

The Impact of Climate Change on Human Rights

تأثير التغير المناخي على حقوق الانسان

Moulay Asma

Laboratory of Human Rights and peace culture

a.moulay@univ-alger.dz

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Abstract :

Today, the world is witnessing many unprecedented and recurring climate crises, such as powerful and destructive hurricanes, the increase in the frequency of extreme weather events, the rise in global temperatures due to gas emissions, and the repercussions of global warming resulting from human activity. These crises cause harmful environmental effects such as droughts, floods, sea-level rise, heatwaves, biodiversity loss, and ecosystem collapse. In this regard, climate change threatens not only human life but also the natural environment as a whole. It affects the rights of countless people and living beings, leading to the outbreak of violent conflicts and disputes in certain areas due to the lack of resources, and threatening the survival and continuity of the natural environment and human rights in our current time.

KEYWORDS: Climate change, human rights, adaptation, mitigation, cooperation.

ملخص:

يشهد العالم اليوم العديد من الأزمات المناخية غير المسبوقة، والمتكررة، على غرار الأعاصير القوية والمدمرة، مع زيادة تواتر الظواهر الجوية المتطرفة، وتزايد درجات الحرارة العالمية بسبب انبعاثات الغازات وانعكاسات الاحتباس الحراري الناتج عن النشاط البشري، متسببة في حدوث تأثيرات بيئية ضارة، مثل الجفاف والفيضانات وارتفاع مستوى سطح البحر، وموجات الحر، إضافة إلى فقدان التنوع البيولوجي وانهيار النظم البيئية، وفي هذا الشأن لا يهدد التغير المناخي حياة الانسان فقط، ولكنه يهدد البيئة الطبيعية جمعاء، مؤثرا على حقوق عدد لا يحصى من الأشخاص والكائنات الحية، ومتسببا في اندلاع نزاعات وصراعات عنيفة ومسلحة في مناطق معينة بسبب نقص الموارد، ومهددا بقاء واستمرارية البيئة الطبيعية وحقوق الإنسان في وقتنا الحالي.

الكلمات المفتاحية: تغير المناخ، حقوق الإنسان، التكيف، التخفيف، التعاون الدولي.

Auteur correspondent : Moulay Asma.

Introduction

The Secretary-General of the United Nations considered the climate change crisis the greatest threat to the survival of the human race, and this is on the occasion of his explicit remarks at the Human Rights Council held on February 24, 2020, in Geneva, Switzerland. It is a reflection of what the world is witnessing today unprecedented and recurring climate crises, strong and destructive hurricanes, increased frequency of extreme weather events, slow-onset phenomena, increasing global temperatures due to gas emissions, and global warming resulting from human activity, causing harmful environmental effects, such as droughts, floods, sea level rise, and heat waves, in addition to the loss of biodiversity and the collapse of ecosystems.

In this context, climate change threatens not only human life, but also the natural environment as a whole, affecting the rights of countless people and living beings, causing violent and armed conflicts to break out in certain areas due to lack of resources, and threatening the survival and continuity of the natural environment and human rights in our current time. This led to the need to intensify international action, and to hold many meetings, which resulted in the issuance of several important international declarations, conferences, and covenants in this context, such as the Universal Declaration of Human Rights, which recognized the full enjoyment of the rights and freedoms of all people, or the final document of the Rio +20 conference 2012, where the whole world declared "The future we want".¹

In addition to the Paris agreement, whose parties recognized the importance of human rights in climate action, they agreed to respect and strengthen their human rights commitments.²

Which requires "harmony with nature", achieving economic, social, and human balance with "ecosystem conservation, regeneration and flexibility in the face of new and emerging challenges".

Thus, over the past decades, the international community has concluded that the relationship between climate change and human rights is well-established, and the majority of countries and United Nations agencies have explicitly recognized that climate changes can weaken human rights, lead to mass displacement, and drowning of small island states, as well as exacerbating pre-existing inequalities, such as poverty, and inequality in the well-being and enjoyment of other rights and freedoms that it severely affects vulnerable and vulnerable groups, such as children.

In this context, the World Health Organization indicated that 1.7 million children under the age of five die every year due to environmental damage.³

The Human Rights Council also affirmed that millions of children around the world are growing up deprived of parental care and the right to life, family life, and health, due to natural disasters resulting from climate change that threaten them.⁴

Climate change affects a whole series of fundamental rights, such as the right to food and housing.⁵

The Human Rights Council has stated many times that the severe consequences for the right to food, particularly as a result of events, are linked in part to climate change and its effects.⁶

And that without taking deep radical measures, terrible damage to the natural environment will result, which can only be faced through international cooperation and solidarity, to mitigate and adapt

to climate change, based on the principles of justice, accountability, transparency, equality, and non-discrimination.⁷

With the need to move from mere resonant speeches received in international forums to field solutions, that would ensure dealing with climate action from a human rights perspective, while recognizing the tragic effects of global warming on human rights, and exploring the potential contributions of national and international human rights frameworks, similar to the commitments Human rights that have the potential to inform and promote international and regional norms and principles, develop national policies in the field of climate change, and promote policies of coherence, legitimacy and sustainable results.⁸

The importance of the subject:

This study will address the interface of human rights and climate change from the perspective of public international law, within the framework of international and national legal texts that govern human rights and climate change, and identify synergies and tensions between them, how they spread unevenly across countries, and how climate change affects the enjoyment of human rights within states.

This study deals with the interaction between human rights and climate change from the perspective of public international law, within the framework of international and national legal texts related to human rights and climate change, while identifying the synergies and tensions between them, and how they spread unevenly across countries, this in order to show how climate change affects climate on the enjoyment of human rights within states.

Therefore, the aim was to contribute by providing a review of the legal dimensions of this impact, as well as a survey of some of the sources of public international law that are likely to be relevant to climate change. and human rights.

Problem statement

What is the impact of climate change on the enjoyment of human rights? And what is the relationship between the

The aim of the study:

From this study, we will try to address the relationship between climate change and human rights, by explaining the concept of both human rights and climate change, and then describing how climate affects ecosystems and natural resources, physical infrastructure and human settlements, and then livelihoods. Health and security, and finally on how to mitigate and adapt these impacts on human rights, focusing primarily on activities undertaken by national governments both within and outside the context of the United Nations Framework Convention on Climate Change (UNFCCC).

The methodology used:

This study relies on both the descriptive approach and the analytical approach, and the deductive approach, by describing the relationship between the concept of human rights and climate change, and then analyzing the effects of this interdependent and well-established relationship, and

finally reaching conclusions related to the importance of mitigating and adapting the effects of human rights. Climate change on human rights.

The general division of the study:

Section I: the effects of climate change on human rights.

Section II: confronting climate change and its impact on human rights.

1 - The effects of climate change on human rights.

The issue of climate change has captured global attention like few other causes, from relative obscurity in late 1980 when it was first discussed in the UN General Assembly,⁹ it has come to be characterized as “the defining human development challenge for the 21st century”¹⁰

In this regard, we will discuss the following main topics:

A) the concept of climate change and human rights:

Interest in the social dimensions of climate change has increased in the past years,¹¹ and it has been concluded that climate change can affect people's lives and living conditions, and thus the protection of their human rights. Similar to the right to life, health, water, food, housing, and an adequate standard of living, which prompts us at the outset to clarify the meaning of each of human rights and climate change and to address some of these rights affected by climate change.

1- The concept of human rights:

There are many discussions related to human rights, especially since they constitute a complex concept that includes an integrated system with intertwined and intersecting definitions. In this regard, we will not go back to the linguistic definition of man, right, and freedom, and we will suffice with presenting the idiomatic meaning of the concept of human rights.

Human rights are a set of norms that regulate the actions of individuals and groups, by states and actors, on the basis of moral principles, which are incorporated into national and international legal systems.

The difference in the definition of human rights is due to the difference in the angle from which it is viewed from one society to another, and from one culture to another, in addition to the confusion between the protected right and the mechanisms for its protection.

It is important to point out that there are several terms used to denote them, including human rights, human personal rights, and natural rights in addition to innate or inherent rights, and they are also called the rights of peoples' law, given that these rights are recognized by the statutory laws of different countries in our modern era, But the most common term since the nineteenth century to the present day is the term human rights.¹²

Naturally, human rights can be traced in the religious and intellectual heritage of mankind for several centuries preceding the Universal Declaration of Human Rights promulgated in 1948. No

religion is devoid of texts about honoring man, and no culture is devoid of the principles of mercy, justice, and fairness.¹³

Thus, we agree that he differed in setting a unified definition for it, and there were many definitions regarding human rights, including what was put forward by Rene Kalsan, one of the participants in the development of the Universal Declaration of Human Rights 1948, which considers the science of human rights to be a special branch of the branches of social sciences. According to human dignity, with defining the rights and choices necessary to open the personality of every human being.¹⁴

Some of them defined them as rights inherent in all human beings, regardless of their nationality, place of residence, gender, national or ethnic origin, color, religion, language, or any other status. We all have the right to obtain our human rights on an equal basis and without discrimination. All these rights are interdependent, mutually reinforcing, and indivisible.¹⁵

Also, article 1 of the universal declaration of human rights indicated that all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

As article 2 of the declaration states that everyone is entitled to all the rights and freedoms set forth in this declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinions, national or social origin, property, birth or other statuses. Furthermore, no distinction shall be made on the basis of the political, jurisdictional, or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing, or under any other limitation of sovereignty.

The Indian philosopher and economist, Amartya Sen, who won the Nobel Prize in economics in 1998, considered that “human rights can be seen as a moral demand in the first place ... like other moral demands that require acceptance”.¹⁶

Yves Modio defined it as the study of personal rights that are recognized nationally and internationally, and which, in the light of a particular civilization, include a combination of asserting and protecting human dignity on the one hand and maintaining public order on the other hand,¹⁷ and the implication of this saying is that human rights combine the international dimension with the national dimension and that human rights set limits for individual personal freedoms, in order to preserve the general order of the state and society.

The United Nations defined human rights as universal legal guarantees to protect individuals and groups from government actions that affect basic freedoms and human dignity, and human rights law obliges governments to do some things and prevents them from doing others.¹⁸

There is no doubt that human rights, in all the aforementioned meanings, represent an intermediate concept or a common theme between more than one branch of the social, legal, and economic sciences and that they include a set of basic characteristics of human rights such as eternity, inclusiveness and their inherent nature because they exist by default. Not according to its approval by legislative or constitutional authority, and this is what the United Nations did when it said the Universal Declaration of Human Rights and did not say universal recognition.

Maurice Cranston sees human rights as natural rights, based on the law of nature, drawing inspiration from the philosophy of the natural rights school, which believes that the individual, by virtue of his humanity, has rights derived from his nature, as they are born with him and cannot be waived, and that human rights belong to all people, in all historical periods, and it belongs to man simply, because he is a human being who deserves respect,¹⁹ a definition consistent with the definition of the United Nations, which defines human rights as those rights that are inherent in our nature, and without which it is impossible for us to live as human beings.

As for the Hankari jurist Imarzabo, he goes that human rights constitute a combination of constitutional and international law.²⁰

With regard to some arab definitions, Radwan Ziada defined them as the rights that are guaranteed to the human being and related to his nature, such as his right to life, equality, and other rights related to the very human nature that were mentioned in international charters and declarations.²¹

Muhammad Al-Majdoub defines it as a set of natural rights that man possesses and that are attached to his nature and that remain present, even if they are not recognized, but more than that, even if they are violated by some authority.²²

From the foregoing, human rights are considered universal legal guarantees protecting individuals and to some extent groups against actions and omissions that interfere with fundamental freedoms, entitlements, and human dignity.

2- The concept of climate change:

The term climate change has been frequent in recent years, given that the climate crisis is one of the greatest global challenges in the twenty-first century, and its association with many negative effects of human progress.

Climate change in The Intergovernmental Panel on Climate Change (IPCC) usage refers to a change in the state of the climate that can be identified (e.g. using statistical tests) by changes in the mean and/or the variability of its properties, and that persists for an extended period, typically decades or longer. It refers to any change in climate over time, whether due to natural variability or as a result of human activity.²³

The United Nations Framework Convention on Climate Change (UNFCCC), in its first article, defines climate change as "Climate change" means a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods.²⁴

The intergovernmental working group on climate change (GIEC) considered climate change to be all forms of changes that can be expressed in a statistical description, which can last for decades, resulting from human activity, or resulting from the internal interactions of the components of the climate system.²⁵

Accordingly, climate change refers to long-term shifts in temperatures and weather patterns. These shifts may be natural and occur, for example, through changes in the solar cycle.²⁶

- Causes of climate change:

Since the 19th century, human activities have become the main cause of climate change, mainly due to:²⁷

▪ **Power generation:**

The generation of electricity and heat by burning fossil fuels accounts for a significant portion of global emissions. The resulting carbon dioxide and nitrous oxide - powerful greenhouse gases blanket the Earth, trapping heat from the sun.

More than a quarter of the world's electricity comes from wind, solar, and other renewable energy sources that, unlike fossil fuels, emit very few greenhouse gases or pollutants into the atmosphere.

▪ **Manufacture of goods:**

Manufacturing is one of the world's largest contributors to greenhouse gas emissions from burning fossil fuels to generate energy to produce things like cement, steel, electronics, plastics, clothing, and other commodities.

Mining, construction, and other industrial processes also release a lot of gas.

▪ **Deforestation:**

Deforestation for farms and pastures, along with agriculture and other land use changes, is responsible for nearly a quarter of global greenhouse gas emissions.

Approximately 12 million hectares of forests are destroyed every year, limiting nature's ability to absorb carbon dioxide and thus contributing to its presence in the atmosphere.

▪ **Use of transportation:**

Transportation is a major contributor to greenhouse gas emissions, especially carbon dioxide, as most cars, trucks, ships, and planes run on fossil fuels. Road vehicles account for the majority of the combustion of petroleum-based products such as gasoline in internal combustion engines.

However, emissions from ships and aircraft are also increasing. Transportation accounts for almost a quarter of the world's energy-related carbon dioxide emissions.

▪ **Food production:**

Food production causes emissions of carbon dioxide, methane, and other greenhouse gases, through deforestation of land for agriculture and grazing, production and use of fertilizers to grow crops, and food packaging and distribution. and using the energy to power farm equipment or fishing boats, usually using fossil fuels. All of which makes food production a major contributor to climate change.

▪ **Building energy supply:**

Globally, residential and commercial buildings consume more than half of the electricity. As it continues to rely on coal, oil, and natural gas for heating and cooling, it emits large amounts of greenhouse gases.

Also, Increasing energy demand has contributed to an increase in energy-related carbon dioxide emissions from buildings in recent years.

3- **Human rights affected by climate change:**²⁸

It is difficult to list all the rights affected by climate change, and we will suffice by pointing out some of them, which were referred to in various declarations and recommendations similar to recommendation No. 41/21, issued by the Intergovernmental Panel on Climate Change and the Human Rights Council, which emphasized that climate change affects the right to life, self-determination, development, health, food, water and sanitation, adequate housing and various cultural rights.

The World Health Organization (WHO) has also indicated that between 2030 and 2050, climate change is expected to cause approximately 250,000 additional deaths each year from malnutrition, malaria, diarrhea, and heat stress.²⁹

According to the United Nations Food and Agriculture Organization (FAO), climate change is causing many other disasters, extreme weather events, droughts, floods, and deprivation of livelihoods for millions of people around the world. In particular, which accounts for 78% of the world's poor.

Nearly 800 million people live in rural areas dependent on agriculture, forestry and fishing, and their survival is threatened.³⁰

The World Bank has also estimated that, without urgent action, climate change could impoverish about 100 million people.³¹

We will look at some of these rights affected by climate change such as:

- **Right to life:**

Most international texts and covenants referred to the right to life. According to the Universal Declaration of Human Rights, everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which the penalty is provided by law. Noting the International Covenant on Civil and Political Rights reaffirms that the inherent right to life of every human being is a basic, intangible right that cannot be subject to any restriction or suspension in any circumstances whatsoever.

It follows that states should not only take effective measures against predictable and preventable loss of human life but also allow their populations to live in dignity.³²

Also, according to the declaration of the United Nations Conference on the Environment, “two elements of man’s environment: the natural element and what he has created himself are necessary

for him to well-being and to the full enjoyment of his fundamental rights, including the right to life itself.”³³

The Human Rights Committee, in its General Comment No. 36 (2018) on the right to life, noted that climate change is one of the “most urgent and most serious threats to the ability of present and future generations to enjoy the right to life” (para. 62).

Also the Intergovernmental Panel on Climate Change, in its fourth assessment report, predicted an increase in people suffering from death and disease and from heat waves, floods, storms, fires, the most prominent effects of climate change on the right to life are an increase in hunger and malnutrition, effects on child growth and development, in addition to changes in rates of cardiorespiratory morbidity and mortality.

In the fifth assessment report, the panel further described that increased malnutrition from reduced food production would lead to increased mortality risks, particularly in Sub-saharan Africa and South Asia.³⁴

The World Bank has also noted that the impacts of climate change “can include injuries and deaths due to extreme weather events.”³⁵

The Intergovernmental Panel on Climate Change noted in 2014 that potential health effects of climate change include a greater likelihood of injury and death due to increased heat waves and fires.³⁶

-Right to self-determination:

Article 1 of the United Nations Charter called to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace, which is the same content as article 1.1 of the International Covenant on Civil and Political Rights, stating that all peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social, and cultural development, which is also a right protected by article 3 of the United Nations Declaration on the Rights of Indigenous Peoples, which states that indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social, and cultural development.

Important aspects of the right to self-determination include the right of the people not to be deprived of their means of subsistence, and the obligation of states parties to encourage its exercise, including by persons living outside their territory.³⁷

Climatic conditions threaten not only people's lives but also their ways of living and livelihood, as well as the survival of entire population groups.

In its 2009 report on the links between climate change and human rights, the Office of the High Commissioner for Human Rights stated that climate change threatens the habitability and, in the long term, the territorial existence of several low-lying island states (A/HRC/10/61, para. 40). Similarly, climate change could deprive indigenous peoples of their natural lands and sources of income, which would affect their right to self-determination.

- The right to development:

The charter of the United Nations calls on states in its article 55 to promote “ higher standards of living, full employment, and conditions of economic and social progress and development; and also solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion”

As stipulated in the Universal Declaration of Human Rights, in its article 28, that everyone is entitled to a social and international order in which the rights and freedoms set forth in this declaration can be fully realized.

The International Covenant on Economic, Social and Cultural Rights also guarantees that all peoples “have the right to determine their political status and freely pursue their economic, social and cultural development.”³⁸

It was also stated in article 1 of the declaration on the right to development adopted and made public by United Nations general assembly resolution 41/128 of December 4, 1986, that the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized. And the human right to development also implies the full realization of the right of peoples to self-determination, which includes, subject to the relevant provisions of both international covenants on human rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources.

According to this declaration, the general assembly affirms that all countries have development responsibilities and that all countries should strive individually or collectively in order to unify the necessary conditions at the national and international levels to achieve sustainable development by 2030, and combating climate change is necessary for sustainable development, which is goal 13, hence, it is important to find a solution to these changes in terms of achieving sustainable, inclusive and equitable development.

The importance given to justice in the field of the right to development constitutes a direct link with the concept of sustainable development, which constitutes a special goal in the context of climate change.³⁹

As the Intergovernmental Panel on Climate Change has emphasized, “To achieve sustainable development on par with poverty eradication, we must reduce the effects of climate change.”⁴⁰

In his 2017 report to the Human Rights Council on Development (A / HRC / 36/23), the Secretary-General and High Commissioner of the United Nations Human Rights Commission stressed that the harmful effects of climate change make countries, especially developing countries, face challenges and obstacles to achieving development. sustainable development, knowing that the poorest people in developing countries, who have contributed least to climate change, are the most vulnerable to its effects.

- The right to health:

The right to health is enshrined in the Universal Declaration of Human Rights and in article 12⁴¹ of the International Covenant on Economic, Social, and Cultural Rights.

The covenant obliges states parties to take measures to ensure the full exercise of this right, including measures necessary to ensure “the improvement of all aspects of environmental and industrial hygiene” (article 02/12)

The Committee on Economic, Social Rights and Cultural Factors, in its general comment No. 14 (2000) on the right to a higher standard of health that is likely to be affected, also noted that “essential determinants of health, such as access to clean drinking water and adequate sanitation, access adequate quantity of healthy food, nutrition, housing, occupational and environmental health...” which is mentioned in paragraph 11 falls within the scope of the right to health.

The deterioration of the environment, especially as a result of climate change, contributes to the erosion of biodiversity, causing the emergence of new animal diseases and the spread of viral epidemics.

Knowing that zoonotic diseases often account for about 60% of all infectious diseases affecting humans, and 75% of all emerging infectious diseases affecting humans, and on average one new infectious disease appears among humans every four months. It is therefore important to recognize that human health and development depend on the integrity of ecological ecosystems.⁴²

-The right to food:

The human right to adequate food is recognized in several instruments under international law. The International Covenant on Economic, Social, and Cultural Rights deals more comprehensively than any other instrument with this right.

Pursuant to article 11.1 of the covenant, states parties recognize “the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing, and housing, and to the continuous improvement of living conditions”, while pursuant to article 11.2 they recognize that more immediate and urgent steps may be needed to ensure “the fundamental right to freedom from hunger and malnutrition”. The human right to adequate food is of crucial importance for the enjoyment of all rights. It applies to everyone; thus the reference in article 11.1 to “himself and his family” does not imply any limitation upon the applicability of this right to individuals or to female-headed households.

The United Nations Committee on Economic, Social, and Cultural Rights declared that “the right to adequate food is realized when every man, woman, and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement.

The General Assembly recognized the negative impact of the climate on food security, and in its resolution 71/191, on the right to food, it highlighted the importance of developing measures to limit the adverse effects of climate change and implementing these measures in Paragraph 39, as the

Human Rights Council also indicated in its resolution 37/10 Noting that climate change poses a threat to the right to food.

- Right to water and sanitation:

The human right to water is indispensable for leading a life with human dignity. It is a prerequisite for the realization of other human rights. The committee has been confronted continually with the widespread denial of the right to water in developing as well as developed countries. Over 1 billion persons lack access to a basic water supply, while several billion do not have access to adequate sanitation, which is the primary cause of water contamination and diseases linked to water.⁴³

Article 11, paragraph 1 of the covenant specifies a number of rights emanating from, and indispensable for, the realization of the right to an adequate standard of living “including adequate food, clothing and housing”. The use of the word “including” indicates that this catalog of rights was not intended to be exhaustive. The right to water clearly falls within the category of guarantees essential for securing an adequate standard of living, particularly since it is one of the most fundamental conditions for survival. Moreover, the committee has previously recognized that water is a human right contained in article 11, paragraph 1.

The right to water is also inextricably related to the right to the highest attainable standard of health (art. 12, para. 1) and the right to adequate housing and adequate food (art. 11, para. 1).⁴⁴ The right should also be seen in conjunction with other rights enshrined in the International Bill of Human rights, foremost amongst them the right to life and human dignity.

The right to water has been recognized in a wide range of international documents, including treaties, declarations, and other standards.⁴⁵

For instance, article 14, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination Against Women, stipulates that states parties shall ensure to women the right to “enjoy adequate living conditions, particularly in relation to [...] water supply”.

Article 24, paragraph 2, of the Convention on the Rights of the Child, requires states parties to combat disease and malnutrition “through the provision of adequate nutritious foods and clean drinking water”.

As the Committee on Economic, Social, and Cultural Rights, in its General Comment No. 15, has articulated the right to water by stating that the human right to water entitles everyone to a sufficient, safe, and acceptable quantity of water that is physically accessible and financially affordable. To be used for personal and domestic purposes, states parties must adopt effective measures to implement the right to water, without discrimination, and the General Assembly, in its resolution 64/292, recognized that the right to water and sanitation is one of the human rights, noting that these rights are necessary for enjoyment Full of all human rights, just as the right to water and sanitation is mentioned in the Convention on the Elimination of All Forms of Discrimination against Women.

In this regard, it is important to note that the Intergovernmental Panel on Climate Change stated that climate change is expected to significantly reduce renewable surface water and groundwater resources in most dry subtropical regions, a situation that will intensify competition for water between agriculture, ecosystems, settlements, industry and energy production affecting water and energy.

Knowing that regional food security and water shortages are major factors in conflict, violence, displacement, and social unrest.

- Right to adequate housing:

Pursuant to article 11 (1) of the covenant, states parties “recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing, and housing, and to the continuous improvement of living conditions”.

The United Nations Committee on Economic, Social, and Cultural Rights has underlined that the right to adequate housing should not be interpreted narrowly.

Rather, it should be seen as the right to live somewhere in security, peace, and dignity. The characteristics of the right to adequate housing are clarified mainly in the Committee’s general comments No. 4 (1991) on the right to adequate housing and No. 7 (1997) on forced evictions.⁴⁶

Although a wide variety of international instruments address the different dimensions of the right to adequate housing⁴⁷ article 11 (1) of the covenant is the most comprehensive and perhaps the most important of the relevant provisions.

Climate change threatens the right to adequate housing and its basic elements in various ways. extreme weather events can destroy homes and displace millions of people. Lands may become uninhabitable due to drought, erosion, floods, hurricanes, violent storms, landslides, earthquakes, and tsunamis, leading to displacement and migration. And with a temperature rise of two degrees celsius by 2100-2080, urban housing will be exposed to a high degree of risk, and the climate repercussions will have a severe impact, especially for low-income groups.

- Cultural rights:

Everyone has cultural rights, a right to science, and a right to protection of authorship interests. These guarantee the right to participate in and enjoy the benefits of culture and science, and relate to the pursuit of knowledge, understanding, and human creativity. These rights are an important part of social harmony and are closely connected to the rights to education and freedom of thought, conscience, and religion.

Article 15⁴⁸ of the International Covenant on Economic, Social, and Cultural Rights affirms the right of every individual to participate in cultural life and enjoy the benefits of scientific progress and its applications. which are indispensable for scientific research and creative activity.

In this context, the UNESCO Declaration on Cultural Diversity affirmed that culture should be regarded as: “the set of distinctive spiritual, material, intellectual and emotional features of society or a social group and that it encompasses, in addition to art and literature, lifestyles, ways of living together, value systems, traditions, and beliefs.”

The right to participate in cultural life has both individual and collective elements; they may be exercised as an individual, in association with others, and within a community or group. States should pay particular attention to the cultural rights of minority and indigenous groups, among others, and provide opportunities for them to both preserve their culture and shape cultural and social development, including in connection to language and land, and natural resources.

The Local Communities and Indigenous Peoples' Platform established by the Conference of the Parties to the United Nations Framework Convention on Changing the Rights of Indigenous Peoples, including those relating to their traditional knowledge, recognizes that they are knowledge threatened by climate change and a source for potential measures to adapt to and mitigate climate change.⁴⁹

In this regard, article 7 paragraph 5 of the Paris agreement states that adaptation actions should be based on and guided by the best available scientific findings and where appropriate traditional knowledge, indigenous knowledge, and local knowledge systems.

Climate change poses a threat to the enjoyment of cultural rights, including cultural practices and appropriate spaces for cultural events and lifestyles. The special rapporteur in the field of cultural rights highlighted how climate change exposes natural spaces to serious risks such as erosion of beaches and banks or fires caused by drought.

2 - confronting climate change and its impact on human rights

The main idea of this paper is the relationship between climate change and human rights under international law. That is why this section examines how to confront the effects of climate change on human rights, in accordance with the principles, standards, and processes of international law as they relate to both human rights and climate change, with a primary focus on treaty law.

A) International efforts to reduce the harmful effects of climate change on human rights:

The degree of sophistication and specialization involved in tackling climate change has prompted researchers to qualify the international climate change regime as a “highly specialized area of international law”⁵⁰

In this regard, the first preamble clause of the United Nations Framework Convention on Climate Change (UNFCCC) read together with the Kyoto Protocol has acknowledged that changes in the climate of Earth and its resulting adverse effects are a common concern for humankind.

Furthermore, the UNFCCC advocates for a common international legal and normative framework with the view of stabilizing “the greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system” in accordance with article 2.

These unique treaty provisions are also supported by preexisting rules of international law such as international environmental law, international human rights law, and State responsibility forming the foundational basis of international climate change regulation.⁵¹

In this section, we try to refer to some of the international measures taken, such as the United Nations Framework Convention on Climate Change UNFCCC, the Kyoto Protocol, and the Paris Agreement 2015 for example, Considering that there are many international agreements and conventions that have been developed for this purpose.

1- The UNFCCC:⁵²

The UNFCCC is the basic international legal instrument for channeling international cooperation to achieve stabilization of GHG concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.

The UNFCCC does not directly address obligations to protect human rights that may be impacted by the adverse effects of climate change. However, there are instances where human rights have been alluded to or mentioned in this regime.

2- The Kyoto protocol 1997:

The Kyoto protocol does not explicitly mention human rights, it introduces the concept of vulnerability – namely, that not all people and countries are equally placed when it comes to decisions about climate change and its impacts.

This concept of vulnerability has led to the development of differential treatment, reflected in article 3 of the Kyoto protocol which states that “parties should protect the climate system for the benefit of present and future generations of humankind, based on equity and in accordance with their common but differentiated responsibilities and respective capabilities”.

The principle of differential treatment reflects the broader human rights goals of international law, such as the aims of fairness and solidarity.

The Kyoto protocol to the UNFCCC, adopted in 1997 and entered into force in 2005, imposes emissions reduction and limitation obligations on industrialized country parties.

3- Paris Agreement 2015:

The preamble to the Paris agreement states that parties “when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity.” The preamble to the accompanying COP decision adopting the Paris agreement uses the same language.⁵³

The inclusion of this wording may signal a shift towards greater interaction between climate change law and human rights law in the UNFCCC treaty regime.

But there is no reference to human rights in the treaty’s operative provisions and it does not set out any measures that specifically address human rights in the context of climate change. So the direct impact of the inclusion of human rights in the preamble of the Paris agreement is limited.

There are, however, operative provisions in the agreement that indicate connections between climate change and other objectives related to human rights. article 2, for example, states that the response to climate change should be in the context of eradicating poverty; article 7 para.5 that adaptation action should take into account vulnerable groups and communities.

In the so-called Paris agreement rulebook, agreed at COP24, some implicit references to human rights can also be found. For example, in the guidance concerning the preparation of parties’ NDCs,

B) Measures to mitigate the effects of climate change and adapt them to human rights:

The way governments and other actors respond to the challenges of climate change can also affect the enjoyment of human rights.

This is what we see in relation to the actions taken to mitigate greenhouse gas (GHG) emissions that contribute to climate change, as well as the projects undertaken to adapt to the effects of climate change through

1- mitigation:

The Bali Action Plan clearly contemplates additional emission reduction commitments for industrialized countries, and introduces the concept of nationally appropriate mitigation actions (NAMAs) by developing countries, which are to be supported by technology, financing, and capacity-building.

There are many examples of how certain types of mitigation projects can be implemented to reduce or sequester greenhouse gases, as emissions can negatively affect the rights of certain groups.

The context of the:⁵⁴

- Hydroelectric projects, which often displace local populations and destroy the ecosystems on which they depend, can also harm people's health and livelihoods.
- Biofuel policies and projects, which can contribute to food shortages and price shocks, are additional.
- water stress and scarcity, large-scale deforestation, and displacement of indigenous peoples

2- Adaptation:

Adaptation policies attempt to increase the capacity of societies and ecosystems to deal with the risks and impacts of climate change. 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 GHG concentrations, climate change will continue over several decades, and therefore adaptation strategies are key to protecting vulnerable populations. Failure to adapt can conflict with human rights, especially for the most vulnerable.

And one concern is that some adaptation programs may benefit one group at the expense of others – as in the case of coastal fortifications protecting one community, in exchange for exposing others to a greater risk of erosion and/or flooding.

There is also a risk of human rights violations in the context of resettlement.

3- Geological Engineering:

Geoengineering refers to the deliberate and large-scale manipulation of natural systems through measures targeted at preventing or mitigating the effects of climate change, such as solar radiation management, carbon sequestration, and ocean iron fertilization, and it is important to note that such projects can seriously interfere with the enjoyment of human rights for millions and potentially billions of people.

For example, potential geoengineering methods deployed in high greenhouse gas emissions scenarios have concluded that these methods can severely disrupt ocean and land ecosystems.

These devastating impacts can undermine the provision of ecosystem goods and services, thus interfering with access to food, clean water, and other key resources.

Also, the management of solar radiation would cause large-scale changes at the regional level, and these shifts may lead to an increase in storms and floods in some regions and droughts in others, and many negative impacts on natural ecosystems and human settlements.

Additionally, there is no mechanism in place at this time to ensure that governments or private parties undertaking geoengineering projects coordinate with the international community, or even disclose information to allow public participation.⁵⁵

4- Clean Development Mechanism:⁵⁶

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 own emissions.

The Clean Development Mechanism (CDM), defined in article 12 of the protocol, allows a country with an emission-reduction or emission-limitation commitment under the Kyoto protocol (Annex B Party) to implement an emission-reduction project in developing countries.

Such projects can earn saleable certified emission reduction (CER) credits, each equivalent to one tonne of CO₂, which can be counted towards meeting Kyoto targets.

The mechanism is seen by many as a trailblazer. It is the first global, environmental investment and credit scheme of its kind, providing a standardized emissions offset instrument, CERs.

A CDM project activity might involve, for example, a rural electrification project using solar panels or the installation of more energy-efficient boilers.

The mechanism stimulates sustainable development and emission reductions while giving industrialized countries some flexibility in how they meet their emission reduction or limitation target.

Current CDM modalities and procedures contain some tools that help promote a rights-based approach, such as disclosure of environmental assessments and channels for public participation.

However, the CDM has yet to fully adopt a rights-based approach to ensure that its operations contribute to sustainable development, including respect for human rights.

5- 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.

Climate finance refers to local, national, or transnational financing—drawn from public, private, and alternative sources of financing—that seeks to support mitigation and adaptation actions that will address climate change.

In this context, the convention, the Kyoto protocol, and the Paris agreement all call for financial assistance from parties with more financial resources to those that are less endowed and more vulnerable.⁵⁷

The development and application of financial safeguards is 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) and agreed to, among other effects, develop mechanisms to ensure that social and environmental safeguards apply to the fund.

Institutions involved in backing climate change-related activities, similar to the Adaptation Fund, the Global Environment Facility (GEF), and the World Bank, should give transparent processes, maintain programs and procedures that respect internationally recognized rights, and allow meaningful opportunities for public participation.

Other regimes and institutions should also be involved in this effort, including: UN Environment Programme, UN Development Programme, Food and Agriculture Organization; and International Labor Organization (ILO).

The principal efforts and leadership, however, should come from the two most directly involved regimes – climate change and human rights.⁵⁸

6- Technology Transfer:

Technologies that we use to address climate change are known as climate technologies. Climate technologies that help us reduce GHGs include renewable energies such as wind energy, solar power, and hydropower.

To adapt to the adverse effects of climate change, we use climate technologies such as drought-resistant crops, early warning systems, and sea walls. There are also ‘soft’ climate technologies, such as energy-efficient practices or training for using the equipment.

Transfer of technology is critical to supporting sustainable development and avoiding the shifting of polluting industries from industrialized countries to the developing world.

Developing and transferring technologies to support national action on climate change has been an essential element from the beginning of the UNFCCC process. In 1992, when countries established the convention, they included specific provisions on technology with the aim of achieving the ultimate objective of the convention. The convention notes that all parties shall promote and cooperate in the development and transfer of technologies that reduce emissions of GHGs.

7-Institutions & Mechanisms in the UNFCCC:⁵⁹

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

For example, the conference of the parties (COP) to the UNFCCC could create an expert group on CC&HRs to explore the human dimensions of climate change. A COP decision could establish an expert group on CC&HRs, define its membership, and specify the scope of its activities. This could include advising the COP or one of the subsidiary bodies on matters relating to human rights and providing a focused forum for discussion of CC&HRs issues.

Independent of any new process or mechanism, there is a need to mainstream human rights considerations into existing institutional arrangements and mechanisms. Bodies within the climate regime that could take on the CC&HRs linkage include the two standing subsidiary bodies created in the convention – the SBSTA and SBI – and the CDM Executive Board with respect to the operation of the CDM.

Conclusion:

Today, more than 80 percent of United Nations member states recognize the right to a safe, clean, healthy, and sustainable environment, including this in their constitutions, legislation, or ratification of regional human rights treaties.

Climate is one of the main objective elements directly related to the right to a safe, clean, and healthy environment and sustainable, whose effects are reflected on all human rights without exception.

The most important conclusion reached is that the recognition of the right to a healthy environment is involved in achieving the best in the field of human rights, and this is by improving environmental performance, which includes reducing greenhouse gas emissions and making the air cleaner.

The preamble to the Paris agreement stipulates that countries must respect, promote and take into account their respective obligations related to human rights, the right to health, the rights of indigenous peoples and local communities, migrants, children, persons with disabilities and people in vulnerable situations, the right to development, as well as gender equality and the empowerment of women. fairness between generations,

This can only be achieved through realizing the basic obligations of the state in the field of climate change, such as:

- 8- Mitigating the effects of climate change and preventing its negative effects on human rights.
- 9- Ensure that all people have the capacity to adapt to climate change,
- 10- Ensure accountability and effective remedy for the damages of climate change on human rights.

- 11- Mobilization of the maximum available resources for sustainable development based on human rights.
- 12- Cooperation with other countries.
- 13- Ensuring fairness in climate action.
- 14- Ensuring everyone enjoys the benefits of science and its applications.
- 15- Protecting human rights from business harms.
- 16- Ensuring equality and non-discrimination.
- 17- Ensure meaningful and informed participation.

In accordance with the provisions of international human rights law, states must ward off the expected adverse effects of climate change by making greater efforts to address such change, and must reduce mitigation efforts to reduce greenhouse gas emissions arising from human activities, such as burning fossil fuels and deforestation, in an effort to limit warming and thus reduce its current and future environmental impacts on human rights.

States must also take adaptation actions that protect people in vulnerable situations who are at greatest risk of the negative impacts of climate change.

Recommendations:

- National climate change plans and strategies should be included in national laws and policies, including the preparation of Nationally Determined Contributions under the Paris Agreement on Human Rights, which has a built-in mechanism to increase ambition by calling for an update of the Nationally Determined Contributions every five years using a global inventory.
- Recognizing the human right to a safe, clean, healthy, and sustainable environment, including a safe and stable climate, and implementing this right.
- Mobilizing the maximum available resources to prevent the adverse effects of climate change on human rights, including through international cooperation, in accordance with the principles of equity and common but differentiated responsibilities.
- Developing and effectively implementing social and environmental safeguards in the context of all climate action.
- Enabling national human rights institutions to contribute to the planning and implementation of national climate-related commitments, laws, and policies.
- Ensure the participation of all, including women, youth, and indigenous peoples, in climate-related decision-making.
- The importance of involving various government bodies (including those responsible for social issues), think tanks, and academics to develop and adopt strong and sound strategies and action plans to resist climate change and adapt to it as soon as possible. Besides economic and political issues.
- Their strategies must cover the social aspects of climate-resilient development, and policies should aim at specific social goals, such as preventing and reducing negative health impacts, supporting gender equality and quality of life, addressing the loss of well-being and increasing poverty, environmental degradation, and cultural and educational challenges.
- Providing access to information and education in the field of climate change, its causes and effects.
- Ensuring that people who depend on natural resources for their livelihood have access to the information, resources, and technology needed to adapt to climate change.
- Exchange experiences, knowledge, and technology and ensure that all people enjoy the benefits of climate science and its application, based on human rights, to mitigate the effects of climate change and adapt to it.
- Implementation of the recommendations of the United Nations human rights mechanisms that provide guidance on actions.

- Benefit from Climate-ADAPT's analytical information and resources, exchange knowledge and build capacities through a partnership with specialized international organizations.

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⁴¹ - article 12: "The states parties to the present covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

2. The steps to be taken by the states parties to the present covenant to achieve the full realization of this right shall include those necessary for:

(a) The provision for the reduction of the stillbirth rate and of infant mortality and for the healthy development of the child;

(b) The improvement of all aspects of environmental and industrial hygiene;

(c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;

(d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness."

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⁴⁸ - *article 15:*

1. *The states parties to the present covenant recognize the right of everyone:*

(a) To take part in cultural life;

(b) To enjoy the benefits of scientific progress and its applications;

(c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

2. The steps to be taken by the states parties to the present covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture

3. The states parties to the present covenant undertake to respect the freedom indispensable for scientific research and creative activity.

4. The states parties to the present covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.

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