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**Annual report of the United Nations High Commissioner
for Human Rights and Reports of the Office of the
High Commissioner and the Secretary-General**

Written statement* submitted by Nord-Sud XXI, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 February 2010]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

The Need to Prevent and Correct Climate Change-Induced Human Rights Violations

Nord-Sud XXI is concerned about the lack of effective measures for implementation of human rights commitments undertaken by the States with the greatest historic responsibility for climate change, including the failure of these States to agree to protect the rights of the most vulnerable segments of the world's population against the negative effects of climate change through more stringent mitigation measures and enhanced international cooperation and support.

Nord-Sud XXI welcomes the commitment of the UN High Commissioner for Human Rights and her Office, and that of the Human Rights Council, to promote a human rights approach to climate change. We regret, however, the overall lack of attention and commitment to ensuring accountability of those governments, groups and individuals responsible for the failure to prevent and correct climate change-induced human rights violations.

Background

The 15th Meeting of the Conference of the Parties (COP) to the United Nations Framework Convention on Climate Change (UNFCCC), held in Copenhagen, Denmark, in December 2010, reflected the international community's grave concern with the effects of global climate change. This concern has been prevalent ever since the publications of the first assessment reports of the Intergovernmental Panel on Climate Change (IPCC), leading to the adoption of the UNFCCC in 1992 and the Kyoto Protocol in 1995. At the same time, some States attending COP15 who bear the greatest responsibility for the high cumulative atmospheric concentrations of greenhouse gases causing climate change, have had demonstrated blatant disrespect for human rights.

It is to be reminded that on 28 March 2008 the Human Rights Council adopted Resolution 7/23 "human rights and climate change". In accordance with that resolution, OHCHR carried out a study on human rights and climate change. Most importantly, the study recognised the relevance of States' duty to cooperate internationally to facilitate human rights in other countries to enable them deal with climate change. The Council did however not mention this point in Resolution 10/4, which it adopted on 25 March 2009.

From 2008 onwards, several Special Procedure mandate holders also started to consider the impacts of climate change in the discharge of their respective mandates. Of special notice is the work of the Representative of the Secretary-General on the human rights of internally displaced persons, Mr. Walter Kälin. In his most recent report (UN Doc.A/HRC/13/21), Mr. Kälin identifies climate change as a major challenge in 2010, noting that "as a result of climate change, between 50 and 250 million people may move by the middle of the century on a permanent or temporary basis" and recommending that all member States "continue to recognize the protection of internally displaced persons and other crisis-affected populations is [apart from a national] also an international concern."

The Special Rapporteur on Adequate Housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Raquel Rolnik, notes in the report on her visit to the Maldives (UN Doc. A/HRC/13/20/Add.3) that "climate change has aggravated and will further amplify some of the problems linked with characteristics of Maldives, including land scarcity and vulnerability of the islands to natural phenomena. This places a responsibility on the international community to support adaptation strategies in Maldives."

Although the impacts of climate change are increasingly being identified, including by the High Commissioner for Human Rights, human rights bodies and mandate holders, the concrete impact of the well-celebrated human rights approach to climate change remains insignificant. The States most responsible for climate change continue to emit excessive amounts of greenhouse gases. The capacity of many countries to protect the human rights of their inhabitants against climate change impacts continues to be limited. Moreover, no mechanisms exist to ensure that those responsible for aggravating climate change effects are taking adequate measures to prevent and correct human rights violations caused by climate change.

Nord-Sud XXI's Concerns

Nord-Sud XXI is concerned that international climate change negotiations have so far failed to deliver any outcome that would help protect the human rights of the most vulnerable segments of the world's population against the devastating effects of climate change.

Nord-Sud XXI is particularly concerned that the primary aim of the UNFCCC "to achieve, in accordance with the relevant provisions of the Convention, stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system" remains unfulfilled, with devastating consequences for the protection, promotion and enjoyment of human rights everywhere.

Nord-Sud XXI recalls that scientific projections suggest that global average temperature rise must stay below 1.5 degree Celsius in order to prevent massive violations of human rights, such as those resulting from the disappearance of certain small island states.

Nord-Sud XXI also regrets that no significant steps have been taken by developed countries to facilitate the transfer of technology and financial resources to developing countries, which are necessary to facilitate mitigation and adaptation everywhere in the world without discrimination.

Nord-Sud XXI particularly regrets the overall lack of attention, commitment and resolve in the part of the international community to ensuring accountability of those governments, groups and individuals responsible for the failure to prevent and correct climate change-induced human rights violations.

Recommendations

To the Office of the High Commissioner for Human Rights

1. Consider that the High Commissioner for Human Rights addresses the High-level Segment of the 16th Meeting of the COP in Mexico and highlight States' responsibility to prevent and correct the effects of climate change on the enjoyment of human rights;

2. When communicating with governments and other actors, reiterate that States' obligations under the Charter of the United Nations and international human rights law require international cooperation to protect human rights of all people everywhere in the world against the threats posed by climate change;

To the international community

3. Work towards, and ensure the adoption of a legally binding agreement on climate change at the 16th Meeting of the Conference of the Parties to the UNFCCC in Mexico in December 2010, which must limit global warming to 1.5 degree Celcius and enable developing countries to mitigate and adapt to climate change;

4. Ensure that any new agreement on climate change is consistent with States' obligations under international human rights law and with the right to development;

To the Human Rights Council

5. Ensure that climate change is being placed on the Agenda of the Human Rights Council as a permanent agenda item, while continuing to mainstream climate change in the work of the Council and referring to the work in the UNFCCC framework;

6. Include the study of climate change-induced human rights violations as part of all relevant Special Procedure mandates when renewing or creating the mandates;

7. Consider the creation of a Special Procedure mandate holder on climate change and human rights so as to ensure a more systematic exchange of information between the Council and the UNFCCC process.
