



More than just 'non-carbon benefits'?

Using a human rights based approach to address social dimensions and raise the ambition on mitigation

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Outline

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- ▶ Human rights and climate change: a brief overview
- ▶ A human rights-based approach
- ▶ Mitigation through human rights lens
 - Applying human rights principles
 - Ongoing considerations
- ▶ Discussion/questions



Climate change: a human issue

“The impacts of climate change will increasingly affect the daily lives of people everywhere in terms of employment and livelihoods, health, housing, water, food security and nutrition, and the realization of gender equality and other human rights”

- UN Task Team on Social Dimensions of Climate Change

- ▶ Climate change and related responses have significant human and social dimensions, although these are often neglected.
- ▶ A human-focused view reveals that climate change is already having an impact on the realization of human rights.



Human rights and climate change: a brief overview

- ▶ Inuit petition (2005)
- ▶ Malé declaration (2007)
- ▶ HRC Resolutions 7/23 (2008) and 10/4 (2009)
- ▶ Cancun agreements (2010):

“... [recognizing] that the adverse effects of climate change have a range of direct and indirect implications for the effective enjoyment of human rights and that the effects of climate change will be felt most acutely by those segments of the population that are already vulnerable owing to geography, gender, age, indigenous or minority, status and disability”.

“...Parties should, in all climate change related actions, fully respect human rights”.



Getting in the way
of effective climate
responses?

Overburdening
the regime?

Climate Change and Human Rights

CBDR
Vs
universalism?

Extra-territorial
obligations?

Difficulty of
establishing
causality?

Duty bearers?



A human rights-based approach

- ▶ According to human rights law, states have an obligation to *respect*, to *protect*, and *fulfil* human rights.
 - To *respect* means that states have to refrain from violating human rights actively and *protect* from abuses by third parties.
 - The obligation to *fulfil* requires the state to develop policies and programmes that encourage the progressive realization of human rights, and to refrain from actions that undermine their realization.
- ▶ The international community has a long standing obligation to assist states that lack the capacity to guarantee substantial rights.



Mitigation through a human rights lens

▶ Impact level

- Mitigation policies should not themselves violate human rights
- Actions should be designed, implemented, and monitored in such a way that respects and promotes effective enjoyment of human rights

eg. CDM, biofuels

▶ Normative level

- Human rights as instrument to push for strong and urgent mitigation actions eg. Inuit petition
- Taking into account social dimensions not just about 'non-carbon benefits' or 'co-benefits'!



Applying human rights principles

- ▶ Equity and non-discrimination
- ▶ Accountability: clarifying lines of responsibility by identifying entitlements of rights-bearers and obligations of duty-holders
- ▶ Procedural rights
 - participation & representation
 - safeguarding
 - redress mechanisms & complaint procedures
- ▶ Empowerment



Ongoing considerations...

- ▶ Climate change policy undertaken without integrating social dimensions will (continue to) have a negative impact on rights realization.
- ▶ Need to address the claim that human rights have the potential to run counter to mitigation efforts. How?
 - States have existing obligations regarding human rights, not acting on climate change leads to violations of these rights.
 - Shouldn't this be used to push for greater ambition?
- ▶ Possible entry points within the UNFCCC?

