCR general comment No. 15 (2002) on the right to water (arts. 11 and 12), para. 2.
- 46 Address of the Director-General of UNESCO, Mr. Koïchiro Matsuura, on World Water Day, 22 March 2009, at: <http://www.unwater.org/worldwater-day/downloads/181210e.pdf>
- 47 CESCR general comment No. 12, para. 6.
- 48 CESCR general comment No. 7 (1997) on the right to adequate housing (art. 11 (1) of the Covenant), reg. forced evictions.
- 49 CESCR general comment No. 12, para. 8.
- 50 <http://www.unhchr.ch/html/menu3/b/74.htm>
- 51 UN Doc. A/HRC/10/61, 15 januari 2009.
- 52 Idem.
- 53 Idem.
- 54 Idem.
- 55 Idem.
- 56 International Red Crescent Society (ICRC) World Disaster Report 2009, Annex I, at: <http://www.ifrc.org/Docs/pubs/disasters/wdr2009/WDR2009-full.pdf> (last visited 17 July 2009)
- 57 United Nations International Strategy for Disaster Reduction website, quoting CRED EM-DAT statistics, at: <http://www.unisdr.org/disaster-statistics/occurrence-trends-century.htm> (last visited 17 July 2009).
- 58 ICRC World Disaster Report 2009, Annex I. The culprit natural disasters are drought, food insecurity, earthquakes, tsunamis, extreme temperatures, floods, forest/scrub fires, insect infestations, mass movements through landslides, rock falls and subsidence of geographical origin, or through mudslides, landslides, avalanches, hydrological origin, volcanic eruptions and windstorms.
- 59 UN Doc. A/HRC/10/61, 15 januari 2009.
- 60 Download at http://www.osce.org/documents/eea/2005/05/14488_en.pdf
- 61 International Organization for Migration, IOM Policy Brief: Migration, Climate Change and the Environment, May 2009, p.1.
- 62 Care International, In Search of Shelter, May 2009, p.2.
- 63 United Nations High Commissioner for Refugees, Global Trends 2008 report, June 16, 2009.
- 64 UNHCR and Climate Change, Involvement Challenges and Response, Brochure, Oct 2009, available online at: <http://www.unhcr.org/4ad5820f9.html>
- 65 <http://www.thefreedictionary.com/refugee>
- 66 1951 Convention relating to the Status of Refugees, Article 1(a).
- 67 Address by Mr. L. Craig Johnstone, United Nations Deputy High Commissioner for Refugees, 'The Climate Change Future is Now', April 29, 2008; Paper submitted by the Office of the United Nations High Commissioner for Refugees to the 6th session of the Ad Hoc Working Group on Long-Term Cooperative Action under the Convention (AWG-LCA 6) from 1 until 12 June in Bonn, May 20, 2009, at respectively: <http://www.unhcr.org/4901e8e82.html> and <http://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&docid=4a1e4d8c2&query=climate%20refugees> (last visited June 27, 2009).
- 68 Idem, Paper by the United Nations High Commissioner, May 20, 2009.
- 69 Idem.
- 70 Essam El-Hinnawi, Environmental Refugees, UNEP 1985, quoted from a document published by Care Nederland, at: http://www.carenederland.org/files_content/publicaties/drr/Environmental%20refugees%20-%20brief%20overview%20literature.pdf
- 71 OECD Glossary of Statistical Terms, at: <http://stats.oecd.org/glossary/detail.asp?ID=839> (last visited June 27, 2009).
- 72 Brian Gorlick, senior policy officer at the UNHCR New York office, speaking at a panel discussion on "Environmental Refugees: the Forgotten Migrants" in New York, May 2007.
- 73 See among others, a presentation of the Equity and Justice Working Group, April 20, 2009, at: <http://www.equitybd.org/English/Press%20040409/Climate%20Refugees.pps#256,1.Slide> 1 (last visited June 27, 2009); Society for International Development Vijverberg Session 2008, Climate Change and (forced) Migration, at: http://sideurope.files.wordpress.com/2009/01/introduction-paper-vijverberg-cc-and-migration_16-12-20081.doc (last visited June 27, 2009); International Organization for Migration (IOM), Discussion note: migration and the environment, Geneva, November 1, 2007, at: http://www.iom.int/jahia/webdav/shared/shared/mainsite/about_iom/en/council/94/MC_INF_288.pdf
- 74 International Judicial Monitor, General Principles of International Law: Non-Refoulement (Vol. 1, Issue 1, March, 2006), at: http://www.judicialmonitor.org/archive_0306/generalprinciples.html
- 75 Supra note 2, paper by the UN High Commissioner for Refugees, May 20, 2009.

- 76 Idem.
- 77 Idem.
- 78 The contributor to this paper, Mr. G.H.A. van den Heuvel, was working at UNHCR Israel at the time and witnessed the events.
- 79 Download available at <http://www3.brookings.edu/fp/projects/idp/resources/GPEnglish.pdf>
- 80 This, the info below and much more can be found on the websites at <http://www.idpguidingprinciples.org> The Principles identify the rights and guarantees relevant to the protection of the internally displaced in all phases of displacement. They provide protection against arbitrary displacement, offer a basis for protection and assistance during displacement, and set forth guarantees for safe return, resettlement and reintegration. Although they do not constitute a binding instrument, the Principles reflect and are consistent with international law. The UN Commission and the General Assembly in unanimously adopted resolutions have taken note of the Principles, , welcomed their use as an important tool and standard, and encouraged UN agencies, regional organizations, and NGOs to disseminate and apply them. Individual governments have begun to incorporate them in national policies and laws, international organizations and regional bodies have welcomed and endorsed them, and some national courts have begun to refer to them as relevant restatements of existing international law. The Guiding Principles seek to protect all internally displaced persons in internal conflict situations, natural disasters and other situations of forced displacement. The Handbook for applying the Guiding Principles explains how best to implement the Principles in the field, while the Annotations provide a deeper examination of the legal aspects of the Guiding Principles.
- 81 Including the right and not to be subjected to arbitrary arrest or detention, the right to recognition as a person before the law, the right to be protected against discriminatory practices of recruitment into any armed forces or groups, the protection of children against forcible recruitment, the right to liberty of movement and freedom to choose his or her residence, the right to know the fate and whereabouts of missing relatives, the right to respect of his or her family life, the right to an adequate standard of living, the right to medical care of all wounded and sick, the right not to be arbitrarily deprived of property and possessions, the right to education, and the right to enjoy not to be discriminated in the enjoyment of: the rights to freedom of thought, conscience, religion or belief, opinion and expression; the right to seek freely opportunities for employment and to participate in economic activities; the right to associate freely and participate equally in community affairs; the right to vote and to participate in governmental and public affairs, including the right to have access to the means necessary to exercise this right; and the right to communicate in a language they understand.
- 82 The United Nations Office for the Coordination of Humanitarian Affairs, The Guiding Principles on Internal Displacement, at: http://www.reliefweb.int/ocha_ol/pub/idp_gp/idp.html
- 83 Supra note 42, p.24.
- 84 Supra note 26, p.21 and footnote 95.
- 85 UN Doc. A/HRC/10/61, 15 januari 2009.
- 86 Warming increases the risk of civil war in Africa, Marshall B. Burkea, Edward Miguelc, Shanker Satyanathd, John A. Dykema, and David B. Lobell. Download report at <http://www.pnas.org/content/early/2009/11/20/0907998106.full.pdf>
- 87 See for example: the Report of the Office of the United Nations High Commissioner for Human Rights on the relationship between climate change and human rights, January 15, 2009 (A/HRC/10/61), p.21; UNDP Human Development Report 2007/2008 Fighting climate change: Human solidarity in a divided world, Human Development Report Office OCCASIONAL PAPER 2007, p.24.
- 88 Supra note 26
- 89 Hathaway, J., *The Rights of Refugees under International Law*, 2005, Cambridge University Press, Cambridge, UK
- 90 Westra, L., *Environmental Justice and the Rights of Ecological refugees*, 2009, p. 136, Earthscan, London, UK
- 91 Idem. p.205
- 92 Download at <http://www.cidce.org/pdf/Draft%20Convention%20on%20the%20International%20Status%20on%20environmentally%20displaced%20persons.pdf>
- 93 Idem.
- 94 Hyogo Framework for Action 2005-2015: Building the Resilience of Nations and Communities to Disasters, at: <http://www.unisdr.org/eng/hfa/docs/Hyogo-framework-for-action-english.pdf>. Examples of guidelines under this framework are: Ensuring that disaster risk reduction is a national and a local priority with a strong institutional basis for implementation, Identifying, assessing and monitoring disaster risks and enhancing early warning; Using knowledge, innovation and education to build a culture of safety and resilience at all levels; Reducing the underlying risk factors; and Strengthening disaster preparedness for effective response at all levels.

We stand up for human rights linked to a sustainable future of people on planet Earth



www.StandUpForYourRights.org info@StandUpForYourRights.org

Stand Up For Your Rights

The Hub Amsterdam
Westerstraat 187
1015 MA Amsterdam
The Netherlands

Stand Up For Your Rights has been set up, because the founders feel the world needs it (and more initiatives alike) to positively push for acknowledging and upholding human rights that are linked to a sustainable future of people on planet earth. Our mission is to increase worldwide public understanding that acknowledging specific human rights that are related to the environment, water, development, equality, our children, poverty and doing business are crucial elements to a sustainable future on planet earth.



"Earth provides enough for everyone's need, not for everyone's greed."

Mahatma Gandhi