

## Analysing the Impact of Climate Change on Human Rights Through the Legislative Framework

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### Abstract:

*The natural environment gives human creatures and the communities in which we live with the assets we have to be accomplish lives of nobility and well-being – clean air to breathe; clean water to drink; nourishment to eat; powers for vitality; security from storms, surges, fires and dry spell; climate control and illness control; and places to assemble for tasteful, recreational and otherworldly delight. These natural endowments often referred to as environment services that are at once essential for the core survival and imperative to human prospering. Every nation on the globe is paying the price of climate change but the most suffering category is the poorest countries who will suffer more in future from the enduring climate change. It is one of the most challenging strand in today's era that humankind is facing and have affected not only economic, social aspects of life but has some major human rights repercussions. As there is a direct link between environment and human rights and Effects of climate change leads to large scale human rights violation. In order to overcome the aftermath of climate change each and every country in the world including governmental agencies and private actors should respond to these impacts in the best possible manner.*

**Keywords:** *Environment, Climate Change, Human rights, modern*

### Introduction:

*We are humans who want the same thing every other human want — a safe place to live on this planet we call home. So, while our work must continue to be unbiased and objective, increasingly we are raising our voices, adding to the clear message that climate change is real and humans are responsible, the impacts are serious and we must act now.*

- Katharine Hayhoe, Climate Scientist

The nature of the nexus between the environment and human rights has been talked about for a long time. In any case, it has long been recognized that a clean, sound and useful environment is necessarily to the delight of human rights, such as the right to life, well-being, nourishment and a satisfactory standard of living.<sup>3</sup> But presently alter is quick, fuelled by unconstrained populace development and progressing advance technologies and innovations. The modern innovations produced modern dangers, extending from harmful chemicals to worldwide transportation structures that spread irresistible illnesses and uncovered people to a more noteworthy assortment of diseases. Man has continuously influenced the environment to a few degrees, but this has gotten to be a genuine matter of open concern amid the last century. And

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<sup>3</sup> Columbia Law School, Sabin Centre For Climate Change Law, *Climate Change and Human Rights*, available at [climate\\_change\\_and\\_human\\_rights.pdf](https://climate_change_and_human_rights.pdf) (columbia.edu) (Last visited on May 1, 2022).

in this journey, direct impact has been imposed by Climate Change<sup>4, 5</sup> Climate change ultimately pushes native biodiversity loss and affects ecosystem both directly and indirectly. In case we are considering that climate change related issues are within the future, we are overlooking the show. Climate change issues are a display reality, for all. The climate has changed (in a few regards irreversibly) and is proceeding to change quicker than able to think or act.<sup>6</sup>

### **Climate Change: The Pragmatism**

“Climate change is an issue so vast and threatening to peace, prosperity, social justice and indeed life itself that it demands we seek solutions together, or face irreparable damage to humanity. Climate change is a threat multiplier, a force that intensifies the likelihood of poverty and deprivation of all kinds; conflict; and the precarious migration of people.” - UN High Commissioner for Human Rights Zeid Ra’ad Al Hussein (2015).<sup>7</sup>

Climate change involves not only rising temperatures, but also extreme weather events, rising sea levels, shifting wildlife populations and habitats, and a range of other impacts. Climate is the natural weather in a state over many years. Climate change could be a move in those normal conditions. The fast climate change we are presently seeing is caused by people utilizing oil, gas and coal for their homes, industrial facilities and transport. When these fossil powers burn, they discharge gasses - for the most part carbon dioxide (CO<sub>2</sub>). These gasses trap the Sun's warm and cause the planet's temperature to rise. The world is now about 1.2 C hotter than it was within the 19th Century - and the sum of CO<sub>2</sub> within the environment has risen by 50%. A report in 2021 by the Climate Action Tracker calculated that the world was heading for 2.4C of warming by the end of the century. If nothing is done, researchers think worldwide warming may surpass 4C within the future, driving to destroying heatwaves, millions losing their homes to rising ocean levels and irreversible misfortune of plant and creature species.<sup>8</sup>

### **What has Climate Change got to do with Human Rights?**

Climate change impacts, specifically and by implication, a cluster of universally ensured human rights. States (duty-bearers) have a positive commitment to require viable measures to avoid and redress these climate impacts, and so, to moderate climate change, and to ensure that all human creatures (rights-holders) have the vital capacity to adjust to the climate crisis. Climate justice requires that climate activity is steady with existing human rights assertions, commitments, benchmarks and standards.<sup>9</sup> Those who have contributed the slightest to climate

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<sup>4</sup> Sinisa Franjic, *Importance of Environment Protection on the Global Level*, 1(2), SCI J RESEARCH & REV. (December 17, 2018), available at Importance of Environment Protection on the Global Level | Iris Publishers (Last visited on May 3, 2022).

<sup>5</sup> Das, B., Pandya, M., Chaudhari, S., Bhatt, A., & Trivedi, D. (2021). Global Research Trends and Network Visualization on Climate Action : A Bibliometric Study. *Library Philosophy and Practice (E-Journal)*. <https://digitalcommons.unl.edu/libphilprac/5818/>

<sup>6</sup> Kshama A. Loya Vyapak Desai, *Climate Change Dispute Series (I)- An Overview*, THE NATIONAL LAW REVIEW (May 09, 2022), available at Global Environmental Climate Change Risks for Companies (natlawreview.com) (Last visited on May 03, 2022).

<sup>7</sup> David Elliott and Lindsey Fielder Cook, Quaker United Nations Office, *Climate Justice and the Use of Human Rights Law in Reducing Greenhouse Gas Emissions*, available at Climate Justice\_August\_2016.pdf (quono.org) (Last visited on May 3, 2022).

<sup>8</sup> BBC, *What is Climate Change? A really simple guide* (2021), available at What is climate change? A really simple guide - BBC News (Last visited on May 5, 2022).

<sup>9</sup> Quang Hiep, D. (2023). The US Policy on Democracy in Burma (1988 - 2021). GLS KALP – Journal of Multidisciplinary Studies, 3(2), 1–13. Retrieved from <https://glskalp.in/index.php/glskalp/article/view/49>

change unreasonably also suffers. They must be significant members in and essential recipients of climate action, and they must have accessibility in regard to the remedies.

When Universal Declaration of Human Rights was made in 1948, it was done so to hold firm to the most noteworthy of beliefs, a set of privileges that permit all individuals to live with nobility, flexibility, uniformity, equity, and peace. Making this association between human rights and a harmonious sound planet is conceivable when one starts to get it the impacts of climate change and the ways in which those impacts influence us, our families and communities, and the communities of future.<sup>10</sup>

Climate change postures a huge danger to the lives and well-being of people and communities over the world. The Intergovernmental Panel on Climate Change (IPCC)'s Fifth Assessment Report (AR5) gives a nitty gritty picture of how the watched and anticipated climactic changes will antagonistically influence millions of individuals and the environments, characteristic assets, and physical foundation upon which they depend. These destructive impacts incorporate sudden-onset occasions that posture a coordinate danger to human lives and security, as well as more continuous shapes of natural corruption that will weaken right to have clean water, food, and other key assets that back human life.

➤ **Global and Sectoral Aspects**

**1. Impact on Natural, Managed Resources and Ecosystems, And Their Uses**

• **Food Safety and Production Method**

The Food and Agriculture Organisation of the United Nations (FAO) describes food security in four scopes: Food availability; Access to food; Stability of food supply; and Utilisation of food.<sup>11</sup>

Food safety is most systematically addressed in Article 11 of the ICESCR, which provides as follows:

1. *“The States Parties to the present Covenant 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 States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.*

2. *The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:*

*1(a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in*

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<sup>10</sup> Available at BBC, <https://www.greenpeace.org/international/story/19885/what-does-climate-change-have-to-do-with-human-rights/> (Last visited on May 6, 2022).

<sup>11</sup> Yvette Carr and Mila Cereccina, *Human Rights and Climate Change*, NSW YOUNG LAWYERS, available at [https://www2.ohchr.org/english/issues/climatechange/docs/submissions/NSW\\_Young\\_Lawyers\\_HR\\_ClimateChange.pdf](https://www2.ohchr.org/english/issues/climatechange/docs/submissions/NSW_Young_Lawyers_HR_ClimateChange.pdf) (Last visited on May 3, 2022).

*such a way as to achieve the most efficient development and utilization of natural resources;*  
*1(b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.*"<sup>12</sup>

But climate change has increased the future health risk leading to food insecurity. Linkage of food and climate change is directly related to land use and other activities like deforestation which has affected crops, water level, food production and reduced their efficiency in long run. Rising temperature and rainfall hail has badly affected the agriculture sector. Greater losses are assumed by 2050 especially in food production sector due to the constant climate change leading to global food insecurity.

Changes in temperature and rainfall is related with continued release of greenhouse gases that will bring changes in land suitability and crop yields. In particular, the Intergovernmental Panel on Climate Change (IPCC) considers four families of socio-economic development and associated emission scenarios, known as Special Report on Emissions Scenarios (SRES) A2, B2, A1, and B1.

SRES A2 simulates the highest expected population growth and is thus associated to the highest food need. Depending on the SRES emission scenario and climate models considered, global mean surface temperature is projected to rise in a range from 1.8°C to 4.0°C by 2100. As a result, a few developed regions may ended up unsuitable for crops and a few tropical grasslands may be gotten to be progressively parched. Temperature rise will result in expansion numerous agrarian bugs and increase the populaces of pests to outlive and attack the crops.<sup>13</sup>

- **Ecosystem**

Land-use change could be a key direct driver of biodiversity loss and is one of the most responsible factor for terminations of species. Climate change will proceed to have a critical effect on biological systems and living beings, in spite of the fact that they are not affected similarly.<sup>14</sup> The Artic is one of the biological systems most vulnerable to the impacts of climate change, because it is warming at slightest twice the rate of the worldwide normal and melting glaciers contribute drastically to ocean level rise around the globe.

The sea assimilates approximately 30% of the carbon dioxide that's discharged into the air from the burning of fossil powers. As a result, the water is getting to be more acidic, influencing marine life.

The compounding impacts of climate change are driving to numerous changes in biological systems. Coral reefs are helpless vulnerable defenceless helpless powerless to numerous impacts of climate change: warming waters can lead to coral fading, more storms can destroy reefs, and ocean level rise can cause corals to be covered by silt. Coral reef environments are domestic home to thousands of species, which depend on sound coral reefs to outlive.<sup>15</sup>

“Forest dieback” is a major environmental risk, which has potentially significant impacts on climate, biodiversity, water quality, wood production, and livelihoods. The drivers of tree death include high temperatures and drought, and changes in the abundance of insect pests and pathogens.

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<sup>12</sup> Art 11, International Covenant on Economic, Social and Cultural Rights 1966.

<sup>13</sup> Josef Schmidhuber and Francesco N. Tubiello, *Global Food Security Under Climate Change*, 50(104), PNAS, available at <https://www.pnas.org/doi/10.1073/pnas.0701976104> (Last visited on May 2, 2022).

<sup>14</sup> Malviya, M. K. (2023). Maintenance rights of women in different laws. GLS KALP – Journal of Multidisciplinary Studies, 3(1), 40–49. Retrieved from <https://glskalp.in/index.php/glskalp/article/view/46>

<sup>15</sup> Available at <https://www.noaa.gov/education/resource-collections/climate/climate-change-impacts> (Last visited on May 07, 2022).

The right to a healthy environment was first referred in 1972 Stockholm Declaration. Its first Principle states: “*Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being*”.<sup>16</sup>

And recently on October 8, 2021, the UN Human Rights Council embraced a resolution recognizing that the right to a clean, healthy and sustainable environment is a human right. This decision is a key step forward.

2. **Influence on Livelihoods, Health, And Safety**

• **Livelihoods and Poverty**

“*The International Covenant on Civil and Political Rights under Article 6(1) states that “every human being has the inherent right to life.”*”<sup>17</sup>

“*Under article 11 of International Covenant on Economic, Social and Cultural Rights it is established that, “everyone has the right to an adequate standard of living for himself and his family, including adequate food, clothing and housing. Everyone has the right to be free from hunger.”*”<sup>18</sup>

The UN Human Rights Committee has established right to life in following context:

“*4. States parties should also take specific and effective measures to prevent the disappearance of individuals, something which unfortunately has become all too frequent and leads too often to arbitrary deprivation of life. Furthermore, States should establish effective facilities and procedures to investigate thoroughly cases of missing and disappeared persons in circumstances which may involve a violation of the right to life.*

*5. Moreover, the Committee has noted that the right to life has been too often narrowly interpreted. The expression “inherent right to life” cannot properly be understood in a restrictive manner, and the protection of this right requires that States adopt positive measures. In this connection, the Committee considers that it would be desirable for States parties to take all possible measures to reduce infant mortality and to increase life expectancy, especially in adopting measures to eliminate malnutrition and epidemics.*”<sup>19</sup>

One of the foremost dramatic ways in which the right to life will be affected by climate change is within the context of relocation of individuals and communities who will not be able to outlive on their claim land.

Due to disastrous impacts of climate change, individuals who dwell in ranges which majorly confront the results of the climate change, they confront the brunt of these impacts. They end up enduring from terrible wellbeing, lack of food, lack of having clean drinking water. Since of climate change the quality of life for such individuals are influenced from each aspect. The effect of climate change which leads individuals to have steady relocation is additionally one the major impacts of climate change.

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<sup>16</sup> Available at <https://www.iucn.org/news/world-commission-environmental-law/202110/right-a-healthy-environment> (Last visited on May 07, 2022).

<sup>17</sup> Art. 6(1), International Covenant on Civil and Political Rights 1966.

<sup>18</sup> Art. 11, International Covenant on Economic, Social and Cultural Rights 1966.

<sup>19</sup> Available at <https://www.refworld.org/docid/45388400a.html> (Last visited on May 8, 2022).

Thus, climate change is one of several factors that can propagate a vicious cycle of poverty, scarcity, and disparity.

- **Human Health and Safety**

Climate change is as of now affecting human wellbeing. Changes in climate and climate designs can put lives at chance. Heat is one of the foremost dangerous climate aces. As sea temperatures rise, tropical storms are getting more grounded and wetter, which can cause deaths. Dry conditions lead to fierce blazes, which bring numerous wellbeing dangers.

Higher frequencies of flooding can lead to the spread of diseases, infections, and chemical risks.

The most helpless bunches, counting children, the elderly, individuals with pre-existing wellbeing conditions, workers, individuals with low pay, are at an indeed higher hazard since of the compounding variables from climate change.

The Intergovernmental Panel on Climate Change (IPCC) has concluded that to prevent devastating health impacts and prevent millions of climate change-related deaths, the world must limit temperature rise to 1.5°C.

It is stated by WHO that –

- Climate change affects the social and environmental determinants of health
- clean air, safe drinking water, sufficient food and secure shelter.
- Between 2030 and 2050, climate change is expected to cause approximately 250000 additional deaths per year, from malnutrition, malaria, diarrhoea and heat stress.<sup>20</sup>

Further, Article 25 (1) of Universal Declaration of Human Rights recognize right to health and states that

*“Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.”<sup>21</sup>*

### 3. **Effects on Infrastructure and Human Settlements**

- **Right to Property**

UDHR recognize right to property under Article 17:

1. *Everyone has the right to own property alone as well as in association with others.*

2. *No one shall be arbitrarily deprived of his property.<sup>22</sup>*

Article 11 (1) of ICESCR establishes that:

*“The States Parties to the present Covenant 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 States Parties will take appropriate steps to ensure the realization of this right,*

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<sup>20</sup> Available at <https://www.who.int/news-room/fact-sheets/detail/climate-change-and-health> (Last visited on May 11, 2022).

<sup>21</sup> Available at <https://www.un.org/en/about-us/universal-declaration-of-human-rights> (Last visited on May 11, 2022).

<sup>22</sup> Art. 17, Universal Declaration of Human Rights 1948.

*recognizing to this effect the essential importance of international co-operation based on free consent.*"<sup>23</sup>

But does not specifically feature right to property but Rights regarding property can be found in other international human rights instruments like American Convention on Human Rights.

Right to property is one of the foremost influenced rights by the climate change. Right to property coincides with other rights such as right to advancements, sound environment etc. Since of climate change number of individuals ought to move from one put to another since of hardship of their property. As climate change causes change in temperature, violent winds, it in turn influences the conceivable land utilization.

In terms of the effect of climate change, the right to property will cover to a few degree with other rights such as the right to a sound environment, right to development and life. Impacts of climate change may result in dispossession of property without recompense, especially in regard of rising ocean levels in coastal regions. This deprivation of property leads into advance issues including displaced people.

These sections have been badly affected in different countries such as –

If temperature rise kept on rising and not kept within 1.5C then -

- The **UK** and **Europe** will be defenceless to floods affected by intense rainfall
- **Middle East** countries will witness severe heatwaves and countryside could turn into desert
- **Pacific region** could vanish under the rising seas
- **African nations** could suffer droughts and food scarcities
- Drought conditions in western **US** and other areas will witness more extreme storms
- Similarly, **Australia** will also face drought condition along with heat waves.<sup>24</sup>

## **Human Rights based Approach to Climate Change – International Perspective**

### **1. The UN Framework Convention on Climate Change**

There's right now one single legally-binding treaty overseeing universal activity to address climate change i.e. UNFCCC (UN Framework Convention on Climate Change). The UNFCCC contains standards that adjust concerns for the advancement needs of developing nations with the duties and obligations that all nations have to be address climate change.

Along with the mitigation of gases it also focused upon financial mechanism in reference to climate change and transferring of technology from developed countries to developing countries, reporting the climate action and measuring the effects, cooperation amongst countries that are based on collective but separated responsibilities.

It was adopted in 1992 at Earth Summit (UNCED) at Rio De Janeiro. It focuses upon elimination of greenhouse gases and try to prevent the interference with the climate. It has been signed by 154 countries and ratified by 192 countries. By this framework states committed to strike an ecological balance, ensuring safe and healthy environment. This is very important to achieve and enjoy all the aspects of human rights.<sup>25</sup>

<sup>23</sup> Art. 11(1), International Covenant on Economic, Social and Cultural Rights, 1966.

<sup>24</sup> *Availbale at* <https://www.bbc.com/news/science-environment-24021772> (Last visited on May 10, 2022).

<sup>25</sup> Margreet Wewerinke and Vicente Paolo Yu III, *Addressing Climate Change Through Sustainable Development and The Promotion of Human Rights*, SOUTH CENTRE, 6, 41 (2010).

2. **Role of OHCHR :** Later on, in 2007 UNHRC addressed the relationship between climate change and human right by a specific resolution and asked OHCHR to make an analytical report dealing the linkage of climate change and human rights.

This legislative framework imposes a responsibility upon bearers and right holders by dealing with the nations who are causing the harm to the environment. It makes sure that actions taken by states are in compliance with the International Human Rights Standards which include taking necessary measures, adapting mitigating methods and so.

Currently dealing with 2030 agenda it focuses upon backing the environmental human rights defenders and supporting efforts of UN system, providing the effective remedy to the victims. It also targets the problem of businesses who suffer from climate change and appreciated the active participation of groups and individual in regard to fighting for climate change.<sup>26</sup>

3. **The Intergovernmental Panel on Climate Change, 1988**

In 1988, United Nations Environment Programme and the World Meteorological Organization (WMO) generated the *UN Intergovernmental Panel on Climate Change (IPCC)* to assess the science related climate change. It prepares the assessment report through which it states the socio-economic knowledge attached to climate change. Addressing all the impacts of climate change it aims at implementation of remedies and reducing the rate of climate change.

In 1990 IPCC released its First Assessment Report. It underlined on the global effects of climate change and the necessity of international cooperation to curtail the change. Currently, IPCC is working upon Sixth Assessment Report and examining the source of global emissions and mitigating the same.<sup>27</sup>

4. **Kyoto Protocol**

It was adopted in 1997 to operationalize the UNFCCC by addressing the industrialized state to limit the emission of Greenhouse Gases and directing countries to adapt the mitigating methods. It binds the developed countries and put a huge obligation upon them to take care of environment because it is understood by the reports that developed adds on to the emission of GHGs.

The Protocol offers to meet their targets by way of three market-based means:

- International Emissions Trading
- Clean Development Mechanism (CDM)
- Joint implementation (JI)<sup>28</sup>

5. **Paris Agreement, 2015**

The agreement came into force in 2016 and adopted by 196 countries. It focuses upon decreasing the global warming to below 2 preferably 1.5 degree Celsius. And to do so eliminating the GHG is very important and creating climate neutral environment. This was the phase where all nations came together to combat climate change collectively.

It's working mechanism is based upon social economic transformation having science attached to it. The working cycle is of 5 years where they need to submit plan of action called as NDCs (nationally determined contributions). It helps in technical, financial and capacity building support to those who wants it.

Recently the agreement has established ETF (Enhanced Transparency Framework) where all the climate action will be kept transparent and can be viewed by other nations.

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<sup>26</sup> United Nations Human Rights, *OHCHR's Role in Promoting Rights-Based Climate Action*, available at OHCHR | OHCHR's role in promoting rights-based climate action (Last visited on May 05, 2022)

<sup>27</sup> Available at <https://www.ipcc.ch> (Last visited on May 04, 2022).

<sup>28</sup> Available at [https://unfccc.int/kyoto\\_protocol](https://unfccc.int/kyoto_protocol) (Last visited on May 04, 2022).



Hence implementation is very vital in order to achieved the SDGs (Sustainable Developmental Goals).<sup>29</sup>

### **Human rights based Approach to Climate Change: National Perspective**

As a crowded, tropical developing nation, India faces a greater challenge in adapting with the results of Climate Change than most other nations. India has taken steps ahead in this regard in both Global and Regional aspects.

#### **1. National Policy Frameworks**

##### ➤ **NAPCC and INDC**

One of the foremost key steps is launching National Action Plan on Climate Change (NAPCC) in 2008 by GOI through Eight National Missions on climate change. These include:

- National Solar Mission
- National Mission for Enhanced Energy Efficiency
- National Mission on Sustainable Habitat
- National Water Mission
- National Mission for Sustaining the Himalayan Eco-system
- National Mission for a Green India
- National Mission for Sustainable Agriculture
- National Mission on Strategic Knowledge for Climate Change

The NAPCC has fundamentally domestic emphasis and focus.

Secondly, India took step ahead in submitting Intended Nationally Determined Commitments (INDC) to the UN Framework Convention on Climate Change (UNFCCC) in 2015. The INDC is a declaration on Climate Change action that was announced during Paris Climate Change summit.

Under this summit India declared that including the lowering of the emissions intensity of its GDP by 33-35% compared to 2005 levels by 2030; increase in electricity generation to 40% by 2030.<sup>30</sup>

##### ➤ **NEP**

This policy was designed to discuss the approaches that will help in reducing the environmental degradation and its effects on human life by taking appropriate measures. Touching upon all the other related aspects which directly or indirectly affects the ecosystem and our natural resources.

It majorly focuses upon good governance and management which will help in identifying the new emerging areas where new legislations are required and focusing upon post project monitoring along with upgradation of code of practice.<sup>31</sup>

#### **2. International Framework from Indian Perspective**

India has ratified both the covenant i.e. The International Covenant on Economic, Social and Cultural Rights, 1966 and International Covenant on Civil and Political Rights, 1966. Along with this India has signed many agreements dealing with climate change such as on 10 November 2021 India and UNEP has signed a Host Country Agreement in compliance of UN Climate Change Conference. This agreement provides India to have technical assistance towards mitigation of environmental issues and enables UNEP to

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<sup>29</sup> United Nation Climate Change, *The Paris Agreement*, available at <https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement> (Last visited on May 04, 2022).

<sup>30</sup> Ministry of External Affairs Government of India, *India's Climate Change Policy: Towards a Better Future*, (2019), available at <https://www.un.org/en/climatechange/raising-ambition/climate-finance> (Last visited on May 07, 2022).

<sup>31</sup> Suresh P. Singh, *Indian 2006 National Environment Policy Not a Paradigm Shift*, 1, CUTS INTERNATIONAL, 1 (2009).

work closely with the Indian government because India plays a vital role in global context.

➤ **Universal Periodic Review:**

India is one of the 14 States to be reviewed by the UPR Working Group. Three times India's UPR has been reviewed UN Human Rights Council-UPR Working Group.

India has addressed the issues like combatting extreme poverty, relocation of displaced people, improving the sanitation, focusing on food security along with health services.

➤ **UNFCCC Indian Outlook**

And further addressed the issues by launching the Climate Change Action Programme in 2014 in compliance to UNFCCC which focus upon creation of the scientific and analytical capacity for valuation of climate change and provide a background for execution of the National & State Action Plans on Climate Change. Recently, In Conference of Parties (CoP26) to the United Nations Framework Convention on Climate Change in November 2021 Prime Minister Narendra Modi talked about five-fold strategy while addressing his concern over climate change and stated that:

- India will get its non-fossil energy capacity to 500 gigawatts by 2030.
- India will meet 50 per cent of its energy requirements till 2030 with renewable energy.
- India will reduce its projected carbon emission by one billion tonnes by 2030.
- India will reduce the carbon intensity of its economy by 45 per cent by 2030.
- India will achieve net zero by 2070.

**3. Constitutional Perspective**

Beside this policy making, periodic reports; Indian Constitution also establish and anchors India's environment policy. The Indian Constitution is amongst those rare nations who address the specific provisions on the environment. The Directive Principles of State Policy and the Fundamental Duties clearly state the national commitment to protect and improve the environment. There are 3 provisions that has direct influence on environmental matters.

➤ First and primary, Article 21 states: "No person shall be deprived of his life or personal liberty except according to procedure established by law."

In *Subhash Kumar v. State of Bihar*<sup>32</sup> and *Virendra Gaur v. State of Haryana*<sup>33</sup> the Supreme Court recognized numerous liberations that are implied by Article 21, including the right to a healthy environment. And now all courts recognize this dimension to Article 21.

➤ Next is Article 48A states that "the State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country."

➤ Lastly, Article 51A determines that "it shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers, and wild life and to have compassion for living creatures."<sup>34</sup>

India contains a positive arrange of activity for clean vitality, energy efficiency in different segments of industries, steps to attain lower emanation escalated within the vehicle and transport division, a major pushed to non-fossil based power era and a building segment based

<sup>32</sup> A.I.R 1991 SC 420.

<sup>33</sup> (1995) 2 SCC 577.

<sup>34</sup> Vijay K. Sondhi, Faisal Sherwani and Achal Gupta, *Climate Change- Indian Law and Judiciary*, available at Climate Change - Indian Law And Judiciary - Clean Air / Pollution - India (mondaq.com) (Last visited on May 06, 2022).

on vitality conservation. India's on-going relief and adaptation strategies and activities are point by point within the taking after segments, alongside the anticipated course of exercises within the close future.

### **Plan of Action:**

In order to foster policy coherence and help ensure that climate change mitigation and adaptation efforts are adequate, sufficiently ambitious, non-discriminatory and otherwise compliant with human rights obligations, the following considerations should be reflected in all climate action.

#### **1. Mitigation Strategy**

States have a commitment to regard, secure, satisfy and advance all human rights for all people without segregation. Disappointment to require positive measures to anticipate human rights harms caused by climate change, counting predictable long-term harms, breaches this commitment. The Fifth Report of the Intergovernmental Panel on Climate Change affirms that climate change is caused by anthropogenic emanations of greenhouse gasses. Among other impacts, climate change contrarily influences people's rights to wellbeing, housing, water and food. These negative impacts will increment exponentially concurring to the degree of climate change that eventually takes place and will excessively influence individuals, groups and peoples in vulnerable circumstances including, women, children, older person, indigenous people, minorities, people with inabilities and the needy. Subsequently, States must act to constrain anthropogenic emanations of greenhouse gasses in order to protect future impacts.<sup>35</sup>

For example:

- In India National Smart Grid Mission has been launched to bring efficiency in power supply network and facilitate reduction in losses and outages. Green Energy Corridor projects are also being rolled out to ensure evacuation of renewable energy.
- Designing and governance arrangements for the new Green Climate Fund and a comprehensive finance, technology and capacity-building support package to help developing nations adapt to climate change and adopt sustainable paths to low-emission economies.

#### **2. Adaptation**

Adaptation implies foreseeing the impacts of climate change and taking suitable activity to avoid or limit the harm they can cause or harm the opportunities. Early activity will spare on harm costs afterward. Adjustment techniques are required at all levels of organization, from the neighbourhood to the universal level.

States must guarantee that appropriate adjustment measures are taken to ensure and satisfy the rights of all people, especially those most risked by the negative impacts of climate change such as those living in vulnerable areas.

For example:

- Government of India has adapted the National Initiative on Climate Resilient Agriculture (NICRA) project plan. That highlight upon the Natural Resource Management, improving crop production, livestock and fisheries and institutional interventions.
- The European Climate Adaptation Platform tossed by the European Commission which supports development of adaptation strategy by providing fund to the

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<sup>35</sup> Mohammadsoroush Tafazzoli and Arezou Sadoughi, *The Nexus of Climate Change* in CLIMATE CHANGE SCIENCE, 171, 193 (2021).

member state in implementation of this strategic plan especially in field of agriculture, fisheries.

### 3. Finance Policies:

Under human rights treaties and policy states act collectively and individually and are obligated to allocate the maximum available resources for realization of economic, social and cultural rights. Measures like carbon taxes helps in minimizing the negative impact and mobilize additional resources to finance mitigation.

At the same time, India isn't depending exclusively on budgetary assets and is testing with a cautious blend of market instruments along with financial instruments and administrative intercessions to mobilize finance for climate change.

For example:

- India has followed to charge coal cess. The coal cess translates into a carbon tax equivalent, using the emission factor for coal, of around USD 2 per tonne. This form the corpus for the National Clean Environment Fund, used for financing clean energy, technologies, and projects related to it.
- An International initiative i.e. Task Force on Climate Related Financial Disclosures (TCFD) established by (FSB) Financial Stability Board, provide a systematic framework for financial performers and companies to address climate threats and take advantage of the prospects that the other overcome states (who recovered from climate change or trying to recover) bring.<sup>36</sup>

### Conclusion and Suggestions

The United Nations Development Programme (UNDP) has recently concluded that “[c]limate change is .... a human tragedy in the making. Allowing that tragedy to evolve would be a political failure that merits the description of an “outrage to the conscience of mankind.”

Climate change reminds us of one thing that every individual on this globe share one common thing i.e. the planet Earth and if we fail to take care of that then on human grounds we fail to establish ourselves on this planet and not eligible to enjoy the human rights and foster the mother Earth. Global warming and other climatic changes are the evidence that we are harming our planet badly.

In order to fulfil our current desire, we are putting our next generation on high risk and leaving no resources for them to use in a sustainable way and not so surprising fact is that sufferers (future generation) are not the problem creator. Problems might be different for different countries but the subject matter is the same i.e. Climate Change and presently those who are using the resources are at the same time victim of the outcome arising from their usage. We have disturbed the ecological interdependence.

This is a well establish ideology that no country can fight climate change in isolation but need to collectively act upon climate change and implement the measures talked above in strict manner. Like a termite, climate change is hollowing the earth from within and collapse is witnessed in different manner like Australian wildfires, East Africa drought, South Asian Floods.

Eventually, claims can be put up before international tribunals that would require it to clarify the legitimate commitments of states under international human rights law in connection to climate change and its legislation. This opportunity for empowering appropriate action on climate change will gotten to be all the more practical as developed nations proceed to fall flat to comply with their commitments beneath the UNFCCC and the risk to human rights heighten as a result of this failure.

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<sup>36</sup> United Nations, *Financing Climate Action*, available at <https://www.un.org/en/climatechange/raising-ambition/climate-finance> (Last visited on May 07, 2022).

With the constant efforts by the authorities, judiciary, legislature and other organization we are trying to bring the planet in healthy and safe conditions. Above mentioned International perspective and national perspective put an effort to touch upon all the factors and aspects of climate change but still states are suffering due to climate change. Why?

First and foremost, step should be in regard to the implementation of treaties and other agreement even upon the non-state actors and other corporations. Though private spheres are naturally regulated by the state but the liberal principle of state non-intervention in the private spheres leaves human action taken in these spheres less scrutinized and monitored by state than human action taken in the public sphere.<sup>37</sup>

Secondly, Financing adaptation plans and building strength should be the highest priority for developing countries. The developed countries should be liable to pay to the damages caused by them to the least developing countries and strict implementation of financial fund plans and proper check and balance. Because still international financial mechanism is not properly monitored by the agencies and provide reparation fund to the victims in a timely manner. Therefore, a new institute to be established to look after this and further establish a relation between reparation and human rights involving the principles of equity, transparency and fairness.

Thirdly, enhancement of R&D sector is very vital in regard to finding out more adequate remedies, substitute measure. Proper role assigning in the regional sector should be there. All national legislation should adhere and adopt in their legislations. We need more action along with the theory.

Finishing all this, be that as it may, requires people to form diverse choices each day on what is carried, acquired, and consumed. These choices can be difficult for a few, but the result offer assistance to understand worldwide warming, food insecurity, ill-health, and deforestation.

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<sup>37</sup> Michael Goodhart, *Human Rights and Non-State Actors: Theoretical Puzzles* in Non-State Actors In The Human Rights Universe, 3, 23 (George Andreopoulos et al. 2006).