

Selected Resources

Energy, Climate, Environment and Human Rights

Human rights in German development policy

BMZ Strategy and Guidelines on human rights in German development policy

The cross-sectoral strategy affirms the central role of human rights in German development policy and contains binding requirements for the implementing agencies; the Guidelines provide guidance on the incorporation of human rights standards and principles, including gender, in programme proposals.

- BMZ Strategy (2011), drawing a link between human rights and environmental protection:
http://www.bmz.de/en/publications/type_of_publication/strategies/Strategiepapier305_04_2011.pdf
- BMZ Guidelines (2013), see in particular Annex pp. xix-xx, xxiii-xxiv: http://www.bmz.de/en/zentrales_downloadarchiv/themen_und_schwerpunkte/menschenrechte/Leitfaden_PV_2013_en.pdf

BMZ (2010), Human rights in practice – Fact sheets on a human rights-based approach in development cooperation

Collection of 2-page fact sheets that explain what the human rights-based approach in development cooperation means in general and for all priority sectors of German development cooperation. The fact sheet on energy can be found on pp. 14-15, that on environmental and natural resource protection on pp. 18-19.

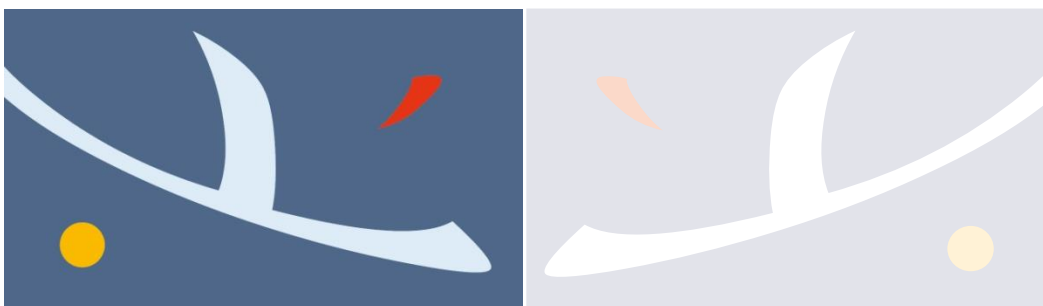
- http://www.bmz.de/en/publications/topics/human_rights/BMZ_Information_Brochure_7_2010e.pdf

United Nations reference documents related to energy, climate and environment

International Covenant on Economic, Social and Cultural Rights (ICESCR) and International Covenant on Civil and Political Rights (ICCPR)

International human rights treaties make no specific reference to environmental protection, energy or climate change. Nor do they explicitly formulate environmental rights. However, the human rights to health (ICESCR Art. 12), life (ICCPR Art. 6), water and sanitation (ICESCR Arts. 11, 12), adequate housing (ICESCR Art. 11) and family (ICCPR Arts. 17, 23; ICESCR Art. 10), as well as the right of all peoples to freely dispose of their natural resources (ICESCR Arts. 1, 25) include various obligations related to the environment. They thus provide a substantive legal basis for an emerging human right to a clean and healthy environment, which was confirmed and further substantiated by international case law. Likewise, there exists no right to energy. Yet, such entitlement may be derived from the rights to an adequate standard of living (ICESCR Art. 11) and to benefit from scientific progress (ICESCR Art. 15).

- ICESCR:
<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>
- ICCPR:
<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>



UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 14 on ICESCR Article 12: the right to the highest attainable standard of health (E/C.12/2000/4, 2000)

The treaty bodies, committees of independent experts established under the UN human rights treaties, issue “General Comments”, authoritative interpretations of the provisions of the treaty. The CESCR, through General Comment No. 14, has interpreted Article 12 with respect to the right to health, defining the following core elements of the right: availability, accessibility, acceptability and quality. The General Comment defines a healthy environment as an underlying determinant of health.

- <http://www.refworld.org/docid/4538838d0.html>

CESCR, General Comment No. 15 on ICESCR Articles 11 and 12: the right to water (E/C.12/2002/11, 2003)

The CESCR, through General Comment No. 15, has spelled out the necessity of sustainable economic, environmental and social policies. It identifies the following essential elements of the right to water: availability, quality and accessibility (including affordability).

- <http://www.refworld.org/docid/4538838d11.html>

All states parties are obliged to submit regular reports to the CESCR on the steps taken to implement the rights stipulated by the Covenant. The Committee examines each report and addresses its concerns and recommendations to the state party in the form of “Concluding Observations”.

- http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/SessionsList.aspx?Treaty=CESCR

UN special procedures dealing with energy, climate and environment issues

The **UN Special Rapporteur on human rights and the environment (former Independent Expert)** – since 2012 held by Mr. John Knox – is mandated to study the human rights obligations related to the enjoyment of a safe, clean, healthy and sustainable environment, and to promote best practices. He carries out country visits and issues annual reports.

- <http://www.ohchr.org/EN/Issues/Environment/IEEnvironment/Pages/IEEnvironmentIndex.aspx>

Other relevant UN special procedures include:

- Special Rapporteur on the environmentally sound management and disposal of hazardous substances and wastes: <http://www.ohchr.org/EN/Issues/Environment/ToxicWastes/Pages/SRToxicWastesIndex.aspx>

- Special Rapporteur on the right to health: <http://www.ohchr.org/EN/Issues/Health/Pages/SRRightHealthIndex.aspx>
- Special Rapporteur on the human right to safe drinking water and sanitation: <http://www.ohchr.org/EN/Issues/WaterAndSanitation/SRWater/Pages/SRWaterIndex.aspx>
- Special Rapporteur on the rights of indigenous peoples: <http://www.ohchr.org/EN/Issues/IPeoples/SRIndigenousPeoples/Pages/SRIpeoplesIndex.aspx>
- Special Rapporteur on the human rights of internally displaced persons: <http://www.ohchr.org/EN/Issues/IDPersons/Pages/IDPersonsIndex.aspx>

More on energy, environment and human rights

UN Development Programme (UNDP)

- The website establishes the link between poverty, environmental degradation and the lack of access to clean, affordable energy services: www.undp.org/content/undp/en/home/ourwork/environmentandenergy/overview.html
- Integrating human rights into energy and environment programming (2005), providing an overview on human rights-based approaches to energy and environment, and its practical implications: http://waterwiki.net/images/3/3e/HR_Pub_environmentprog.pdf

Office of the UN High Commissioner for Human Rights (OHCHR)

- Website on human rights and the environment: <http://www.ohchr.org/EN/Issues/Environment/HREnvironment/Pages/HRandEnvironmentIndex.aspx>
- OHCHR analytical study on the relationship between human rights and the environment (2011): http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A-HRC-19-34_en.pdf

UN Environment Programme (UNEP)

The UNEP Compendium on human rights and the environment (2014) gives an overview of legal cases and identifies good practices related to the use of human rights obligations and commitments to inform, support and strengthen environmental policy making.

- http://www.unep.org/environmentalgovernance/Portals/8/publications/UNEP_Compndium_HRE.pdf

UN Convention to Combat Desertification (UNCCD)

The Convention's 195 states parties work together to improve the living conditions for people in drylands, to maintain and restore land and soil productivity, and to mitigate the effects of drought.

- UNCCD, Human rights and desertification (2008): http://www.ohchr.org/Documents/Issues/ClimateChange/Su_bmissions/UNCCD.pdf

Rio+20 UN Conference on Sustainable Development

- Rio+20 Joint Report OHCHR and UNEP, Human rights and the environment (2012): <http://www.unep.org/delc/Portals/119/JointReportOHCHRandUNEPonHumanRightsandtheEnvironment.pdf>

Jurisprudence

In recent years, the number of cases before and rulings by national and regional courts on the interrelatedness and interdependence of human rights and the environment has increased rapidly.

- A landmark case on environmental degradation and human rights violations was decided by the African Commission on Human and Peoples' Rights in 2002, ruling that independent environmental and human rights impact assessments are compulsory prior to all development projects. This was the very first concrete application of the peoples' right to freely dispose of their natural resources; it reaches far beyond the case law of other continents: <http://www.escri-net.org/docs/i/404115>
- The website „Right to environment“ explains the complex and partly implicit legal basis of the “right to a clean and healthy environment”. See section *Treaties and Case Law*: <http://www.righttoenvironment.org/default.asp?pid=53>
- The two NGOs EarthRights International and Earthjustice have filed numerous cases to hold corporations and governments accountable for human rights violations resulting from environmental degradation: <http://www.earthrights.org/legal>; http://earthjustice.org/our_work/cases

More on climate change and human rights

Intergovernmental Panel on Climate Change (IPCC)

Under the auspices of the UN, the IPCC constitutes an internationally accepted authority on climate change, as well as adaptation and mitigation options; see fifth climate change assessment report (2014).

- <http://www.ipcc.ch/report/ar5/>

OHCHR on human rights and climate change

- Website: <http://www.ohchr.org/EN/Issues/HRAndClimateChange/Pages/HRClimateChangeIndex.aspx>

Mary Robinson Foundation on Climate Justice, Human rights: their role in achieving climate justice and food and nutrition security (2013)

- This paper uses human rights as a tool to highlight the injustices caused by climate change impacts and the resource squeeze, the effects of which are disproportionately affecting the most vulnerable: <http://www.mrfcj.org/media/pdf/Human-Rights-FNS-Climate-Justice.pdf>

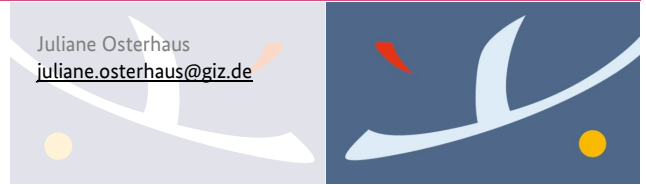
Center for International Environmental Law (CIEL)

- Climate Change & Human Rights - A Primer (2013): http://www.ciel.org/Publications/CC_HRE_8July2013.pdf

Climate change-induced displacement

- Internal Displacement Monitoring Centre (2012), Development activities in the context of disaster-induced displacement: <http://www.internal-displacement.org/assets/publications/2012/201211-analytical-study-thematic-en.pdf>
- International Committee of the Red Cross, Climate change, natural disasters and displacement (2010), focusing on protection gaps: <http://www.icrc.org/eng/assets/files/review/2010/irrc-879-kolmannskog-trebbe.pdf>
- The Nansen Initiative, launched by the Governments of Switzerland and Norway in 2012, is committed to develop a protection agenda addressing the needs of cross-border displaced persons in the context of natural hazards including climate change: <http://www.nanseninitiative.org/>

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UN Practitioners' Portal on HRBA to programming – Resources on the environment and climate change

A growing collection of resources on the human rights dimension of climate change and the environment

- hrbportal.org/archives/topics/environment

Global Initiative for Economic, Social and Cultural Rights

Practitioner's Guide on the human rights-based approach to environment and climate change (2014), outlining how to implement the approach, critically examining case studies and concluding lessons learned.

- <http://globalinitiative-escr.org/wp-content/uploads/2014/03/GI-ESCR-Practitioners-Guide-Human-Rights-Environment-and-Climate-Change.pdf>

Indigenous peoples, the environment and climate change

The fulfilment of the collective rights of indigenous peoples, as well as their livelihoods and cultures requires a clean and healthy environment.

- International Work Group for Indigenous Affairs (IWGIA), Training manual on free, prior and informed consent in REDD+ (2012), intended to serve as a guidance for indigenous organisations and communities:
www.iwgia.org/iwgia_files_publications_files/0593_FPIC-Manual-eb.pdf
- IWGIA website on indigenous rights, the environment, development and climate change:
www.iwgia.org/environment-and-development
- International Council on Mining & Metals, Good practice guide – indigenous peoples and mining (2010):
<http://www.icmm.com/document/1221>

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