

# *Reducing vulnerability*



*A possible contribution of the human rights community to the  
conundrums of climate change*

Linde Lindkvist

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Supervisor: Rouzbeh Parsi



## **CREDITS**

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## 1 INTRODUCTION

*Don't misunderstand me: the potential effects on our biodiversity from climate change range, under differing scenarios, from serious to catastrophic. And the image of polar bears on melting glaciers is a simple one that has had a role in raising awareness and drumming up public support. But the, perhaps rather sad, truth is that the international community will not move with the necessary urgency or the necessary resolve if climate change is seen as primarily something that affects insects, animals and plants. To steal a slogan from Amnesty International, we need to show that tackling climate change is about saving the human.<sup>1</sup>*

(Margaret Beckett, Yale Club in New York, 2007)

Climate change has emerged as *the* global challenge of our time. The issue has, with a little help from a documentary by Al Gore, moved to the agenda of every international top meeting and every election campaign. International response is no longer obstructed by scientific disagreement on its existence or its human origins.<sup>2</sup>

The realisation that we ourselves will be affected, has ignited the international human rights community in all its different shapes – from the Sami Council of northern Scandinavia to the big multilateral round-tables. All of a sudden, tackling climate change has become a matter of protecting human dignity.

In 2008, the United Nations Human Rights Council adopted a resolution that called for a survey to establish the connection between the fulfilment of human

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<sup>1</sup> Margaret Beckett, 'Climate Change - the Gathering Storm', *The Yale Club* (New York City, 16 April, 2007).

<sup>2</sup> Intergovernmental Panel on Climate Change, 'Fourth Assessment Report', (2007).

rights and climate change.<sup>3</sup> One of the main proponents for the resolution was the Maldives, which faces a real threat of extinction if the global sea level continues to rise. The government will then lose the possibility to guarantee its citizen's rights and might have to resolve to relocate its entire population. Foreign Minister Abdullah Shahid stated before the council:

When one strives to consider the effects of a phenomenon like climate change on an individual human being, it is clear that an assessment of the impact on their human rights is an obvious place to start.<sup>4</sup>

But no matter what good they intend – the human rights community is still in a fog, searching every nook and cranny for a possible entrance into the issue of our time. So far, the approach has been to attack the long-established north-south divide and, just like Museveni of Uganda, condensed climate change to “an act of aggression by the rich against the poor”.<sup>5</sup>

But there are other dimensions of global warming apart from the grand concern of global justice, in which the human rights community may have natural and important contributions to make. To identify these dimensions, we need conceptual tools that capture the whole picture and still address the specificities. We also need to find a language that bridges the gap between the world of human rights advocacy and the world of climate change politics.

The conceptual entrance presented here, is that of ‘vulnerability’. The main motivation for this choice is that it is frequently used as a determining factor for estimating the adverse effects of climate change on human beings. It is almost common truth that those worst affected will be the most vulnerable persons of the most vulnerable countries. This can hardly be argued against; being vulnerable is often equivalent to being affected. But there is reason to dig deeper

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<sup>3</sup> United Nations Human Rights Council, 'Resolution 7/23. Human rights and climate change', (28 March 2008).

<sup>4</sup> Abdullah Shahid, 'Statement at the Seventh Session of the United Nations Human Rights Council', (4 March 2008).

<sup>5</sup> Beckett, 'Climate Change - the Gathering Storm'.

into the meaning of the concept and its relation to the effects of climate change, as well as to the safeguarding of human dignity.

## 1.1 RESEARCH QUESTIONS

The use of ‘vulnerability’ to determine the effects of climate change on human beings is a *raison d’être* for this essay, which **intends to suggest an opening for the human rights community to the debate on climate change through the concept of vulnerability**. For this purpose, the conceptual links are of primary concern. Along the way, the following questions will hopefully be addressed:

- How can we understand the concept of vulnerability? How does it relate to the effects of climate change? How does it relate to human rights?
- How can we understand the undertaking of reducing vulnerability? Is there a possible contribution of the human rights community?

## 1.2 DISPOSITION

Chapter 2 provides an empirical background to why vulnerability is important to the purpose of this essay. It does so by reviewing some of the recent work on the impact on human beings from global warming. In these studies the concept of vulnerability emerges as a common feature. This concept is then explored in chapter 3, which constitutes the most central section of this essay. It is compared to related concepts, most notably ‘poverty’ in the meaning of ‘capability deprivation’, and finally linked to human rights. Chapter 4 turns to ‘adaptation’, which is emerging as the standard scheme for reducing vulnerability to climate change. Adaptation is presented in relation to human development, which is suggested as a better of avenue for dealing with root causes. Chapter 5 then critically assesses a “human rights based approach to development” and “the right to development” as two possible ways of approaching the matter for the human rights community. Although the concept lacks a clear definition, some parts of the human rights based-approach are suggested as suitable for reducing vulnerability to climate change. Chapter 6 provides a concluding discussion of the role of the human rights practitioners in the debate on climate change.

### 1.3 METHOD

My work began with an assignment to review the emerging pile of reports on the connection between human rights and climate change. These reports are of shifting quality, but focus heavily on calculating the possible impact of global warming. My interest also emerged just as the UN Human Rights Council, which I have studied before,<sup>6</sup> mandated the Office of the High Commissioner for Human Rights (OHCHR) to conduct an analytical study on the subject. This process included open consultations for stakeholders in the fall of 2008.<sup>7</sup> This resolution and the following process have been natural entrances.

Although the topic itself is much bread and butter, this essay is above all conceptual. The journey beyond the policy papers began when I noticed how they frequently returned to the idea of vulnerability as a determining factor for why some people will be adversely affected and others will not. The concept of *vulnerability* is hardly ever described. For this reason, I have tried to ingest all the relevant literature I could find. This led me to academic branches such as human ecology and disaster studies.

One of the more ambitious attempts to settle national vulnerability indicators<sup>8</sup> noticed that national GDP fell short of explaining why some countries are more likely to see high death-tolls after natural catastrophes. This way of criticising the blind trust in GDP reminded me of Amartya Sen's well-known work on poverty, defined in the terms of 'capability deprivation'.<sup>9</sup> *Human security* and Ulrich Beck's '*Risk society*' are also concepts which have emerged in studies that touch upon

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<sup>6</sup> Linde Lindkvist, 'A Fair Weather Champion? - The European Union at the United Nations Human Rights Council', (2008).

<sup>7</sup> Office of the High Commissioner of Human Rights, 'OHCHR study on the relationship between climate change and human rights: open-ended consultation meeting', (22 October 2008).

<sup>8</sup> N Brooks, W Neil Adger, and P Mick Kelly, 'The determinants of vulnerability and adaptive capacity at the national level and the implications for adaptation', *Global Environmental Change*, 15/2 (2005), 151-63.

<sup>9</sup> Amartya Sen, *Development as Freedom* (Oxford University Press, 1999).



vulnerability to natural hazards. I wrote another assignment on the concept of disability, which led me to consider it in connection to vulnerability.

Amartya Sen's theories were influential in the making of the human development paradigm and were open enough to serve as inspiration for the 'human rights based approach to development'. The Human Rights Council resolution explicitly refers to 'the right to development'. Here is a fundamental tension between seeing respect for human rights as a means of fostering development, or development as groundwork for all other human rights. I have tried to give a fair review of this debate from a number of academic articles in the fields of human rights and development studies.

In the end, my hope is that a conceptual pattern emerges that can be useful for approaching the climate change debate from a human rights perspective.

#### **1.4 DELIMITATION**

There are of course other ways to use the concept of vulnerability. The issue of global warming is just one possible entry. One could for instance consider vulnerability to armed conflicts or economic recession and still relate to human rights.

This is not an essay about tackling climate change in itself. It hardly touches upon the task of reducing greenhouse gases into the atmosphere (*Mitigation*). When climate change politics is considered, it is in the context of *Adaptation*, which is the process of lessening the unavoidable effects of climate change. For the purpose of this essay, this scheme provides a natural connection to vulnerability and, via human development, to human rights.

There are also other paths to take when investigating human rights in relation to climate change. The International Council on Human Rights Policy has proposed the use of human rights as thresholds for both adaptation and mitigation priorities, not least since there is a risk that mitigation policy might compromise human rights if used carelessly. The report is excellent and considers many possible entrances. However, there is no space for evaluating all these paths here. Instead, I see 'reducing vulnerabilities' as the main task for any attempt to lessen the effects on human beings of climate change. And this has served as a guiding principle in the process of this work..

## 2 THE CLIMATE THREAT TO HUMAN DIGNITY

This chapter will review some of the recent work on how climate change is likely to affect human beings. Changes are generally noticeable on a regional level. However, some groups of individuals in these regions are identified as more vulnerable than others. There is reason to go further and investigate the underlying causes that generate their inclination to harm.

Already in 1992, the UN Framework Convention recognised that global warming 'may adversely affect natural ecosystems and humankind'.<sup>10</sup> Since then, the human dimensions have gradually moved to the heart of the international debate on climate change. The clearest link has been drawn to development, as when UN Secretary General Ban Ki-moon joined in the chorus warning that 'the adverse impacts of climate change could undo much of the investment made to achieve the Millennium Development Goals'.<sup>11</sup>

Gradually, the issue has become more directly connected to human rights as well. The first perambulatory paragraph of the United Nations Human Rights Council resolution on 'human rights and climate change', spelled out that climate change poses an immediate and far-reaching threat to people and communities around the world and has implications for the full enjoyment of human rights. Most importantly, the resolution requested the Office of the United Nations High Commissioner for Human Rights to conduct a detailed analytical study of the relationship between climate change and human rights.<sup>12</sup> The resolution was

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<sup>10</sup> 'United Nations Framework Convention on Climate Change', (1992), preamble.

<sup>11</sup> United Nations Secretary General Ban Ki-Moon, 'Address to the high-level event on climate change, New York 24 September 2007', <<http://www.un.org/News/Press/docs/2007/sgsm11175.doc.htm>>, accessed 23 November 2008

<sup>12</sup> United Nations Human Rights Council, 'Resolution 7/23. Human rights and climate change', (2007)

partly an answer to a request by the special rapporteur on the right to health.<sup>13</sup> But the real engineer behind the resolution was the small island state of the Maldives, the lowest lying country in the world and therefore particularly exposed to natural hazards arising from a general rise of the global sea level.<sup>14</sup>

Numerous organisations have released studies on the impact of global warming within their field of expertise. Generally, these studies also suggest regions or groups which are likely to suffer the most from the dangers of coming changes.

For instance, the World Health Organisation has carefully studied the health dimensions of climate change.<sup>15</sup> In 2003, it predicted some positive effects of a warmer climate to human health, including a reduction of the seasonal winter-time peak in deaths in temperate countries. However, most effects will be adverse – especially an increase and a change in transmission patterns of infectious diseases. The 2002 World Health Report estimated that climate change in 2000 was responsible for approximately 2.4% of worldwide diarrhoea and 6% of malaria in some middle-income countries.<sup>16</sup> It is, however, difficult to settle the exact causal relationship. The 2003 report concludes that people in developing countries are worst off, and that urban populations are especially vulnerable to heat waves.<sup>17</sup>

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<sup>13</sup> United Nations General Assembly 62nd Session, 'Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. A/62/214.', (8 August 2007).

<sup>14</sup> Shahid, 'Statement at the Seventh Session of the United Nations Human Rights Council'.

<sup>15</sup> World Health Organisation, *Climate change and human health - risks and responses* (2003).

<sup>16</sup> World Health Organisation, *The world health report - Reducing Risks, Promoting Healthy Life* (2002).

<sup>17</sup> World Health Organisation, *Climate change and human health - risks and responses*.

International Crisis Group<sup>18</sup> and International Alert<sup>19</sup> are concerned with how scarcity in natural resources – not least in freshwater will breed ground for armed conflicts in a number of already turbulent areas of the world. The tragedy of Darfur, previously explained as an ethnic conflict, is today seen as being rooted in an ecological crisis, arising at least in part from climate change.<sup>20</sup>

Another phenomenon that can trigger or exacerbate violent conflict is that of forced migration. The Norwegian Refugee Council (NRC)<sup>21</sup> and Forced Migration Review<sup>22</sup> have highlighted the risk for future floods of refugees. However, they reject the explicit term ‘climate refugees’ as it is not in line with the 1951 Refugee Convention, and implies a mono-causal relationship. NRC stresses that vulnerability and lack of resilience within affected societies will serve as push-factors for migration. The majority of the refugees will end up internally displaced and due to slow environmental degradation rather than natural catastrophes.

Minority Rights Group International (MRGI)<sup>23</sup>, UNIFEM<sup>24</sup>, UNICEF<sup>25</sup> and others argue that already prevailing social differences will be exacerbated by the

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<sup>18</sup> International Crisis Group, 'Climate change and conflict', <<http://www.crisisgroup.org/home/index.cfm?id=4932>>, accessed 22 December 2008.

<sup>19</sup> International Alert, *A Climate of Conflict: The Links Between Climate Change, Peace and War* (2007).

<sup>20</sup> Ban Ki Moon, 'A Climate Culprit In Darfur', *The Washington Post*, (16 June 2007).

<sup>21</sup> Norwegian Refugee Council, *Future floods of refugees* (2008).

<sup>22</sup> Forced Migration Review, 'FMR 31: Climate Change and Displacement', (2008).

<sup>23</sup> Minority Rights Group International, 'The Impact of Climate Change on Minorities and Indigenous Peoples', (2008).

<sup>24</sup> United Nations Development Fund for Women, 'Contribution to request by UN High Commissioner for Human Rights for information on human rights and climate change', <<http://www2.ohchr.org/english/issues/climatechange/docs/submissions/UNIFEM.pdf>>, accessed 22 December 2008.

disproportionate impacts of climate change. Further on, the IPCC acknowledged in its fourth assessment report that :

Impacts of climate change are likely to be felt most acutely not only by the poor, but also by certain segments of the population, such as the elderly, the very young, the powerless, indigenous people, and recent immigrants, particularly if they are linguistically isolated.<sup>26</sup>

Evidence presented by the MRGI includes the death ratio of Dalits in the Indian monsoon floods of 2007. A survey in 51 villages showed that 60 % of the dead were Dalits. As they were often excluded from emergency shelters and camps, many died of indirect causes such as snakebites. In New Orleans, 80 % of the people living in the flooded areas after hurricane Katrina were non-whites. The floods in the Slovakian town of Jarnovice in 1998, resulted in 47 victims, 45 of which belonged to the Roma minority. In the Arctic, where global warming is more rapid, the Sami Council has noted how the increasingly unpredictable weather has undermined older people's ability to interpret the weather, which challenges their community status as counsellors.<sup>27</sup>

MRGI and the UN Permanent Forum on Indigenous Issues are also critical towards one of the more popular strategies for mitigation – namely biofuel production. The expansion of oil palm and other biofuel plantations threaten

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<sup>25</sup> Kimberly Gamble-Payne, 'Assessments of impacts on the rights of children: Presentation before the OHCHR, Geneva', (22 October 2008).

<sup>26</sup> 'Impacts, Adaptation and Vulnerability – Contribution of Working Group II', in Intergovernmental Panel on Climate Change (ed.), *Fourth Assessment Report* (2007).

<sup>27</sup> Minority Rights Group International, 'The Impact of Climate Change on Minorities and Indigenous Peoples'.

certain minorities and indigenous peoples, most notably in Colombia and Indonesia.<sup>28</sup>

UNIFEM has listed a number of gender dimensions of natural disasters. These include uneven access to early warning systems (partly due to different levels of literacy), the weak infrastructure of spaces where women are overrepresented (homes, markets, schools, etc), as well as pregnant or nursing women's specific dependency on clean water and hygienic care. In the long-term, increased distances for the collection of water; decreases the time women can spend on education or other economic or political enterprises, and exaggerate their susceptibility to gender-based violence – especially in areas affected by conflict or instability.<sup>29</sup>

It is often at the regional level that effects of climate change can be observed. For instance, the Human Rights Council suggests that 'Low-lying and other small island countries, countries with low-lying coastal, arid and semi-arid areas or areas liable to floods, drought and desertification, and developing countries with fragile mountainous ecosystems' are likely to suffer the most from global warming.<sup>30</sup>

But the mere mapping of changed conditions falls short from explaining why some people are more likely to suffer from these changes than others within the same region. For this purpose, vulnerability is introduced as an explaining factor. In many of the reports published so far, the most vulnerable human groups are probably the usual suspects; namely women, children, minorities and poverty-stricken. Nonetheless, in order to come up with sustainable solutions, it

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<sup>28</sup> Committee on the Elimination of Racial Discrimination, 'Request for Consideration of the Situation of Indigenous Peoples in Kalimantan, Indonesia, under the United Nations Committee on the Elimination of Racial Discrimination's Urgent Action and Early Warning Procedures', (2007).

<sup>29</sup> United Nations Development Fund for Women, 'Contribution to request by UN High Commissioner for Human Rights for information on human rights and climate change',

<sup>30</sup> United Nations Human Rights Council, 'Resolution 7/23. Human rights and climate change', (2007)

is necessary to further investigate the root causes of vulnerability and not just how it is manifested.

### 3 VULNERABILITY

Since 'Vulnerability' is frequently used as a key element for assessing the effect of climate change on human beings, this chapter will examine the meaning of this concept and eventually link it to human rights.

The English adjective vulnerable is by Merriam-Webster's 11<sup>th</sup> Collegiate Dictionary defined as "capable of being physically or emotionally wounded". It has its etymological roots in the Latin verb *vulnerare*, which means 'to wound'. In the broadest possible sense, vulnerability is "the potential for loss".<sup>31</sup> In more positive terms it can be described as "a measure of capability (...) to withstand events of a certain physical character".<sup>32</sup>

Vulnerability is frequently used in a number of related academic fields. The conceptualisation differs accordingly. In the context of international climate change policy, it turns technical:

Vulnerability is the degree to which a system is susceptible to, and unable to cope with, adverse effects of climate change, including climate variability and extremes. Vulnerability is a function of the character, magnitude, and rate of climate change and variation to which a system is exposed, its sensitivity, and its adaptive capacity.<sup>33</sup>

In this broad meaning, the vulnerable system could be any given region, country, community or ecological system.

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<sup>31</sup> K. Dow, 'Exploring differences in our common future(s): the meaning of vulnerability to global environmental change', *Geoforum*, 23/3 (1992), 417-36.

<sup>32</sup> Juergen Weichselgartner, 'Disaster mitigation: The concept of vulnerability revisited', *Disaster Prevention and Management*, 10/2 (2001), 85-94.

<sup>33</sup> 'Impacts, Adaptation and Vulnerability – Contribution of Working Group II'. Summary for Policy Makers p. 21



Within the discourse of disaster reduction, any natural disaster that we can expect from climate change is a product of the natural event itself and the vulnerability of the persons and societies that it strikes. Moments of crises are not moments when existing social differences become unimportant.

Risk is calculated as a function of exposure and vulnerability. Global warming, although not the primary object of interest, is seen as a double-edged sword since it increases the likelihood of natural hazards and affects the vulnerabilities of the given communities.<sup>34</sup> The UN International Strategy for Disaster Reductions defined vulnerability as;

the conditions determined by physical, social, economic and environmental factors or processes, which increase the susceptibility of a community to the impact of hazards.<sup>35</sup>

Part 3.1 – 3.2 of this chapter will investigate the concept with influence from the disciplines of disaster studies and human ecology where most of the academic discussion takes place. Part 3.3 will present vulnerability in comparison to set of related concepts. The aim of this is to shed more light on the meaning of the term and open up for different ways of approaching vulnerability reduction. The concluding part 3.4 will link vulnerability to human rights.

### **3.1 GENERIC AND SPECIFIC VULNERABILITY**

This essay will detach *generic vulnerability*, which is socially constructed, from *specific vulnerability*, which is equal to *exposure* and determined by the natural conditions of a geographical position.<sup>36</sup>

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<sup>34</sup> The Secretariat of the International Strategy for Disaster Reduction (Un/Isdr) and United Nations Development Programme (Undp), 'Integrating Disaster Risk Reduction Into CCA and UNDAF', <<http://www.unisdr.org/eng/risk-reduction/sustainable-development/cca-undaf/Integrating-DRR-into-CCA-UNDAF.doc>>, accessed 22 December 2008.

<sup>35</sup> Ibid.

A corresponding distinction exists between using vulnerability as a ‘starting-point’ or an ‘end-point’ to the studies of natural disasters. The latter approach is concerned with the net-impacts of a specific physical event. Vulnerability is only important to consider in times of crises and is dependent on the existence of external stress. The ‘starting-point approach’, on the other hand, considers vulnerability as a pre-existing state, which is caused by a compound set of generic factors.

These two approaches amount to different policy recommendations. As the focus shifts to the generics of vulnerability, the main question is changed from – “What can we do to protect the population?” to “What can be done to strengthen people’s own capacity to manage external stress?”<sup>37</sup> Vulnerability, in a generic sense, is about people’s capacities to deal with external stress, whether it occurs or not.

Tony Barnett and Alan Whiteside take a similar turn in their attempt to understand the spread of AIDS. Just like natural disasters, epidemics are often considered as unusual events — an idea that is reinforced by an “atomistic” or “medical” fallacy. We tend to consider treatment the starting-point of addressing the problem while it is the end-state. By falling into this fallacy we are able to distance ourselves from the social and economic origins of illness and ill-being.<sup>38</sup>

*The susceptibility to contamination* follows the character of a given society and is therefore not caused by chance events. Neither are the social and economic

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<sup>36</sup> Brooks, Neil Adger, and Mick Kelly, 'The determinants of vulnerability and adaptive capacity at the national level and the implications for adaptation', (pp. 151-163)

<sup>37</sup> S. H. Eriksen and P. Mick Kelly, 'Developing Credible Vulnerability Indicators for Climate Adaptation Policy Assessment', *Mitigation and Adaptation Strategies for Global Change*, Volume 12/4 (2007), 495-524. p. 505

<sup>38</sup> Tony Barnett and Alan Whiteside, *AIDS in the twenty-first century : disease and globalization* (New York: Palgrave, 2002). p. 364

effects of an epidemic the result of chance events — but the consequence of an unequal distribution of capacities.<sup>39</sup>

Barnett and Whiteside suggest a chain of root causes for the spread of AIDS, starting with the social and economic position of a person. “Social class, gender, ethnicity and market position all combine to create particular ways of making a living. Livelihood opportunities determine entitlements. Together these are the major influences on sexual networks.”<sup>40</sup>

Piers Blaikie introduces a pressure and release model for calculating risk to natural disasters. The model is built on the assumption that Risk = vulnerability x natural hazard. “There is no risk if there are hazards but vulnerability is nil, or if there is a vulnerable population but no hazard event”.<sup>41</sup>

To understand vulnerability, he suggests a series of three levels of social factors that together generate vulnerability. The level most distant from the disaster event is that of *root causes*, which are described as “economic, demographic and political processes”. The root causes are in turn resulting from the distribution of power within a society. The second level is the dynamic pressures that channel root causes into the “vulnerability of unsafe conditions”. These pressures include a lack of local institutions, local markets and press-freedom; as well as macro-factors such as rapid population growth, violent conflict and changing environmental conditions. The third level is *the unsafe conditions* such as unprotected buildings and infrastructure and lack of early warning-systems, which farther pressure people into vulnerability.<sup>42</sup>

The great benefit with the pressure and release-model is that it establishes a link between generic vulnerability (root causes) and specific vulnerability (unsafe

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<sup>39</sup> Ibid. p. 71

<sup>40</sup> Ibid. p. 363

<sup>41</sup> Piers Blaikie (ed.), *At risk : natural hazards, people's vulnerability, and disasters* (London: Routledge, 1994). p.21

<sup>42</sup> Ibid. pp. 21 - 45

conditions). Dynamic pressures often force people into positions where their capacities to endure suddenly are limited.

A drawback of the pressure and release model is that the root causes are seen as separated from the end-state; as if there is no vulnerability if there is no external threat. By using generic vulnerability we instead acknowledge that all societies are vulnerable to some degree. Theoretically, generic vulnerability could be studied in a vacuum where no weather events exist. It is not central to study how global warming causes droughts. Instead, the interest lies with the eventual famines that follow due to ill-prepared societies. The prerequisite for this perspective is that natural catastrophes happen *in* and *not to* societies.<sup>43</sup> Although the risks that people face are extraordinary, their vulnerability is largely created from their normal existence.<sup>44</sup>

### 3.2 VULNERABILITY INDICATORS

While the inclination to harm ultimately is local or even personal, vulnerability assessments are often conducted on the national level. One can just turn to the 2004 Tsunami to realise that the vulnerability index of entire Indonesia or Thailand would fall short from explaining what happened. Nonetheless, the national level can advise us on how vulnerability is generated.

Most attempts to create national vulnerability indexes lack transparency in the selection of indicators. Their outcomes are also tremendously different. In comparing three ranking lists of the twenty most vulnerable countries, Eriksen and Kelly, singled out Cambodia as the only country that made them all.<sup>45</sup>

Brooks, Adger and Kelly have compiled an ambitious and transparent attempt to identify indicators of national vulnerability. They use mortality-rates from the

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<sup>43</sup> Brooks, Neil Adger, and Mick Kelly, 'The determinants of vulnerability and adaptive capacity at the national level and the implications for adaptation', (pp. 151-163)

<sup>44</sup> Blaikie (ed.), *At risk : natural hazards, people's vulnerability, and disasters*. p.4

<sup>45</sup> Eriksen and Mick Kelly, 'Developing Credible Vulnerability Indicators for Climate Adaptation Policy Assessment', (pp. 495-524)

Emergency Event Database (EM-DAT), which covers data from natural catastrophes since the 1970's. They then measure the statistical relationship between mortality and a shortlist of potential proxies in order to establish indicators of generic vulnerability.

Eleven key-indicators are identified, which can roughly be divided into three groups – *health status*, *governance* and *education*. The full list reads:

- (1) population with access to sanitation,
- (2) literacy rate, 15–24-year olds,
- (3) maternal mortality,
- (4) literacy rate, over 15 years,
- (5) calorific intake,
- (6) voice and accountability,
- (7) civil liberties,
- (8) political rights,
- (9) government effectiveness,
- (10) literacy ratio (female to male),
- (11) life expectancy at birth.<sup>46</sup>

Unexpectedly, economic indicators such as GDP and indicators of economic inequality are not useful in determining generic vulnerability. This is no argument for considering economics as unimportant, but the relation to lowness in income is not as direct as one may intuitively think. Brooks, Adger and Kelly also suggest that these eleven indicators are fundamental reasons for vulnerability, rather than mere symptoms of its scale.<sup>47</sup>

The study concludes by a ranking-list lead by Afghanistan, followed by a number of sub-Saharan countries. Excluded from the very top are a few countries which are subjects to high outcome risk in terms of mortality, because of their exposed position. Most notably, Bangladesh has a relatively low generic vulnerability index – even though it is often used as an example of a typically vulnerable country. Same goes for a number of small island states – which may be badly

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<sup>46</sup> Brooks, Neil Adger, and Mick Kelly, 'The determinants of vulnerability and adaptive capacity at the national level and the implications for adaptation', (p.157f.

<sup>47</sup> Ibid. (p. 161f .

located, but also have populations that are better equipped to withstand natural hazards.<sup>48</sup>

### **3.3 RELATED CONCEPTS**

In much of the work reviewed in chapter 2, attributes such as being ‘poor’ were used almost interchangeably to vulnerability. But is this really case? Is Vulnerability nothing but a contextual synonym to poverty? This following section starts off with that question but will then move on to three concepts that may shed light on vulnerability if considered in comparison.

Risk position is fetched from Ulrich Beck’s idea of risk society. It stresses the significance of knowledge in avoiding the new risks that modernity produces. Human security has potential as an alternative to ‘vulnerability’ and dissolves the borders between development, human rights and security. However, due to an incautious use by far too many think-tanks and UN-bodies with different priority areas; it has very little academic or practical weight. Disability is a bit of long-shot. It is not a concept that can be used as an alternative to vulnerability. Nonetheless, it presents a method of deconstructing the concept into components such as personal attributes and a disempowering society.

Sticking to ‘vulnerability’ is partly motivated by its descriptive nature, and partly by its wide recognition in the context of connecting climate change to human dignity. Its wide application is both an opportunity and a problem. With another aim of this study, the association to other concepts could have been different. Nonetheless, the choice has to be considered in relation to the aim of this essay, which is to suggest an opening for the human rights community to the debate on climate change through the vulnerability concept. A guiding principle has therefore been to identify human rights dimensions, which are shared by vulnerability and the compared concept.

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<sup>48</sup> Ibid. (pp. 161f

### 3.3.1 POVERTY

Anders Wijkman suggests that “the poorer people are; the more vulnerable they become; and the greater is the risk that they will suffer from a natural disaster”.<sup>49</sup> He calculates risk from income per capita and the exposure to natural hazards of a certain geographical position.

However, in the previous section of this chapter, GDP and economic inequality were not identified as key-indicators. If we measure vulnerability merely in terms of lowness in income, we are probably on the wrong path, just as with poverty.

Amartya Sen suggests that poverty should be defined as deprivation of capabilities to lead lives of quality. Income may be an instrument for acquiring these capabilities, but is never the end itself. The relation between low income and low capabilities is variable between different individuals in different settings. It may depend on specific needs, location, age, gender or other variables other than income. There is no fixed price for capabilities. Hence, it is impossible to draw a straight line between income and real poverty.<sup>50</sup>

He gives numerous examples of how income poverty falls short from telling the whole story of social injustice. A study from the 1980’s showed that the black-white mortality differential among women in the United States remained remarkably large, even after adjusting for income differences.<sup>51</sup> Instead, the difference can be explained more accurately by the shortcomings of the American health-care system, which ultimately depend on economic policy – but not necessarily income. In fact, the mortality rates are much lower among Chinese or Indians in the province of Kerala, than ‘richer’ black American women.<sup>52</sup> By using variables such as mortality rates or enrolment in primary

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<sup>49</sup> Anders Wijkman, *Tsunamin: den onödiga tragedin : så orsakar människan de stora katastroferna* (Stockholm: Ekerlid, 2005). p. 40

<sup>50</sup> Sen, *Development as Freedom.*, pp. 87-90

<sup>51</sup> Ibid. p. 97

<sup>52</sup> Ibid. p. 108

education, it is possible to discern social inequalities which are hidden by differences in income.

Sen's most famous example is the 'the missing women' of primarily China and India. Whereas, women in developed countries usually make out a small majority of the population – the female ratio in China is 0.94 and India 0.93. All in all, Sen estimates that the world is missing about 100 million women – mainly due to a neglect of female health and nutrition during childhood.<sup>53</sup>

Instead of regarding wealth as an intrinsic value, Sen poses the straightforward question of what we want the wealth for. All eleven indicators of generic vulnerability, mentioned above, could be portrayed as indicators of '*la pauvreté au Sen*'. Generic vulnerability as a measure of ability to withstand external stress and poverty as capability deprivation are very similar concepts that share several overlapping human rights dimensions.

### 3.3.2 RISK POSITION

Ulrich Beck argues that the innovative developments in science and technology during the late modernity have produced particular type of modern risks that have little historical reference, and are therefore largely unpredictable. We are now preoccupied with the risks that stem from modernity itself, rather than just making nature useful. In this way, modernity has become reflexive. The rationale of the modern project was to eliminate the 'scarcity society' but as this is achieved – a risk society follows.

Risk, in Beck's understanding, is a "systematic way of dealing with hazards and insecurities induced and introduced by modernization itself".<sup>54</sup> Climate change is a borderline issue. The power of nature is not a modern risk. However, it is now clear that climate change is induced by modern human activity.

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<sup>53</sup> Ibid. p. 106

<sup>54</sup> Ulrich Beck and Mark Ritter, *Risk society: towards a new modernity* (London: Sage, 1992). p. 21



Here I will not go deeper into Beck's critique of modernity or the macro political dimensions of a Risk Society. His theory is mainly concerned with technological hazards that hit back on the developed countries that created them. However, his idea of a 'risk position' which overlaps with the 'social position' of a person - has a possible connection to the concept of vulnerability.

Beck outlines a fundamental difference between social wealth and risks. Whereas the former can be consumed or experienced, for example income or education, the latter are invisible and '*mediated on principle through argument*'. Most of the modern hazards are neither visible nor perceptible to the victims. Instead people depend on knowledge that goes beyond what they can discern with their own sensory organs.<sup>55</sup>

In my read of Beck, 'Risk position' is a state of 'reliance on expertise'. People are capable of avoiding risks if they only become aware of the danger. The choice of living in exposed areas is often voluntary, although often based on imperfect knowledge.

A foundation of Beck's theory is that the risks of today are of a new kind and that we have moved on from a struggle against scarcity. Accordingly, the vulnerability of a risk society is not really driven by a lack of capabilities, but by a lack of perfect knowledge.

In the case of global warming, most effects are not new in kind but in distribution and magnitude. They are more likely to strike hard against societies who are dwelling in scarcity than against the risk societies of the north. The vulnerability of people living in exposed areas cannot be reduced to lack knowledge of external threats, but must primarily be considered as driven by a deprivation of capabilities.

### 3.3.3 HUMAN SECURITY

A concept that has become popular during the last decade is that of human security. It was launched in the 1994 Human Development Report as a new

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<sup>55</sup> Ibid. p. 27

paradigm to replace the state-centric idea of security that prevailed during the cold war. The new global security efforts would be people-centric, with the ultimate goal of ensuring human beings “*freedom from want*” and “*freedom from fear*”.<sup>56</sup>

Originally, the scope of global security paradigm was to include threats in seven areas: economic security, food security, health security, environmental security, personal security, community security and political security.<sup>57</sup>

Linking vulnerability to human security does say something about who the vulnerable subject *is* or *should* be. We ought to move from assessing the vulnerability of nations or regions before that of humans.

The greatest contribution of the human security paradigm was to tumble down the rigid walls between the branches of security, development and human rights. Since then, the concept has lived its own life in the hands of well-meaning development organisations. For some reason, human security has become watered down and prescriptive at the same time. Vulnerability, on the other hand, is still principally descriptive. Human security always seems to imply a plan of action and is hardly separable as an analytical tool.<sup>58</sup>

Due to the all-encompassing character of human security, a comparison with ‘vulnerability’ would at best be hollow, and perhaps a bit too successful.

### 3.3.4 ‘DISABILITY’

An issue that has been touched upon, but not yet fully considered is that of the vulnerable subject. The above mentioned attempt to suggest indicators of

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<sup>56</sup> United Nations Development Fund, 'Human Development Report', (1994).

<sup>57</sup> Ibid. ()

<sup>58</sup> Shahrbanou Tadjbakhsh, 'Human Security in International Organizations: Blessing or Scourge?', *Human Security Journal*, 4 (2007).

vulnerability were all done at the national level, whereas the effects of climate change generally are discernable on a regional level. Chapter 2 gave a number of examples of groups that are expected to be more susceptible to harm than others. By introducing the concept of 'disability' we turn to the personal level.

In the last couple of years, the rights of persons with disabilities have moved closer to the heart to the sphere of international human rights law and politics. Although the first suggestion for a binding treaty on the matter emerged in the 1980s, it was not until December 2006 that the United Nations General Assembly adopted the "Convention on the rights of persons with disabilities".

The rationale for the convention was to increase the respect for the rights that were already guaranteed by the existing human rights treaties, rather than to coin new rights. This is similar to the motivation for creating CEDAW in 1979<sup>59</sup> and CRC<sup>60</sup> in 1989.

Just like many grounds for discrimination, such as race or gender, there is no conceptual simplicity with regards to disability. During the 1960's and 1970' disability was seen as solely a "medical and individual issue". More recently, the focus has shifted to the '*disabling society*'<sup>61</sup>.

According the World Health Organisation disability "reflects an interaction between features of a person's body and features of the society in which he or she lives".<sup>62</sup> A similar definition is incorporated in the preamble to the UN Convention: "disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and

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<sup>59</sup> 'International Convention on the Elimination of All Forms of Discrimination against Women (1979)'.

<sup>60</sup> 'International Convention on the Rights of the Child (1989)'.

<sup>61</sup> Colin Barnes and Geoffrey Mercer, *Disability* (Wiley-Blackwell, 2003). pp. 2 – 7

<sup>62</sup> The World Health Organization, 'Disabilities', <<http://www.who.int/topics/disabilities/en/>>, accessed 5 April 2009

effective participation in society on an equal basis with others”.<sup>63</sup> This distinction is made in, inter alia, the Swedish translation of the convention where *funktionsnedsättning* (impairment) is separated from *funktionshinder* (disability).<sup>64</sup>

Can vulnerability be seen as constructed in the meeting between a person with a set of attributes and a ‘vulnerabling’ society? Ultimately, the vulnerable subject must be the individual. It is the collection of deceased individuals who make up a mortality rate. Every victim to a natural disaster may have different reasons for why he or she could not withstand the hazard event or being exposed to it from the very start.

Introducing a concept like disability opens up for seeing discrimination on the basis of individual attributes as a part of the equation that generates vulnerability. However, disability is not an alternative to vulnerability. In the existing literature ‘vulnerability’ can more accurately be described as a collective measure to the inclination to harm. Although it is largely generated by the relation to between the individual and the surrounding society, it is not description of that encounter.

### **3.4 CONCLUSION: VULNERABILITY AND HUMAN RIGHTS**

Vulnerability to the impact of climate change is partly determined by how exposed a community is to natural hazards; and partly by its social capacities to withstand external stress. This chapter has labelled these two sizeable factors as *specific* and *generic* vulnerability.

For the purpose of finding a possible way of using human rights to reduce the effects of climate change, the latter of these factors has been given extra attention. As hinted, there are several natural ties between generic vulnerability and human rights.

The attempt of determining a reliable national vulnerability index presents an interesting set of indicators for determining the probability of a high mortality

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<sup>63</sup> 'International Convention on the Rights of Persons with Disabilities (2006)', preamble

<sup>64</sup> Swedish Government, 'Prop. 2008/09:28 - Mänskliga rättigheter för personer med funktionsnedsättning', (2008).

from natural disasters. The eleven key-indicators presented, can all be translated into widely acknowledged human rights – including the right to health, the right to education and the freedom of conscience and expression. These rights span across the division between the first two generations of rights – which primarily are safeguarded by the two core UN conventions of 1966. Considering indicators such as maternal mortality and literacy ratio (female to male), it is also arguable that discrimination on the basis of gender will likely increase the generic vulnerability.

In the pressure and release model of Piers Blaikie, a widespread disrespect of fundamental rights constitutes one of the root causes for driving people into a vulnerable position. But these root causes are not enough in themselves. Vulnerability must be triggered by a set of dynamic processes. Of interest here is that these processes also could be related to human rights abuses – for instance a sudden restriction in the freedom of press.

Climate change may be a global phenomenon, and its effects may disregard national borders, but the vulnerability of people is largely driven by human rights-related causes. By improving the human rights situation in a country, we are likely to reduce its people's likelihood to suffer from natural disasters.

In comparing vulnerability to a set of related concepts, the issue of the 'vulnerable subject' is especially highlighted. Herein lays a major conceptual weakness. Although the vulnerable subject ultimately is the individual, I would suggest that vulnerability primarily should be seen as an aggregated measure of a communities' inclination to harm. Many of the causes for this inclination can be explained in terms of human rights. In this sense, the concept is closely related to Amartya Sen's idea of 'poverty' as capability deprivation.

If we continue to keep these two concepts closely linked, we naturally open the door to the scheme of human development. The next chapter will consider this scheme, along with climate change adaptation, as two related entrances of pursuing vulnerability reduction.

## 4 ADAPTATION AND HUMAN DEVELOPMENT

We cannot turn back. Even if the international negotiations in the coming years are successful, and even if the emission of greenhouse gases is sufficiently reduced; the climate will change enough to unavoidably impinge on human life. To these changes we need to practice Adaption – which, according to the United Nations, is;

a process through which societies make themselves better able to cope with an uncertain future. Adapting to climate change entails taking the right measures to reduce the negative effects of climate change (or exploit the positive ones) by making the appropriate adjustments and changes.<sup>65</sup>

In other words, adaptation is about addressing the early impacts that have begun to appear, and preparing for those that may come.

As disaster studies teaches us; any adverse impact will result from the natural event itself and the vulnerability of the society it strikes. Whereas mitigation<sup>66</sup> attempts to influence nature, adaptation seeks to reduce vulnerability.

At the international round-tables, adaptation is inevitably all about financing. Developing nations have demanded that the actual polluters should fund the necessary measures. These means should also be additional – i.e. go beyond the 0,7 %-target for international development cooperation that was set up by the General Assembly in 1970.<sup>67</sup> 39 years later, this target is only met by a handful

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<sup>65</sup> United Nations Framework Convention on Climate Change, 'Climate Change: Impacts, Vulnerabilities and Adaptation in developing countries', (2007). p. 10

<sup>66</sup> Reduce greenhouse gas emissions and to enhance sinks aimed at reducing the extent of global warming

<sup>67</sup> "Each economically advanced country will progressively increase its official development assistance to the developing countries and will exert its best efforts to reach a minimum net amount of 0.7 per cent of its gross national product at market prices by

of economically advanced countries. Some of them have begun to set off special quotas for adaptation measures *within* their existing budgets for international development aid.<sup>68</sup> However, they have been unconvinced as to whether adaptation measures are more effective or affordable than regular development efforts in the long run.<sup>69</sup>

The World Bank has projected that world wide adaptation is likely to cost between \$4 billion and \$37 billion each year. Due to difficult application procedures and a stronger focus on mitigation – the Global Environmental Facility (GEF) spent only \$1.5 billion of a total of \$81 billion on adaptive measures in 2006-2007.<sup>70</sup>

Drawing on the discussions of the previous chapter; it is fair to claim that adaptation is principally concerned with specific vulnerabilities. Several exposed countries have begun to draft National Adaptation Plans of Actions that identify necessary adjustments in sectors such as infrastructure, human settlement, tourism, fisheries, human health, agriculture, water resources, food security and biodiversity.<sup>71</sup>

The adaptation plans calculate vulnerability in relation to supposed external stress – such as sea level rise, higher surface temperatures or extreme weather.

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the middle of the Decade.” United Nations General Assembly 25th Session, 'Resolution 2626 (XXV) - International Development Strategy for the Second United Nations Development Decade. Article 43', (24 October 1970).

<sup>68</sup> See for instance: Swedish Ministry of Finance, 'Budgetpropositionen för 2009 (Prop. 2008/09:1) : Utgiftsområde 7: Internationellt bistånd', <<http://www.regeringen.se/sb/d/10942/a/111679>>, accessed 21 March 2009

<sup>69</sup> Swedish International Development Agency, 'Climate Change & Development (Klimat & Utveckling)', (2004). p. 9

<sup>70</sup> International Council on Human Rights Policy, *Climate Change and Human Rights: A Rough Guide* (2008). p. 22

<sup>71</sup> See for instance : Maldives Ministry of Environment Energy and Water, 'NAPA Draft for Comments', (19 December 2006).

This is for sure important. But if a society is to cope with an uncertain future, it must also consider the community's and individuals capabilities to adapt to external stress. Any serious attempt to reduce vulnerability as an entity, must also address its generic dimensions.

There is an apparent but somewhat obscure connection between adaptation and human development. Some have argued that adaptation can provide for a more sustainable human development by cutting back the effects of global warming.

What about human development? Mahbub ul Haq, one of the model's architects, calls it a rediscovery rather than an invention. The basic purpose of human development, according to ul Haq, is to create an environment for people enjoy long, healthy and creative lives. The key is to enlarge people's choices, by shifting focus to the quality and distribution of growth rather than its quantity.<sup>72</sup> He quotes Aristotle saying: "Wealth is evidently not the good we are seeking, for it is merely useful for the sake of something else".<sup>73</sup> UNDP, obviously influenced by both Mahbub ul Haq and Amartya Sen's ideas, defines human development as "expanding the choices people have to lead lives that they value".<sup>74</sup>

Lisa F. Schipper argues that vulnerability results from inadequate human development and stimulates risk in that capacity. Instead of creating explicit adaptation strategies, vulnerability reduction should be integrated into development policies. By reducing generic vulnerabilities of a society, the adverse impact of climate change is alleviated, which could be translated into a process of

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<sup>72</sup> Mahbub Ul Haq, *Reflections on human development: how the focus of development economics shifted from national income accounting to people-centred policies, told by one of the chief architects of the new paradigm* (New York: Oxford University Press, 1995). (p. 19)

<sup>73</sup> Ibid. (p. 13)

<sup>74</sup> United Nations Development Fund, 'The Human Development concept', <<http://hdr.undp.org/en/humandev/>>, accessed 21 March 2009



adaptation.<sup>75</sup> Influenced by David McEntire,<sup>76</sup> she calls this concept 'invulnerable development'.

Because climate change is often viewed as an entirely new challenge to mankind, adaptation has taken on its own discourse and science. However, most of these challenges are only exacerbations of existing problems. For this reason, some have accused adaptation for being little more than a platform for environmentalists to voice their views on development.<sup>77</sup>

Clearly, if both generic and specific vulnerabilities are important, adaptation policies alone are not sufficient for what they pursue – namely to reduce the negative effects of climate change. To address the generic vulnerabilities we need to turn to human development. And here we find two possible entrances for human rights.

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<sup>75</sup> E. Lisa F. Schipper, 'Climate Change Adaptation and Development: Exploring the Linkages', *Tyndall Centre for Climate Research*, Working Paper 107 (2007).

<sup>76</sup> David A. McEntire, 'Sustainability or Invulnerable Development? Proposals for the Current Shift in Paradigms', *Australian Journal of Emergency Management*, 15/1 (2000), 58-61.

<sup>77</sup> Schipper, 'Climate Change Adaptation and Development: Exploring the Linkages', ()

## 5 THE TWO WAYS OF HUMAN RIGHTS

The previous chapter suggested that ‘human development’ is a better scheme than ‘climate change adaptation’ for addressing root causes of vulnerability. The insertion of a ‘human’ before ‘development’ can partly be explained by a welcoming atmosphere for human rights language in international settings following the end of the Cold War. After the misfortunes of the structural adjustment programmes, the development community had to regain credit.

This chapter will present and discuss the two main procedures of juxtaposing rights and development. There is reason to be critical of both “the human rights-based approach to development” and “the right to development”. One could also question the attempt of considering them in opposition. Nonetheless, this chapter argues that drawing on the former of these paths is superior in maintaining the starting-point approach to vulnerability reduction.

### 5.1 A HUMAN RIGHTS-BASED APPROACH

The idea of a “human-rights based approach to development” was largely encouraged by Amartya Sen’s book ‘Development as Freedom’ from 1999. There he defines development as ‘a process of expanding the real freedoms that people enjoy’. This expansion is both the primary end and the principle means of development.<sup>78</sup> The basic freedoms to survive and to have access to health care are amongst those ends and means, so is a democratic form of government.<sup>79</sup>

The nonbelievers of this last point have argued that authoritarian forms of government are better promoters of economic growth and stability in some

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<sup>78</sup> Sen, *Development as Freedom*. p. 36

<sup>79</sup> Ibid. p. 16

stages of development.<sup>80</sup> Freedoms can only be ensured on a firm and pre-existing state structure.<sup>81</sup> However, such arguments have little empirical evidence.<sup>82</sup>

Sen claims that political freedoms have three crucial roles in fostering human development. First, they have an *intrinsic* value as the principle ends of development. Further on, they are *instrumental* in enhancing the agency of people and in giving officials incentives to act with their population's needs in consideration. As Sen notes, a famine has never taken place in a functioning democracy with a relatively free press. Finally, since the conceptualisation and comprehension of societal challenges, including economic needs, require public reasoning – political freedoms also have a *constructive* role.<sup>83</sup>

The 'human rights-based approach to development' was launched with publications such as the UNDP's *Human Development Report 2000/01*<sup>84</sup> and the World Bank's *World Development Report 2000/2001*. With these two milestones, the linkage between poverty and human rights became common truth. Instead of focusing on lowness in income, many actors started talking in terms of *disempowerment*, and *capability deprivation*.

A UN inter-agency meeting in 2003, agreed on a common position on what constituted rights-based approaches to development cooperation. In Sen's spirit, the meeting reiterated that human rights are both the *means* and *ends* of development. An adequate exercise of the approach must therefore include

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<sup>80</sup> Fareed Zakaria, 'Culture Is Destiny; A Conversation with Lee Kuan Yew', *Foreign Affairs*, (March/April 1994).

<sup>81</sup> Thomas Carothers, 'The "Sequencing" Fallacy', *Journal of Democracy*, 18/1 (2007), 12-27.

<sup>82</sup> Sen, *Development as Freedom*.

<sup>83</sup> Ibid. p. 148-153

<sup>84</sup> United Nations Development Fund, 'Human Development Report', (2000).<sup>84</sup>

monitoring and evaluation of both the process and outcome, which both have to be empowering and locally owned.<sup>85</sup>

Many of the early embraces of the concept were at best naïve, and often no more than cosmetics. Old policies remained substantially the same, but were redressed and linked to the nearest human right – case closed – high moral ground safely established.<sup>86</sup> The World Bank’s ambition to modernise financial sectors, for example, was suddenly motivated as a means of “building environments in which people are better able to pursue a broad range of human rights”.<sup>87</sup>

Although attractive at face value, the approach lacks conceptual clarity, is far too easily invoked and gives few recommendations that can be transformed into effective policies.<sup>88</sup>

Philip Alston argues that in order for the approach to become efficient; development advocates must go against the taboo of prioritising, which is prevailing in the human rights domain. Using the approach also brings about a fundamental question of equal distribution. The potential to benefit from a better human rights protection is often unevenly distributed.<sup>89</sup> Can we, in a

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<sup>85</sup> 'Report - The Second Interagency Workshop on Implementing a Human Rights-based Approach in the Context of UN Reform, Stamford, USA, 5-7 May', <[www.undg.org/archive\\_docs/4128-Human\\_Rights\\_Workshop\\_\\_Stamford\\_\\_\\_Final\\_Report.doc](http://www.undg.org/archive_docs/4128-Human_Rights_Workshop__Stamford___Final_Report.doc)>

<sup>86</sup> Peter Uvin, 'From the right to development to the rights-based approach: how 'human rights' entered development', *Development in Practice*, 17/4-5 (2007), 597-606.

<sup>87</sup> Ibid. (p. 603)

<sup>88</sup> Mac Darrow and Amparo Tomas, 'Power, Capture, and Conflict: A Call for Human Rights Accountability in Development Cooperation', *Human Rights Quarterly*, 27/2 (2005). p. 471

<sup>89</sup> Philip Alston, 'Ships Passing in the Night: The Current State of the Human Rights and Development Debate seen through the Lens of the Millennium Development Goals', Ibid. (755f. .)

Rawlsian spirit, accept a policy that reduces the vulnerabilities of those worst off, but increases social division?

There are, however, some incentives for applying the approach in the context of reducing vulnerabilities to climate change. There are two principles in particular that I would like to suggest as imperative, since they are both singled out in the agreed UN position and can be matched with the identified root causes for vulnerability.

The first is that of *non-discrimination*. The normative framework of human rights compels donors to identify the most disadvantaged and make them the masters of their own development. This also involves disaggregating data by grounds of exclusion – such as ethnicity, gender, class, impairment and age.<sup>90</sup> Moreover, by taking this principle seriously, we are forced to consider various forms of discrimination as intersecting.

The second principle is the right of *participation*, which is found in most of the international instruments, including those giving additional protection to disadvantaged groups; principally CRC<sup>91</sup>, CEDAW<sup>92</sup> and CERD<sup>93</sup>. The British Department for International Development (DFID) sums it up neatly:

Effective participation requires that the voices and interests of the poor are taken into account when decisions are made and that poor people are empowered to hold policy makers accountable.<sup>94</sup>

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<sup>90</sup> Mac Darrow and Amparo Tomas, 'Power, Capture, and Conflict: A Call for Human Rights Accountability in Development Cooperation', *Ibid.*/2 ( p. 505)

<sup>91</sup>International Convention on the Rights of the Child (1989)'. art 12

<sup>92</sup> 'International Convention on the Elimination of All Forms of Discrimination against Women (1979)'. art 7, 13, 14(2)

<sup>93</sup> 'Internatioanl Convention on the Elimination of All Forms of Racial Discrimination (1965)'. art 5

<sup>94</sup> DFID Strategies for Achieving the International Development Targets: Realising Human Rights For Poor People 17 (2000) [www.dfid.gov.uk/pubs/files/tsphuman.pdf](http://www.dfid.gov.uk/pubs/files/tsphuman.pdf)

Although it does not explicitly use the concept, the study on national vulnerability indicators (see chapter 3) signals that a human rights-based approach to development may be helpful in addressing vulnerability to natural hazards:

Reductions in mortality outcomes may be achieved through increasing government effectiveness and accountability, civil and political rights, and literacy. While these factors mask the more complex processes that lead from climate hazards to high mortality, they also underlie them.<sup>95</sup>

These principles are also echoed in some of the reports on the connection between human rights and climate change (see chapter 2). For instance, the Norwegian Refugee Council<sup>96</sup> suggests that alongside typical adaptive measures on infrastructure, it is important to address general causes for forced migration and conflict, which may lead to reduced vulnerability and better adaptation. Among these we find good governance – which is largely based on the principle of participation. The newly founded organisation, Children in a Changing Climate, has dedicated a whole report to the principle of participation. The main principle is that those affected by the change of climate, must have a voice in decision making:

Not only do children have rights to participate, they also have invaluable contributions to make. (...) By linking children's local knowledge of changes, impacts and priorities with the work of experts in relevant sectors, development and adaptation approaches, strategies and assistance are more likely to meet their needs.<sup>97</sup>

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<sup>95</sup> Brooks, Neil Adger, and Mick Kelly, 'The determinants of vulnerability and adaptive capacity at the national level and the implications for adaptation', (p. 161)

<sup>96</sup> Norwegian Refugee Council, *Future floods of refugees*.

<sup>97</sup> Children in a Changing Climate, 'A right to participate: Securing children's role in climate change adaptation', (2008). p. 5

Their report also touches upon the subject of non-discrimination; this is, however, more central in the UNIFEM-report, which argues that advancing gender equality vouches for a decrease in the general vulnerability within a community – and not just among its women.<sup>98</sup>

## 5.2 THE RIGHT TO DEVELOPMENT

An issue that has infected international human rights politics in the last thirty years, or so, is the almost ontological conflict with regard to the so-called third generations of rights, in particular ‘the right to development’. There is a principal division between states who recognise no other rights-bearer than the individual, and those who want to widen the rights regime as to include collectives – whether they are indigenous people(s), religious communities or the world’s poor. A common rhetorical turn is to use the motto of the French revolution as an argument for why there must be three generations – *liberté, égalité et fraternité*.<sup>99</sup>

In 1986 the UN General Assembly adopted a declaration on the right to development. Its first article defined the right as “an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized”.<sup>100</sup> This was a diplomatic victory. The third world countries got their right, and the first world ensured that it would not be legally binding or operationally meaningful.<sup>101</sup>

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<sup>98</sup> United Nations Development Fund for Women, 'Contribution to request by UN High Commissioner for Human Rights for information on human rights and climate change',

<sup>99</sup> Philip Alston, 'Ships Passing in the Night: The Current State of the Human Rights and Development Debate seen through the Lens of the Millennium Development Goals', *Human Rights Quarterly*, 27 (2005), 755f. .

<sup>100</sup> United Nations General Assembly 41th Session, 'Declaration on the Right to Development (A/RES/41/128 )', (4 December 1986).

<sup>101</sup> Uvin, 'From the right to development to the rights-based approach: how 'human rights' entered development', ()

Since then, many developing nations have been in favour of drafting a legally binding convention. For this purpose, they often recall article 55 and 56 of the UN Charter, which could be read as a support regarding 'development' as a prerequisite for "peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples".

Georges abi-Saab has suggested that the right to development could be seen as an economic dimension of the right to self-determination.<sup>102</sup> Mohammad Badjaoui considers the right as the "precondition of liberty, justice and creativity", as the "first and the last human right". He sums up the international dimension as "the right to an equitable share in the economic and social well-being of the world".<sup>103</sup>

The right to development has at times been waved off by developed countries as a means of pushing donors into assuring more development aid. Essentially, its ambitions are set much higher – at equitable distribution of the world's natural resources and a global economic order where the participation of the least advantaged is ensured.

Jack Donnelly is among the western intellectuals who have warned of the confusion that emerges in the international human rights system as the human right to development enters. The right-holder in his traditional view is always a physical person.

If human rights derive from the inherent dignity of the human person, collective human rights are logically possible only if we see social membership as an inherent part of human personality, and if we argue that as a part of nation or people, persons hold human rights substantively different from, and in now way reducible to,

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<sup>102</sup> George Abi Saab, 'The Legal Formulation of a Right to Development', in René-Jean Dupuy (ed.), *The Right to Development at the International Level, Workshop, the Hague, 16-18 October 1976* (Sijthoff & Noordhoff, Hague Academy of International Law, 1980).

<sup>103</sup> Mohammed Bedjaoui, *International law : achievements and prospects* (Paris: Unesco, 1991).



individual human rights. (...) [Collective rights] are not *human* rights as that term is ordinarily understood.<sup>104</sup>

Donnelly especially criticises the invoking of article 28 of the Universal Declaration.<sup>105</sup> Firstly, *order* should rather be understood as referring to the international institutional system, than an entitlement to a certain process. Secondly, the rights meant by article 28 are individual rights, not collective and certainly not states' rights. It is impossible to transfer the ultimate responsibility for the non-realisation of human rights to another state, including a former colonial power.

Nonetheless, the right to development was to some extent reiterated by the Vienna Declaration in 1993, and is often referred to in the diplomatic lounges of Geneva and New York. Within the context of climate change one can find it in the UNFCCC as well as the Human Rights Council's resolution 7/23. It reminds us that human rights are interdependent and more than the sum of its parts. It also reminds of the triangular relationship between the individual, the state and the international community in fostering human development and well-being. However, this relationship is also recognised by a number of existing human rights conventions, such as in the International Convention on Economic and Social Rights where there is a duty to cooperate internationally in order to fulfil the articles of the convention.<sup>106/107</sup>

The right to development is essentially way of phrasing the moral claim that the rich should help the poor, but in legal terms. This may be closer to the heart of

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<sup>104</sup> Jack Donnelly, In search of the Unicorn: The Jurisprudence and Politics of the Right to Development. 15 Calif. Western. Int. L. J. 473(1985), at. 482

<sup>105</sup> "Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized."

<sup>106</sup> International Council on Human Rights Policy, *Climate Change and Human Rights: A Rough Guide*. pp. 74-77

<sup>107</sup> International Convention on Economic and Social Rights, article 2

the problem, but addressing global injustice is not the primary way of reducing people's vulnerabilities to it.

## 6 MORE THAN GLOBAL JUSTICE

The Human Rights Council approached climate change via the right to development. Thereby it picked the path of engaging with global injustice. This is of course the heart of the conundrum. To mitigate global warming, the polluters must thoroughly change their way of living, and assist developing countries in adapting to the unavoidable consequences of a changing climate. All of this mounts up to a response that must be radical and global.

Several human rights authorities argue that the realisation of human rights is also a task without borders.<sup>108</sup> Much of the development within international law is moving towards an acceptance of a global responsibility for preventing and reacting to human rights abuses. “The sovereignty-shield has been broken in the realm of human rights,” Hans Blix triumphantly declared when speaking about the doctrine of ‘Responsibility to protect’ in 2008.<sup>109</sup>

Since most of the human rights effects of global warming will be felt on a regional level, there is need for both intergovernmental cooperation and non-governmental actions to respond all possible kinds of adversities. There are also knotty questions that may require new developments in international law. Who is responsible for protecting the human rights of the Maldivian population, if the territory of the Maldives ceases to exist?

The human rights community may bring a moral imperative to all these questions by reminding everyone one of us of the responsibility to uphold human dignity across the globe.

Still, the principal actor for ensuring the promotion and protection of human rights is the national state. By ratifying international conventions and taking part in international human rights forums, states continue to reaffirm this responsibility. In

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<sup>108</sup> For instance: Richard a Falk, *Achieving human rights* (New York: Routledge, 2009).

<sup>109</sup> Hans Blix, 'Human rights must be implemented ', *Rights Work Conference* (Clarion Hotel, Stockholm, 6 November 2008).

protecting the dignity of individuals vis-à-vis the state – the argument of fundamental freedoms has a relatively high legitimacy.

As the track record of the right to development is very poor, the human rights community should rather do what it does best, namely addressing power inequalities *within* societies, by stressing the principles of non-discrimination and participation. Inequalities constitute a starting-point to poverty just as vulnerability. In fact, a widespread disrespect for fundamental rights is an underlying cause, a trigger factor, as well as a strong indicator of vulnerability.

Advancing human rights will lead to reduced vulnerability to the effects climate change. By working for the freedom of expression, for the right to education, for the just distribution of quality health care and for participatory decision-making – people's capacity to manage with the impact of global warming is increased. By expanding their set of choices – their susceptibility to harm is lessened.

Climate change will not first and foremost produce radically new challenges, but will worsen those that already exist. The main contribution needed by the human rights community is not radically new either. By motivating the orthodox human rights work in terms of reducing vulnerability; the connection to climate change can be confirmed, while maintaining the comparative advantage – namely to safeguard human dignity and equality in the relation between the individual and the state.

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