

Global Climate Change and Human Rights Implications: An Emerging Perspective

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ABSTRACT

This paper explores the nexus between climate change and its apparent human rights ramifications especially on the economically and politically powerless people. It explains why climate change is an issue of injustice by examining the environmental challenges posed by climate change and links those challenges to socio-ecological and economic systems that undermine the rights of people, especially the poor, marginalized, and vulnerable. It proposes rights based approach to deal with human rights aspects of climate change.

INTRODUCTION

Climate change is rapidly emerging as one of the toughest and most threatening issue of the 21st century. This issue has the potential to substantially damage our planet. The costs and consequences of climate change on our world will define the contours of this century. Even if nations across our planet were to take immediate steps to rein in carbon emissions—an unlikely prospect—a warmer climate is inevitable. As the U.N. Intergovernmental Panel on Climate Change, or IPCC, noted in 2007, human-created “warming of the climate system is unequivocal, as is now evident from observations of increases in global average air and ocean temperatures, widespread melting of snow and ice and rising global average sea level”. There is now widespread consensus that the Earth is warming at a rate unprecedented during post hunter-gatherer human existence. The last decade was the warmest since instrumental records began in the nineteenth century, and contained 9 of the 10 warmest years ever recorded. The causes of this change are increasingly well understood. The Third Assessment Report of the Intergovernmental Panel on Climate Change, published in 2001, goes further than its predecessors, stating that “There is new and stronger evidence that most of the warming observed over the last 50 years is likely to be attributable to human activities”, most importantly the release of greenhouse gases from fossil fuels (IPCC, 2001).

The environmental and health consequences of climate change, which disproportionately affect low-income countries and poor people in high-income countries, have profound effects on human rights and social justice (HREOC, Australia 2008). These consequences threaten rights embodied in the Universal Declaration of Human Rights, such as the right to security and the right to a standard of living adequate for health and well-

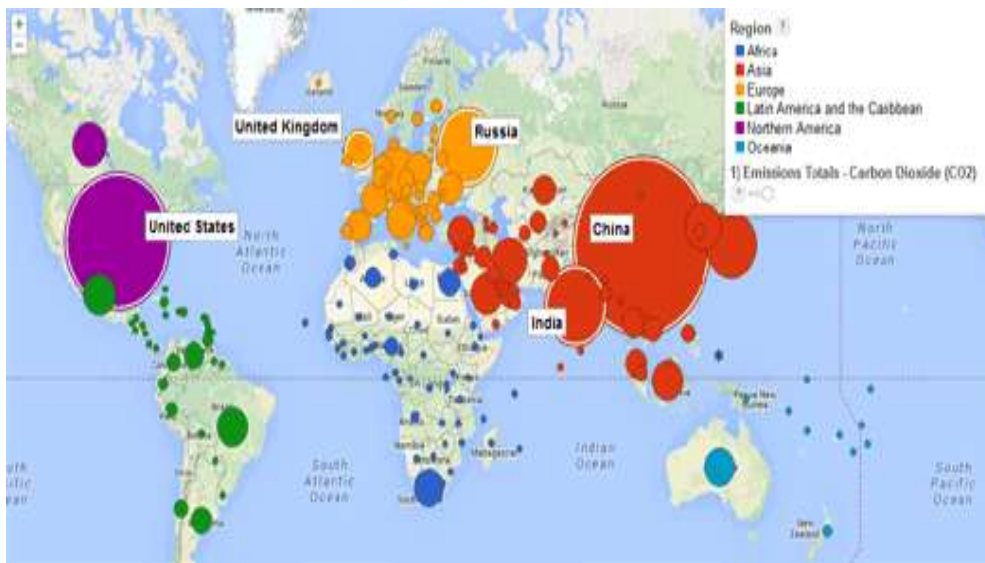
being, including food, clothing, housing, medical care, and necessary social services (UDHR, 1948). They threaten civil and political rights, such as “the inherent right to life” and rights related to culture, religion, and language, as embodied in the International Covenant on Civil and Political Rights (ICCPR, 1966). They threaten economic, social, and cultural rights, as embodied in the International Covenant on Economic, Social, and Cultural rights, including the following (ICESC, 1966):

- The right of self-determination
- The rights to freely determine one's political status and freely pursue one's economic, social, and cultural development
- The right “to the enjoyment of the highest attainable standard of physical and mental health”
- The right to education

And they threaten the rights of women, as embodied in the Convention on the Elimination of all Forms of Discrimination against Women, especially women living in rural areas of developing countries, who are particularly vulnerable to the consequences of climate change (CEDAW, 1979).

II.DISPARITIES AMONG COUNTRIES

There are large inequalities among countries in both the amounts of greenhouse gas (GHG) emissions and the magnitude and severity of adverse health consequences experienced as a result of climate change. Developing countries will experience the greatest impact of climate change (J. Gross, 2002). In general, those countries that contribute the least to GHG emissions currently experience, and will likely continue to experience, the most adverse health consequences as a result of climate change. For example, in 2004, per-capita GHG emissions in the United States, Canada, and Australia approached 6 metric tons (mt), and those in Japan and Western European countries ranged from 2 to 5 mt. In contrast, annual per-capita GHG emissions in developing countries overall approximate 0.6 mt, and more than 50 developing countries have annual per-capita GHG emissions less than 0.2 mt (Patz. JA, 2002).



Source: World Resources Institute, 2014.

Notre Dame Global Adaptation Index ranks 175 countries both by vulnerability and readiness to adapt to climate change. The group measures vulnerability by considering the potential impact of climate change on six areas: food, water, health, ecosystem service, human habitat and infrastructure. The readiness rank weights portions of the economy, governance and society that affect the speed and efficiency of adaptation projects.



Source: Notre Dame Global Adaptation Index

The areas in red, including most of Africa and South Asia, are very vulnerable to climate change and ill-prepared to deal with its impact. The few countries in blue, including Vietnam, Ghana, Rwanda, Namibia and Botswana, are countries that are vulnerable but are relatively well equipped. Countries in yellow are less vulnerable but also less prepared. The countries in green, which include most of the world's developed countries, are both less vulnerable and better equipped to deal with the challenge of climate change.

Here is the map broken down by readiness, with green indicating “more ready” and red indicating “less ready”.



Source: Notre Dame Global Adaptation Index

And here is the map for vulnerability



Source: Notre Dame Global Adaptation Index

According to the index, Norway, New Zealand, Sweden and Finland are best equipped to deal with the pressures of climate change, while the Democratic Republic of the Congo, the Central African Republic, Eritrea, Burundi and Chad are the worst equipped.

Increasingly, the two issues - climate change and human rights - are being recognized as inextricably connected. Two major studies published this year reinforce that link, providing sobering evidence that a hotter, increasingly unstable climate is fueling more conflict and human rights violations, and that it is happening sooner rather than later.

III. AN EMERGING CRISIS CONFRONTING HUMANITY

Climate change is far more than an environmental challenge. It is a profoundly human issue with immediate and far-reaching implications for jobs, homes, health, food, and lives. As a result, the United Nations Development Programme (UNDP) has described climate change as a “human tragedy in the making.” (UNFCCC, 1992) It is also increasingly seen as a justice issue as climate change undermines the realization of a host of internationally recognized human rights, has asymmetrical impacts on the poor and vulnerable, and increasingly requires disproportionate action from developing countries. As the author Amartya Sen (2009) has pointed out, “A calamity would be a case of injustice only if it could have been prevented and particularly if those who could have undertaken preventive action had failed to try. Reasoning in some form cannot but be involved in moving from the observation of a tragedy to the diagnosis of injustice.” (IPCC, 2013) The international community accepts that dangerous climate change is upon us, understands the causes, recognizes what steps need to be taken to change course, and yet persists in delaying action on the scale required. The results undermine human development, compromise human rights, and result in injustice. The livelihoods of roughly 450 million of the world’s poorest people are entirely dependent on managed ecosystem services; (Levy BS, et al 2015) about 2.6 billion people depend on agriculture for their livelihoods; (Patz JA, 2006) and the economic gains from tourism and fisheries in coral reefs, many of which are off the coasts of developing countries in the Caribbean, the Pacific Ocean and the Indian Ocean, are estimated to be worth up to USD 30 billion per year (Gross. J, 2002). According to the Global Humanitarian Forum, economic projections based on an update of the model used in the Stern Review (2009), the impacts of climate change add up to an economic loss of about US\$125 billion per year — more than the individual GDP of 73% of the world’s countries (McGuigan C, 2002). By 2030, the economic losses due to climate change will have almost trebled to US\$340 billion annually (Vidal. J, 2013). These statistics mask the significant impacts on lives and livelihoods contributing to increased hardship at the household level (World Bank, 2014).

Worsening environmental conditions combined with political and financial instability affects where people can live. The United Nations special rapporteur on the human rights of migrants estimates the number of people displaced by climate change to be between 50 to 250 million by the year 2050 (Bush KF, et.al, 2013). According

to the same source, climate change may induce temporary, circular, and permanent migration movements, with those affected moving internally or internationally (Malik SM, 2013). Migration can then become a catalyst for social unrest if increased population density in the host community perpetuates resource scarcity. Bangladesh is often cited as a worst-case scenario. More than 70 million people live in areas that could be affected by extreme weather events, prolonged flooding, and sea-level rise (Patz. J, et.al, 2007). A mass-migration of this scale would be unprecedented. The consequences of such a movement of people into neighboring lands that are already overstressed are uncertain but potentially highly volatile.

Climate change also has direct and indirect impacts on human health. Vector-borne diseases such as malaria, dengue fever, and yellow fever are sensitive to temperature, humidity, and rainfall patterns. As temperature and precipitation patterns alter as a result of climate change, these diseases will spread to areas traditionally outside the disease vectors (Moore FC, 2015). Anantram Kadambari (2006) argues that exposure to extreme weather events such as heat waves, floods, and droughts can also affect human health in a variety of ways including worsening malnutrition, heat stroke, and the spread of communicable diseases (McMichael AJ, et.al, 2004). Perhaps the most fearsome health impacts of climate change are drawn from studies of malaria. One recent study puts the scale of the population at increased risk of contracting malaria in 2050 at around 200 million (Stott. R, 2010).

Food security and hunger are fast emerging as key concerns for governments alarmed by the rate and scale of climate change. According to the World Food Programme, climate change has emerged as a hunger risk multiplier and as a result food security is a priority concern in most of the countries that have developed National Adaptation Programmes of Action (NAPAs). Of the 49 NAPAs developed to date, 78% identify food security as a priority area of intervention (Williams .M, 2013). With the world's population set to reach 9 billion by 2050, agricultural production will need to increase by 60% in order to meet projected demand (Perera FP, 2008) if current patterns and levels of consumption in the 'rich' parts of the world continue and expand, and if food wastage at farm and household level is not addressed. This challenge is exacerbated by a number of climate change related factors that will have an impact on food security, including: declining agricultural productivity; more frequent, erratic and intense climate- and weather-related events; accelerated land degradation; reduced water availability and deteriorating sanitation; increased conflicts over scarce resources; and increased urbanization, migration, and displacement (Rylander. C, et.al, 2013).

The International Food Policy Research Institute (IFPRI) estimates that the risk of hunger resulting from declining production due to climate change will increase by up to 20% by 2050. Temperature rises beyond 2°C are predicted to increase the number of people at risk of poverty and hunger, leaving an additional 600 million facing acute malnutrition by 2080 (Roelofs C, 2015). This at a time when demand for food, water, and energy will grow by approximately 35%, 40%, and 50% respectively owing to an increase in the global population, and the consumption patterns "of an expanding middle class." (Keller. RC, 2015)

1. Advocating a Rights-Based Approach to Climate Change

The HRC (Human Rights Commission) has highlighted the importance of addressing human rights in the context of on-going discussions related to the United Nations Framework Convention on Climate Change (UNFCCC) and the 2030 Agenda for Sustainable Development. The Council has repeatedly made available the results of its debates, studies and activities to the sessions of the Conference of Parties (COP) to the UNFCCC. The outcome document of the 2012 United Nations Conference on Sustainable Development “The Future We Want” reaffirms the importance of human rights for achieving sustainable development.

Prior to this Conference, the UN High Commissioner for Human Rights emphasized the responsibilities that all States have to ensure full coherence between efforts to advance the green economy, on the one hand, and their human rights obligations on the other, in an open letter to all Permanent Missions in New York and in Geneva. The Office also submitted key messages for the Conference. The negotiation of the 2030 Agenda for Sustainable Development provided further opportunities to advocate integration of human rights within the framework of international efforts to promote sustainable development; however, the most critical negotiation, to date, on the subject of climate change, that of a legally binding agreement to limit climate change, is that of COP21 of the UNFCCC (December 2015).

2. Outlining a Rights-Based Approach to Climate Change

As the HRC has stressed, it is critical to apply a human rights-based approach to guide global policies and measures designed to address climate change. The essential attributes to a human rights-based approach are the following: (OHCHR, 2007)

- As policies and programmes are formulated, the main objective should be to fulfill human rights.
- The *rights-holders* and their entitlements must be identified as well as the corresponding *duty-bearers* and their obligations in order to find ways to strengthen the capacities of rights-holders to make their claims and of duty-bearers to meet their obligations.
- Principles and standards derived from international human rights law – especially the Universal Declaration of Human Rights and the core universal human rights treaties, should guide all policies and programming in all phases of the process.

The Universal Declaration on Human Rights, the Vienna Declaration and Programme of Action, the Declaration on the Right to Development, the 2030 Agenda for Sustainable Development, the UN Common Understanding of a Human Rights-Based Approach to Development Cooperation and other instruments emphasize that human rights principles like universality and inalienability, indivisibility, interdependence and interrelatedness, non-discrimination and equality, participation and inclusion, accountability, and the rule of law must guide

development. They outline a conceptual framework for development that has international human rights standards at its Centre and the ultimate objective of fulfilling all human rights for all. The rights-based approach analyses obligations, inequalities and vulnerabilities, and seeks to redress discriminatory practices and unjust distributions of power. It anchors plans, policies and programmes in a system of rights, and corresponding obligations established by international law. (OHCHR, 2009)

Human rights obligations apply to the goals and commitments of States in the area of climate change and require that climate actions should focus on protecting the rights of those most vulnerable to climate change. Human rights principles articulated in the Declaration on the Right to Development and other instruments call for such climate action to be both individual and collective and for it to benefit the most vulnerable. The UNFCCC further elaborates upon the need for equitable climate action calling for States to address climate change in accordance with their common but differentiated responsibilities and respective capabilities in order to benefit present and future generations.

Existing State commitments require international cooperation, including financial, technological and capacity-building support, to realize low-carbon, climate-resilient, and sustainable development, while also rapidly reducing greenhouse gas emissions. Only by integrating human rights in climate actions and policies and empowering people to participate in policy formulation can States promote sustainability and ensure the accountability of all duty-bearers for their actions. This, in turn, will promote consistency, policy coherence and the enjoyment of all human rights. Such an approach should be part of any climate change adaptation or mitigation measures, such as the promotion of alternative energy sources, forest conservation or tree-planting projects, resettlement schemes and others. Affected individuals and communities must participate, without discrimination, in the design and implementation of these projects. States should cooperate to address the global effects of climate change on the enjoyment of human rights around the world in a manner that emphasizes climate justice and equity (Woods, 2010).

A human rights-based approach also calls for accountability and transparency. It is not only States that must be held accountable for their contributions to climate change but also businesses which have the responsibility to respect human rights and do no harm in the course of their activities. States should make their adaptation and mitigation plans publicly available, and be transparent in the manner in which such plans are developed and financed. Accurate and transparent measurements of greenhouse gas emissions, climate change and its impacts, including human rights impacts, will be essential for successful rights-based climate change mitigation and adaptation efforts. Because of the impacts of climate change on human rights, States must effectively address climate change in order to honor their commitment to respect, protect and fulfill human rights for all. Since climate change mitigation and adaptation measures can have human rights impacts; all climate change-related actions must also respect, protect, promote and fulfill human rights standards. (OHCHR, 2009)

IV. CONCLUSION

Climate change is an issue of justice. Climate change mostly affects those who contributed least to the problem, and it undermines human rights including the right to food, to health, and to development. This injustice should be a motivator for collective action toward the internationally agreed 2°C goal. Instead, disagreements over how to apply the principle of equity as contained in the UNFCCC are holding countries back from contributing their maximum climate action as they wait to see what others will do first. Meanwhile, emissions continue to be released into the atmosphere and the impacts of climate change on people, economies, and ecosystems intensify. It is clear that drawing linkages between human rights and climate change has mutually reinforcing benefits for both areas of policy. On the one hand, human rights principles and concepts have the potential to complement traditional climate change negotiations and improve climate change policy by, *inter alia*, focusing attention on the impacts on individuals, especially vulnerable individuals, by emphasizing accountability, and by encouraging and strengthening international cooperation. On the other hand, climate change serves to highlight the inadequacies of existing international human rights law in a globalized world, while environmental policy principles specifically Common but Differentiated Responsibility Principle offer possible guidance on how to respond to those inadequacies. In short, if ideas from international human rights policy, which emphasizes equity within states, can successfully cross fertilize with those from international climate change policy, which emphasizes equity between states, both disciplines stand to benefit as do, ultimately, mankind and the planet he inhabits. Notwithstanding the myriad difficulties and uncertainties inherent in such an exercise, this surely represents a compelling case for political action.

The world must adapt to rising temperatures, rising seas, and rising climate vulnerabilities by charting a common and aggressive course that includes policymakers, NGOs, and residents of the global community. The moral and legal duty to do so effectively is paramount if the world is to avoid the growing risk of adaptation apartheid. Many commentators and international bodies have recognized that applying human rights norms to climate change related injuries could prove normatively beneficial, particularly since it is likely that the most disadvantaged and least-prepared global citizens will suffer the greatest consequences of a warming climate that they played a negligible role in creating. Nonetheless, reconciling this justice-based position within an oftentimes rigid human rights framework has proved challenging. It is difficult to frame doctrinally sound legal claims that can confront those actors that caused, and should be held accountable for, climate change. Considering climate change adaptation more specifically, however, is both normatively desirable and more legally tenable. Adaptation-related human rights claims – together with analyses of diagonally conceived human rights – can help to afford global citizens a more robust international legal framework within which to address climate change. Moreover, insights drawn from human rights should begin to play a larger role in formulating adaptation policy and projects, since these projects will undoubtedly have human implications and a disproportionate impact on vulnerable persons. A human rights approach to adaptation requires flexibility, creativity and temerity, and the law should evolve together with the strategies for adapting to climate change.

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