

A CASE FOR THE HUMAN RIGHTS APPROACH TO CLIMATE CHANGE: INDIA

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ABSTRACT

Climate change can no longer be viewed through the singular environmental lens; its impact on human rights must be considered to gain a comprehensive understanding of its consequences. Not only is climate change devastating the environment, it is depriving many of the enjoyment of their homes and basic human necessities. Consideration must be given to the potential benefits human rights law can offer in the fight against the consequences of climate change. Unfortunately, there appears to be hesitation about implementing the human rights approach. Some arguments have leaned in favour of the environmental approach due to concerns about the inability to assign accountability and the possibility that including the human rights approach will obscure the innate value of the environment. Hence, the objective of this article is to explore the importance and benefits of adopting a human rights approach to foster a balance between the two approaches. This article focuses on India which, due to its significant climatic disturbances, serves as an ideal example of the human rights violations resulting from climate change. The method used in the study underpinning this article was a doctrinal review of the relevant literature, including journal articles, legislation, and international legal documents. The debate of which approach is more effective may continue for years to come, with both sides presenting plausible arguments. However, the solely environmental approach has not proved to be the most effective. Implementing the human rights approach to climate change should be intentionally considered without nullifying the environmental approach.

Keywords: human rights approach, environmental approach, climate change, India, law, human rights violations

INTRODUCTION

Climate change remains a major topic of discussion at numerous forums and debates, but its impact intensifies as protests occur worldwide. Yet, there may

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remain some scepticism about the reality of its effects: drought and famine are not new phenomena and people have battled such disheartening events for many years. In the 1970s and 1980s, the Sahel droughts that struck West Africa caused human and animal deaths and remain etched on the affected communities and their neighbours.¹ So what makes the recent droughts and famines different? Even though droughts and famines are commonly used as examples of the impact of climate change, the Sahel disaster is certainly not an isolated case. The reality is that global warming is accelerating the “terrestrial water cycle”, which means the occurrence of droughts and other such impacts will increase in duration, frequency, and severity.² Therefore the environmental consequences resulting from climate change cannot be viewed as “usual”.

Nonetheless, despite the international efforts to address the problem and academic discussions frequently occurring, there was originally a lack of emphasis on human rights and the social implications of climate change.³ The negative impact of climate change on the enjoyment of human rights has, however, led to the consideration of the possibility that “International Human Rights Law” can provide the basis for state responsibility and duty for action regarding climate change. According to the Paris Agreement, parties should consider their human rights obligations when acting to remedy climate change.⁴ However, the Agreement has been criticised for not sufficiently addressing human rights beyond the mere mention of their consideration.⁵ Notwithstanding this criticism, it does call attention to the fact that global warming is not only an environmental issue, but has the potential to affect the livelihood of the world’s population resulting in repercussions affecting their right to life, health, home, and family life.⁶ This article aims to discuss the importance of the human rights approach regarding the adverse effects of climate change with a particular focus on India. The first section analyses general discussions on both the environmental and human rights

¹ Aiguo Dai, ‘Droughts under global warming: a review’ (2011) 2(1) *Wiley Interdisciplinary Reviews: Climate change* 45.

² Xing Yuan and others, ‘Global transition to flash droughts under climate change’ (2023) 380 (6641) *Science* 187.

³ Sara C Aminzadeh, ‘A Moral Imperative: The Human Rights Implications of Climate Change’ (2007) 30 *Hastings International and Comparative Law Review* 231.

⁴ Paris Agreement to the United Nations Framework Convention on Climate Change (adopted 12 December 2015, entered into force 4 November 2016) TIAS 16-1104.

⁵ Alan Boyle, ‘Climate change, the Paris Agreement and Human Rights’ (2018) 67(4) *International and Comparative Law Quarterly* 759.

⁶ John H Knox, ‘Climate Change and Human Rights Law’ (2009) 50(1) *Virginia Journal of International Law* 163.

approach, while the second and third sections address the implications of both approaches in relation to India. Finally, conclusions are advanced in the final section.

ENVIRONMENTAL VS HUMAN RIGHTS APPROACH

It may not be difficult to prove that climate change has already begun to cause disruptions in many countries, resulting in a shortage of food, water, proper health care, etc. However, the question remains, is the fact that climate change hinders the enjoyment of human rights sufficient to serve as the basis of a legal argument? As noted by Bodansky, the “violation” posed by climate change to human rights is no different from those “violations” related to hurricanes, volcanoes, etc, meaning there is a lack of an “identifiable duty” on an “identifiable duty-holder” to remedy the impacts.⁷ If approached technically, this argument makes two separate but interconnected claims. Firstly, climate change should be viewed in the same way as natural disasters (hurricanes, etc) and secondly, there is a lack of accountability regarding whose responsibility it is to remedy the impact of climate change. However, regarding the first issue, the focus is on “human-induced” global warming. There is arguably enough to distinguish between the two on this basis alone. It is accepted that climate change is also caused by natural occurrences, such as volcanic eruptions, but studies have shown that human activities, including, “the industrial revolution”, deforestation, and the burning of fossil fuels, as examples, account for most of the climate changes.⁸ Therefore, arguments that fail to acknowledge this distinction potentially perpetuate the shifting of blame and the refusal to take accountability. This in turn distracts from the fact that the focus is on human-induced climate changes that have already led to thousands of deaths and diseases, particularly in developing countries.⁹ It may not be possible to account for the emission of a specific country as identifiably causing a particular climatic disturbance, but states have a responsibility to their citizens to facilitate a certain standard of life. Therefore, even though it may not be possible to prove that a state is responsible for “causing” climatic devastation, it does not mean that its obligations to its citizens are negated. This leads to the human rights approach

⁷ Daniel Bodansky, ‘Introduction: Climate Change and Human Rights: Unpacking the Issues’ (2010) 38(3) *Georgia Journal of International and Comparative Law* 511.

⁸ Kashif Abbass, ‘A review of the global climate change impacts adaptation and sustainable mitigation measures’ (2022) 29(28) *Environmental Science and Pollution* 42539.

⁹ Wolfgang Sachs, ‘Climate change and human rights’ (2008) 51(3) *The Pontifical Academy of Sciences* 332.

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which may offer a legal foundation for arguments that align with current global legal principles. Additionally, this approach can humanize these issues, preventing political interests from overshadowing climate objectives.¹⁰

According to the Office of the United Nations High Commissioner for Human Rights (OHCHR), states have an “affirmative obligation” to take measures that effectively provide their citizens with the capacity to withstand the impact of climate change, and human rights have the recognised legal protection that obliges duty-bearers to promote and fulfil all those rights.¹¹ However, there may be some scepticism regarding the use of the human rights approach. For instance, Boyle poses the question this way: if the problem is climate change, is the OHCHR’s submission for human rights a realizable remedy? He then goes on to suggest two reasons why this may not be the case. Firstly, the submission focuses only on the negative impact climate change has on human rights as opposed to the environment, and this perspective reinforces the notion that the environment exists solely for the benefit of humans with “no intrinsic worth in themselves”. Secondly, the OHCHR simply reiterates why human rights are important but do not substantially emphasise in detail how meeting the human rights objective will remedy the issues of global warming, raising questions about the realistic relationship between the two aspects.¹²

Regarding the second concern, it is evident that the ten considerations presented by the OHCHR are heavily focused on human rights objectives and protecting the right-holders, this will be further discussed below. However, concerning the first argument, the focus should be on the goal as opposed to the method. The aim to address the challenges of climate change has been based on the environmental perspective for decades, focusing on ecosystems and biodiversity. It is only within the last few years that efforts have been invested in understanding the climate’s impact on livelihoods, poverty, and health.

Furthermore, in those decades the environmental focus has not been sufficiently fruitful, but instead plagued with unfulfilled promises and failed

¹⁰ Daniel Bodansky, ‘Introduction: Climate Change and Human Rights: Unpacking the Issues’ (2010) 38(3) *Georgia Journal of International and Comparative Law* 511.

¹¹ Office of the United Nations High Commissioner for Human Rights (OHCHR), ‘Understanding Human Rights and Climate Change’ (27 November 2015), Submission to the 21st Conference of Parties to the UNFCCC COP21.pdf (ohchr.org) accessed 20 September 2023.

¹² Alan Boyle, ‘Climate change, the Paris Agreement and Human Rights’ (2018) 67(4) *International and Comparative Law Quarterly* 759.

opportunities.¹³ Therefore, a holistic approach that looks beyond the environment is essential. This is not to suggest that the method of tackling climate change does not matter, but the focus should be on the goal of remedying the problem, even if it means that the worth of the environment is not given sole attention. In short, the state's obligation to protect and prevent environmental harm rests on its duty to protect threatened human rights.¹⁴

ENVIRONMENTAL APPROACH: INDIA

Due to its "diverse terrain" India is particularly vulnerable to the effects of climate change, but this is exacerbated by the increasing exhaustion of the country's natural resources.¹⁵ The country is already being exposed to floods, droughts, and an increase in the frequency, intensity, and unpredictability of "extreme weather events".¹⁶ These extremities within the environment can adversely affect access to clean water and agricultural productivity, resulting in the land becoming uncultivable and uninhabitable.¹⁷ This connection between the impact climate change has on the environment and how those consequences then affect the livelihood of citizens need to be explicitly addressed, and the human rights approach has the potential to achieve this objective. For instance, the agricultural sector in India plays a significant role in the country's economy as it accounts for approximately "17.1% of the country's Gross Value Added"¹⁸ and covers employment for 60% of the population which is both directly and indirectly dependent on this sector.¹⁹ As a result of the floods and unpredictability of the weather, those dependent on

¹³ Edward Cameron, 'Human Rights and Climate Change: Moving from an Intrinsic to an Instrumental Approach' (2010) 38(3) *Georgia Journal of International and Comparative Law* 673.

¹⁴ United Nations General Assembly, 'Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment' (1 February 2016) A/HRC/31/52, 65.

¹⁵ Preethi Lolaksha Nagaveni and Amit Anand, 'Climate Change and its impact on India: A comment' (2017) 4 *ULUO Law Journal* 81.

¹⁶ Nagaveni and Anand (n17).

¹⁷ Barry S Levy and Johnathan A Patz, 'Climate change, human rights and social justice' (2015) 81(3) *Annals of Global Health* 310.

¹⁸ Nairita Roy Chaudhuri, 'Social movements and grassroots discourse of climate justice in the context of droughts in semi-arid regions: A case study in India' (2021) 11(1) *Onati Scio-Legal Series* 69.

¹⁹ Santhosh Kumar and B K Raghavendra, 'Diseases detection of various plant leaf using image processing techniques: A review' [2019] *International Conference on Advanced Computing and Communication Systems (ICACCS)* 313.

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agriculture to sustain their livelihood are at great risk of their human rights being infringed. However, before considering the human rights approach, to gain contextual understanding, the current environmental approach to climate change within India will be addressed.

There is currently no legally binding “specific legislation” in India aimed at combatting climate change, however, the most prominent legislative instrument of some relevance is the Air (Prevention and Control of Pollution) Act 1981 (1981 Act).²⁰ This Act has been noted as a “crucial legislative cornerstone” in combating air pollution and protecting the environment in India.²¹ However, even though the Act addresses environmental issues, the question is whether it is being utilised to facilitate the necessary changes to achieve the climate change objectives. In 2017 an application was made to the National Green Tribunal in *Ridhima Pandey v Union of India* in which the applicant sought the intervention of the tribunal to direct the respondents to take “effective [and] science-based action” to mitigate the effects of climate change in the country, while also calling attention to the lack of implementation of the 1981 Act which arguably led to the climate issues in the country.²² The fact that the case raised issues on the non-implementation of the 1981 Act highlights the question of its effectiveness in combating the country’s environmental issues. A detailed analysis of this question is not within the scope of this article, but it is noted that amendments can be made to improve its effectiveness. This includes “strengthening enforcement mechanisms” by creating stricter penalties when there is non-compliance.²³

Nevertheless, the *Ridhima Pandey* order was handed down in 2019, and it was decided that those acting under the authority of the Environmental Acts would address the climate issues in the mandated “impacts assessments” under the Act, and “there is no reason” to conclude that the Paris Agreement and other relevant international protocols are not being reflected in the environmental policies of the Indian Government.²⁴ In this case, the ruling was not favourable to the applicant

²⁰ Preethi Lolaksha Nagaveni and Amit Anand, ‘Climate Change and its impact on India: A comment’ (2017) 4 ULUO Law Journal 81.

²¹ Gogulamudi Srimannarayana and others, ‘Legal Blueprint for Clean Air: The Air (Prevention and Control of Pollution) Act 1981 in India’ (2023) 35(1) Journal of Namibian Studies 691.

²² *Ridhima Pandey v Union of India* [2017] (the application).

²³ Gogulamudi Srimannarayana and others, ‘Legal Blueprint for Clean Air: The Air (Prevention and Control of Pollution) Act, 1981 In India’ (2023) 35(1) Journal of Namibian Studies 691.

²⁴ *Ridhima Pandey v Union of India* [2017] (the order).

but potentially made way for discussions on India's climate change challenges. However, the judgment arguably makes it evident that government accountability in relation to the degradation of the environment is heavily dependent on judiciary willingness to interpret the scope of the Act in this way.²⁵ Therefore, if there is a lack of such willingness this may not only hinder citizen's success in using the environmental law to effect such changes, as seen in this case, but it will not be beneficial to the formulation of climate-specific legislation. There is no report of any climate change-specific legislation that successfully incorporates the consideration of human rights, and this arguably strengthens the proposition that concerns regarding the climate are secondary to those of "mainstream environmental litigation in India."²⁶

To potentially fill this gap in the legislation, a policy processing approach was adopted through the National Action Plan on Climate Change (NAPCC) in 2008, which set targets to meet the emission objectives.²⁷ However, even though the NAPCC is seen as a landmark "pro-environmental" move, its effectiveness is questioned due to its unbinding nature.²⁸ Therefore, the move to legally binding climate-focused regulations does not appear promising, and this is confirmed by the failed attempt to enact the 2015 Climate Change Bill that addresses "carbon budgets".²⁹

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The environmental approach appears to have strong prominence in India: even with the lack of climate-specific legislation the case law shows much reliance on the existing environmental legislation. The aim of the presented arguments is not

²⁵ Christo Sabu, 'Global Warming and Climate Change: Constitutional Standing and Legal Framework in India' (2021) 2 Indian Journal of Law and Legal Research 1.

²⁶ United Nations Human Rights Special Procedures, 'Enhancing climate change legislation, support for climate change litigation and advancement of the principle of intergeneration justice' CFI-SR-Climate-GA-2023-NGO-scholars-south-asian-university.docx (live.com) accessed 28 September 2023.

²⁷ Michal Nachmany and others, 'Climate Change Legislation in India: An Excerpt from the 2015 Global Climate Legislation Study: A Review of Climate Change Legislation in 99 Countries' INDIA.pdf (lse.ac.uk) accessed 18 September 2023.

²⁸ Anirudh Sridar, 'The Principles of Climate Legislation: Draft Discussion Paper' Center for Policy Research Microsoft Word - The Principles of Climate Legislation_mc_AS.docx (indiaenvironmentportal.org.in) accessed 20 September 2023.

²⁹ *ibid.*

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to prove that India is making no efforts to meet the climate change objectives but to question whether relying on existing legislation will be sufficient to remedy the already occurring impacts of climate change on its citizens. In 2022 a Carbon Credit Trading Scheme was introduced through the 2022 Energy Conservation (Amendment) Bill,³⁰ which allows for an overview by the Central Government regarding “sustainable building codes” to ensure buildings are of a satisfactory energy-efficient standard.³¹ However, such legislation arguably solidifies the issue with the purely environmental approach, which affirms the lack of consideration for the citizens suffering from the negative impact of climate change. As noted above, 60% of India’s population is dependent on agriculture for their livelihood, meaning that if the land is “uninhabitable and uncultivable” it is highly probable that their human rights are being infringed.

A negative impact on the agricultural cycle is particularly detrimental to those in rural India because, for example, hot temperatures associated with a lack of rainfall and droughts mean that crops are dying, leading to a decrease in the output of goods and essentially a decrease in financial income. Therefore, a large section of the rural population is unable to meet health and basic needs.³² This issue is further amplified due to the now unpredictable monsoon periods that are causing various regions to be either flooded with excess water or experience no water at all, which is extremely problematic because over 60% of the crops grown are rain-fed.³³ As a result, the enjoyment of several human rights is negatively impacted. For example, according to the International Covenant on Economic, Social and Cultural Rights (ICESCR),³⁴ states are responsible for recognising that everyone has the right to an “adequate standard of living”, and this covers adequate clothing, housing, and food.³⁵ This covenant also addresses states’ obligation to recognise the right to “the highest attainable standard of mental and physical health by taking steps to improve environmental hygiene”.³⁶

³⁰ Heera Lal and Kaviraj Singh, ‘Zoomed out Carbon Credits Trading Scheme: India’s bold step towards Net Zero’ (*CNCCTV18*, 10 August 2023) Carbon Credit Trading Scheme —India’s bold step towards net zero (cnbctv18.com) accessed 16 August 2023.

³¹ Energy Conservation (Amendment) Bill 2022, S2 (1)(v)(j).

³² Robin Burgess and others, ‘Weather, Climate change and death in India’ [2017] University of Chicago 1.

³³ Preethi Lolaksha Nagaveni and Amit Anand, ‘Climate Change and its impact on India: A comment’ (2017) 4 *ULUO Law Journal* 81.

³⁴ United Nations General Assembly, International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3.

³⁵ United Nation (n35) Art 11.

³⁶ United Nations (n35) Art 12.

Studies have shown that droughts can lead to irregularities in the availability of food, increase mental and physical stress, and force families to mortgage their properties to maintain some level of their livelihood.³⁷ Therefore, these findings arguably indicate that the rights under ICESCR articles 11 and 12 are being violated.

However, even though the connection between the adverse effects on human rights and climate change has been acknowledged across the literature there appears to be a hesitation to refer to the impacts as “violations of human rights”.³⁸ This hesitation is also seen in the OHCHR’s report on the “relationship between climate change and human rights”.³⁹ According to this report, even though there is an obvious obstruction to the enjoyment of human rights it is not clear whether these effects can be considered human rights violations. These ambiguities arise from several difficulties, including the inability to link causation to the emissions of a specific country, as noted above.⁴⁰ This “hesitation” is likely to undermine the validity of arguments for the human rights approach because if there cannot be an agreement that these accounts of degrading standards of living, and ill health are violations of human rights it is less likely to solidify accountability of states based on this premise.

Nonetheless, Knox argues that acknowledging the consequences of climate change as such violation may not be needed to bring it within the scope of human rights law. Knox considers several aspects in arriving at this conclusion, but one relevant to this article is that the state cannot prevent individuals from criticising government climate change policies or forbid people from joining or forming associations aimed at influencing those policies.⁴¹ Here, the efforts of grassroots movements should not be underestimated as they can invoke significant change. In *National South Indian v Tamil Nadu & Ors (2017)* the government facilitated a waiver scheme for the outstanding loans of small or marginalized farmers who

³⁷ Kisan Dilip Algur, Surendra Kumar Patel and Shekhar Chauhan, ‘The impact of drought on the health and livelihoods of women and children in India: A systematic review’ (2021) 122 *Children and Youth Services Review* 105909.

³⁸ Margaretha Wewerinkw-Singh, ‘State responsibility for human rights violations associated with climate change’ [2018] *Routledge handbook of human rights and climate governance* 75.

³⁹ Office of the United Nations High Commissioner for Human Rights (OHCHR), Report of the Office of the United Nations High Commissioner for Human Rights on the Relationship between Climate Change and Human Rights (15 January 2009) UN Doc A/HRC/10/6; also Information materials | OHCHR accessed 1 October 2024.

⁴⁰ *ibid.*

⁴¹ John H Knox, ‘Climate Change and Human Rights Law’ (2009) 50(1) *Virginia Journal of International Law* 163.

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suffered losses due to the erratic climate conditions resulting from the devastating 2016 droughts. To qualify for the scheme farmers were required to hold land between 2.5 and 5 acres, which meant that farmers with fewer or more acres would not benefit, making the scheme discriminatory.⁴² Dissatisfied with this, many farmers who were members of the National South-Indian Rivers Interlinking Agriculturists Association (NSRIAA) took action through protest and launched an official claim to remove the limitations from the scheme.⁴³

Ultimately, it was held that there was no justification for the limitations and the scheme should be applied to all farmers who suffered. Moreover, it is important to note that the premise of the legal argument in this case was that the limitations of the scheme were a violation of Article 14 of the Indian Constitution, the right to equality before the law. This right is, of course, a recognised human right noted in the Universal Declaration of Human Rights: “All are equal before the law and are entitled without any discrimination to equal protection of the law”.⁴⁴

Thus, whether the adverse effects of climate change are considered a violation of human rights, it is likely that these rights can and will be used as the legal basis for applications relating to these types of claims. Nevertheless, even though human rights law can be used to achieve remedy for the citizens, the concern raised by Boyle must be addressed, namely how does this help in the overall objective of remedying global warming?⁴⁵ The aim is to achieve a holistic approach to climate change. The conversation should no longer be about whether an environmental or a human rights approach would be more beneficial. Achieving the net zero target requires a wide range of policies and legislative instruments covering several areas of law including laws on agriculture, water management, and “human rights rules that will increase the understanding needed to strengthen the net zero initiative”.⁴⁶ Due to the lack of promising engagement of the environmental premise, many environmental advocates and lawyers are beginning to use the human rights perspective to “forge progress”, for example, the Inuit Circumpolar Conference

⁴² *State of Tamil Nadu and Anr v National South Indian River Interlinking Agriculturist Association* (2021) CA 6764.

⁴³ Nairita Roy Chaudhuri, ‘Social movements and grassroots discourse of climate justice in the context of droughts in semi-arid regions: A case study in India’ (2021) 11(1).

⁴⁴ United Nations General Assembly, Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A (III), art 7.

⁴⁵ Boyle (n11).

⁴⁶ Fabiano de Andrade Correa and Christina Voigt, ‘The Paris Agreement and Net-Zero Emissions: What Role for the Land Sector?’ [2021] CCLR 1.

petition.⁴⁷ As noted in the petition, a “clear statement” of the implications global warming has on human rights can provide the necessary motivation needed for states to take more expeditious actions to reduce the emission of greenhouse gases.⁴⁸

Therefore, this article proposes that the question should no longer simply be how the human rights approach can aid the general global warming objective. Instead, in line with Knox’s conclusion,⁴⁹ it should be how can the actions taken by states to remedy climate change also comply with their human rights obligations? A notable example of a step in the right direction is the draft of Thailand’s first climate-specific legislation submitted for approval. The Act aims to explicitly acknowledge the “rights of the citizens” in relation to climate change, for example, the government will be obliged to invest in developments that can help citizens cope with the consequences of climate change and keep them informed about the relevant risks as they develop.⁵⁰

CONCLUSION

A human rights approach to climate change is not to degrade the value of the environment, nor should it be regarded in that way. The effects of climate change have a global impact and will continue to affect significant aspects of human life. Therefore, the fight to combat and remedy these adverse effects must be multifaceted, intentional, and explicit. As a result, a more comprehensive consideration should be given to the human rights approach. If not, grassroots organisations, advocates, and legal representatives will continue to seek various avenues to impel the desired changes.

⁴⁷ Sara C Aminzadeh, ‘A Moral Imperative: The Human Rights Implications of Climate Change’ (2007) 30 *Hastings International and Comparative Law Review* 231.

⁴⁸ Petition to the Inter-American Commission on Human Rights Seeking Relief from Violations Resulting from Global Warming Caused by acts and Omissions of the United States (Submitted 7 December 2005) (Testimony of Donald M Golberg, 1 March 2007) Microsoft Word - DG testimony final.doc (climatecasechart.com) accessed 21 September 2023.

⁴⁹ United Nations General Assembly, ‘Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment’ (1 February 2016) A/HRC/31/52, s22.

⁵⁰ Office of Natural Resources and Environmental Policy and Planning, Ministry of Natural Resources and Environment, ‘Thailand’s Long-Term Low Greenhouse Gas Emission Development Strategy (Revised Version)’ [2022] Thailand LT-LEDS (Revised Version) _08Nov2022.pdf (unfccc.int) accessed 1 October 2023.

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This increases the likelihood of a lack of uniformity which can lead to injustice to those who are already suffering from the consequences of climate change but cannot secure representation. The overall net zero initiative that aims to protect future generations should not be met with a disregard for the present generation, and a solely environmental approach that focuses only on energy conservation and building codes, for example, runs such a risk. To achieve a balanced approach, efforts should be made to combine both approaches, motivating states to take the necessary actions to combat global warming while increasing their accountability in recognition of their obligations to their citizens through human rights laws.