

# Addressing Climate Change through Sustainable Development and Promotion of Human Rights

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## ABSTRACT

*Climate change certainly poses a risk to the human rights of millions of people. The threat includes their rights to life, food, water and health etc. The risks are comparatively more in developing countries including India other South Asian countries, where extreme weather events, crop failures and other emergencies related to climate change are projected to occur with greater frequency. It is a fact that most of the developing countries lacks the necessary technological and financial resources to adapt to climate change. Financial, economic and food crises along with growing populations creates difficulties in realizing the economic, social and cultural rights of their people.*

*It is a matter of fact that capacity of developing countries to realize human rights domestically is further limited as a result of the over-use by developed countries of the global atmospheric space and the global carbon budget. This paper while basing its analysis on both primary and secondary literatures would attempt to bring out and understand the trends of international human rights obligations in light of the multiple constraints climate change poses to the sustainable development of developing countries. Climate change will impact a wide range of these human rights and could potentially lead to their serious and widespread violation. Preventing climate change-induced human rights violations requires intensive international cooperation. In particular, it requires that inequities between developed and developing countries and their citizens are addressed in accordance with the legal principle of affirmative action. This paper demonstrates that the framework provided by the United Nations Framework Convention on Climate Change (UNFCCC) is particularly suitable to facilitate rights-based cooperation in accordance with the principle of affirmative action and the legal duty of all states to cooperate to realize human rights. The UNFCCC framework, including the UNFCCC and the Kyoto Protocol, is premised on legal principles that run parallel to, and reinforce, international human rights obligations.*

**Keywords:** *Climate Change, Sustainable Development, Kyoto Protocol, Human Rights*

## 1. INTRODUCTION

As climate change becomes more intense, its impact is more than rising seas and alterations in weather patterns. Hence, climate change has all potential to become a severe human rights issue. Climate change is increasing inequality and impacting territorial integrity and security as well as provoking the forced displacement of people and thus seriously affecting the human rights of people all over the world.<sup>1</sup> It is undoubted that climate change is caused by human beings. The Intergovernmental Panel on Climate Change (IPCC) has confirmed in its several reports that climate change is manmade and caused by the excessive emission of greenhouse gases (GHGs) since the widespread of industrialization.<sup>2</sup> One hundred and ninety four (194) states have agreed with this assessment in ratifying the United Nations Framework Convention for Climate Change (UNFCCC)<sup>3</sup> in which a legal definition of climate change is found in Article 1 that states “a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods.”

<sup>1</sup> How does climate change affect human rights, world council of churches, Published on 25<sup>th</sup> June 2014. World council of churches: A worldwide fellowship of churches seeking unity, a common witness and Christian service Accessible at: <https://www.oikoumene.org/en/press-centre/news/how-does-climate-change-affect-human-rights>.

<sup>2</sup> IPCC's Fourth Assessment Report at [www.ipcc.ch](http://www.ipcc.ch).

<sup>3</sup> United Nations Framework Convention on Climate Change Article 1(2), May 1992, S. Treaty Doc. No. 102-38.

Developed countries as a result of their industrialization process and with the process of production and consumption patterns have accounted for around three-fourths of total anthropogenic emissions of greenhouse gases into the atmosphere.<sup>4</sup> This process of rapid spread of emission can be traced back to 1850s with the advent the industrialization. Developing countries on the other hand despite of their larger populations have contributed much less to such anthropogenic emissions because of their lower industrialization levels. It can be very much clear from the fact that the higher populated country like India shares comparatively less emissions than the industrialized countries of US and Japan or China. It is a major concern in the recent times that the share of emission in the developing countries are in the process of increase at a rapid rate due to the social and developmental needs.

The statistics says that if the trends will continue without change it can reach at a level of 2 degree rise in global average temperature by 2050 (IPCC).<sup>5</sup> As a result severe problem may occur like acute water shortages, food shortages as a result of slow agricultural production. Besides that another prediction says that by 2020 it has the possibility of 1 degree and by 2025 1.3 degree which has the capacity to impact the livelihood factors of people especially poor and in developing countries. It has found that the human and financial costs to countries of coping with extreme weather events, crop failures and other emergencies related to climate are growing and will continue to grow higher. Developing countries, especially Least Developed Countries (LDCs) and Small Island Developing States (SIDS), who are already facing difficulties in alleviating poverty as a result of their economic situation, are particularly vulnerable to the adverse effects of climate change because they “have fewer resources to adapt: socially, technologically and financially”<sup>6</sup>. The need for developing countries to ensure sufficient economic and social development and growth patterns in order to fill the development gap must hence be fully recognized. This need is amplified by growing populations in developing countries. Developing countries’ populations are estimated by the United Nations to grow by almost half by 2050 (from around 5.3 billion in 2005 to 7.9 billion in 2050<sup>7</sup>). This means, unavoidably, that developing countries’ GHG emissions will also need to grow if they are to secure adequate economic and social development.<sup>8</sup> With a limited global carbon budget, developed countries (whose populations will remain stable up to 2050 at around 1.25 billion) will need to make even deeper emissions reductions to be able to provide developing countries with the additional emissions budgets. However, at the same time, the growth of emissions in developing countries could be lowered if their economic development could be generated using low carbon technologies, which will require developed countries, consistent with the UNFCCC, to provide greatly increased flows of financing to acquire such technology and undertake actual transfers of such low carbon technology to developing countries.

Hence, for developing countries, by and large, achieving sustainable development remains the primary and overriding national policy objective to which all other policymaking should contribute. This is also the reason why, in the climate change negotiations, developing countries have been insisting on ensuring that any agreed outcomes be balanced and reflect the essential development concerns and interests of developing countries – not only in order to reflect the treaty foundations of these processes but also to ensure that there is no intended or unintended foreclosure of the sustainable development prospects of developing countries as a result of such negotiations. Sustainable economic development – that is, a development pathway that provides adequate economic opportunities and a decent quality of life in a manner that is equitable and environmentally sustainable – is needed. The poor in developing countries simply cannot afford to see development in their countries be constrained by climate change. Development is also urgently needed in order to minimize and mitigate climate change risks by improving developing countries’ adaptive capacity. Furthermore, developing countries would be in a better position to participate in global efforts to address climate change if the basic economic needs of their populations are already

<sup>4</sup> Julio Faundez, Celine Tan, 2010, *International Economic Law, Globalization and Developing Countries*, Edwar Elgar Publishing House, pp-382.

<sup>5</sup> Climate Change 2014 Synthesis Report Summary for Policymakers, This Synthesis Report is based on the reports of the three Working Groups of the Intergovernmental Panel on Climate Change (IPCC), including relevant Special Reports. It provides an integrated view of climate change as the final part of the IPCC’s Fifth Assessment Report (AR5).

<sup>6</sup> UNFCCC, *Climate Change: Impacts, Vulnerability and Adaptation in Developing Countries* (2007), p. 6

<sup>7</sup> <http://esa.un.org/unpp/p2k0data.asp>.

<sup>8</sup> Recognized and reflected in the third paragraph of the Preamble as well as in the framework of commitments in the UNFCCC itself which does not require any specific mitigation obligations on the part of developing countries

met. Sustainable development as the overriding priority of developing countries must be placed at the heart of the global climate change discourse.

## 2. LINKAGES BETWEEN HUMAN RIGHTS AND CLIMATE CHANGE

International human rights law plays a pivotal role for states dealing with climate change for various reasons. It provides relevant legal obligations that serve as a basis for state responsibility. As a result they have been defined in treaties or by the consensus of states as obligations that violations of such will give rise to specific legal consequences. Hence, international human rights law strengthens the legal framework of the UNFCCC by providing parallel legal obligations. International human rights law also provides, together with principles of general public international law, for a duty of cooperation between states. International human rights law more significantly provides forums for interpreting states obligations and applying them to specific situations. This may include interpreting the general duty to prevent or compensate for harm. A number of specific human rights are implicated by climate change.<sup>9</sup> In each case because climate change can be attributed to the actions of individuals acting on behalf of states with either implicit or explicit consent of states, when it causes harm to these human rights state responsibility for a violation of human rights may be incurred. Several of these human rights are discussed below.

### 2.1 The Right to Life

There are several actual and projected effects of climate change that have a negative impact on the right to life. For example, the increasing intensity of tropical storms in Sub-Saharan Africa has already cost thousands of lives.<sup>10</sup> Climate projections show a rising trend of climate disasters both in developed and developing countries. These impacts occur and will even intensify due to the high concentration of GHGs that have already been emitted mainly by developed countries. However, as was stated above, developing countries are and will be most seriously affected while often lacking the ability to mitigate and adapt to climate change. Illustratively, near about 85 per cent of the people exposed to climate disasters live in the developing world, and more than half of disaster deaths occur in countries with a low human development index.<sup>11</sup>

The IPCC suggests that climate change can be mitigated to such an extent that the most dangerous scenarios of climate change – with millions of people being killed by climate change – would not occur. Such a level of mitigation cannot be reached without deep domestic emission cuts by those who are historically responsible for climate change (i.e. the developed countries); neither can it be reached without the transfer of technology and financial resources to developing countries which would enable them to avoid ‘polluting’ development paths. This is because developing countries cannot be asked to halt their efforts to achieve greater levels of industrial development for their people, even if these efforts cause an increase in GHG emissions. The UNDP points out, for example, that 1.6 billion people in the world still lack access to electricity. And the provision of electricity to rural regions of Bangladesh is estimated to have averted 25 child deaths for every 1000 households connected. In developed countries, however, deep emission cuts are very unlikely to affect the fulfillment of basic needs or have life-threatening consequences. In addition, economic studies suggest that hundreds of billions of dollars are needed annually for adaptation in developing countries. Without such funding, developing countries might not be able to protect the right to life of their inhabitants against the projected impacts of climate change.

### 2.2 The Right to an adequate Standard of Living

Climate change not only have an impact on the right to life; it also impacts a range of other human rights, including the human right to an adequate standard of living. This right comprises several components, including housing, food, water and clothing. Once again, the impacts on this right are already visible in developing countries and are projected to worsen in the future. For example, in relation to the right to food, in Southern Asia yields from rain fed

<sup>9</sup>Climate change and human rights, Prepared for the United Nations Environmental Policy in Cooperation with Sabin Centre for climate change law, Columbia Law School, UNON Publishing Services Section, Nairobi – ISO 14001:2004-certified, December 2015.

<sup>10</sup>United Nations Environment Programme (UNEP), Global Environment Outlook 4: Environment for Development 367 (2007), pp. 302-303

<sup>11</sup> Links between Natural Disasters, Humanitarian Assistance and Disaster Risk Reduction: A Critical Perspective, Fighting climate change: Human solidarity in a divided world Human Development Report 2007/2008.

agriculture could decrease by 50 per cent between 2000 and 2020 due to decreasing rainfall in this region.<sup>12</sup> This will likely bring about food shortages, price increases and unemployment. Coping strategies to deal with these changes, including reducing food consumption, cutting back on the nutritional quality of food, and preventing children from attending school, also have an impact on a wide range of human rights.<sup>13</sup> The right to adequate housing will also be affected in many ways. For example, for urban slum dwellers that cannot draw on their savings, increasing exposure to floods poses an immediate threat to their lives and livelihoods and in particular on their right to adequate housing. It is also projected that an estimated 1.8 billion people are at risk of being forced to live in a water scarce environment by 2080 as a consequence of climate change, causing interference with the right to water. Violations of the right to an adequate standard of living may occur through acts that are attributed to states and causes climate change, or through states' failure to act in relation to mitigation and adaptation, as described above in relation to the right to life. In considering whether a violation of the right to an adequate standard of living has occurred it will be taken into account that the enjoyment of this right depends for a large part on a country's ability to realize its sustainable development objectives. This makes it even more important to consider states' legal obligations to respect, protect and fulfill this right in full recognition of the UNFCCC and its key principles, including the right to development, and the duty to cooperate.

### 2.3 The Right to Health

There are impacts that have a particular bearing on the right to health, such as the projected increased occurrence of diseases such as cholera, malaria, virus, dengue fever, scrub typhus and schistosomiasis due to temperature and geographic changes associated with climate change.<sup>14</sup> Many of these effects will be felt most in societies where access to health care facilities is already inadequate. The threat to the right to life will be greater in the many developing countries where healthcare delivery and basic services are compounded by water quality problems, including contamination of water supply. Inadequate energy production also leads to power outages that cause disruption to the public water supply. This often occurs in countries where fresh-water availability is decreasing due to increasing desertification and salinization. It is the international or interstate dimension of the right to health that is particularly relevant to developing countries seeking to protect the rights of their inhabitants against the impacts of climate change. As to the occurrence of violations of the right to health, similar remarks can be made as in relation to violations of the rights to life and to an adequate standard of living. When applied to the facts on the health impacts of climate change this means, among other things, that developed states may be responsible for violating the right to life if they fail to ensure that low-income states can put in place the necessary facilities to avoid devastating health impacts resulting from climate change.

### 2.4 The Right to Development

The Right to Development has been articulated and recognized as a distinct right. This right evolved from a number of UN General Assembly resolutions, most notably the Declaration on the Right to Development that was adopted by an overwhelming majority of states in 1986. The Declaration on the Establishment of a New International Economic Order<sup>15</sup> and the Charter of Economic Rights and Duties of States<sup>16</sup> both from 1974. These instruments were based on the ideas of equity, common interest and interdependence as basis for the right of countries to development. The two covenants (ICCPR and ICESCR) contain several rights that form the basis of development of the individual such as the right to life, the right to an adequate standard of living, and right to health.

## 3. CONCLUSION

The above discussion clearly states that the intervention towards environment by causing emissions directly affects the livelihood, health, economy, life style and more particularly the rights of the human being as a whole. It should

<sup>12</sup> United Nations Development Programme (UNDP), Human Development Report 2007/2008 (Fighting climate change: Human solidarity in a divided world)(2007), p-91

<sup>13</sup> *ibid.*, pp.-74

<sup>14</sup> IPCC 4AR Synthesis Report, p. 48

<sup>15</sup> UNGA Res. 3201 (S-VI), Official Records of the General Assembly, Sixth Special Session, Supplement No. 1(A9556) (1974).

<sup>16</sup> UNGA Res. 3281 (XXIX), Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 31(A/9631) (1974).

be noted that all the interventions towards the climate change and environment is mostly done by developed countries. The per capita emissions of developed world has worsens the situation further. At this critical juncture serious attempts need to be taken to address the failure of developed countries to comply with their UNFCCC obligations. It has all the potential to widespread human rights violations. Hence, developing countries without any alternative option may turn to international tribunals to address this failure. International tribunals could be requested to clarify the legal obligations of states under international human rights law in relation to climate change and climate change legislation.

The developed world need to proactive in rethinking their approaches to give space the developing world with timely and adequate action on climate change. This can be effectively protect the rights of hundreds of people across the globe including developing countries only by following certain strict norms and regulations which can check the emission and enable development. To ensure the same economic and ecological inequities between developed and developing countries need to be minimized and developing countries should allow to carry out their developmental agendas. It cannot be neglected as climate change undermines internationally protected human rights, especially in developing countries. To prevent future human rights violations, however, intensive international cooperation is needed to ensure that developing countries are able to mitigate and adapt to climate change.

The threat that climate change poses to human rights will very likely amplify without increased compliance with and strengthening of the UNFCCC framework. The United Nations Development Programme (UNDP) has recently concluded that “climate change is a human tragedy in the making. In the discussion we have arrived at appoint that the full protection and promotion of human rights can only be achieved if the economic, social, political and ecological inequities that currently characterize global relationships between developed and developing countries, and their citizens are adequately addressed. Any violation to human rights can lead further serious consequences as it can go before the international tribunals that would require it to clarify the legal obligations of states under international human rights law in relation to climate change and climate change legislation. This opportunity for encouraging timely and adequate action on climate change will become all the more viable as developed countries continue to fail to comply with their obligations under the UNFCCC and the threat to human rights intensifies as a result of this failure.

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