



# THE ROLE OF HUMAN RIGHTS IN CLIMATE CHANGE ADAPTATION

Evidence from civil society in Cambodia and Kenya

**Inconsistent climate change policies increase the vulnerability of marginalised populations and lead to resource conflicts. A human rights-based approach can help protect the adaptive capacities of climate vulnerable populations.**

Climate change raises critical issues about the linkages between human rights and the environment. With intensified natural hazards and increasingly uncertain weather conditions, more effort will be needed to safeguard the rights of vulnerable populations to be protected from hazards and to retain their capabilities to undertake their own adaptation strategies.

## RECOMMENDATIONS

- A human rights-based approach to climate change can be used to clarify who is responsible for climate change adaptation and what their duties are.
- Governments have a responsibility to protect individuals from climate change, but often lack capacity to do so. There is a need to help governments shoulder these difficult tasks, but also to ensure that they fulfill their duty.
- Civil society should hold governments and donors to account to ensure that climate policies are actually implemented. Human rights can provide a mandate and a platform for this.

# The aim is to increase the power and voice of vulnerable populations in climate change

A central challenge to a genuine human rights-based approach is that climate change is often and easily framed as a matter of mere technology transfer

So far, governments have only responded to this challenge to a very limited extent. Good climate change adaptation policies now exist in many countries in the Global South, but they are seldom implemented in reality. Sometimes this is due to a lack of resources, but in many cases it is also caused by a lack of political commitment. In particular, there is a tendency to overlook areas and populations most vulnerable to climate change. When adaptation activities are implemented, they are often short-term projects that do not address critical underlying issues such as ensuring people's access to water and land. In some cases, governments are even exacerbating climate risk and conflicts when natural resources are expropriated or exploited without considering adverse impacts on vulnerable populations.

International NGOs and an increasing number of national civil society organisations have begun to use human rights-based approaches (HRBA) in their work. The aim is to increase the power and voice of vulnerable populations in climate change policies. Civil society organisations are engaging in two ways. First, they use advocacy to raise awareness and put pressure on governments. Second, many are engaged directly in field-level programming to enable affected populations and local authorities to act to address vulnerability.

In order to assess how HRBA is applied to climate change it is essential to look at four specific human rights principles:

- Meaningful participation and opportunity
- Transparency
- Accountability of duty bearers
- Non-discrimination

This policy brief draws on examples from Kenya and Cambodia to illustrate the opportunities and obstacles for putting HRBA into practice.

## Participation and opportunity

The Cambodian government's climate change policies are grounded in a 'trickle down' logic wherein economic growth is expected to lead to greater employment opportunities, which will provide a means to move away from subsistence and smallholder agriculture that is seen not to be 'climate smart'. Many in civil society dispute these policy assumptions and instead emphasise building on traditional livelihoods.

In Kenya, public participation and community-based approaches have long been at the centre of NGO activities. However, many climate change projects focus on technical adaptation measures rather than governance. This is a weak foundation for HRBA and does not lead to broader inclusion of grassroots voices.

## Transparency

In Cambodia, lack of transparency contributes to smallholders' diminishing access to forests and other natural resources. This directly increases people's vulnerability to climate change.

Similar issues apply in Kenya, where land access is still sensitive and opaque, although there have been improvements as a result of the new Constitution. Controversies around agro-fuel schemes have highlighted how climate change mitigation itself may also suffer from lack of transparency in planning and decision-making, becoming in effect 'green grabbing'.

## Non-discrimination

Discrimination receives strikingly little attention in Cambodia, even when climate vulnerability is exacerbated by ethnic discrimination, most notably in the forested highlands. Ethnic Vietnamese fishers too are widely discriminated against, restricting their ability to deal with the impacts of climate on their livelihoods, but as non-citizens they are not seen to be rights holders.

NGO-led climate change activities in Kenya generally have a strong gender focus, and attention to women's rights is one of the few areas where HRBA is articulated fairly explicitly in NGO climate change work. Some NGOs have furthermore played an important role as frontrunners in introducing climate change adaptation activities in some of the arid areas.

### **Accountability**

In Cambodia, most civil society activists relate the lack of accountability to state collusion in defending the interests of the elite rather than the security of climate vulnerable populations. However, the growing strength and confidence of the affected communities has meant that local authorities are starting to recognize the dangers of ignoring their 'downward' accountability to constituencies.

In Kenya, critical observers have noted the lack of government efforts to 'follow through' on climate change - partly in terms of allocating resources to actual implementation and regulation, and partly in terms of upholding climate policies when these collide with economic interests and policies in other sectors.

### **Hard, soft, and complacent advocacy**

There is a continuum between the different approaches towards advocating for human rights in

climate change. An imperfect generalisation is that organisations that base their work on human rights, as defined by legal structures, tend to be outspoken and use hard advocacy to demand that public authorities comply with laws and human rights conventions protecting vulnerable people. Organisations with a sustainable development orientation, on the other hand, often lean towards soft advocacy, working gently to persuade and advise government.

While there are very notable exceptions, a general observation is that most NGOs in both Kenya and Cambodia are quite cautious in their advocacy, with a tendency to quietly seek to influence government policy, and avoid thornier questions of whether and how such policies are implemented.

Many acknowledge that they are unable to address the 'real' human rights issues, as that would compromise their government relationships. In both countries, many argue that in the current closed political climate hard advocacy may be futile. Some NGOs go as far as actively discouraging communities or constituencies from confrontations with the state to avoid the risk of disrupting their programming.



A Maasai woman is collecting water from an earth dam in an area where rain water flows down. This is an example of how to adapt to climate change. After a good rain season this watering hole can provide water to people and animals for six months. Photo: Dieter Telemans © Panos Pictures

### **A change of attitude in climate efforts**

Until recently, most national and international NGOs in both countries have adopted a charity rather than a human rights-based model of programming. NGOs have historically situated themselves as service providers and representatives of the people, but with little downward accountability. There are signs that this is changing, and particularly in Cambodia the NGO community as well as the government have been surprised by the emergence of 'rabble-rouser' community groups that are demanding accountability and transparency from both the state and from the international and national NGOs, which are perceived as having treated people in a patronising manner, as victims rather than rights holders.

A central challenge to a genuine human rights-based approach is that climate change is often and easily framed as a matter of mere technology transfer. Programmes to promote various forms of 'climate smart agriculture' tend to downplay the social, political, and economic drivers of risk and resilience. Practical efforts to link human rights-based approaches and climate change are still in their infancy. As climate change financing expands, these links will increasingly come into focus. Civil society organisations can play an important role by addressing the widespread and serious human rights violations in mal-adaptive development, particularly in relation to dispossessing people of the resources they need to manage climate uncertainty and variability.

Establishing stronger links between climate change and human rights requires that climate efforts are not just technical but also address real climate governance issues. This entails the inclusion of vulnerable populations in the development of climate policies and plans, ensuring transparency and accountability of duty bearers, and spotlighting discriminatory practices.

Human rights-based approaches to climate change are, however, not magic bullets. They must be complemented by other governance measures and by practical support to adaptation and economic development.

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