Climate Justice

Debate Briefing - 1 March 2012

The Scottish Human Rights Commission

The Scottish Human Rights Commission was established by The Scottish Commission for Human Rights Act 2006, and formed in 2008. The Commission is a public body and is entirely independent in the exercise of its functions. The Commission is the national human rights institution (NHRI) for Scotland with a mandate to promote and protect human rights for everyone in Scotland. The Commission is one of three NRHIs in the UK, along with the Northern Ireland Human Rights Commission and the Equality and Human Rights Commission. In June 2010 the Commission was accredited with “A” status by the International Coordinating Committee of NRHIs and in May 2011 the Commission was elected to chair the European Group of NRHIs.

1. Introduction

The Scottish Human Rights Commission (the Commission) welcomes the Scottish Government debate on Climate Justice at the Scottish Parliament. It takes this opportunity to provide information to Members of the Scottish Parliament in relation to climate justice, Scotland’s shared responsibility and the work of the Commission in this area. The final part of this briefing will focus on the next steps as we work together towards climate justice.

2. What is climate justice?

Climate change is the most critical issue we all face for the future of our planet. The adverse effects of climate change are already evident.\(^1\) No one is immune to its effects, but some nations are better equipped than others to respond to this global challenge. It is the global nature of climate change that “calls for the widest possible cooperation by all countries and their participation in an effective and appropriate international response, in accordance with their common but differentiated responsibilities and respective capabilities and their social and economic conditions”.\(^2\)

The Mary Robinson Foundation - Climate Justice defines climate justice as:

“Climate justice links human rights and development to achieve a human-centred approach, safeguarding the rights of the most vulnerable

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1. The Intergovernmental Panel on Climate Change (IPCC) sustained in its Fourth Assessment Report to the UN that: “...global warming is unequivocal and that, with more than 90 per cent certainty, most of the warming observed over the past 50 years is caused by manmade greenhouse gas emissions”. The Intergovernmental Panel on Climate Change outlines impacts in six main areas: ecosystems, food and water, health, coasts and industry, and settlement and society. IPCC AR4 Synthesis Report, November 2007.

2. Preamble to the United Nations Framework Convention on Climate Change (UNFCCC),
and sharing the burdens and benefits of climate change and its resolution equitably and fairly.”

Climate justice ensures that human rights are protected, and responsibilities fairly distributed, when combating climate change. The clearest recognition of this is that vulnerable people in developing countries with historically low carbon footprints suffer a disproportionate burden of climate change i.e. increased incidence of droughts, flooding, violent weather patterns, desertification, crop failures and diseases spreading into new areas. Climate justice helps to ensure that the developed countries understand their responsibility to mitigate their own carbon emissions, recognise the right to development and support a low carbon path of development for developing countries as well as support efforts of developing countries to increase their resilience to impacts of climate change.

3. Human rights and climate change

Climate change is a complex, multifaceted problem. It has far reaching impacts on every part of the world, including Scotland. Climate change has adverse implications for the full enjoyment of human rights.

It impacts on the full realisation of many human rights (either directly or indirectly), including the right to life, the right to adequate food, the right to the highest attainable standard of health, the right to adequate housing, the right to safe drinking water and sanitation. It is important to note that the effects of climate change will be felt most acutely by those segments of the population that are already in vulnerable situations owing to factors such as geography, poverty, gender, age, indigenous or minority status and disability. Adaptation and mitigation measures can even have a negative impact on human rights and exacerbate discrimination and inequity. For instance, cultivation of biofuels can lead to land use change from forestry to agriculture, diversion of water resources, and cause community displacement.

Human rights obligations, standards and principles have the potential to inform and strengthen international and national policymaking in the area of climate change, promoting policy coherence, legitimacy and sustainable outcomes. In particular, human rights can:

1. Ensure adequate access to essential information and meaningful participation in mitigation and adaption measures.

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3. See http://www.mrfcj.org/
4. In this sense, 2007-08 UNDP Human Development Report: “Fighting climate change: Human solidarity in a divided world” highlighted that:
   “Climate change is the defining human development challenge of the 21st Century. Failure to respond to that challenge will stall and then reverse international efforts to reduce poverty. The poorest countries and most vulnerable citizens will suffer the earliest and most damaging setbacks, even though they have contributed least to the problem.”
5. See http://www.ecologyandsociety.org/vol16/iss4/art29/
2. Ensure the provision of access to justice in environmental cases for all.

3. Facilitate accountability by measuring performance on addressing climate change.

4. State Responsibility

It is important to note that the United Nations Framework Convention on Climate Change reaffirmed that parties should fully respect human rights in all actions related to climate change.\footnote{Ibid.}

State responsibility to respect, protect and fulfil human rights in the context of climate change exists at three levels: international, national and local. The State should ensure policy coherence at all levels in discharging their legal duties to respect, protect and fulfil human rights.

5. Scotland

Scotland is increasingly recognised as a global leader in addressing climate change. There is huge potential for Scotland to be a model of international best practice by becoming a low carbon economy which supports sustainable economic growth and promotes climate justice domestically and internationally.

The Commission welcomes the progressive and comprehensive approach taken by the Scottish Government so far on climate justice. There are however noticeable local impacts of climate change which should be acknowledged in the forthcoming Scottish Parliamentary debate.

The implications of climate change have been studied for over a decade in Scotland. For example, The Scottish Executive Central Research published a \textit{scoping study} of the \textit{Scottish implications of climate change} in 1999. It described impacts in the following areas: \footnote{Climate Change: Scottish Implications Scoping Study - Research Findings, Scottish Executive, 1999.}

- Water resources
- Biodiversity
- Forestry and agriculture
- Fisheries
- Transport
- Housing
- Tourism
- Economy

This scoping study concluded that:
Some of Scotland’s most distinctive landscapes could undergo profound ecological change, including mountains, heather moors, and coasts.

Annual precipitation is likely to increase by between 5 and 20 per cent by the end of the next century, with autumn and winter seeing the biggest increases, leading to increased risk of flooding.

There may be an increase in the frequency of very severe gales but a decrease in the number of gales overall.

Disruption to ferries and ports could cause problems for island communities such as the Hebrides, Firth of Clyde Islands, and the Northern Isles.

Forestry is likely to benefit through increased growth rates and potential for increased biomass fuel usage.

Changing temperatures could have profound health implications, particularly amongst elderly people. In the Europe-wide heat wave of 2003 there were over 2,000 excess deaths recorded in the UK.9

The scoping study also highlights that as well as these national climate impacts, Scotland will be affected by the impact of climate change on other countries. For example, “the regional pattern of water resources will change, adding further stress to existing political and economic pressures. At present, projections of regional climate change and its resulting impacts are full of uncertainties. This international dimension to climate change provides both business opportunities and potential risks for the nation.”10

6. The Commission

The Commission promotes a human rights based approach (HRBA) to climate change which informs climate justice. The HRBA is a conceptual framework based on international human rights standards and operationally directed to promoting and protecting human rights. In a HRBA human rights determine the relationship between individuals and groups with valid claims (rights holders) and government and other actors with correlative obligations (duty bearers). It identifies rights holders (and their entitlements) and corresponding duty bearers (and their obligations) and works towards strengthening the capacities of rights-holders to make their claims, and of duty bearers to meet their obligations.

A rights based approach to tackling climate change will bring human beings back to the centre of discussions and harmonise national and international efforts to address this global challenge in a coordinated and human centred way.

In relation to climate justice the Commission focuses its work in two areas:

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(1) By raising awareness of the relationship between climate change and human rights.

(b) By promoting the benefits of adopting a HRBA into climate change policy and decision making.

The Commission has to date:

- Co-organised an international conference on Climate Justice at Glasgow Science Centre in November 2009. The Conference concluded with a Joint Communiqué being agreed between the Scottish Government, the SHRC, SEPA and BTCV Scotland to explore a HRBA to climate change.

- Engaged with stakeholders and participated in international events and shared Scotland’s approach and experiences. For example, the Commission continually engages with the Scottish Government, Scottish universities, the Scottish Parliament (e.g. PE 1372), the Edinburgh Centre for Carbon Innovation - a hub that supports the development of resilient low carbon societies -, trade unions and civil society in order to work together to develop a HRBA to climate change. The Chair of the Commission participated in the 'Scotland Day' Parallel event at Conference of the Parties (COP) 15 - UN international climate change conference, Copenhagen.

- Explored tools such as human rights impact assessment and environmental impact assessment.

- Encouraged dialogue and shared best practice.

- The Commission also plays a significant role internationally. It chairs the Working Group on Climate Change and Human Rights in the Commonwealth Forum of National Human Rights Institutions (CFNHRIs). For many Commonwealth countries, climate change is an urgent concern, especially for small island states.

Next month in Geneva at the United Nations the Commission will address around one hundred national human rights institutions from around the world on the topic of climate change and human rights. This will be part of the Annual Conference of the International Coordinating Committee of National Human Rights Institutions and presents one of the most important opportunities for sharing best practice and learning from international experience.12

7. Next steps

Scotland has the capacity to become a model for addressing climate change. Drawing upon the experience of its world class mitigation legislation, its

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11 For more information see SHRC website at http://www.scottishhumanrights.com/news/latestnews/article/climateconferencenews
burgeoning renewable energy sector and through now promoting climate justice Scotland is able to play a very significant and positive role within the international community.

The Commission urges the Scottish Government and Parliament to:

1. Ensure that the principles of climate justice, including respect for human rights, are implemented throughout all areas of policy both internationally and nationally.

2. Encourage the international community to fully respect human rights in all climate change related actions.13

3. Develop integrated impact assessments (environmental impact assessment and human rights impact assessment) to examine the impact of climate policies and practices on the living experiences of individuals and communities.

4. Commit to working together with the international community and local peoples in the design of responses to tackling climate change, including encouraging technology transfer, renewable energies, Reducing Emissions from Deforestation and Forest Degradation (REDD) and the promotion of human rights within the climate change context.

5. Promote a new international and inclusive legally binding agreement to succeed the Kyoto Protocol which is due to expire in December 2012. The Commission’s view is that the only way to hold countries to account and to ensure that actions are taken to protect the most vulnerable is through a legally binding international agreement. It is expected that a new treaty will be negotiated by 2015.

6. Consider organising an international conference in Scotland later this year or in 2013 demonstrating Scotland’s adoption of climate justice and supporting the international momentum towards a successful UN climate change conference in 2015.

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13 See FCCC/CP/2010/7/Add.1, dec. 1/CP.16.
Annex 1. *Scottish parliament’s Motion on Climate Justice as agreed to*

That the Parliament understands that it is poor and vulnerable people in developing countries who are most affected by climate change and are least equipped to respond to it; supports Scotland acting as an international model of best practice on climate change and promoting the moral, environmental and economic reasons for action by other countries; strongly endorses the opportunity for Scotland to champion climate justice, which places human rights at the heart of global development, ensuring a fair distribution of responsibilities, and welcomes the Scottish Government’s commitment to ensuring respect for human rights and action to eradicate poverty and inequality, which are at the heart of Scotland’s action to combat climate change both at home and internationally and strengthening Scotland’s support for developing countries on climate change as part of Scotland’s international profile; calls on the Scottish Government to redouble its efforts to reduce emissions and target climate change in Scotland by working with local authorities, public services, business and individual communities to ensure that all are equipped to respond to this growing threat in a manner that puts environmental justice and equality at its heart, developing new and transferable skills and encouraging the sharing of knowledge internationally to benefit the world, and further calls on the Scottish Government to announce a timescale for the creation of a Scotland-wide climate adaptation fund as outlined in the SNP manifesto and for the development of a system of consumption-based reporting targets as specified in section 37 of the Climate Change (Scotland) Act 2009.

Official report:  

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SHRC  
March 2012.