

Climate Change, Poverty and Human Rights: An Emergence without Precedent

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Abstract

Laws and institutions for the defense of human rights must rapidly evolve to the new reality of climate change. When vulnerable communities have tried to use human rights law to defend their rights and seek climate justice, important weaknesses in human rights law have been revealed. It is almost impossible for populations in poor countries to identify and pursue channels of justice, to have their cases heard, or to prove responsibility.

These environmental and health consequences threaten civil and political rights and economic, social, and cultural rights, including rights to life, access to safe food and water, health, security, shelter, and culture. On a national or local level, those people who are most vulnerable to the adverse environmental and health consequences of climate change include poor people, members of minority groups, women, children, older people, people with chronic diseases and disabilities, those residing in areas with a high prevalence of climate-related diseases, and workers exposed to extreme heat or increased weather variability. On a global level, there is much inequity, with low-income countries, which produce the least greenhouse gases (GHGs), being more adversely affected by climate change than high-income countries, which produce substantially higher amounts of GHGs yet are less immediately affected. In addition, low income countries have far less capability to adapt to climate change than high-income countries.

Adaptation and mitigation measures to address climate change needed to protect human society must also be planned to protect human rights, promote social justice, and avoid creating new problems or exacerbating existing problems for vulnerable populations.

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I. Introduction

Climate change poses both direct and indirect threats to human rights: the right to food, the right to water and sanitation, access to affordable commercial

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energy, as well as the consequent larger right to development. Issues such as forced mass migration, threat of climate-linked conflict situations, direct and indirect threats to health care system, and the impacts on land and livelihoods all demonstrate that climate change and human rights concerns are closely interwoven. The right to a life of dignity and the right to life itself are at stake.

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.² 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.³ They threaten economic, social, and cultural rights, as embodied in the International Covenant on Economic, Social, and Cultural rights, including the following.⁴

- 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.

The United Nations Framework Convention on Climate Change (UNFCCC) is an international mechanism for facilitating international cooperation in stabilizing atmospheric concentrations of GHGs. It states: Parties should, in all climate change related actions, fully respect human rights.⁵ The UNFCCC has concluded that human-rights considerations should guide the development,

² The Universal Declaration of Human Rights. Adopted by the United Nations General Assembly, Paris, December 10, 1948.

³ International Covenant on Civil and Political Rights. Adopted by the United Nations General Assembly, New York, December 16, 1966.

⁴ International Covenant on Economic, Social and Cultural Rights. Adopted by the United Nations General Assembly, New York, December 16, 1966.

⁵ United Nations Framework Convention on Climate Change. New York: United Nations. Available at: [http:// unfccc.int/resource/docs/convkp/conveng. pdf](http://unfccc.int/resource/docs/convkp/conveng.pdf); 1992. accessed on June 17, 2015

implementation, and monitoring of policies, institutions, and mechanisms related to climate that has been established under the UNFCCC.

Adverse environmental effects caused by climate change include increases in the following⁶:

- Temperature, as well as increased frequency and/or duration of heat waves.
- Heavy precipitation events.
- Intensity and/or duration of droughts.
- Intense tropical cyclone activity.
- Sea level.

Other environmental phenomena related to climate change include the shrinking of land-based glaciers, increases in chemical pollutants and aeroallergens in ambient air, and changes in ecosystems that reduce biodiversity. The Intergovernmental Panel on Climate Change has performed comprehensive assessments of (a) changes that have occurred and the human contribution to these changes and (b) the probability of further changes⁷ (Tables 1).

Adverse health consequences caused by climate change include heat-related disorders, vector-borne diseases, waterborne and foodborne diseases, respiratory and allergic disorders, malnutrition, violence, and mental health problems.⁸

Table 1

⁶ Intergovernmental Panel on Climate Change. Climate Change 2013: The Physical Science Basis. Cambridge, UK: Cambridge University Press; 2013.

⁷ Ibid

⁸BS Levy and JA Patz, Climate Change and Public Health, eds. New York: Oxford University Press; 2015. JA Patz and SH Olson, Climate Change And Health: Global To Local Influences On Disease Risk, Environmental Health Perspective, (2011), (assessed on 02.08.2020) website- <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3114809/>

ENVIRONMENT, TECHNOLOGY AND SOCIAL CHANGE

Assessment That Various Changes Have Occurred and Assessment of a Human Contribution to Observed Changes		
Phenomenon and Direction of Trend	Assessment that Changes Occurred (Typically Since 1950 unless Otherwise Indicated)	Assessment of a Human Contribution to Observed Changes
Warmer and/or fewer cold days and nights over most land areas	Very likely	Very likely
Warmer and/or more frequent hot days and nights over most land areas	Very likely	Very likely
Warm spells/heat waves: Frequency and/or duration increases over most land areas	Medium confidence on a global scale Likely in large parts of Europe, Asia, and Australia	Likely
Heavy precipitation events: Increase in frequency, intensity, and/or amount of heavy precipitation	Likely more land areas with increases than decreases	Medium confidence
Increases in intensity and/or duration of drought	Low confidence on a global scale Likely in some regions	Low confidence
Increases in intense tropical cyclone activity	Low confidence in long-term (centennial) changes Virtually certain in North Atlantic since 1970	Low confidence
Increased incidence and/or magnitude of extreme high sea level	Likely, since 1970	Likely

Source: Barry S. Levy, Jonathan A. Patz, *Climate Change, Human Rights, and Social Justice*, *Annals Global Health* (2015), (assessed on 02.08.2020) website- <http://dx.doi.org/10.1016/j.aogh.2015.08.008>

The implications are obviously quite pervasive. At present, more than 800 million people living in tropical and subtropical countries are food insecure.⁹ The situation is likely to worsen the number of food-insecure people is likely to increase as changes in extreme weather events and mean climate parameters negatively affect crop, animal yields, and agro-ecosystem resilience. The situation has deteriorated for the world food system, which has responded negatively to climate-induced supply shortfalls in the agricultural sector. Higher commodity prices appear to be direct consequences of these changes, manifested through increasing input prices. These directly contentious elements

⁹S Narain, P Ghosh, NC Saxena, J Parikh, P Soni, *Climate Change: Perspectives From India*, United Nations Development Programme, (2009) India, (assessed on 02.08.2020) website- http://www.indiaenvironmentportal.org.in/files/UNDP_Climate_Change.pdf

not only make the present study quite interesting, but also a vexing exercise empirically.

Note that, agricultural inputs and natural resources are critical determinants of food supply. Degradation of natural resources (like soil, forest, and water) hampers supply of inputs. Lower availability of and access to water, fertilizers, pesticides, energy, etc., in turn, affects agricultural productivity and food production. Most variables in our structure are, therefore, 'endogenous.' Nevertheless, in most developing countries, there is a rising inclination toward use of chemical fertilizers and pesticides for enhancing crop productivity. However, this results in depletion of soil nutrients. Fortunately, this trade-off is directly measurable. In the medium to long run, the food supply is certainly going to fall and create pressure on prices and, hence, on food security for millions of poor people in developing countries.

Further, note that the world food production slowed down in the decades of the 1980s and 1990s. Growth rates of rice and wheat have begun to stagnate in Asia. In India, the growth rate of food grains including rice was lower than the population growth rate during the 1990s. Although the growth rate of wheat was moderately high as compared to the population growth during the same time, wheat grew at a rate below 3 % in the 1990s against its best performance of above 9 % in the 1960s. This mismatch between growth of food crop production and population has been quite alarming since the 1990s. Further, several studies predicted that despite a substantial increase in national food grain production in India, the productivity of some important crops (like rice and wheat) could decline considerably with climatic changes. Due to a 2–3.5 °C rise in temperature, accompanied by a 7–25 % change in precipitation, farmers may lose net revenues between 9 and 25 %, which must adversely affect GDP by 1.8–3.4 %.¹⁰ Notwithstanding evidence suggesting that higher precipitation is expected to increase net revenue from agriculture, the overall negative impact due to temperature increase more than compensates for the small positive

¹⁰KSK Kumar, J Parikh, Indian Agriculture And Climate Sensitivity, Global Environmental Change Pt A: Human Policy Dimensions, 147-154,(Jul 2011), (assessed on 04.08.2020) [http://dx.doi.org/10.1016/S0959-3780\(01\)00004-8](http://dx.doi.org/10.1016/S0959-3780(01)00004-8)

impact due to higher precipitation (the former effect is seen to dominate the latter for India).¹¹

II. Human Rights in the Context of Climate Change

International human rights treaties enshrine several rights, among them the rights to adequate food, adequate housing, life, health, and self-determination.¹² These human rights can be split into three general categories:¹³ 1) civil and political rights,¹⁴ 2) economic, social, and cultural rights,¹⁵ and 3) rights held by groups or by individuals because of their membership in a group.¹⁶ In some way, each of these human rights is implicated by climate change, particularly in the developing world.

The right to self-determination is one of the principle rights that may be lost due to climate change, and is of great concern to nations such as the Marshall Islands.¹⁷ The right of a people to govern themselves, preserved in the ICCPR, raises environmental justice concerns, particularly with respect to procedural justice. For example, imagine that in fifty years, a small island nation is submerged. Its people move to another country where they must assimilate.

¹¹Saibal Kar and Nimai Das, Climate change, Agricultural Production and Poverty in India, Springer Link 527-539 (01 April 2015), (assessed on 05.08.2020) website: https://link.springer.com/chapter/10.1007/978-981-287-420-7_4

¹²Universal Declaration of Human Rights, G.A. Res. 217 (III)A, U.N. Doc. A/RES/217(III) (Dec. 10, 1948)

[Hereinafter UDHR]. Arts. 3–11 (the right to life); International Covenant on Economic, Social, and Cultural

Rights

¹³ Margaux J Hall & David C. Weiss, Avoiding Adaptation Apartheid: Climate Change Adaptation and Human

Rights Law, Yale Journal of International Law, 309(2012), (assessed on 04.08.2020) file:///C:/Users/WELCOME/Desktop/climate/SSRN-id2087790.pdf

¹⁴ International Covenant on Civil and Political Rights, art. 1, (DATE) 999 U.N.T.S. 171 [hereinafter ICCPR] (the right of a people to self-determination).

¹⁵ International Covenant on Economic, Social, and Cultural Rights, arts. 11–12, opened for signature Dec. 16, 1966, 993 U.N.T.S. 3 (entered into force Jan. 3, 1976) [hereinafter ICESCR] (the rights to food, water, and housing);

¹⁶ Art. 1; Convention on the Rights of the Child, opened for signature Nov. 20, 1989, 1577 U.N.T.S. 3 (entered into force Sept. 2, 1990).

¹⁷ Marshall Islands to OHCHR Study, Human Rights and Climate Change 4 (Dec. 2008) [hereinafter Marshall Islands Submission], (assessed on 05.08.2020) available at http://www.ohchr.org/Documents/Issues/ClimateChange/Submissions/Republic_of_the_Marshall_Islands.doc.

From a procedural justice standpoint, these people are no longer given an equal voice on the international stage. Their original government would no longer be able to advocate for their interests, their voices subsumed into their new host country's international representation. Because procedural justice dictates that each shareholder be given a voice at the bargaining table, the loss of that voice on the international stage would offend this notion of justice.¹⁸

Offenses against the rights to life, food, and housing also raise questions of environmental justice, though for these rights the concern is rooted in distributive justice. The violation of each of these human rights is, in a very real sense, a cost that individuals and their state representatives must bear due to the actions of others. For example, extreme weather events and rising sea levels have the potential to kill countless individuals worldwide. Climate change, in contributing to the severity of such events, could thus be directly responsible for violations of the right to life.¹⁹ Climate change similarly implicates the right to health, in that the number of people expected to suffer from cases of diarrhea, malnutrition, and malaria is expected to dramatically increase by 2030.²⁰ The right to food would similarly be violated when crop yields decline due to climate change, resulting in famine. The right to housing, established in the ICESCR,²¹ is similarly prone to violation because of climate change. The displacement of one million people along the Niger River is but one example of a weather event that deprived individuals of the right to adequate housing.²²

III. Disparities among Population Sub-groups

The adverse human-rights consequences of climate change are likely to have the greatest impact on populations already suffering from human rights violations, such as residents of low-income countries and residents of low-income

¹⁸ Zackary L. Stillings, Human Rights and the New Reality of Climate Change: Adaptation's Limitations in Achieving Climate Justice, Michigan Journal of International Law, Volume 35 Issue 3, 2014

¹⁹Supra Note 12

²⁰ H.R.C. Rep. of the Human Rights Council on its Seventh Session, Res. 7/23, U.N.Doc. A/HRC/7/78, at 65 (July 14, 2008) [hereinafter UNHRC 7/23], (assessed on 05.08.2020)

²¹ Supra Note 14

²² Ghana: Climate Change Brings Opportunity alongside Challenges for Africa, ALLAFRICA(Nov. 28, 2011), (assessed on 05.08.2020) website-<http://allafrica.com/stories/201111282203.html>.

communities in high-income countries, as well as minority groups, unemployed people, individuals with chronic diseases and disabilities, and people living in unsafe marginal environments.

Women: There are many ways in which climate change disproportionately affects women.²³ In low-income countries, women generally assume primary responsibility for gathering water, food, and fuel for their households. Climate change induced droughts make this work much more difficult because water becomes less accessible, agricultural production decreases, and wood used for fuel needs to be obtained from increasingly distant places. As women face greater challenges in gathering water, they may develop increased risks of injury and rape.²⁴

Women have higher rates of death than men from extreme weather events, such as hurricanes and other storms. Pregnant women are especially susceptible to vector-borne disease, such as malaria, and waterborne disease. Because of longstanding bias and discrimination, in many countries women have fewer resources to deal with damage and loss from extreme weather events.

Children: Climate change adversely affects children in many ways.²⁵ According to the World Health Organization (WHO), 88% of the burden of disease that can be attributed to climate change affects children younger than 5 years of age. Shortages of water and food lead to increased occurrence of childhood malnutrition and make it less likely that children will receive adequate education. In addition, children are more vulnerable than adults to extreme weather events and other disasters because they have less physical strength and during the disasters they may be separated from their parents. Like

²³ R Stott, Population And Climate Change: Moving Toward Gender Equality Is The Key, *Journal of Public Health*, 159-160 (2010), (assessed on 06.08.2020) <https://academic.oup.com/jpubhealth/issue/32/2>

²⁴ Mariama Williams, Integrating A Gender Perspective In Climate Change, Development Policy And The UNFCCC, South Centre Climate Policy Brief, 1-8 (2013), (assessed on 06.08.2020) website- https://www.southcentre.int/wp-content/uploads/2014/12/CPB12_Gender-Perspective-in-Climate_EN.pdf

²⁵ Frederica P. Perera, Children Are Likely To Suffer Most From Our Fossil Fuel Addiction, *Environ Health Perspectives*, 987-990 (2008), (assessed on 06.08.2020) website- <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2516589/>

women, children are especially susceptible to vector-borne disease, such as malaria, and waterborne disease.

Because climate-sensitive health outcomes, such as malnutrition, diarrhea, and malaria, primarily affect children, the aggregate disease burden as a result of climate change appears to be borne mainly by children living in developing countries. Climate change will likely increase the occurrence of all of the following:²⁶

- Diarrhea in regions comprised mainly of developing countries by 8% to 9% by 2030.
- Malnutrition in a sub region of the WHO South-East Asian Region that includes India, Bangladesh, and 5 smaller countries by 17% by 2030.
- Mortality as a result of coastal floods in a sub region of the WHO European Region that includes Albania, Bulgaria, Poland, Romania, Turkey, and 11 other countries by 630% by 2030.
- Mortality as a result of inland floods in a sub region of the WHO Region of the Americas that includes the United States, Canada, and Cuba by 800% by 2030.
- Falciparum malaria, especially in African regions where it is highly endemic.

Indigenous People: Indigenous people are especially vulnerable to the adverse consequences of climate change, in part because their lives are closely tied to the natural environment. Environmental consequences of climate change can affect the physical well-being of indigenous people, such as their ability to obtain adequate food, water, and shelter, but also their spiritual well-being, in part because land is often an integral part of their culture and spiritual identity.

Geographic factors can also influence vulnerability of indigenous people to the adverse effects of climate change. For example, the Inuit and other Arctic peoples are experiencing major consequences of climate change because of the unusual warming in the Arctic region. Settlements on low-lying deltas or

²⁶AJ McMichael, DH Campbell, D Lendrum, CF Corvalan, Climate Change And Human Health: Risks And Responses, World Health Organisation, Geneva 2004, (assessed on 06.08.2020) website-
https://books.google.co.in/books?hl=en&lr=&id=tQFYJjDEwhIC&oi=fnd&pg=PP11&ots=PsDAXO0VTj&sig=5RwacFnh4TbrdnJSdGns0pMtKd4&redir_esc=y#v=onepage&q&f=false

floodplains are at risk from sea level rise and flooding. Mountain settlements, such as those in the Andes and Himalayas that are dependent on snowpack for freshwater, are also at high risk.

Workers: Workers in many occupations are also at increased risk. They include the following²⁷:

- Outdoor workers performing jobs in extreme heat.
- Other workers exposed to extremes of temperature or precipitation.
- Workers exposed to air pollutants, infectious agents, wildfires, extreme weather events, and/or psychological stress.
- Workers in specific industries: utilities, transportation, emergency response, health care, environmental remediation, construction, demolition, landscaping, agriculture, forestry, wildlife management, heavy manufacturing, and warehouse work.

IV. Environmental and Health Consequences affecting Vulnerable Populations

Heat Waves: Heat waves, which have increased in frequency in recent years, cause a variety of heat-related disorders and exacerbations of cardiovascular diseases, respiratory disorders, and other chronic conditions. (In addition, increased heat has adverse consequences on work productivity and activities of daily life.) Studies of heat waves and their adverse health consequences have identified vulnerable populations at especially high risk of morbidity and mortality, including older people, people living alone, urban populations, and those living in homes without air conditioning. A study in Europe demonstrated geographic differences in mortality as a result of heat waves.²⁸

²⁷Roelofs C, Wegman DH. Workers: The Climate Canaries? In: Levy BS, Patz JA, eds. Climate Change and Public Health, *Annals Of Global Health*, 18-19 (2015), (assessed on 06.08.2020) [website-file:///C:/Users/WELCOME/Downloads/Climate_Change_Human_Rights_and_Social_Justice%20\(1\).pdf](file:///C:/Users/WELCOME/Downloads/Climate_Change_Human_Rights_and_Social_Justice%20(1).pdf)

²⁸Jordi Sunyer, Geographical Differences On The Mortality Impact Of Heat Waves In Europe, *Environmental Health*, 9(2010), (assessed on 06.08.2020) [website-https://ehjournal.biomedcentral.com/articles/10.1186/1476-069X-9-38](https://ehjournal.biomedcentral.com/articles/10.1186/1476-069X-9-38)

Extreme Weather Events: Climate change has increased and is likely to produce more extreme weather events, such as cyclones or hurricanes, and has increased precipitation and flooding in some areas. In addition, climate change in other areas is increasing the number, intensity, and duration of droughts. Poor and marginalized people who live in flood plains and drought-prone areas are especially vulnerable to extreme weather events and their adverse consequences on health and human rights. Compared with other populations, they generally lack access to protective and preventive services and lack the socioeconomic resilience to withstand the adverse consequences of these events.

Sea Level Rise: Average sea level throughout the world has increased about 20 cm (8 inches) during the past 100 years, a far greater amount than in the previous 2000 years. Increased sea level will worsen coastal erosion, exacerbate storm surges, inundate low-lying areas, and cause salinization of coastal aquifers. Sea level rise also threatens to inundate low-lying coastal nations, such as Bangladesh, and small, low-lying island nations in the Pacific Ocean, such as Tuvalu and Kiribati. Sea level rise and other consequences of climate change (such as drought) are likely to make millions of people environmental refugees. There are many other reports and studies concerning the ways in which climate change will create forced migration.²⁹

Air Pollution: Climate change is likely to increase chemical air pollutants, such as ozone. Resultant respiratory disorders, which are already most prevalent among low-income and minority populations, are likely to increase, with the impact being greatest in these populations.³⁰

Because carbon dioxide stimulates plant growth, including growth of allergenic species, climate change will likely increase the allergen city and distribution of pollen and other aeroallergens, resulting in increased prevalence and severity of allergic respiratory disorders.

²⁹Celia Mc Michael, Jon Barnett, Anthony J McMichael, An Ill Wind? Climate Change, Migration, And Health, *Environmental Health Perspectives*, 646-654(2012), website- <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3346786/>

³⁰K Knowlton, J Rosenthal, CHogrefe, Assessing Ozone- Related Health Impacts Under A Changing Climate, *Environ Health Perspective*, 109 (2004), (assessed on 06.08.2020) website- <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1247621/>

Food Insecurity and Malnutrition: Climate change and related environmental conditions, such as droughts and floods, are likely to adversely affect the ability to grow sufficient amount of food for rapidly increasing populations. As a result, food and nutrition security will likely worsen, especially for poor people living in low-income countries. The prevalence of acute and chronic childhood undernutrition, with accompanying adverse effects on physical and mental development, is likely to increase, especially in those low-income countries already seriously affected by malnutrition. There are many other reports and studies addressing food insecurity and malnutrition. Increases in food prices resulting from climate change will also adversely affect the nutritional status of children and other vulnerable populations.³¹

Vector-borne Diseases: Climate change, along with human population growth, increased urbanization, political and demographic changes, and increased international movement of people and materials, has a profound impact on the distribution and abundance of vectors and the pathogens that they can transmit. As a result, there have already been, and will continue to be, major changes in the patterns of vector-borne diseases, including malaria, Rift Valley fever, tick-borne encephalitis, and West Nile virus disease.³² In general, people in low-income countries and impoverished people in high-income countries are more vulnerable to these diseases.

Waterborne and Foodborne Diseases: Climate change affects the occurrence of waterborne and foodborne disease in a number of ways. Heavy rainfall and resultant floods can contaminate watersupply systems and result in increased gastrointestinal illness; for example, a study in India found an association between extreme precipitation and hospital admissions related to gastrointestinal illness. Droughts can reduce the availability of safe drinking

³¹MW Bloem, RD Semba, K Kraemer, Castel Gandolfo Workshop: An Introduction To The Impact Of Climate Change, The Economic Crisis, And The Increase In The Food Prices On Malnutrition, *The Journal Of Nutrition*, 132-135 (2010), (assessed on 06.08.2020) website- <https://academic.oup.com/jn/article/140/1/132S/4600264>

³²TG Jaenson, M Hjertqvist, T Bergstrom, A Lundkvist, Why Is Tick-Borne Encephalitis Increasing? A Review Of The Key Factors Causing The Increasing Incidence Of Human TBE In Sweden, *Parasites & Vectors*, 195-214 (2012), assessed on 06.08.2020) website- <https://parasitesandvectors.biomedcentral.com/track/pdf/10.1186/1756-3305-5-184>

water; for example, a global study found that childhood diarrhea may increase in incidence when there is decreased rainfall, suggesting that when water availability is lower, poor hygiene could account for increased gastrointestinal illness. In addition, storm events can overwhelm deteriorating sewer infrastructure in urban areas.

Collective Violence: Climate change likely increases the global frequency of collective violence, which includes war and other forms of armed conflict, state-sponsored violence (such as genocide and torture), and organized violent crime (such as gang warfare). Meta-analyses provide strong evidence of a causal association between climate change and violence; for example, a meta-analysis and review based on 50 quantitative studies of the association between climate variables and violent conflict (as well as socio-political instability) found that when temperature is high and there is extreme precipitation, there are increases in both sociopolitical instability and conflict. This meta-analysis demonstrated that the best designed studies found strong associations between anomalies of climate and both social instability and conflict; it also found that climate events can influence various types of conflict on a broad range of spatial scales.³³

Scarcity of key environmental resources, such as farmland, forests, river water, and fish, can contribute to violent conflict, such as by generating social stresses that lead to urban unrest, clashes among ethnic and cultural groups, and insurgency campaigns. Collective violence is more likely to adversely affect populations in low-income countries and poor people in mid- and high-income countries. Findings from a recent study in St. Louis suggest that, even in high-income countries, neighbourhoods with higher levels of social disadvantage probably experience higher levels of violence because of unusually warm temperatures.

Mental Health Problems: Mental health impacts of climate change include (a) direct impacts of extreme weather events, disasters, and a changed environment; (b) indirect vicarious impacts, based on observation of global events and concern about future risks; and (c) indirect psychosocial impacts at

³³M.Hsiang Soloman, Burke Marshall, Climate, Conflict, And Social Stability: What Does The Evidence Say?, *Climate Change*, 39-55 (2014), assessed on 06.08.2020) website <https://link.springer.com/content/pdf/10.1007/s10584-013-0868-3.pdf>

the community and regional levels. These mental health impacts disproportionately affect people of lower socioeconomic status.³⁴

V. A New Approach to Fighting Climate Change

The publication of this latest review of the work of UN Environment falls in the 70th anniversary year of the Universal Declaration of Human Rights. While the right to a safe and healthy environment is not explicit in that landmark document, environmental sustainability is essential for global equity and many of the rights and freedoms listed in the Declaration, not least the rights to life, liberty and security. When the environment is compromised, lives are often endangered and people's opportunities for better standards of living are profoundly curtailed.

Throughout the past year, UN Environment campaigned on many fronts against the spiralling pollution of air, water and land around the world. Climate change, wildlife crime, micro-plastic pollution and land degradation are just a few examples of environmental ills that affect the health and well-being of communities and economies, global efforts to achieve the Sustainable Development Goals and even the security of nations.

The consequences of failing to sensibly and effectively manage the environment are profound and far-reaching. That is why the work of UN Environment is so important. And it is why the 193 countries of the UN Environment Assembly committed to work towards a pollution-free planet. I commend this annual report to all who believe that attaining our fundamental rights entails clean air, healthy oceans, resilient ecosystems and a global environment managed sustainably for the benefit of people and planet.³⁵

UN Environment's sixth Global Environment Outlook (2019) calls on decision makers to take immediate action to address pressing environmental issues to

³⁴Thomas J Doherty, Susan Clayton, Janet Swim, Robert Gifford, "Psychology And Global Climate Change: Addressing A Multi-Faceted Phenomenon And Set Of Challenges. A Report By The American Psychological Association's Task Force On The Interface Between Psychology And Global Climate Change", *American Psychologist*, January, 2009, (assessed on 06.08.2020) [website-file:///C:/Users/WELCOME/Downloads/SwimSternDohertyetal2011PsychologysContributionstoUnderstandingandAddressingGlobalClimateChange.pdf](file:///C:/Users/WELCOME/Downloads/SwimSternDohertyetal2011PsychologysContributionstoUnderstandingandAddressingGlobalClimateChange.pdf)

³⁵ Website- <https://www.unenvironment.org/resources/un-environment-annual-report-2017>, (assessed on 06.08.2020)

achieve the Sustainable Development Goals as well as other Internationally Agreed Environment Goals, such as the Paris Agreement.

By bringing together a community of hundreds of scientists, peer reviewers and collaborating institutions and partners, the GEO reports build on sound scientific knowledge to provide governments, local authorities, businesses and individual citizens with the information needed to guide societies to a truly sustainable world by 2050.³⁶

VI. The Response of the Human Rights Community

Climate change has been on the human rights agenda for well over a decade, it remains a marginal concern. Despite a flurry of reports and statements, it is generally one on a long laundry list of ‘issues.’ Despite the extraordinarily short time period available in which to avoid catastrophic human rights consequences, it remains an optional add-on or niche issue, and most international rights organizations have not devoted urgent attention to it or to make it an integral part of their mainstream work.

a. Human Rights Council

The Council has adopted resolutions on climate change regularly since 2008, including those establishing and extending the special procedures mandate on human rights and environment.³⁷

The most recent comprehensive example is resolution 38/4 (5 July 2018) on human rights and climate change, which also takes particular account of women’s rights. Its operative provisions offer a good indication of the current state of the art. First, it acknowledges the “urgent importance of continuing to address ... the adverse consequences of climate change.” However, there is nothing to differentiate the urgency of action in this case from the comparable urgency noted regarding various other issues on the agenda. The Council gives no other indication that the matter is a true priority. Second, the resolution expresses particular concern for the negative impacts “particularly in developing countries and for the people whose situation is most vulnerable to climate

³⁶UNEP | Global Environment Outlook (2019), (assessed on 06.08.2020) website-
<https://www.un.org/en/climatechange/reports.shtml>

³⁷For a list of resolutions adopted, updated through 2016, (assessed on 08.08.2020) see
<https://www.ohchr.org/EN/Issues/HRAndClimateChange/Pages/HRCAction.aspx>.

change.” While States are called upon to provide international cooperation and assistance to developing countries, the issue of differentiated responsibilities is entirely avoided, and people living in poverty are noticeably invisible, despite being the prime victims in practice.

The resolution proceeds as if the challenge is to manage the negative consequences of climate change for particular groups, rather than recognizing that the enjoyment of all human rights by vast numbers of people is gravely threatened. Those threatened by climate change do not divide up neatly into categories such as developing/developed nations or men/women. A much broader framework is required. Finally, there is no recognition of the need for the deep social and economic transformation, which almost all observers agree is urgent if climate catastrophe is to be averted. The actions prescribed by the Council are entirely inadequate and reflect a deep denial of the real gravity of the situation.

b. Office of the High Commissioner for Human Rights (OHCHR)

Within the United Nations system, the Office of the High Commissioner for Human Rights (OHCHR) has prepared reports on climate change in general, on its relationship to the right to health, to the rights of the child, to migration, and to the rights of women. Expert meetings have been organized, the High Commissioner noted that States have “an obligation to strengthen their mitigation commitments in order to prevent the worst impacts of climate change,”³⁸ and the current Management Plan lists climate change as one of five ‘frontier issues.’ However, the bottom line is that climate change advocacy remains marginal to the major concerns of the Office.

Special Procedures

A number of Special Rapporteurs have written on climate change, including about the impact on housing,³⁹ food,⁴⁰ internal displacement,⁴¹ migration,⁴² and

³⁸Michelle Bachelet, Open Letter from the United Nations High Commissioner for Human Rights on Integrating Human Rights in Climate Action, 646-654 (November 21, 2018) (assessed on 08.08.2020) <https://www.ohchr.org/Documents/Issues/ClimateChange/OpenLetterHC21Nov2018.pdf> f p. 2.

³⁹General Assembly, The Right to Adequate Housing, August 6, 2009, (assessed on 08.08.2020) <https://daccess-ods.un.org/TMP/7340382.33757019.html>.

indigenous peoples.⁴³ The Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment wrote in a landmark 2016 report that “States have obligations to adopt legal and institutional frameworks that protect against, and respond to, environmental harm that may or does interfere with the enjoyment of human rights.”⁴⁴ In the near future, the Coordination Committee of Special Procedures should ensure a systemic response to climate change that considers the full range of options for coming up with a more creative, urgent, and system-wide approach, led by the Special Rapporteur on human rights and the environment.

c. Regional Human Rights Bodies

At the regional level, the European Court of Human Rights has not directly addressed climate change.⁴⁵ In contrast, the Inter-American Court of Human Rights has characterized the human right to a healthy environment as fundamental for the existence of humankind, and having both individual and collective dimensions, including obligations owed to both present and future generations. It concluded that the rights to life and personal integrity, on their own, require States “to prevent significant environmental damages within and outside their territory” and that this, in turn, requires them to “regulate, supervise and monitor the activities under their jurisdiction that could cause significant damage to the environment; carry out environmental impact

⁴⁰General Assembly, Right to Food, August 5, 2015,(assessed on 08.08.2020) <https://www.ohchr.org/Documents/Issues/Food/A-70-287.pdf>.

⁴¹General Assembly, Protection Of and Assistance to Internally Displaced Persons, August 9, 2011, (assessed on 06.08.2020) <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N11/448/35/PDF/N1144835.pdf?OpenElement>.

⁴²General Assembly, Human Rights of Migrants, August 13, 2012, (assessed on 08.08.2020) <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N12/460/71/PDF/N1246071.pdf?OpenElement>.

⁴³Human Rights Council, Report Of the Special Rapporteur on the Rights of Indigenous Peoples, November 1, 2017, (assessed on 08.08.2020) <https://documents-ddsny.un.org/doc/UNDOC/GEN/G17/330/97/PDF/G1733097.pdf?OpenElement>.

⁴⁴Human Rights Council, Report Of The Special Rapporteur On The Issue Of Human Rights Obligations Relating To The Enjoyment Of A Safe, Clean, Healthy And Sustainable Environment, (assessed on 08.08.2020)

⁴⁵HetaHeiskanen, Climate change and the European Court of Human Rights, 319 (1st Edition, Routledge Handbook of Human Rights and Climate Governance, 2018), (assessed on 08.08.2020)

assessments ...; prepare contingency plans ..., and mitigate any significant environmental damage [...].”⁴⁶

d. Civil society

A diverse array of civil society groups and human rights defenders are working on climate change issues. However, among international human rights groups, there has been rather minimal engagement to date, and limited collaboration between human rights and environmental groups remains a missed opportunity. A detailed survey is beyond the scope of this report, but the track records of major organizations are instructive.

Human Rights Watch has worked on climate change within its broader program on the environment. While a number of reports have taken careful note of climate change-related dimensions of issues such as illegal logging, the right to food, child marriage, and the Zika virus, and one report directly documented the challenges of climate change,⁴⁷ little attention has been given to the overall impact of climate change on human rights, or to the obligation of governments to undertake mitigation. As a result, the voice of a key factor in international debates has been largely absent.

VII. Conclusion

The global climate crisis threatens most people and their human rights. The adverse consequences of climate change will worsen the whole world. Climate change is a health and human rights priority, and action cannot be delayed. Mitigation and adaptation measures must be equitable, protecting and promoting human rights.

⁴⁶Inter-American Court of Human Rights, Environment and Human Rights, Advisory Opinion OC-23/17 Of November 15, 2017.

⁴⁷Human Rights Watch, There is No Time Left, 2015, (assessed on 08.08.2020) https://www.hrw.org/sites/default/files/report_pdf/kenya1015_web.pdf.