

Human Rights and Climate Change

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This article aims to explore individuals' human rights when faced with issues surrounding climate change, specifically focussing on state vs corporate responsibilities.

Abstract:

The purpose of this article is address the topic of climate change and the impacts that this can have on individual's human rights. Firstly, attention will be given to clarifying the original international human rights laws and why law is in place to serve humanity. Additional attention will be given to two journals and a discussion surrounding causes and how to identify the agenda of larger companies who hold responsibility to their shareholders and not to state ideals on the control of climate change emissions. Climate change as a major crisis and the lack of clarity surrounding the link between international law and responsibility will be identified. The lack of clarity will be further explored when addressing responsibility and accountability for any violations caused. It is also evident through the research that this is a controversial topic due to in some instances a lack of acceptance by some parties into cause and effect, when working with states to address issues surrounding climate change a failure to recognise the significance that the impacts have on groups can be a major barrier to the implementation of global solutions. Finally, attention will be paid to minority groups and the increase in the number of displaced individuals due to climate altering weather and increasingly inhabitable regions.

Key words:

Universal Declaration of Human Rights (UDHR) (1948), the International Covenant of Civil and Political Rights (ICCPR) (1976) and the International Covenant of Economic Social and Cultural Rights (ICESCR) (1976).

Introduction:

To understand climate change and the implications on the human rights of individuals initial recognition must be given to key arguments within literature which aim to explore and understand what climate change is and how this can relate to human rights. A deeper understanding of the term human rights must be considered to determine if indeed climate change can be understood from a human rights perspective. When attention is given to the Universal Declaration of Human Rights (UDHR) (1948) and the original Covenants, the International Covenant of Civil and Political Rights (ICCPR) (1976) and the International Covenant of Economic Social and Cultural Rights (ICESCR) (1976) rights which are indicated within the original customary law offers protection by the virtue of being human. There have been numerous proceeding conventions which have been implemented since the original “International Bill of Rights” (Bantekas and Oette, 2016). In international terms international human rights law offers a protection which local states then are obligated to meet, often this is met by domestic legislation which the state implements to fulfil the obligations. This is where conflicts can begin to occur in relation to prosecution of violation of rights due to climate change Posner (2007) explains that the domestic legislation does not always serve to protect individuals due to the inability to provide proof of the actual crime. And that the laws to protect humans were implemented prior to the increasing global effects of climate change (UNEP, 2014).

What is climate change?

When identifying what climate change is and how to identify the actual polluter throws up a new set of problems, Aminzadeh (2007: 233) makes a valid point when discussing causation. This is indeed complex especially when you factor in different theories on the causes of climate change and the concept that there are still members of government and the scientific community who will not accept that anthropogenic global warming (AGW) is an issue (Dunlap, 2013). Proposing to translate this into effective policy and into practice becomes more difficult as although there is The Stockholm Declaration (1972) principle seven which proclaims that the state must take all possible steps to prevent pollution it does not serve to clarify the responsibility for business and multi-million-pound companies which are identified as the largest contributor (Aminzadeh, 2007). Researching into Companies views of cause and

effect and the solution to the issue of environmental change Wright and Nyberg (2017) discuss that although most businesses would recognise that the globalised economy could be a solution to climate change the lack of action which is taken by these companies lead to them continuing to be part of the problem. Profits often come before climate concern with some companies even lobbying against emission litigation, which shows a lack of accountability. Aminzadeh (2007) discusses Green House Gasses GHG and states responsibility to limit these, but this does not dictate to companies instead placing responsibility on to the state.

Focussing on the journals attention is paid to Aminzadeh (2007: 231) whom discusses that the issue of climate change has now become one of the major crises of this century, however it is evident from the findings that this is not necessarily understood from the perspective of the impacts on humans. The author's intention within this piece is to apply environmental science to explain a humanitarian situation, although this piece does recognise that this is a particularly difficult area which has had limited research conducted previously. Analysing the research conducted by Limon (2009) offers more information surrounding the international policy which appears to recognise said impacts of environmental damage and the links to harm to humans. The focus of the initial debate between the journals is that both would agree that climate change impacts on humans and both seem to agree that there are complexities when it comes to legality further identified by Posner (2007). There are however clearer guidelines which have been progressive and in the past nine years since the Limon (2009) journal and the Aminzadeh (2007) journal which is The Paris Agreement offering a Convention which is specific to climate change and receiving 175 ratifications since it was implemented in 2016 (UNTC, 2018).

When assessing the impacts of climate change on human rights it can become problematic in terms of recognition of the impact. Globally the IPCC aims to develop more of an understanding of the science behind climate change and how this impacts on human health and development, however even within this document it is recognised that future instability is difficult to predict. This report draws on scientific data to explain links between damage to environment and to humans, although this is helpful indicator of potential impacts and studies have been completed to prove conclusions this can only show likelihood and the data does not indicate a responsible party (IPCC, 2014: 180). The concept that the issues of climate change and impacts

on humans is greatly received by (Limon: 2009: 441) as it is suggested that there has been too much reliance on scientific views and recognition has only been given to the more vulnerable communities since 2005. Limon (2009:440) further indicates that there has been too slow progress as the reliance has been on scientific and political information only, which the views of the individuals who are facing the consequences of the damage to their environments are often under recognised and any violation are often unpunished due to lack of clarity of who is to blame and enforcement measures for the perpetrators. The lack of clarity and complexity is also an area which is discussed within (Aminzadeh, 2007) to address the issues which impact on humans caused by the damage to the environment there must be evidence so human rights can be protected and proof can be obtained as to the cause of the damage.

How to identify the responsible parties:?

Identifying who is to blame for damage to the environment is often problematic (Posner, 2007) speaks of legislation hoping to offer a solution to the problems which are generated by climate change. Not only is providing proof a problematic area there are also conflicts which have been identified in accepting responsibility. Even after evidence of the impacts of climate change had been presented to the United Nations (U.N) there was debate around the introduction on Resolution 7/23 in 2009, identified is the lack of support by countries who are reliant on or have an abundance of carbon fuels (Limon, 2009: 451). It is suggested that even in 2013 the lack of recognition of the U.S Government and of the public to accept that climate change is happening and is largely a man-made phenomenon (Prideaux et al, 2013: 166). This can be evidenced by the United States of America failing to ratify the Paris agreement (Meyer, 2017). Although it could be argued that ratifying a treaty does not always ensure that this is fully complied with as there are other factors which could influence a country to ratify a treaty which would lead to the lack of respect for the obligations (Hathaway, 2007). This blatant lack of recognition to the UN Charter further opposes the obligation to cooperate internationally (Limon, 2009: 455).

Considering the United States and the more financially secure regions perspective on climate change and human rights is important in so far as to consider who is more likely to suffer the worst consequences from global warming and damage to the environment. Limon (2009) proposes that the worst impacts will be felt in the countries

who are more likely to be facing economic crises and have limited access to fundamental human rights as it is, this is also supported by cases brought forward by Aminzadeh (2007) in relation to Inuits and the litigation that was filed to the Inter-American Commission on Human Rights (IACHR) although this case was heard the outcome determined was not in favour of the minority community and cited that legal jurisdiction in this instance was beyond the scope of domestic law. This is effect identified a loophole in the due process of law and further exposes the complexities between science and human rights. Although the case of the Inuits appeared to provide an initial link between climate change and impact on humans (Limon, 2009: 441).

From researching this theme other areas of contention occur between actual rights, within developed countries we are afforded rights to self-determination as identified by the UN Charter and implemented into ICESCR and ICCPR as should individuals from developing countries. Theory surrounding self-determination suggests that this is the ability to have autonomy over choices and the ability to practice control over decisions made in own lives (Ryan and Deci, 2000). Both theory and international law indicates the need for individual to have responsibility for their own decisions. However, what can be seen from both pieces of research is the right to self-determination being removed because of the devastating impacts of climate change on the environments in which minority ethnic groups are inhabiting (Aminzadeh, 2007 & Limon, 2009). Limon (2009: 468) refers to people loss of land and loss of culture which have been inhabited for millennia. This is also evidenced by research conducted by Kreft et al (2017) who identify the countries which are at most risk to climate change penning the Global Climate Risk Indicator or CRI. Identified by the CRI are countries which are developing such as in 2015 Haiti, Honduras and Malawi, in the words of Limon (2009: 472) it could be seen that we are indeed going backwards with our responsibility to provide a sustainable environment. Particularly in relation to self-determination as Amindazeh (2007: 255) proposes the need to be connected to cultural lands defines the groups need to self-determination.

Whilst the climate is changing this is leading to ever changing eco-systems, flooding and an inability for individuals to sustain life in their country of origin, migration is said to be one actual cost of the change to the global climate leading to a new class of refugees called Environmental Refugees, this being predicted as the largest growing

population of refugees. This refugee group does not appear to adhere to criteria which makes it difficult to address this concern with existing human rights (Aminzadeh, 2009: 256). It is however recognised that laws need to evolve and adapt to meet the needs of a changing world and to protect the most vulnerable (Limon, 2009: 475). As the climate is changing it is leading to more extreme weather, more storms and flooding which is impacting on the entire world (Van Aalst, 2006). This is a genuine issue globally and impacts on all humans' rights and ways of life, Warner (2011) reporting for the UNFCCC discusses the real impact of displacement from climate change and projects the number of displaced people increasing to two hundred million by 2050.

It is apparent from both journals that it is not only international law which has to adapt and evolve, it is also recognition of that law and how it applies to both humans and to overall issue which is climate change, Aminzadeh (2007) identifies the need to see the issue from both scientific and from human perspectives will then reinforce the ability to achieve change. Evolving recognition of the impacts of a scientific process on individuals can be achieved as there are researchers that aim to bridge the gap and effect change at a policy level (Limon, 2009: 475).

Concluding remarks

Throughout this piece an evaluation of two research journals has been applied to explain some elements of the impacts of climate change on human rights and the complexities of applying mainly scientifically researched information to a human issue. There are numerous human rights laws which could be applied to explain violations throughout this piece, however this has been identified as an issue with due to the nature of the issues of climate change and the lack of clarity around the causes and the responsibility to address this. States which are obligated to comply with human rights treaties have not always been able to agree with the findings that it is a human issue with a human cause thus deflecting responsibility, there is not an easy solution. Major companies must take some responsibility for their actions, but international human rights law only make the states obligated. Domestic law does not always have jurisdiction over matters which impact on lives, but states also do not always have the jurisdiction to apply international law if it is not within their state. There are complexities at all levels with a lack of understanding and a failure to identify responsibility. This failure is impacting on the individuals who are at most need of

protection and will continue to do so which will lead to large numbers of vulnerable people being displaced, unless of course there are major breakthroughs at all levels.

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