

The “Greening” of Human Rights in the Face of Climate Change

I. Climate change as a rapidly emerging theme in international human rights politics

- Examples from Special Rapporteurs mandated by the UN Human Rights Council
 - 1. David Boyd, UN Special Rapporteur on human rights and the environment
 - „Climate change is already harming billions of people, violating human rights, exacerbating inequality and perpetuating injustice.“
 - Among the disproportionately affected: indigenous peoples, older persons, the poor, women and girls, esp. in rural areas
 - Plea for a binding convention on the right to a healthy environment
 - 2. Hilal Elver, former UN Special Rapporteur on the right to food
 - „Approaches to food security and adaptation to climate change must be mutually supporting; they must have the common objective of empowering socially and economically excluded groups to reduce their vulnerability and increase their resilience.“
 - 3. Victoria Tauli Corpuz, former UN Special Rapporteur on indigenous peoples
 - “Indigenous peoples are (...) not simply victims of climate change but have an important contribution to make to address climate change.“
 - 4. Michel Forst, former UN Special Rapporteur on human rights defenders
 - „It is evident that the situation of environmental human rights defenders is alarming. The scope and intensity of violence against them demand immediate action.“
- Results:
 - Seriousness of climate change for human rights officially acknowledged in numerous UN documents and from different angles
 - Significance for the whole range of human rights: civil, political, economic, social and cultural rights (confirming the “indivisibility” of all human rights)
 - Specific attention to people in particularly vulnerable situations

II. Potential Contributions of Human Rights

- 1. Example: Environmental human rights defenders
 - HR defenders typically acting in local contexts (“on the ground”)
 - Development of support networks at various levels (“defending the defenders”)
 - Coordinating role UN Special Rapporteur (without monopolizing this task)
- 2. Example: Complaint lodged by NGOs with the Philippines HR Commission
 - Targets: holding 47 carbon and oil companies responsible for damages
 - Individuals claiming violation of their rights through climate change; support by NGOs, including the regional representation of Green Peace

- Amicus curiae brief of the regional platform of NHRIs (= National HR Institutions) in cooperation with the Global Alliance of NHRIs, chaired at the time by the German Institute for HR
- Amnesty International: „The Philippines Human Rights Commission has today created a beacon of hope for the victims of the climate crisis.”
- Results:
 - (Relative) effectiveness of human rights dependent on cooperation and coordination
 - Cooperation between different types of HR work (e.g. NGOs and IGOs)
 - Coordination between different levels of HR activities (at local, national, regional and global levels; strategic role of NHRIs)
 - Guiding idea: an emerging “human rights ecosystem”
 - New proposals under discussion (including international convention on the right to healthy environment)

III. Beyond anthropocentric rights?

- Question: HR part of the problem rather than part of the solution?
 - Consistent focus on human beings as rights holders
 - In the face of the climate crisis, renewed political demands to move beyond such anthropocentrism
- David Boyd’s proposal to expand the matrix of legal protection beyond human beings
 - Not in his capacity as UN Special Rapporteur, but as author of a book: „The Rights of Nature. A Legal Revolution that Could Save the World“ (2017)
 - Biological gradualism: HR mere subcategory within a broader framework incl. non-human animals (as individuals), animal species (as collective units), and eco-systems
- Two objections
 - 1. Danger of trivializing human rights
 - Example: invocation of the 13th amendment to the US Constitution (abolishment of slavery) for releasing animals from zoos
 - Naturalistic emphasis on survival and wellbeing
 - 2. Implicit anthropocentrism of responsibilities throughout Boyd’s book
 - Many examples: litigating on behalf of animals by human lawyers or NGOs; legislative proposals discussed among human beings
 - Even explicit formulations like: “rights rest are for all living beings and eco-systems; the duties rest with humans”
 - Refusal to draw systematic consequences (cf. also Peter Singer)
- Results:
 - Specific human rights based on a distinct category of human dignity
 - Dignity of human beings as addressees of moral, political and legal responsibility
 - Responsibility bio-centric in its scope, but to be shared only among human beings (in that sense inevitably anthropocentric)
 - See also Albert Schweitzer: “reverence for life” in its entirety, far beyond human life; yet as an ethical attitude to be cultivated among humans