There has been only slow acceptance of the idea that climate change had anything to do with justice and human rights; then, as understanding of the problems of the environment, in particular climate change, increased, it became evident that many legal as well as political issues were involved, and that these included justice and human rights.

All this coincided with increasing acceptance of the concept of the Anthropocene whereby the human impact on the environment marked profound changes in the natural world, and indeed constituted a new geological epoch. The effects included changes in weather everywhere, with more extreme events manifest in storms and droughts; accelerated melting of the Arctic and Antarctic icecaps and of glaciers elsewhere; rising sea levels, affecting coastal cities and acidification of many parts of the ocean; availability and distribution of fresh water; changes in ecosystems, including insects and microorganisms of all kinds, with their multiple effects on human health; human proliferation on a majestic scale; undermining of current social, and in particular urban infrastructure; movement of people within and between countries as environmental refugees.

Profound injustices were thereby exposed. Those countries causing most of the changes (for example through emissions of greenhouse gases) were suffering least from the results, or at least were best able to cope; whereas other countries, most in the so-called developing world, were suffering most and were least able to cope. The time factor, long as well as short term, greatly added to the complexities.

For the international community as a whole, the first problem then became how to measure the damage being done to the Earth’s atmosphere, how the costs could be agreed within a global framework, and what effect all this might have on human rights as defined in numerous agreements, beginning with the Universal Declaration of Human Rights in 1948. Next came a huge range of associated problems,
from accurate assessments of the impacts of climate change to the
defects of conventional economics, and the need to work out new and
fairer methods of assessing human health, wealth and welfare. Issues of
human rights also raised such fundamental questions as whether other
organisms had rights in the human sense of the word. Were human
rights consistent with them? Did life itself have a right to exist?

Much of this goes far beyond the remit of this conference. But to look
briefly at how things now stand today, particularly on climate, we have
just had the latest scientific assessment of the Intergovernmental Panel
on Climate Change. Estimates based on models change all the time, and
the complexities are immense. Of course the debate will and should
continue. But looking at the long past as well as the fluctuating present,
there is little serious doubt about the main and accelerating effects of the
human impact on climate, arising from the steadily increasing quantity of
greenhouse gases in the atmosphere. Broad responsibility for human-
induced climate change rests unequivocably with those who have in
multiple ways changed conditions on the surface of the Earth. Our
current situation is indeed unique. As the title of a recent book put it:
Something New Under The Sun.

First I turn to institutions governing the human aspects. The horrors
of two World Wars and the treatment of individuals have led to the
creation of world bodies, declarations of global principle and treaties of
various kinds so far unknown in human history. We have the Universal
Declaration of Human Rights which established that human rights should
be protected by the rule of law, and a Human Rights Council within the
United Nations framework. We have a European Court of Human Rights
with which Britain has a somewhat testy relationship. We have the Mary
Robinson Foundation: Climate Justice, with an International Advisory
Council. And we have the International Bar Association’s Human Rights
Institute. At least there is widespread acceptance of the rule of law, and
this was well expressed at high level meetings at the United Nations
General Assembly in September this year and last. The declaration then
agreed laid out that the rule of law was indispensable in three main
areas: maintaining peace and security, achieving sustainable
development, and protecting human rights.

Yet in wider terms things remain incomplete, if not messy, with a wide
range of overlap, omission and variations in effectiveness. There is, for
example, no World Environment Organization to bring together the many
limited agreements on the environment on specific aspects in specific
areas. Nor is there any International Court for the Environment to deal with the more legal aspects of the problem, as recommended by several lawyers. This has led to a widespread failure to recognize the relevance of human rights in dealing with environmental issues.

If we are to manage or cope with the damage now being done, we have to think as well as act differently. We live in a consumer society with deep seated beliefs in endless resources and the limitless capacities of technology. We still fail to bring externalities into our calculations, and to establish true costs, which are highly relevant to human rights. There are continuing efforts to establish better systems of measurement, ranging from the Human Development Index to the work of the new Economics Foundation. But we have a long way to go.

The focus of the Universal Declaration of Human Rights, the International Bar Association’s Human Rights Institute, and the Mary Robinson Foundation: Climate Justice is primarily in different ways on the rights of individuals for equity within the rule of law. The responsibility of governments in respect of human rights is well brought out within this framework. What is mostly missing is the relationship with human-driven change to the environment generally, in particular over the distribution of responsibility for corrective action and how it should be delivered.

When we consider the continuing difficulties in reaching agreement between governments on climate change, in particular over limiting carbon emissions in the atmosphere, the prospect of achieving any global consensus, let alone a treaty, attributing responsibilities for what has happened and will happen, and then assessing true costs, seem remote. Even more remote is the prospect of financing any kind of compensation to those whose human rights may have been affected by the complex factors which constitute the Anthropocene.

My own view is that as we seem unlikely to solve these problems as they are, we have to begin by adopting a partial approach. In doing so perhaps the main point of departure is identification of the interest of each country concerned. In doing so we should pursue what has been called plurality of agreements. In other words the industrial countries should work out among themselves how to assess their own environmental impacts and costs, and decide first on a national basis and then among themselves what should be done about them. Inevitably
this would cover policies towards other countries and such issues as business investment and overseas aid. We might also pursue a thought that has been favoured by some to introduce payments for ecosystem services whose loss or removal could damage human rights.

Other groups of countries according to choice and circumstances could do likewise. For example China and India have obvious common interests, and the same is true but different for countries in Latin America and sub-Saharan Africa. All this would help them to determine the general direction of their policies and how best to protect and develop their interests, and the human rights of their citizens. Eventually equipped with a plurality of agreements, governments could think again about a global system into which they could be fitted. Among the definition and protection of national interests involved would certainly be protection of human rights with respect for natural justice, the rule of law, and indeed climate change. I support the conclusions and recommendations in the report of the Independent Expert to the UN Human Rights Council of last December.

None of this would be easy. Governments like people usually need a fright – but above all a credible fright – before changing their minds in the fundamental ways that are required to meet the challenges of climate change and its effects on human rights.

Major change is usually the product of three main factors: leadership from above in the form of governments and institutions; pressure from below in the form of non-governmental and community organizations such as yours; and catastrophes, painful for some but benign for others, where cause and effect can be clearly identified, and the appropriate lessons learnt. Human rights are at the heart of the issues, and will certainly remain there. I wish the President’s Task Force on Climate Change Justice and Human Rights all possible success.