

**Submission to the Advisory Committee call for contributions on new technologies for climate protection, *by the Geneva Interfaith Forum on Climate Change, Environment and Human Rights***

3 June 2022

From its inception in 2008, the Geneva Interfaith Forum on Climate Change, Environment and Human Rights (GIF) has addressed climate change within a holistic perspective, recognising its environmental, developmental, political, economic, social and cultural implications. Furthermore, from a spiritual and ethical perspective the GIF advocates for climate justice to be central to human rights and climate change discussions.

Against this background, the GIF welcomes the opportunity to share its views in relation to the Advisory Committee call for contributions on the topic of new climate manipulation technologies and human rights and would like to address the following elements while reflecting on what would it take to engage with these technologies from the perspective of human rights: 1) substantive rights and new climate manipulation technologies; and 2) procedural rights: process and participation.

**1) Substantive rights and new climate manipulation technologies**

Human rights and the environment are intertwined. Human rights law is directly relevant to the issue of new climate manipulation technologies, especially in view of the risks posed to a range of rights including the right to life, the right to health, food and the right to an adequate standard of living, but also cultural rights, the rights of Indigenous Peoples, as well as to the right to a clean, healthy and sustainable environment, even more so after the landmark recognition by the UN Human Rights Council in October 2021, that having a clean, healthy and sustainable environment is a human right.<sup>1</sup>

As introduced by the panel during the discussion with the Advisory Committee,<sup>2</sup> the new climate manipulation technologies considered include large-scale interventions in the atmosphere, on land and in the oceans to manipulate the climate system and counteract some of the effects of climate change. The risks, unintended consequences and significant potential impact on human rights that these large-scale manipulation of natural systems inherently carry have been well explained by civil society.<sup>3</sup>

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<sup>1</sup> UN Doc A/HRC/RES/48/13.

<sup>2</sup> UN Doc A/HRC/AC/26/2, pp. 13-14.

<sup>3</sup> See the excellent research published by the Geoengineering Monitor by type of technologies: <https://www.geoengineeringmonitor.org/technologies/#ggr> ; see also the [Hands Off Mother Earth Manifesto](#); and the [Scholars' Call for an International Non-Use Agreement on Solar Geoengineering](#) for instance.

Moreover, the recent IPCC reports highlights several of these risks, including the fact that the climate effect of carbon dioxide removal (CDR) at scale remains unknown, and that CDR may not be effective in reversing temperature rise following overshoot.<sup>4</sup>

Against this background, it seems rather misleading to use the expression “New Climate Protection Technologies” as suggested by the Advisory Committee and it would be more accurate to consider “New Climate Manipulation Technologies”.

It is essential to adopt a precautionary approach in terms of the potential risks for human rights, based on a broad, systemic vision that includes for instance considerations of the risks of weaponization of these geoengineering technologies, or of biodiversity loss.

In this context, the two moratoriums currently established under international environmental agreements are relevant while considering a rights-based approach: the Convention on Biological Diversity, Decision X/33 and the London Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, and Protocol Resolution LC-LP.1(2008) on the Regulation of Ocean Fertilization that prevent climate-related geo-engineering activities that may affect biodiversity in relation to ocean fertilization.

In general, a rights-based approach would require taking into account the environmental and social risks posed by these new climate manipulation technologies, including the risk that they lock in dependency on fossil fuels. The risks should thus be assessed in light of all relevant legal frameworks, including treaties and agreements relating to the environment and to human rights.

## 2) Procedural rights: process & participation

The second aspect relates to procedural rights, and process and participation. If there is to be engagement with new climate manipulation technologies, a number of procedural rights including the right to information, participation and access to justice. These rights and international principles have been established in a number of international and regional agreements including:

- Principle 10 of the Rio Convention in 1992 that states the environmental rights to information, participation and access to justice
- The regional UN/ECE Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

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<sup>4</sup> See especially IPCC Special Report on Global Warming of 1.5°C (2018). See also the synthesis briefing of this report, together with the latest Working Group I and Working Group II reports done by the Center for International Environmental Law (CIEL) and the Heinrich Boell Foundation: [“Beyond the Limits: New IPCC Working Group II Report Highlights How Gambling on Overshoot is Pushing the Planet Past a Point of No Return”](#). See also the following article showing how carbon removal is more of a real hazard than a climate solution: Lawrence, M G, & Schäfer, S (2019). [Promises and perils of the Paris Agreement](#). *Science*, 364(6443), 829-830.

- The Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean known as the Escazú Agreement;
- Article 6 of the UNFCCC and Article 12 of the Paris Agreement also recognize the importance of public participation and access to information in the climate context

Thus, there is an obligation to inform, consult and get public consent when it comes to the deployment of geoengineering. The principle of transparency is also key in this context, as human rights protections are potentially impacted.

When it comes to the land and territories of Indigenous Peoples, the principle of Free Prior and Informed Consent (FPIC) must be respected. In his 2011 Final study on Indigenous Peoples and the right to participate in decision-making, the UN Expert Mechanism on the Rights of Indigenous Peoples stated the following in relation to the implementation of FPIC:

*“The element of ‘free’ implies no coercion, intimidation or manipulation; ‘prior’ implies that consent is obtained in advance of the activity associated with the decision being made, and includes the time necessary to allow Indigenous Peoples to undertake their own decision-making processes; ‘informed’ implies that Indigenous Peoples have been provided all information relating to the activity and that that information is objective, accurate and presented in a manner and form understandable to Indigenous Peoples; ‘consent’ implies that Indigenous Peoples have agreed to the activity that is the subject of the relevant decision, which may also be subject to conditions.”<sup>5</sup>*

Against this background, it is important to highlight that surveys alone for instance do not constitute FPIC.

In its WG 2 Report, the IPCC emphasized the need to center justice from the start in climate action and ensure participatory planning and decision-making involving vulnerable communities throughout design and implementation.

To conclude, it is important that as human beings, we do not confuse knowledge for wisdom. It is important to keep questioning what are the deeper motivations that underpin advancing with new climate manipulation technologies. From an ethical and spiritual perspective, large-scale manipulations of the climate system seem to reinforce “the view that the proper human relationship to nature is one of domination”.<sup>6</sup> Adopting a human rights-based approach is key not to leave out important ethical considerations such as justice, fairness, autonomy and legitimacy.

<sup>5</sup> UN Doc A/HRC/18/42 p. 27, para 25.

<sup>6</sup> Jamieson, D. Intentional climate change. *Climatic Change* 33, 323-336 (1996).