Climate Change: Human rights perspective: Protection of environment is a buzz word, today. It has become a catch phrase. Undoubtedly, the issue is receiving so much attention that there have been endless talks in the form of lectures, conferences, articles, empirical researches etc. It has been debated and debated and debated, among the nations at international and within the nation at various governmental levels. NGOs and environmental activists are hyperactive in not only raising the issues in media, among intelligentsia and even bringing such issues before the courts. Awareness has percolated down to schools where at a young and impressionable age, children are taught that we are collectively responsible for protecting and nurturing our natural surroundings. They are learnt to believe it too enthusiastically, be school, children or students undertaking higher studies, they participate in such awareness programmes with passion, dedication and commitment.

At the same time, it is the irony that in such milieu and social environment where there is much awareness about the need to protect
the natural environment, the ground realities are that much is not happening when it comes to action. May be, when we reach adulthood and are confronted with the harsh realities of development on the one hand and protection of environment on the other and even when we are conscious that protection of environment is paramount, while balancing the development activities vis-a-vis environment, sub-consciously or unwittingly, we lean towards development. Thinking that damage to environment because of such economic development activity is not immediate or immediately perceptible. It may be an ostrich like attitude that we feel that the anticipated damage to the environment is not that serious which is sought to be projected and our relentless zest for innovation and so-called economic development, believing that the same would result in making the people and society more affluent and comfortable, dominates and over-powers thereby forcing us to have a notion that this 'good' outways the 'bad' effect on environment.

The aforesaid psychology of human beings, making us cynical, in the name of 'realists', has resulted in major ecological imbalances. As a result of irresponsible deforestation and mining, uncontrolled use of minerals, mineral oils and fossil fuels, and release of pollutants into air, water and soil. This has cumulatively resulted in large scale and
unchecked emission of 'greenhouse gases', which in turn has caused temperatures to rise, polar ice-cap to melt, water levels to increase and violate of species of flora and fauna to go extinct. To say tersely, we are undergoing the era of CLIMATE CHANGE. According to the fifth assessment report of the Intergovernmental Panel on Climate Change (IPCC), human influence has been detected in warming of the atmosphere and the ocean, in changes in the global water cycle, in reductions in snow and ice, in global mean sea level rise, and in changes in some climate extremes, and that it is extremely likely that human influence has been the dominant cause of the observed warming since the mid-20th century.  

The issue of protection of environment was, till recently, discussed and deliberated upon by adopting the concept of 'sustainable development' which, in other words, was treated as a science and technology issue. The socio-legal aspects of climate change were neglected (and they have not been fully explored even now). A realisation has dawned, which is slowly gaining momentum, that climate change can be a human rights issue as well inasmuch as it leads to the violation of human rights, specially rights to life, health, food, water and housing etc. This realisation to the international community was mainly due to the

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initiative and obstinacy of the Maldives, a small island country, which itself is gravely affected because of adverse impact of global warming thereby endangering its survival itself. Mark Lynas in his Book High Tide has narrated the following historical event which may send down shivers to spine of everybody reading it:

“One day, 251 million years ago, a giant volcanic eruption shook modern-day Siberia. Billions of tonnes of hot as and gases poured into the atmosphere, sparking huge storms of acid rain. Once the clouds cleared, the sun shone hotter than even before, and searing heat killed plants and animals where they stood all around the planet. The end-Permian mass extinction had begun.

It was the words ever crisis to affect life on Earth, and by the end up to 95% of the world's species were dead. In the words of one expert, it was the time 'when life nearly died'.

This crises wasn't caused by an asteroid, unlike the catastrophe that later wiped out the dinosaurs. It was caused by global warming.

Geologists examining oxygen isotopes in the end-Permian rocks have recently put a figure on how much global warming was associated with this catastrophic mass extinction. That figure is six degrees Celsius.

Skip forwards 251 million years to the present day. The world is warming fast, and the evidence is everywhere, from thawing glaciers to rising sea levels. In 2001 the IPCC released its landmark Third Assessment Report, which made projections for future
warming over the next hundred years.

The upper limit was higher than in previous assessments.

The scientists had raised it – to six degrees.”

In November, 2007, the Maldives held a meeting of few small island countries at which the pioneering 'Male Declaration on the Human Dimension of Global Climate Change' was adopted. It is the first document that records the concern, 'that climate change has clear and immediate implications for the full enjoyment of human rights including inter alia the right to life, the right to take part in cultural life, the right to use and enjoy property, the right to an adequate standard of living, the right to food, and the right to the highest attainable standard of physical and mental health.

The document exerts mobilization of major international actors, especially United Nations (UN) human rights institutions, towards the pursuit and elaboration of human rights approach to climate change. Since then Human Rights Council (HRC) has acknowledged the concern expressed in Male Declaration resulting into instruction to the office of UN High Commissioner for Human Rights (OHCHR) to undertake 'a detailed analytical study on the relationship between climate change and human rights'. OHCHR released its study report in January, 2009 reaching
several important conclusions and accepting that climate change had direct impact on human rights. Even, general assembly of the Organization of American States (OAS) called upon various OAS bodies to step up their efforts to counter the adverse efforts on climate change on countries and populations, although in its resolution it used the phrase ‘possible links between climate change and human rights’.

Climate change threatens fundamental rights (human rights).

(i) Right to life
(ii) Right to adequate food
(iii) Right to health
(iv) Right to water
(v) Hampering the realization of rights to private and family life, property, means of subsistence, freedom of residence and movement.

IMPACT OF CLIMATE CHANGE ON DISASTERS IN INDIA

The projected climate change will affect India particularly severely. As estimated, along with floods, India also suffers acute water shortage. Of the net area sown in the country, 68 per cent is prone to drought, and of this 33 percent is chronically drought-prone, receiving rainfall of less than 750 mm per annum, while 35 percent receives rainfall between 750-1,125 mm per annum (Gol, 2002). The steady shrinking of the
Himalayan Glacier ranges will drastically cut down water availability in downstream plains of Uttar Pradesh and Bihar. India's initial National Communication to the United Nations Framework Convention on Climate Change (UNFCCC) projects that Luni, the west flowing rivers of Kutchh and Saurashtra occupying about one fourth of the area of Gujarat and 60% of Rajasthan are likely to experience acute physical water scarcity. The river basins of Mahi, Pennar, Sabarmati and Tapi are also likely to experience constant water scarcities and shortages (Gol, 2004b). India is already battling high population and rapidly increasing urbanization. The population of India is forecast to be around 1.4 thousand million by 2020. The urban population is growing faster than the rural population. The coastal megacities of Chennai (2005: population 6.9 million), Calcutta (14.3 million) and Mumbai (18.2 million) lie generally only a few meters above sea level (WBGU, 2008). The high population pressure combines with increasing cyclone intensity and sea-level rise as a result of climate change will put millions of people at risk of being hit by storm and flood disasters. In India, climate change is expected to have deep impact on food, energy, water, internally displaced persons and migrants, health and economy. It could aggravate numerous existing conflicts. At the same time, it could generate new stresses, tensions and conflicts. Climate
change could become a major issue in India's bilateral relations with its neighbours. For instance, a large number of environmental refugees could come to India from Bangladesh thereby altering the demographic balance in the Indian states. Migrations could also take place from Sri Lanka, Maldives and Nepal. Water sharing issues could arise between India and China, India and Bangladesh, India and Pakistan. To cope with these challenges, India will have to devise its strategies carefully.

**CLIMATE CHANGE AND INDIAN FARMERS**

Indian Farmer’s and their families today are standing as victim of India’s Longstanding Agrarian Crises- a crises that demands that attention of Indian Government, which, till date, has failed to meets its obligation to ensure farmers’ Human rights. The Magnitude of number of Indian Farmers who have committed suicide must not eclipse that fact that an intensely individual tragedy lies behind each and everyone deaths. These tragedies haunt the families of the casualties of India’s agrarian crises in ways that are inescapable. Financial tussles associated with deaths do not end with the suicide. In many cases, the burden shifts towards the surviving families which often leads to children which no alternative but to give up their education and work in order to sustain. Surviving widow, who often inherits her husband’s debts, may also take their own lives out of
same fear.

- **Fury of Nature in form of Climate Change may lead to either Drought or excessive Rainfall**
  - Damages to the Crops-
    - Farmer- sole bread earner -No other source of livelihood.
    - No means to repay loans he may opted for Education of his children-
    - May have opted the Land on lease
    - Mortgage his property- to earn livelihood
    - May have to live his live in distress
The central question is whether and, if so, *how international human rights institutions and regimes should be mobilized* in order to provide redress to individuals affected by climate-change induced harm. It is submitted that *such harm is well capable of being conceptualized in terms of fundamental rights violations*, especially of the rights to life, health, food, water and adequate housing.

It is, therefore, stressed that human rights law should be made a viable and unavoidable framework in addressing the contemporary challenges arising from climate change.