

Glo(c)alization of Climate Change Impact & Environment Sustainability in International Human Right Perspective

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ABSTRACT

Climatic emergency isn't obscure to the human development. However, it has stimulated in the recent years. The outcome of climatic changes isn't simply constrained to temperature and climate changeability however has spread its wings to influence more extensive circles and is presently an International human rights concern. The catastrophic impacts of environmental change are lopsidedly borne by the populace. It is affecting civil, political, economic, social and cultural rights which incorporate rights like right to life, health, water and access to food among others.

The harmful impacts of climate change include gradual form of environmental degradation that sabotages access to clean water, air, food and other distinct advantages just as abrupt beginning that represents an immediate danger to human lives. Women, children, indigenous individuals and laborers are among the most vulnerable and are adversely affected by climate change. Legal Precepts and Judicial Doctrines demonstrate that global human rights-based approach to deal with the gargantuan crisis is the recommended way out for gutting the danger to the human rights. Further, health related outcomes of climate change have constrained the countries to take impending measures. Climate action by means of adaptation and mitigation measures should be strategically planned to address the issue of climate change and protection of human rights. Paris Agreement has brought forth the nations to take action against climate change and to take measures in regard to their obligation towards human rights. The 2030 agenda of Sustainable Development Goals could be realized through the collaborative measure which needs to be adopted by the nations. In this backdrop, the present paper gives a detailed analysis of International human rights infringement as a component within climate change and the necessity of climate action- Goal 13.

Key words: Climate Change, Human Rights, Climate Action, International Human Rights, Sustainable Development Goals

INTRODUCTION

The violence that exists in the human heart is also manifest in the symptoms of illness that we see in the Earth, the water, the air and in living things - Pope Francis

The Ecosystem provides human beings resources which are required to live a dignified life.— These include, clean water, pure air, proper food, protection from fires, flood, drought, fuels for energy and places for recreational and spiritual enjoyment. These are essential for human survival and prosperity. Climate change however, enfeebled the lives and welfare of individuals and communities around the world. It also affects the cultivation patterns rendering it unfeasible to meet the food and basic requirements of people.

The linkage of climate change to that of human rights is a subject of concern on international platform. Human rights formulate an indispensable part of the international law which strives to protect these basic rights by according them the status of Fundamental Rights. These are enshrined in the *Universal Declaration of Human Rights* (UDHR), supplemented by the *International Covenant on Civil and Political Rights* (ICCPR) and the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) alongside other human rights treaties¹. The basic human rights were incorporated in the form of various treaties and in the Constitutions way before the cognizance of foretold threat of climate change. The environmental aspects of these rights were explored after the worldwide crisis due to climate change. Consequentially, the grave necessity for sustainable development and Climate action was recognized.

This paper aims to outline the necessity for Climate action in wake of grave violence of human rights owing to the global climatic crisis. While there are ample safeguards in International law for protection of various human rights related to environment and climate change but evidently they are not sufficient to tackle the rapid alterations in climatic pattern. Owing to the lack of

¹ Council of Europe, *European Convention the Protection of Human Rights and Fundamental Freedoms*, 1950; Organization of American States, *American Convention on Human Rights*, 1969.

efficacious safeguards and mechanism to tackle the ever increasing human rights violation due to climate change, certain declarations and conventions have been conceived by the states.

The methodology applied to attain this paper's objective is based on normative analysis of crucial and indispensable human rights violations and the international legal safeguards regarding them. This will provide the context for the need of "Climate Action" and recommendations in furtherance of the ongoing awareness about attainment of Sustainable Development Goals 2030.

The 2030 Agenda for sustainable development has set 17 goals and has economic, social and environmental dimensions. The agenda is resolved to obdurately protect the planet from further deprivation and promote the dignity and equality of every single human being through the 17 goals of sustainable development. Climate Action is amongst one of the 17 goals. To tackle the climate change and its impact critical climate action is required.²

THE HUMAN RIGHTS DIMENSION OF CLIMATE CHANGE:

In contemplation to ensure equal treatment to every human being, conferring a life with freedom and security, affording Governmental protection for safeguarding the interests, the Universal Declaration of Human Rights was drawn up in 1948. The worldwide climate crisis threatened rights manifested within the Universal Declaration of Human Rights, viz. the right to a standard of adequate living encompassing medical care, safeguards in the case of sickness, old age and such instances of inadequate or absence of livelihood which is beyond one's command.³

Climate change threatens "the inherent right to life"⁴; rights associated with culture, language and religion⁵ as embodied within the International Covenants on Civil and Political Rights.⁶ It

² Transforming the world: 2030 Agenda of sustainable development, available at: <https://sustainabledevelopment.un.org/post2015/transformingourworld>, (last visited on April 23, 2020).

³UN General Assembly, *Universal Declaration of Human Rights*, (December 10, 1948), art. 25.

⁴UN General Assembly, *International Covenant on Civil and Political Rights*, (December 16, 1966), art. 3.

⁵ *Id.*, art.27

⁶*Id.*

jeopardizes myriad of rights including but not limited to the right to self-determination⁷, the right to education⁸; the rights corresponding to political status⁹ and furtherance of one's development¹⁰ and the right to the enjoyment of the utmost conditions of health, both mental and physical.¹¹ The inconstant alteration in weather conditions in recent times has elevated the occurrences of cyclones, wildfires amongst other havocs affecting the agriculture, animals and human lives.

The Right to Life

The universality of significance attached to the right to life could be perceived by its protection in both the UDHR¹² and the ICCPR¹³ as well in The Human Rights Act¹⁴. Furthermore, the right to life of children is specifically acknowledged and safeguarded in the *Convention on the Rights of the Child*.¹⁵ However, every year, 150,000 premature deaths can be associated with the climate crisis and the figures are set to mount with changing temperatures.¹⁶ Annually, 400,000 deaths on average are incurred owing to infectious diseases and hunger as a consequence of variations in climatic conditions.¹⁷

Urgenda Foundation v. The State of Netherlands:¹⁸ In the wake of the petition by Urgenda Foundation and 900 Dutch nationals about the alarming level of greenhouse gas emissions, the Hague District Court directed the Dutch Government to alleviate greenhouse gas emissions by 25% till 2020. It was contended that Government owed a duty of care and had acted negligently.

⁷UN General Assembly, *International Covenant on Economic, Social, and Cultural Rights*, (16 December, 1966), art.1.

⁸*Id.*, art. 13.

⁹*Id.*, art.8.

¹⁰*Id.*, art.6.

¹¹ *Id.*, art.12

¹²*Supra* note 2, art.3.

¹³*Supra* note 3, art. 6(1).

¹⁴The Human Rights Act, 1998, art. 2.

¹⁵UN Commission on Human Rights, *Convention on the Rights of Child*, 1990, art.6.

¹⁶UN Environment Programme, *available at: <https://www.unenvironment.org/news-and-stories/story/human-rights-are-threat-climate-change-can-also-provide-solutions>*, (last visited on April 8, 2020).

¹⁷ Climate Vulnerability Monitor, *available at: <https://daraint.org/wp-content/uploads/2012/09/CVM2ndEd-FrontMatter.pdf>* (last visited on April 8, 2020).

¹⁸ HA ZA 13-1396, C/09/456689.

Right to life as mentioned in ECHR¹⁹ and Protection and improvement of Environment as enshrined in Dutch Constitution²⁰ were invoked by Urgenda.

It is evident that the climatic fluctuations affect multiple facets of human life. The effect might be instantaneous, as visible wake of natural havocs like flood, cyclones etc., or it may surface incrementally. The deterioration in health, diminishing access to food and safe drinking water and increasing susceptibility to vector borne, water borne and food borne diseases can be the gradual effects of the climate alteration patterns.

The Right to Health

The Universal Declaration of Human Rights, 1948 asserts health as a right within the adequate standard of living.²¹ ICESCR acknowledges the right in connection with attainment of both physical and mental health.²² The *Convention on Rights of Child*, 1989, stipulates the state parties to ascertain the betterment of health conditions of every child.²³

The right to health is intimately interconnected with a number of human rights, including the rights to food, water, and housing among others.²⁴ The climate change violates the right to health. The premature deaths, malnutrition, allergies, injuries, etc. are some of the various health implications caused due to climate change. It will stimulate the severity of broad spectrum of respiratory, cardiovascular, vector-borne and water borne diseases. The current scenario of climate crisis is assumed to affect the global health detrimentally striking down the earlier healthcare advancements, predominantly because it is and can further endanger the right to food.²⁵

Right to a Healthy Environment

¹⁹ European Convention for the Protection of Human Rights and Fundamental Freedoms, 1950, art.2.

²⁰ The Constitution of the Kingdom of the Netherlands, 2008, art.21.

²¹ *Supra note 1*, art.25.

²² *Supra note 6*, art. 12(A).

²³ UN General Assembly, *Convention on the Rights of the Child*, art.24.

²⁴ The Right to Health, available at: <https://www.escr-net.org/rights/health>, (last visited on April 8, 2020).

²⁵ The Lancet, available at: [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(15\)60854-6/fulltext#back-bib1](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(15)60854-6/fulltext#back-bib1), (last visited on April 8, 2020).

Since the U.N. Conference on the Human Environment in 1972, about 155 countries have incorporated or recognized the right to a healthy environment into their constitutions, in changeable formulations. Various aspects of civil, cultural, economic, political and social rights can be seen in the right to a healthy environment. Clean air, water, and soil are requisite for human health and security.²⁶ In the case of *Lopez Ostra v. Spain*,²⁷ the Court observed that the quality of life including the enjoyment of private and family life may suffer negative implications in the wake of grave environmental pollution.

Right to Adequate Food

ICESCR²⁸ stipulates the state parties to take into account the right of everyone for the need of adequate food amongst other necessities and to consistent improvement in the standard of living. Simultaneously, it considers the requirement to take instantaneous measures to avert hunger and malnutrition.²⁹ The UN Special Rapporteur has described the Right to Food as:

*The right to food is the right to have regular, permanent and unobstructed access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and sufficient food analogous to the cultural traditions of the people to which the consumer belongs, and which ensure a physical and mental, individual and collective, fulfilling and dignified life liberated of fear.*³⁰

Climate change harms food security and accentuates risk of hunger. The alteration in climatic conditions like higher temperatures and changing rainfall patterns can reduce the amount of food produced and can even change the nutrition content of food.³¹ The U.S. Global Change Research Program's Fourth National Climate Assessment report admonishes about the ramifications of the climatic havocs like floods, droughts, wildfire, etc., on the agricultural sector and its implications

²⁶ The case for a right to a healthy Environment, available at: <https://www.hrw.org/news/2018/03/01/case-right-healthy-environment>, (last visited on April 8, 2020).

²⁷ (1994) ECHR 46.

²⁸ *Supra* note 6, art. 11(1).

²⁹ *Id.*, art. 11(2).

³⁰ Special Rapporteur on the Right to Food, available at: <https://www.ohchr.org/en/issues/food/pages/foodindex.aspx> (last visited on April 15, 2020).

³¹ Climate change and the Right to Food, available at: <https://www.actionaidusa.org/blog/climate-change-and-the-right-to-food/>, (last visited on April 17, 2020).

on the livelihood of farmers.³²Albeit, there is no room of doubt that repercussions of climate change will severely affect the food security.

Climate variability is undoubtedly among the key forces behind the current boost in global hunger and can be well attributed to severe food crisis. The varying dimensions of food security such as food availability, access, utilization and stability are crippled by the augmenting effect of climate change.³³

Right to Water

Although being of foremost importance and intimately connected to the actualization of substantial number of rights, particularly right to health, right to food, etc., the Right to Water has nowhere being explicitly stated in ICESCR. However, in 2002 water was deemed to be an independent right imperative for subsistence.³⁴ Mandate of the Independent Expert on the issue of human rights obligations associated to access to safe drinking water and sanitation has defined it as:

*The right to water is defined as the right of everyone to competent, secure, admissable, physically obtainable and affordable water for personal and domestic use. It is imperative to note down that the right to water is restricted to water for personal and domestic use and does not cover other water uses.*³⁵

Climate change will pessimistically impact water quality. Elevated temperatures, tapering groundwater level, pollution, growing micro-organisms, algae, micro-pollutants in drinking water may deteriorate quality of drinking water. Floods and droughts will ground for various forms of water pollution such as salinization of groundwater, disturbance of sediments, organic

³² Climate explained, available at: <https://www.yaleclimateconnections.org/2019/09/a-brief-guide-to-the-impacts-of-climate-change-on-food-production/>, (last visited on April 19, 2020).

³³ The state of food security and nutrition in the world, available at: <http://www.fao.org/3/i9553en/i9553en.pdf>, (last visited on April 8, 2020).

³⁴The Right to Water, available at: https://www.who.int/water_sanitation_health/en/righttowater.pdf, (last visited on May 25, 2020).

³⁵ Climate change and the Human rights to water and sanitation, available at: https://www2.ohchr.org/english/issues/water/iexpert/docs/ClimateChange_HRtWS.pdf, (last visited on April 19, 2020).

carbon, pathogens and pesticides, which impacts the health of the population.³⁶ Violent conflicts over water are prone to turn into further severe and widespread problems.

DISPROPORTIONALITY IN CONSEQUENCES: THE MOST VULNERABLE

The environmental and health consequence of climate change distresses the low income countries and poor people disproportionately and has profound effects on human rights. Low income communities, children, elderly, women, will all be disproportionately littered by the increment of global temperature. Women and children are more vulnerable to climate change disasters and 14 times more prone to die in that case.³⁷

Women: Climate change disproportionately affects Women living in rural areas of developing countries and in low income countries. Women are prone to suffer from malnutrition because they have specific nutritional needs especially in conditions when they are pregnant or breast feeding, and also some cultures have food hierarchies. Analysis of FIES data collected by FAO in more than 140 countries reveals that, in Africa, Asia and Latin America, the frequency of stern food insecurity is somewhat prominent among women, with the largest differences found in Latin America.³⁸

In Kenya, 85% of the daily energy intake in case of women is utilized and spent in fetching water requirement. Outbreaks of Infectious diseases are a common outcome of fluctuating weather conditions. Heavy rains results into the contamination of clean water sources as they serve as insect breeding areas. Fungal spores are common outcome of drought. Pregnant females are highly vulnerable to water-borne diseases.³⁹

Children: In every catastrophe, children are the most vulnerable and climate change is no exception to it. There are several ways in which children are affected by climate change. They are not merely exposed to different water-borne diseases and infections due to increase in temperature and water scarcity but they also bear the burden of hunger and malnutrition as a

³⁶ *Ibid.*

³⁷ UN Women, *available at:* <https://www.unwomen.org/en/news/in-focus/women-and-the-sdgs/sdg-13-climate-action>, (last visited on April 7, 2020).

³⁸ *Supra* note at 11.

³⁹ Disaster and Gender Statistics, Fact Sheet, *available at:* https://www.unisdr.org/files/48152_disasterandgenderstatistics.pdf, (last visited on April 19, 2020).

outcome of insufficient food supply. At present, over half a billion children live in high flood occurrence zones and about 160 million live in high drought severity zones.⁴⁰

Indigenous people and Workers: Indigenous people are affected to an enormous degree owing to the changing climatic conditions. The difficulties they face in their ability to obtain adequate food, water, and shelter affects their various human rights and also their spiritual well-being because land is habitually an integral part of their culture, ethnicity and spiritual distinctiveness. The 2007 Declaration on the Rights of Indigenous People and other international human rights instruments, states about the rights of indigenous people to practice and revitalize their customs and institutions has been explicitly deliberated in Declaration of UN in 2007.⁴¹ The horrors of global climate change have made the right of participation and fortification of intrinsic cultural practices of indigenous communities promptly susceptible.

Climate change accelerated rising sea levels, storms, coastal erosion among other disasters. It has resulted into disastrous ramifications for some communities. The communities in Fiji, Vunidogoloa are being relocated owing to the implications of rising sea level and coastal erosion. Rising sea levels have ravaged 5 of the Solomon Islands since the mid-20th century.⁴² It is approximated that around more than 150 million people are at the risk of being displaced by the impacts of climate crisis by 2050.⁴³ These displacements are a threat to the right to a healthy environment as over a longer time frame numerous communities or even states are at the intimidation of being displaced.

A group of indigenous people in February 2020 filed a legal challenge alleging the Canadian Government's approach to climate change that has violated their constitutional and human rights. They contended that due to significant warming effects on their territories they are experiencing and expect to negative health impacts due to climate change. They further asserted that Canada's

⁴⁰Unless we act now, *available at:*

[https://www.unicef.org/publications/files/Unless we act now The impact of climate change on children.pdf](https://www.unicef.org/publications/files/Unless_we_act_now_The_impact_of_climate_change_on_children.pdf), (last visited on April 24, 2020).

⁴¹ UN General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples*, GA Res 61/295, GAOR, UN Doc A/61/295 (October 2, 2007).

⁴² Climate SOS, *available at:* <https://www.aljazeera.com/indepth/features/fiji-villages-move-due-climate-change-180213155519717.html>, (last visited on April 8, 2020).

⁴³Safe climate report, *available at:*

https://wedocs.unep.org/bitstream/handle/20.500.11822/30158/Safe_Climate_Report.pdf?sequence=1&isAllowed=y, (last visited on April 8, 2020).

historical treatment of indigenous leaders and ongoing racial discrimination aggravates the psychological and social trauma caused by climate change.⁴⁴

Workers in many occupations specifically industries, transportation, health care, environmental remedies, construction, etc; are at increased risk as they are exposed to extremes of temperature, infectious agents, extreme weather events and psychological stress.⁴⁵

CLIMATE ACTION: STRATEGIES TO PROTECT HUMAN RIGHTS:

The already subsisting peril over the crucial area of human rights has been exacerbated by the rapid alteration in climatic conditions. The climatic alterations have jeopardized the sustenance of a significant number of people all around the globe exposing them to face pitfalls of poverty and strive for their livelihood. This will create further problems in states with defective institutions and meager resources. In the wake of such crisis proper climate action measures are needed more than ever. If the scenario is not controlled and climate action is not taken then the negative impacts of the ongoing global climate crisis can boost exponentially and can aptly squash the local people's capacity to adapt. Climate change, therefore, requires climate action and a "global Human rights based" response.

There can be basically two strategies which can be adopted namely, *Mitigation* (primary prevention) and *Adaptation* (secondary prevention). Mitigation measures aims at reducing Green House Gas (GHG) production by implementation of policies and use of technologies. It not only aims at reducing GHG emissions but also improving human health conditions.⁴⁶ Reducing the emissions would increase physical activities, reduce respiratory and cardiovascular diseases, thereby improving the health of individuals. Secondary prevention by means of adaptation includes the measures to reduce the public health impact of climate change. Advanced adaptation methods like high level infrastructure changes can attenuate the harm already been caused and

⁴⁴ Environmental Law, available at: <https://ejscclinic.info.yorku.ca/2020/03/environmental-law-what-2019-can-tell-us-about-2020/>, (last visited on April 15, 2020).

⁴⁵ Levy, B.S. and Patz, J.A., "Climate Change, Human Rights, and Social Justice", *Annals of Global Health* 314 (2015).

⁴⁶ *Supra* note 29 at 317.

ease the menace of diseases. Providing financial support by the governments to the communities along with mitigation measures would lead them to adapt the varying climatic conditions.

The United Nations Framework Convention on Climate Change (UNFCCC) attributes international obligation on the states that are parties to the convention to help developing nations to cope up and congregate the expenditure for adaptation and develop regional mitigation and adaptation programs.⁴⁷ It establishes that all Parties should accommodate procedural approach through the medium of National as well as international programmes in order to integrate and apply competent adaptation methods.⁴⁸

Further, the most important development in this regard can be clearly seen by looking at the Preamble of the Paris Agreement to the United Nations Framework Convention on Climate Change which makes it apparent that all States “should, when taking action to attend to climate change, respect, endorse and regard their respective obligations on human rights”.⁴⁹ Paris agreement provides an ideal strategy for climate action. It talks about the adaptation and mitigation measures and calls for maintaining a climate finance so that the state parties that are most vulnerable to climate change can be supported.

Apart from the strategies, to resolve the issues of climate change, climate action is required. The global challenge of climate breakdown could be resolved through the crucial solution of sustainable development. With this view, the Heads of State and Government and High Representatives, met at the United Nations Headquarters in New York from 25-27 September 2015, agreed on new global Sustainable Development Goals. The Goals and targets were set for all the nations and the people of the all communities worldwide. The major objective decided was to end poverty and hunger ubiquitously, to fight inequalities within the countries, to defend human rights and eradicate gender inequality and the empowerment of women so as to protect of the planet and its natural resources till 2030.⁵⁰

⁴⁷ UN General Assembly, *United Nations Framework Convention on Climate Change*, GA Res 48/189, GAOR, UN Doc A/Res/48/189 (January 20, 1994).

⁴⁸ *Ibid*, art. 4(1)(b).

⁴⁹ The United Nations Framework Convention on Climate Change, 2015.

⁵⁰ *Supra* note 2.

As mentioned earlier, climate change crisis has more or less a disproportionate impact on groups that are already marginalized such as women and children amongst others. Adopting human rights based approach, by associating to climate change crisis and policies to overcome it to that of international human rights law facilitates in emphasizing the duty of states on a non-discriminatory basis. Such approach must address the right of individuals and communities to participate in policy making so as to avoid the possibility of conflict and discrimination and also for sustainability.

INDIA'S APPROACH TOWARDS CLIMATE ACTION

India has always exhibited positive response towards the climate action and has been a part of numerous⁵¹ important global plans and schemes initiated in order to combat climate crisis. It has not only been a part of those conventions but lays efforts to implement it. India demonstrates the steps taken to achieve the goal of climate action by virtue of various legislations and judicial pronouncements in this regard.

- (a) Soon after the Stockholm declaration which is considered as the first important initiative to tackle climate crisis, India enacted statutory acts [The Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981, Environment (Protection) Act 1986] to execute its provisions.
- (b) Although the Constitution of India doesn't specifically mentions about the rights which can be availed or claimed climatic crisis but, the Supreme Court in some of the remarkable judgments recognizes the right to a healthy environment⁵², pollution free air and water⁵³ as a fundamental rights.⁵⁴ However, after 42nd amendment Article 48(a)⁵⁵ and 51- (a)(g)⁵⁶ was inserted which lays explicit emphasis on climate action.

⁵¹ UN General Assembly, *United Nations Conference on the Human Environment*, 1972; UN General Assembly, *Declaration on the Right to Development*, 1986; UN General Assembly, *Protection of global climate for present and future generations of mankind*, 1989; UN General Assembly, *United Nations Framework Convention on Climate Change*, 1992; The United Nations Framework Convention on Climate Change, 2015.

⁵² *Rural Litigation and Entitlement Kendra v. State of U.P.*, AIR 1988 SC 2187.

⁵³ *Subhash Kumar v. State of Bihar*, AIR 1991 SC 420.

⁵⁴ The Constitution of India, art.21.

⁵⁵ *Id.*, art. 48(a).

⁵⁶ *Id.*, art.51(a)(g).

- (c) The doctrine of Absolute Liability was added by Supreme Court in *M.C. Mehta v Union of India*⁵⁷ to impose harsh sanctions on those who commit any act which damages the life and environment. Later, Hon'ble Supreme Court in exemplary case of *Indian Council for Enviro-Legal Action v. Union of India*⁵⁸ interpreted the 'Polluter Pays' principle and directed the owner of a chemical factory to pay for all the damages caused by the waste generated from his plant and ordered the central government to close the factory with immediate effect for degrading the environment.
- (d) Bhopal gas incident⁵⁹, shed light on grave incidents of release of toxic wastes by factories, thereby degrading the environment. Consequently, Factories act was amended in 1987 and chapter IV-A was inserted which establishes **site appraisal committee** to grant the permission for opening a factory at any particular location. The committee shall consist of representatives from air and water pollution control, meteorological and town planning department.
- (e) India started Environment Audit in 1992 in order to restrict exploitation of resources and generation of wastes. It also provides various data on waste generation, consumption of water and raw materials and identifying the lacunae in the system in order to make it more efficient.
- (f) In noteworthy judgments,⁶⁰ the Supreme Court advocated the need to establish Environment Courts. Later, it was also recommended by the Law commission in its 186th report. Consequently, National Green Tribunal (NGT) was created in 2010 for speedy dissolution of cases explicitly related to environment.
- (g) India's national action plan on climate change (NAPCC) was released in 2008 which aims at providing awareness on the possible threat as a consequence of climate change and India's future road map to tackle climate Crisis. 8 National missions were formed for the furtherance of the objective of NAPCC.
- (h) India incorporated the provision of Corporate Social Responsibility (CSR) and make mandated the companies whose net worth exceeds 500 crore or a minimum net profit of 5

⁵⁷ 1987 SCR (1) 819

⁵⁸ 1996 SCC (3) 212

⁵⁹ *Union Carbide Corporation v. Union Of India*, 1990 AIR 273

⁶⁰ *M.C. Mehta v. Union of India*, 1987 SCR (1) 819; *Indian Council for Enviro-Legal Action v. Union of India*, 1996 SCC (3) 212; *A.P. Pollution Control Board v. Prof.M.V.Nayudu (Retd.) & Others*, 1994 (3) SCC 1

crore during the in the course of preceding financial year to make CSR expenditure which should be at least 2 per cent of their three-year average annual net profit. India was the first country to do so.⁶¹

- (i) India ratified Paris Agreement on 2 October 2016 and had made three commitments⁶² -
1. To reduce the greenhouse gas emission intensity by 33-35% below the level '2005' by the end of 2030.
 2. 40% of India's power capacity shall be structured around non-fossil fuel sources.
 3. To set up an alternative 'carbon sink' of 2.5 to 3 billion tones of Co2 tantamount to additional forest and tree cover by 2030.

According to the '**Second Biennial Update Report to the United Nations Framework Convention on Climate Change**' which India submitted to UNFCCC, India is set to achieve the first two commitments before the given time period.⁶³

From the above mentioned policies and judicial decisions it can be accessed that India although being a developing nation has always showed its commitment towards climate action and followed a sustainable development model.

However, not all States have the resources or mechanism to cope up with the approach required to tackle the existing problem. The states require financial, technological and International support for climate action. The states lack transparency and accountability for their actions. Most states do not address the approach required and hence the policies are flawed and remain mostly unimplemented. For the proper realization of the goal of climate action, climate equity and proper enjoyment of human rights; States must cooperate and assist each other in effectuating the measures required to achieve the Sustainable Development goals and annihilate the grave implications of climate change. The enlargement of solution and realization of strategies on

⁶¹ The Companies Act, 2013, (Act 18 of 2013), s. 135.

⁶² India ratifies Paris Agreement, *available at*: <https://www.bbc.com/news/world-asia-india-37536348>, (last visited on May 25, 2020).

⁶³India Second BUR, *available at*: <https://unfccc.int/sites/default/files/resource/INDIA%20SECOND%20BUR%20High%20Res.pdf>, (last visited on May 23, 2020).

climate change would inevitably take time. However, the states should make sure that the policies should be driven by human rights needs of the populace; only then the goal of sustainable development could be fulfilled. Nevertheless, it's imperative that not only the strategies and policies should be formulated to tackle this global crisis but the collective efforts of all the individuals would make a proper and ideal solution to tackle the emergency situation of global climate change crisis. It is real and it's happening right now and now is the only time to act.

To quote Christian Legarde,

“It's a collective endeavor, it's collective accountability and it may not be too late”.

CONCLUSION & SUGGESTIONS

Till the end of 20th century, climate change was seen purely as an environmental issue. It was only after 2005, when people realized that climate breakdown could permanently transform the socio-economic landscape of the world. Linkage of human rights to climate crisis was obligated due to the disproportionate impact of changing climatic conditions on various vulnerable groups. However, the core structure of Human Rights Law hardly covered the aspect of climate crisis and its impact on the various human rights. Nonetheless, due to rapid weather variations all over the world and its effect on the populace, the national and international governments, NGOs and various governmental organs were compelled to devise a linkage between the human rights being violated due to climate crisis and that of climate action.

The recognition of climate change as a global crisis on International platform culminated a number of treaties, conventions and measures to be adopted. The idea behind these is same that is to overcome the negative effects of climate change and to protect human rights. With a view to combat climate change and its impact, the 2030 agenda of sustainable development was decided by almost all the countries in UN Headquarters. The agenda calls for sustainable development with a view to protect human being from the harsh impacts of climate change, i.e.; poverty, inequality, socio-economic problems and the gross violation of human rights. It calls for climate action by the nations to achieve the goal till 2030.

The climate action required to resolve the global crisis would be effective only if the strategies of mitigation and adaptation are aimed at protecting and promoting human rights. Apart from these, the States should take measure at local levels. Basic awareness related to environment and the need for climate action should be taught at elementary education. Awareness programmes should be initiated at local levels especially in underdeveloped and developing countries with a focus to sensitize the local population about the ongoing crisis, the violation of their human rights and the necessity to combat the climate change and protect their rights.

Also, the States should devise procedures to enable the populace to take action against the violation of their rights. People should be allowed the access to information regarding the environment. Moreover, inclusion of the local population into the environmental decision making procedure and policy making would help in highlighting the actual issues that may not be visible otherwise.

The most efficacious climate action plant would be the availability of legal remedy and fair redress in case of violation of the rights. On the top of that, tax rebate policy for environmentally active persons could help a great deal in combating problems at local level.

Promotion of Electrical vehicles and tax rebate on their purchase should be stimulated as is done in India. Productive use of solar energy will help in reducing the depletion of other natural resources that are scant. Solar generators could be installed in households. The State Governments should install solar energy related devices and batteries in Government building, thus, prompting the populace to make use of the solar energy which is available free of cost. This plan could prominently be endorsed by countries in hot zones.

The ongoing global climate crisis threatens the human rights of most of the people. The adverse impact of climate change will aggravate in the forthcoming years. Therefore, it's high time that the issue of climate change is addressed properly. It is not only an environmental topic but has become a health and human rights priority worldwide. Global climate change can't be treated merely as a political or economic issue anymore but a human rights issue, perhaps the prime in human history.