



**“Chatham House” Debate on the Motion:  
Climate change violates the universal rights of all peoples to live  
in a safe and sustainable environment”**

**Summary Report**

On Wednesday 17 September 2008, the Permanent Mission of Maldives, with the support of the Permanent Mission of New Zealand and in association with the Oxford Union, convened a Chatham House debate at the Palais de Nations on the motion: “Climate change violates the universal rights of all Peoples to live in a safe and sustainable environment”. The event took place on the sidelines of the 9<sup>th</sup> Session of the Human Rights Council.

The event formed part of a series of activities ahead of its 10th Session in March 2009, during which the Human Rights Council will consider a Study by the OHCHR on “the relationship between climate change and the full enjoyment of human rights” (called for under Council Resolution 7/23).

When considering the implications of climate change for human rights, a key issue to be addressed is the relationship between environmental quality and the full enjoyment of fundamental rights. The event aimed to contribute towards a greater understanding of this issue, first raised more than 36 years ago in the Stockholm Declaration on the Human Environment.

The event was organized as a Chatham House-style debate with all comments and views expressed non-attributable. Following a keynote address by Ms. María Francisca Ize-Charrin from OHCHR, two teams were asked to argue “For” and “Against” the motion: “This House believes that climate change violates the universal rights of all peoples to live in a safe and sustainable environment”.

It should be noted that views and arguments offered by the six debaters did not necessarily represent their personal or professional views. They were rather designed to offer both sides to the argument and provide balanced food-for-thought.

**1. Welcome Remarks**

His Excellency Abdul Ghafoor Mohamed, Permanent Representative of the Maldives welcomed participants. He noted that the Maldives had decided to organise the meeting in order to “explore a concept that appears obvious and taboo in curiously equal measure, namely the crucial inter-relationship between the environment and human rights”.



He continued: “Like life itself, the enjoyment of a healthy and secure environment is a vital prerequisite to every single right laid down in the Universal Declaration of Human Rights. And yet, unlike life, a secure environment is not recognised internationally as a human right.

Why is this the case? Is it a good thing? What would be the advantages and disadvantages of declaring such a right? Would it help protect the disadvantaged and vulnerable from phenomena such as climate change?

The Maldives recognises that, as well as being important, these are difficult questions. It is for that reason that we have decided to hold today’s discussion, alongside our friends from the Oxford Union, as a Chatham House debate in which two sides will argue for and against a sufficiently thought-provoking Motion”. For a full transcript of the opening remarks, see Annex I.

Co-hosting, New Zealand’s Deputy Permanent Representative, H.E. Ms. Wendy Hinton, emphasised the priority that the Government of New Zealand attaches to tackling climate change. She noted that within the Pacific region, many low-lying island countries are very vulnerable to the impacts of climate change and rising sea-levels. She also noted that Pacific Islands Forum Leaders recently issued the Niue Declaration on Climate Change which expresses concern at the social, economic and environmental consequences of global warming. For a full transcript of H.E. Ms. Hinton’s remarks, see Annex II.

## **2. Keynote Address**

H.E. Mr. Mohamed then introduced the keynote speaker, Ms. María Francisca Ize-Charrin, Director, Research and Right to Development Division, and Director a.i., Field Operations and Technical Cooperation Division, Office of the United Nations High Commissioner for Human Rights.

Ms. Ize-Charrin noted that climate change poses a direct threat to a wide range of universally recognized human rights, such as the rights to life, food, adequate housing or water.

She opined that a human rights perspective on climate change, focusing on the right of everyone to a dignified life and on the need to combat inequality and discrimination, demonstrates how projected climate change-related events affect people differently. It links the assessment of harms and vulnerabilities with an accountability framework based on the obligations assumed by States to respect, protect and fulfill human rights and further accentuate the urgency of global action by drawing attention to the human rights costs of doing nothing. Equally, a human rights analysis is crucial to identify effective



and sustainable developments pathways which adequately address climate change-related vulnerabilities of individuals and groups in society.

Ms. Ize-Charrin noted that the multiple ways in which environmental degradation affects human rights underlines the close relationship between human rights and the environment. In her address to the World Summit on Sustainable Development (Johannesburg, 2002), the then High Commissioner for Human Rights stressed the importance of deepening our understanding of the links between human rights and environmental protection. She underlined that:

*“The contribution of environmental protection to the realization of basic human rights, and the role of human rights in protection of the environment are undeniable. Substantive rights such as the right to food, health and the right to life itself will not materialize for all of the world’s inhabitants unless we maintain a clean and healthy environment with a sustainable base of environmental and natural resources.”*

She concluded by expressing her hope that today’s debate will shed further light on the relationship between climate change, human rights and the environment: “what is evidently clear is that as climate change negatively affects environmental sustainability, human rights suffer”.

For a full transcript of Ms. Ize-Charrin’s speech, please see Annex III.

### **3. Chatham House Debate**

The debate, which saw two teams argue “For” and “Against” the motion: “This House believes that climate change violates the universal right of all Peoples to live in a safe and sustainable environment”, was moderated by Ms. Michele Mischler, a presenter and journalist at World Radio Switzerland.

The panellists were: Mr. Yves Lador, Permanent Representative to the UN, Earthjustice; Mr. Martin Frick, Deputy CEO/Director, Kofi Annan’s Global Humanitarian Forum; Mr. Lewis Iwu, World University Debating Champion, President of the Oxford University Students Union, Oxford Union Debating Society; Mr. Ibrahim Wani, Chief, Research and Right to Development Branch, Office of the High Commissioner for Human Rights (OHCHR); Ms. Karen Hulme, Senior Lecturer in Law, University of Essex; and Mr. Stuart Cullen, Winner of the World Schools Debating Championship, Oxford Union Debating Society.

The debate began with opening statements, during which each participant was given eight minutes to offer his or her key arguments. There was then a moderated discussion between the teams on key issues and arguments. Finally, the floor was opened for general



comments and questions. At the end, a vote was held in the room to decide the result of the debate.

## **A. Opening Arguments**

### **For the Motion I**

The first opening statement argued that climate change is a man-made problem and that all States have an obligation to address the issue. Those suffering the most from the impact of climate change are the least responsible for it, so it is also a matter of ethics and justice. Although there is no internationally-agreed universal right to live in a safe and sustainable environment, climate change has huge implications of the lives of the most poor and vulnerable, including on their human rights.

### **Against the Motion I**

The opening speaker for the “Against” team did not dispute the adverse impacts of climate change nor that it is a consequence of human activity. However, it was noted that the opening argument of the “For” team was self-defeating as it conceded that there is no right to a safe and sustainable environment. Indeed, the argument was put forward that even the motion itself is self-defeating as it does not identify a perpetrator of the alleged human rights violation. Moreover, the concept of collective rights is “questionable”.

### **For the Motion II**

Contrary to the claims of the “Against” team, there is a clear linkage between human rights and the environment. The European Court of Human Rights and the Aarhus Convention have helped to define the right to a healthy environment. 110 national constitutions also establish the right to an environment of a certain quality. A clean and healthy environment therefore already exists; our challenge internationally is to define it and operationalise it. There is also a need to hear the voice of the victims of climate change and the UN Human Rights Council therefore has a legitimate and important role to play in this regard.

### **Against the Motion II**

The second speaker against the Motion argued that a human rights-based approach to climate change would have negative impacts on the environment. She noted that there was an incompatibility between human rights law and environmental law and it would not be appropriate for human rights bodies to consider measures aimed at protecting the environment. Also, it is impossible to define a “safe and healthy environment” (indeed it



is very difficult to define “the environment”). She argued that environmental law is very well-equipped to address the negative consequences of climate change on communities.

### **For the Motion III**

The final speaker “For” the motion said that the arguments put forward by the Opposition, were based on the premises that a) the right to a safe and secure environment does not exist at the moment, and b) that to create and define such a right would be very difficult. It was noted that these are terrible arguments. Just because something does not exist now, does not mean that it should not exist in the future (if this argument was followed there would not have been the Universal Declaration of Human Rights in the first place). And difficulties in defining something should not be an excuse for inaction. Finally, a rights-based approach is very important in that it assigns victims and perpetrators. The world should not be afraid to apportion blame and responsibility.

### **Against the Motion III**

The final speaker “Against” the motion stated that no individual perpetrator could be held responsible for climate change. History (e.g. Treaty of Versailles) has shown us that apportioning blame usually makes things worse. Also, there is no need for more treaties and mechanisms. What is important is to improve compliance with *existing* international agreements, instruments and laws. He argued that seeking to blame countries, entities and individuals will be counter-productive and will not help attempts already underway to find an effective durable solution to climate change.

### **B. Moderated dialogue**

There followed an exchange between the teams, and also with members of the audience. Key points and arguments included:

- General agreement that climate change undermines and compromises the full enjoyment of existing human rights.
- One should not take an overly narrow view on the human rights and climate change nexus. The development dimension must be emphasised.
- Because climate change is “man-made” and its victims are humans, a human rights lens is very appropriate. It would offer value-added to the Bali Process.
- The question was asked: how can human rights best help those people on the ground in vulnerable communities that urgently need assistance?
- Harm to environment and harm to the people who live there are interdependent and interconnected. You cannot separate the two.
- Both sides agreed that it is also important to adopt a development-perspective to climate change and human rights for reasons of equity. Climate change



- negotiations must include representatives from communities most affected by climate change, especially coastal and indigenous peoples.
- The importance of broad participation in environmental decision-making was emphasised. Human rights can be very useful in this regard (procedural rights).
  - The importance of climate justice and sustainable development was also noted. Those countries that are most responsible for climate change should take the lead in tackling it. In this context, Common But Differentiated Responsibility is vital.

### **C. Wrap-up**

The moderator then invited Mr. Edward Cameron from the World Bank’s Social Development Department to wrap-up and offer some conclusions, before the room would be asked to vote “For” or “Against” the motion. Mr. Cameron said, *inter alia*:

- Climate change is fundamentally a human issue and a holistic approach is needed.
- The interface between climate change and human rights is very complex and not obvious.
- A rights-based approach can help complete climate change analysis, particularly giving a voice to the vulnerable; considering social justice elements/issues; identifying victims; and targeting adaptation policies and resources.
- There is an urgent need to integrate climate change discourse and considerations across the whole UN system; i.e. there is a need to move away from the current silo approach to climate change.
- There is a need to build capacity for broad-based participation in the climate change process.

### **D. The Vote**

The moderator then held a vote (show of hands) among participants to decide on the result of the debate. After a tense recount, the House found “For” the motion by a margin of only one vote.

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## ANNEX I

### **Opening Statement by H.E. Mr. Abdul Ghafoor Mohamed, Permanent Representative of the Maldives:**

Excellencies, friends, colleagues, ladies and gentlemen,

I am delighted to welcome you all today to what we hope will be a new, interactive and engaging way of discussing and exploring a complex yet vitally important issue – namely the relationship between environmental quality and the promotion and protection of human rights.

Before proceeding, I would like to take this opportunity to thank the co-sponsors of today's meeting, namely the New Zealand Ministry of Foreign Affairs and Trade, represented here today by my good friend and colleague Wendy Hinton, Deputy Permanent Representative, and the Oxford Union, represented by Lewis Iwu and Stuart Cullen. While our New Zealand colleagues will be familiar to most of you, the Oxford Union may not. Very briefly, the Union was founded in 1823 and has long been one of the world's most prestigious debating societies having hosted debates with dignitaries including Mother Theresa, Winston Churchill, Ronald Reagan, Richard Nixon, Clint Eastwood, Malcolm X, Michael Jackson and even....Kermit the Frog!

The Oxford Union has long been associated with a principle of central importance to the Human Rights Council – namely freedom of speech. Indeed, Harold MacMillan once famously called it “the last bastion of free speech in the Western world”.

I can therefore think of no better organization to help us today to debate and explore a concept that appears obvious and taboo in curiously equal measure. I talk, of course, of the crucial inter-relationship between the environment and human rights.

Like life itself, the enjoyment of a healthy and secure environment is a vital prerequisite to every single right laid down in the Universal Declaration of Human Rights. And yet, unlike life, a secure environment is not recognized internationally as a human right.

Why is this the case? Is it a good thing? What would be the advantages and disadvantages of declaring such a right? Would it help protect the disadvantaged and vulnerable from phenomena such as climate change?

The Maldives recognizes that, as well as being important, these are difficult questions. It is for that reason that we have decided to hold today's discussion, alongside our friends



from the Oxford Union, as a Chatham House debate in which two sides will argue for and against a sufficiently thought-provoking Motion.

Before concluding, I would like to emphasise 2 points.

First, our panel has kindly agreed to participate today in order to offer both sides of the argument. The views that they express today **DO NOT** necessarily represent either their private or their professional views. I would like to take this opportunity to thank all of them for being with us today.

Secondly, for those of you who are unsure, Chatham House rules stipulate that all the views and information exchanged today is non-attributable. Thus I encourage you all to be as controversial as you wish – safe in the knowledge that you will not be reported back to your capitals!



## ANNEX II

### **Opening comments by H.E. Mrs. Wendy Hinton, Deputy Permanent Representative of New Zealand:**

Thank you Ambassador

Earlier this year, at the seventh session of the Human Rights Council, New Zealand co-sponsored the Maldives' resolution on human rights and climate change. We were very happy to continue with our support for the theme of human rights and climate change, by providing some practical assistance to enable this debate to take place.

The topic under discussion today is one that concerns us all. While not wanting to prejudge the outcome of the debate that we are about to hear, I would recall a recent article written by His Excellency the President of the Republic of the Maldives and published in the international media.

As the President told his readers, the Maldives comprises over one thousand islands, many of them low-lying, and therefore acutely vulnerable to sea level rise.

This is a phenomenon with which we are very familiar in New Zealand. To our north are our Pacific Island neighbours, which are among the most vulnerable to climate change impacts. Climate change is likely to exacerbate problems such as access to fresh water, and vulnerability to cyclones, drought, or flooding.

New Zealand takes the threat of climate change seriously. We want to see the international community take effective action to reduce global greenhouse gas emissions. That places a special responsibility on countries that are major emitters of greenhouse gases. But we all have to play our part. The New Zealand Parliament has just enacted a new law that will bring into operation a domestic emissions trading scheme which will be the centrepiece of our response.

When Pacific Islands Forum leaders met recently on the small island of Niue, our Government also took a lead in promoting the "Niue Declaration on Climate Change."

The Declaration registers deep concern at the serious and growing threat posed by climate change to the economic, social and environmental well-being of Pacific Island countries.

This is an important motivation for action. In response, the Declaration calls for action in a variety of fields, including the strengthening of meteorological services, an



improvement in the distribution of information about climate change, the strengthening of adaptation and mitigation measures and an increase in the capacity of Pacific Island countries to play an active role in the United Nations Framework Convention on Climate Change. Leaders insisted that the necessary financial and technical resources be secured to carry out this work.

The Declaration also recognises the importance of retaining the Pacific's social and cultural identity, and the desire of Pacific peoples to continue to live in their own countries, where possible.

Mr Chairman, the Human Rights Council will be considering some of these themes early next year when it formally receives and considers the report of the OHCHR on the theme of human rights and climate change. All UN member states have been invited to contribute information to the High Commissioner's Office so that the report may draw upon and point to the best available data.

We look forward to receiving that text, which will be couched in the serious tone of a UN report. Today however we have the opportunity to consider the topic in a slightly different way, in the context of a Chatham House debate which will challenge us and entertain us as well. I thank the Oxford Union for facilitating this occasion, and the Permanent Mission of the Maldives for organising it.



### ANNEX III

**Keynote Address by Ms. María Francisca Ize-Charrin  
Director, Research and Right to Development Division, and Director a.i., Field  
Operations and Technical Cooperation Division, Office of the United Nations High  
Commissioner for Human Rights**

Your Excellencies, Distinguished delegates, Ladies and gentlemen,

Let me start by expressing my appreciation to H.E. Ambassador Abdul Ghafoor Mohamed and the Permanent Mission of the Maldives, with the financial support of the Government of New Zealand, for taking the initiative to organize such a unique and interesting event. I also wish to thank the Oxford University Union Debating Society for contributing their rules of procedure and debating champion to challenge our minds on this most topical issue. I also note with appreciation that this event follows a series of events organized by the Government of the Maldives to move forward our understanding of the human dimension of climate change.

Please allow me, before I deliver my statement, to express my sincere apologies on behalf of Ms. Kang, Deputy High Commissioner for Human Rights, who had indeed confirmed to be with you during this important debate. Regrettably, the Deputy High Commissioner had to travel to New York unexpectedly and hence asked me to represent the Office instead – which I do with great pleasure.

In Bali last year, the Deputy High Commissioner for Human Rights delivered a message on behalf of our former High Commissioner for Human Rights, which continues to shape the thinking of our Office, the Office of the United Nations High Commissioner for Human Rights<sup>1</sup>. The message is that climate change poses a direct threat to a wide range of universally recognized human rights, such as the rights to life, food, adequate housing or water. These human consequences are already visible and real in many corners of the world. We must give greater attention to such effects of climate change on individuals and communities. The human rights approach compels us to look at the people whose lives are most adversely affected and to urge Governments to integrate their human rights obligations into policies and programmes to deal with the climate change.

The issue of climate change has been on the international agenda for decades. However, up until today, debates on climate change have mainly focused on the scientific, environmental and economic aspects and paid scant attention to the human dimensions.

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<sup>1</sup> At the Conference of the Parties to the United Nations Framework Convention on Climate Change and its Kyoto Protocol, 3-14 December 2007, Bali, Indonesia.



Today, we are witnessing a gradual change with increasing attention being given on the social and human impacts of climate change. The Human Rights Council's interest in the matter bears witness to this development, as does today's meetings. Growing documentation and research on how different people and communities are particularly at risk and exposed to the negative effects of global warming are helping us to understand the facts linking climate change and human rights.

A number of factors have contributed to this broadening of the debate – including that the reality of climate change is no longer in dispute. The scientific evidence is clear and unequivocal: not only is climate change real, changes are taking place at a faster pace than most had anticipated and their negative effects are already felt across the globe.

The fourth assessment report of the Intergovernmental Panel on Climate Change published last year played an important role in this regard. It documents the range of adverse effects of rising global temperatures and how many of these effects are already being witnessed. For example, climate change is considered a contributing factor for the steep rise in frequency of extreme weather events, such as hurricanes, floods, and heat waves. These and other effects, such as rising sea levels, droughts, increasing water stress, and the spread of tropical and vector born diseases, will only get worse. Importantly, the assessment report points to the fact that irrespective of action taken to reduce greenhouse gas emissions, we are in a situation where these adverse effects cannot be avoided in the short or medium term. Accordingly, a key challenge will be to assist people adapt to new life circumstances.

Looking at the data through a human rights lens, it is evident that climate change threatens the effective enjoyment of a range of human rights. The human rights perspective, focusing on the right of everyone to a dignified life and on the need to combat inequality and discrimination, also brings out how projected climate change-related events affect people differently. It links the assessment of harms and vulnerabilities with an accountability framework based on the obligations assumed by States to respect, protect and fulfil human rights and further accentuate the urgency of global action by drawing attention to the human rights costs of doing nothing. Equally, a human rights analysis is crucial to identify effective and sustainable developments pathways which adequately address climate change-related vulnerabilities of individuals and groups in society.

Many of the least developed countries, and small island states, which have contributed least to global greenhouse gas emissions, will be worst affected by global warming. In addition to geographic vulnerability, these countries are vulnerable due to their low capacity to effectively adapt to climate change. Equally, the poor and marginalized in society are also the most vulnerable to the adverse effects of climate change. Women who make up the majority of the world's poor and often rely more than men on natural



resources for their subsistence, will be particularly affected by impacts of climate change. This is also the case of indigenous peoples who often depend on natural resources for their livelihood and inhabit fragile ecosystems.

Distinguished delegates, Ladies and Gentlemen,

The theme of today's debate underlines how climate change covers a broad range of environmental issues relevant to human rights protection. For example, depletion of natural resources induced by global warming threatens livelihoods and access to adequate nutrition and safe drinking water. The multiple ways the environmental degradation affect human rights underline the close relationship between human rights and the environment.

In her address to the World Summit on Sustainable Development (Johannesburg, 2002), the High Commissioner for Human Rights stressed the importance of deepening our understanding of the links between human rights and environmental protection. She underlined that<sup>2</sup>:

“The contribution of environmental protection to the realization of basic human rights, and the role of human rights in protection of the environment are undeniable. Substantive rights such as the right to food, health and the right to life itself will not materialize for all of the world's inhabitants unless we maintain a clean and healthy environment with a sustainable base of environmental and natural resources.”

The deliberations today will no doubt shed further light on the relationship between climate change human rights and the environment. What is evidently clear is that as climate change negatively affects environmental sustainability, human rights suffer.

The way climate change and environmental degradation place human rights under additional strain serves as a sombre reminder that the world is still far from achieving the vision of “justice and dignity” for all set out in the Universal Declaration of Human Rights – at the eve of its 60th anniversary. Even so, internationally agreed human rights norms and standards provide us with a solid basis to address the adverse effects of climate change on human rights promotion and protection. Perhaps most importantly, they provide a strong moral and legal imperative for urgent action, drawing attention to the unacceptable consequence of doing nothing.

I thank you for your attention, and I wish you a successful debate.

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<sup>2</sup> Quoting the Executive Director of the United Nations Environment Programme (UNEP).

