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Climate change poses an existential threat to human rights

Opinion Piece

Original citation:

Humphreys, Stephen (2015) Climate change poses an existential threat to human rights. openDemocracy (16 Jul 2015) Blog.

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Available in LSE Research Online: May 2016

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Climate change poses an existential threat to human rights

www.opendemocracy.net/openglobalrights/stephen-humphreys/climate-change-highlights-fragility-of-human-rights-norms

Stephen Humphreys

It's obvious climate change is a human rights issue. Less obvious is that saying so doesn't necessarily help much, and indeed exposes the limitations of rights advocacy in achieving systemic economic reform. [Español](#), [Français](#), [العربية](#)



To grasp the immense human rights implications of climate change, read the series of reports produced by the Potsdam Institute, [Turn Down the Heat](#). Starting from the observation that, unless something extraordinary happens very soon, global average temperatures are likely to rise 4°C above preindustrial levels before 2100—well above the international target of 2°C—the reports document the ensuing carnage. These reports, like most climate change studies, do not refer to ‘human rights’ by name. But the story they tell is one of phenomenal hardship. Extreme heat waves (think Russia 2010) would become “the new normal summer”. In the tropics, the heat will be beyond “the historical range of temperature and extremes to which human and natural ecosystems have adapted and coped”. Indeed at a 4°C increase, say the authors, life in the tropics will cease to be liveable.

Rearticulated in human rights terms, the reports detail risks to: the right to food (productivity plummeting, export incomes hit, sudden price shocks); to health (vastly increased mortality, malnutrition, diarrheal diseases, and raging vector diseases—dengue, Chikungunya and malaria); to water (in the Middle East “the increase in demand for irrigation water will be difficult to meet due to the simultaneous decrease in water availability”); to work (“heat stress levels can approach the physiological limits of people working outdoors and severely undermine regional labor productivity”); to housing (“informal settlements on flood plains and steep hillsides ... have been severely affected by floods and landslides in recent years”); to life. The poor are most vulnerable, and their numbers will grow: “shocks and stresses related to climate change can undermine poverty reduction and push new groups into poverty.”

Over the last ten years or so, human rights groups, activists and scholars have plunged into climate change politics. We know a lot about the human rights dimensions of climate change today, but it is still unclear what, if anything, human rights law has to offer.

The overwhelming majority of climate victims will be—indeed, already are—found in countries that have contributed relatively little to the problem. There may be a residual role for strategic litigation where climate victims are found in high-emitting countries with strong judicial systems. For example, human rights formed part of the argument, if not the judgement, of the recently successful [Urgenda case](#) in the Netherlands. But there is little in the history of rights litigation that would give great cause for hope, even in these scenarios, given the political and scientific complexities. More to the point, the overwhelming majority of climate victims will be—indeed, already are—found in countries that have contributed relatively little to the problem. Courts there will not have authority to source compensation from where it's properly owed, much less to require major carbon emitters to desist.

Human rights activism has therefore sought other entry points to confront climate change. We hear a lot about the right to information on environmental impacts (as guaranteed in the [Aarhus Convention](#)), and [some references to indigenous rights in the context of REDD+](#) (a program to reduce emissions by paying to keep developing country forests intact). We have seen the United Nations human rights machinery swing into action. Climate change is increasingly [raised within the Universal Periodic Review](#) (UPR), numerous [Special Procedures are paying attention](#), there is a brand new [Special Rapporteur on Human Rights and the Environment](#), and even the Committee on Economic, Social and Cultural Rights (CESC) [is apprised](#) of the issue. Inevitably, there is a concerted push to [get ‘human rights language’](#) into the next climate treaty to be agreed at

Paris in December.

This is all to the good, no doubt, but it does feel like tinkering around the edges. Human rights law has apparently little or nothing to say about the key problem facing climate change action: how are we going to bring carbon emissions down, dramatically and urgently, at a rate that will take us off the 4° path? States are not going to adopt binding emission reduction targets, potentially tanking their economies, merely in order to satisfy their peers at the UPR, scholars on the CESCR or the various Special Procedures. They are not going to rein in the fossil fuel industries because of human rights language in the Paris agreement. A focus on indigenous rights may make the REDD+ programme more human rights friendly—but it says nothing about whether monetising forests is a good idea in itself.



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And what about fossil fuels? Some recent headlines: [Saudi Arabia's oil output has just reached record highs](#) , Shell has been [given the go-ahead](#) to drill in Alaskan offshore waters, [Lamborghini are designing a new SUV](#) to come out in 2018; and [Iran is in talks with Shell and Eni to double its oil production by 2020](#) . Oil production continues to increase year on year ([93m barrels a day to date in 2015](#) , up from 91.5m in 2014); proven reserves stand at an all time high ([1,700 billion barrels, according to BP](#)); and despite all this, we are supposed to be pleased when [six oil giants offer to "contribute" to the design of a carbon pricing tool](#) .

Today's proven oil reserves, if burned, would put us far beyond a 4° world. They would shoot an extra 3,000 gigatonnes of carbon dioxide into the sky, when the best estimates say [anything beyond 500Gt puts the 2° target out of reach](#) . This is why Nicholas Stern, the British economist, refers to the \$3 trillion invested in these reserves as "[stranded assets](#)". Perhaps he's right – but the market clearly doesn't think so.

In order to keep 80% or more of this oil in the ground, as we must, concrete drastic action is needed: banning it; phasing it out; putting a moratorium on exploration; fining overproduction; criminalizing it. We would also need to be injecting massive public funding into renewable energy R&D and into transferring technology to developing countries. Figuring out how to do this, under conditions of softly-softly neoliberalism and austerity, has become the core challenge of climate change.

Of course we might recast all these concerns too as human rights issues—but, if we want actual change, rather than, say, social media applause, why would we? The irony is that, faced with an extraordinary, indeed existential, threat to the fulfilment of supposed "internationally protected" human rights, on a global scale, human

rights law and lawyers—and the human rights movement as a whole—has little useful to say and no obvious role to play.

I hope I am wrong.



Supported by the Ford Foundation; the University of Minnesota's Humphrey School of Public Affairs, Political Science Department, and Stassen Chair for International Affairs