

**THE ANALYSIS AND MEASUREMENT OF CLIMATE CHANGE AS
A HUMAN RIGHTS ISSUE**

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Abstract:

Economic globalization impacts the environment, climate change and sustainable development in myriad ways. Climate change impacts human rights. Climate change can cause human rights violations and therefore is a matter of human rights issue. The environment should indeed be appropriately managed to make it favorable to human life. However, the efforts to protect the environment often need help with locus-stand, justifiability, and conflict between developmental efforts and environmental protection. The human rights perspectives tell the human community that climate change is damaging human civilization and human life. We already feel the adverse impact of the ozone layer damaging greenhouse emissions. Effects of climate change and means to ameliorate those harmful effects can impact persons and society. It is those communities that are susceptible to hazardous consequences of climate change are those people who are closely linked with Nature. Climate change also can destroy cultures, make people homeless, and strip them off their livelihood. The paper aims to interrogate various arguments about human rights and climate change to assess their coherence and consistency and evaluate competing perspectives. The paper also tries to analyze the implications and solutions of climate change on human rights.

Key Words: Climate Change, Human Rights, UNFCCC, International Human Rights, Sustainable Development

1. Introduction:

International concerns with human well-being and climate change have a long history. Decreases in forest cover in past decades have been a concern. Man is both the creator and modifier of his environment, giving material for overall growth. Man has the fundamental right to freedom, equality, and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being. Climate change will have significant & visible impacts across the globe. The whole world would suffer from water crises, the spread of diseases, droughts, flooding and a rise in sea levels.

As they did earlier, all continents are susceptible to climate change, and governments are now engaging with climate change as an economic rather than an ecological issue. Climate change's social and human rights implications have received little attention. Yet the human costs of

climate change directly threaten fundamental human rights; rights to life, food, a place to live and work, and rights that governments must protect. As Kyung-wha Kang, the UN Deputy High Commissioner for Human Rights, has stated: Global warming and extreme weather conditions may have calamitous consequences for the human rights of millions of people...ultimately climate change may affect the very right to life of various individuals... [Countries] must prevent and address some of the direst consequences of climate change that may impact human rights. Equity issues also arise in the climate change context because of its disproportionate impact on vulnerable people and communities. Climate change raises profound questions of justice and equity between generations, developing and developed worlds, and rich and poor within each country. The challenge is to find an equitable distribution of responsibilities and rights. The most effective means of facilitating this is to adopt a human rights-based approach to policy and legislative responses to climate change based on international human rights standards and practically directed to promoting and protecting human rights. The Intergovernmental Panel on Climate Change (IPCC) concluded that climate change is a consequence of rising concentrations of greenhouse gases (GHGs) emitted by industries.

Individuals and people who live in low lands and seacoasts are more vulnerable to the impacts of climate change. Destruction of material and intangible cultures is also a threat that climate change poses to human life. Hence, in the UN Charter and the Universal Declaration of Human Rights, it is enshrined that the state must make efforts to resist climate change and mitigate the harmful effects of climate change. Increased attention to the human dimensions of climate change, including in the current negotiations under the UN Framework Convention on Climate Change (UNFCCC), can improve the odds that measures to control climate change will protect human rights. Understanding and making ways to mend crises arising from climate change is fundamental to the challenge posed by climate change.

Moreover, linking the climate change negotiations and structures to existing human rights norms enables States to use indicators and mechanisms anchored in well-established laws to combat climate change. The relationship between Climate Change and Human Rights (CC&HRs) cannot be taken lightly. The challenge now lies in introducing a rights-based approach to developing and implementing an effective and equitable solution to climate change.

2. The Human Rights Dimensions of Climate Change

The modern human rights system is founded on international law modeled upon the Universal Declaration of Human Rights (UDHR), adopted by the General Assembly of the United Nations on 10 December 1948. The International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Since human rights laws were drafted before climate change became a significant threat to human life. Thus environmental dimensions of the rights need to be adequately articulated. Though criticisms are hurled at those who correlate climate change with human rights, some use the jargon of the rights

language and dilute the issue of human rights. Most importantly, the issue of human rights and dignity has to be given priority.

3. The Concept of Human Rights:

The concept of human rights can also be defined as commonly understood as those rights to which a person is inherently entitled' merely for being human, which may not be renounced or forfeited. However, some countries 'constitutions may put some limitations upon human rights. According to Manfred Nowak, humans can be defined differently by descriptive, legal and philosophical approaches. According to him, the first approach means fundamental rights that empower human beings to shape their lives according to dignity. While in the second approach, it means the sum of civil, political, economic, social, cultural and collective rights laid down in international and regional human rights instruments and states' constitutions. It is the only universally recognized value system under present international law comprising popular participation, social justice, the rule of law and good governance. Whatever the definition might be, it must be emphasized regarding human rights in general that:

All human rights are "universally indivisible, interdependent, and interrelated. The international community must treat human rights globally fairly and equally, on the same footing, and with the same emphasis". While the significance of national and regional particularities and various historical, cultural, and religious backgrounds must be borne in mind, it is the political, economic, and cultural systems, to promote and protect all humans.

4. The United Nations Framework Convention on Climate Change (UNFCCC):

The United Nations convention on climate change is an international environmental treaty produced at the United Nations conferences on Environmental and Development (UNCED), informally known as the earth summit, organized in Rio de Janeiro in 1992. The treaty attempts to decrease greenhouse gas emissions to tackle global warming. The pact was initially silent on greenhouse gas emissions for individual nations, and the emissions rate was not binding on them. The general objectives of the convention are.

- Stabilize the concentration of (GHGS, e.g., carbon dioxide, methane, nitrous oxide, hydro Fluorocarbons, per flour carbons and Sulphur hexafluoride) in the atmosphere that is related to human-induced interference with the climate system.
- Achieve the stabilization within a time frame sufficient to allow ecosystems to adapt naturally to climate change.
- Ensure that food production is not threatened and
- Carry out economic development to be undertaken sustainably.
- The guiding principles of the parties to the convention in their action to achieve the convention's objective and to implement its provisions are.
- The parties should protect the climate system for the present and future generations

keeping the values of equity in mind.

- Developing nations are experiencing threats of climate change, and those parties could be given relief from bearing the burden of following the emission protocols. Still, they would be provided with low-cost options in case of severe environmental threats.
- The parties should promote sustainable development policies. Measures to protect the climate system against human-induced change should be appropriate for the specific conditions of each party and should be integrated with the national development Program.

The obligation of state parties to the convention divides countries into two groups: those listed in its Annex I (known as "Annex I parties") and those that are not listed (so-called "non-Annex I parties") and the obligations of Annex I parties under the conventions are:

- presentation to the cop of a national inventory of emissions
- Formulate national and regional programs with measures to mitigate climate change.
- To take the lead in modifying longer-term trends in emissions.
- Cooperation: A joined-up approach is vital to reduce GHG emissions, including action relating to transport, energy, industry, agriculture, forestry, and waste management.
- Industrial responsibility: the convention recognizes that industrial countries bear the most significant responsibility to carry out the agreement as the principal GHG emitters, including technology transfer and financial commitment.

The obligations on Non -Annexes I parties under the convention are:

- Present to the cop a national inventory of emissions.
- Formulate national and regional programs with measures to mitigate climate change incorporating principles of "common but differentiated responsibilities.
- Cooperate with Annex 1 parties to receive funding from the convention's financial mechanism, operated by the GEF.

In general, the enabling environments' component of the framework focuses on government actions, such as fair-trade policies, removal of technical, legal and administrative barriers to technology transfer, sound economic policy, regulatory frameworks and transparency, all of which create an environment conducive to private & public sector technology transfer.

5. The Human Rights Implications of Climate Change:

Manifestations of climate change include rising sea levels, global warming, erratic weather conditions, rise in sea levels melting permafrost leading to damage to people's lives and livelihoods. Rising sea levels and storms because of flooding, population displacement, salinization of freshwater resources, and the diminishment of habitable or cultivable land.

- Rising surface temperatures because frequent outbreaks of diseases like scrub typhus, diarrheal diseases, and other mosquito-borne diseases.
- Erratic weather events cause grave threats to life, health, and housing.
- Sinking coastlines and melting permafrost destroy land, houses, and other infrastructure.
- Changing precipitation patterns and melting glaciers affect access to water, which affects the ability to irrigate lands and secure access to food.
- Plantation development for agro fuel is a significant cause that degrades forests and worsens climate change. The use of agro fuels, including bioethanol (principally from sugarcane) and biodiesel (principally from oil palm), is being promoted in developed and developing countries alike as a "climate-friendly" alternative to fossil fuels.
- Women and children are particularly vulnerable to the effects of climate change. In the world's poorest regions, women are often primarily responsible for gathering the essential food, water, and fuel supplies for their families. Droughts caused by climate change make their work extremely hard as wells run dry, crop production declines, and fuel wood must be collected from farther distances. Similarly, food and water shortages will increase children's malnutrition and diminish their chances of receiving a school education. Children are also more vulnerable to natural disasters as they lack physical strength and are often orphaned or separated from their families.
- Indigenous peoples are also particularly vulnerable to climate change since their way of life is often inextricably tied to the natural environment. Consequently, environmental changes impact their access to water, food and shelter. Moreover, for many indigenous peoples, lands are not a mere commodity but a central element of spiritual and cultural identity. Thus, serious environmental changes resulting from climate change can affect their physical and spiritual survival.
- Forest fires might be more frequent due to global warming; hurricanes and other extreme weather events might devastate large areas. Earlier, policies needed to be framed to exploit forest resources sustainably.
- Disruptions of forest ecosystems will, in turn, lead to disruption in the provision of forest-based ecosystem goods and services. Such goods include timber, fuel wood, medicinal plants, other forest products and raw materials for handicrafts which economically weaker communities depend on.
- The degradation of forest ecosystems and associated resilience to the impacts of climate change mentioned above will thus reduce forest-based incomes. Women, whose household responsibilities and income sources often include gathering forest products, are likely disadvantaged by their loss. The impact of climate change on forests will also render already vulnerable communities even more susceptible to "natural" disasters such as forest fires, landslides, and floods resulting from human-induced climate change.

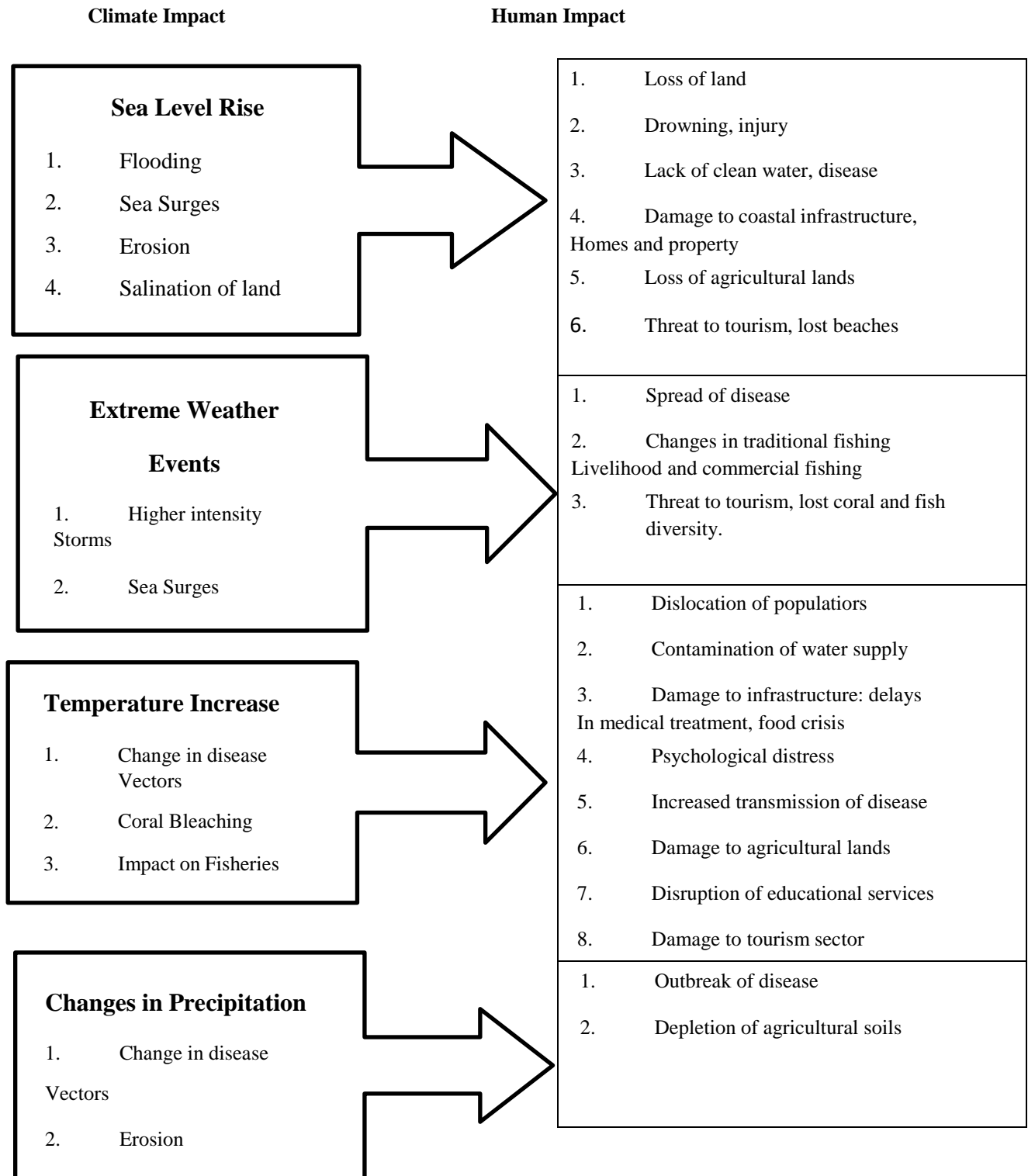


Figure 1: Graphical Presentation of climate change on human impact

6. International Human Rights:

Human rights are the rights and freedoms all humans are entitled to, as recognized and protected by international human rights instruments. They encompass civil and political rights, such as life, liberty, freedom of expression, worship, owning property, and equal treatment before the law. They also include economic, social, and cultural rights, such as the rights to family, education, culture, health, subsistence, residence and movement, and inviolability of the home. These rights are universal and fundamental, and states must ensure their realization. International human rights law has established several mechanisms to monitor compliance with and ensure observance of human rights. At the international level, the universal periodic review of the Human Rights Council and the committees overseeing the ICCPR and ICESCR monitor human rights issues, including those concerning climate change. At the regional level, human rights courts and commissions in Africa, the Americas and Europe provide victims a forum to seek redress for violating their rights.

7. Proposed Special Procedure on Climate Change and Human Rights:

One of the 2010 Social Forum outcomes was the NGO Social Forum Declaration, which Calls on the Council to establish a Special Procedure on CC&HRS. A Special Procedure on CC & HRs would provide coherence within the human rights regime and other relevant international institutions. More specifically, a Special Procedure on CC&HRs could coordinate and collaborate with other special procedures and subsidiary bodies, filling in gaps and identifying obstacles to the realization of rights. A Special Procedure on CC&HRS could also monitor the impacts of climate change and response measures on the realization of rights and document cases involving rights violations. Finally, a Special Procedure on CC&HRs would help clarify the conceptual and operational dimensions of the CC&HRS linkage. This mandate would contribute to preventing interferences to human rights resulting from climate change and response measures and promoting the full enjoyment of human rights.

8. Methods for Creating Harmony between Human Rights & Climate Change:

(a) Adaptation:

Adaptation policies attempt to increase the capacity of societies and ecosystems to deal with the Risks and impacts of climate change. Undoubtedly, governments and other actors will take action to face the changes brought about by climate change. In this regard, the duty of human rights law to protect people from harm is universally recognized. However, these adaptation measures have the potential to infringe on human rights. Due to the nature of the climate system and the long-term effects of increased GIG concentrations, climate change will continue over several decades. Therefore, adaptation strategies are crucial to protecting vulnerable populations.

Various adaptation measures implicate human rights, such as food, water, and the availability of other resources to support the adaptation needs of the vulnerable populations. Similarly, disaster risk management could address the most vulnerable and marginalized situations.

(b) Mitigation:

The Bali Action Plan contemplates additional emission reduction commitments for industrialized countries. It introduces the concept of nationally appropriate mitigation actions (NAMAS) by developing countries, which are to be supported by technology, financing, and capacity-building. Although the contours of the post-2012 mitigation regime are unclear at this point in the negotiations, the mitigation measures necessary to address climate change will undoubtedly impact human rights. For example, the UNFCCC and Kyoto Protocol require countries to reduce their GHG emissions using various mitigation strategies. In addition, the Protocol established market-based mechanisms, such as the Clean Development Mechanism (CDM) and Joint Implementation, to allow developed countries to meet their treaty obligations by investing in developing countries. Other mitigation strategies, such as reducing emissions from deforestation and forest degradation (REDD+) programs, could provide funds to developing countries, indigenous peoples, and forest-dependent communities involved in forest conservation.

Clean Development Mechanism:

The Kyoto Protocol's CDM supports projects in developing countries that result in emission reductions, generating carbon credits that industrialized countries can use to offset their emissions. CDM projects may involve the displacement of communities and other human impacts. Denial of free and prior informed consent by indigenous peoples and other local communities could further aggravate these impacts concerning their rights, lands, and territories. As such, the human rights dimensions of such mitigation measures need to be carefully considered in designing these policies and projects. In addition, current CDM modalities and procedures contain tools that help promote a rights-based approach, such as disclosure of environmental assessments and channels for public participation.

(d) Forests and Land Use:

Policies and measures adopted by national governments concerning forests and land use can significantly impact indigenous peoples and local communities. Land tenure, traditional use of resources, and benefit-sharing considerations may all be implicated by mitigation efforts, such as REDD+. For example, national governments establishing protected areas over forests occupied or otherwise used by indigenous peoples and other forest-dependent communities could potentially displace traditional occupants and implicate relocation and traditional resource use rights. Because land and livelihoods may be impacted, protecting the people most closely associated with the forest is essential. Respect and protection of the rights of indigenous peoples and other forest-dependent communities affected by REDD+ activities are necessary to ensure the success and permanence of measures taken on the ground. This means that forest-dependent peoples and communities have a right to participate in and share the benefits of programs and measures relating to reducing emissions from deforestation and forest degradation.

(e) Finance

Industrialized countries have an obligation under the UNFCCC to assist lower-income countries in funding mitigation and adaptation strategies necessary to reduce emissions and protect vulnerable populations. Lower-income countries acting alone are not financially able to fully protect their populations from climate impacts. Finance is, therefore, critical to assist these countries in fighting climate change and protecting the human rights of their people. Developing and applying financial safeguards are also necessary to prevent social and environmental harm and maximize participation, transparency, accountability, equity, and rights protections. In 2010, Parties to the UNFCCC established a new fund (the Green Climate Fund). They agreed to, among other things; develop mechanisms to ensure that social and environmental safeguards apply to the fund. In addition, institutions funding climate change-related activities, such as the Adaptation Fund, the Global Environment Facility (GEF), and the World Bank, should provide transparent processes, maintain policies and procedures that respect internationally recognized rights and allow meaningful opportunities for public participation.

(f) Technology Transfer:

Transfer of technology is critical to supporting sustainable development and avoiding the shifting of polluting industries from industrialized countries to the developing world. Establishing a workable institutional mechanism for technology transfer is crucial to reaching and successfully.

Implementing any post-2012 framework. A rights-based approach can help ensure that beneficial technologies are shared. In terms of effective implementation for adaptation, a human rights approach to technology transfer can help ensure that technologies required by the most vulnerable peoples and communities are a priority.

(g) Institutions & Mechanisms in the UNFCCC

To further support the principle that Parties should respect human rights in climate change-related activities, the Parties must integrate human rights protections within the climate game and provide adequate transparency and opportunity for public participation in relevant decision-making processes.

9. Recommendations:

It is essential to consider the human rights aspects of climate change in the Human Rights Council, UNFCCC, and other relevant institutions and mechanisms. For example, given the impacts of climate change and measures taken to mitigate or adapt to climate change on a wide range of human rights, it is essential to integrate human rights considerations into the institutional framework and relevant processes of the UNFCCC, including whatever legal and institutional architectures emerge in the agreed outcome of the current negotiations. In addition, the following recommendations may be taken into consideration:

- Designing appropriate institutions and mechanisms in the UNFCCC framework that effectively operationalize the rights-related language in the Cancun Agreements.
- Creating a process in the UNFCCC framework that will consider and address communications by or on behalf of individuals, peoples, or communities whose rights may be affected by climate change impacts and associated response measures.
- Establishing a special procedure on CC&HRs to provide coherence within the human rights regime and other relevant international institutions.

10. Conclusion:

The above discussion illustrates how the direct impacts of climate change and policy responses designed to advance adaptation and mitigation objectives put human rights at risk. Climate-related interventions risk exacerbating existing weaknesses and inequities that characterize climate change regimes with human rights. Because of the significance of forest-based emissions and the possibility that climate change will undermine forests' mitigation potential, the international community faces trade-offs between the human rights risks of forest-related interventions in the short run and human rights risks of no action in the long run. The paper suggests interventions be minimized through human rights safeguard policies, of monitoring, and assessment. Respect for procedural rights is highlighted as a way of managing risk. Capacity-building measures should aim at the ability of duty bearers to guard against human rights violations resulting from changes in climate and the power of rights.

References:

- Agrawal, A., Chhatre, A., Hardin, R. 2008. 'Changing Governance of the World's Forests.' *Science* 320, p. 1460.
- Alcorn, J.B. and Royo, A.G. 2007. Conservation's engagement with human rights: Traction, slippage or avoidance.' *IUCN Policy Matters* 15, pp. 115-139.
- Ayesha Dias, human rights, environment, and development with particular emphasis on corporate accountability. *Human Development Report*, 2000, p.2
- CIEL, "A Rights-Based Approach to Climate Change Mitigation: The Clean Development Mechanism of the Kyoto Protocol" (Aug. 2008) (prepared for the International Union for the Conservation of Nature).
- CIEL, "Feasibility Study: Climate Change, Technology Transfer and Human Rights" (2008) (prepared for the International Council on Human Rights Policy).
- CIEL, "Practical Approaches to Integrating Human Rights and Climate Change Law and Policy" (Feb. 2009), www.cicl.org/Publications/CCandHRE_Feb09.pdf.
- CIEL, Friends of the Earth Norway & Rainforest Foundation Norway, "Protecting Forest Communities Under REDD" (Nov. 2008).