Climate Change: Human Rights Perspective

Justice A.K. Sikri
Judge, Supreme Court of India
Environment Protection

NGOs and environmental activists are hyperactive in not only raising the issues in media, among intelligentsia and even bringing such issues before the courts.

In schools, at a young and impressionable age, children are taught that we are collectively responsible for protecting and nurturing our natural surroundings.
Development

Protection of the Environment
Environment

- Irresponsible deforestation and mining,
- Uncontrolled use of minerals, mineral oils and fossil fuels, and
- Release of pollutants into air, water and soil.

Development

- Economic development
- Would result in making the people and society more affluent and comfortable,
What has led to Climate Change?

While balancing the development activities vis-a-vis environment, we lean towards development. Thinking that damage to environment because of such economic development activity is not immediate or immediately perceptible.

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.

With the 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 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
Climate Change a Human Rights Issue

• 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 realization to the international community was mainly due to the 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’ narrated the following historical event

- **“One day, 251 million years ago**, a giant volcanic eruption shook modern-day Siberia. Billions of tons of hot gas 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 worst 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.

- **Skip forward 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.”
International Position

Male Declaration on the Human Dimension of Global Climate Change
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.

UN High Commissioner for 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.

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).

- Right to life
- Right to adequate food
- Right to health
- Right to water
- 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

Resource scarcity
Poverty/Inequality
Political Instability
Lack of development
Lack of human security

Natural Hazard

• Vulnerable Conditions

Conflict

Security

Disasters
Climate Change and Indian Farmers

Fury of Nature in the form of Climate Change may lead to either Drought or excessive Rainfall

- Farmer is the sole bread earner. No other source of livelihood.
- No means to repay loans he may also have opted it for the education of his children.
- May have opted the land on lease.
- Damages to Crops
  - Mortgage his property to earn livelihood
  - May have to live his live in distress
Conclusion

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.
Thank You 😊