

THE INTERSECTION OF CLIMATE CHANGE AND HUMAN RIGHTS: ANALYZING THE IMPACT ON VULNERABLE COMMUNITIES

Prof. (Dr.) Anil Kumar Dixit *

ABSTRACT

This paper looks into the urgent nexus of climatic change and human rights, focusing on unearthing the damaging impacts on already susceptible communities throughout the world. The study tries to bring out how climate change aggravates already existing social inequalities, thus endangering core human rights, including the rights to health, adequate food, safe living conditions, and cultural integrity. Some of its key themes focus on climate-induced displacement, loss of the right to health through the failure to protect from environmental degradation, food security challenges in vulnerable groups and the impact of climate change on the gendered experiences of marginalized people, especially women and indigenous communities. This is achieved through a mixed-method approach focusing on qualitative case studies of regions, extremely vulnerable to the effects of climate change—such as the Pacific Islands, Sub-Saharan Africa, and South Asia—with rigorous legal analysis of both international human rights treaties and national legal frameworks. It not only provides for a rich scenario of problems these communities face but also an in-depth understanding of them. The findings report that intensified climate change results in increased risks for vulnerable populations: indigenous communities, women, and low-income households through increased displacement, health crises, and food insecurity. Further, the analysis shows that such emerging new challenges are poorly covered by existing legal protections to a significant extent. Therefore, the paper calls for urgent consideration of human rights in climate action strategies, with great stress on even higher levels of international cooperation and law. Community involvement and educated participation are encouraged, and decision-making processes are requested to be elucidated through engagement of affected populations in the process. What this research does by linking climate justice to human rights is highlight the need to create a fair and sustainable tomorrow for some of the most vulnerable communities affected by changing climates.

*** Professor of Law, Career College of Law, Bhopal, Madhya Pradesh.**

INTRODUCTION

Climate change is one of the most hazardous challenges facing our civilization, not only posing environmental challenges but also profoundly impacting human rights in the whole world. The Intergovernmental Panel on Climate Change has always emphasized through its reports the critical role of this emerging climate to the affected vulnerable population. These communities often suffer from the extreme consequences of climate-related disasters, where there are increased risks to their fundamental rights, including life, health, food, and shelter. Climate change, therefore, fundamentally exposes existing social, economic, and political inequalities, thus not appearing entirely as an environmental issue but a critical human rights concern. One reason why climate change and human rights are connected is that the impacts of climate change⁷² do not fall uniformly but instead increase existing inequalities. Vulnerable groups, including indigenous peoples, women, elderly persons, and low-income households, come out as the least likely to adapt to the impacts of climate change, thus putting them at the most risk from the adverse impacts. The climate change and human rights interface is a hub of questions of responsibility, accountability, and what appears as the urgent need for proper legal frameworks to protect those most affected. To have human rights issues relegated to the backseat of economic development-that seems most important there-position it as further marginalizing groups already stigmatized and discriminated against.

The research problem here revolves around understanding the specific challenges that climate change poses to such vulnerable communities, how such challenges reveal themselves in violations of their human rights. For example, through global climate-induced displacement, people suffer loss of their liveliest livelihoods and homes and deteriorating environmental conditions compromise public health and food security. Such issues deserve urgent attention and action, especially in the face of international obligations to uphold human rights and achieve the Sustainable Development Goals (SDGs). The study focuses primarily on exploring the multilateral relationship between climate change and human rights by investigating and analyzing vulnerabilities among targeted communities. It identifies several key areas, including climate-induced displacement, the right to health, food security challenges, and gendered impacts of climate change. Thus, it aims to show a very high level

⁷² O'Neill, S. & Hulme, M., 2009, "The Geography of Climate Change: A Global Overview," *Nature*, 462, available at: doi:10.1038/462008a.

of understanding of the way in which climate change impacts⁷³ fundamental human rights and what should be done to mitigate such risks.

This paper is arranged to allow for such a deep exploration. Drawing on this introduction, will examine climate-induced displacement and migration, focusing on the human rights implications of climate-related dislocation, including the lack of legal recognition for climate refugees. And then will analyze the right to health, describing how climatic change further risks vulnerable populations' health, in particular from hot weather, air pollution, and vector-borne illnesses. It aims to enlighten the rest of the world about the issues confronting vulnerable communities, as well as present practical measures toward realistic solutions in advancing more responsive climate justice with respect to human rights protections. This study goes the extra mile in trying to emphasize urgent need for a response that should be well-timed, for coordinated action in supporting human rights protection, which eventually means advocacy for the most vulnerable communities across the world facing the realities of climate change. It, in this manner, will aid in calling for a change in policy frameworks towards one that puts equity, justice, and the welfare of everyone on the pedestal, beyond any class or geographical background.

CLIMATE INDUCED DISPLACEMENT AND MIGRATION

The current definition of climate displacement is the forced relocation of individuals and communities due to changes in the climate that are directly related to climatic variables, including extended droughts, sea level rise, or harsh weather. This is a concerning aspect of climate displacement. The Internal Displacement Monitoring Centre (IDMC)⁷⁴ reports that every year, disasters related to climate change cause millions of people to be relocated. For instance: Disasters alone are expected to have produced close to 30.7 million new internal displacements in 2020; the primary cause of this number has been identified as climate change. If the current trend continues, climate change would force between 150 million and 1 billion people from their homes globally by 2050 alone. That is primarily from countries that are extremely susceptible to extreme weather conditions or from low-lying coastal locations. The effects of climate displacement are profound and far-reaching. For the displaced, the

⁷³ Intergovernmental Panel on Climate Change (IPCC), 2022, "Climate Change 2022: Impacts, Adaptation, and Vulnerability," available at: <<https://www.ipcc.ch/report/ar6/wg2/>> (last visited on September 27, 2024).

⁷⁴ United Nations Human Rights Council, 2019, "The Impact of Climate Change on the Enjoyment of Human Rights," A/HRC/41/26, available at: <<https://www.ohchr.org/en/issues/environment/ohchr-and-climate-change>> (last visited on September 27, 2024).

rights to a decent place to live, security, and a means of subsistence are frequently violated. One of the direct effects of these extreme weather occurrences is homelessness, which heightens feelings of vulnerability and unease. Because people's ability to access natural resources is seriously hampered, individuals who depend on agriculture, fishing, or tourism may see a decline in their standard of living. Such losses not only deprive the people of their livelihoods but send communities into poverty, which limits their ability to rebuild and recover. Again, from a psychological point of view, this displacement, loss of community, culture, and identity, complicates further the already difficult human rights landscape, whereby those concerned find themselves in a cycle of vulnerability from which they may find difficult to exit.⁷⁵

CASE STUDIES

1. Kiribati and the Maldives: Kiribati and the Maldives⁷⁶ are cases in point where the existential threat of climate-related displacements is very clear. Kiribati is a low-lying Pacific island nation⁷⁷ facing the dire consequence of rising sea levels that threatens to submerge the islands into the sea. The government of Kiribati has set off with preparations such as the "migration with dignity" program, which helps and urges people to shift their location while at the same time retaining their cultural identity intact. Similarly, Maldives has been gradually hit by flooding and erosion and people are getting displaced. A big investment is taking place in adaptation infrastructures needed for this purpose. Even the Maldivian Government has studied options to buy land outside Maldives so that its citizens would have a future to live. It shows how international cooperation is in need for their survival.⁷⁸
2. Bangladesh: Bangladesh is one of the most vulnerable countries in South Asia due to frequent floods, cyclones, and projected sea level rise. It primarily displaces rural poor,

⁷⁵ Beyer, C. & Williams, C., 2020, "Climate Change and Human Rights: A Review of the Literature," *Journal of Human Rights and the Environment*, 11(1), *available at*: doi:10.4337/jhre.2020.01.01.

⁷⁶ 16. World Bank, 2020, "A Nation on the Brink: Climate Change and Its Impact on the Maldives," *available at*: <<https://www.worldbank.org/en/country/maldives/publication/climate-change>> (last visited on September 27, 2024).

⁷⁷ UNU-EHS, 2013, "Climate Change and Migration in the Pacific Islands: The Case of Kiribati," *available at*: <https://collections.unu.edu/eserv/UNU:4879/Kiribati_Climate_Change_Migration.pdf> (last visited on September 27, 2024).

⁷⁸ Centre for Policy Research, 2021, "The Role of Environmental Courts in Climate Justice," *available at*: <<https://www.cprindia.org/research/reports/the-role-of-environmental-courts-in-climate-justice>> (last visited on September 27, 2024).

especially along the coasts of Bangladesh, thus affecting millions. Case studies from Satkhira and Khulna exhibit how people are resettled and take away with themselves all their need and social connections in search of new livelihoods.⁷⁹ The Bangladesh government has taken initiatives for a climate resilience strategy, but the scale of displacement continues to challenge the frameworks that currently exist for providing support and recovery.

3. Tuvalu: This tiny island state faces the threat of impending sea level rise and fresh water source as well as agriculture⁸⁰ land salination. The Government of Tuvalu has already taken the initiative to provide international migration options for its people by way of official advocacies that recognize relocation as an inevitable move to ensure the survival of its population. Besides that, Tuvalu leaders have also defended their cases on international bodies in raising public awareness about their plight, emphasizing the need for action globally to address the challenges of climatic changes.

4. Nigeria (Lake Chad Basin): Climate change is accelerating the severe reduction of the water levels in the Lake Chad, and this, following on from conflict and the poor management of the watercourse, threatens the livelihoods of millions who depend on fishing, farming, or pastoralism. Once again, environmental degradation has precipitated massive displacement, this time particularly from Nigeria, Chad, Niger, and Cameroon. According to estimates from the International Organisation for Migration (IOM), over 2.5 million people living in the Lake Chad Basin are displaced due to an interaction of climate-related impacts with conflict issues, characterized by heightened vulnerabilities such as food insecurity and health risks.

5. The Philippines: This is the country with the highest disaster frequencies per capita in the world, due to typhoons, floods, and landslides. In 2013, climate-induced events like Typhoon Haiyan displaced millions and underscored the challenges in addressing housing, health, and livelihoods. Yet this government has acknowledged the importance of disaster preparedness and resilience building, which often proves difficult to put into practice as it confronts scarcity in the protection of the rights of the displaced.

⁷⁹ International Organization for Migration, 2015, "Climate Change and Migration in Bangladesh: A Literature Review," *available at*: <<https://publications.iom.int/books/climate-change-and-migration-bangladesh-literature-review>> (last visited on September 27, 2024).

⁸⁰ Mastorillo, M. et al., 2016, "The Role of Agriculture in Climate Change Adaptation: Insights from a Comparative Study of Vulnerability," *Global Environmental Change*, 39, *available at*: doi:10.1016/j.gloenvcha.2016.04.008.

6. United States (New Orleans): Communities in New Orleans, mostly from low-income households, are susceptible to disaster as seen by the effects of Hurricane Katrina in 2005; the hurricane destroyed the dwellings of thousands, and more crucially revealed the systemic inequalities that amplified their impact. Even as recovery was to be had, others found it quite challenging to return home in the midst of altered housing policies, gentrification, and difficulties that hugely relied on the economy, as if climate-induced displacement could sometimes converge with social and racial injustices.

LEGAL GAPS: INTERNATIONAL FRAMEWORKS

There does not exist, however a single international legal framework which addresses the specific climate-induced displaced persons. On the contrary, the definition of a refugee described in the 1951 Refugee Convention and its 1967 Protocol refers to any person who has been forced to flee his or her country due to persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. However, climate displacement does not neatly fit this definition and leaves many displaced persons without the legal protections offered to refugees. Further, there is no binding international legal framework devoted to the plight of specifically climate refugees.⁸¹ Although the UNFCCC has tried to provide a forum for discussions about the issue of climate-displaced persons, it has yet to take concrete measures to ensure their protection. This would place millions of people at risk in the event that they are made to leave their homesteads in pursuit of environmental deterioration and climate change outcomes, and with little legal protection and possibly even exposed to additional human rights violations.⁸² Climate displacement forms one of the critical impetuses of human rights. Some fast action is required internationally. Since climate change begins to threaten the habitability of certain regions, legal frameworks that recognize and establish rights for people displaced by climate change toward their protective measures are in great demand. It spans all laws in place for both immediate humanitarian needs and for long-term resilience and recovery strategies for the affected communities. With climate displacement recognized as a critical human rights issue, the rights and dignity of those most vulnerable to impacts of climate change become easier to assert.

⁸¹ Zerbe, N., 2018, "Human Rights and Climate Change: The Role of the International Human Rights System," *International Journal of Human Rights*, 22(5), *available at*: doi:10.1080/13642987.2018.1452921.

⁸² Sustainable Development Goals, 2015, "Transforming Our World: The 2030 Agenda for Sustainable Development," *available at*: <<https://sdgs.un.org/2030agenda>> (last visited on September 27, 2024).

RIGHT TO HEALTH AND CLIMATE CHANGE

It is worth noting that among many international treaties and agreements, it is a human right recognized by the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights; however, climate change does pose extreme challenges in the realization and maintenance of public health.⁸³ Climate change has far-reaching and multifaceted health impacts from extreme weather events to air pollution, impacts on disease patterns, and effects on climate change itself. Climate change has become an urgent public health crisis. Other impacts attributed to climate change encompass increased frequency and intensity of extreme weather events, including hurricanes, floods, and heat waves. Injurious and fatal effects on the short term and long-term health problems are inflicted. For instance, flooding can result in watery diseases. Indeed, it has been even more evident that cholera and dysentery rates rise with flooding. Heat waves can further aggravate the cardiovascular and respiratory diseases of the most vulnerable populations, which include the elderly and people with prior medical conditions. Air quality worsens as well due to chemical breakdown and subsequent higher emissions from extreme weather events such as wildfires. Such events give a contribution to diseases in the respiratory tract, cardiovascular problems, and early deaths. According to the World Health Organization, there are 7 million deaths each year due to air pollution, and it is mostly the residents of urban areas who are denied medical services.

The geographical distribution and modes of infection for infectious diseases are also affected by climatic change besides the direct effects of extreme weather and pollution. The habitat for such vectors as mosquitoes and ticks increases exponentially with the rise in temperature, and therefore, the prevalence of vector-borne diseases like malaria, dengue fever, and Lyme disease increases. It also changes the determinants of waterborne diseases due to unusual rainfall patterns with discharges and flooding that contaminate water supply sources causing typhoid and cholera outbreaks. The psychological impacts are the latest recognition of mental health as persons and communities confront psychological effects of climate change-related

⁸³ Mastrorillo, M. et al., 2016, "The Role of Agriculture in Climate Change Adaptation: Insights from a Comparative Study of Vulnerability," *Global Environmental Change*, 39, *available at*: doi:10.1016/j.gloenvcha.2016.04.008.

disasters, displacement, and loss of livelihoods. Anxiety, depression, and post-traumatic stress disorder are very likely to be triggered from extreme weather-related events, affecting overall health and well-being. More significantly, and disproportionately affected, are those whose health impacts arise from a multitude of socioeconomic factors, geographical locations, and pre-existing vulnerabilities. Since these groups are mostly barred from proper health care, clean water, and sanitation facilities, they are more exposed to the health consequences of climate change. For instance, having water-logged areas in which not much water-proofed infrastructure exists, people exposed to poverty will tend to be at an increased risk of coming into contact with water-related diseases during floods. Others may not cope with heat waves because of a lack of ability to own air conditioners or receive accessible health services. Natural resources are now increasingly under threat due to climate change, posing the risks of rural populations, especially agricultural-dependent populations. Changes in weather patterns can affect crop yields, thereby making such areas experience food insecurity and malnutrition, which increases health problems. Moreover, due to inadequate access to healthcare services and information, rural communities find it relatively difficult in responding to health risks generated by climate change. The indigenous populations are generally closely attached to the land and natural resources, which makes them one of the most vulnerable groups to the impacts of climate change. Their traditional ways of life and subsistence practices would get disturbed through changes in the ecosystems, which would impact their food security⁸⁴ and general health and well-being. Further, systemic barriers in health access, cultural insensitivity, and marginalization characterize decisions made regarding climate adaptation policies and health. Addressing the health impacts of climate change will require coordinated effort from both national and international levels. An important avenue for public health integration into climate adaptation policies is to take a primary consideration of risks to health in climate change and incorporate plans to counter this risk into adaptation packages.

Indigenous Peoples and Environmental Justice

Indigenous peoples have a very unique relationship to lands and ecosystems; their relationship is very cultural, spiritual, and economical. But the impact of climate change presents an all-around challenge for such communities with deep connotations on issues of

⁸⁴ Food and Agriculture Organization (FAO), 2018, "The State of Food Security and Nutrition in the World 2018," *available at*: <<http://www.fao.org/3/I9553EN/i9553en.pdf>> (last visited on September 27, 2024).

environmental justice, cultural rights, and overall well-being. The impact of climate change in the indigenous world relates perhaps to what may be the most urgent issue facing indigenous peoples—that is, climate change and its impact on their lands. Rising temperatures, further deforestation, and resource extraction threaten their traditional territories, which contribute to biodiversity loss and degradation of the ecosystems they depend on for their lives. Many indigenous communities depend on their ancestral lands for sustenance, relying on traditional knowledge and practices for sustainable management of natural resources. Climate change worsens the susceptibility of those lands because shifting weather patterns can compromise food production and clean water access. For instance, the melting of ice caps in Arctic regions affects the hunting patterns of Indigenous people and abates access to the mammals and fish that are a source of food. There is the easy distraction of the Amazon rainforest from the impact of climate change due to agriculture and logging activities, which displace indigenous people and totally wreck their lifestyles. These industrial activities, among others such as mining and logging, encroach on indigenous territories, causing displacement and depriving them of livelihood opportunities. Thus, the loss of land will affect not only their physical survival but also their cultural identity since most indigenous practices are significantly intertwined with the land and its resources.

Climate change severely affects the cultural rights of indigenous peoples. Traditional ways of life, in most cases, depend on certain conditions and seasonal cycles. Changes brought about by ecological conditions often hinder indigenous peoples from living out their cultural practices, languages, and traditions. International legal instruments protect the rights of indigenous peoples and enforce environmental justice to form these documentations. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)⁸⁵ is still one of the most important frameworks towards cognizant recognition of the rights of indigenous peoples, which has been increasingly realized through their self-determination rights and rights over their lands and natural resources. Emphasis has been placed on the participation of indigenous people in decisions affecting their lands and livelihoods. However, despite such frameworks, indigenous peoples are mostly excluded from climate policies and initiatives. The effectiveness of realizing their rights depends on the political will of states applying

⁸⁵ United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), 2007, available at: <<https://www.un.org/development/desa/indigenouspeoples/declaration-on-%20the-rights-of-indigenous-peoples.html>> (last visited on September 27, 2024).

those provisions and on the tools for holding governments accountable. An indigenous peoples approach to climate adaptation solutions carries this importance because indigenous communities are often inadequately involved in environmental assessments or climate adaptation strategies; solutions proposed may not address the needs of the community or respect their rights. There is, unfortunately, in many countries, despite UNDRIP, a lack of clear national legislation and enabling framework that an adequate implementation of these rights might be based on. Such a gap exists in bridging indigenous voices so that their rights are heard on policies relating to climate and environmental management.

Through collaboration between indigenous peoples, the governments of their countries, and NGOs, stronger indigenous rights protection and environmental justice can be ensured. These organizations can empower indigenous peoples to adequately advocate for rights and interact with other players in a given decision-making process. Even including TEK into climate action plans might bring into the limelight novel ideas concerning how sustainable resources should be managed and conserved. TEK offers an integrated view of local ecosystems and their dynamics, which can complement scientific approaches toward addressing climate change. The transfer of knowledge between generations within indigenous groups is a leading method of cultural practice and resilience strategy as countries adapt to changes in the environment. Education and awareness programs also help improve environmental justice for indigenous peoples. It would be safe to say that respect for their roles in environmental stewardship will be higher if they are educated about indigenous rights and cultures as well as the impacts of climate change. Training can also empower indigenous youth to effectively advocate for their rights as well as take action on climate. On the other hand, indigenous accounts of climate change may also be documented and shared to enhance the awareness and fraternity among different communities having similar experiences. Besides, community-led conservation initiatives empower indigenous peoples in taking control of their lands and resources to be able to advocate for their rights. For many generations, traditional practices have managed to maintain ecosystems, and understanding them offers valuable insights into biodiversity conservation and climate resilience. Integrating traditional knowledge with formal conservation strategies affords indigenous peoples a degree of agency in ensuring that their voices are represented in broader processes of environmental decision making. To this end, indigenous peoples may seek leverage from international human rights mechanisms to

mobilize and make demands for the rights of indigenous communities and to bring perpetrators of injustice to justice.

FOOD SECURITY AND THE RIGHT TO FOOD

Such is a complicated relationship, although increasingly so, where climate change poses serious threats to the right to food for millions of people worldwide. Its effects on agriculture, fisheries, and livestock are reflected directly in food availability, accessibility, and utilization, becoming more pronounced as climate change accelerates its effects. This then presents an urgent challenge at the intersection of climate change and food security, especially in the more vulnerable regions of Sub-Saharan Africa, South Asia, and Latin America. In its impact on agriculture, climate change is multifaceted. It is the rising temperatures and altered precipitation patterns as well as extreme weather events that produce the most significant effects on crop yields, livestock health, and fish populations. For instance, droughts and floods have cut down the productivity of many farmers. There is a higher increase in the prevalence of pests and diseases in the regions. Of course, erratic rainfalls and long drought durations have also adversely affected staple crops such as maize and sorghum in the sub-Saharan Africa. This has resulted in food shortages and increases hunger.

In South Asia, melting Himalayan glaciers will threaten rice and wheat-irrigation water, staples in the regional diet. Shifting climatic conditions in Latin America have led to changed growing seasons; crop yields and the livelihoods of millions of smallholder farmers are affected, as smallholder farmers rely on regular harvests to survive. Livestock production, too, is under major pressure, as are fisheries. Heat stress can affect livestock reproductive performance and milk yields; drought exacerbates the impact of grazing land scarcity and limits the availability of water. Fisheries will also feel it, coastal areas experiencing increased sea levels and also increased acidity in the ocean threatening fish stocks, which provide critical nutrients and income sources for many communities. Human activities have, through natural climate change, and other human impacts on the environment caused a significant deterioration of marine ecosystems that might lead to devastating impacts upon fishing communities. This can cause reduced catches and higher prices for fish, further exacerbating food insecurity. In Bangladesh, where fish is as important a source of protein as it is in many parts of Asia, rising sea levels and salinity intrusion also threaten both the availability of fish and the livelihoods of those who depend on fishing, forcing food insecurity to shoot up. These are the vulnerable climate change-induced conditions that spur most in Sub-Saharan

Africa, South Asia, and Latin America. Such regions endure massive poverty levels, hardly any infrastructures, and poor access to technology and resources, which tends to cause problems for communities in settling in such altered climatic conditions. The end result is that insufficient food availability is fueled by a cycle that keeps communities locked into continued or perpetual food insecurity, reducing health and well-being and resilience to future shocks from climate. Groups with heightened vulnerabilities, such as women, children, and the elderly, are the most affected by food insecurity; thus, policy interventions focusing on gender dynamics and reductions in social inequalities are in order. Wide-ranging and holistic policy responses of this kind can help address food security in the context of climate change. Such strategies could be combined in agricultural policies so that crop varieties are resilient to change, and farming practices are sustainable and culturally friendly, as well as innovative water management techniques. Supporting small-holder farmers with access to credit, training, and resources could empower them to adapt to changed conditions, such as improving food production.

Agricultural resilience can be built with adequate transfers of technology, research, and development of sustainable practices, which should enhance food security as well as counter climate change. Collaborations in government, NGOs, and the private sector can lead to innovative ways of improving the food systems as well as promoting sustainable agriculture in consideration of climatic change effects. Solutions to challenges related to food security amid climatic change require integrated efforts that address the social, economic, and environmental aspects. Encouraging agroecology and sustainable land management can enhance soil health, increase biodiversity, and enhance its resilience to impacts brought about by climate. An increase in the adaptive capacity and effectiveness of solutions can result from the intake of traditional knowledge and practice by local communities.

GENDERED EFFECTS OF CLIMATE CHANGE

Climate change is not only an environmental issue, but it is also a deep social challenge that clearly affects women and sets in ways of greater disparities of gender.⁸⁶ As climate change worsens, its impacts are going beyond the physical environment and show up at the social, economic, and cultural level uniquely burdening women-especially in vulnerable communities. Understandings of these kinds of gendered impacts will help to inform

⁸⁶ Bennett, R., 2016, "Gender and Climate Change: Impacts and Opportunities," *Environmental Policy and Governance*, 26(3), available at: doi:10.1002/eet.1734

effective strategies for climate adaptation and resilience. The most important benefit in the lifestyle of a woman is that of unequal burdens on them in many aspects of life, especially in water collection, agriculture, and care giving roles. It has been observed that for various developing countries, water collection is one of the major jobs performed by women, but this becomes much tougher because of droughts and water shortages due to climate change. As water sources decline, women walk farther to access clean water, under greater physical strain, less education, or income-generating time, or increased risk of suffering. In agricultural settings, women play a large role in the production and management of food but are rarely able to attain resources, such as land, credit, and technology. Because crop failures and food shortages brought by climate change will leave many people without food, it is the women who will bear the brunt of food insecurity that might lead to their family's health and well-being being threatened. 'Climate events heighten gender-based vulnerabilities further to risking violence and exploitation. Natural disasters and climate-related shocks lead to community displacements that create a sharp increase in gender-based violence, such as sexual violence and trafficking.

Climate change has impacts in both gendered and gender-differential dimensions, making it necessary to have a comprehensive approach in the integration of gender considerations into climate policies and practices. It is about equity but even more essentially for attaining sustainable development goals. Improve women's leadership and accesses to resources; address the causes of gender inequality, and we are more confident that a more resilient community will result and support adaptation to climate change. It involves bringing women together to empower them to participate in efforts for climate adaptation as part and parcel of the process of building a more just and sustainable world; in this world, equal standing is taken on the rights and well-being of all other human beings in the context of their ever-changing climate.

INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS

1. The Paris Agreement:⁸⁷ This is an international treaty-adopted in 2015 under the United Nations Framework Convention on Climate Change that commits states toward limiting warming below 2 degrees Celsius, pushing efforts to hold increase at less than 1.5 degrees

⁸⁷ Paris Agreement, 2015, *available at*: <https://unfccc.int/sites/default/files/english_paris_agreement.pdf> (last visited on September 27, 2024).

above pre-industrial levels. It is an agreement by states toward undertaking nationally determined contributions toward reducing greenhouse gas emissions. Importantly, the agreement indicates that actions regarding climate change respect and further human rights, mainly those of vulnerable communities and indigenous peoples. This milestone is very profound since it marks a significant shift in considering climate change not only as an issue for the environment but as an issue of social justice. It does, therefore, also emphasize adaptation efforts, focusing on areas heavily impacted by climate change, but encourages support to developing countries with their initiatives regarding climate issues.

2. Kyoto Protocol: The first treaty to have come out from 1997, that entered into force in 2005, tried to set the first legally binding emission targets for developed countries. Though the protocol focuses mainly on mitigation efforts, it still goes ahead in paving ways for future climate agreements, more so because it emphasizes the responsibility of developed countries to their historical emissions. The Kyoto Protocol⁸⁸ had measures, such as the Clean Development Mechanism (CDM), through which it could accommodate its developed partners to invest in projects intended to reduce emissions in the developing world. However, in doing this, it faced criticism in the Kyoto Protocol that it failed to come close on issues relating to human rights. It highlighted the necessity for a more holistic approach regarding climate action and human rights.

3. United Nations Framework Convention on Climate Change: The UNFCCC⁸⁹, adopted in 1992, becomes the anchor document for international climate negotiations. It outlines principles under which the world shall cooperate in dealing with climate change, with much emphasis on equity, and requiring developed countries to take a front-row leadership position in mitigation in the context of their historical responsibilities. The convention acknowledges the need to act on the protection of the rights of vulnerable communities in the context of climate change but is very weak concerning the content of its human rights provisions. As years pass, the UNFCCC evolves and incorporates discussions over adaptation, finance, transfer of technology, and capacity building to provide a platform to discuss and international cooperation of nations.

⁸⁸ Kyoto Protocol, 1997, *available at*: <<https://unfccc.int/resource/docs/convkp/kpeng.pdf>> (last visited on September 27, 2024).

⁸⁹ United Nations Framework Convention on Climate Change (UNFCCC), 1992, *available at*: <<https://unfccc.int/resource/docs/convkp/conveng.pdf>> (last visited on September 27, 2024).

POLICIES OF INDIA

1. Environmental Courts of India: India has established specialized environmental courts that, in their judgments, focus on deciding environmental issues, among them, climate change. The objective is to enforce the rule of law where environmental jurisprudence prevails and provide a redressal mechanism for grievances relating to environmental degradation and its effects on communities. Establishment of such courts reflects the commitment of India toward the integration of environmental justice into its legal system and allow affected communities to seek redress with responsible polluters being held accountable.

2. Ecuador Constitutional Amendments⁹⁰ Ecuador has done tremendous work on realizing the rights of nature in its constitutional framework. In the year 2008, it emerged as the world's first state to grant legal rights to nature, considering that ecosystems have a right to exist, to develop, and to evolve. This novel constitutional change extends beyond environmental protection and fairly remains within the principles of justice regarding climate by raising the interconnectivity of human rights and environmental well-being.

3. Climate Action Plans: Climate action plans at the national level are being developed by countries in the Global South, with explicit reference to human rights considerations. These climate action plans emphasize vulnerable populations, issues of gender balance, and secure the voice of affected peoples in decision-making processes. Human rights-enabling climate policies will thus lead to equitably designed frameworks that would mobilize communities to take necessary action against climatic challenges.

4. Local Adaptation Initiatives: In many regions, local governments are implementing adaptation initiatives that prioritize community engagement and the protection of human rights. These initiatives often involve collaborative approaches that empower marginalized groups, including women and indigenous peoples, to participate in developing strategies to adapt to climate change. By incorporating local knowledge and perspectives, these initiatives can create more effective and culturally appropriate solutions to climate impacts.

As international agreements, human rights instruments, and national policies converge at the crossroads, there is critical framing of climate action in relation to the rights of affected communities. Indeed, while wide-ranging agreement and potentially great progress toward

⁹⁰ National Assembly of Ecuador, 2008, "Constitution of Ecuador," available at: <<https://www.asambleanacional.gob.ec/en/>> (last visited on September 27, 2024).

accomplishing the overall objective of the overriding goal of addressing climate change are to be found in both the Paris Agreement and UNFCCC, far more effort must be made for human rights concerns to be placed front and center when it comes to climate action. Countries would, therefore, be able to achieve a far more just and sustainable future by integrating climate justice into the legal system and fostering policies that are inclusive, being aware that the fight against climate change must be settled upon the foundation of protection and development of human rights. The realisation that climate change is becoming a reality for everyone demands that international frameworks become more in line with human rights principles, hence no one should be left behind in pursuit of a resilient and sustainable world. As the impacts of climate change become more pronounced, the role of large corporations in contributing to environmental degradation has garnered significant attention. Corporate activities, particularly in industries such as fossil fuels, agriculture, and manufacturing, are major contributors to greenhouse gas emissions and environmental destruction. This has prompted a growing recognition of corporate responsibility in addressing climate change and its human rights implications.

CORPORATE IMPACT

On the other hand, despite their crucial role in the economy as it has the capability to drive innovation and spur economic growth, activities from the large corporations have massive and most times expensive environmental costs. Processes involved in industries such as oil and gas extraction, coal mining, and industrial agriculture are responsible for how carbon emissions increase significantly, alongside resource depletion, thus amplifying climate change and its many impacts. Directly and indirectly, corporate practices encourage the risk of deforestation, habitat destruction, and pollution for all the biodiversity lost and impacted ecosystems because of corporate processes. Not to forget social consequences threatened by human rights at risk-problematic displacement, loss of livelihoods, increased exposure to impacts of climate change.

HUMAN RIGHTS OBLIGATIONS AND RESPONSIBILITIES

To address the intersection of corporate behavior and human rights, frameworks like the UN Guiding Principles on Business and Human Rights (UNGPs)⁹¹ have emerged. Adopted in 2011, the UNGPs outline the responsibilities of businesses to respect human rights, emphasizing that corporations should avoid infringing on the rights of individuals and communities in their operations. The framework is built upon three pillars: the state duty to protect human rights, the corporate responsibility to respect human rights, and the need for access to remedy for victims of human rights abuses. The UNGPs encourage companies to conduct human rights due diligence, which involves assessing and mitigating potential adverse human rights impacts throughout their operations and supply chains. This includes understanding how climate change and environmental degradation may affect the rights of affected communities, such as their rights to health, livelihood, and a clean environment.

There were newly developed frameworks that focused on the nexus between corporate action and human rights, notably in the UN Guiding Principles on Business and Human Rights, short for UNGPs. The adoption of the UNGPs occurred in 2011. Consequently, these principles have established new responsibilities for businesses in relation to human rights, requiring corporations to ensure that no actions toward people and communities would be at the expense of any business interest. The three pillars are: the role of states in protecting human rights, corporate responsibility to respect human rights, and access to remedies for victims of human rights violations. UNGPs encourage companies to conduct human rights due diligence to examine and mitigate potential adverse human rights impacts of their operations and supply chain. This can include an understanding of how such impacts may particularly affect the rights of the concerned communities, for example health, livelihood, and clean environment rights. In this way, corporations may play a greater role in more sustainable and equitable outcomes for communities whose lives are affected by activities of a business

⁹¹ UN Guiding Principles on Business and Human Rights, 2011, *available at*: <https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf> (last visited on September 27, 2024).

CLIMATE LITIGATION

Increasing recognition of corporate liability for the issue of climate change has led to climate litigation against companies for human rights violations. It is now a new legal tool that brings the responsible companies into light and drags them towards being held accountable for the involvement in climate change and its resulting human rights violation that is affecting the lives of people and communities. Climate litigation incorporates the legal principle that companies have a fiduciary responsibility to mitigate their impact on the environment as well as protect human rights. It aims to compel a company to change its unsustainable ways. The following case studies provide several examples of how climate litigation can be instrumental in pushing for corporate accountability:.

1. Shell vs. Milieudefensie: 2021 began with a Dutch court's ruling favoring the environmental group, Milieudefensie that ordered Royal Dutch Shell to cut its carbon emissions by 45% in 2030 compared to its existing levels of 2019. The Court held that climate change policies by Shell are not sufficient and they are tasked to do more for climate change. This was the landmark ruling underlining the legal obligations of corporations to align their practice in line with climate goals; it also brought to focus that public pressure does play a central role in holding companies accountable for their environmental impact.

2. Indian Tribes vs. Fossil Fuel Companies: Some of the Native American tribes in the United States have filed cases against fossil fuel companies, arguing that the companies have engaged in activities that infringe on their rights to a healthy and safe environment. Such lawsuits are based on the treaties that guarantee indigenous peoples the rights over their ancestral lands and resources, striking a chord for emphasizing their disproportionate impact from climatic change. There is, other than restitution of losses and damages, pressure placed on companies to be more environmentally friendly.

3. Urgenda Foundation v. State of the Netherlands: Urgenda Foundation brought a case against the Dutch state, arguing that there is a foundation to its claim that it should take more drastic measures to reduce the increasing levels of emission of greenhouse gases. In 2015, the court ruled in favour of Urgenda and ruled that the state should at least reduce emissions by 25% by 2020 compared to 1990. This case highlighted the legal mechanisms in place to hold governments and corporations accountable in their efforts to worsen climate change and deny citizens their constitutional right to a clean environment.

The intersection of corporate responsibility and human rights in the context of climate change presents both challenges and opportunities. As corporations increasingly face scrutiny for their environmental impacts, frameworks like the UN Guiding Principles on Business and Human Rights provide essential guidance for aligning corporate practices with human rights obligations. Climate litigation serves as a powerful tool for holding corporations accountable and driving meaningful change in corporate behavior. By fostering a culture of responsibility and accountability, corporations can play a significant role in addressing climate change and promoting human rights, ultimately contributing to a more sustainable and just world for all.

DISCUSSION

Interplay between challenges and opportunities-sorts out the multifaceted relationship between climate change and human rights in the plethora of subtopics in this research. The discussion synthesizes major findings, outlines challenges associated with reconciling economic development, climate action, and protection of human rights, and provides insights into future implications these might have for policymaking and international cooperation.⁹² In fact, a number of critical findings across the explored subtopics stand out in the research. First, because they are the most vulnerable groups, indigenous peoples, women, and low-income groups are affected disproportionately when it comes to the impacts of climate change. Other stressors triggered by climate change include habitat loss, health risk, food insecurity, and gendered vulnerabilities which suggest that time-bound interventions are needed to protect the rights of these communities and build resilience. Finally, while climate actions have crucial international agreements like the Paris Agreement and UNFCCC, there is much to be done as part of filling a gap involving human rights protections within these frameworks. National policies and climate litigation are becoming a critical backbone to strengthen accountability and push forward climate justice at the grassroots and global levels. The study also underscores that climate change is, in principle, a human rights issue. That right to health, food security, and a clean environment must increasingly be upheld in matters relating to climate action. Climate change, thus, must be battled through holistic reforms underpinned by human rights and equity. Balancing economic growth with action on climate and the protection of human rights is highly complex. In most countries in the Global South, there is tremendous pressure to grow economically and therefore to sacrifice the long term to the short term-to forego environmental sustainability and human rights protection in favour of

⁹² McAdam, J., 2012, "Climate Change, Forced Migration, and International Law," Oxford University Press.

short-term economic benefits. The pursuit of economic growth through fossil fuel and resource extraction also has environmental degradation and violations of human rights. Furthermore, hybrid policies that integrate considerations of human rights with climate action are proving a challenge to effective governance. Fragmented approaches can lead to uneven application of environmental regulations and undermine adequate protection of vulnerable groups, thus undermining both climate goals and human rights. International cooperation is essential in the proper treatment of climate change and the associated human rights concern. Governments, civil society, and the private sector will continue to collaborate in bringing forth innovative solutions that maintain economic growth while ensuring sustainability and human rights protection. Future initiatives must also focus on enhancing vulnerable communities' active participation in efforts to adapt to and mitigate climate change. They can do so through capacity building programs, resource access, or even support from grassroots movements advocating their rights. Moreover, strengthened corporate accountability mechanisms through regulatory frameworks and climate litigation will spur companies towards sustainability. Important also would be transparency in corporate reporting about climate impacts and human rights considerations. Conclusion This interplay of climate change with human rights calls for comprehensive and integrated approaches to policymaking. Stakeholders should acknowledge that all these issues are inter-related and work in harmony towards addressing the challenges of climate change within broader human rights and sustainable development for equity, accountability, and resilience in going forward so nobody gets left behind in this battle against climate change.

CONCLUSION

Clearly, the clash of climate change with human rights is a great challenge, requiring urgent action and coordination. This study has illuminated several mechanisms through which climatic change impacts vulnerable communities, thus threatening basic human rights to health, housing, food, and security. It is increasingly being seen as more than a purely environmental challenge but rather as a human rights and social justice question. Through these subtopics - Climate-related displacement, health impacts, experiences of indigenous peoples, food security, and gendered vulnerabilities- lies the ways on how climate change affects the rest of the worlds, specifically the marginalized. These groups become victims of climate-related calamities, far out of their reach and power to fight for their rights. Thus, it calls for inclusive policymaking that brings forward the voices and needs of those most

affected by climate change. The causation of climate change cannot also be downplayed on corporations. With their onslaught, as some of the major actors in this crisis, corporations hold a responsibility to respect human rights in their activities and lead positive initiatives aimed at neutralizing their negative effects on the environment. Other frameworks, such as the UN Guiding Principles on Business and Human Rights, provide the essential tools toward holding these entities accountable by advancing corporate practices toward principles of sustainability and of human rights. More effective regulations and accountability measures could ensure that businesses are not only well aware of their environmental impacts but are also more sensitively involved in rectifying the caused harm. The present international instruments set critical climate-related objectives but suffer from a lack of coherent integration of human rights protection. To achieve real success, those frameworks must assume increasingly explicit integration of human rights considerations. In this regard, climate litigation can provide a very useful access route to make the corporations and states accountable and ensure justice with the concerned communities. That would then require an intersectional approach to climate justice where it sets out how forms of discrimination intersect in ways that make them even more vulnerable, particularly women, indigenous peoples, and those living in poverty.

International cooperation has to continue but, this time, this action must put climate and human rights together, in a balanced and coordinated approach. The development and innovation of bold solutions can be done by working together between governments, civil society, and the private sector in order to place economic development alongside sustainability and equity. Empowerment of vulnerable communities and their active involvement in decision-making will be very important in building up resilience and ensuring that climate action does not come at the expense of human rights. It will also demand education and awareness-raising initiatives so that the communities know their rights within the context of climate change. Educating people and communities of their rights will equip people to express themselves and ask their governments and corporations to respect human standards in conducting their affairs. Support to grassroots movements and initiative activities at local level therefore can come up with sustainable community-led solutions that are consistent with standards of human rights observance and climatic challenges. The bottom line is the struggle against climate change must remain anchored to human rights observance and pursuit of social justice. We can only successfully combat the multi-dimensional

challenges of climate change if we approach it in a holistic and integrated manner, ensuring that the rights of everyone involved are respected and protected. Success will be jointly shared in a just and sustainable world where no one is left behind by this climate crisis. A holistic vision of environmental sustainability- including human rights-will give every individual dignity on our planet. Such a vision we can bring into existence, and such a future we can achieve. The urgency for action has never been higher, and the time to do so is now.