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Les injustices climatiques et les droits de l'homme

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Item Type	Preprint
Authors	Raworth, Kate;Bailey, Robert, fl. 1796. Book producer.
Publisher	Oxfam International
Rights	With permission of the license/copyright holder
Download date	2026-07-11 20:20:54
Link to Item	http://hdl.handle.net/20.500.12424/175587

Climate Wrongs and Human Rights

Putting people at the heart of climate-change policy

An Executive Summary

“Within an international community based upon the rule of law and universal values of equality, human rights, and dignity, it is surely wrong for small, vulnerable communities to suffer because of the actions of other more powerful resource-rich countries, actions over which they have no control, and little or no protection.”

President Gayoom
Republic of the Maldives

In failing to tackle climate change with urgency, rich countries are effectively violating the human rights of millions of the world’s poorest people. Excessive greenhouse-gas emissions are – with scientific certainty – leading to floods, droughts, hurricanes, sea-level rise, and seasonal unpredictability. These impacts are undermining millions of people’s rights to life, security, food, water, health, shelter and culture. Such human-rights violations could never truly be remedied in courts of law. Human-rights principles must be put at the heart of international climate-change policy making now, in order to stop this irreversible damage to humanity’s future.

The growing evidence of climate wrongs

Climate change is set to undermine human rights on a massive scale. International human-rights law states that, ‘In no case may a people be deprived of its own means of subsistence.’ But – as the Intergovernmental Panel on Climate Change has documented in detail – excessive greenhouse-gas emissions, primarily from rich countries, are depriving millions of people of the very water, food, soil, and land on which they subsist (See Table 1 on the next page).

Twenty-three rich countries – including the USA, western Europe, Canada, Australia and Japan – are home to just 14 per cent of the world’s population, but have produced 60 per cent of the world’s carbon emissions since 1850, and they still produce 40 per cent of annual carbon emissions today. In 1992, these countries committed to return their annual emissions to 1990 levels by 2000. Instead, by 2005 they had allowed their collective

emissions to rise more than 10 per cent above 1990 levels – with increases exceeding 15 per cent in Canada, Greece, Ireland, New Zealand, Portugal, Spain, and the USA. Their collective failure to act has raised the scientific risk – and the political risk – of global warming exceeding the critical threshold of 2°C.

Economics – which influences many current climate-policy debates – approaches decision-making by weighing up competing costs and benefits. But in a global context, how can the financial costs of cutting emissions in the richest countries be compared with the human costs of climate change for the world’s poorest people? The implications of such a trade-off are appalling.

Human rights provide an alternative to the assumption that everything – from carbon to malnutrition – can be priced, compared, and traded. They are a fundamental moral claim each person has to life’s essentials – such as food, water, shelter, and security – no matter how much or how little money or power they have.



Srey Sap Sak surveys her damaged rice crop in Thmey village, Cambodia. “Because of the drought at the beginning of the wet season, I was not able to transplant my rice seedlings and lost everything to the unpredictable weather,” she says. With extensive coastlines and a tropical climate, Cambodia is considered by the IPCC to be highly sensitive to climate change. Photo Credit: Jack Picone/Oxfam

Table 1: How climate change undermines human rights

Human-rights norms in international law	Current and projected impacts of climate change upon human rights
<p>The Right to Life and Security ‘Everyone has the right to life, liberty and security of person.’ (UDHR, Article 3)</p>	<ul style="list-style-type: none"> • There will be more deaths, disease, and injury due to the increasing frequency and intensity of heat waves, floods, storms, fires, and droughts. • Rising sea levels will increase the risk of death and injury by drowning. Up to 20 per cent of the world’s population live in river basins that are likely to be affected by increased flood hazard by the 2080s. • Heat waves are likely to increase deaths among elderly or chronically sick people, young children, and the socially isolated. Europe’s 2003 heat wave – induced by climate change – resulted in 27,000 extra deaths.*
<p>The Right to Food ‘The State Parties to the present Covenant, recognise the fundamental right of everyone to be free from hunger...’ (ICESCR, Article 11)</p>	<ul style="list-style-type: none"> • Future climate change is expected to put close to 50 million more people at risk of hunger by 2020, and an additional 132 million people by 2050. • In Africa, shrinking arable land, shorter growing seasons, and lower crop yields will exacerbate malnutrition. In some countries, yields from rain-fed agriculture could fall by 50 per cent as soon as 2020. • In parts of Asia, food security will be threatened due to water shortages and rising temperatures. Crop yields could fall by up to 30 per cent in Central and South Asia by 2050.
<p>The Right to Subsistence ‘Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing...’. (UDHR, Article 25)</p> <p>‘In no case may a people be deprived of its own means of subsistence.’ (ICCPR, Article 1.2 and ICESCR, Article 1.2)</p>	<ul style="list-style-type: none"> • Water: By 2020, between 75 million and 250 million people in Africa are likely to face greater water stress due to climate change. Reduced water flow from mountain glaciers could affect up to one billion people in Asia by the 2050s. • Natural resources: Approximately 20–30 per cent of plant and animal species assessed so far are likely to be at increased risk of extinction if average global temperatures rise more than 1.5–2.5oC. Coral bleaching and coastal erosion will affect fish stocks – currently the primary source of animal protein for one billion people. • Property and shelter: Millions more people risk facing annual floods due to sea-level rise by the 2080s, mostly in the mega-deltas of Asia and Africa. On small islands, too, sea-level rise is expected to exacerbate inundation, storm surge, and erosion, threatening vital infrastructure, settlements, and facilities that support the livelihoods of island communities.
<p>The Right to Health ‘The State Parties to the present Covenant recognise the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.’ (ICESCR, Article 12)</p>	<ul style="list-style-type: none"> • Child malnutrition will increase, damaging growth and development prospects for millions of children. • Increasing floods and droughts will lead to more cases of diarrhoea and cholera. Over 150,000 people are currently estimated to die each year from diarrhoea, malaria, and malnutrition caused by climate change.* • Changing temperatures will cause some infectious diseases to spread into new areas. It is estimated that 220–400 million more people will be at risk of malaria. The risk of dengue fever is estimated to reach 3.5 billion people by 2085 due to climate change.

Sources: Universal Declaration of Human Rights (UDHR); International Covenant on Civil and Political Rights (ICCPR); International Covenant on Economic, Social and Cultural Rights (ICESCR); the Intergovernmental Panel on Climate Change (IPCC) 2007, Working Group II; *World Health Organisation.

Litigate or negotiate? Both paths lead to human rights.

“Climate change shows up countless weaknesses in our current institutional architecture, including its human rights mechanisms.”
Mary Robinson, President, Realising Rights

When the Universal Declaration of Human Rights was drawn up in 1948, its authors could not have imagined the complex global interconnectedness that climate change would lead to today. But now it is clear that the devastating international impacts of greenhouse-gas emissions give countries undeniable international responsibility for the human-rights consequences of their policies.

Human-rights laws and institutions need to evolve fast to rise to this unprecedented challenge. Creative human-rights lawyers could push to have courts recognise future injury

(because of the delay between emissions and climatic events), and joint liability (since emissions come from multiple sources). They could likewise seek to clarify and activate international legal obligations (due to the far-reaching international impacts of greenhouse-gas emissions), and call for an international venue (perhaps under the UNFCCC) where people whose rights are effectively being violated by other countries’ emissions can seek some form of redress.

The world cannot wait, however, for human-rights law to evolve in order to protect poor people from climate change. The norms and principles of human rights must provide strong guidance now for the ongoing negotiations under the UNFCCC, for national policy making, and also for corporations whose activities have significant influence over future emissions and adaptation prospects. Sixty years on from the Universal Declaration, a new vision is needed for a rights-centred approach to tackling climate change (Table 2).

Table 2: A rights-centred approach to climate-change policy making

	Policies for tackling climate change	
Human rights principles for policy making	Mitigation – reducing greenhouse-gas emissions: essential to respect and protect human rights	Adaptation – building resilience to unavoidable impacts: now essential as a remedy for failing to respect and protect human rights
Guarantee a core minimum – a basic standard of rights for all	States must implement national and international mitigation targets and policies that minimise the risk of exceeding 2oC warming	States must target disaster relief and adaptation initiatives to safeguard the essential claims – to life, food, water, shelter, and health – of the most vulnerable people
Focus on vulnerability and those whose rights are most at risk	States must ensure their mitigation policies do not undermine vulnerable people’s rights, domestically or overseas	States must ensure that support for adaptation is channelled to the most vulnerable communities, such as women, minority groups, and children
Ensure participation of people whose rights are affected by policies	States must ensure that the most affected communities and groups have effective voice in setting national and international mitigation targets and policies	States must ensure that the most affected communities participate in, and have ownership of, the design and implementation of adaptation initiatives in order to safeguard their rights
Provide accountability and remedies for violations	States must report publicly on results in implementing mitigation targets and policies	States must ensure effective and transparent governance of national and international adaptation strategies and funds
Deliver on international co-operation to realise rights worldwide	States must take on emissions cuts in line with their national responsibility for causing climate change and their capability to assist	States must finance international adaptation based on their national responsibility for causing climate change and their capability to assist

Based on these principles, Oxfam calls for urgent action on human-rights hotspots where current climate policies and negotiations are far off track:

Rich countries must:

- lead now in cutting global emissions to keep global warming well below 2°C. Global emissions must fall at least 80 per cent below 1990 levels by 2050, with rich countries delivering domestic cuts of at least 25–40 per cent by 2020.
- provide the finance needed for international adaptation. Innovative financing is urgently needed to raise at least \$50bn per year for adaptation in developing countries.
- provide the finance needed for low-carbon technologies in developing countries. Commitment to a new scale of financing must be delivered in the post-2012 regime.
- halt their biofuel policies which are undermining poor people's right to food, and leading to land and labour rights violations.

Developing countries must:

- focus their adaptation strategies on the most vulnerable people by putting poor communities at the heart of planning, addressing women's needs and interests, and providing social-protection schemes.
- have ownership in managing international adaptation funds and, in turn, must be

accountable to vulnerable communities for how the finance is spent.

Companies must:

- call on governments to act with far greater urgency in cutting global emissions, and must not lobby to block effective regulation.
- take significant steps to cut their global emissions in line with keeping global warming well below 2°C,
- ensure that their mitigation or adaptation projects do not undermine people's rights, either due to the technologies used, or due to implementing them without consulting affected communities.
- go much further - if they source and sell globally - in building communities' climate resilience through their own supply-chain operations.

The ongoing climate negotiations – from Bali in 2007 to Copenhagen at the end of 2009 – are the best available chance for achieving the international co-operation needed to prevent dangerous climate change and to enable communities to adapt. That is why the norms and principles of human rights must be placed at the heart of their deliberations. Indeed the impacts of climate change on the rights of the world's most vulnerable people will be the critical test of whether these negotiations succeed.

This executive summary is drawn from Oxfam International's Briefing Paper, Climate Wrongs and Human Rights. It was written by Kate Raworth with the support of many colleagues and external advisers. The text of the full report can be downloaded at: <http://www.oxfam.org/en/policy/bp117-climate-wrongs-human-rights-0809>