



A submission by the Center for International Environmental Law

Submission on the fulfillment of the Bali Action Plan and the components of the agreed outcome to be adopted by the Conference of the Parties at its fifteenth session (AWG-LCA):

Considering the Human Rights Implications of Climate Change

06 February 2009

Introduction

Climate change is already interfering with the human rights of vulnerable communities, and is an enormous threat to human rights everywhere.

States have obligations under human rights law to protect against harm to human rights caused by climate change, both through mitigation and adaptation. In addition, human rights law requires states to ensure that their responses to climate change do not themselves violate human rights. For example, states must address climate change through transparent processes open to participation by all affected communities, including indigenous peoples and forest dwellers.

One of the obligations of states under human rights law is to cooperate internationally to address threats to human rights. This duty is of utmost importance when addressing climate change, a problem that can only be effectively addressed at a global level. To fulfill their duty to cooperate, states must reach an agreement that adequately protects against the harms to human rights resulting from climate change.

Shared Vision

As a matter of principle, human rights must be respected in all climate change-related activities, including the four components of the Bali Action Plan. States must cooperate to address the harm to human rights caused by climate change and ensure the attainment of UNFCCC objectives. Developing appropriate institutional mechanisms within the UNFCCC and associated instruments will ensure that this principle can be carried forward and adequately implemented in all aspects of the climate change regime.

Mitigation

As a matter of principle, human rights must be respected in all climate change-related activities, including climate change mitigation. States must adopt appropriate measures and policies, including through international cooperation, to take action to prevent dangerous anthropogenic interference with the climate system and ensure that climate change mitigation does not come at the expense of human rights.

Adaptation

As a matter of principle, human rights must be respected in all climate change-related activities, including climate change adaptation. States must adopt appropriate measures and policies, including through international cooperation, to ensure that climate change adaptation does not come at the expense of human rights.

Financing

As a matter of principle, human rights must be respected in all climate change-related activities, including climate change financing. In establishing and operating climate change financing mechanisms, States must cooperate to ensure that sufficient financing is available to prevent dangerous anthropogenic interference with the climate system and that climate change financing does not undermine the realization of human rights.

Technology Transfer

As a matter of principle, human rights must be respected in all climate change-related activities, including technology transfer for climate change. In implementing mechanisms for technology transfer for climate change, States must cooperate to ensure that sufficient technology transfer occurs to prevent dangerous anthropogenic interference with the climate system and that access to adequate and effective technology contributes to the realization of human rights.
