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**Promotion and protection of all human rights,
civil, political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by International-Lawyers.Org, 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.

[03 June 2019]

* Issued as received, in the language(s) of submission only.



The need for a Special Rapporteur on Human Rights and climate change

The climate crisis

As the Human Rights Council itself has tacitly recognised,¹ it is urgent that climate change be addressed in order to prevent massive human rights violations. The latest Assessment Report by the Intergovernmental Panel on Climate Change (IPCC) states that the continued emission of greenhouse gases will cause more warming and ecological changes (such as changes in precipitation, increases in extreme weather conditions, and ocean acidification), which will in turn increase the probability of severe and irreversible climate impacts on people and ecosystems.² The Special Report on 1.5°C underscored the need for unprecedented and urgent measures to prevent catastrophic levels of warming.

Climate change will affect everyone, but it will disproportionately affect those who did the least to cause it, and those who possess the least resources to adapt—that is, people in the Global South. The greenhouse gas emissions causing climate change were, and to a large extent still are, produced by wealthy countries and yet it is those wealthy countries who will be the least affected by the climate crisis. These discrepancies form the basis of the principle of common but differentiated responsibilities and respective capabilities codified in the United Nations Framework Convention on Climate Change.³ The disproportionately intense impacts experienced by the Global South are synonymous with the disproportionately large threat to the realisation of human rights in the Global South.

The role of the Human Rights Council

International-Lawyers.Org acknowledges the Council's resolutions on climate change and human rights. While these decisions are important, they are not enough. As the amount of time to effectively mitigate climate change decreases, people around the world are rising up to demand that governments take action. Over the past year, climate movements have rapidly gained momentum—school strikes for climate action have occurred in over 130 countries; the Extinction Rebellion movement succeeded in catalysing the UK Parliament into declaring a climate emergency; and climate cases are being brought to court in many countries, including the United States, Canada, Colombia, the Netherlands, Pakistan, and Ireland. It has become increasingly apparent just how urgent an issue climate change is, and people are intensifying their political engagement as a result.

The Council should not be a passive bystander; it should lead in developing and implementing rights-based approaches to climate change. While it is valuable to convene discussions, request studies, and call upon States to act in Council resolutions, it is not enough. The urgency of the need to address climate change is escalating every year, and as it does, so too will the momentum of the climate movements. The Council ought to mirror these movements in their urgency, and in their emphasis on taking practical action.

¹ *Human Rights and Climate Change*, 32nd sess, Agenda Item 3, UN Doc A/HRC/RES/32/33 (18 July 2016) para 2; *Human Rights and Climate Change*, 35th sess, Agenda Item 3, UN Doc A/HRC/RES/35/20 (7 July 2017) para 2; *Human Rights and Climate Change*, 38th sess, Agenda Item 3, UN Doc A/HRC/RES/38/4 (16 July 2018) para 2.

² Intergovernmental Panel on Climate Change, *Climate Change 2014: Synthesis Report* (Intergovernmental Panel on Climate Change Third Assessment Report, 2014) 8–13.

³ *United Nations Framework Convention on Climate Change*, opened for signature 20 June 1992, 1771 UNTS 107 (entered into force 21 March 1994), arts 3(1), 4(1), 11

Creation of a Special Rapporteur for Human Rights and climate justice

International-Lawyers.Org proposes that a UN Special Rapporteur for Human Rights and Climate Justice be created, with a focus on those experiencing disproportionate impacts.

Why a Special Rapporteur on Human Rights and Climate Justice?

A Special Rapporteur on human rights and climate justice should have a mandate to consider remedies for human rights violations resulting from the disproportionate impacts of climate change, and the human rights implications of burden-sharing. The mandate should also take into account differing capacities and access to resources to take climate actions or to undertake studies of their own regarding climate change. Having a Special Rapporteur specifically focused on these groups' needs would go some way towards remedying this, as Special Rapporteurs are well-placed to catalyse action from governments. Special Rapporteurs can conduct in situ visits to States and territories;⁴ transmit communications to both States and non-state actors,⁵ which are later made public;⁶ engage in follow-up activities after their visits and communications, such as follow-up visits;⁷ and engage in media outreach, such as press releases or media statements.⁸ Through these activities, a Special Rapporteur is able to place pressure on governments, particularly wealthy governments, to take climate action proportionate to their responsibility. Actions undertaken by the Special Rapporteur could also support movements happening at the local and national levels: for example, activists could reference communications released by the Special Rapporteur in order to analyse their governments' actions. Similarly, as a component of the marginalisation of those experiencing disproportionate impacts, the global media often pays less attention to them—for example, Greta Thunberg and Extinction Rebellion are publicised far more than climate activism occurring in the Global South, such as the court cases being brought in Colombia and Pakistan. This asymmetry in representation is also evidenced by the dominant narrative around climate change as being a phenomenon that could create negative consequences in the future, whereas in fact frontline communities are facing climate impacts now, such as the impoverished communities in Mozambique who were devastated by Cyclone Idai earlier this year. Through their engagement with media, a Special Rapporteur could bring increased attention to those who will be, and who are already being, disproportionately impacted.

Why a Special Rapporteur on Human Rights and Climate Justice, in addition to a Special Rapporteur on Human Rights and the Environment?

International-Lawyers.Org particularly welcomes the decision of the Special Rapporteur to focus his 2019 report to the General Assembly on the topic of a safe climate and the right to a healthy environment, following his predecessor's 2016 report on climate change. Nevertheless, it is evident that the scope of this mandate is very wide, and that climate makes up only one part of it. In 2018, the Special Rapporteur undertook a wide variety of activities, including writing reports on children's rights and environmental protection, framework principles on human rights and the environment, and the global recognition of the right to a safe, clean, healthy and sustainable environment,⁹ and organising the following—a side-event on SDGs and human rights;¹⁰ a meeting on biodiversity and human rights;¹¹ a meeting on children's rights and the environment;¹² and an expert meeting on

⁴ *Report on the twenty-fifth annual meeting of special rapporteurs/representatives, independent experts and chairs of working groups of the special procedures of the Human Rights Council (Geneva, 4 to 8 June 2018), including updated information on special procedures*, 40th sess, Agenda Items 2 & 5, UN Doc A/HRC/40/38, para 5.

⁵ *Ibid* para 8.

⁶ *Ibid* para 9.

⁷ *Ibid* paras 39-40.

⁸ *Ibid* paras 9.

⁹ *Facts and figures with regard to the special procedures in 2018*, 40th sess, Agenda Items 2 & 5, UN Doc A/HRC/40/38/Add.1, XI.

¹⁰ *Ibid* XIII.

¹¹ *Ibid* XIII.

¹² *Ibid* XIII.

human rights and the environment.¹³ None of these activities were directly related to climate change. It is clear from his activities in 2018 that he is constrained by the breadth of his mandate to consider other issues (which are, of course, also worthy of attention) and thus cannot act with the urgency necessary to address climate change -urgency that, again, has been recognised by the Council. Moreover, none of the Special Rapporteur's three mandates mention urgency in any way.¹⁴

This Special Rapporteur's mandate also lacks the requisite focus on disproportionate impacts. While all three mandates have recognised the importance of gender inclusivity¹⁵ and sustainable development,¹⁶ they do not pay sufficient attention to other vectors of marginalisation, such as race, nationality and geography. Recognition of this disparity is vitally necessary to effectively address climate change impacts on human rights, and the Special Rapporteur's role does not explicitly incorporate these concerns.

In sum, global heating poses a multiplicity of risks and obstacles to the worldwide realisation of human rights. Because of this, the changing climate must be addressed as soon as possible: a UN Special Rapporteur for Human Rights and Climate Justice would make a significant contribution towards taking the necessary steps for effective climate action.

¹³ Ibid XIX.

¹⁴ *Human Rights And The Environment*, 19th sess, Agenda Item 3, UN Doc A/HRC/RES/19/10 (19 April 2012) ('*Human Rights*'); *Human Rights And The Environment*, 28th sess, Agenda Item 3, UN Doc A/HRC/RES/28/11 (7 April 2015) ('*Human Rights*'); *Human Rights And The Environment*, 37th sess, Agenda Item 3, UN Doc A/HRC/RES/37/8 (22 March 2018) ('*Human Rights*').

¹⁵ *Human Rights*, UN Doc A/HRC/RES/19/10, para 2(e); *Human Rights*, UN Doc A/HRC/RES/28/11, para 5(g); *Human Rights*, UN Doc A/HRC/RES/37/8, para 7(h).

¹⁶ *Human Rights*, UN Doc A/HRC/RES/19/10, para 2(c)-(d); *Human Rights*, UN Doc A/HRC/RES/28/11, para 5(d); *Human Rights*, UN Doc A/HRC/RES/37/8, para 7(d).