

Beyond Copenhagen

A Collective Action against Climate Change, INDIA

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DAILY NEWSLETTER | COP15 MEETING | COPENHAGEN | NO 3 | 11TH DECEMBER 2009 | Pg 1

With the theme The road after Copenhagen: priority strategies and actions for ensuring food security and rural development in the face of climate change, the Agriculture and Rural Development Day (12th Dec 2009) will bring together policy makers and negotiators, rural development practitioners, producers, civil society and the agricultural and climate change scientific community to highlight the importance of agriculture in climate change and to identify the 'no-regret' priorities for agriculture and food security where the world needs to take action. The overall goal of the event is to develop a work plan with strategies and actions to fully incorporate agriculture into the post-Copenhagen agenda. The event will consider, among others, areas such as: (1) the role of agriculture and farmers, both women and men, in adaptation and mitigation strategies; (2) future scenarios for agriculture, rural development and food security; (3) climate change as a development issue; and (4) innovations in the agricultural sector of relevance to the climate change agenda.

RECOGNISING AND PROTECTING HUMAN RIGHTS WITHIN COPENHAGEN AGREEMENT

Speakers representing small island nations pointed out that the lower the emission reduction targets are, the more protection we are going to need for human rights. The 10 billion USD pledged as assistance is woefully inadequate for the 134 developing countries. The demands made were: (1) higher emission targets; (2) support for adaptation; and (3) rights of people who are going to be displaced by climate change impacts.

It was stated that even in current texts we are not mentioning human rights; we are only pressing for emission targets. It was also pointed out that all island nations are not going to lose all their land due to rising sea levels. In some countries people will lose their coastal lands, their fisheries and inhabitable land, and all the people may migrate to other nations. But some land may still escape submergence. What will be the sovereign rights over their original land for people who have migrated?

The representative from the High Commission of Human Rights said that the Commission is very clear that all decisions taken here should be informed by human right norms and standards. He mentioned that the Commission has also adopted a resolution on human rights implications of climate change. He said that disasters make it difficult for people to enjoy a range of human rights. He felt that the current debate is centered on science of Climate change and less on human well being. He also said that climate change implies obligations not only between nations but also towards individuals.

Ms. Sheela representing the Inuit people said that both climate change and persistent organic pollutants (POPS) threaten food security and cultural survival in the arctic. Speaking about the rate of climate change she said that in the arctic people have to adapt within a single generation. She said that there is need for them to be able to practice an ancient culture that is respectful of the environment. If we focus only on western science, the climate train is going to be derailed. Whatever science predicts, the indigenous people are ground truthers as they are the best source of information for what is happening on the ground. Policy makers should hear their voices about what impacts are seen over the last several years.

CLIMATE CHANGE: A HUMAN RIGHTS ISSUE

By Justice Pana Chand Jain, India

The Declaration of Human Rights and the UN Charter state that "poverty any where is a threat to prosperity everywhere". Almost all the developed and developing countries in their constitution have provided for fundamental rights. These rights are divided in two categories – political and social and economic rights. Human Rights Council has recognized climate change as a Human Right issue. In fact all fundamental rights are part of Human Rights.

It is India's views that the planetary atmospheric spaces are a common resource of humanity and each citizen of the globe has an equal entitlement to that space. We are all equal partners in the benefits given by the mother earth.

The industrialized countries are responsible for the bulk of the green house gases in the atmosphere. They are, therefore, under an obligation to compensate to the other countries who are sufferers for their hazardous acts. It is thus, a case of environmental economic justice.

Right to life is the fundamental right of every human being including indigenous persons. Right to life means meaningful and dignified life. Right to equality is another right and every person has a right to be treated fairly and without any discrimination. These rights are fundamental basic human rights. They are recognized by way of United Nation's Commitment to the work of UN development agencies, the entire UN has strengthened its institutional commitments to promote human rights. Its recognition finds place especially in the International Covenant on Civil, Political, Social, Cultural and Economic Rights, 1966.

It cannot be disputed that the global warming has affected the humanity adversely. It is responsible in depriving various persons from the livelihood. It has the direct bearing on the right to safe drinking water and food sovereignty or shelter and protection. It has affected women adversely. It is responsible for 100 million people sleeping hungry every night. Agriculture has been affected badly. It has also challenged our culture. Thus, the issue of global warming is the issue of violation of human rights.



VOICES OF DISSENT AT COPENHAGEN



CLIMATE CHANGE: A HUMAN RIGHTS ISSUE Contd...

It is a settled law that when an enterprise which is engaged in a hazardous or inherently dangerous activity which causes a potential threat to the health and safety of a person; it owes an absolute and non-delegable duty to the community that no harm results to any one on account of hazardous or inherently dangerous nature of activity which it has undertaken.

The enterprise is absolutely liable to compensate for such harm. The rule of strict liability is attracted. Such hazardous or inherently dangerous activity can be tolerable only on the condition that the enterprise indemnifies for the loss to the sufferers.

Human Rights Council has recognized climate change. The Human Rights and climate change working group in the meeting held on 10th December 2009 on Human Rights Day at Copenhagen has passed a resolution to take steps towards the action on climate change at the international level.

In the totality of circumstances every person is concerned with the decision making process. In the Adaptation Action this right should be recognized, mechanism may be developed for financing the sufferers on account of the ill effects of global warming. Human Rights as discussed above should be made enforceable by an international Covenant or an Environment International Tribunal may be constituted for resolving the disputes.

RECOGNISING AND PROTECTING HUMAN RIGHTS Contd...

We should demand ethical and moral responsibility from our leasers. Negotiating states must recognize human rights. They have obligation to protect human rights violation of affected people. Lastly she demanded inclusion of all people in the decisions.

Mr. Joseph Simel said that indigenous people are excluded from governance and policy making. He further added that mitigation actions may bring more problems for the indigenous people. E.g., growing plantations for credits may undermine human rights of indigenous peoples.

Mr. Martin Wagner said that climate change is definitely a human rights issue. The face of climate change is not only the graphs and tables that indicate GHG increase; it is about the people and ecosystems that are affected. He enumerated the human rights in the context of climate change:

1. Right to Means of Subsistence: Considering the effects of climate change such as droughts, salinisation of water due to rising sea levels, and melting of ice interfering with travel of Inuit so their hunting grounds – it means that the right to life, physical integrity and security is being undermined by climate change. **2. Right to Water:** This is a fundamental right. It is indispensable for life with dignity. It is a prerequisite for realization of other rights. E.g., melting of glaciers is undermining the right to water for the mountain communities. **3. Right to Property and to Use of Traditional Lands:** Melting of ice and erosion of land, destruction of houses due to permafrost melting are undermining the right to property. **4. Right to Preservation of Health:** This right is violated due to climate change as less food is available or food is less nutritious in nature. **5. Right to be Free from Discrimination:** Giving the example of heat waves in Los Angeles it was explained how highest mortality was seen among minority populations. Therefore, in environmental disasters the minorities, the poor or marginalized may be more vulnerable to climate change impacts. **6. Rights of Women:** As women depend more on environmental resources their rights are increasingly violated with the climate change. **7. Right to Culture:** Particularly for indigenous people who depend on environmental resources for traditional practices. It is hard for them to maintain their culture. **8. The Right to Participate:** It was mentioned that even now people do not have access to government decision making. They do not have access to information and remedies when their rights are violated.

What are the implications of the human rights approach for the climate change negotiations? The approach takes moral elements and makes them legal obligations. It increases the emphasis on mitigation to achieve 1.5 degree temperature increase and 350 ppm of CO₂. It reinforces the principle of equity and differential responsibility.

By Alka Awasthi