

Short Report

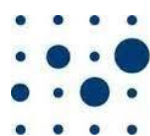
Symposium
Human Rights in the Face of the Climate Crisis

November 2023

Castle Herrenhausen, Hanover



Centre for Human Rights
Erlangen-Nürnberg
CHREN



Volkswagen**Stiftung**



Programme

Monday, 6 November 2023

09:30 – 13:00 *General framework programme*

Symposium: Human Rights in the Face of the Climate Crisis

13:00 – 13:15 Introduction to the symposium
Prof. Dr. Michael Krennerich

Climate crisis

13:15 – 14:15 **What you always wanted to know about climate change**
Keynote and discussion
Prof. Dr. Almut Arneth

Climate crisis and human rights

14:15 – 15:45 **Climate-induced migration/mobility. A need for new standards?**
Questions for experts on migration and displacement
Hannes Einsporn, Dr. Marie Mualem-Schröder,
Dr. Janina Stürner-Siovitz, Dr. Kira Vinke
Moderation: Prof. Dr. Petra Bendel

15:45 – 16:15 *Coffee break*

16:15 – 18:00 **Panel discussion: The climate crisis' impact on human rights**
Christoph Bals, Dr. Megan Donald, Sébastien Duyck, Rina Kuusipalo
Moderation: Michael Windfuhr

18:00 – 19:00 *Dinner break*

Evening lecture

19:00 – 20:00 **The “greening” of human rights?**
The climate crisis: responses of human rights institutions
Dr. Megan Donald
Comment: Michael Windfuhr
Moderation: Prof. Dr. Michael Krennerich

Tuesday, 7 November 2023

Human rights obligations

9:15 – 10:00 **Climate change and human rights responsibilities**
- Perspectives from the OHCHR
Rina Kuusipalo

10:00 – 10:30	Coffee break
10:30 – 12:00	State obligations and the role of private companies with regard to human rights and climate justice Questions for experts Prof. Dr. Christina Binder, Prof. Dr. Laura Clérico, Prof. Dr. Fons Coomans, Prof. Dr. Maria-Therese Gustafsson, Dr. Chiara Macchi Moderation: Prof. Dr. Markus Krajewski
12:00 – 13:00	<i>Lunch break</i>
<u>New subjects of human rights?</u>	
13:00 – 13:10	Short input: Justifying an enlightened anthropocentrism Prof. Dr. Dr. h.c. Heiner Bielefeldt
13:15 – 13:25	Short input: Human rights of future generations Prof. Dr. Sandra Liebenberg (online)
13:30 – 13:40	Short input: Animal rights Prof. Dr. Bernd Ladwig
13:45 – 13:55	Short input: Rights of nature Prof. Dr. Laura Clérico
14:00 – 14:30	<i>Coffee break</i>
14:30 – 16:00	Panel/Plenary discussion: New subjects of human rights? Dr. John Adenitire, Prof. Dr. Laura Clérico, Prof. Dr. Fons Coomans, Prof. Dr. Bernd Ladwig Moderation: Prof. Dr. Dr. h.c. Heiner Bielefeldt
from 16:00	<i>General framework programme</i>

Wednesday, 8 November 2023

Fighting for human rights and climate justice

9:15 – 10:00	Keynote: Shrinking political spaces for human rights defenders and climate activists Guadalupe Marengo Moderation: Prof. Dr. Katrin Kinzelbach
10:00 – 10:15	<i>Coffee break</i>
10:15 – 11:45	Panel discussion with activists: How to enhance cooperation between human rights defenders and climate activists? How can they be protected? Nina Eschke, Guadalupe Marengo, Carla Reemtsma, Barbara Unmüßig, Karin Zennig, Paula Zimmermann Moderation: Prof. Dr. Katrin Kinzelbach
11:45 – 12:00	Closing of the symposium
12:00 – 13:00	<i>General closing of the conference</i>

Human Rights in the Face of the Climate Crisis

A brief review of the symposium “Human Rights in the Face of the Climate Crisis“

by Michael Krennerich

As part of the human rights week organised and funded by the Volkswagen Foundation, the FAU Research Centre for Human Rights at Friedrich-Alexander-Universität Erlangen-Nürnberg hosted a 2½-day symposium on "Human Rights in the Face of the Climate Crisis" with almost 50 renowned experts from civil society and various academic disciplines.

The starting point of the symposium was the assumption that climate change – as one of the great transformations of our time – is exposing a growing number of the world's population to new living conditions and risks that are hardly compatible with a life in dignity. The symposium therefore addressed the consequences of the climate crisis for the human rights of current and future generations and further inquired what challenges they pose for the understanding, design and protection of human rights. From a human rights perspective, what can be demanded from whom in the face of the climate crisis; and who is bound by human rights and how – given the complexity of the climate crisis? What legal and political problems arise when demanding a human rights-based climate policy and how can these be overcome?

Without claiming to recapitulate the diverse and comprehensive contributions at the symposium (see programme), the following is a brief summary of what the author considers to be some of the important findings and discussion threads of the conference.

Climate change

It is scientifically well documented that the earth's energy budget has fallen into a state of imbalance due to anthropogenic greenhouse gas emissions. The rapid and uneven increase in global mean temperature, jointly with shifts in precipitation and global sea level rise causes also increased frequency and intensity of extreme climate events such as droughts, floods and heatwaves – with far-reaching consequences for humans and nature. Climate change and biodiversity loss are interdependent twin challenges. The global extinction of species and the loss of healthy ecosystems intensify the effects of climate change by releasing carbon stored in vegetation, soils and permafrost, among others. Healthy ecosystems, on the other hand, contribute to climate change mitigation through their carbon intake. Nevertheless, this interdependency also means – and this is a positive aspect – that taking actions to mitigate climate change can have a positive impact on biodiversity and that fostering biodiversity can create synergies to encourage climate change mitigation.

Climate-induced migration/mobility

Climate change alters global migration patterns and causes internal displacement or migration to neighbouring countries. This fact is undisputed. Countries in the "Global South" are particularly affected, as they often lack the resources for effective adaptation measures and as they are already struggling with poverty and inadequate infrastructure. Migrants affected by the impacts of climate change tend to settle in poorer neighbourhoods without the resources and skills to deal with the associated challenges and conflicts. Recommendations pursue a holistic approach that combines local, national, regional and global levels and involves civil society.

Since (and as long as) climate-induced displacement and migration are not covered by international law such as the Geneva Convention on Refugees, non-binding international agreements – especially

if they are linked to reporting and monitoring mechanisms – might have an impact. Regional agreements have the advantage that it is often easier for decision-makers to agree on joint measures at regional than at global level. At national level, the overlapping issues of climate change, migration and human rights should be tackled immediately, hoping that implementation at national level could have an impact on implementation at international level, too. One example is a three-stage concept developed by the German Expert Council on Integration and Migration (*Sachverständigenrat für Integration und Migration, SVR*), consisting of: a climate passport (*Klimapass*: Germany, as a "polluter country", grants those affected by climate change a permanent and unconditional right of residence), a climate card (*Klimakarte*: granting a temporary right of residence in conjunction with country-specific quotas and – taking the right of residence into account – measures for reconstruction in the affected countries) and a climate work visa (*Klima-Arbeitsvisum*: granting people from countries with a slowly progressing environmental degradation privileged access to the German labour market). Municipalities, which are particularly important players in the management of climate mobility as points of origin, destination and transit, must also be given far greater support.

Impacts and international strategies

All human rights are affected by climate change in one way or another. The climate crisis exacerbates existing human rights problems and discrimination. It is therefore important, from an intersectional perspective, to identify those people who suffer most from the climate crisis and to take measures to protect and support them with the maximum available resources. Transparency, participation, non-discrimination and accountability are essential for human rights-based climate action. The global climate crisis must also be tackled with a joint international strategy that is geared towards climate justice and fair burden-sharing and includes – in addition to mitigation, adaptation and compensation (including a corresponding fund) – the possibility of legal proceedings.

The human rights system can serve as a basis for developing more precise political concepts, promoting government measures and holding states and companies accountable. Human rights treaties, such as the International Covenant on Economic, Social and Cultural Rights, can as "living instruments" be enhanced to the extent that the current climate crisis and its effects are included in their interpretation (greening of human rights). Human rights institutions are now also addressing the ecological prerequisites for the implementation of human rights and the importance of human rights in overcoming the climate crisis. Since 2021, for example, a Special Rapporteur on the Promotion and Protection of Human Rights in the Context of Climate Change has been established, in addition to the Special Rapporteur on Human Rights and the Environment, who has been in place since 2012. National courts and regional human rights tribunals have also already heard and ruled on numerous climate-related cases – paving the way for the United Nations to move forward in enhancing legal accountability.

Focus on state obligations and corporate responsibility

The complex causes of climate change and the equally complex measures required to tackle the climate crisis and achieve climate justice make it difficult to clearly assign responsibilities to specific actors. Responsibility for climate change and its consequences is distributed both globally and socially in a highly unequal and unjust manner. Regarding state human rights policy, it is not only relevant whether protection, adaptation and compensation measures in dealing with the climate crisis are recognised as a human rights obligation in domestic and foreign policy and whether they are designed in accordance with human rights principles. Considering the global dimensions of the climate crisis, extraterritorial state obligations and commitments to international cooperation are also becoming considerably more explosive. Their acceptance must be strengthened. Examples from the

inter-American human rights system, among others, show that corresponding progress is possible in terms of legal doctrine, even if the local political practice poses a variety of problems.

Companies (including investment banks) also need to be held more accountable, as they are responsible for a large proportion of global emissions. This is where the UN Guiding Principles on Business and Human Rights, supply chain laws and voluntary commitments by companies come into play; although it remains to be seen to what extent these are sufficiently effective in dealing with the climate crisis and its human rights impacts. While implemented mitigation measures – e.g. to reduce fossil fuel emissions of companies – receive comparatively much attention, adaptation measures have so far been neglected. At the same time, the rights of indigenous communities, which often conflict with corporate interests, must be given greater consideration.

Subjects of human rights

In light of the climate crisis, the question of who the subjects, i.e. the holders of human rights, are, has to be reconsidered. It is being discussed whether future generations should be recognised as legal subjects and how their rights relate to the human rights of current generations. Scientists have developed new principles for the human rights of future generations (Maastricht Principles of Human Rights for Future Generations). Thereby, it seems necessary to correct the current patterns of global inequalities. Issues of global justice, climate justice and the fair distribution of resources are part of the debate on the human rights of future generations.

With regard to the rights of animals and nature, various positions were presented: a) an “enlightened anthropocentrism”, which understands human rights as a separate category and is based on the assumption of a comprehensive responsibility that can only be shared between humans, but whose scope also includes non-human living beings and ecosystems; b) a philosophical justification of animal rights that emphasises similarities between humans and animals and at the same time differentiates between animals. While wild animals are not (and should not be) part of our human society, domesticated animals can be treated as equals and embodied by human representatives in human society, it is argued; c) a position that recognises nature as a legal subject, whereby the representation of nature's rights is transferred to third parties. Despite the differences between the positions, the duty of humans to treat not only humans but also animals and nature in a morally justifiable manner is evident.

Shrinking political spaces

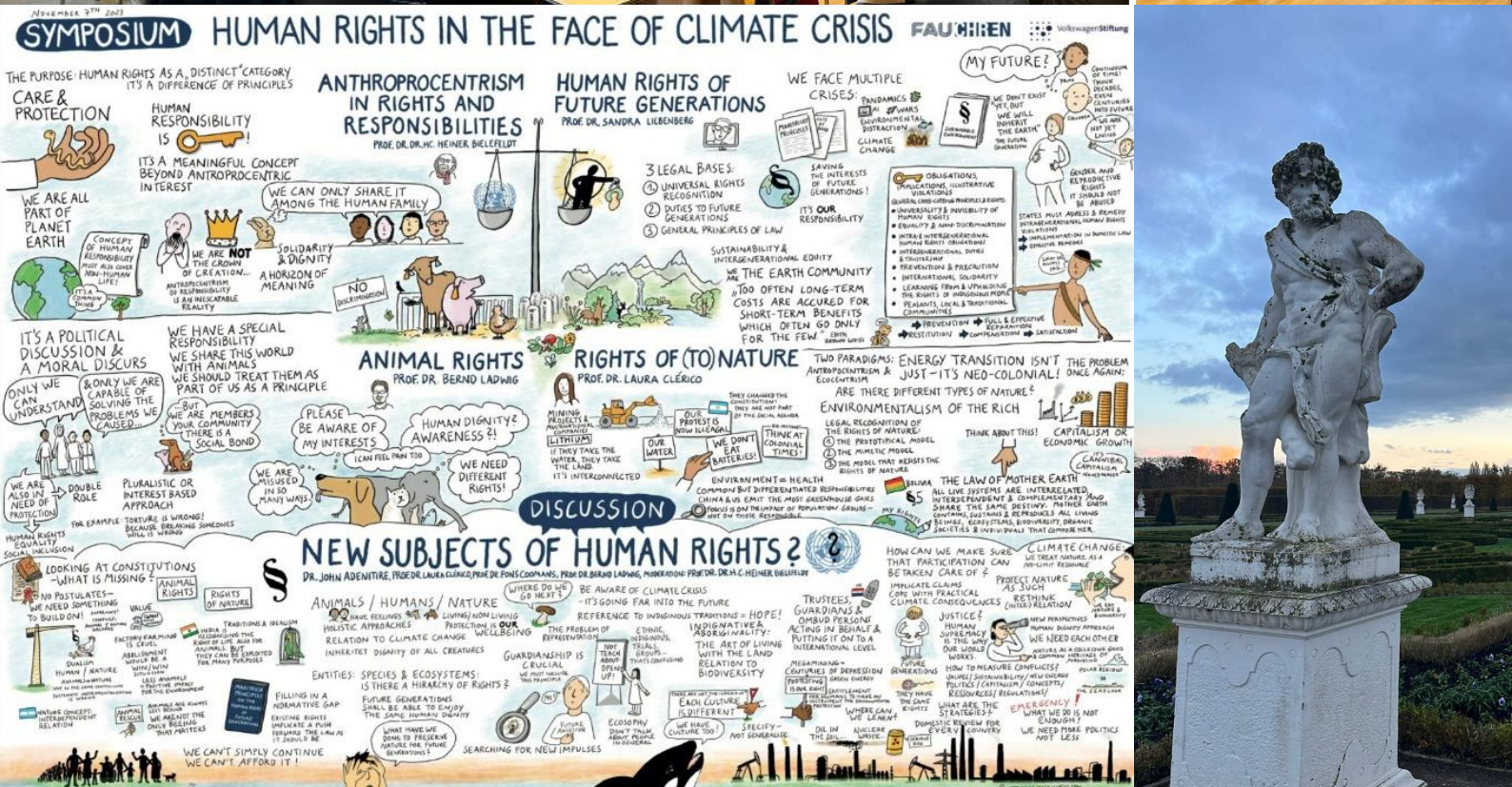
The topic of “human rights in the face of the climate crisis” makes it particularly clear how inextricably linked civil, political, economic, social, cultural and – more broadly – environmental human rights are. Like human rights defenders, environmental and climate activists are also at risk and affected by a “shrinking political space for civil society”. In contrast to previous generations, larger parts of the (global) population now have the opportunity and resources to publicly advocate for their concerns. All in all, however, the scope for civil society has (further) narrowed in many parts of the world. This is not only the case in new or existing autocracies, but sometimes also in democracies. In some cases, security laws are used to crack down on climate activists or they are even criminalised as “(eco)terrorists”. The narrative of security and protection of public order enables extensive surveillance and investigative powers to be directed against activists. Even in Germany, the situation is proving difficult for climate activists, especially when they resort to forms of civil disobedience out of frustration at the ponderousness of politics. Activists report preventive detention and criminal charges.

Nevertheless, environmental/climate activists and human rights activists have come closer together – partly in response to repression and restrictions – and have formed alliances to work together in

the fight for climate justice. This development can give cause for optimism. It is precisely the perception of the climate crisis as a justice issue that unites the climate and human rights movements. Strategic litigation and the political claim for human rights (including economic, social and cultural rights) can be used to campaign for climate justice. The cooperation between the climate and human rights movements should therefore be intensified, as well as the cooperation with scientists. Successful lobbying requires a broad, secure knowledge base and can benefit from public support of the academic sector.

Concluding remarks

From the author's point of view, the human rights perspective on the climate crisis is important in several respects: it highlights the human rights consequences of climate change for those affected, with a particular focus on disadvantaged, marginalized people and people in particularly affected areas. It becomes clear that the climate crisis exacerbates existing human rights problems (problem analysis and spotlight function). It is also made clear how important mitigation, adaptation and compensation are for the protection of human rights and to what extent these measures can be demanded politically and legally. Responsibilities and obligations are identified (responsibility and accountability). At the same time, the importance of a human rights-based approach to the implementation of mitigation, adaptation and compensation is demonstrated. This includes an appropriate human rights impact assessment of such measures, a focus on already disadvantaged groups and the observance of human rights principles such as transparency, participation, non-discrimination, etc. (process design and corrective). Finally, human rights also enable civil society engagement for climate justice, contributing to both the mobilization and protection of human rights defenders and climate activists (mobilization and protection). However, in order to fulfil all these functions, human rights and human rights agreements must be interpreted in a contemporary way as "living instruments" and take into account the responsibility towards future generations and nature.



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