

Climate Change and Disaster in-relation to Human Rights

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Abstract

Climate change can be defined as; A long-term change in the Earth's overall temperature with massive and permanent ramifications. The word Ramification defines how grave the situation is. It implies a situation where there is a result of a complex or unwilling consequence of an action or event. Climate condition is one of the basic mandates for the survival of all living beings on this planet. The by-product of Climate Change is Disaster.

One of the most relevant things we should consider here is the question of 'broadened' social justice, that is, a notion to include 'the community of humankind and its rights'. It is undeniable that we cannot exclude the future and ignore the present when it is a matter concerning environment and climate change. Most often to speak of climate change, indicates, at best, a diffuse concern for the natural systems that are increasingly failing, because they are impoverished and depleted around the world. Unless an immediate and forceful effort is made there will be visible damage in the present as well as the future. We will be handing over a ticking time-bomb to our Future generation.

Today, environmental pollution and degradation have posed a serious challenge before the civilized world. The rampant process of industrialization and urbanization has caused severe damage to the environment. The major concern here is Climate Change can increase both the frequency and severity of Disasters.

Let us try to define and understand disaster and how it affects Human Rights. If we feed our thoughts with some statistics, "The International Strategy for Disaster Risk Reduction estimates that 200 million people have been affected by disasters every year for the past two decades. During the past year, over 400 disasters took 16,000 lives, affected close to 250 Million people and displaced many Millions."

A disaster as defined by the UN is: "the consequence of events triggered by natural hazards that overwhelm local response capacity and seriously affect the social and economic development of the region." However, there are places which tend to have a higher

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Human Rights vis-a-vis Justice System in Present Era : A Publication of Jus Dicere

probability of a recurring disaster, but nowadays human activities have more concluding results in disasters. There are various aspects of disaster and climate change that need to be explored before we engage in a discussion coupling it with human rights and disaster. The authors here would like to pertain from using the word natural disaster as, more and more natural disasters are just ignorance and negligence of humankind.

The Authors would like to focus on the impact and influence climate change has on disasters and how it affects the rights as disaster response needs more than just humanitarian assistance but also recognition of the need to respect, uphold and protect the rights of the affected.

The only solution to the problem is us.

Introduction

We as human beings are depended on earth for everything that is around us. Our environment is our source of life. We can clearly see from the definition of environment, the importance of it. According to Merriam Webster Online, “the circumstances, objects, or conditions by which one is surrounded and the complex of physical, chemical, and biotic factors (such as climate, soil, and living things) that act upon an organism or an ecological community and ultimately determine its form and survival.” We as humans are thus obliged to protect our environment. When we fail to protect the environment, it results in Disaster. Disasters can deprive us of basic human rights. When basic human rights are deprived, it leads to segregation of people which will again lead to ill-treatment of environment and the cycle will go on.

A more enhanced look at things will show a clear picture that importance to environment has never been given. This is a worrying sign. Though there are legislations to protect the environment it is not being implied to its full extent. One of the most relevant things we should consider here is the question of ‘broadened’ social justice, that is, a notion to include ‘the community of humankind and its rights’. It is undeniable that we cannot exclude the future and ignore the present when it a matter concerning environment and climate change. Most often to speak of climate change, indicates, at best, a diffuse concern for the natural systems that are increasingly failing, because they are impoverished and depleted around the world. Unless an immediate effect and forceful effort is made there will be visible damage in the present as well as the future. We will be handing over a ticking time-bomb to our Future generation.

Climate change can be defined as; A long-term change in the Earths overall temperature with massive and permanent ramification. The Word Ramification defines how grave the situation is. It implies a situation where there is a result of a complex or unwilling consequence of an action or event. Climate condition is one of the basic mandates for the survival of all living beings in this planet. The by-product of Climate Change is Disaster. Let us try to define and understand disaster and how it affects Human Rights. If we feed our thoughts with some statistics, “The International Strategy for Disaster Risk Reduction estimates that 200 million people have been affected by disasters every year for the past two decades. During the past year, over 400 disasters took 16,000 lives, affected close to 250 Million people and displaced many Millions.” While hazards are inevitable, and the elimination of all risk is impossible, there are many technical measures, traditional practices, and public experience that can

Human Rights vis-a-vis Justice System in Present Era : A Publication of Jus Dicere

reduce the extent or severity of economic and social disasters. Hazards and emergency requirements are a part of living with nature, but human behaviour can be changed. "We must, above all, shift from a culture of reaction to a culture of prevention. Prevention is not only more humane than cure; it is also much cheaper. Above all, let us not forget that disaster prevention is a moral imperative, no less than reducing the risks of war".

Today, environmental pollution and degradation have posed a serious challenge before the civilized world. The rampant process of industrialization and urbanization has caused severe damage to the environment. The major concern here is Climate Change can increase both the frequency and severity of Disasters. A disaster as defined by the UN is: "the consequence of events triggered by natural hazards that overwhelm local response capacity and seriously affect the social and economic development of the region." However, there are places which tend to have a higher probability of a recurring disaster, but nowadays human activities have more concluding results in disasters. There are various aspects of disaster and climate change that need to be explored before we engage in a discussion coupling it with human rights and disaster. The authors here would like to pertain from using the word natural disaster as, more and more natural disasters are just ignorance and negligence of humankind.

The Authors would like to focus on the impact and influence climate change has on disasters and how it affects the rights as disaster response needs more than just humanitarian assistance but also recognition of the need to respect, uphold and protect the rights of the affected. Climate Change and Protection of human rights is race we can win, and we must win. It needs to be a Win and Win situation for us. We are not in a situation to lose anything. The seriousness of this issue cannot be described in words. We need to understand three factors very clearly; they are Climate Change, Disaster and Human Rights. This is not just about our future but the future of humanity's survival.

Research Methodology

This Research is a Doctrinal Research. A research that has been carried out on a legal proposition or propositions by way of analysing the existing statutory provisions and cases by applying the reasoning power. This research involves analysis of case law, arranging, ordering and systematizing legal propositions and study of legal institutions through legal reasoning or rational deduction.

Climate Change

Climate change continues to move faster than our efforts to address it. Amid record breaking temperatures in parts of the world, and with the past two decades the warmest on record. A

Human Rights vis-a-vis Justice System in Present Era : A Publication of Jus Dicere

relatively rapid increase in temperature has been documented during the past century, both at Earth's surface and in the oceans. The average surface temperature for Earth as a whole has risen some 1.3°Fahrenheit since 1850, the starting point for a global network of thermometers. If emission rates for greenhouse gases (which trap heat inside Earth's atmosphere) continue on their current track, models indicate that the globe will be 4.3 to 11.5°F warmer by 2100 than it was in 1990.

The physical processes that cause climate change are scientifically well documented: both human activities and natural capriciousness are contributing to global and regional warming. According to the Intergovernmental Panel on Climate Change, whose documents are considered the most authoritative source for information on the "state of the science" on climate change, it is very likely that most of the detected warming over the past 50 years is the result of increased greenhouse gases generated by human activities. Numerous expert reports from the National Research Councils have supported this conclusion as well.

The release of greenhouse gases has increased significantly since the Industrial Revolution, mostly from the burning of fossil fuels for energy, agriculture, industrial processes, and transportation. Carbon dioxide, a major greenhouse gas, is increasing in the atmosphere faster than at any time measured in the past, having grown by about 35 percent since 1850. Two other greenhouse gases, methane and nitrous oxide, are present in the atmosphere at much lower concentrations than carbon dioxide but have increased rapidly. Methane has increased by 150 percent; in addition, it is 25 times more effective per molecule at trapping heat than carbon dioxide. Nitrous oxide, nearly 300 times more effective, has increased by more than 20 percent. Much remains to be learned about the factors that control the sensitivity of climate to increases in greenhouse gases, rates of change, and the regional outcomes of the global changes. Although scientific knowledge of climate is far from complete, the uncertainties concern the details: the scientific community is highly confident in the basic conclusions.

We need to take a look at what we have already done in order to prevent it from happening in the future. Here are some of the damages that we have already caused to this planet.

1. Ice is melting worldwide, especially at the Earth's poles. This includes mountain glaciers, ice sheets covering West Antarctica and Greenland, and Arctic sea ice.
2. Many species have been impacted by rising temperatures. For example, researcher Bill Fraser has tracked the decline of the Adélie penguins on Antarctica, where their numbers have fallen from 32,000 breeding pairs to 11,000 in 30 years.
3. The sea level has been rising more quickly over the last century.

Human Rights vis-a-vis Justice System in Present Era : A Publication of Jus Dicere

4. Some butterflies, foxes, and alpine plants have moved farther north or to higher, cooler areas.
5. Precipitation (rain and snowfall) has increased across the globe, on average.
6. Some invasive species are thriving. For example, spruce bark beetles have boomed in Alaska thanks to 20 years of warm summers. The insects have chewed up 4 million acres of spruce trees.

These are some of the major damages that we have already caused, and we are in line to do more damages if we go on like this.

1. Sea levels are expected to rise between 7 and 23 inches (18 and 59 centimetres) by the end of the century and continued melting at the poles could add between 4 and 8 inches (10 to 20 centimetres).
2. Hurricanes and other storms are likely to become stronger.
3. Floods and droughts will become more common. Rainfall in Ethiopia, where droughts are already common, could decline by 10 percent over the next 50 years.
4. Less fresh water will be available. If the Quelccaya ice cap in Peru continues to melt at its current rate, it will be gone by 2100, leaving thousands of people who rely on it for drinking water and electricity without a source of either.
5. Species will move farther north or become more successful; others won't be able to move and could become extinct.
6. Wildlife research scientist Martyn Obbard has found that since the mid-1980s, with less ice on which to live and fish for food, polar bears have gotten considerably skinnier. Polar bear biologist Ian Stirling has found a similar pattern in Hudson Bay. He fears that if sea ice disappears, the polar bears will as well.

Disaster

A disaster is a serious disruption, occurring over a comparatively short time, of the functioning of a community or a society involving prevalent human, material, economic or environmental loss and impacts, which exceeds the ability of the affected community or society to cope using its own resources. In contemporary academia, disasters are seen as the significance of inaptly managed risk. These risks are the product of a combination of both hazards and vulnerability. Hazards that strike in areas with low vulnerability will never become disasters, as in the case of deserted regions. Developing countries suffer the utmost costs when a disaster hits – more than 95 percent of all deaths caused by hazards occur in

Human Rights vis-a-vis Justice System in Present Era : A Publication of Jus Dicere

developing countries, and losses due to natural hazards are 20 times greater (as a percentage of GDP) in developing countries than in industrialized countries.

Every year, millions of people are exasperated by both human-caused and natural disasters. Disasters may be explosions, earthquakes, floods, hurricanes, tornados, or fires. In a disaster, you face the danger of death or physical injury. You may also lose your home, possessions, and community. Such stressors place you at risk for emotional and physical health problems. Stress reactions after a disaster look very much like the common reactions seen after any type of trauma. Disasters can cause a full range of mental and physical reactions. You may also react to problems that occur after the event, as well as to triggers or reminders of the trauma.

A number of factors make it more likely that someone will have more unembellished or longer-lasting stress reactions after disasters: The amount of exposure to the disaster is highly related to risk of future mental problems. At highest risk are those that go through the disaster themselves. Next are those in close contact with victims. At lower risk of lasting impact are those who only had indirect exposure, such as news of the severe damage. Injury and life threat are the factors that lead most often to mental health problems. Studies have looked at severe natural disasters, such as the Armenian earthquake, mudslides in Mexico, earthquake in Gujrat, and Hurricane Andrew in the US. The findings show that at least half of these survivors suffer from distress or mental health problems that need clinical care. Mental health should also be considered as a violation of human rights.

Human Rights

What is a right? What specifically is human right? These are some of the questions a lot of layman comes across. In this pretext we are looking at how Disaster and Climate Change affect human right. Human rights are the basic rights and freedoms that belong to every person in the world, from birth until death. They apply regardless of where you are from, what you believe or how you choose to live your life. They can never be taken away, although they can sometimes be restricted – for example if a person breaks the law, or in the interests of national security. These basic rights are based on shared values like dignity, fairness, equality, respect and independence. These values are defined and protected by law. In Britain our human rights are protected by the Human Rights Act 1998. The right to live in a proper environment should also be considered as a Human Right.

The law has given us space to interpret it on various fronts. Environmental right has become a part of human rights and slowly becoming one of the most rapidly growing rights. Environmental rights have grown more rapidly than any other human right and are enshrined

Human Rights vis-a-vis Justice System in Present Era : A Publication of Jus Dicere

in over 100 constitutions. Tragically, whilst the right to a healthy environment is increasingly recognised, this right is increasingly violated. Irresponsible development projects and agribusinesses destroy our prospects of a safe, clean and healthy environment. We need to understand why human rights are important. Human rights reflect the minimum standards necessary for people to live with dignity. Human rights give people the freedom to choose how they live, how they express themselves, and what kind of government they want to support, among many other things. Human rights also guarantee people the means necessary to satisfy their basic needs, such as food, housing, and education, so they can take full advantage of all opportunities. Finally, by guaranteeing life, liberty, equality, and security, human rights protect people against abuse by those who are more powerful.

Many laws exist to protect our Environment and Human Rights in India but research into the effectiveness of these laws is rare. Without a clear conceptual and analytical framework this task is practically impossible and the communication of any results of such research for policy improvement is severely hampered. The protection of Environment is so important but somewhere or the other it hampers the human rights. A change in the environment due to pollution also affects the ecological balance.

Conclusion

We need to protect our environment to live happily. For better environment, we need to take good care of our land, water resources, forests and atmosphere. It is necessary to find a balance between resources. The Prima Facie is here is that all the three factors namely Human Rights, Disaster and Environmental law are interlocked in a circle. One impact can indirectly impact the others. We all know the importance of environmental law. The Authors would like to focus on the impact and influence climate change has on disasters and how it affects the rights as disaster response needs more than just humanitarian assistance but also recognition of the need to respect, uphold and protect the rights of the affected. As we have already seen above a person is affected both mentally and physically. If we have to cite a recent example the United States of America is going to face one of its biggest estimated damage due to Hurricane Florence.

Disasters day by day have become more man made than Natural. We can't practically estimate the amount of forest we have lost. Another factor that should be kept in mind is that though there are legislations that are working towards the betterment of the environment. However, they are not viable enough to handle the current rate of damage that is being caused to the environment. The only solution to the problem is us.