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The Social Forum

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Implementation of Human Rights Council resolution 13/17 of 25 March 2010 entitled “The Social Forum”

Background report submitted by the United Nations High Commissioner for Human Rights*

Summary

The present report contains an update on developments in the United Nations human rights system with regard to addressing the impact of climate change on human rights. It provides an overview of developments within the United Nations system and the international community at large, as well as a summary of inputs received from Member States and civil society in response to a note verbale sent by the Office of the United Nations High Commissioner for Human Rights on 12 May 2010 pursuant to Human Rights Council resolution 13/17. In the conclusion, issues for further consideration during the 2010 Social Forum are proposed.

* Late submission.

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I. Introduction

1. The Human Rights Council, in its resolution 6/13, decided to preserve the Social Forum, originated by the Subcommission on the Promotion and Protection of Human Rights, as a unique space within the United Nations for interactive dialogue between the representatives of Member States, the United Nations human rights machinery, intergovernmental organizations and various stakeholders, including civil society and grass-roots organizations, on issues linked relating to the national and international environment needed for the promotion of the enjoyment of all human rights by all.

2. The renewed Social Forum held its first and second meetings in 2008 and 2009, respectively. At its thirteenth session, the Council considered the report of the 2009 Social Forum (A/HRC/13/51) and adopted resolution 13/17, in which it decided that the 2010 Social Forum should focus on three main issues: (a) the adverse effects of climate change on the full enjoyment of human rights, including the right to life and economic, social and cultural rights; (b) measures and actions to address the impact of climate change on the full enjoyment of human rights at the local, national, regional and international levels, including on most vulnerable groups, particularly women and children; and (c) international assistance and cooperation in addressing the human rights-related impact of climate change.

3. The present report is submitted in accordance with paragraph 7 of resolution 13/17, in which the Council requested the United Nations High Commissioner for Human Rights to consult all actors identified in the resolution on the above-mentioned issues, and to present a report as a background contribution for the dialogues and debates to be held at the 2010 Social Forum from 4 to 6 October 2010.

II. Addressing the impact of climate change on human rights by United Nations human rights mechanisms: update and recent developments

A. Human Rights Council

4. The Human Rights Council, in its resolution 7/23, mandated the Office of the United Nations High Commissioner for Human Rights (OHCHR) to conduct an analytical study on the relationship between human rights and climate change, taking into account the views of States, relevant intergovernmental organizations and other stakeholders. The study (A/HRC/10/61) was considered by the Council at its tenth session.

5. The study found that the adverse effects of climate change are distributed unevenly, and disproportionately affect poorer regions and countries, and that climate change-related effects generally interact with other factors and exacerbate problems that put human rights under strain, such as weather-related natural disasters, food insecurity, lack of access to drinking water, the spread of disease, the erosion of livelihoods and the deterioration of housing.

6. The study also explored how specific groups such as women, children, indigenous peoples and internally displaced persons, are particularly at risk from climate change-related effects. It discussed the possible human rights impact of climate change mitigation and adaptation policies and measures, focusing on the possible negative human rights implications of agro-fuel production and reduced emissions for deforestation and degradation programmes.

7. While it is sometimes difficult to establish a causal relationship between historical greenhouse gas emissions of a particular country and a specific climate change-related effect with implications for the enjoyment of human rights, international human rights standards provide important guarantees for individuals whose rights are affected by climate change.

8. The study emphasized that international cooperation is both a practical necessity for dealing with this global problem and a general human rights obligation. Moreover, the international human rights framework underlines that international cooperation in the context of climate change is not merely a matter of obligations of States towards each other, but also of the obligations of States towards individuals and communities, and should be guided by the central objective of ensuring the realization of human rights.

9. To further examine these issues, the Council, in its resolution 10/4, decided to hold a panel discussion on the relationship between climate change and human rights at its eleventh session, in June 2009. Stressing the value of considering climate change-related effects from a human rights perspective, the panel underlined that a human rights perspective focuses the debate on climate change on the real-life effects for the lives of individuals and communities, directs attention to the situation of the most vulnerable, empowers individuals and communities and gives them a voice in decision-making processes. In addition, a human rights perspective strengthens policymaking by drawing attention to the interaction between climate and human rights policies and promotes policy coherence in a more holistic and coordinated manner to provide an effective global response to climate change.¹

B. Special procedures

10. Prior to the United Nations Climate Change Conference in December 2009, the special procedures mandate holders issued a joint statement noting that, in accordance with international human rights law, States have an obligation to take individual and collective measures to reduce greenhouse gas emissions and their adverse impact, as well as to assist those who are most vulnerable in preparing for and adapting to its inevitable impact. In the statement, the mandate holders underlined the fact that adaptation or mitigation measures, such as the promotion of alternative energy sources, forest conservation or tree planting projects and resettlement schemes, must be developed in accordance with human rights norms. They emphasized that affected individuals and communities must participate, without discrimination, in the design and implementation of these projects. The mandate holders affirmed that a human rights-based approach to climate change, with a focus on the rights of those who are already vulnerable and marginalized owing to poverty and discrimination, can be a useful tool to complement international efforts aimed at tackling the adverse effects of global warming.²

11. The Special Rapporteur on the right to food declared that States should further explore the synergies between combating climate change and fighting against hunger. He noted that some climate change policies and programmes have negative effects on the right to food. In this regard, the Special Rapporteur emphasized the added value of using a human rights-based approach in climate change mitigation and adaptation policies in order to ensure that these policies will be designed and implemented in ways that prioritize the needs of the most vulnerable groups and that climate change will not further contribute to

¹ See <http://www2.ohchr.org/english/issues/climatechange/panel.htm>.

² See “Joint statement of the special procedures mandate holders of the Human Rights Council on the United Nations Climate Change Conference on the OHCHR website (www.ohchr.org).

inequality and poverty.³ In 2010, the Special Rapporteur, after his country visit to Nicaragua, noted that indigenous communities are particularly vulnerable to the impact of climate change. He recommended putting in place a rapid-alert system in order to protect indigenous peoples from the effects of weather-related events, and support be given to them to strengthen the resilience of their food systems against climate change (A/HRC/13/33/Add.5, para. 76).

12. In 2010, the Special Rapporteur on adequate housing noted that there is an international responsibility to urgently support adaptation strategies for the impact of climate change on Maldives. The Special Rapporteur believed that climate change had aggravated and would further amplify some of the problems linked with the particular characteristics of Maldives, including land scarcity and vulnerability of the islands to natural phenomena. The Special Rapporteur put forward a number of recommendations, including that adaptation programmes should give priority to eco-friendly solutions and carefully evaluate the impact of hard engineering solutions (A/HRC/13/20/Add.3, paras. 68–71, 75 and 85).

13. The independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation recently produced a position paper on climate change and the rights to water and sanitation. In the paper, the independent expert highlighted that climate change presents a serious obstacle to the realization of the rights to water and sanitation. The independent expert recommended that the Human Rights Council, should revise the reporting guidelines for the universal periodic review process to ensure that national reports address threats to the human rights to water and sanitation linked to climate change.⁴

14. In his report, the Representative of the Secretary-General on the human rights of internally displaced persons noted that the effects of climate change are likely to further increase the number of “disaster-displaced”. As a result of the effects of climate change, between 50 and 250 million people could move by the middle of the century on a temporary or permanent basis. He underlined that disregard for the human rights of those affected by natural disasters is not always intentional, but often results from inappropriate policies, a lack of capacity to respond to the disaster appropriately and the challenges of reconstruction, or simple oversight. Therefore, it is necessary to use a human rights-based approach to early warning, disaster contingency planning, disaster management and mitigation, and efforts to find durable solutions for the displaced (A/HRC/13/21, paras. 41, 44 and 85 (h)).

C. High-level task force on the implementation of the right to development

15. The high-level task force on the implementation of the right to development addressed target F of Millennium Development Goal 8 (technology transfer) from the perspective of the potential contribution to the right to development of the Clean Development Mechanism of the United Nations Framework Convention on Climate Change (A/HRC/15/WG.2/TF/2, paras. 35–47). In this context, the task force considered an independent study on the subject matter (A/HRC/15/WG.2/TF/CRP.3/Rev.1) commissioned by OHCHR.

³ Press release, 16 of December 2009, “Climate change, a ticking time bomb for global food security”, available at www.srfood.org/images/stories/pdf/otherdocuments/20091216_press-release-climate-change_en.pdf.

⁴ Available at www2.ohchr.org/english/issues/water/lexpert/docs/Climate_Change_Right_Water_Sanitation.pdf.

16. The task force recognized the value of the Clean Development Mechanism to the climate change dimension of the right to development in that the transfer of green technology can enhance the prospects for sustainable development in developing countries. Although no specific reference to human rights is made in the Mechanism, from a rights-based approach, the task force in its conclusion (A/HRC/15/WG.2/TF/2/Add.1, paras. 59–62), found that the Mechanism included elements of equity, participation, empowerment and sustainability, which all underscore its relevance to the promotion of the right to development and importance of close monitoring of these elements to ensure that it makes a positive contribution to this right.

D. Treaty bodies

17. At its forty-second session, the Committee on Economic, Social and Cultural Rights considered the fourth periodic report of Australia (E/C.12/AUS/4) and raised concerns at the negative impact of climate change on the right to an adequate standard of living, including on the right to food and the right to water, affecting in particular indigenous peoples. The Committee recommended that the State party should take all necessary and adequate measures, including by using a human rights-based approach and in line with the Committee's general comments No. 15 (2002), on the right to water, No. 14 (2000), on the right to the highest attainable standard of health, and No. 12 (1999), on the right to food (E/C.12/AUS/CO/4, para. 27). At the same session, the Committee also considered the initial periodic report of Cambodia (E/C.12/KHM/1), and welcomed the launching by the State party of a project for carbon credits for community forestry under the Clean Development Mechanism and the Reduced Emissions from Deforestation and Forest Degradation (REDD) of the United Nations Framework Convention on Climate Change (E/C.12/KHM/CO/1, para. 7).

18. At its forty-fourth session, the Committee on the Elimination of Discrimination against Women expressed its concern at the absence of a gender perspective in the United Nations Framework Convention on Climate Change and other global and national policies and initiatives on climate change. It emphasized that all stakeholders should ensure that climate change and disaster risk reduction measures are gender-responsive, sensitive to indigenous knowledge systems and respect human rights. In particular, women's right to participate in all levels of decision-making must be guaranteed in climate change policies and programmes.⁵

E. Permanent Forum on Indigenous Issues

19. The Permanent Forum considered the results of the Copenhagen Climate Change Conference and its implications for indigenous peoples' local adaptation and mitigation measures. The report contains specific recommendations on how to integrate indigenous issues in climate change processes, in particular, recommending integration of traditional knowledge and technologies of indigenous peoples in climate adaptation and mitigation measures. Furthermore, the report highlights the challenge of ensuring an effective participation of indigenous peoples in REDD-plus programmes, especially on the regional and national levels (E/C.19/2010/18, paras. 49–51).

20. In April 2010, at its ninth session, the Permanent Forum considered a study on the impact of climate change adaptation and mitigation measures on reindeer herding (E/C.19/2010/15). The study provided a number of recommendations, including the

⁵ See www2.ohchr.org/english/bodies/cedaw/docs/Gender_and_climate_change.pdf.

recommendation to use a human rights approach in any national adaptation strategies taking into account indigenous pastoral peoples' traditional knowledge and cultural and linguistics rights. At the same session, the Permanent Forum reviewed another study on the extent to which climate change policies and projects adhere to the standards set out in the United Nations Declaration on the Rights of Indigenous Peoples (E/C.19/2010/7). The study included an analysis of interlinks between climate change and human rights standards, and their applicability to the Declaration.

F. Office of the United Nations High Commissioner for Human Rights

21. OHCHR has advocated for the inclusion of a human rights perspective in climate change negotiations, policy planning and programme implementation. In particular, it emphasizes that the human rights perspective should play a major role in moving beyond the aggregate cost-benefit analysis that tends to dominate in climate change debates. The Office continues to advocate that the focus should be on individuals and communities affected by the adverse effects of climate change, especially vulnerable groups, including women, children, indigenous peoples, persons with disabilities and displaced persons. In this regard, a human rights-based approach draws attention to the need for a deeper analysis to identify who will be affected and in what ways by climate change-related effects. Policymakers must also ensure that the human rights impact of policies and measures to mitigate and adapt to climate change is properly assessed and taken into account, and that procedural right (access to information, effective participation, and remedies) are provided for. In addition, despite the fact that human rights law provides a strong framework for protection at the national level, States also have obligations relevant to their joint action internationally to deal with climate change. Importantly, under international human rights treaties (as well as under the Charter of the United Nations and internationally agreed development goals), States have committed to engage in international assistance and cooperation and to take joint and separate action to address the global problems that threaten the realization of human rights.⁶

III. Addressing the impact of climate change by the international community: update and recent developments

22. The section below describes some initiatives undertaken in the period from January 2009 to July 2010 by the international community, in particular by United Nations inter-agency mechanisms on climate change with a view to addressing the adverse effects of climate change on human rights.

A. United Nations Framework Convention on Climate Change

23. Under the United Nations Framework Convention on Climate Change, the United Nations Climate Change Conference comprising the fifteenth session of the Conference of the Parties and the fifth session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol, was held in Copenhagen in December 2009. The participants in the Conference adopted the Copenhagen Accord, by which they committed to (a) a target of limiting global warming to 2° C above pre-industrial temperatures; and (b)

⁶ For more information on OHCHR activities see, inter alia, submission to the fifteenth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change and key inputs available at www2.ohchr.org/english/issues/climatechange/index.htm.

new and additional, predictable funding approaching \$30 billion for the period 2010–2012, and \$100 billion dollars a year by 2020 to address the needs of developing countries.⁷

24. In July 2010, the Framework Convention released a text to facilitate negotiations among parties, reflecting the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention. In the text, reference is made to Human Rights Council resolution 10/4 on human rights and climate change, and the need for broad consultations of stakeholders is noted. The text outlines the need for a gender-sensitive, participatory and fully transparent approach while stressing the importance of the effective participation of women and indigenous peoples in all aspects of action to address climate change, taking into consideration vulnerable groups in enhanced action on adaptation.⁷

B. United Nations System Chief Executives Board for Coordination and its High-level Committee on Programmes

25. The United Nations System Chief Executives Board for Coordination (CEB) aims to ensure that the United Nations system delivers as one at the global, regional and country levels on the broad range of commitments made by the international community.⁸ In 2008, CEB endorsed the Climate Change Action Framework, which included five focus and four cross-cutting areas of collaborative United Nations system action, reflecting the structure of issues being discussed in the context of the United Nations Framework Convention on Climate Change.

26. In 2009, through its High-level Committee on Programmes that promotes global policy coherence in the United Nations system, CEB led an initiative on “delivering as one” on climate change 2° in the run-up to the fifteenth session of the Conference of the Parties. In its statement of purpose, the Committee underlined that the effects of climate change disproportionately affect the poor and vulnerable, those who have the weakest capacity for resilience, and that climate change, in all its dimensions, must be addressed within the broader context of sustainable development, which includes economic advancement, poverty eradication and environmental protection, elements that are essential to the realization of human rights and the achievement of the Millennium Development Goals and other internationally and nationally agreed goals and aspirations. Moreover, in a CEB policy brief on adaptation circulated at Conference of the Parties, the Board emphasized the need to uphold human rights in adaptation processes, and that they had to be a core component of all aspects of adaptation action. CEB also contributes to ongoing efforts to coordinate and disseminate information on climate change action by different components of the United Nations system, including through websites and web-based tools.⁹

C. Inter-Agency Standing Committee

27. The Inter-Agency Standing Committee is the primary mechanism for inter-agency coordination of humanitarian assistance and is a unique forum for key United Nations and non-United Nations humanitarian partners. The Committee established an informal task force on climate change in June 2008.¹⁰

⁷ For the full text see <http://unfccc.int>.

⁸ See also www.unsceb.org/ceb.

⁹ For example, see the sites <http://climate-l.org>, www.unclearn.org and www.un.org/climatechange/projectsearch/.

¹⁰ See www.humanitarianinfo.org/iasc.

28. In 2009, the Inter-Agency Standing Committee produced a number of reports focusing on human rights-related concerns raised by the adverse impact of climate change, especially on vulnerable groups. It organized regional and national consultations addressing the humanitarian challenges of climate change, underlining that climate change adaptation processes and programming require an understanding of local changes and vulnerabilities and a community-led process to address these vulnerabilities. The Committee also produced a publication on food security and the hunger aspects of climate change. In addition, in addressing the concerns of vulnerable groups, the Committee submitted a paper to the Ad Hoc Working Group on Long-term Cooperative Action at its sixth session, in June 2009, entitled “Forced migration in the context of climate change: challenges for States under international law”. Furthermore, the current Inter-Agency Standing Committee advocacy plan focuses on the practical aspects of climate change adaptation, underlining the humanitarian impact, the experience and added value of humanitarian actors, in particular at the regional and national levels.

D. United Nations Development Group

29. The United Nations Development Group unites 32 United Nations funds, programmes, agencies, departments and offices with a common objective: to deliver more coherent, effective and efficient support to countries seeking to attain internationally agreed development goals, including the Millennium Development Goals.¹¹ The United Nations Development Group task team on environmental sustainability and climate change is currently developing a guidance note for United Nations country teams on the theme “*Integrating climate change considerations in the country analysis and the United Nations development assistance framework*”. The aim of the note is to integrate a human rights-based approach to climate change, requiring the United Nations country teams to consider in what ways and to what extent anticipated changes in the climate will impede economic and social development, including consideration of poverty reduction, strengthening human rights and improving human health and well-being.

IV. Consultations with Member States and other stakeholders

30. On 12 May 2010, in compliance with Council resolution 13/17, OHCHR addressed notes verbales to Member States and letters to other stakeholders named in resolution 13/17 to request their input in preparation for the 2010 Social Forum, specifically soliciting concrete ideas and suggestions on certain issues (see paragraph 2 above).

31. Contributions were received from Australia, Cuba, Greece, Guyana, Oman, Spain and the Syrian Arab Republic, as well as from the following international organizations, national human rights institutions and non-governmental organizations: the World Food Programme (WFP); the Food and Agriculture Organization of the United Nations (FAO); the United Nations Children’s Fund (UNICEF); the Heinrich-Boell-Foundation Germany and the German Forum for Human Rights; Nord-Sud XXI; Diakonisches Werk der EKD (social service agency of the Protestant Church, Germany); Transparency International; the Asia Indigenous Peoples Pact and the International Work Group for Indigenous Affairs; International Movement ADT Fourth World; Friedrich-Ebert-Stiftung; Faune, Flore et Santé à Yahuma; and Refugees International. A contribution was also received from the secretariat of the Permanent Forum on Indigenous Issues.

¹¹ See www.undg.org/index.cfm?P=2.

32. It was found that the impact of climate change on human rights is likely to be felt most by certain communities, and that climate-related stress may adversely affect local and regional security. It was also noted that climate change most immediately and profoundly affected those who are already poor and vulnerable, such as rural women, children, the elderly, small-scale farmers, refugees, internally displaced persons and indigenous communities — the ones least capable of responding or adapting to it. The rights to food, to water, to food security, to health and to shelter will be affected. In addition, rising sea levels could submerge entire States, displacing or relocating entire populations and ways of life. Reference was made to the acknowledgment by the Human Rights Council that indigenous peoples, women and children are the groups most vulnerable to climate change. Indigenous and local populations are most prone to displacement and migration, resulting in improper accommodation and thereby affecting the right to adequate housing (in addition to the rights to life, adequate food, water, health and self-determination). Attention was particularly drawn to the adverse impact of climate change on the full enjoyment of human rights especially of those already in a vulnerable situation owing to factors such as geographic location, gender, age and poverty, as well as of groups including indigenous peoples, minorities, the disabled, the elderly and marginalized communities. Reference was made to the risks to various developing island States and coastal areas, to the melting and disappearance of glaciers; and to major increases in the frequency of hurricanes and other natural disasters.

33. It was reported that climate change has led to a decrease in rainfall, leading to droughts in various parts of the world and poor agricultural output, hindering economic growth. In severe cases of drought, acute food shortages led to the displacement of people seeking food and water. Globally, the main impacts of climate change concern the availability of water and food production, health, rising sea levels and damage to coastal land, and an impact on infrastructure owing to the increasing frequency of sandstorms.

34. One respondent stated that the causes of climate change included the unsustainable methods of production and consumption of developed nations; economic and financial systems; unjust models of development; and the lack of political will in industrialized countries to comply with the Kyoto Protocol. There was a need to safeguard the Framework Convention on Climate Change and the Kyoto Protocol, as well as to uphold the principle of common but differentiated responsibilities. The negotiating mechanism specified in the Bali road map had to be respected. Some respondents stated that the United Nations Framework Convention on Climate Change was the primary international forum for addressing international climate change action and the potential implications of climate change in related sectors.

35. One State reported that it had developed an integrated suite of mitigation policies that would enable it to reduce its greenhouse gas emissions in the short term and achieve more ambitious reductions in the longer term. The range of 2020 targets would be achieved through a combination of significant investment in the development and deployment of new, clean energy technologies; measures to encourage the deployment of existing climate change solutions, such as energy efficiency and renewable technologies; and the introduction of a cap-and-trade emissions trading scheme (or Carbon Pollution Reduction Scheme) which would put a price on carbon and make polluters pay. With regard to adaptation, a national climate change adaption programme provided tools and information to help decision makers manage the likely effects and support partnerships to help prepare highly vulnerable groups. Finally, a national climate change adaptation research facility had been established to generate the information needed by decision makers to manage the risks of climate change in areas such as water, health, emergency management and primary industries.

36. With regard to international assistance and cooperation, one respondent explained that climate change fast-start financing for 2010–2012 includes funding to developing countries to support adaptation through the International Climate Change Adaptation Initiative, focusing on least developed countries and small island developing States; to reduce emissions from deforestation and forest degradation in developing countries (REDD-plus) delivered through the International Forest Carbon Initiative; to multilateral agencies to help developing countries transition to low-carbon growth pathways and adapt to climate change impact; and for climate change partnerships for development, to provide targeted analytic and policy assistance to key developing countries. The respondent is also contributing to the Global Environment Facility and to the Least Developed Countries Fund, and is working to reduce the threat of natural disasters through investment in disaster risk reduction initiatives in more than 30 countries.

37. One State noted that all efforts and actions should be undertaken within a framework of sustainable development and a low-emissions development path, and reported that it had prepared a low-carbon development strategy. That provides a framework whereby its forests are utilized for climate change mitigation, and the funds received are invested in low-carbon development and adaptation measures. It highlighted the open, transparent and accountable manner characterizing the process of developing the strategy, which includes consultations with local communities. In line with the principles of free, prior and informed consent, local communities are not required to participate in any REDD-plus schemes unless they choose to do so, and no deadline is set for whether and how they can opt in. Local non-governmental organizations have been actively engaged in the implementation of the strategy and are active members of a multi-stakeholder steering committee, while the International Institute for Environment and Development monitors the entire process.

38. One respondent stated that developed countries should take action towards an ambitious reduction in emissions, taking into account their historical responsibilities and increased technological and financial capacity. Mitigation and adaptation are key factors, as is the real application of cleaner, more efficient technologies. The right to development must be promoted and protected in formulating policies to address the adverse effects of climate change. Developed countries must recognize the need of developing countries for financial and technological assistance to address the dangers of climate change.

39. With regard to mitigation and adaptation, reference was made to the United Nations Framework Convention on Climate Change and the principle of common but differentiated responsibility. Attention was drawn to the important links among mitigation and adaptation strategies, financing and technology transfer, and human rights. Solutions must be developed to minimize the impact of climate change on human rights, and should include the adoption of mitigation measures to reduce greenhouse gases. The impact of such solutions on human rights must also be borne in mind. This requires a more detailed analysis to identify who will be affected by climate change so that relevant policies may be adjusted accordingly. In addition, the human rights principles of transparency, accountability and non-discrimination can guide the implementation of policies and measures on climate change.

40. Reference was made to Human Rights Council resolutions 7/23 and 10/4 on the issue of climate change, as well as to non-binding documents on the links between environment protection and human rights and the need for explicit recognition in international law of the right to enjoy an environment integrated into the universal human rights system with effective and efficient oversight. Such recognition would ensure a more concrete definition of the ambit of obligations in relation to environmental law, and also serve to clarify the content of relevant associated rights.

41. Reference was made to a large number of measures to mitigate the effects of drought. Systems should be developed to predict climate and provide early warnings, and

special emergency funds should be developed. Furthermore, it is vital that local capacities are strengthened to mitigate the negative effects of climate change; the Rio Declaration on Environment and Development of 1992 cannot be implemented without the participation of civil society. International assistance should be based on long-term goals and grants, and provide technological support. Access to financial support should be simplified and expedited, and priority should be given to developing countries and the most vulnerable.

42. Climate change is a major issue for indigenous peoples around the world; hence, the special theme for the seventh session of the Permanent Forum on Indigenous Issues in 2008 was “Climate change, bio-cultural diversity and livelihoods: the stewardship role of indigenous peoples and new challenges”. The Permanent Forum also highlighted that high-level meetings and reports on climate change should make more mention of indigenous peoples, not as helpless victims but as primary actors who interpret and react to climate change in creative ways, drawing on traditional knowledge and other technologies to find solutions. The Permanent Forum also referred to the right to participate in decision-making, as confirmed in article 18 of the United Nations Declaration on the Rights of Indigenous Peoples and Agenda 21, and to the need to study the impact of adaptation and mitigation measures on indigenous peoples. With regard to adaptation, the Permanent Forum highlighted that adaptive capacity could only be improved if integrated with other strategies, such as disaster preparation, land-use planning, environmental conservation and national plans for sustainable development.

43. WFP reported that climate change is projected to increase the risk of hunger globally by 10 to 20 per cent by 2050, of which 65 per cent will be in sub-Saharan Africa.¹² The worst effects are expected on the poorest and food insecure. The cycle of hunger undermines maternal health, stunts children’s physical and cognitive growth, impairs school performance and impedes progress towards gender equality. Furthermore, nutritional conditions determine a person’s capacity to survive disasters, and climate change affects the fundamental requirements for health: clean air and drinking water, sufficient food and secure shelter. WFP reported that, without proper action, two thirds of arable land in Africa will be lost by 2025, and some 50 million people could be displaced by desertification and land degradation within the next 10 years.

44. WFP highlighted the fact that any measures and actions to address climate change should be pro-poor, empowering and inclusive at all levels, and that Governments should recognize the importance of the right to food in their policies. Activities should concentrate on reducing vulnerability, especially for marginalized groups, and increase access to essential services (such as health and education) and long-term social protection systems; strengthen the capacity of local actors to take appropriate action to reduce vulnerability; empower local populations in emergency preparedness and subsequent recovery; improve the accountability of Governments and service providers; and develop a more flexible disaster-response capacity by the humanitarian community, shifting the focus from response to prevention.

45. WFP helps Governments, national institutions and vulnerable communities to anticipate and prepare for climate change-related hazards by leveraging its experience and capacities in several areas, including food security and vulnerability analysis and mapping, emergency preparedness and response, early warning, disaster risk reduction, food technology, logistics and information and communications technology. WFP provided specific examples of its support: enhancing resilience in Bangladesh to disasters and natural hazards, including a rights dimension; the Safe access to firewood and alternative energy (SAFE) pilot initiative in Uganda and North Darfur, which has resulted in a reduction of the

¹² WFP “Climate change and hunger: responding to the challenge”, 2009.

impact on already degraded environments, reduced gender-based violence and better health thanks to less unhealthy smoke; the MERET programme in Ethiopia, which integrates a range of adaptation and mitigation activities, such as reforestation of barren hillsides, reconstruction of agricultural terraces, restoration of water ponds and springs, and income-generated activities to support vulnerable communities; and risk-transfer mechanisms.

46. According to FAO, climate change will have the greatest impact on the most vulnerable populations. It has carried out research to understand how unemployment, gender equality and food security of the most vulnerable, including indigenous peoples, will be affected, as their access to resources essential for health and well-being is threatened. FAO has developed tools and provides assistance to States to make informed decisions about the social dimensions of climate change, such as income and equitable employment, access to resources such as water, land and seeds, as well as institutions for ensuring their food security. FAO has also addressed the specific impact on indigenous peoples and the substitution of fossil fuels by biofuels, which has brought out the clear disproportionate effects on poorer households who have less decision-making power and lack control over key livelihood resources. FAO supports mitigation policies that foster sustainable development, in which all men and women enjoy full employment, health, food security and equal access to positive incentives; it assists States in designing and implementing poverty reduction and development strategies that address social vulnerabilities. FAO strongly recommended that disaggregated data should be collected and used to identify and assess the food security and technology needs of women and men, thus ensuring that all vulnerable groups play a key stakeholder role in addressing the challenges of climate change.

47. According to UNICEF, children are more susceptible to the adverse effects of environmental degradation because of their physical, cognitive and physiological immaturity, including with regard to malnutrition, water scarcity and water-borne diseases. As gender discrimination in the allocation of food puts girls at greater risk than boys, particular attention must be paid to the gender-specific impact of climate change on the right to food, in addition to the particular impact on the education of girls, who undertake most of the household fuel and water collection. The increasing number of climate-related disasters has further undermined the fulfilment of children's rights to life, access to food, water and basic health services. UNICEF also highlighted the particular vulnerabilities of minorities and indigenous peoples who, in addition to living in poverty, are at a higher risk of being affected by climate change because their way of life is closely linked to their traditional relationship with their land and natural resources.

48. UNICEF provided examples of its country programmes, which span the national and subnational levels and provide assistance to prepare for, prevent and mitigate climate and disaster risk. For example, in line with article 24 of the Convention on the Rights of the Child, part of the daily work of UNICEF is to provide access to safe water and sanitation, and improve approaches to water resource management. It has launched a water, sanitation and health (WASH)-focused vulnerability and capacity assessment tool to analyse available climate change impact data at the country and community levels and to map current UNICEF and partner-led actions in 60 countries. The objective is to incorporate climate risk into WASH programmes, with pilots under way in Bangladesh, Indonesia and the Sudan, and existing climate action being pursued in China, Sierra Leone and the Sudan.

49. Furthermore, in accordance with article 6 of the Convention on the Rights of the Child, on the child's right to life and maximum survival and development, UNICEF enhances disaster preparedness by means of improved early-warning systems and disaster risk reduction. In particular, and as outlined in the Core Commitments for Children, UNICEF and partners reinforce a human rights-based approach to programming in humanitarian actions. Lastly, in accordance with article 12 of the Convention, on respect

for the views of the child, UNICEF enhances child and youth participation through child-led adaptation, child-led disaster risk reduction, and ensuring that children are actively involved in urbanization adaptation processes. The Children's Climate Forum and the engagement of children in the Secretary-General's Summit on Climate Change on 22 September 2009 were UNICEF launching pads for broader youth engagement in climate change.

50. In their contributions, civil society organizations and other stakeholders emphasized the framework of the greenhouse development rights approach, which can provide a useful theoretical construct allowing integration of human rights into discussions and negotiations on climate change. Some also noted that a human rights approach is a way in which to ensure participation of those most directly affected, and would serve to ensure that solutions to the accountability gap for climate change-induced human rights harm are just, effective, equitable and consistent with international law as a whole. More needs to be done to operationalize fully the link between climate change law and human rights law; the Social Forum could be used to explore and create synergies between international law (particularly the Charter of the United Nations, the United Nations Framework Convention on Climate Change and the Kyoto Protocol, as well as relevant provisions of international human rights law and customary international law) and their implementation.

51. A number of contributions highlighted the fact that the likelihood of mass population displacement is among the most pressing concerns raised by climate change, especially in least developed countries, in coastal areas and small island developing States, and that further degradation of land and water resources will undermine food security and sustainable human development, leading to potential resettlement. The implications of climate change-induced displacement and migration include the rights to life, food, water, health, adequate housing and to self-determination. Where people are forcibly displaced, additional needs include protection against arbitrary or forced displacement and rights related to housing and property restitution. In the immediate aftermath of a disaster, vulnerable populations are at risk of discrimination, lack of safety and security, gender-based violence, family separation, loss or destruction of personal documentation and limited or no access to information, justice or complaint mechanisms. In this regard, reference was made to the operational guidelines on human rights and natural disasters of the Inter-Agency Standing Committee, which provide guidance on how to implement a rights-based approach to humanitarian action in the context of natural disasters. It was noted that both inadequate planning prior to emergencies and the questions of return, resettlement and reintegration raise human rights concerns.

52. A non-governmental organization highlighted the fact that the international legal status of people who are forced to leave their homes because of the direct or indirect impact of climate change is still unclear. Therefore, a key issue warranting discussion during the Social Forum is the need to address shortcomings in the current legal, policy and institutional frameworks. These protection gaps include the needs of people displaced by slow onset, climate-related environmental changes such as droughts or desertification, and who might not be covered by the Guiding Principles on Internal Displacement; the obligation of States to accept people who move across borders because of climate change; and the particular situation of inhabitants of low-lying small island States who may be permanently displaced. Another non-governmental organization called for an ad-hoc regime for climate change migrants that should be based on resettlement, international assistance, collective rights and international burden-sharing, and suggested the elaboration of an optional protocol to the United Nations Framework Convention on Climate Change with an executive committee to oversee its implementation, with a climate refugee protection and resettlement fund. Other possible solutions proposed by contributors included the adoption of a new convention, creating guiding principles, and ensuring that

institutional frameworks are in place to address the issue on a global scale and promote coordination between agencies.

53. Another non-governmental organization stated that, in many countries, regardless of development status, the combined effects of climate change and corruption, which perpetuate marginalization and exclusion and promote inequality, are likely to lead to a serious regression in the attainment of human rights. In particular, the impact of the displacement of people for extractive industry projects was noted. To address climate change, it is suggested that, with regard to adaptation, building climate resilient infrastructures should serve as a precautionary measure; when the financing for adaptation projects is partially lost to corruption, the result can be faulty projects. Furthermore, while adaptation funding from developed countries was noted, it was suggested that recipient Governments may, as a human rights obligation, consider making a part of this funding available as a compensation fund or “safety net” insurance to assist those individuals affected by climate change. Such compensation and/or safety net options require a just, equitable and transparent system of distribution. With regard to mitigation and projects designed to create low carbon economies/pathways and to reduce greenhouse gas emissions, measures must be taken to prevent corruption in public-private partnerships as a human rights obligation. With regard to international assistance, the organization warned against reallocating funding earmarked for development or international assistance, as this could prevent progress in achieving the Millennium Development Goals. Any climate finance system, whether at the global, national or local level, requires the application of internationally recognized civil and political rights, and aims to ensure a better use of public resources to support the achievement of human rights and fundamental freedoms.

54. The situation of indigenous peoples was specifically highlighted, since they have contributed little to the cause of global warming while being among the most heavily affected, with minimal access to resources to cope with the changes. While indigenous peoples’ diverse and resilient livelihood systems have enabled them to survive in often harsh and forbidding environments, the speed at which the climate is changing is putting their ability to adapt to the test. Climate change not only puts indigenous livelihood systems under stress, it also undermines indigenous human rights. In particular, mitigation and adaptation schemes and programmes (such as the construction of nuclear power plants, the dumping of radioactive waste, large-scale hydropower projects, agro-fuel plantations, the Clean Development Mechanism and forestry-based offset mechanisms coupled with carbon trading) often directly violate those rights. Indigenous peoples have therefore challenged States to “abandon false solutions to climate change that negatively impact indigenous peoples’ rights, land, air, oceans, forests, territories and water”.¹³ Little attention has been paid to the potentially invaluable contributions of indigenous peoples’ traditional knowledge, innovations and practices in the global search for solutions to the problems caused by climate change. Most of the concerns raised by indigenous peoples relate to the right to participate in decision-making and implementation, as proclaimed by the United Nations Declaration on the Rights of Indigenous Peoples and Agenda 21, and the difficulty for indigenous peoples to participate in international processes, in particular the United Nations Framework Convention on Climate Change.

55. The impact of climate change on the right to life was specifically highlighted, linked in particular to increased risks of flooding and mudslides; to the right to health, as climate change will push rural populations even deeper into poverty, with high levels of ill health and malnutrition owing to poor crop productions; and the right to education, as children

¹³ Declaration adopted at the Indigenous Peoples’ Global Summit on Climate Change, 20–24 April 2009, Anchorage, Alaska, USA.

spend long hours searching for water or working in the informal sectors, thereby leaving little time for school. A number of measures to address the impact of climate change were suggested, including the provision of disaggregated data to monitor the situation of the most vulnerable groups; developing plans to reduce the risks to all groups, including the most vulnerable; providing support to local community efforts; and providing emergency responses that reach even the most vulnerable, based on the Guiding Principles on Internal Displacement. At the global level, the international community should ensure that development assistance and cooperation also address the needs of people experiencing extreme poverty, that these populations may participate in the development and implementation of strategies, and develop emergency aid protocols that ensure that all those in need are reached.

V. Conclusions and issues for consideration

56. On the basis of the information and analysis provided in the present report, the 2010 Social Forum may wish to consider the following issues in the context of adverse effects:

- (a) The contours of a human rights approach to address the adverse effects of climate change on the full enjoyment of human rights, including the right to life and economic, social and cultural rights;
- (b) Strengthening accountability in protecting and promoting civil, political, economic, social and cultural rights in the context of climate change;
- (c) Ways of safeguarding vulnerable groups (migrants, women, children, indigenous peoples, internally displaced persons, persons with disabilities and other groups) in the context of climate change.

57. The Social Forum may also consider the following issues in the context of measures and actions to address the impact of climate change:

- (a) Lessons learned from good practices in measures and actions taken to address the impact of climate change;
- (b) Key elements of a human rights-based approach applied to measures and actions undertaken to address the impact of climate change, with particular attention to vulnerable groups, particularly women and children;
- (c) The outcomes of the Social Forum discussions to be shared with other dialogue avenues, such as the upcoming negotiations for the sixteenth session of the Conference of the Parties in Cancun, Mexico.

58. In the context of international assistance and cooperation, the Social Forum may consider the following issues:

- (a) How the international community's response to climate change could be strengthened to ensure the protection of human rights, in particular of the most vulnerable groups;
- (b) How the participation and inclusiveness of the most vulnerable and affected people could be ensured in the efforts to address the human rights-related impact of climate change;
- (c) The role of civil society, including indigenous communities in country-owned consultation processes and nationally-driven responses to climate change, as well as in global climate change negotiations and programming;

(d) How the social dimension can be better integrated in climate change negotiations and measures.
