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Role of Climate Change Issues in the Protection of International Human Rights

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This article closely examines how climate change is deeply tied to international human rights and why urgent legal and political action is needed to tackle its growing threats. It shows how future generations are at greater risk of losing fundamental human rights like access to clean water and natural resources. The author has identified four key areas that governments must direct their attention to achieve equity for generations to come. These include holding nations accountable to international treaties, favouring green technologies, the very challenging issues of providing asylum for climate refugees, and reinventing our approach to funding climate solutions. The article emphasises that the above steps are essential to bringing an end to the effects of the climate crisis and ensuring a fairer future for all. If embraced, this will offer governments an opportunity to protect the environment and ensure fair access to much-needed resources, as well as spur further development. This will help secure the rights of both current and future generations, shielding them from the harmful impacts of climate change.

Keywords: *climate change, international human rights, intergenerational justice, climate refugees, law, global warming.*

INTRODUCTION

Climate change is one of the most pressing issues facing humans today, as its effects will likely burden future generations disproportionately. Many people are threatened with losing their fundamental human rights, including living access to crucial resources for survival, like clean water and natural ecosystems. Protecting future people from climate change's nearly irreversible damage would only be possible with immediate legal and political action. This discourse explains four critical areas where government action is necessary to ensure intergenerational fairness. It discusses the need to address the issue of non-compliance with international commitments. It highlights the importance of green technology as a viable mechanism for achieving current climate goals and addressing disasters. As such, elaborate discussion is carried out over the complex issue of providing asylum to climate change victims alongside the high importance of adequate climate financing because these tools will be essential for a just and sustainable future for the next generations. Through such a process, the problem of weak communities may be overcome once and for all, and minimum damage is caused to the environment with global cooperation. Restoring the ecosystem, strengthening resilience, and regaining equity instead will bring a safe and sustainable future to all lives.

WHAT IS THE IMPORTANCE OF ENVIRONMENTAL LAWS AND WHY SOME COUNTRIES FAIL TO COMPLY?

A significant hurdle is that many countries must stick to the environmental laws and agreements they've signed up for. This non-compliance is an important reason the climate continues to suffer despite global awareness. In 2018, the United States was a country that contributed to the biggest polluters in the world, accounting for 13% of total emissions, according to the Netherlands Environmental Assessment Agency.¹ This large share goes back to 2001 when the U.S. left the Kyoto Protocol because it was worried about how it might affect the economy. The Kyoto Protocol was introduced in 1997. Its goal was to lower emissions in developed countries by 5%

¹ Lisa M. Dellmuth et. al., 'Intergovernmental organizations and climate security: advancing the research agenda' (2018) 9(1) WIREs Climate Change <<https://doi.org/10.1002/wcc.496>> accessed 25 October 2024

compared to levels from 1990.² However, it did not include big carbon emitters like China and India, which many people saw as a big mistake.

On the other hand, countries like Germany supported the Kyoto goals. They added these goals to their national policies and worked on green technologies. Later, the Paris Agreement, adopted at COP21 in 2015, was hailed as a breakthrough because it included both developed and developing nations. It allowed each country to set its emissions reduction targets, aiming to keep global warming below 2°C. However, it did not have proper enforcement measures so that President Donald Trump could withdraw from the deal, citing economic compulsions to the U.S. in 2017 again. Experts say more severe action is needed to push countries to achieve such goals, not to worsen climate catastrophes.

WHY ACCOUNTABILITY MATTERS?

Global climate summits have repeatedly highlighted the importance of accountability, but many agreements still fall short. Ahead of COP24 in Katowice, Poland, an IPCC report warned that catastrophic climate impacts—such as stronger storms and deadly heatwaves—could occur if global temperatures rise more than 1.5°C by 2030. Despite this, governments hesitated to adopt stricter policies. At COP24, while countries agreed on some reporting rules for emissions, critical issues like carbon trading were postponed.³

The UN Climate Action Summit, convened by Secretary-General António Guterres in New York, urges nations to be spurred to reform their climate plans in pursuit of attaining a 45 percent cut in emissions by 2030 and reaching carbon neutrality by 2050—but the big-polluting countries like the United States and China didn't take part.⁴

² Catherine Higham et al., 'Accountability mechanisms in climate change framework laws' (*Centre for Climate Change Economics and Policy*, 02 November 2021) <<https://www.lse.ac.uk/granthaminstitute/wp-content/uploads/2021/11/Accountability-mechanisms-in-climate-change-framework-laws.pdf>> accessed 25 October 2024

³ Guy J. Abel et al., 'Climate, Conflict and Forced Migration' (2019) 54 *Global Environmental Change* <<https://guyabel.com/publication/climate-conflict-and-forced-migration/>> accessed 25 October 2024

⁴ Rafael Leal-Arcas, 'Climate Migrants: Legal Options' (2012) 37 *Procedia - Social and Behavioral Sciences* <<https://doi.org/10.1016/j.sbspro.2012.03.277>> accessed 25 October 2024

Therefore, explicit enforceable accountability provisions in climate laws are necessary to sustain countries' intervention commitments. This, in turn, not only places trust among nations but also clarifies member countries' legal and domestic positions on climate policy. Additionally, the more robust systems of accountability give citizens the mandate to demand accountability from their leaders, which increases the arduous levels of overlooking climate leadership urgency. By integrating accountability into laws and agreements, we can turn promises into tangible progress and keep the fight against climate change on track for long-term sustainability.⁵

ADAPTING LAWS AND POLITICS TO ADDRESS CLIMATE CHANGE

The Challenge of Climate Migration: As climate change impacts become more frequent, laws and political frameworks must adapt to protect current and future generations. Rising sea levels have introduced the concept of 'Climate Refugees'. By 2050, hundreds of millions may be forced to migrate due to climate-related disasters.

From 2008 to 2014, around 184.8 million people were displaced by extreme weather and other climate issues.⁶ Climate change has a great impact on human rights. For instance, extreme heat waves cause severe droughts, which limit access to agricultural and fishing resources and reduce the supply of essential goods. Consequently, people are often driven into poverty, homelessness, and a lack of land, food, and clean water.⁷ However, current climate policies and political actions frequently fail to address fundamental human rights such as access to shelter, water, and dignified life, which are critical for both current populations and future generations.⁸

The failure of the coastal state system to host these individuals is most aptly demonstrated by Mr. Ioane Teitiota from Kiribati. Saltwater contamination, lousy soil, and overpopulation in his home on the Tarawa Islands caused rising sea levels, which led to water scarcity and violent land disputes. Life became increasingly precarious when the islands rose only three meters above the sea level. Despite these conditions, Mr. Teitiota's asylum request in New Zealand was

⁵ Dellmuth (n 1)

⁶ Higham (n 2)

⁷ *Ibid*

⁸ 'AGENDA FOR THE PROTECTION OF CROSS-BORDER DISPLACED PERSONS IN THE CONTEXT OF DISASTERS AND CLIMATE CHANGE' (*The Nansen Initiative*, 18 December 2015)

<https://disasterdisplacement.org/wp-content/uploads/2015/02/PROTECTION-AGENDA-VOLUME-1.pdf>

accessed 25 October 2024

denied by the Immigration and Protection Tribunal, which argued that his danger was neither immediate nor specific.⁹ Even though the Tribunal acknowledged the possibility of environmental degradation falling under the Refugee Convention, the Court of Appeal and the Supreme Court dismissed his appeals. Mr. Teitiota's lawyer complained, saying that wealthier countries such as New Zealand dread opening the floodgates to millions of climate refugees, and this feeling is influencing court decisions. He says this needs to address individual cases and reflect better reasoning.

*The Need to Update Policies: It goes, however, to a more significant issue: the unwillingness of those wealthier nations to offer asylum to those climates, which are affecting populations disproportionately. These are usually non-white and from vulnerable sections, adding another dimension to their struggle for justice. The consequences of this reluctance are enormous because they ensure that judges are denied the opportunity to interpret the Refugee Convention broadly enough to include climate refugees. Even when climate migrants meet the criteria defined within those legal terms, their claims tend to be processed very slowly or*¹⁰

Kiribati, on its part, has taken steps to adapt to the worsening climate conditions. However, these measures have yet to improve the situation to a dignity acceptable under international human rights standards, for people like Mr. Teitiota, New Zealand's stance resembles forcing someone back onto a sinking ship simply because others are also onboard. Even if Kiribati makes all possible efforts to mitigate the crisis, the grave reality remains that lives and dignity are at constant risk.¹¹

Current international laws do nothing to honour the right to life for individuals like Mr. Teitiota and the millions more who will have to endure such a process sometime in the future. More importantly, no concepts like 'polluter pays' or existing frameworks could ensure major polluting nations are held accountable for their contributions to climate displacement. In addition,¹² all human rights abuses are not considered persecution under the Refugee

⁹ McNerney-Lankford et. al., *Human rights and climate change : a review of the international legal dimensions* (United Nations Digital Library 2011)

¹⁰ *Ioane Teitiota v The Chief Executive of the Ministry of Business, Innovation and Employment* [2015] NZSC 107

¹¹ Alice Edwards, 'Human Rights, Refugees, and The Right 'To Enjoy' Asylum' (2005) 17(2) *International Journal of Refugee Law* <<https://doi.org/10.1093/ijrl/eei011>> accessed 25 October 2024

¹² António Guterres, 'Climate change, natural disasters and human displacement: a UNHCR perspective' (*United Nations High Commissioner for Refugees*, 20 August 2009) <<https://www.unhcr.org/sites/default/files/legacy-pdf/4901e81a4.pdf>> accessed 25 October 2024

Convention, and most governments' inactivity towards dealing proactively with climate change aggravates the ills. A country is primarily responsible for protecting its people under the Guiding Principles on Internal Displacement (1998), where measures prevent the masses from being relocated from areas with high risks and ensure the safety of internally displaced persons.¹³

The Mr. Teitiota case and, indeed, the increasingly evident climate migration reality – clearly highlight the urgent need for more modernised mechanisms in law and politics. Without proper accountability measures and the pursuit of justice, the global community risks preventing rights for current and future generations, leaving millions of people unprotected against the devastating impacts of climate change.¹⁴

ADVERTING TO GREEN TECHNOLOGY: AN ANSWER TO CONTROLLING CLIMATE CHANGE

*Growing Energy Needs and Environmental Consequences: As the world's population increases, energy consumption is growing alarmingly. This increase is exposing the environment to an enormous impact. Researchers from the environmental science niche are pointing out that due to alarming climatic degradation, global policies must urgently adopt green technologies to ensure that human generations enjoy a safe future.*¹⁵

Industrialisation and urbanisation, while driving economic growth, are also polluting the planet. The widespread burning of fossil fuels—coal, oil, and gas—continues to pump dangerous greenhouse gases (GHGs) into the atmosphere. Statistics show that 85% of the world's energy still comes from these non-renewable sources. Between 2020 and 2050, global energy use is projected to rise by a staggering 250 quadrillion BTUs.¹⁶

Fossil fuels have been essential in meeting energy needs but at a tremendous cost. They are the main culprits behind air pollution and carbon dioxide emissions, the driving force of global

¹³ Zaffar Ahmed Shaikh, "Towards Sustainable Development: A Review of Green Technologies" (2018) 4(1) Trends in Renewable Energy <<http://futureenergysp.com/index.php/tre/article/view/44>> accessed 25 October 2024

¹⁴ International Energy Agency, *World Energy Outlook* (2019)

¹⁵ *Ibid*

¹⁶ Shaikh (n 14)

warming. These emissions hold onto heat in the atmosphere, raising surface temperatures and exacerbating the already thinning ozone layer, which protects us from harmful radiation.

Why Green Technology is the Answer: Switching to green technology is no longer an option; it's a necessity. Renewable energy sources such as solar, wind, and hydropower can reduce our dependence on fossil fuels and help cut harmful emissions. Green technologies are designed to be environmentally friendly, producing little to no pollution, and they can play a critical role in halting climate change. If we don't act soon, the continued reliance on fossil fuels will lead to resource depletion and make the planet increasingly unlivable. Prevention is key. By adopting renewable energy solutions, we can tackle the root causes of climate change rather than merely addressing its symptoms.¹⁷

The Greater Picture: Climate change is arguably the toughest challenge humanity has ever confronted. It affects all political, social, and economic systems, threatens stability at all levels, and comes with enormous risks, such as natural disasters, economic collapse, political tension, and universal psychological strain.

Effective policies in green technology can help overcome some of these emerging challenges. For instance, a gradual transition toward clean energy will reduce greenhouse gas emissions and slow down the resultant global warming, thus securing a much more sustainable future. This movement ensures environmental protection, long-term energy security, and economic growth.¹⁸

Preventive Approach: The best way to tackle environmental problems is through prevention rather than a cure. While it is essential to adapt to the effects of climate change, prevention through green technology is more sustainable because renewable energy and eco-friendly practices can reduce pollution, possibly eradicate climatic changes, and help create a healthier world for future generations.¹⁹ Green technology brings hope to a warming earth. It is an interface through which humanity's energy needs can be reconciled with the planet's health. The

¹⁷ Akin Olaleru et. al., 'Green Technology Solution to Global Climate Change Mitigation' (2021) 1(1) Energy Environment & Storage <<http://dx.doi.org/10.52924/DNRM8834>> accessed 25 October 2024

¹⁸ The Intergovernmental Panel on Climate Change, *AR4 Climate Change 2007: Synthesis Report* (2007)

¹⁹ United Nations Framework Convention on Climate Change 1994, art 4.3

time for action is now. We shall strive toward a cleaner, safer, and more sustainable future through this innovation.

THE EMERGING ROLE OF CLIMATE FINANCING

To tackle climate change, countries need to set up the right laws and policies, and solid financial support is critical to making that happen. The Intergovernmental Panel on Climate Change (IPCC) has set a global temperature reduction target to limit the increase to two degrees Celsius. To achieve this, the IPCC recommends mitigation actions to reduce the emissions of greenhouse gases and adapt to the inevitable impacts of global warming. However, mitigation and adaptation will require tremendous money, making climate finance the essential requirement for achieving the two-degree target.²⁰

Climate finance supports countries in their transition to clean energy development (mitigation) and assists in adapting to climate change effects. The term 'Climate Financing' was first introduced by the UNFCCC in 1994. Before this, earlier Multilateral Environmental Agreements (MEAs), such as the 1987 Montreal Protocol on ozone-depleting substances, influenced the development of climate financing mechanisms. The success of the Montreal Protocol continues to serve as a model for tackling financial and technical challenges that may prevent developing nations from meeting MEA obligations.²¹

Noting the role of capital in implementing MEAs, funding was considered an essential pillar in the 1972 Stockholm Declaration. At the COP15 Summit in Copenhagen, developing countries needed further backup on mitigating and adapting to climate change. This call for support carried through to the COP16 summit in Cancun and COP17 in Durban, leading to the creation of the Global Climate Fund. It is, therefore, vital to explore the origins of climate finance and the framework, considerations, and potential consequences of climate funding on efforts to combat climate change.

²⁰ United Nations Framework Convention on Climate Change 1994, art 4

²¹ Copenhagen Accord 2009

As outlined in the UNFCCC, developed nations are required to provide new and additional financial resources to developing countries. This support covers the costs of formulating, implementing, and communicating national policies on climate action. The financing of the extra costs of mitigation and adaptation measures shall come from developed countries. The UNFCCC acknowledges this as compensation by the developed countries for their historical emissions, which most contributed to the climate change impacts the world is confronted with today. This was based on the ‘Polluter Pays’ principle, where wealthier nations, due to their industrialisation, bear responsibility for funding the necessary adaptation efforts in less-developed countries.²²

However, despite this agreement, the UK Climate Change Act, often regarded as a leading climate framework, must include provisions for funding mitigation measures in developing nations. During the Copenhagen Climate Summit in 2009, developed countries committed to providing ‘Scaled-up, new, and additional finance’ to help achieve the goal of mobilising \$100 billion per year by 2020 to support developing countries. Yet, by December 2020, experts reported that this target would not be met, and it was unlikely to be achieved even by developed country standards. Official statistics from 2020 were released in 2022, and if this failure is confirmed, it could undermine trust between rich and poor nations.²³

Thus far, adaptation has accounted for only about 20 percent of reported climate finance, with the majority being poured into greenhouse gas reduction programs. The additional funding needed is to help programs that reduce vulnerability to climate change and increase resilience in support of clean energy and low-carbon technologies. Unfortunately, developed nations have often circumvented their financial obligations by exploiting ambiguities in reporting criteria. This indicates a critical need for procedural and distributive fairness in the climate financing system. These accountability gaps should be addressed by setting clearer and tougher standards for what governments can claim as climate funding. The current fractured system of climate finance needs to be better coordinated and targeted strategically, with assistance geared toward

²² J. Timmons Roberts et. al., ‘Rebooting a failed promise of climate finance’ (2021) 11 Nature Climate Change <<https://doi.org/10.1038/s41558-021-00990-2>> accessed 25 October 2024

²³ *Ibid*

the most vulnerable countries and regions and funds targeted to meet local climate goals and priorities.

CONCLUSION

This assignment reveals the changes that current politics and laws need to undergo to ensure justice is delivered for future generations, particularly regarding climate change. Studies were well executed and considered various governments' efforts to transact the issue. They stressed that stricter measures should be complied with when charging the countries for their respective roles in climate change. Non-compliance needs to be controlled to meet the international treaty's targets. Some countries are already paying for their wrong, with global rising sea levels putting them at significant risk. The next decade could make the Republic of Kiribati uninhabitable and is, therefore, a clarion call to act very fast.

Providing asylum for climate refugees is a tricky issue, particularly from the point of view of national sovereignty. However, protecting human dignity does not fall within the mandate of an individual country; it's an international concern that requires global action. Another up-and-coming field that needs attention is green technology. Investing in this and creating green jobs will solve the problem of climate change and contribute toward making better provision for the next generation.

Our studies indicate that environmental cleanup efforts can also speed up the fight against climate degradation. Despite all these challenges, there is tremendous scope for technological breakthroughs, particularly in green technology, to present permanent solutions. If we delay action further, then very soon, we might be confronted with an environmental disaster.

Climate finance is a crucial tool for advancing climate policies. Promises for future climate financing must be properly based upon the actual needs of the poorer nations, with legal measures to see them through, and new global financial systems must become available to meet the commitments agreed upon at Copenhagen. Without this alteration, countries' contributions to the economic arena will not make up for and meet climate goals.