69139

SOCIAL DEVELOPMENT PAPERS

SOCIAL DIMENSIONS OF CLIMATE CHANGE

Development, climate change and human rights
From the Margins to the Mainstream?

Edward Cameron

SOCIAL DEVELOPMENT WORKING PAPERS

Development, climate change and human rights
From the Margins to the Mainstream?

Edward Cameron

Printed on Recycled Paper

Table of Contents

Acknowledgements

List of Acronyms

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CIEL	Center for International Environmental Law
CNA	Center for Naval Analyses
CoP16	16th Conference of the Parties to the United Nations Framework Convention on Climate Change
CRC	Convention on the Rights of the Child
ENV	Environment Department, World Bank
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic Social and Cultural Rights
ICHRP	International Council on Human Rights Policy
IPCC	Intergovernmental Panel on Climate Change
LEGEN	Environmental and International Law Unit, World Bank Legal Department
OECD	Organization for Economic Co-operation and Development
OHCHR	Office of the United Nations High Commissioner for Human Rights
REDD	Reducing emissions from deforestation and forest degradation
SDV	Social Development Department, World Bank
UDHR	Universal Declaration of Human Rights
UNDP	United Nations Development Program
UNFCCC	United Nations Framework Convention on Climate Change
UNHRC	United Nations Human Rights Council
UNICEF	United Nations Children's Fund

Introduction

Since 2005, a growing number of vulnerable communities and nations have used the human rights lexicon to argue their case for an urgent and ambitious response to climate change. The *purpose* of this Social Development Department Working paper is to examine the emergence of a new discourse linking climate change and human rights, and to assess its social and political implications, particularly as they relate to development practitioners. The *scope* of this paper is to explore what relevance this new discourse has on what David Kennedy calls the "vocabularies, expertise, and sensibilities" of development practitioners (Kennedy 2005).

To address these issues, the paper has the following three substantive sections:

1. *Context*: This introductory section distinguishes between two branches of human rights – the first is ethical or philosophical, the second legal. Following this is a brief account of how vulnerable communities introduced this discourse at the international level.
2. *From Human Impacts to Human Rights*: *Why have vulnerable communities used this approach?* The focus in this section is on how these communities experience climate change as a daily threat to human security, and their growing frustration at the inertia in developing a new and successful climate change policy regime. Finally, the vocabulary of arguments used to establish the link between human rights and climate change is outlined.
3. A Transformative Socio-Political Strategy? The outcomes and implications of linking human rights and climate change. This section explores how vulnerable populations have used human rights as a transformative socio-political strategy, altering the vocabularies, expertise, and sensibilities of those working on climate change and development; and shaping climate change analysis, process, advocacy, instrument design, and resource allocation. The visibility of many of the leading advocates of a human rights-based approach to climate change has grown substantially leading to greater influence, particularly within the context of the United Nations Framework Convention on Climate Change (UNFCCC) negotiations.

The *methodology* for this paper involved interviews with academics and policy practitioners who have shaped this emerging discourse; a wide-ranging literature review of texts relevant to the fields of development, climate change and human rights; discussions with development professionals who have the daily responsibility of operationalizing approaches to reducing vulnerability and building resilience; and finally drawing upon the author's own experience leading the Maldives' government's initiative on the Human Dimensions of Climate Change and as a consultant within the Social Dimensions of Climate Change Cluster of the World Bank's Social Development Department.

It is important to stress that this paper is not a legal piece. Human rights are as much about ethical demands, calls for social justice, public awareness, advocacy, and political action as they are concerned with legal norms and rules. Sen has pointed out a "theory of human rights cannot be sensibly confined within the juridical model in which it is frequently incarcerated" (Sen 2004, 319). Consequently this piece will focus on the wider, political economy aspects of the interface between human rights and climate change.

It is further appropriate to state that this is not an advocacy piece. The paper deliberately avoids being normative or prescriptive in recommending a human rights-based approach to developing climate change operations. It does examine why vulnerable populations chose to embrace this approach, why they continue to view it as a transformative strategy, and what some of the successes and challenges have been.

The novelty of the paper is that it captures the zeitgeist of vulnerable communities from small island developing states to Indigenous Peoples; reveals their frustration with the pace and structure of climate change responses; and so holds lessons for development practitioners at the World Bank who are currently scaling up their involvement in climate change.

The interface between climate change and human rights has met with stiff opposition and many continue to question the validity and utility of this approach. Arguments on responsibility and accountability can become circular and distracting, while different rights may conflict with each other. On numerous occasions skeptics have pointed out that while a right may exist in rhetoric or in legal statutes, this in no way ensures substantive outcomes for vulnerable populations. The right to food does not necessarily put food on the table for those who are hungry. Moreover, many climate change professionals fear that human rights can easily become politicized and controversial, injecting added complexity and cleavages into an already polarized global challenge.

The interface between human rights and development is no less charged. Seymour has argued that this relationship is often awkward and at times openly hostile as many development practitioners view any attempt to posit and enforce a human right to basic services as fanciful, counterproductive, or both (Seymour 2008).

As vulnerable populations have advanced this discourse in recent years they have been mindful of these complexities and have attempted to craft innovative responses into the overall vocabulary of arguments. This paper will examine the arguments in detail.

I. Context – the emergence of the interface between human rights and climate change

The invoking of human rights: Which branch of human rights are vulnerable populations turning to?

Human rights are typically thought to consist of two related branches: the first of which is characterized as ethical, moral, philosophical, or rhetorical; and the second is often termed juridical, legislative or legal (Sen 2004, Seymour and Pincus 2008, Knox 2009). In blunt terms the ethical branch of human rights maintains that all human beings are endowed, as a result of their humanity, with a set of rights that imply obligations and duties for other people. The legal branch contends that 'human rights' can only be understood as the rights prescribed by law (Seymour and Pincus 2008, 390). The two approaches have points of convergence and divergence.

A significant body of literature exploring the legal dimensions of the interface between human rights and climate change has begun to emerge during the past three years. The United Nations Office of the High Commissioner for Human Rights (OHCHR) published a landmark analysis in January 2009 in response to Resolution 7/23 of the United Nations Human Rights Council (UNOHCHR 2009a; UNHRC 2008). Numerous scholarly articles have further enhanced our understanding of the legal terrain with the International Council on Human Rights Policy's *Climate change and human rights: a rough guide* the most notable (ICHRP 2008. For other notable contributions see e.g. Hampson 2004, Kravchenko 2008, Raworth 2008, Cameron 2009a, Cameron 2009b, Knox 2009, Limon 2009). More recently, the Environmental and International Law unit of the World Bank Legal Department (LEGEN) have commissioned a report, which surveys how climate change and human rights interact from the perspective of public international law (McInerney-Lankford et al. 2011). This offers a review of the legal dimensions of this interface; aims to facilitate an understanding of what is meant, in legal terms, by "human rights impacts of climate change"; and attempts to identify ways in which international law can respond to this interaction.

This paper is concerned with the first branch. Amartya Sen has written "even though human rights can, and often do, inspire legislation, this is a further fact, rather than a constitutive characteristic of human rights" (Sen 2004, 319). When the Maldives first posited the link between human rights and climate change, the legal path was considered a "further fact"; however the social, ethical, political, and rhetorical aspects were the constitutive characteristics that drove the agenda.

Both branches trace their modern roots to the international human rights framework that emerged during the immediate aftermath of the Second World War. When human rights are used as articulations of ethical demands, the Universal Declaration of Human Rights (1948) and the nine core international human rights treaties (signed between 1965 and 2006) are typically used as points of departure. Human rights law also derives legitimacy from these instruments and is further supplemented by many other global and regional agreements, customary international law, general principles and other sources of international law, and domestic constitutions and legal frameworks. While the body of recognized human rights continues to evolve, at present a total of fifty-eight rights are protected under international human rights law (UNDP 2006). These include civil, political, economic, social and cultural rights.

Human rights are distinguished from other rights because they adhere to four basic principles, namely that they are viewed as being universal, inalienable, indivisible and interdependent. The concept of universality means that everyone is entitled to these rights simply by virtue of being human. Inalienable means that human rights can neither be given away nor can they be taken away from the rights holder. Indivisible and interdependent means that all rights are co-equal in importance and can only be achieved collectively. This final element is particularly problematic in the context of development discourse, which stresses that development is a process, often involving complex choices between competing urgent priorities.

Because human rights law is dependent on specific legal frameworks, rules and norms, it is far more rigorous and difficult to invoke than a proclamation of ethical demands.

The first difficulty is in identifying whether environment or climate change-related human rights even exist under international law. In its submission to the UNOHCHR report on climate change and human rights, the United States government stated that it does not share the view that an environment-related human right exists. The submission argues that no such right exists in the UDHR, the ICESCR, "nor any other human rights treaty of which the United States is aware". The submission goes on to state that international climate change agreements such as the United Nations Framework Convention on Climate Change do not speak of human rights obligations (United States Mission to the United Nations Offices in Geneva 2009). Other countries share this assessment and the debate amongst legal scholars has been ongoing for decades.

A second obstacle is determining whether climate change violates human rights rather than simply undermining the realization of rights. This may seem like a semantic argument for those invoking human rights for ethical ends, but for those concerned with law the difference in terms has significant implications.

Human rights law requires identifiable violations, identifiable harms attributable to violations, and for remedies to be provided by the government to individuals within its territory and jurisdiction. According to the US government climate change does not meet these criteria (United States Mission to the United Nations Offices in Geneva 2009).

The report of the UN Office of the High Commissioner for Human Rights appears to concur. According to the OHCHR qualifying climate change as human rights violations poses a series of difficulties. "First, it is virtually impossible to disentangle the complex causal relationships linking historical greenhouse gas emissions of a particular country with a specific climate change-related effect, let alone with the range of direct and indirect implications for human rights. Second, global warming is often one of several contributing factors to climate change-related effects, such as hurricanes, environmental degradation and water stress. Accordingly, it is often impossible to establish the extent to which a concrete climate change-related event with implications for human rights is attributable to global warming. Third, adverse effects of global warming are often projections about future impacts, whereas human rights violations are normally established after the harm has occurred" (OHCHR 2009a).

Other obstacles include the difficulty in assigning responsibility and causation; resolving conflicts across rights; and enforcing rather than merely endorsing the link between climate change and human rights. The International Council on Human Rights Policy shares concerns over responsibility. The Rough Guide on Climate Change and Human Rights explains that extraterritorial responsibility is hard to establish, as human rights law does not easily reach across international borders to impose obligations (ICHRP 2008, 4). Moreover, the complex nature of climate science means tracing the link from a specific social response, to the breakdown of particular ecosystem services, to a unique climate-induced event, caused by a readily identifiable greenhouse gas, from a specific source in one country is next to impossible.

ICHRP also concludes that rights are easy to endorse but difficult to enforce. Climate change affects categories of human rights that have notoriously weak enforcement mechanisms under international law. "In the absence of strong institutions, either at national or international level, it is not immediately obvious what human rights can add to a policy discussion that is already notably welfare-conscious, even if focused on the general good rather than on individual complaints" (ICHRP 2008, 4).

Finally, whose rights should take precedence? Human rights may not only protect the rights of those vulnerable to climate impacts but also those who stand to lose their livelihoods from the transition to low-carbon growth (i.e. workers in the energy sector).

In the words of human rights scholar Peter Uvin, "It makes little sense to counter a (political and) ethical debate with a purely legal argument" (Uvin 2004, 22). By offering a complementary political economy perspective to the legal analysis we hope to provide a comprehensive account of the various dimensions of the climate change and human rights discourse.

The ethical branch has fewer restrictions and limits and so is easier to invoke. This branch views human rights as more than mere norms and rules. First, they are a source for public and social recognition, agitation and appraisal (Sen 2004). Proponents argue that human rights help to base climate change in the most widely shared set of international laws, obligations and values. Moreover, they state that human rights are expressions of values, ethics and beliefs. This powerful combination provides ammunition in what John Ruggie has described as the "court of public opinion" (Ruggie 2008). Second, human rights serve as expressions of values and beliefs (Freeman 2002); offer moral and ethical arguments for action (Mearns and Norton 2009); and provide for authoritative advocacy (Cameron 2009a, Darrow and Tomas 2005). According to Clapham, the human rights card can be persuasive, sometimes even conclusive, in contemporary decision-making as the moral force of human rights can help to win arguments and, sometimes, to change the way things are done (Clapham 2007). And finally, human rights can be used to shape analysis, process, instrument design and substantive outcomes for vulnerable populations (Cameron 2009b; ICHRP 2008, Limon 2009).

John Knox has argued that whether or not climate change gives rise to legal duties under international human rights law, treating climate change as a threat to human rights in a moral sense has its own value. Specifically, it can draw attention to the effects of climate change on particular communities, highlight the particular causes of their vulnerability, and prompt more urgent and ambitious responses from the states

with responsibility and capacity to act (Knox 2009, 4). These aspects will be examined in more detail in section III.

The emergence of the discourse

The link between climate change and human rights was first posited in 2005. In that year, the Inter-American Commission on Human Rights received a petition requesting relief for a "violation of human rights resulting from global warming, allegedly caused by "acts and omissions of the United States" (Center for International Environmental Law 2005). The Inuit peoples of Alaska and Canada, supported by the Center for International Environmental Law (CIEL) and Earthjustice, argued that the adverse impact on wildlife from climate change, and changes in the location number and health of plant and animal species, violates their fundamental human rights to life, property, culture, and means of subsistence (Kravchenko 2008). Although the petition was rejected without prejudice in November 2006, the Commission did invite the petitioners to provide testimony on the link between human rights and climate change at a hearing in February 2007.

In 2007, CIEL was approached for a second time to provide assistance to the government of the Maldives in launching the Human Dimensions of Climate Change initiative, which sought to inject urgency and ambition into efforts to shape a global climate regime. To this end, the Maldives government set about pushing for an international declaration through the Alliance of Small Island States and for the adoption of two United Nations Human Rights Council Resolutions.

The subsequent Male' Declaration on the Human Dimension of Global Climate Change stated that "climate change has clear and immediate implications for the full enjoyment of human rights including inter alia the right to life, the right to take part in cultural life, the right to use and enjoy property, the right to an adequate standard of living, the right to food, and the right to the highest attainable standard of physical and mental health". The Declaration further called on the Conference of the Parties of the United Nations Framework Convention and the UN human rights agencies in Geneva to work with partners in assessing the human rights implications of climate change (Maldives Ministry of Foreign Affairs 2007).

In March 2008, the government of the Maldives, working in tandem with seventy-eight co-sponsors secured the adoption, by consensus of a resolution on climate change and human rights at the United Nations Human Rights Council in Geneva. It called on the Office of the High Commissioner for Human Rights (OHCHR) to conduct an analytical study exploring the interface between human rights and climate change (Cameron 2009b). United Nations Human Rights Council Resolution 7/231 represented the first time that a UN resolution recognized that climate change "poses an immediate and far-reaching threat to people and communities around the world and has implications for the full enjoyment of human rights" (Limon 2009).

The resulting report from the OHCHR provides a comprehensive and authoritative assessment of how climate change is already affecting individuals around the world and how those effects are likely to get progressively worse over the coming years. The report, which was based on written and oral

submissions by over thirty states and thirty-five international organizations, national human rights institutions, NGOs, and academic bodies, marks a first attempt by the United Nations human rights machinery to undertake a comprehensive assessment of the complex and multifaceted inter-linkages between climate change, environmental degradation, and human rights (Limon 2009).

The OHCHR Report asserts that global warming "will potentially have implications for the full range of human rights" but that certain rights are most directly implicated by climate change-related impacts. These rights include the right to life, the right to adequate food, the right to water, the right to health, the right to adequate housing, and the right to self-determination (OHCHR 2009a).

A second Human Rights Council Resolution on climate change and human rights, adopted on 20 March 2009, echoed the findings of the OHCHR report and affirmed that human rights obligations and commitments "have the potential to inform and strengthen international and national policy-making in the area of climate change, promoting policy coherence, legitimacy and sustainable outcomes" (United Nations Human Rights Council 2009).

Political and legal advances on climate change and human rights have been matched by a significant expansion in the realms of research and advocacy. A large number of experts from law, anthropology, political sciences, economics, and development have produced scholarly articles, focused primarily on how this discourse emerged and whether there is indeed a link between climate change and human rights. The most significant contributions to this field have been by the International Council for Human Rights Policy (ICHRP 2008) and Oxfam (Raworth 2008). Elder statesmen such as Kofi Annan, Desmond Tutu and Mary Robinson, have used their considerable public profile and credibility to become thought leaders in this field. Mrs. Robinson, in particular, emerged as a leading advocate through her work at Realizing Rights in New York and more recently through the establishment of the Mary Robinson Foundation Climate Justice in Dublin, Ireland.

While this growing number of outputs has succeeded at given prominence to the link between climate change and human rights, the body of work looking at how to operationalize human rights for the purpose of equitable climate stabilization is relatively small by comparison.

These are the factual origins of the discourse on climate change and human rights, but what are the motivations behind this discourse? Sections II and III will present the "vocabulary of arguments" that explain why vulnerable populations embraced this approach.

Human rights as input or output?

Just as there are two related but distinct branches of human rights, there are also two discernable approaches to looking at human rights from a development perspective. The first views human rights as an *input* and pre-condition to economic development. Advocates of this pole believe that the deprivation of human rights is an integral part of what it means to be poor; and that improving human rights empowers institutions, communities and individuals to move towards greater prosperity (Herbertson 2010). The second approach views human rights as an *output* of development. Once economic security is

achieved populations tend to turn their attention to safeguarding other facets of their lives such as social cohesion and political freedoms.

The vulnerable communities who have advanced this agenda view human rights as an essential input – providing impetus to process, changes to institutions, new perspectives on analysis, and ultimately the resources necessary to build resilience to global climate change. However, they also view resilience to climate change as an essential pre-condition to improving their own human rights record.

II. From Human Impacts to Human Rights: Why have vulnerable communities used this approach?

Why did vulnerable communities choose to pioneer the interface between climate change and human rights? Essentially the choice was motivated in part by *experience* and in part by *expectation*.

The experience of dealing with climate change impacts as a daily threat to human security, coupled with more than two decades of participating in largely ineffective international processes, have created the need for a "game-changer". Vulnerable populations have created a vocabulary of arguments centered on human rights, with the expectation of developing a transformative strategy that can inject urgency and ambition into efforts to address climate change. This section looks at the background conditions that led vulnerable populations to embrace this interface and explores some of the arguments.

Climate change: a daily threat to human security and development

The problem of climate change has profound significance for human and social systems and is deeply interrelated with efforts to promote sustainability and achieve the promise of the Millennium Development Goals. A series of complex social impacts and responses are set in motion as a result of destruction of ecosystems, extreme weather events, changes in hydrological cycles, and sea-levels rise. These include:

- Worsening of poverty and hunger and increased water scarcity
- Loss of livelihoods
- Deteriorating health conditions;
- Involuntary displacement and migration;
- Increased incidence of violent conflict.

These impacts and responses feature prominently in the lives of vulnerable populations. They are daily threats to human security and provide the first explanation for why these communities turned to the human rights discourse.

Heightened vulnerability to climate change provides a bond between seemingly unrelated communities across the world. From the farmers in the Sahel to the tourism workers in the Caribbean, the fishermen in the Maldives and the Inuit hunters in the Arctic, climate change is experienced as a daily reality and a far-reaching challenge to their survival.

The term vulnerability derives from the Latin root *vulnerare*, meaning to wound. Accordingly, vulnerability in simple terms means the capacity to be wounded (Millennium Ecosystem Assessment 2005). In the past, climate change vulnerability was understood as exposure to climate risks. Today exposure is viewed as one of three factors that determine vulnerability, with sensitivity and adaptive capacity completing our understanding. Together, these three factors determine what wounds are inflicted by climate change; who is wounded; how; and why.

Vulnerable populations are exposed to multiple risks including changing hydrological patterns, impacts on agricultural productivity, dangers to unique and systems, extreme weather events, and sea-level rises. The sensitivity of these populations results from a series of variables and intersecting inequalities including high level of dependency on environmental services for livelihoods, food, energy and shelter; lack of human, social, natural, physical, financial, cultural, and technological assets; geographical context; and governance deficits (including discrimination, lack of access to information, decision making, and justice, and weak institutions). Finally, vulnerable populations lack adequate adaptive capacity because they are not involves changes in processes, practices, or structures that moderate or offset potential damages associated with changes in climate. From a development perspective, building adaptive capacity refers to interventions that improve governance and enhance assets. These assets enable individuals, households or entire communities to withstand climate-related events.

The world's most vulnerable people live on the margins and climate change will push them closer to the edge. Although they have the dubious honor of being the first to suffer the myriad impacts of global warming, "last and least" accurately describes their position in international discussions on climate change. They have contributed least to the growing concentrations of CO2 and other greenhouse gases in our atmosphere and so have the least responsibility for the crisis we now face. They are least likely to be heard at the negotiating table as they lack the political weight of the major emitters. As a result, their vulnerability goes unnoticed and their voices go unheard. They are also least likely to be the beneficiaries of climate funds, most of which gets spent on mitigation (particularly energy projects) rather than adaptation. And when action is taken they are least likely to be involved in the consultations (Cameron 2009a).

All societies are vulnerable to one extent or another but some societies, and some of the more marginalized groups within societies, are more vulnerable than others.

Temperature rises beyond 2°C will increase the number of people at risk of poverty and hunger, leaving an additional 600 million facing acute malnutrition by the 2080s (this is additional to the projections in the absence of climate change) (UNDP 2007). Drought, cyclones, floods and sea level rise will reduce agricultural yields, destroy key infrastructure (irrigation and storage systems), increase soil and water salinity and reduce areas suitable for agriculture and livestock. Previously fertile lands will be less productive and consequently require a different type of farming infrastructure to produce sufficient yields. An analysis of 12 food-insecure regions by the World Bank indicates that without adaptation Asia and Africa will suffer particularly severe drops in agricultural yields by 2030 (World Bank 2009b). In East Africa over 23 million people are currently living on the brink of starvation due to four successive years of failed rains and recurring drought. Ethiopia has to feed 6-8 million chronically food insecure people every year, even when weather conditions are good (Irish Aid 2005b). Climate change will exacerbate this insecurity and lead to increased incidence of poverty.

The landmark Economics of Climate Change study prepared by Sir Nicolas Stern predicted that temperature rises of 2°C will result in as many as 4 billion people experiencing growing water shortages. The most heavily impacted populations would be in Africa, the Middle East, Southern Europe, and Latin

America. This will have consequences for the availability of safe drinking water, irrigation and urban water supply (Stern 2006).

The livelihoods of roughly 450 million of the world's poorest people are entirely dependent on managed ecosystem services (IPCC 2007). About 2.6 billion people depend on agriculture for their livelihoods (Millennium Ecosystem Assessment 2005). Other livelihood strategies will also be hit hard by climate change. Climate change threatens to undermine the long-term viability of the tourism sector in many developing and least-developed countries. Globally, the economic gains from tourism and fisheries are estimated to be worth up to US$30 billion per year (Buddemeir et al 2004). Destruction of coral reef systems will have devastating consequences for coastal populations and economies highly dependent on tourism revenues. Increased incidence and intensity of floods and cyclones as well as gradual sea level rise due to climate change may lead to the accelerated coastal erosion and the destruction of key infrastructure and assets (i.e. fishing boats for fishermen to pursue their livelihoods).

In general, livelihood sources of the poor are usually narrow and climate-sensitive. In periods of stress they may be forced to draw down on a variety of assets and resources leaving them further exposed to the next risk (Irish Aid 2005a). Education and health are often early casualties when the poor draw down on their assets. This means that educational attainment takes a back seat to day-to-day needs. The results are loss of earning potential across generations and a cycle of poverty (GHF 2009).

Climate change is likely to have many and diverse impacts on human health, with significant repercussions for social and economic systems. Poor health can be a personal tragedy for an individual; for households it can perpetuate vulnerability by limiting members' scope to pursue education and livelihood activities. At a country level it can contribute to a reduction in productivity of the national workforce and undermine development.

Vector-borne diseases such as malaria, dengue and yellow fever are sensitive to temperature, humidity and rainfall patterns. As temperature and precipitation patterns change, these diseases will spread to areas traditionally outside the disease vectors. At present, approximately 40 percent of the world's population is at risk from malaria but this number is projected to rise to 80 percent by 2080 (DfID 2004). Exposure to extreme weather events such as heat waves, floods and droughts can also impact human health in a variety of ways including worsening malnutrition, heat stroke, and the spread of communicable diseases. The number of deaths from weather-related disasters and gradual environmental degradation due to climate change is expected to jump to about 500,000 people per year (GHF 2009).

Worsening environmental conditions combined with political and financial instability may force populations to migrate. Migration can then become a catalyst for social unrest if increased population density in the host community perpetuates resource scarcity. The IPCC and the Stern Review state that by 2050, between 150 million to 200 million people may be permanently displaced due to climate change (Stern 2006 and IPCC 2007), while UNDP estimates that global temperature increases of 3–4°C could result in 330 million people being permanently or temporarily displaced as a result of flooding (UNDP 2007). Bangladesh is often cited as the doomsday scenario with regards to migration. More than 70 million people live in areas that could be affected by extreme weather events, prolonged flooding, and

sea-level rise. A mass-migration of this scale would be unprecedented. The consequences of such a movement of people into neighboring lands that are already overstressed are uncertain but potentially highly volatile. Displacement affects not only those physically displaced but also the sending and receiving populations.

International Alert has identified disputes over access to water, productive agricultural land, and methods for managing migration as potential sources of conflict (Smith and Vivekananda 2009). Mearns and Norton posit that many of the countries most severely at risk from climate change are also the most fragile and conflict-prone societies (Mearns and Norton 2010). According to Thomas Homer-Dixon at the University of Waterloo, climate change by itself doesn't launch wars, rebellions or campaigns of ethnic cleansing. "What climate change does is decrease the resilience of a society. It makes it more brittle and more vulnerable to shock and various kinds of pathologies, including major violence" (Faris 2009, 28). The CNA Corporation's analysis states that climate change acts as a "threat multiplier" that heightens the conditions for internal conflict, sows the seeds of instability in already volatile regions, and increases the likelihood of failed states (CNA Corporation 2007).

Two decades of failed promises and missed opportunities

If there is a second bond between these groups it is the frustration at the scale and urgency at responding to the existential threat posed by climate change, and the sense that the clock is ticking on finding an equitable and comprehensive global deal. To vulnerable populations, the conclusion of the recently published World Development Report, which stated "the window of opportunity to choose the right policies to deal with climate change and promote development is closing" rings true (World Bank 2009a).

When the then President of the Maldives, Maumoon Abdul Gayoom, spoke in London in July 2007, he recalled two speeches he had given in late 1987, the first at meeting of Commonwealth Heads of Government, and the second at the UN General Assembly. During the former speech he described how unprecedented waves had caused widespread destruction in the Maldives, a statement, which later found an eerie echo in the suffering caused on the island state by the 2004 tsunami. In the later speech in New York he delivered what became known as the "death of a nation" speech, where he vividly described how climate change impacts the failure to act to stave off the threat of climate change would result in short-term decline and long-term disappearance for many small island nations. He detailed the "momentous times" and significant milestones during the following decades, as delegates met in Rio, Kyoto, Johannesburg, and elsewhere to develop a global climate change regime. However, the overarching theme from that speech in London was one of regret, for the "failed promises and missed opportunities" that in his view capture the essence of our outputs. For despite the Rio Declaration, the agreement on a United Nations Framework Convention on Climate Change, the Kyoto Protocol, and all the additional operations and interventions to stabilize the climate, global greenhouse gas emissions are on course to rise by 50% between now and 2030 (Gayoom 2007).

Confronting climate change requires action to avoid unmanageable impacts such as large-scale temperature and sea-level rise; widespread devastation of eco-systems, species and habitats; and the shutting down of vital earth services. It further requires taking steps to manage unavoidable impacts by

making socio-ecological systems more resilient to the implications for poverty and hunger; livelihoods; health; migration; and conflict.

Sound climate change policy and sound development interventions are therefore linked – both attempt to minimize exposure, reduce sensitivity, and build adaptive capacity. The preferred methods for achieving these goals have been translated into four climate change building blocks. These are: mitigation, adaptation, financing, and technology. Almost two full decades on from the signing of the United Nations Framework Convention on Climate Change (UNFCCC 1992) mitigation targets remain inadequate and unfulfilled; adaptation responses appear insufficient to deal with climate impacts; finance remains sparse and difficult to access; and technology development and deployment is fragmented. The acrimony and disappointment evident at the conclusion of the Fifteenth Conference of the Parties to the United Nations Framework Convention on Climate Change in Copenhagen in December 2009 provides a graphic illustration of the disputes that perpetuate the large gulf between the challenge of climate change and the nature of the global response.

In addition to the growing sense of frustration, vulnerable populations are also sensitive to the notion that the world's attention, which was drawn to climate change in the middle of this decade, may now be beginning to look elsewhere. The ecological argument, which has driven the sustainable development agenda since the early 1970's, no longer seems sufficient to mobilize the public at large, nor persuade crucial decision makers to make the types of compromises that are necessary to secure a climate deal.
Within the community of small island states, attempts to diagnose the reasons behind the relative lack of progress and gradually waning attention focused on a number of aspects. First, the accepted analysis concentrated too narrowly on natural and ecosystems to the detriment of human and social systems. This partial account of the impacts of climate change led to the development of a process that was limited in terms of stakeholders and disciplines; inadequate in terms of animating political will and public support; ill-equipped to identify suitable targets and instruments; and ineffective in terms of meeting targets and safeguarding the development aspirations of vulnerable populations. As years passed without any meaningful progress, vulnerable populations decided to turn to human rights as a means of overcoming these perceived shortcomings.

How human impacts translate into a vocabulary of human rights arguments

Freeman has written that the concept of human rights becomes relevant to ordinary people when the relative security of everyday life is absent or snatched away. It has often been said that human rights are most needed when they are most violated (Freeman 2002, 3). It is telling that the Inuit and the Maldives were the two communities that launched this agenda as their security is being snatched away by climate change. Both communities have appealed to the following human rights to create a comprehensive vocabulary of arguments in order to demand more effective and timely climate change interventions.

The right to life is protected in both the Universal Declaration on Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR). Article 3 of the UDHR provides "everyone has the right to life, liberty and security of person" (UDHR 1948). Article 6(1) of the ICCPR provides "every human being has the inherent right to life" (United Nations 1966). The right to life imposes an

obligation on States to take positive measures for its protection, including reducing infant mortality, malnutrition and epidemics (OHCHR 2009b). Article 12(a) of the International Covenant on Economic Social and Cultural Rights (ICESCR) recognizes the right to the 'enjoyment of the highest standard of physical and mental health'. Article 12 of the Covenant further creates obligations of Parties to take progressive steps toward the "prevention, treatment, and control" of preventable diseases (United Nations 1966b).

In both their rhetoric and their appeal to human rights instruments, vulnerable populations argue that climate change can have both a direct and indirect impact on the rights to life and health. The effect may be immediate – the loss of life caused by hurricanes, cyclones, floods, or heat waves; or slow-onset – death resulting from malnutrition, vector or water borne diseases. Climate change can also impact human life indirectly. Thomas Homer-Dixon, quoted in *Forecast*, has said "if a starving man succumbed to tuberculosis or was shot while stealing a piece of bread, you wouldn't say he died because he didn't eat. But hunger played a part in his death" (Faris 2009, 28).

The right to food is explicitly mentioned in Article 11 of the ICESCR and Article 24(c) of the Convention on the Rights of the Child (CRC). The CRC provides that states shall take appropriate measures "to combat disease and malnutrition… and through the provision of adequate nutritious food" (United Nations 1990). In addition to a right to adequate food, the ICESCR also enshrines "the fundamental right of everyone to be free from hunger" (United Nations 1966b).

In making ethical demands based on human rights, vulnerable populations argue that the right to food is likely to be undermined as climate change alters hydrological patterns, the frequency of droughts, land salinization, soil erosion, nutrient depletion, and water scarcity. These threaten to undermine the core factors that provide a basis for food production, namely productive soil and fresh water.

The right to an adequate standard of living, including "adequate food, clothing and housing, and to the continuous improvement of living conditions" is set forth in Article 11 of the ICESCR (United Nations 1966b). Communities faced with widespread and persistent drought argue that their livelihood strategies based on rain-fed agriculture, will be impacted by water scarcity with dire implications for crop yield. This could reduce cultivation of vital staples and the availability of cash crops. For example, the Nampula region in Mozambique has experienced recurring drought and related problems of decreased crop productivity and degradation of irrigation systems for two successive years. This has contributed to widespread malnutrition and forced many subsistence farmers to migrate to the city of Beira to look for work. Rising food prices and rampant unemployment in Beira make livelihood diversification and income generation difficult and compounds existing social problems and stresses in the city. Other livelihood sectors including tourism, fisheries, trade and commerce, and agro-forestry are also potentially undermined by climate change.

Many of the low-lying atoll states may face extinction by the end of the century, resulting in loss of citizenship and nationality for the inhabitants. The Maldives in particular has argued that this will have vast implications for civil and political rights. As Francoise Hampson has pointed out, "nationality and citizenship are rights in and of themselves, but they are also precursors to the bulk of other

internationally recognized human rights" (Hampson 2004). Is it possible to maintain a right to culture if an entire population is displaced and dispersed?

Just as vulnerable populations argue that climate impacts can undermine the realization of rights, they further contend that climate change responses (policies, interventions and operations), if poorly designed, can also undermine rights.

Marcos Orellana of the Center for International Environmental Law has prepared a paper examining how various mitigation policies impact human rights. The right to food may be undermined by changes in land use, on the one hand, and by increasing prices of food where biofuels derive from food products, on the other. The right to water may be affected by lowering of the water table that affects community wells. The right to health may be infringed where aerial spraying of pesticides of the biofuel plantations affects neighboring communities and/or surrounding crops. The application of pesticides without adequate safety measures may also compromise workers rights (Orellana 2009).

Question marks also persist about how Reduced Emissions from Deforestation and Degradation (REDD) will interact with human rights. According to Seymour alterations in the condition or management of forests is relevant to human rights. There are the direct impacts of climate change on forest-based livelihoods, and consequent undermining of economic, social and cultural rights and also the risks to civil and political rights that could be posed by the implementation of schemes to mitigate emissions from land use change (Seymour 2008). The appeal of increased revenues for forest conservation and using forests as carbon sinks increase the likelihood that local elites will ignore or deny the land and resource rights of indigenous, traditional and/poor forest users in order to position themselves to claim compensation for forest stewardship (Seymour 2008).

Indigenous Peoples are concerned that REDD will lead to expropriation of their lands, leading to displacement and migration. The Permanent Forum on Indigenous Issues argue that new proposals for REDD "must address the need for global and national policy reforms … respecting rights to land, territories and resources, and the rights of self-determination and the free, prior and informed consent of the indigenous peoples concerned" (OHCHR 2009a).

Adaptation policies also have explicit rights implications. The relocation of populations from indigenous lands threatened by rising sea-levels is a case in point that could have impacts on indigenous rights.

The table that follows was created and included in the original concept note for this paper. It builds on work by CIEL, Oxfam International (Raworth 2008) and Marc Limon (Limon 2008). Versions of this table appeared in the report of the World Bank Workshop on the Social Dimensions of Climate Change (World Bank 2008) and in an edited volume of papers that emerged from that same workshop (Mearns and Norton 2010).

Table 1: Climate impacts and human rights.

Climate change impacts projected by the IPCC	Impacts on human and social systems	Rights implicated	International Conventions
Temperature rises The IPCC projects a range of temperature increase scenarios, each of which is dependent on the level of $CO_2(e)$ in the atmosphere. Current trends will very likely lead to a rise of more than 2°C by end of century.	Increased water insecurity Increased health risks / fatalities from diseases and natural disasters Loss of livelihoods Effects on the wider economy	Life Health Means of subsistence Adequate standard of living	UDHR (1948) (e.g. Article 3 - "Everyone has the right to life, liberty, and security of person"). International Covenant on Economic Social and Cultural rights (1966) (e.g. Article 12 - "The State Parties...recognize the right of everyone to the
Risks of extreme weather events Caribbean states are highly vulnerable to natural disasters and extreme weather events. On average a major hurricane effects the region every two years. These are projected to increase in frequency and intensity due to climate change.			
Threats to unique systems Coral reefs provide critical habitat for more than 25% of marine species, and contribute more than \$30bn in annual net economic benefit. The latest studies estimate that a third of the world's reef-building coral species are facing extinction.	Changes in agricultural productivity and food production Threats to security / cohesion Effects on human settlements, land and property leading to migration and displacement	Self determination Water Culture Property	enjoyment of the highest attainable standard of physical and mental health"). International Covenant on Civil and Political Rights (1966) (e.g. Article 1.2 - "In no case may a people be deprived of its own means of subsistence").
Changes in precipitation and distribution of water. By 2020, between 75 million and 250 million people are projected to be exposed to increased water stress due to climate change. Drought affected areas will likely increase. Heavy precipitation events, which are very likely to increase in frequency, will augment flood risk.		Adequate and secure housing Education Property Gender, children's and Indigenous Rights	Convention on the Elimination of All Forms of Discrimination Against Women (1979) (e.g. Article 14 – "State Parties will take into account the particular problems faced by rural women..."). Convention on the Rights of
Threats to biodiversity Approximately 20% to 30% of plant and animal species are likely to be at increased risk of extinction if global average temperature exceeded 1.5°C to 2.5°C. There are projected to be major changes in ecosystem structure and function, species ecological interactions, and species geographical ranges, with predominantly negative consequences for biodiversity, and ecosystems.	Impacts on political / public Services Damage to vital infrastructure Loss of cultural integrity		the Child (1989) (e.g. Article 6 - "State Parties shall ensure to the maximum possible extent the survival and development of the child").
Sea-level rises, flooding and storm surges Many millions more people are projected to be flooded every year due to sea-level rise by the 2080s. Those densely populated and low-lying areas where adaptive capacity is relatively low, and which already face other challenges such as tropical storms or local coastal subsistence are especially at risk.	Decline in natural systems services Distribution of impacts (vulnerable will suffer most)		
Large scale singularities Climate impacts could lead to the melting of the Greenland / Antarctic ice-shelves, release of methane in Siberia, and the halting of the Atlantic conveyor belt.			

III. A Transformative Socio-Political Strategy? The outcomes and implications of linking human rights and climate change

Influencing the vocabularies, expertise, and sensibilities of development practitioners.

Amartya Sen has written that the "invoking of human rights tends to come mostly from those who are concerned with changing the world rather than interpreting it" (Sen 2004, 317). This is certainly the case with regard to the vulnerable populations who have championed the interface between human rights and climate change.

Vulnerable communities and nations developed an interest in the human rights lens because it provided a way for them to account for the social, economic and political threats they face; expressed their frustration with the pace of developing climate change responses; and for some, provided a transformative socio-political strategy that could be used to re-energize the global debate. In many ways it was a statement of urgency on their part. This remains very relevant today as that sense of urgency remains and is indeed increasing. In terms of expectations, leading advocates aim to use the human rights discourse to achieve the following:

- Improved analysis of drivers, impacts and thresholds
- Enhanced governance, consultation and participation
- Authoritative advocacy and enhanced political profile
- Broadening the terms of the climate change dialogue
- Instrumental value for development practitioners

This section will present each of these expectations in turn and explore how a rights-based approach influences the vocabularies, expertise, and sensibilities of development practitioners.

Improved analysis of drivers, impacts and thresholds

Uvin describes human rights as "heuristic devices" - experienced-based techniques that help in problem solving, learning and discovery (Uvin 2004). In the context of climate change human rights can help alter diagnosis by focusing attention on human and social drivers, impacts and thresholds.

Recognizing climate change as principally an issue of social justice and development provides scope for policy makers to develop a more comprehensive diagnosis of the origins, significance, interrelationships and potential solutions to climate change. This provides a route to examine the intersecting inequalities that contribute to vulnerability and to explore a variety of approaches that offer redress and capacity building to marginalized populations.

A human rights lens is effective in bringing the vulnerable to the fore and promoting their inclusion in devising effective responses. Writing for Oxfam International, Kate Raworth argues that "human rights help to base international [climate change] policymaking on the most widely shared set of international

laws and values. They focus attention on the people who are most vulnerable to climate impacts, yet whose voices are often heard least in debates" (Raworth, 2008).

The International Council on Human Rights Policy has proposed using human rights as an analytical tool to determine thresholds that specify minimum acceptable levels of protection against climate impacts; mobilize, target and disperse funding; plan and refine mitigation strategies; and assess approaches to adaptation (ICHRP 2008). At the core of this argument is the belief that identifying likely transgressions of human rights thresholds would improve policies and provide criteria for their adoption or rejection (ICHRP 2008).

One of the most important analytical questions relates to Article 2 of the United Nations Framework Convention on Climate Change (UNFCCC), which states that the ultimate goal of climate change interventions is to secure "the stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system" (UNFCCC 1992). Of course the term "dangerous" is a matter of perspective. As ICHRP illustrate, an average rise of 2°C from preindustrial levels may be reasonable and feasible as a global goal, but to communities living in low-lying coastal areas or dependent on coral reef systems for livelihoods a 2°C rise will result in disaster. While a cost-benefit analysis might conclude that hardships in one place can be set off against benefits in another, "such calculations are impermissible for human rights, which view each individual harm on its own terms" (ICHRP 2008). As a result, thresholds identified using a human rights-based approach are more likely to focus on the most vulnerable and orient policy interventions in their favor.

Human rights also help to develop sound analytical understanding of vulnerability by addressing sensitivities and inequalities. This is crucial as climate change is first and foremost intertwined deeply with patterns of inequality, both intra-state as well as inter-state. Within countries, climate change acts as a multiplier of existing vulnerabilities, particularly those related to assets and cultural status. When Hurricane Mitch landed in Honduras in 1998, wealthy households had greater exposure, however poor households lost proportionally more. Among affected households, the poor lost 15% to 20% of their assets, while the richest lost only 3% (World Bank 2009a). Impacts also varied by gender: male-headed households rebounded quickly due to greater access to new homes and livelihood sources, while female-headed households struggled to find work and leave the disaster shelters (World Bank 2009a).

Enhanced governance, consultation and participation

A human rights lens requires voice for the most vulnerable and provides methodologies for engaging the participation of, and consultation with, key stakeholders in the formulation of climate change and development strategies.

The human rights framework may provide for a number of procedural entry points that can strengthen governance and provide opportunities to vulnerable populations to account for their experiences and shape outcomes in their favor. Access to information provides opportunities to understand climate change impacts; to gain insight into what inputs are shaping policy-making; and to remain up-to-date on how policy is being implemented and enforced. Access to decision-making provides for participatory

policy-making with vulnerable populations counted among those shaping climate change interventions. Access to justice provides scope for dispute settlement and redress when policies are poorly conceived, processes are not respected, or outcomes are harmful.

Improving governance may also help to address "asymmetries of power, the phenomenon known as elite capture" (Darrow and Tomas 2005) and contribute to breaking down what ICHRP have described as "disciplinary path dependency", whereby the study and response to climate change is guided by a narrow number of disciplines, perspectives and interests (ICHRP 2008). By providing a more equitable process, centered on a human rights-based approach, proponents argue that these asymmetries will be corrected.

Authoritative advocacy and enhanced political profile

Anthony Giddens has written about the need to make climate change a "front of the mind issue". He describes this approach as "foregrounding", the use of the various political devices that can be deployed to keep global warming at the core of the political agenda. His basic argument is that climate change is easily knocked off the front pages (Giddens 2009, 71). Linking climate change with human rights has been effective as a tool for public diplomacy. Concentrating on lives, jobs, homes and rights has certainly captured public imagination, broadened the number of stakeholders involved in the debate, and focused the minds of governments who are keen to resolve the climate challenge in the negotiation rooms rather than the courtrooms.

Three years since the Maldives launched this initiative they have won the Anna Lindh award for Human Rights, and are now in the running for a similar award from the Clinton Global Compact. Moreover, it is further noteworthy that the Maldives was one of only 20 countries to have been involved in negotiating the Copenhagen Accord, while other more weighty countries were left sitting on the sidelines. There is consequently an argument that launching this agenda has led to greater visibility, authority and impact for those who championed it.

Broadening the terms of the climate change dialogue

More than eighty states co-sponsored the Maldives Resolution on climate change and human rights at the United Nations in Geneva, many of whom are developing and least developed countries. An increasing number of these states are using human rights instruments and institutions to assess their own vulnerability to climate change and to craft potential climate interventions. This includes examining what role human rights commissions can play in providing guidance on reducing inequalities that make populations more sensitive to climate impacts. Moreover, many of these countries are increasingly using the vocabularies of human rights and climate change in their relations with other stakeholders, including development agencies. Development practitioners are likely to encounter these vocabularies more often over the coming years.

In a significant victory for champions of the interface between climate change and human rights, the 16th Conference of the Parties to the United Nations Framework Convention on Climate Change (CoP 16) in Cancun adopted a series of texts that explicitly refer to human rights. This is the first time that an official

UNFCCC text, adopted by the plenary session of the Conference of the Parties, has endorsed the linkage between climate change and human rights. The preamble to the text on long-term cooperative action notes the Resolutions passed at the UN Human Rights Council in Geneva and states that "the adverse effects of climate change have a range of direct and indirect implications for the effective enjoyment of human rights". It further draws specific attention to the most vulnerable groups stating that "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" (UNFCCC AWG-LCA 2010). Moreover, Section II paragraph 8 states that Parties "should, in all climate change-related actions, fully respect human rights" (UNFCCC AWG-LCA 2010).

This landmark text therefore provides a platform for vulnerable populations to include greater protection for their rights, enhanced understanding of their vulnerability, and to draw more comprehensively on the instrumental value of the human rights lens throughout the UNFCCC process. Similar efforts are underway to include reference to human rights in the Fifth Assessment Reports of the Intergovernmental Panel on Climate Change. These Reports are due to be released in 2013 and 2014 with the Synthesis Report set for publication in September 2014.

Instrumental value for development practitioners

Rights are inherent goods but they also have instrumental value. Steiner argues that the right to free speech "serves as a means of enriching the marketplace of ideas and hence cultural and political processes". Meanwhile, "adequate food and housing reduce the need for health care, adequate health care enables people to undertake work and education, and education in turn improves health and spurs the economy" (Steiner 1998). Rights can also provide the tools and guidance necessary to build resilience. Signatories to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) do not only commit to end the discrimination faced by women, they are also presented with methods to achieve the goals, including transforming existing cultural patterns and underlying beliefs, and detailed views on education, employment, and the family (Steiner 1998).

With growing recognition of the instrumental value of human rights a number of states and international organizations have already begun to use a human rights lens in response to global climate change.

The government of Finland has identified gender inequalities as a key aspect of vulnerability. Women living in poverty are the most vulnerable to climate impacts, however they are also key actors in ensuring their communities' ability to cope with and adapt to climate change. Finland has determined that defending the full range of women's human rights within the context of addressing climate change is essential both to protecting women themselves and to cultivating their capacity for leadership. The government is therefore actively promoting the application of gender rights in its development policy. Policies include giving the gender perspective political visibility in climate and development related positions and statements; supporting women's participation in international and national climate talks; emphasizing women in support for capacity building in developing countries; and streamlining the gender perspective into climate co-operation (Government of Finland 2009).

Within the UN family, UNICEF and UNDP are considered to be pioneers of a human rights lens. UNICEF's approach involves integrating four different steps during its programming work, namely

- Causality analysis to identify basic causes such as gender discrimination;

- Analysis of the complex web of social and political relationships between rights-bearers and duty-bearers; analysis of capacity gaps that prevent duty holders from fulfilling their obligations;

- Identification of candidate actions to equip both rights-holders and duty-bearers in relation to a specific issue;

- Program design, which involves aggregating the priority actions into programs and projects (Cornwall and Nyamu-Musembi 2004).

UNDP has identified four ways in which a human rights lens influences and improves development programming:

- It forces program staff and policy-makers to reflect upon the why and how of their actions beyond the questions of what should be done;

- The global legitimacy of human rights provides an objective starting point for dialogue and discussions with government, the people and external partners;

- It helps policy-makers and citizens to recognize the power dynamics of the development process;

- The accountability structure pursued through a human rights-based approach facilitates the development of quantitative and qualitative benchmarks and indicators for measuring progress in development planning and delivery (UNDP 2006).

There are other methods for integrating a human rights lens into development and climate change responses (see Uvin 2004):

- Conditionality could theoretically involve cutting access to financial support to countries who fail to respect human rights. Clearly this approach is not feasible from a political standpoint and may be counter-productive.

- Positive Support typically offers an alternative conceptual approach to integrating principles of human rights (such as good governance) into development practices by advancing a range of incentives and disincentives. These can include building capacities, changing stakeholder relations, and rewarding positive steps that improve process and tackle inequality.

These approaches are being pursued at a time of general convergence of concepts in looking at human development, climate change and human rights. There is a growing understanding of how these three fields, and the various conceptual, political and legal frameworks that accompany them, intersect. While some organizations cannot explicitly adopt a human rights-based approach to climate change, they can – and are – enhancing choices, opportunities and capacities of vulnerable populations. This is being done by creating a new vision of climate change that looks at social as well as environmental factors (World Bank 2008); the development of new tools that address sensitivity and inequality as well as exposure;

reforming processes so that they are more inclusive and provide access to information, decision-making and justice; and the availability of systems of support redress for those most impacted by climate change.

The OECD Development Assistance Committee has identified a number of factors that have contributed to successful approaches to 'vernacularizing' and integrating human rights in development agencies. These have included a supportive political context; senior level commitment, accountability and communication; strengthening of staff capacities and incentive; and provision of new tools and procedures (Piron and O'Neil 2005). These conditions are currently absent in most development organizations. Moreover, the development agenda is loaded with a number of instruments that seem, at face value, to incorporate many human rights principles while avoiding some of the controversy. These include the governance agenda and policies on inclusion and participation.

The challenges

From the moment vulnerable populations decided to argue climate change from a human rights perspective they invited a wave of opposition from a series of opponents.

To some opponents far from being a common and admired standard, the human rights framework is actually a patchwork of very different texts, obligations, monitoring and enforcement mechanisms. Countries preferences, rather than being universal, are often rights-specific. Some countries have a preference for first generation rights (civil and political), whereas others prefer second (economic, social and cultural) and/or third generation (dealing with issues such as development, environment and community rights). These preferences mean the international instruments often have different signatories, varying states of ratification, fragmented implementation and frequently lack binding force. Bridging the considerable gaps between those who prefer to focus on civil and political rights and those favoring economic, social, cultural and environmental ones remains today and is reflected in the debate on climate change and human rights.

Other opponents argued that human rights are often in conflict with each other and as a consequence introducing this lens to the climate change debate would solve few problems and open up entirely new ones. Freeman uses freedom of religion to illustrate this point. The Universal Declaration of Human Rights establishes the right to "freedom of thought, conscience and religion and to manifest his religion or belief in teaching, practice, worship and observance" (UN 1948). Freeman points out that this has the potential problem that some religions may not respect some of the other human rights, and thus there may be conflict between Article 18 and the rights listed in the other articles (Freeman 2002). He also questions whether so-called hate speech can be made illegal without violating freedom of expression (Freeman 2002) an issue that has come up recently in a number of European countries.

A third challenge to this approach came from those who view the human rights framework as being ineffectual. Scholar Peter Uvin argues that second and third generation human rights have been largely ignored and neglected with the exception of some marginal UN Committees. He further states that the "Geneva based UN human rights mechanisms constitute some of the most powerless, under-financed, toothless formulaic and politically manipulated agencies within the UN system (Uvin 2004, 140). He goes

on to write that "for development work to be discussed there, or for development workers to read these discussions, is about as useful to on-the-ground change as knowing the lyrics for *We are the world* is to ending world hunger" (Uvin 2004, 140).

For his part, Freeman quotes a former Chair of the then Human Rights Commission as being "the World's most elaborate waste-paper basket" (Freeman 2002). While human rights are appropriate means to identify inequalities, they do not necessarily provide mechanisms for addressing them. The ICESCR "reveals no scheme or strategy about economic development or about a socio-economic transformation" (Steiner 1998). Steiner goes on to draw comparisons between many of the international human rights instruments that appear to be static character and lack guidance on how to get from vulnerability to resilience (Steiner 1998). This criticism was reflected in the US submission to the OHCHR, which claims that a human rights approach to climate change provides "virtually no guidance or insight on how to mitigate and adapt to climate change. Consequently it is not likely to contribute to the underlying need to slow, stop, and reverse worldwide emissions and reduce societal vulnerability to climate change (United States Mission to the United Nations Offices in Geneva 2009).

Similarly, the key players involved in climate change may not have a mandate to use human rights thresholds. As mentioned earlier, the US submission to the OHCHR study on human rights and climate change specifies that none of the climate change instruments including the UNFCCC, Kyoto Protocol and Bali Action Plan contain any provisions for a human rights lens. The use of human rights-based approaches within the wider UN family has also been a subject of debate and controversy for some considerable time with many scholars arguing that founding texts expressly prohibit decision-making based on human rights criteria.

These assessments may seem harsh but it does reflect the views of many climate change policy makers and practitioners who wonder what practical difference a human rights approach can make to resolving the climate crisis. Opponents often point to the right to food and the right to development. Regarding the former they argue that this right has not prevented world hunger, indeed there are more hungry people in the world today than at any other time in human history. With the latter, they argue that the right to development is without binding force, has no support among rich countries, and so represents little other than a hollow, rhetorical victory for developing country negotiators. At a time when focus, urgency and ambition is required in constructing a global architecture on climate change, opponents argue that little time can be wasted on scoring yet another hollow victory.

IV. Conclusion: From the Margins to the Mainstream

This paper is subtitled "from the margins to the mainstream" in recognition of the viral speed at which the human rights lens has emerged from relative obscurity to feature prominently in the wider debate on climate change. Professor Daniel Magraw, President of the Center for International Law and one of the earliest proponents of the link between human rights and climate change, has said that when this nexus was first mooted "people laughed at the very thought; but no one is laughing now" (Magraw 2009). Today, the climate change conversation has widened to look at how human systems interact with each other as well as with the ecological systems that sustain them. This is an important success in terms of enhancing analysis, process and instrument design, and methods for evaluating the success of climate policy interventions.

Over the coming years the vocabulary of arguments centered on human rights and initiated by vulnerable populations, is likely to become increasingly prominent as a means of raising awareness, making ethical demands for action, and building coalitions.

It is important for proponents of the human rights lens to use this initial success to continue to expand the potential for this interface. Preambular language in UNFCCC documents is a crucial milestone. As focus begins to shift from the political deal-making in Cancun to the practical implementation of low-carbon climate-resilient development, this discourse will require a subtle reinvention. Proponents will need to demonstrate instrumental added value to the practical arts of crafting sound policies on mitigation, adaptation, technology and finance. Human rights have become relevant. They must now become effective in improving substantive outcomes for vulnerable populations.

Bibliography

Buddemeir, Robert, J. Kleypas, and R. Aronson. 2004. Coral reefs and global climate change: potential contributions of climate change to stresses on coral reef ecosystems. Arlington, VA: Pew Center on Global Climate Change.

Cameron, E. 2009a. "Small Island Developing States at the Forefront of Global Climate Change". In State of the World Report 2009: Into a Warming World, ed. Worldwatch Institute. Washington, DC: W.W. Norton & Company.

Cameron, E. 2009b. "The Human Dimension of Global Climate Change". West-Northwest Journal of Environmental Law Volume 15 (1): 1-15.

Center for International Environmental Law. 2005. Petition to the Inter-American Commission on Human Rights: violations resulting from global warming caused by the United States. Washington, DC: CIEL.

Clapham, A. 2007. Human Rights: A very short introduction. New York City: Oxford University Press.

CNA Corporation. 2007. National Security and the Threat of Climate Change. Alexandria ,VA: CNA Corporation.

Cornwall, A, and C Nyamu-Musembi. 2004. "Putting the 'rights-based approach' to development into perspective." Third World Quarterly. 25 (8): 1415-1437.

Darrow, M; and Tomas, A. 2005. "Power, Capture and Conflict: A call for human rights accountability in development cooperation." Human Rights Quarterly 27: 471-538.

Department for International Development (DfID). 2004. The impact of climate change on the health of the poor. London: UK Department for International Development.

Faris, S. 2009. Forecast. New York: Henry Holt and Company.

Freeman, Michael 2002. Human Rights. Cambridge: Polity Press.

Gayoom, Maumoon Abdul. 2007. Speech to Royal Commonwealth Society. London, 17 July 2007.

Giddens, A. 2009. The Politics of Climate Change. Cambridge: Polity Press.

Global Humanitarian Forum. 2009. The Human Impact Report: Climate Change – The Anatomy of a Silent Crisis. Geneva: Global Humanitarian Forum.

Government of Finland. 2009. Replies to the Questionnaire to Member States prepared by the Office of the High Commissioner for Human Rights, pursuant to Human Rights Council resolution 7/23 on human rights and climate change. Geneva: Government of Finland.

Hampson, Francoise. 2004. The human rights situation of indigenous peoples in states and territories threatened with extinction for environmental reasons. United Nations Commission on Human Rights Working Group on Indigenous Populations. Geneva: UNCHR.

Herbertson, Kirk, Kim Thompson and Robert Goodland. 2010. A roadmap for integrating human rights into the World Bank Group. Washington, DC: World Resources Institute.

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

IPCC (Intergovernmental Panel on Climate Change). 2007. Climate Change 2007: Synthesis Report. Contribution of Working Groups I, II and III to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change. Geneva, Switzerland: IPCC.

Irish Aid. 2005a. Poverty and Climate Change: Reducing the vulnerability of the poor through adaptation. Dublin: Irish Government Department of Foreign Affairs.

Irish Aid. 2005b. Climate Change and Poverty Reduction. Dublin: Irish Government Department of Foreign Affairs.

Kennedy, David. 2005. "Challenging Expert Rule: The politics of global governance." Sydney Law Review Volume 27: 5-15.

Knox, John H. 2009. "Climate Change and Human Rights Law". Virginia Journal of International Law, Vol. 50, No. 1; Wake Forest University, Legal Studies Paper No. 1480120.

Kravchenko, S. 2008. "Right to carbon or right to life: human rights approaches to climate change." Vermont Journal of Environmental Law 9: 514–547.

Limon, M. 2008. "Concepts and Issues Paper: on the relationship between climate change and human rights." Geneva: Permanent Mission of the Maldives to the United Nations Office in Geneva.

Limon, M. 2009. "Human rights and climate change: Constructing a case for political action." Harvard Environmental Law Review 33 (2): 439-476.

Magraw, Daniel. 2009. Speech to Three Degrees Conference at the University of Washington. Seattle. 27 May 2009.

Mearns, Robin, and Norton, Andrew (eds). 2010. The Social Dimensions of Climate Change: Equity and Vulnerability in a Warming World. Washington, DC: The World Bank.

McInerney-Lankford, Siobhán, Mac Darrow and Lavanya Rajamani 2011. Human Rights and Climate Change: A Review of the International Legal Dimensions. Washington, D.C.: The World Bank.

Millennium Ecosystem Assessment. 2005. Ecosystem and Human Well-Being Synthesis: Synthesis Reports. Washington, DC: Island Press.

Maldives Ministry of Foreign Affairs. 2007. Male' Declaration on the Human Dimensions of Global Climate Change. Male': Government of the Republic of Maldives.

Office of the United Nations High Commissioner on Human Rights (OHCHR). 2009a. Report of the Office of the United Nations High Commissioner for Human Rights on the relationship between climate change and human rights. Geneva: OHCHR.

—. 2009b. The United Nations human rights treaty system: an introduction to the core human rights treaties and treaty bodies. Geneva: OHCHR.

Orellana, Marcos 2009. "A Rights-based Approach to Climate Change Migration", in Greiber, Thomas (Ed.) 2009. Conservation with Justice: A Rights-Based Approach. Gland: IUCN.

Organization of American States (OAS). 2008. Draft Resolution on human rights and climate change in the Americas. Washington, DC: OAS.

Piron, Laure-Helene, and Tammie O'Neil. 2005. Integrating human rights into development: A synthesis of donor approaches and experiences. London: Overseas Development Institute.

Raworth, Kate. 2008. "Climate wrongs and human rights." Oxfam International Briefing Papers, Oxford: Oxford International.

Ruggie, John 2008. Protect, Respect and Remedy: a Framework for Business and Human Rights. Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises. A/HRC/8/5. Geneva: United Nations Human Rights Council.

Sen, Amartya. 2004. "Elements of a Theory of Human Rights". Philosophy and Public Affairs 32(4): 315-356.

Seymour, D. and Pincus, J. 2008. "Human rights and Economics: The conceptual basis for their complementarily". Development Policy Review 26 (4): 387-405.

Seymour, Frances. 2008. Forests, Climate Change and Human Rights: Managing Risk and Trade-offs. Bogor: Center for International Forestry Research.

Smith, Dan and Janani Vivekananda. 2009. Climate Change, Conflict and Fragility: understanding the linkages, shaping effective responses. London: International Alert.

Steiner, Henry J. 1998. "Social Rights and Economic Development: Converging Discourses?" Buffalo Human Rights Law Review. Volume 4: 25-42.

Stern, Nicolas. 2006. The Economics of Climate Change: The Stern Review. Cambridge: Cambridge University Press.

United Nations Development Program (UNDP). 2006. Indicators for human rights based approaches to development in UNDP programming: a user's guide. New York: UNDP.

—. 2007. Fighting climate change: human solidarity in a divided world. Human Development Report 2007/2008. New York: United Nations Development Program Foundation.

United Nations. 1948. Universal Declaration of Human Rights. Paris: United Nations.

—. 1966a. International Covenant on Civil and Political Rights. New York: United Nations.

—. 1966b. International Covenant on Economic, Social and Cultural Rights. New York: United Nations.

—. 1990. Convention on the Rights of the Child. New York: United Nations.

—. 1992. United Nations Framework Convention on Climate Change. New York: United Nations.

—. 2010. Advance draft of a revised text to facilitate negotiations among Parties at the eleventh session of the AWG-LCA. Bonn, United Nations.

UNHRC (United Nations Human Rights Council). 2008. Res. 7/23 on human rights and climate change, U.N. Doc. A/HRC/7/78 (Mar. 28, 2008). Geneva: UNHRC.

UNHRC (United Nations Human Rights Council). 2009. Res. 10/4, U.N. Doc. A/HRC/10/L.30 (Mar. 20, 2009). Geneva: UNHRC.

United States Mission to the United Nations Offices in Geneva (2009) Observations by the United States on the relationship between climate change and human rights. Geneva.

Uvin, P. 2004. Human Rights and Development. Bloomfield: Kumarian Press.

World Bank. 2008. Social Dimensions of Climate Change: Workshop Report 2008. World Bank, Washington, DC: World Bank.

World Bank. 2009a. World Development Report 2010. Climate Change and Development. World Bank, Washington, DC: World Bank.

World Bank. 2009b. Global Report - Economics of Adaptation to Climate Change. World Bank, Washington, DC: World Bank.