International equity and ethics

UNFCCC preamble

“Acknowledging the global nature of climate change calls for the widest possible cooperation by all countries and their participation in an effective and appropriate international response, in accordance with their common but differentiated responsibilities and respective capabilities...”
Over the next decades, it is predicted that billions of people, particularly those in developing countries, face shortages of water and food and greater risks to health and life as a result of climate change. **Concerted global action is needed to enable developing countries to adapt to the effects of climate change that are happening now and will worsen in the future.**

- UNFCCC
<table>
<thead>
<tr>
<th>Human rights norms in international law</th>
<th>Current and projected impacts of climate change upon human rights</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>The Right to Life and Security</strong></td>
<td>• There will be more deaths, disease, and injury due to the increasing frequency and intensity of heatwaves, floods, storms, fires, and droughts.</td>
</tr>
<tr>
<td>“Everyone has the right to life, liberty and security of person.” (UDHR, Article 3)</td>
<td>• Rising sea levels will increase the risk of death and injury by drowning. Up to 20 per cent of the world’s population live in river basins that are likely to be affected by increased flood hazard by the 2080s.</td>
</tr>
<tr>
<td></td>
<td>• Heatwaves are likely to increase deaths among elderly or chronically sick people, young children, and the socially isolated. Bumpers 2003 heat wave – induced by climate change – resulted in 27,000 extra deaths.”</td>
</tr>
<tr>
<td><strong>The Right to Food</strong></td>
<td>• Future climate change is expected to push close to 50 million more people at risk of hunger by 2020, and an additional 132 million people by 2050.</td>
</tr>
<tr>
<td>“The State Parties to the present Covenant recognise the fundamental right of everyone to be free from hunger...” (ICESCR, Article 11)</td>
<td>• In Africa, shrinking arable land, shorter growing seasons, and lower crop yields will exacerbate malnutrition. In some countries, yields from rainfed agriculture could fall by 10 per cent as soon as 2020.</td>
</tr>
<tr>
<td></td>
<td>• In parts of Asia, food security will be threatened due to water shortages and rising temperatures. Crop yields could fall by up to 30 per cent in Central and South Asia by 2050.</td>
</tr>
<tr>
<td><strong>The Right to Subsistence</strong></td>
<td>• Water: By 2020, between 75 million and 250 million people in Africa are likely to face greater water stress due to climate change. Reduced water flow from mountain glaciers could affect up to one billion people in Asia by the 2050s.</td>
</tr>
<tr>
<td>“Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing,...” (UDHR, Article 25)</td>
<td>• Natural resources: Approximately 20-30 per cent of plant and animal species assessed so far are likely to be at increased risk of extinction if average global temperatures rise more than 1.5-2.0°C. Coral bleaching and coastal erosion will affect fish stocks – currently the primary source of animal protein for one billion people.</td>
</tr>
<tr>
<td>“In no case may a people be deprived of its own means of subsistence.” (CCPR, Article 12 and ICESCR, Article 11)</td>
<td>• Property and shelter: Millions more people risk facing annual floods due to sea-level rise by the 2080s, mostly in the mega-deltas of Asia and Africa. On small islands, too, sea-level rise is expected to exacerbate inundation, storm surge, and erosion, threatening vital infrastructure, settlements, and facilities that support the livelihoods of island communities.</td>
</tr>
<tr>
<td><strong>The Right to Health</strong></td>
<td>• Child malnutrition will increase, damaging growth and development prospects for millions of children.</td>
</tr>
<tr>
<td>“The State Parties to the present Covenant recognise the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.” (ICESCR, Article 12)</td>
<td>• Increasing floods and droughts will lead to more cases of diarrhoea and cholera. Over 195,000 people are currently estimated to die each year from diarrhoea, malaria, and malnutrition caused by climate change.”</td>
</tr>
<tr>
<td></td>
<td>• Changing temperatures will cause some infectious diseases to spread into new areas. It is estimated that 220-400 million more people will be at risk of malaria. The risk of dengue fever is estimated to reach 3.5 billion people by 2085 due to climate change.</td>
</tr>
</tbody>
</table>
Climate change is a threat to basic human rights. The developed world has an ethical responsibility to do something about helping developing countries adapt.
Vulnerability = The potential for harm

VULNERABILITY AND ITS COMPONENTS

- Exposure – Is the climate of my community changing?
- Sensitivity – Does it matter? In what way?
  - Physically, culturally, socially, economically?
- Adaptive Capacity – Does my community have the knowledge and resources needed to manage climate impacts?

Equity – intra-generational and inter-generational
Countries/communities with less human or financial resources are likely to be less resilient to climate change impacts, especially climate extremes.

So, whose responsibility is it?

**National obligations and the “Responsibility-Capacity Index”**

Once a development threshold has been defined, logical and useful precise definitions of capacity and responsibility naturally follow, and these can then be used to specify and calculate national obligations for combating the climate change challenge.

![Diagram showing income distribution in India, China, and the US.](image)

**Capacity:** Income above the development threshold. These curves approximate income distributions within India, China, and the US. Thus, the green areas represent national incomes above the $20 per person per day (PPP) development threshold, our definition of national capacity. Chart widths are scaled to population, so these capacity areas are correctly sized in relation to each other.
The Kyoto Protocol is an international agreement linked to the United Nations Framework Convention on
Climate Change. The major feature of the Kyoto Protocol is that it sets binding targets for 36 industrialized
countries and the European community for reducing greenhouse gas (GHG) emissions. These amounts are

The Kyoto Protocol was adopted in Kyoto, Japan, on 11 December 1997 and entered into force on 16 February 2005. The detailed rules for the implementation of the Protocol were agreed in COP7 in Marrakech in 2001, and are called the ‘Marrakech Accords.’

The Kyoto mechanisms:

Under the Treaty countries must meet their targets primarily through national measures. However, the Kyoto Protocol offers an additional means of meeting that targets by way of three so-called mechanism.

The Kyoto mechanisms are:

- Emissions trading: known as the ‘carbon market’
- Joint implementation (JI)
- Clean development mechanism (CDM)

The mechanisms help stimulate green investment and help Parties meet their emission targets in a cost-effective way.

Monitoring emissions targets

Under the Protocol, countries report on their emissions to be monitored and verified, which is to be kept on the Kyoto protocol.

Registering actions that limit and reduce emissions by Parties under the mechanisms. The UN Climate Change Secretariat, based in Bonn, Germany, keeps an inventory of actions that Parties can credit in their national inventories.

Accreditation of the Kyoto Protocol: the Convention is designed to assist countries in adapting to the adverse effects of climate change. It facilitates the development and deployment of techniques that can help reduce vulnerability to the impacts of climate change.

The Kyoto Protocol is a unique device that promotes economic development and social development in various ways while respecting the principle of sustainable development. It is an

The Basic version of the Greenhouse Development Rights Calculator (GDR) online calculator can be found at the website. The calculator allows you to calculate the Development Rights for a given area, taking into account the development potential and the environmental impact of the area.

Additional information can be obtained by contacting the calculator's developers directly or by visiting their website.
### Annex I, Annex II countries and developing countries

**Parties to the UNFCCC are classified as:**
- **Annex I countries**: industrialized countries and economies in transition
- **Annex II countries**: developed countries which pay for costs of developing countries
- **Developing countries**

Annex I countries which have ratified the Protocol have committed to reduce their emission levels of greenhouse gases to targets that are mainly set below their 1990 levels. They may do this by affording reduced annual allowances to the main operators within their borders. These operators can only exceed their allocations if they buy emission allowances, or offset their excesses through mechanisms that are agreed by all the parties to UNFCCC.

Annex II countries are a sub-group of the Annex I countries. They comprise the OECD members, excluding those that were economies in transition in 1990.

Developing countries are not required to reduce emission levels, unless developed countries supply enough funding and technology. Setting no immediate restrictions under UNFCCC serves three purposes:
- It prevents restrictions on their development, because emissions are strongly linked to industrial capacity.
- It can only sell emissions credits to nations whose operators have difficulty meeting their emissions targets.
- It provides money and technologies for low-emission investments from Annex I countries.

Developing countries may voluntarily become Annex I countries when they are sufficiently developed.

Some opponents of the Convention argue that the split between Annex I and developing countries is unfair, and that both developing countries and developed countries need to reduce their emissions. Nevertheless, some countries claim that the costs of following the Convention agreements will stress their economy. This was one reason given by George W. Bush, then President of the United States, for not following the Kyoto Protocol in the United States (besides for ideological and other countries point to research, such as the Stern Report, that estimates the cost of compliance to be less than the cost of the consequences of doing nothing).

#### Annex I countries

There are 46 Annex I countries and the European Union is also a member. These countries are classified as industrialized countries and countries in transition:

- Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Netherlands, New Zealand, Norway, Portugal, Poland, Romania, Russian Federation, Slovenia, Slovakia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom, United States of America.

#### Annex II countries

There are 20 Annex II countries and the European Union was removed from the Annex II list in 2001 at its request to recognize its economy as a transition economy. These countries are classified as developed countries which pay for costs of developing countries:

- Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Ireland, Israel, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, United Kingdom, United States of America.
The countries that committed to reducing their emissions in the first “commitment period” of the KP largely haven’t done what they said they would.
How else can we get $$ for equity in less developed countries?
2010 extreme weather in China cost $75 billion, 4800 lives

Song Lianchun, chief of the National Climate Center, said extreme weather last year caused the deaths of more than 4,800 people and resulted in direct economic losses of more than 500 billion yuan ($75 billion).

He said 2010 was a freakish meteorological year for China, with severe weather hitting the country with a frequency and intensity rarely seen.

“Global warming was largely to blame for the country’s frequent extreme weather,” Song said.

In Crackdown on Energy Use, China to Shut 2,000 Factories

HONG KONG — Earlier this summer, Prime Minister Wen Jiabao of China promised to use an “iron hand” to improve his country’s energy efficiency, and a growing number of businesses are now discovering that it feels like a fist.

The Ministry of Industry and Information Technology quietly published a list late Sunday of 2,087 steel mills, cement works and other energy-intensive factories required to close by Sept. 30.

Energy analysts described it as a significant step toward the country’s energy-efficiency goals, but not enough by itself to achieve them.

Over the years, provincial and municipal officials have sometimes tried to block Beijing’s attempts to close aging factories in their jurisdictions.
Some countries, like China, have gone ahead and initiated reduction strategies outside of international agreements.

How realistic is it that we’ll be able to meet emissions targets?
Total global mitigation requirement, divided into "national obligation wedges." This shows the shares that would be borne by particular nations (or groupings) in proportion to their share of the total global RCI.
There is no certainty that international agreements will reduce GHG emissions quickly enough to prevent ‘dangerous’ levels of climate change.
Will climate change be the next big legal battle?

It’s quite likely, but...

• International law is not well equipped to deal with the complexities and uncertainties of climate change
• Many different parties are responsible to different degrees
• The worst effects are yet to happen
Wrong to dismiss the dirt on Hazelwood

David Karoly
November 8, 2010

Some 10,000 extra people will be inundated because of this one power station.

ONE hundred years from now, when rising sea levels are forcing millions of people in low-lying regions of Bangladesh, the Pacific islands and the Nile delta from their homes, who will they blame?

For some, it will be fair to point the finger at wealthy carbon-guzzling nations such as Australia, and at particular coal-fired power stations such as Hazelwood, and say: "You did this."

When money speaks...

Carbon Disclosure Project 2009
Global 500 Report

On behalf of 475 investors with assets of US $55 trillion
Developed countries could be held legally accountable for the effects of their emissions.
Even in the absence of government policy direction many businesses will try to reduce their climate change liabilities.

Australian and international NGOs that work on these issues
Australian cases

Concerned Australians are bringing climate lawsuits before the Courts. Cases are summarised below.

- Gray & Hodgson v Macquarie Generation to proceed to trial
- Civil enforcement proceedings commenced against Macquarie Generation
- Landmark Australian decision on coastal development and climate change
- Sandon Point Development
- New appeal against proposed Annil Hill Coal mine
- Tenaga Wind Farm Development
- Xilaha Renewables Coal Mine Expansion
- Ann Hill Coal Mine
- Isaac Mais and Somnua Coal Mines
- Hazelwood Coal Power Station Expansion
- Wimmera Coal Mine
- Redbank 1 Coal-Fired Power Plant

Brockovich wants to be 'Aussie Erin'

Mercedes Calligeros
February 11, 2011

Comments 0
Summary

• Climate change is a human rights issue
• Not all countries are equally responsible for, or able to adapt to, climate change
• International policies and agreements have only accomplished ‘talk’
• To avoid the worst scenarios, reductions have to happen fast in the developed world
• There are also issues of equity to deal with within our own borders
Summary

• Climate change is a human rights issue
• Not all countries are equally responsible for, or able to adapt to, climate change
• International policies and agreements have only accomplished ‘talk’
• To avoid the worst scenarios, reductions have to happen fast in the developed world
• There are also issues of equity to deal with within our own borders