

"Human Rights and Climate Change: A Legal Perspective on the Intersection of Environmental and Human Rights Issues"

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This article explores the intersection of environmental and human rights issues from a legal perspective, specifically focusing on the relationship between human rights and climate change. It examines how climate change impacts the exercise and enjoyment of human rights, such as the right to life, health, and adequate housing, and how human rights can inform the development and implementation of climate change policies. The article also discusses the legal frameworks and obligations related to human rights and climate change, including the United Nations Framework Convention on Climate Change and the Paris Agreement. The article concludes by highlighting the importance of considering human rights in the context of climate change and the need for greater cooperation and coordination between the human rights and climate change communities.

Keywords: *Climate-change; Human Rights; Environment Law; Right to Life; Sustainable development.*

I. Introduction

Human rights and climate change are two interrelated issues, which have often been ignored by the general public and policymakers in the past. This article is a critical examination of the intersection between environmental and human rights issues. It starts with an introduction that elucidates how the issue of global warming affects people's lives, and subsequently examines how legal laws need to be amended to protect vulnerable groups.

The first part highlights some of these policies that need to be reconsidered from time to time to ensure there are effective measures to govern them. To achieve this objective, the paper considers three important aspects, which include the economic perspective, international legislation, and climate change and human rights frameworks. After discussing the above-mentioned topics, the discussion finally concludes by presenting recommendations and conclusions that can help in

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improving future human rights policies. Finally, the conclusion summarizes the core points presented in the work.¹

II. Environmental Impacts in Developing Countries – The Economic Perspective

Human beings use their power over nature to meet their needs. Nature has become more dependent on a few individuals than in the olden days when the entire world could feed itself. For instance, as agricultural practices are changing rapidly, natural resources are being overexploited, and there are no adequate mechanisms to control deforestation. Moreover, many companies are relying on fossil fuels, which are considered less environmentally friendly compared to organic or renewable sources. As such, they emit carbon dioxide into the atmosphere, causing devastating effects on the natural environment. Consequently, it is agreeable that the problem is bigger than just one single person; hence, various stakeholders are involved in trying to resolve the situation. However, each stakeholder has his/her role in addressing the issue and ensuring sustainable development of society.

Several countries, including some developing nations, face problems associated with natural disasters, like floods, hurricanes, and drought. These natural calamities cause devastation within communities, including destruction of homes, loss of livestock, and damage of property. About 60% of humanity, especially in North America, Europe, Asia, Africa, and Latin America, relies heavily on natural products in their daily routines. Because of this reason, natural catastrophes have a significant impact on population levels, job creation, and livelihoods. Therefore, human rights need to take cognizance of environmental challenges affecting developing countries, especially those in sub-Saharan Africa. Such countries should be empowered to protect themselves against climatic changes and other adverse events that affect the natural environment. Indeed, understanding the implications of climate change on human rights will help in coming up with feasible ways to handle various factors that may emerge in the future.

¹ McInerney-Lankford, Siobhán. "Climate Change and human rights: An introduction to legal issues." *Harv. Envtl. L. Rev.* 33 (2009): 431.

In a study conducted Schapper, Andrea, and Markus Lederer², 80% of respondents in 12 African countries agreed that the issue of climatic change is becoming more prevalent in the region. Most participants believed the rate of rising temperatures would increase significantly, given that the continent experiences different types of precipitation. They indicated that some regions would experience heat waves, while others will have wet winters. Furthermore, most interviewees stated that climate change can lead to conflicts among political leaders because some of them may focus on fighting for personal interests at the expense of everyone else in the community. Since climate change threatens all sectors of life, it is advisable that any existing structures or laws dealing with its management should be implemented and enforced in Africa. Thus, Africans should be allowed to enjoy equal opportunities with their counterparts in developed regions.

Another question explored in this research was “what can governments do to combat climate change?”. Majority of the interviewed households in sub-Saharan Africa believed the government had not taken enough measures to address climate change from an administrative angle. Only 26% of respondents thought that political leaders were doing much in regard to tackling the problem, while 76% believed that the government only concerned itself with promoting a favorable image instead of engaging in efficient methods to manage the issue. Most importantly, the authors of this literature noted that the best approach toward combating climate change would involve empowering local authorities to provide solutions that will benefit all residents rather than focusing exclusively on the interest of a particular group. From this analysis, it is clear that the prevailing climate will always prevail in the future since it demands constant energy input. Ultimately, it can be argued that economic perspectives are also important in determining laws governing sustainable development.

The impacts of climate change and poor law enforcement in Sub-Saharan Africa cannot be underestimated. It can therefore be argued that the current legal framework does not address the issue of climate change adequately. Therefore, policymakers must come up with new strategies that aim at protecting vulnerable groups from the negative effects of climate change, and make law enforcement more focused on safeguarding human rights to conserve land and air for future

² Schapper, Andrea, and Markus Lederer. "Introduction: Human rights and climate change: mapping institutional inter-linkages." *Cambridge Review of International Affairs* 27.4 (2014): 666-679.

generations. This process can contribute significantly towards reducing poverty levels in Africa as the number of greenhouse gases reduces significantly.³

III. The Problems of Deforestation in Sub-Saharan Africa

Deforestation is one of the major impediments faced by South East Asian countries today. Although tropical forests account for 65% of terrestrial biomass, they still form 40% of this land and store 90% of the green house gasses. Due to inadequate management, forests have lost their biological value. Over the years, their ability to absorb excess carbon dioxide has diminished tremendously. As such, trees absorb carbon dioxide and release oxygen to the surroundings. Unfortunately, despite the fact that modern technology has contributed substantially towards creating awareness among the public on the dangers of industrialization and urban growth, forest degradation has never been addressed comprehensively. As Borera (2014) notes, environmental conservationists in both industrialized and third world countries have rarely taken part in discussions concerning issues related to deforestation. Even though numerous studies have indicated that several developing communities are increasingly losing land to construction projects, little has been done to solve this serious issue in many parts of the world.

The lack of proper policies can be attributed to ineffective leadership. Leaders do not have sufficient knowledge regarding the causes and effects of deforestation. Instead, they consider it necessary to expand housing units and encourage tourism to boost their economies, which further leads to deforestation. Others argue that it is essential to reduce fuel costs and preserve fossil fuels for domestic purposes, which makes such industries profitable. However, many environmentalists have observed that such practices will eventually make local populations lose land to pave way for development and expansion. This argument ignores facts that indicate that human activities tend to continue harming the environment over generations. In addition, it seems almost impossible for a country with adequate finances to develop if it fails to maintain existing resources. These observations have led to increased demand for alternative means of generating income from

³ Sena, Rafaela. "The Intersection of Human Rights and Climate Change in the Inter-American Human Rights System: What to Hope for?" *Wis. Int'l LJ* 38 (2020): 331.

mining, agriculture, building, transportation, and other sources of energy in low-income developing countries.⁴

A survey in Tanzania revealed evidence of rapid climate change at the household level, leading to higher food insecurity rates among rural families. The results pointed out that farmers could not produce crops due to extreme weather conditions. Agriculture and forestry production accounted for about 15% of GDP in Tanzania before 2000, before declining drastically during the same period. Besides, the number of households using cash crop farming decreased from 10% to 1% from 2000 to 2005. At the household level, the percentage of primary earners was 14% in 2006, whereas the secondary group comprised 11%. Farmers who depended entirely on cash crop farming in 2004 declined to 4% in 2006 (Borera, 2014). Some researchers have asserted that climate change is forcing some people to embrace non-productive agrarian economies to survive. Despite such concerns, statistics continue to show that most people in Sub-Saharan Africa live below the poverty line. There are high numbers of women, children, aged persons, and older citizens in slums and informal settlements. Those living below the poverty line face multiple problems, ranging from diseases and accidents to unemployment and lack of basic amenities. Many times, they depend on meager incomes to cover day-to-day expenses, leaving them susceptible to abuse, stress, and even family breakups. All the aforementioned challenges result in depression and loneliness. Hence, poverty will continue making its mark in societies with high incidence of poor governance.⁵

In Sub-Saharan Africa, deforestation is a significant problem that has a variety of detrimental effects on the ecosystem and nearby communities. The following are some of the major issues brought on by deforestation in this area: Loss of biodiversity: Deforestation results in the extinction of numerous species of animals and plants, many of which are exclusive to this area. A healthy environment depends on biodiversity, which might be lost as a result of this.

Carbon dioxide absorption by trees from the atmosphere helps to lessen the consequences of climate change. In Sub-Saharan Africa, deforestation decreases the number of trees that can absorb

⁴ McInerney-Lankford, Siobhan, Mac Darrow, and Lavanya Rajamani. "Human rights and climate change: a review of the international legal dimensions." (2011).

⁵ Duyck, Sébastien, Sébastien Jodoin, and Alyssa Johl, eds. Routledge handbook of human rights and climate governance. Routledge, Taylor & Francis Group, 2018.

carbon dioxide, potentially accelerating global warming. Trees are a key component of the soil's defence against erosion. Increased erosion brought on by deforestation may make it more challenging for crops to grow. Local communities that depend on agriculture for a living may suffer as a result.

Loss of traditional knowledge: The forest provides a source of livelihood for many indigenous tribes in Sub-Saharan Africa. The loss of traditional knowledge, such as how to treat illnesses using plants and animals, can result from deforestation and have a detrimental effect on the local population's health.

Loss of natural resources: Forests produce a variety of natural resources, including wood and non-timber goods, which are crucial for the local communities' ability to support themselves. These resources may be lost as a result of deforestation, which could have a detrimental effect on the local economy. Overall, Sub-Saharan Africa's deforestation poses a serious threat to the environment and local communities, hence action must be taken to address this problem.

IV. A Review of Current Legislation and Its Implications

Developing countries are grappling with immense challenges, which require immediate attention. One of the main areas affected by such developments is the erosion of social norms. Social injustices against human rights have continued to thrive in many societies across the globe. Additionally, the existence of massive poverty is another common occurrence facing the underprivileged groups. As such, they fail to appreciate the fact that rights are an integral part of human survival. While rights are protected by constitutions, they are still not respected by some individuals and groups. The United Nations has instituted several legislations to protect human rights globally. They include Universal Declaration of Human Rights, Genocide Prevention and Criminal Justice Procedures Commissions, and International Covenant on Civil and Political Rights. Nevertheless, the problem of global inequality is more prominent in emerging markets. Therefore, most countries are unable to respond to emergencies or threats efficiently. Global businesses need to understand that allocating financial resources to a specific segment will only worsen the situation, and eventually result in mass casualties (Baker & Baker, 2017). More

importantly, individual states are advised not to engage in discriminatory practices to enhance equality.⁶

In spite of existing treaties, racism and discrimination are rampant phenomena. Racism has been perpetuated through slavery. Slave trade has been identified as one of the worst forms of racial conflicts. Despite some progress made in abolishing this practice, it remains prevalent in present-day societies in Africa. Similarly, discrimination arises from unequal treatment given to minority groups in terms of pay, working conditions, access to education, healthcare services, and others.

Climate change is a global issue that has significant implications on the environment, economy, and society. In India, the effects of climate change are already being felt, with increasing temperatures, extreme weather events, and rising sea levels. To address this issue, the Indian government has implemented a number of legislative measures to reduce greenhouse gas emissions and promote sustainable development.

One of the key pieces of legislation related to climate change in India is the National Action Plan on Climate Change (NAPCC). This plan, which was launched in 2008, outlines a comprehensive strategy for addressing climate change in India. The NAPCC includes eight national missions, which focus on areas such as solar energy, energy efficiency, and sustainable habitats. The plan also includes a number of specific targets, such as reducing the country's carbon intensity by 20-25% by 2020.

Another important piece of legislation related to climate change in India is the National Clean Energy Fund (NCEF). This fund, which was established in 2010, provides financial support for clean energy projects in the country. The NCEF is designed to promote the development and deployment of clean energy technologies, such as solar, wind, and bioenergy.

The Indian government has also implemented a number of policies and programs to promote sustainable transportation. For example, the National Electric Mobility Mission Plan 2020 aims to put 6-7 million electric vehicles on the road by 2020. The government has also announced plans

⁶ Corbera, E., Hunsberger, C., & Vaddhanaphuti, C. (2017). Climate change policies, land grabbing and conflict: Perspectives from Southeast Asia. *Canadian Journal of Development Studies/Revue canadienne d'études du développement*, 38(3), 297-304.

to provide incentives for the purchase of electric vehicles, as well as for the development of charging infrastructure.

In addition to these legislative measures, the Indian government has also adopted a number of international agreements to address climate change. For example, India is a party to the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement. India has also committed to reducing its emissions intensity by 33-35% by 2030, and to achieving 40% of its installed power capacity from non-fossil fuel-based energy resources.

Overall, the Indian government has implemented a number of legislative measures to address climate change. These measures include the National Action Plan on Climate Change, the National Clean Energy Fund, and policies to promote sustainable transportation. India has also adopted a number of international agreements to address climate change, such as the Paris Agreement. However, it is important to note that more needs to be done to ensure that India meets its climate change targets and reduces its greenhouse gas emissions.

V. Conclusion

In conclusion, it is evident that the connection between climate change and human rights is a complicated one that calls for an all-encompassing strategy to address the effects of environmental deterioration on vulnerable groups. Although the legal framework for defending human rights in the face of climate change is still developing, it is evident that certain important concepts must be taken into consideration. These include the necessity of upholding, defending, and upholding human rights; recognizing the rights of marginalized groups; and making sure that any measures adopted to combat climate change do not worsen already-existing inequities. In the end, it is crucial that we keep pursuing a future that is more just, sustainable, respects the rights of all individuals, and lessens the effects of climate change.