

Combating Climate Change: A Human Rights Imperative

**Presented by Ross C. “Rocky” Anderson
President, High Road for Human Rights Education Project
High Road for Human Rights Advocacy Project**

**International Human Rights Funders Group
New York City, New York
July 21, 2008**

For many years, I have worked to challenge what are considered classic human rights abuses. As a practicing lawyer, I learned of astounding abuses of many people who are incarcerated, including people with mental illnesses. Not only do we have by far the highest incarceration rate in the world, but our prisons and jails are now the institutions of first resort in the United States for dealing with people suffering from mental illnesses.

I successfully sued on behalf of inmates or members of their families to vindicate their human and civil rights. For instance, after a mentally ill young man died from a pulmonary embolism after being strapped naked, without any release, for 16 hours in a restraint chair, we prevented the

Rocky Anderson, Mayor of Salt Lake City from 2000-2008, designed a comprehensive climate protection program that achieved, during four years, a 31% reduction in greenhouse gas emissions in municipal operations. He received the EPA’s Climate Protection Award, the Sierra Club’s Distinguished Service Award, the World Leadership Award in the environmental category, and was the only US official to confer with representatives of heads of state in preparation for the 2005 G8 Conference, during which climate change was one of only two main agenda items. Anderson co-founded the Sundance Summit: A Mayors Gathering on Climate Protection for three consecutive years and presented at side events at three Conferences of the Parties to the United Nations Framework Convention on Climate Change and its Kyoto Protocol, in New Delhi, Buenos Aires, and Bali.

Prior to serving as Mayor, Anderson practiced law in Salt Lake City for 21 years, during which he successfully represented plaintiffs in several seminal consumer protection and civil rights cases.

continued use of that medieval device. We were successful in eliminating state minimum mandatory sentences. I founded a grassroots organization, Citizens for Penal Reform, and we worked with legislators, judges, prosecutors, parole board members, and corrections officials to address abuses in our prisons. Many of these abuses were, of course, unquestionably within the category of human rights violations.

After reading about US-sponsored and -engineered atrocities in Central America during the 1980s, including the notorious CIA training of the Contras in terrorist techniques and the death squads in El Salvador, I organized trips to Nicaragua so people could see for themselves the truth, in contrast to the fabrications of the Reagan administration and the parroting of those fabrications by the mainstream media. Those trips included television and newspaper media teams, resulting in a very different local media approach to what was occurring in Central America. Much of what was happening in Central America with full US support clearly implicated the most basic, well-recognized human rights.

Also obviously falling within the category of egregious human rights violations have been genocides (including the Armenian genocide, the Holocaust, and the genocides in Cambodia, Iraq, Bosnia, Rwanda, and Sudan), human trafficking (including global sexual slavery), and torture (including the unprecedented officially sanctioned kidnapping, disappearance, and torture of people around the world by US agents). What has been the missing element in driving a responsible, humane policy by the United States government? My study of those obvious human rights abuses and US inaction has led me to the conclusion that the missing element has been an aggressive grassroots call by ordinary citizens for effective action.

Two weeks into the Rwanda genocide in 1994, President Clinton's National Security Advisor, Anthony Lake, told a human rights advocate that people in the US would have to, in his words, "Make more noise," if the United States were to provide international leadership to stop the killing.¹ Hardly any noise was made – and 800,000 people were butchered during 100 days, while the US government stood complacently by, never lifting a finger to end the atrocities.

¹ Samantha Power, *"A Problem From Hell" – America and the Age of Genocide* (New York: Basic Books, 2002), at 509.

As Samantha Power recounts in her remarkable, Pulitzer Prize-winning book, *A Problem From Hell*, the absence of a public call to action in the US with regard to the Rwanda genocide led to the Clinton administration's and Congress's failure to act to stop the atrocities. She describes the situation as follows:

The phones in congressional offices were not ringing. . . . On May 13 Senator Paul Simon (D.-Ill.), chairman of the Senate Foreign Relations Subcommittee on Africa, and Senator James Jeffords of Vermont, the ranking Republican on the subcommittee, telephoned General Dallaire in Kigali and asked what he needed. A desperate Dallaire told them if he had 5,000 troops he could end the massacres. The senators immediately drafted and hand-delivered a note to the White House requesting that the U.S. get the Security Council to authorize the deployment of troops. . . . The senators got no reply. When they called to follow up ten days later, they were unable to reach National Security Adviser Lake but were told by another official, "We don't feel there is a base of public support for taking any action in Africa." Simon believes public pressure might have altered the U.S. response. "If every member of the House and Senate had received 100 letters from people back home saying we have to do something about Rwanda, when the crisis was first developing, then I think the response would have been different," Simon said.²

That situation was not unique. In fact, it was typical. Instead of meaning it when we say "Never Again" to mass atrocities, as a nation and as an international community, we permit such tragedies over and over and over again – all of it a result of the disastrous cycle of complacency, inaction, and shifting the blame to others rather than assuming our own responsibility.

It works like this: First, elected officials, seeking to avoid controversy, generally ignore atrocities being committed against people in other nations, failing to work toward effective international solutions. Second, the press responds anemically to atrocities, mostly hiding the facts from the public. Third, members of the public don't learn about the atrocities, or if we do learn about them, most of us assume that our

² Power, at 376-77.

government officials will take care of the problems. Finally, the vicious cycle of complacency and complicity comes full circle when government officials conclude from the public's silence that nothing more is expected.³

The lesson has been there for us to learn, over and over again. The United States government could have provided a safe refuge, and provided the leadership for other nations to provide a safe refuge, for European Jews during Hitler's campaign to annihilate them.⁴ The heroic grassroots efforts of Peter Bergson resulted in the creation of the War Refugee Board, which saved many thousands of lives, but came too late to save the millions who could have been saved had there been an effective, nationwide grassroots call for national policy changes.⁵

Because of the crucial need for aggressive grassroots organizing, education, and advocacy, I decided not to run for a third term as Mayor of Salt Lake City and to form an organization that would fill that essential, but missing, element. That organization, High Road for Human Rights,⁶ which was incorporated in January of this year, is now creating chapters around the country and recruiting members who we will organize to "make more noise" – to help educate people in their communities and to tenaciously and effectively advocate for concrete changes in US policies that will promote the protection of human rights.

In order to bring about concrete change, we committed from the beginning to concentrate on only a few major human rights abuses. Along with our Boards of Directors, we determined that we would focus on the genocide in Darfur, human trafficking, torture, and climate change. (Those

³ "In the end, . . . the inertia of the governed can not be disentangled from the indifference of the government. American leaders have both a circular and a deliberate relationship to public opinion. It is circular because their constituencies are rarely if ever aroused by foreign crises, even genocidal ones, in the absence of political leadership, and yet at the same time U.S. officials continually cite the absence of public support as grounds for action." Power, p. 509.

⁴ Wyman and Medoff, *A Race Against Death: Peter Bergson, America, and the Holocaust* (New York: The New Press, 2002).

⁵ David S. Wyman, *The Abandonment of the Jews: America and the Holocaust 1941-1945* (New York: Pantheon Books, 1984).

⁶ High Road for Human Rights is actually two separate non-profit entities, High Road for Human Rights Education Project ("Education Project") and High Road for Human Rights Advocacy Project ("Advocacy Project"). Although both organizations may address the same issues, and although the work of the organizations may overlap at times, the educational work will be done primarily by the Education Project and lobbying will be done primarily by the Advocacy Project. The Internal Revenue Service ("IRS") has approved the Education Project for status as a public charity under Section 501(c)(3) of the Internal Revenue Code ("the Code"). The Advocacy Project been approved by the Internal Revenue Service for status under Section 501(c)(4) of the Internal Revenue Code.

four areas of focus are addressed in the High Road brochures provided to you.)

As we were developing High Road for Human Rights and discussing with various people our unique approach, we often saw them nod in agreement as we talked about genocide, human trafficking, and torture as being part of our human rights agenda. We're all accustomed to categorizing abuses like state-sponsored kidnappings, disappearances, torture, slavery, mass killings and rapes, detentions without due process, and forced displacements as human rights violations. But as we mentioned climate change as being one of the areas of human rights focus for High Road, we often noticed a confused look on the faces of many of those with whom we were discussing the issue. They would say things like, "Climate change is an environmental, trade, or economic issue." "Why would you combine climate change with those human rights issues?" we were often asked. "Doesn't that just confuse things – and dilute the focus on either or both climate change and human rights abuses?"

That is the question I am here to address today. That question will be broken down into three areas of inquiry: Is climate change a human rights issue? Does the consideration of climate change as a human rights issue alter anything in terms of our approach to combating climate change? And are there any benefits from dealing with climate change in a human rights framework?

Although many of the human rights threatened by climate change have been well established since at least the adoption of the Universal Declaration of Human Rights in 1948, and although anthropogenic climate change has been recognized by much of the mainstream scientific community for decades, the discussion about whether human activities resulting in climate change should be viewed through a human rights lens has barely begun.

On December 11, 2007, just over eight months ago, John von Doussa, President of the Human Rights and Equal Opportunity Commission in Australia, noted in a lecture entitled "Climate Change: Catastrophic Impacts and Human Rights":

Whilst there is now plenty of discussion about the responses that governments should be making to address the predicted

consequences of climate change, the focus seems to have been largely on the economic, trade and security issues. The social and human rights implications rarely rate a mention.⁷

A Background Paper entitled “Human Rights and Climate Change” was issued by the Australian Human Rights and Equal Opportunity Commission in 2008.⁸ That Background Paper notes:

In responding to climate change, governments have traditionally approached it as an ecological problem or more recently, as an economic one. To date the social and human rights implications of climate change have received little attention.⁹

During the December 2007 Conference of the Parties to the United Nations Framework Convention on Climate Change and its Kyoto Protocol, the United Nations Deputy High Commissioner for Human Rights, Ms. Kyung-wha Kang, noted as follows:

In the lead up to this momentous gathering in Bali, the world heard extensively about the grave threat that climate change poses on the environment and economic growth. Much less was heard about the human dimension of climate change.¹⁰

In that address, not quite nine months ago, Ms. Kang noted “the need for strategies to deal with climate change, whether in terms of adaptation or mitigation, to incorporate the consequences for humans, as individuals and communities.” “Furthermore,” she said, in a statement unprecedented for a U.N. official, “some suggest, as I certainly would, that the existing body of human rights norms and principles offers a solid foundation for responsible and effective thinking and action in this regard.”¹¹

⁷ John von Doussa, “Climate Change: Catastrophic Impacts and Human Rights,” University of Adelaide Research Tuesday, December 11, 2007 (<http://www.safecom.org.au/climate-change-human-rights.htm>)

⁸ “Human Rights and Climate Change,” 2008 Human Rights and Equal Opportunity Commission (http://www.hreoc.gov.au/about/media/papers/hrandclimate_change.html)

⁹ *Id.* at 2 (page references to web site publication)

¹⁰ “Climate Change and Human Rights,” Address by Ms. Kyung-wha Kang, Deputy High Commissioner for Human Rights, Office of the United Nations High Commissioner for Human Rights, Conference of the Parties to the United Nations Framework Convention on Climate change and its Kyoto Protocol, 3-14 December 2007, Bali, Indonesia.

(<http://www.unhchr.ch/hurricane/hurricane.nsf/0/013DC0FAA475EC87C12573B10074796A? . . .>)

¹¹ *Id.*

In June 2007, the Prime Minister of Tuvalu, noted that, because Tuvalu's very existence is at great risk because of rising oceans, climate change presents an unprecedented threat to Tuvalu's "fundamental rights to nationality and statehood, as constituted under the Universal Declaration of Human Rights and other international conventions."¹² In November, 2007, the representatives of the Small Island Developing States met in Malé and issued a Declaration on the Human Dimension of Global Climate Change, expressing concern "that climate change has clear and immediate implications for the full enjoyment of human rights."¹³

The International Council on Human Rights Policy did not add climate change to its research program until 2007.¹⁴ Its first publication on the issue, "Climate Change and Human Rights," was published in 2008. As noted in that publication, "the mainstream climate change literature and debate has, until very recently, given little or no attention to human rights concerns."¹⁵ The Council is currently "editing a book of articles on climate change and human rights that will be published by Cambridge University Press in 2009."¹⁶

When one considers the well-established fundamental human rights to which there is now almost universal agreement, one must wonder why the consideration of climate change in a human rights context has taken so long, particularly since the application of human rights principles will aid significantly in combating climate change.¹⁷

¹² Apisai Ielemia, "A Threat to Our Human Rights: Tuvalu's Perspective on Climate Change," June 2007 (http://findarticles.com/p/articles/mi_m1309/is_2_44/ai_n27399052/pring?tag=artBody;col1)

¹³ Malé Declaration on the Human Dimension of Global Climate Change, Adopted November 14, 2007

¹⁴ "Climate Change and Human Rights: A Rough Guide," International Council on Human Rights Policy, 2008, at inside cover.

¹⁵ *Id.* at 2.

¹⁶ *Id.* at inside cover.

¹⁷ "The paucity of rights-specific information is not, of course, merely a *cause* of the negligible analysis of the human rights dimensions of climate change, it is also a *consequence*. Given their salience to the main themes discussed in the IPCC's fourth assessment report, for example it is remarkable that human rights are scarcely signaled in almost 3,000 pages of analysis. This would appear to indicate a near complete disciplinary disconnect, an impression borne out by a glance at the 10,000-strong participants' list for the recent (thirteenth) Conference of the Parties of December 2007, among whom no more than a tiny handful hailed from human rights backgrounds. . . . Since the IPCC reports are essentially literature reviews, the shortage of rights references no doubt indicates a mere vacuum in the literature rather than any conclusion, bias or failing on the part of the IPCC authors. That vacuum says as much about an absence of interest in climate change among human rights professionals to date as vice versa." *Climate Change and Human Rights: A Rough Guide*, at 3.

The consequences experienced already from human-caused global warming include the severe melting of glaciers around the world, the Arctic Ice Cap, parts of Greenland, and the Antarctic; rising oceans; desertification of millions of acres of previously productive lands; the killing of major coral reefs; the destruction of major forests by bark beetles that now survive warmer winters; major droughts; and significantly reduced snowpack in areas that depend upon snowpack for water supplies.

Business-as-usual spells disaster for our Earth and for many, if not most, of its inhabitants. Hundreds of millions of people will be driven by rising oceans from their coastal-area homes; water will be unavailable to farmers and others depending on major glacial systems, including the Himalayas and the Tibet-Qinghai Plateau, which feed all the major rivers of Asia; forests will be killed off at a rapidly-increasing rate; deserts will expand; fisheries will collapse; many species will become extinct; and heat waves will kill more and more people. Planet Earth will be a very different, far less habitable place for our children and those who follow. The earliest and most severe effects will be sustained mostly by particularly vulnerable people in many parts of the world.

International law enshrines certain fundamental human rights, beginning with those set forth in the Universal Declaration of Human Rights, adopted by the General Assembly of the United Nations in 1948. An elaboration of other human rights has been set forth in later human rights treaties. Those having most relevance to climate change are the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention on the Rights of the Child.

Human rights are understood to be the “rights that exist because one is a human being”¹⁸ – rights that apply to everyone equally. Living a life of dignity is at the core of human rights. The Preamble of the Universal Declaration of Human Rights declares that “the inherent dignity . . . of . . . all members of the human family is the foundation of freedom, justice and peace in the world.” “In a similar way, other human rights treaties

¹⁸ Jack Donnelly, *Universal Human Rights, in Theory and Practice*, Second Edition, (Ithica and London: Cornell University Press, 2003), at 10.

acknowledge that the protection of basic human dignity is the foundational basis of human rights recognition.”¹⁹

Among the rights impacted by climate change are the rights to life, liberty and security of person, guaranteed by the Universal Declaration of Human Rights.²⁰ The right to life of children receives specific protection in the Convention on the Rights of the Child. Climate change is having, and will increasingly have, an enormously adverse impact on human life, both directly and indirectly. In fact, it may have a greater impact on the right to life than any other event in history. The effects may be abrupt, as during a severe heat wave, like the one that took 35,000 European lives in 2003; during a hurricane that is far more intense as a result of warmer ocean waters; or during a rapid flood caused by radical shifts in precipitation patterns. The effects may also appear more gradually, as with adverse impacts on agriculture and water resources, and the spread of vector-borne diseases.

These effects of climate change implicate other expressly guaranteed human rights, such as the right to adequate food under several international treaties, including the International Covenant on Economic, Social and Cultural Rights, where the state parties recognize “the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing,”²¹ and that additional steps may be needed to ensure “the fundamental right to freedom from hunger and malnutrition.”²² As noted in the earlier referenced Background Paper of the Australian Human Rights & Equal Opportunity Commission:

There is little doubt that climate change will detrimentally affect the right to food in a significant way. Regional food production is likely to decline because of increased temperatures accelerating grain sterility; shift in rainfall patterns rendering previously productive land infertile; accelerating erosion; desertification and

¹⁹ James Peter Louviere and Donald A. Brown, “The Significance of Understanding Inadequate National Climate Change Programs as Human Right Violations,” 2008 (*citing* Henry Shue, *Basic Rights, Subsistence, Affluence, U.S. Foreign Policy*, (Princeton, New Jersey: Princeton University Press, 1980), at 13.)

²⁰ The International Covenant on Civil and Political Rights also provides that “every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.” Article 6(1), International Covenant on Civil and Political Rights.

²¹ Article 11(1), International Covenant on Economic, Social and Cultural Rights.

²² Article 11(2), International Covenant on Economic, Social and Cultural Rights.

reducing crop and livestock yields; rising sea levels making coastal land unusable and causing fish species to migrate; and an increase in the frequency of extreme weather events disrupting agriculture.²³

Whether the right to water is expressly guaranteed under international treaties or as an essential part of the other guaranteed rights, such as the right to life, the right to secure an adequate standard of living, or the rights to health and food, the adverse impacts of climate change on the right to water are likely far greater than any other threat ever posed to that right. Lester Brown's latest Plan B book, *Plan B 3.0*, is appropriately subtitled "Mobilizing to Save Civilization." In that book, Brown demonstrates that the violations of the right to water are not limited to future projections; they have already occurred, and are occurring at rapidly increasing rates. I offer here only a few examples provided in Brown's *Plan B 3.0*:

[T]he Gangotri glacier, the principal glacier that feeds the Ganges River, is melting at an accelerating rate and could disappear entirely in a matter of decades. The Ganges would become a seasonal river, flowing only during the monsoon season.

Glaciers on the Tibet-Qinghai Plateau that feed the Yellow and Yangtze rivers are melting at 7 percent a year. . . . [T]wo thirds of these glaciers could disappear by 2060.

These glaciers in the Himalayas and on the Tibet-Qinghai Plateau feed all the major rivers of Asia, including the Indus, Ganges, Mekong, Yangtze, and Yellow Rivers. It is the water from these rivers that irrigates the rice and wheat fields in the region.²⁴

According to Brown, water tables are now falling in countries that contain more than half the world's people, including the big three grain producers – China, India, and the United States.²⁵ Compounding the problem is the inundation of salty sea water from rising oceans, threatening the drinking water supplies of coastal regions.

All of this, of course, impacts the public health, which is guaranteed as a basic human right. The Universal Declaration of Human Rights

²³ "Human Rights and Climate Change," 2008 Human Rights and Equal Opportunity Commission, at 4 (citing Alan Dupont and Graeme Pearman, *Heating Up the Planet: Climate Change and Security* (Lowy Institute Paper 12, 2006), at pp. 30-31 (<http://www.lowyinstitute.org/Publication.asp?pid=391>))

²⁴ Lester R. Brown, *Plan B 3.0 – Mobilizing to Save Civilization*, (New York and London:: W.W. Norton & Company, 2008), at 4.

²⁵ *Id.* at 68.

provides that “everyone has the right to a standard adequate for the health and well-being of himself and his family.”²⁶ Likewise, the Convention on the Rights of the Child provides that state parties must ensure that every child enjoys the “highest attainable standard of health.”²⁷ Climate change will have numerous severe impacts on public health. As one example, a joint study by the World Health Organization and the London School of Hygiene and Tropical Medicine found that global warming may have already caused more than 160,000 deaths a year from malaria and malnutrition and that the number of climate change-caused deaths from disease could double by 2020.²⁸

Other essential human rights are threatened by climate change, including the right to human security, the right of indigenous people to strengthen their cultural life, and the right to maintain livelihoods and homes. Also, procedural rights are implicated, including the right of people to transparency and accountability regarding all matters that affect their rights, including the measures being taken to mitigate the human causes of climate change and to provide for adequate adaptation, as well as the right to participation in decision-making.

As noted by the United Nations Deputy High Commissioner for Human Rights, “most of the work on climate change has to date focused on mitigation and adaptation strategies to address its causes and consequences to the environment.”²⁹ Not until the past several months has there been any significant discussion of whether climate change should be addressed within a human rights framework.

If a human rights approach were taken, would anything be different in terms of combating climate change and, if so, would it be an improvement over the status quo?

²⁶ Article 25, Universal Declaration of Human Rights. See also Article 12(a) of the International Covenant on Economic, Social and Cultural Rights, which guarantees the right of everyone to “the enjoyment of the highest standard of physical and mental health.”

²⁷ Article 24, Convention on the Rights of the Child.

²⁸ Shaoni Bhattacharya, “Global Warming Kills 160,000 a Year,” *New Scientist*, October 1, 2003.

²⁹ “Climate Change and Human Rights,” Address by Ms. Kyung-wha Kang, Deputy High Commissioner for Human Rights, Office of the United Nations High Commissioner for Human Rights, Conference of the Parties to the United Nations Framework Convention on Climate Change and its Kyoto Protocol, 3-14 December 2007, Bali, Indonesia.

Succinctly answering the question, the Australian Human Rights & Equal Opportunity Commission posed the issue as follows:

What . . . , if anything, does the modern human rights discourse offer or require from governments when developing appropriate responses to the impacts of climate change? The answer, it appears, is “a lot”. As noted by the Deputy High Commissioner, states have a positive obligation to protect individuals against the threat posed to human rights by climate change, regardless of the causes. The most effective means of facilitating this is to adopt a “human rights-based approach” to policy and legislative responses to climate change; an approach that is *normatively* based on international human rights standards and that is *practically* directed to promoting and protecting human rights.³⁰

As outlined earlier, essential human rights have been identified under international law. The standards – the norms – have been set. There are, according to human rights international law, the bearers of duty, and those to whom duties are owed. State parties are ultimately responsible to ensure that the human rights to which the international community has agreed to adhere are honored and enforced. These standards and principles provide a principal advantage of addressing climate change through a human rights framework.

Other tremendous benefits in combating climate change will accrue from addressing the issue in a human rights context – by constantly putting a human face to the problem. As the Deputy High Commissioner for Human Rights has noted, “[a] human rights perspective shifts the focus more directly to individuals and to the effect of climate change on their lives.” No more will the discussion be so abstract to most people. To put a face to the issue – considering the impacts on real people, with real families, and real heartbreak – will create more political and moral will than all the statistics about parts-per-million carbon dioxide atmospheric concentration. Recent research demonstrates that people are far more emotionally moved, and hence moved to act, when they learn of personal stories and impacts on individuals rather than impersonal facts and figures.³¹

³⁰ *Id.*

³¹ See, e.g., Paul Slovic, “‘If I look at the mass I will never act’: Psychic numbing and genocide,” *Judgement and Decision Making*, Vol. 2, No. 2, April 2007, pp. 79-95.

As Mary Robinson, President of Realizing Rights: The Ethical Globalization Initiative, has written:

The human rights framework reminds us that climate change is about suffering – about the human misery that results directly from the damage we are doing to nature. . . . [I]f we build human rights criteria into our future planning, we will better understand who is at risk and how we should act to protect them.³²

A related advantage is that when harms to actual people are prioritized, as they must be in a human rights framework, human rights standards provide thresholds of minimum acceptability as to who will be impacted, how, and why. As noted by the International Council on Human Rights Policy, “a policy orientation based on human rights thresholds potentially provides a platform for broad-based dialogue on burden sharing of a kind that has frequently lacked in climate change debates.”³³

Viewing climate change through a human rights lens will also provide the best means of focusing on how mitigation and adaptation efforts will impact those who are most vulnerable. Instead of a larger economic, cost-benefit analysis, policies relating to climate change will, within a human rights framework, be required to take into account impacts on individuals and equities as between different people and different communities. Discrimination will be prohibited. Related to those considerations will be the allocation of resources and financing of both mitigation and adaptation measures. For particularly vulnerable states, and when indigenous populations might be adversely impacted, mitigation and adaptation policies would have to take into account the specific impacts on specific people and communities, with a view in advance to the likely human rights effects of measures such as deforestation, biofuel substitution, and emissions trading.³⁴

Procedural safeguards, including broad dissemination of information and participation in policy-making, would be a unique advantage of addressing climate change in a human rights framework. Along with greater participation and more truly democratic processes would be greater

³² “Climate Change and Human Rights: A Rough Guide,” International Council on Human Rights Policy, 2008, Foreword by Mary Robinson, at iii.

³³ *Id.* at 7.

³⁴ *Id.* at 7.

accountability and transparency regarding how, why, and by whom policies are made.

One reason proffered for the disconnect between those historically involved in climate change policy-making and the human rights community has been that, on one hand, “the study of climate change began among meteorologists, became firmly entrenched in the physical sciences, and has only gradually reached into the social sciences,” with the basic orientation remaining in the field of economics, while “[h]uman rights organizations . . . are unlikely . . . to take up issues framed as ‘hypothetical’ or scenario-based, quite aside from the disciplinary boundaries that have long existed between environmental and human rights law.”³⁵

However, with the unequivocal human rights standards that are firmly part of international law, and with the tremendous advantages of applying a human rights framework to climate change – the most urgent challenge facing our planet today – the human rights community and those who have historically constituted the primary climate change community must join forces, with an emphasis on human impacts, now and far into the future; equity; and effective, practical, urgent solutions. The human rights community need not, and must not, refrain from participating until it is too late to prevent or significantly ameliorate the otherwise-imminent global tragedy of irreversible catastrophic climate change.

The Australian Human Rights & Equal Opportunity Commission provides an extraordinary conclusion with respect to the crucial role of the human rights community in successfully combating climate change:

The values that inspired the drafters of the Universal Declaration of Human Rights provide a powerful point of reference in the climate change context. That document was an international response to the human tragedy of extreme nationalism, fascism and world war. It established a set of entitlements and rights – civil, political, cultural, social and economic for ‘all members of the human family’ to prevent the ‘disregard and contempt for human rights that have resulted in barbarous acts which have outraged the conscience of mankind’. While the drafters of the Universal Declaration of Human Rights were looking back at a human tragedy that had already

³⁵ *Id.* at 3.

happened, we are now looking at a human rights tragedy *in the making*. Allowing that tragedy to evolve would represent ‘a systematic violation of the human rights of the poor and of future generations’.³⁶

Let us all join to “make more noise” about what could be the most devastating violations of global human rights in history, to breathe life into the long-ignored principle of “Never Again,” and to effectively and collaboratively act with the urgency necessary to combat catastrophic climate disruption and the resulting world-wide tragedy that will occur if we fail to meet our most basic moral imperatives.

³⁶ “Human Rights and Climate Change,” 2008 Human Rights and Equal Opportunity Commission, at 15.