

AN OVERVIEW OF CLIMATE CHANGE CONCERN ON INDIVIDUAL RIGHTS

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INTRODUCTION

Long-drawn-out, enormous droughts threaten crops, noxious effect on wildlife and freshwater supplies. Beginning with polar bears in the Arctic to marine turtles off the coast of Africa, our planet's multifarious life is at risk from the changing climate. The issue of climate change has captured global attention recently. From relative obscurity in the late 1980s when it was first discussed in the UN general assembly, it has come to be characterized as "the defining human development challenge for the 21st century". Virtually every child on the earth is hitherto affected by climate change. Natural disasters, environmental degradation and biodiversity drop can devastate agriculture, cutting children out from nutritious foods and safe water. They can lead to a menacing environment and disease outbreaks and destroy the safe shelter, quality health care and education systems that children need to survive and thrive. The United Nations Framework Convention on Climate Change (UNFCCC) is intended to be an international apparatus for facilitating international cooperation in securing atmospheric concentrations of GHGs. It states that in all climate change related conduct, parties should completely admire human rights. The UNFCCC has concluded that human-rights considerations should guide the development, perpetration and monitoring of policies, institutions, and mechanisms related to climate that have been recognized under the UNFCCC. The Intergovernmental Panel on Climate Change carried out comprehensive assessments of (a) changes that have occurred and the human contribution to these changes and (b) the probability of further changes. Henceforth, the international community takes place at a clear consensus on all of these issues. Further, while United Nations agencies and national governments have explicitly acknowledged that climate change and responses to climate change can impair individual rights, there has been slightest deliberation corresponding responsibilities of governments and private thespians to address this problem. Whether described in the dialect of vulnerabilities or

articulated in more explicit human rights terms it indicates a concern for human rights principles in climate change strategies. Those principles should not be disregarded in any outcome or agreement, even if they are only general declarations of goals.

1. CLIMATE CHANGE AN INTRUSION INTO NATURE

Within the prevailing prose, the right to a clean environment is sometimes distinguished from the human right to remedies accruing from the significances of climate change. The UN Special Reporter John Knox, is among the scholars who have made distinction on Human Rights and the Environment. The effects of climate change on diverse sectors of society are interconnected. Food production and human health are distracted by drought. Flooding can lead to disease unfurl and damage to ecosystems and infrastructure. Climate change impacts are seen throughout every facet of the universe we live in. However, climate change impacts are jagged across the country and the world even among a single community, climate change impacts can differ along with neighbourhoods and individuals. Established inequalities in the economy can make underserved groups, who frequently have the highest acquaintance to hazards and the fewest resources to respond, more susceptible.

1. ADDRESSING CLIMATE CHANGE WHILE PROTECTING HUMAN RIGHTS

Strategies to address climate change fall into two broad categories: (a) mitigation (primary deterrence), which consists of approaches to stabilize or shrink the production of GHGs; and (b) adaptation (secondary deterrence), which consists of approaches to shrink the community health influence of climate change. The 2015 Lancet Commission on Health and Climate Change has recognized the essential policy responses to the impression of climate change to “safeguard the highest attainable standards of health for inhabitants worldwide.” Since climate change unfavourably affects human rights, these rights need to be considered in scheming and investigating mitigation measures and adaptation measures. Governments should

organize multi sectoral involvement of agencies and organizations, guaranteeing a focus on protecting vulnerable inhabitants. Governments should not only address immediate complications but also develop long lasting strategies and platforms to protect and endorse human rights that are threatened by climate change.

In 1972, the Stockholm Declaration on the Human Environment spoke of the ultimate right to freedom, equality and acceptable circumstances of life as “in an environment of a quality that certifies a life of self-respect and comfort,” proclaiming that the present cohort tolerates a solemn responsibility to protect and improve the environment for present and future generations. This connection of the ecological and human rights approaches to environmental protection saw little progress over the next 20 years¹² By the time of the Rio Earth Summit in 1992, the human rights language had softened substantially, shifting down from a focus on people to “nature” and pertaining to human beings simply as “the central concern of sustainable development entitled to a healthy and productive life in harmony with nature”.

Heat waves, which have increased frequency in recent times, cause a variety of heat related disorders and exacerbations of cardiovascular diseases, respiratory disorders, and other chronic conditions. Studies of heat waves and their adverse health consequences have identified vulnerable populations at especially high risk of morbidity and mortality. Climate change has increased and is likely to produce more extreme weather events and has increased precipitation and flooding in certain areas. Furthermore, climate change in other areas is increasing the intensity of droughts. Poor and marginalized people who live in flood plains and drought-prone areas are especially vulnerable to extreme weather events and their antagonistic consequences on health and human rights. Average sea level throughout the world has increased about 20 cm during the past 100 years, a far greater amount than in the previous 2000 years. It has been recommended that the foremost concern of the Rio Declaration was the conjugation of environmental protection with economic development, and that the reconciliation of economic progress with environmental protection remains

the focus of environmental diplomacy. While there has been a momentous international encounter on the climate change front, the fact that the draft agreement for COP21 debates a “facilitative, non-punitive, non-adversarial and non-judicial” agenda for international climate change governance. There are some non-binding human rights credentials that could deal with climate change-related anxieties. If the UNFCCC procedure ends up with an alike non binding credential, it could barely be described as a victory because it overthrows the objective of creating a binding agreement.

2. A HAVELY INTERVENTION INTO THE HUMAN RIGHTS

Climate change places humanity at risk and has vibrant and immediate implications for the complete enjoyment of human rights.¹⁵Contending climate change consequently requires actions that are focused on its effects on human rights. Correspondingly as important as this expectancy of assimilating human rights principles into climate change action is the need to spell out explicit ways this anticipation can be met in international, national, sub national and corporate climate change stratagems. Only 12 countries mainly from Central America, Europe and Asia are transmitted to the UNFCCC and the Human Rights Council as per the 2014 research conducted by the Mary Robinson Foundation. The Intergovernmental Panel on Climate Change’s Fifth Assessment Report provides a detailed picture of how the observed and predicted climatic changes will adversely affect millions of people and the ecosystems, natural resources, and physical infrastructure over which they hinge on. These destructive impacts comprise sudden-onset events that impose a direct threat to human lives and safety, along with more gradual forms of environmental degradation that will destabilize access to hygienic water, food, and other vital resources that support human life.

1. WHEN FEEDERS LEAD TO DEATH

Climate change is also one among the major root causes of conflict around the world; it leads to food shortages, terrorizes people's livelihoods and relocates entire populations. Where institutions and governments are incapable to manage the stress or absorb the shudders of a changing climate, unsteadiness will remain an enduring threat. 2015 research revealed that the planet had lost around one-third of its arable land in the previous 40 years, in huge part due to climate disasters and poor conservation. On weary agricultural land above 1.3 billion people are settled, putting them at danger of depleted harvests that can cause hunger, poverty and displacement. The most essential part of healthy crops and ecosystems is soil and indeed it is being lost between 10 and 100 times faster than it is forming, nevertheless, current exploration suggests conservation measures can help substantially to tackle the situation. As the war in Ukraine forced chain disturbances, the number of people suffering critical food instability increased from 135 million in 2019 to 345 million in 82 countries by June 2022, and the sustained economic fallout of the COVID-19 pandemic pushed food prices to all-time highs. However, disparities in temperature and precipitation have also detrimentally affected wheat and maize production in many regions.¹⁷ There is also an indication that extreme weather events have wedged food production, but it is not possible to say that these specific events were caused by climate change nevertheless climate change will increase the likelihood of such events. As mentioned, climate change is also adversely impacting the productivity of fisheries.

Moving on, it is most likely that climate change will unpleasantly impact the production of major crops such as wheat, rice, and maize in both tropical and temperate regions. The food safety risk will be extreme in low-latitude countries, where it is apparently sure that they will be "consistently and negatively" affected by climate change in a 2°C warming situation as well as fishery production will also decline. Even in the near term, the impacts on global food security could be devastating significantly, 10% of the projected impacts on food security under a 2°C warming situation showed yield losses

of more than 25% for the period 2030-2049 consequently greater losses are expected after 2050.

2. OBLIGATIONS TOWARDS A BETTER TOMORROW

Despite the fact, the linkages between climate change and human rights are clear, it is not too often that UN human rights bodies and national governments have begun to develop consensus on this issue. Hitherto, the consensus has extended to a conclusion that climate change will interfere with the full enjoyment of human rights. There is a lesser amount of pact on the nature of corresponding obligations of governments and private actors to address the human rights implications of climate change. There are obligations that are enumerated in the Universal

Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), as these encompass the fundamentals of international human rights law. State also contains a huge commitment under the UNFCCC and other agreements and in relation to these core treaty obligations. It is worth noting that a country's legal obligations may differ reliant on which treaties it has ratified, however, there is growing consensus that most or all of the rights enumerated in the UDHR institute customary international law, and as such, they are binding on all states regardless of treaty ratification status.

It is commonly tacit that inadequate environmental conditions can destabilize the effective enjoyment of other enumerated rights, such as the rights to life, health, water, and food. The ICESCR had directed states to adopt measures which are necessary for the "improvement of all facets of environmental and industrial hygiene" in order to entirely realize the right to health. Additionally, the 1972 Stockholm Declaration recognized a fundamental right to freedom, equality and adequate circumstances of life, in an environment of an eminence that permits a life of dignity and well-being. While this declaration deceptively recognizes a right to a satisfactory environment, it lacks the power of a binding treaty. On the other hand, as

recognized by the Office of the UN High Commissioner for Human Rights (OHCHR), this declaration reflects a general acknowledgement of the interdependence and interrelatedness of human rights and environment. OHCHR's conclusion is supported by the UN Independent Expert on Human Rights and the Environment's 2013 mapping report, which concluded that human rights law includes obligations relating to the environment that include both procedural obligations as well as substantive obligations.

The right to a hygienic environment has either been explicitly included in or construed as a fundamental constituent of many regional human rights agreements and national constitutions.²⁵ As with the national and sub national plans it is important to join the corporate sectors for the improvement. While these corporate plans come under the broad rubric of the "environmental," they could comprehend significant climate change elements as well.

Power generation and distribution companies are often concerned in the climate change debate for the reason that their activities contribute significantly to greenhouse gas emissions. Moreover, these companies recurrently carry on their business in proximity to indigenous communities whose rights and interests over the land, culture and resources have to be encompassed in corporate accountability measures. It is obvious, therefore, that these companies should conduct their activities in a partaking and pro-rights manner to gain the trust and support of the members of such communities. Explicitly, if power companies have designed climate change or other environmental policies, the human rights of the communities affected or likely to be affected by their businesses should be integrated into such policies.

3. GLOBAL ACCESS INTO THE CHANGE

Current international human rights law does not recognize the influences of climate change on the basis for human rights claims, which implies that there is a gap in the international normative system. Furthermore, it is generally accepted that climate change has undesirable impacts on a range

of human rights, the international legal system has not yet specifically assigned responsibility for the grounds of climate change on the basis of human rights norms. In his prospectus the individuals have an international human right of some sort that is violated by the emission of greenhouse gasses, and that right should be vindicated in human rights litigation which is not normatively attractive. Even though there are declarations and agreements avowing the importance of the environment or even the right to live in a healthy environment, such declarations do not create an international human right to a healthy environment. While climate change infringes human rights, international law does not guide on how this harm can be redressed.

Furthermore, an effective climate change governance strategy requires international collaboration. This is for the reason that although the causes of climate change are positioned within political borders, their effects evidently transcend them. An alternative framework for instance Jutta Brunnee and Stephen Toope's "interactional theory" of the international system could be supportive at least to the extent that it breaks down the borders of the traditional understanding of sources or legitimacy of international law. In regard to this theory, what meets the requirements as international law in the climate change context depends on whether a wide enough range of actors and participants created it through mutual construction because it fits traditional boundaries of international legality for instance treaties or custom.

UNHRC has issued five resolutions recognizing the linkages between climate change and human

rights on the report, these include:-

- Resolution 10/4 (2009), concluded that it would be necessary for international cooperation to enable implementation of the UNFCCC.

- Resolution 18/22 (2011), which avowed that human rights all together have the potential to inform and strengthen international and national policy making in the zone of climate change. Resolution 18/22 has also been asked for additional information on how to address the adversative impacts of climate change on the complete enjoyment of human rights.
- Resolution 26/27 (2014), which clearly recognized that crucial importance of continuing to indicate the adverse consequences of climate change for all, particularly in developing countries and its people whose situation is most vulnerable to climate change, especially those in a situation of extreme poverty, and deteriorating livelihood conditions and the states obligations in human rights.
- Resolution 29/15 (2015), which indicates the same language on State's human rights obligations as Resolution 26/27, and signifies a new study on the relationship between climate change and the human right to the peak attainable standard of physical and mental health.⁴⁰ Even though, UNHRC have not issued a clear declaration on the obligations of governments or other instruments to respond towards the human rights implications of climate change, there is abundant evidence that indicates certain obligations do exist. Specifically, the Independent Expert's 2013 mapping report on Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment frameworks numerous statements from the UN human rights treaties and other UN bodies and mechanisms, regional human rights systems, and international environmental instruments, all recognizing various human rights obligations associated with climate change. The UNFCCC COP had formally recognized the linkage between climate change and human rights in the 2010 Cancun Agreements, wherever the Parties agreed to emphasize that countries, in all climate change-related actions, fully respect human rights.⁴² But the COP has done insufficient in the past five years to elaborate on how countries should fulfill that goal. In the provisional, numerous declarations and submissions have been made inviting the COP to incorporate human rights considerations into its decisions and agreements.³⁵

All this can be done with an awareness that while “respect” can designate demands made upon corporate entities, it may not sufficiently capture the duties of states required to do above respect rights in climate change policies and laws. The preliminary conclusion from reading some of these policies and laws is that they evade the use of direct human rights language. Instead, they tend to employ substitute expressions that may be normatively valuable, but are still not as effective as more explicit human rights terms.

Canada’s Action on Climate Change provides a summary of how the Canadian government has responded to the threat of climate change in 2015. The document relies on what the government has done, not what it intends to do. It defines what has been done to reduce greenhouse gas emissions and the government’s efforts to facilitate the production of clean energy technologies and green infrastructure. Canadian victory over the Liberals in 2006, the Conservatives under Prime Minister Stephen Harper abandoned the 2002 plan and replaced it in 2007 with what they labeled as a “*Regulatory Framework for Air Emissions*”. It was an agenda to create a regulatory framework for the narrower subject of air quality. It included compulsory and enforceable reductions in emissions of greenhouse gasses and air pollutants that will distribute tangible benefits to the health of Canadians and their environment. It stated that the concentration of greenhouse gasses due to human activity is creating changes in the climate, including transformed wind and precipitation patterns and the augmented incidence of extreme weather events, droughts, and forest fires. The framework emphasized how climate changes could imperil the way of life of vulnerable communities around the world and in Canada.

CONCLUSION

Climate change and responses to climate change will have a thoughtful effect on the exercise of human rights for millions and conceivably billions of people across the world. This will happen through both direct influences on humans and settlements, along with the dereliction of the ecosystems and environmental resources upon which many lives and livelihoods depend. Respect, protect, and fulfill human rights, are the obligations vested on states and this comprises obligations to mitigate domestic GHG emissions, protect citizens against the harmful effects of climate change, and ensure that responses to climate change do not result in human rights violations. Although states have taken important steps on the way to fulfilling these obligations, there is more to be completed. Specifically, states need to upsurge their ambition with respect to both climate change extenuation and adaptation, and work supportively to ensure the protection of human rights for all citizens across the world. There is therefore an instantaneous need to translate the text proposal in ways that assimilate human rights into practical actions in specific climate change policies.

Climate change is the greatest threat to our existence in our short history on this planet.

Nobody's going to buy their way out of its effects.”

– Mark Ruffalo