Climate Change, Human Rights & Indigenous Peoples

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CENTER FOR INTERNATIONAL ENVIRONMENTAL LAW
Overview

Institutional and legal framework

UN Climate Convention

REDD+ and Rights
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.

Climate change has implications for the enjoyment of fundamental rights to:

- Life
- Adequate food
- Water
- Health
- Adequate Housing
- Right to self determination
UN Declaration on the Rights of Indigenous Peoples (UNDRIP)

- Adopted September 2007
- Affirms rights to lands, territories, and resources
- Seek consent in matters affecting indigenous peoples
- Compiles and affirms existing rights
Selected international instruments affirming rights relevant to UNDRIP and climate change

- Universal Declaration of Human Rights
- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights
- Convention Concerning the Protection of the World Cultural and Natural Heritage
- ILO Convention 169
- Rio Agenda 21
- International Convention on the Elimination of All Forms of Racial Discrimination
“Actions complement or are consistent with . . . relevant international conventions and agreements” --Decision 1/CP.16

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<th>Country</th>
<th>Brazil</th>
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UN Human Rights System: What is a rights-based approach?

- “We the peoples ... reaffirm faith in fundamental human rights, in the dignity and worth of the human person... [and] promote social progress and better standards of life in larger freedom. “ (UN Charter)
UN FRAMEWORK CONVENTION ON CLIMATE CHANGE

Article 2: Objective

- prevent dangerous anthropogenic interference with the climate system
- ensure food production is not threatened
- enable sustainable development
Parties should, in all climate change related actions, fully respect human rights; -Decision 1/CP.16 (2010)

[G]ender equality and the effective participation of women and indigenous peoples are important for effective action on all aspects of climate change

-Decision 1/CP.16 (2010)

Response measures to combat climate change may have negative environmental, social and economic consequences

-Decision X/CP.17 (2011)
Human Rights & Adaptation

- Climate “Refugees”
- Right to health
<table>
<thead>
<tr>
<th>Climate Impact</th>
<th>Human Impact</th>
<th>Rights Implicated</th>
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<tr>
<td><strong>Sea Level Rise</strong></td>
<td>- Loss of land</td>
<td>- Self-determination [ICCPR;ICESCR,1]</td>
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<td>- Drowning, injury</td>
<td>- Life [ICCPR, 6]</td>
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<td>- Lack of clean water, disease</td>
<td>- Health [ICESCR, 12]</td>
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<td>- Damage to coastal infrastructure, homes, and property</td>
<td>- Water [CEDAW,14; ICRC 24]</td>
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<td>- Loss of agricultural lands</td>
<td>- Means of subsistence [ICESCR,1]</td>
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<td>- Threat to tourism, lost beaches</td>
<td>- Standard of living [ICESCR, 12]</td>
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<td><strong>Temperature Increase</strong></td>
<td>- Spread of disease</td>
<td>- Adequate housing [ICESCR,12]</td>
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<td>- Changes in traditional fishing livelihood and commercial fishing</td>
<td>- Culture [ICCPR, 27]</td>
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<td>- Threat to tourism, lost coral and fish diversity</td>
<td>- Property [UDHR,17]</td>
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<td><strong>Extreme Weather Events</strong></td>
<td>- Dislocation of populations</td>
<td>- Life [ICCPR,6]</td>
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<td>- Contamination of water supply</td>
<td>- Health [ICESCR,12]</td>
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<td>- Damage to infrastructure: delays in medical treatment, food crisis</td>
<td>- Water [CEDAW,14; ICRC 24]</td>
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<td>- Psychological distress</td>
<td>- Means of subsistence [ICESCR,1]</td>
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<td>- Increased transmission of disease</td>
<td>- Adequate standard of living [ICESCR, 12]</td>
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<td>- Damage to agricultural lands</td>
<td>- Adequate and secure housing [ICESCR,12]</td>
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<td>- Disruption of educational services</td>
<td>- Education [ICESCR,13]</td>
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<td>- Damage to tourism sector</td>
<td>- Property [UDHR,17]</td>
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<td>- Massive property damage</td>
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<td><strong>Changes in Precipitation</strong></td>
<td>- Outbreak of disease</td>
<td>- Life [ICCPR,6]</td>
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<td>- Depletion of agricultural soils</td>
<td>- Health [ICESCR,12]</td>
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<td>- Means of subsistence [ICESCR,1]</td>
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The Right to Food

- ICESCR enshrines the “fundamental right of everyone to be free from hunger”
  - Drought
  - Saltwater intrusion
  - Loss of agricultural lands
  - Food price shocks
  - Food insecurity
Human Rights & Mitigation

- Finance
- CDM & NAMAs
- REDD
Finance

- Institutional safeguards are critical
  - Green Climate Fund
  - World Bank trust funds
  - Global Environment Facility
- Avoid relocation by use of force
- Respect indigenous peoples’ rights (UNDRIP)
- Participatory decision-making, consent
- Anticipate, avoid, and minimize impacts
REDD+ and Rights
Safeguarding rights for REDD+

- Respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations, national circumstances and laws, and noting that the United Nations General Assembly has adopted the United Nations Declaration on the Rights of Indigenous Peoples --Decision 1/CP.16
- World Bank: Indigenous Peoples Policy, UNDRIP (?)
- UNREDD: UNDRIP, UNDG Guidelines, FPIC, rights-based approach
What rights apply?

- Property: lands, territories and resources
- Culture
- Life and livelihoods
- Self-determination
- Non-discrimination and equality
- Participation and inclusion
- Accountability and the Rule of Law
Applying rights

- Free, Prior Informed Consent
- Full and effective participation
- Land tenure and resources
- Equitable benefits
- Safeguard communities
- Resolve disputes
Thank you!

Resources

--CIEL webpage: www.ciel.org

--UN Office of the High Commissioner on Human Rights and climate change: http://www2.ohchr.org/english/issues/climatechange/index.htm


Questions? Email khite@ciel.org