



UNITED NATIONS ASSOCIATION
OF THE UNITED STATES OF AMERICA

Southern New York State Division



UNA•USA

University of Hawai'i at Mānoa
Chapter

Universal Periodic Review Joint Stakeholder Report

United States of America

“Climate Change and Human Rights”

Submitted on September 27, 2019 by:

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The United Nations Association — Southern New York State Division (UNA-SNY) is dedicated to building a strong network of global citizens in support of the United Nations. We work hard to inform, inspire and mobilize members of the community to engage with critical global issues central to the work and mission of the United Nations. We include the New York, Brooklyn, Queens, Bronx, Long Island, Mid-Hudson Valley, and Westchester UNA-USA Chapters and groups. The goal of the division is to foster dialogue and awareness in the region, as well as to coordinate with our chapters and the broader UNA-USA network. For more information, please visit: <http://www.unasny.org/>.

The United Nations Association of the University of Hawai'i Manoa Chapter (UNA-University of Hawai'i Manoa Chapter) with support from UNA-Hawaii has the motto of “Uniting the World Through Aloha.” With Hawaii as a Local2030 Hub for Sustainable Development, we are dedicated to multi-sector partnerships dedicated to achieving the Global Goals. Our chapters aim to promote Hawaiian and U.S. collaboration at the UN while focusing on Future Studies methodologies to realize climate security, peace, and human rights for all.

(A) Introduction: Climate Change and Human Rights

(A1) UNA-Southern New York State Division and the UNA-University of Hawai'i Manoa Chapter held consultations to address the impact of climate change on human rights. Participants emphasized that actions can and should be taken not only at national, state and city levels but also within U.S. communities and businesses. The participants urged that national policies draw from and support positive actions at all levels. Overall, they called for recognition that the global climate crisis is indeed an emergency with impacts to the environment, social justice, and human rights. The following topics are covered in this report:

- **An overview of climate change's impact on human rights;**
- **Fossils fuels;**
- **Need for science-based policies;**
- **Community empowerment; and**
- **Agriculture.**

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(B) Methodology

(B1) UNA-Southern New York State Division held a consultation to contribute to the Universal Periodic Review (UPR) by the UN Human Rights Council on the country's performance pertaining to human rights and climate change. In New York, a diverse group of people with an interest in issues related to climate change came together for the event. After this meeting, a complementary consultation took place in New York with climate activists and policy experts on September 6, 2019. Additionally, students at the University of Hawai'i-Manoa, the flagship campus of the University of Hawai'i system, met for a consultation on climate change and human rights on April 18, 2019. In Honolulu, participants included students enrolled in a course on sustainability from social science perspectives.¹

(B2) The consultations took as guiding principles the findings of the 5th Assessment Report (2014) of the Intergovernmental Panel on Climate Change (IPCC) which unequivocally confirmed that



climate change is real and that human-made greenhouse gas emissions are the primary cause. The IPCC report identified numerous phenomena which threaten life, human rights and well-being throughout the world, and indicated the types of policies and actions that need to be implemented immediately.² We also integrated discussion on the Sustainable Development Goals (SDGs), with a focus on Goal 13, which calls for urgent action to combat climate change and its impacts.³

(C) Legal Context

(C1) In the Universal Declaration of Human Rights (UDHR), Article 25 focuses on the right to adequate standards of living; Article 28 states that “everyone is entitled to a social and international order” where such rights can be realized, and Article 29 emphasizes that “everyone has duties to the community” to make this possible.⁴ The 2009 Report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) makes clear both the observed and projected impacts of climate change on human rights.⁵ Beyond the UDHR itself, the UPR draws upon the UN Charter, numerous UN human rights treaties, the SDGs and other international instruments.

(C2) The UN Human Rights Council has adopted a series of resolutions proclaiming that climate change is a major threat to human rights globally, including Resolutions 7/23 (2008), 10/4 (2009), 18/22 (2011) 16/11 (2011), 19/10 (2012), 25/21 (2014) and 26/27 (2014). In 2009, the OHCHR, as requested by HRC Resolution 7/23 (2008), produced a report explaining the connection between climate change and human rights.⁶ In 2012, the UN Human Rights Council voted to establish a Special Rapporteur to study human rights and the environment. The U.S. joined the consensus on these resolutions as a member of the UN Human Rights Council.

(C3) The U.S. ratified the United Nations Framework Convention on Climate Change (1992), which states that, “The Parties should protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities.” Furthermore, it states that, “the developed country Parties should take the lead in combating climate change and the adverse effects thereof.”⁷

(C4) The Paris Agreement (2015) declares that “Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity.”⁸ Legally, the U.S. remains a party to the Paris Agreement. The Paris Agreement called for all countries to aim for a temperature rise no more than 2 degrees Celsius, or a 1.5-degree Celsius rise compared to preindustrial levels. All countries were to submit their strategy to achieve that goal. Presently, the world is on course to experience a temperature increase of 3-degrees Celsius, which would have severe impacts on the planet. China and the U.S. are the world’s top producers of carbon emissions (CO₂), followed at some distance by India, Russia, and Japan.⁹ The U.S. has historically emitted more CO₂ than any other nation and is currently the top producer of greenhouse gas (GHG) emissions per capita.¹⁰

These emissions threaten human rights across the globe as rising global temperatures are linked to increased armed conflict and refugees, food scarcity, and lack of access to water and clean air.

(C5) During its second UPR the U.S. accepted two recommendations calling for the country to uphold the rights of indigenous peoples and ethnic minorities; to protect traditionally owned lands and resources against environmental degradation; and to consult indigenous peoples and ethnic minorities on matters of issues to their communities.¹¹

(C6) The 2015 U.S. National UPR Report states “The United States is firmly committed to addressing the causes and impacts of climate change.”¹² The report cited several initiatives, including the National Environmental Policy Act; the Climate Action Plan; new fuel economy standards; support for renewable fuels; reduction of greenhouse gas emissions; attention to the environmental and health conditions of minority, low-income and indigenous communities; adaptation assistance to vulnerable countries; steps toward adoption of the Clean Power Plan; and work toward the global climate change agreement on emission reductions scheduled to take place in Paris.

(C7) On the first day of the Trump Administration, the White House website announced that President Donald Trump’s predecessor’s Climate Action Plan would be eliminated, stating it was “harmful and unnecessary.”¹³ In March 2017, President Trump signed an executive order to officially nullify the Clean Power Plan in an effort, he said, to revive the coal industry.¹⁴ Since assuming office in early 2017, the president has led the current Administration in a campaign to eliminate federal environmental regulations and strengthen the fossil fuel industry, which includes oil, gas, and coal. The term “climate change” was also immediately removed from the Environmental Protection Agency’s (EPA) website. Policy actions have been taken to attenuate environmental protection standards connected to automobile fuel efficiency, fracking for oil and natural gas (methane), coal mine ash, coal ash slurry, coal power plant emissions, endangered species, water regulations, and public lands.¹⁵ According to an August 2019 update from the New York Times, 84 environmental rules have been “rolled-back” by the Trump Administration.”¹⁶ These include roll-backs completed, or in process, regarding air pollution and emissions; drilling and extraction; infrastructure and planning; animals; toxic substances and safety; water pollution; and others.

(C8) The roll-back of federal environmental regulations accelerates the threat of climate change and threatens basic human rights. After a plea from 27 states and a host of other opponents, the Supreme Court delayed implementation of the Clean Power Plan in early 2016.¹⁷ President Trump later nullified the plan in early 2017 and the EPA issued relaxed regulation standards in July 2019. However, in August 2019, a coalition of Attorneys General from 22 states, six cities, and the District of Columbia – led by the Attorney General of New York – filed suit that the new regulation is inadequate.¹⁸

(C9) Supporters and detractors in Congress and civil society are currently debating the potential creation and adoption of a “Green New Deal” focused on a wide-scale and gradual transition to renewable energy and building an environmentally sustainable U.S. economy.¹⁹



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(D) Overview: The Impact of Climate and General Recommendations

(D1) Timothy C. Weiskel, a noted professor, author and environmentalist who delivered the keynote address at the UNA-Southern New York State Division consultation, declared:

The crisis of climate change represents the most daunting problem the human community has ever faced in the course of its history as a species on Earth. In the last several centuries, human communities have come to depend for their energy supplies upon a pattern of consumption of non-renewable, fossilized carbon in the form of coal, petroleum and natural gas. Now, however, because of the massive release of carbon into the atmosphere as a result of industrial processes and altered relationships to forest and agricultural land, humankind needs to prepare for disruptive and potentially abrupt shifts in climate, extreme weather and global sea-level rise on a scale never before experienced in human history.

(D2) Participants recognized the need to acknowledge and promote state and local level leadership on combating climate change. New York City is part of a network of cities pursuing climate action through the “Global Covenant of Mayors for Climate and Energy” that aims to uphold the Paris Agreement. Global equity considerations for indigenous peoples, women and the poor are included.²⁰ New York City’s Climate Action Plan is ambitious in calling for net zero emissions for the entire city and the elimination of greenhouse gas emissions by 2050.²¹ One NYC2050, the city’s Green New Deal, is a strategy to secure the city’s future. It contains bold actions to confront the climate crisis, achieve equity, and strengthen democracy.²² The data that New York City has collected for many years on energy, water and emissions is being used for planning strategies and funding needs.

(D3) Recommendations to the U.S.:

- Re-enter the Paris Climate Agreement immediately;
- Consider climate change a national emergency by mobilizing all levels of government to build substantive partnerships with civil society, the private sector, and other actors;
- Rejoin the UN Human Rights Council and support resolutions and other initiatives advancing international cooperation on climate change;
- Take steps to eliminate single-use plastics over the next 10 years; and
- Create a definition of a “climate refugee” and establish legal frameworks for supporting those displaced by climate change internationally and domestically.

(E) Fossil Fuels

(E1) There is urgency in rolling back infrastructure development that is reliant on fossil fuels. This includes extraction, pipelines, refineries, and mines implicated in harming human health, agriculture and water systems that contribute to the rise of sea levels.

(E2) Recommendations for the U.S.:

- Shift fuel subsidies from fossil fuels to renewables and promote their affordability;
- Invest in clean public transportation within cities and suburbs, as well as high-speed rail to connect cities and regions;
- Emphasize a strategy toward electrification of transportation;
- Implement heating and cooling systems of new buildings that do not rely on fossil fuels;
- Develop and implement heating systems for buildings using geothermal energy sources and heat pumps; and
- Promote addition of biodigesters at wastewater treatment plants which can accept food waste to produce biogas for both fuel and electric power.

(F) Need for Science-Based Policies

(F1) The bar for legislation regarding issues related to climate change should rest on accuracy and impartiality. Policymakers also need to acknowledge that GHG emissions produced in the U.S. have impacts on human rights elsewhere in the world.

(F2) Recommendations to the U.S.:

- Dramatically increase research and funding for basic sciences, renewable technologies, and climate solutions, including carbon sequestration technology;
- Aggregate data related to climate change, its impact on health and well-being, and distribute the results widely;
- Recommit to supporting the conclusions of the IPCC;
- Support and fund subnational climate action efforts at the city and state level and city to city climate action networks;
- Develop new opportunities for knowledge sharing as well as leveraging the experience of leading cities and states;



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- Develop and enforce preventative policies for water protection;
- Respond to the increasing desire among parents and teachers for climate education; and
- Adopt the 10-year Urban Forestry Action Plan.

(G) Community Empowerment

(G1) Current federal jurisdiction over interstate pipeline permits, the construction of power plants and other energy infrastructure can effectively overrule the concerns of frontline communities. In many cases, these populations are already contending with the health impacts of these actions.

(G2) Recommendations to the U.S.:

- Support efforts that enable the freedom of expression and assembly of local communities to respond to construction of energy infrastructure projects that endanger public health, jeopardize public safety, and contribute to climate change;
- Grow support for small-scale food producers, allowing them access to relevant markets; and
- Help all communities create urban and community forests that are diverse, healthy, and accessible for all.

(H) Agriculture

(H1) There is urgency to shift agricultural subsidies to sustainable agriculture practices, including no-till farming, which allows carbon storage in soils, improves the ability of soil to absorb and retain water, promotes microbial soil life to support healthier root systems, and improves crop productivity.

(H2) Worldwide, dietary habits have shifted toward heavy consumption of meat and other animal products to such a degree that it's severely impacting the environment. People's diets increasingly rely on more processed foods, refined sugars, and "land intensive agricultural" products like beef.

(H2) Recommendations to the U.S.:

- Recognize that increased levels of CO₂ result in decreased nutritional value of food crops and therefore create economic hardship for lower-income communities; and
- Promote awareness of the health and environmental benefits of reducing meat consumption and adopting a plant-based diet.

Endnotes

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