Human Rights Council (HRC)

Protection from the consequences of climate change as a human right.

Research Report

Leiden Model United Nations 2024

"Out of this world"

Forum: Human Rights Council

Issue: Protection from the consequences of climate change as a human right

Position: President

Introduction

The concept of protection from the consequences of climate change is increasingly being framed as a fundamental human right. Climate change not only endangers ecosystems but also threatens the basic human rights to life, health, food, water, and shelter. Rising sea levels, extreme weather events, and shifting ecosystems disproportionately affect vulnerable populations, amplifying global inequalities. As the impacts of climate change intensify, many argue that the right to be safeguarded from these consequences is as essential as traditional civil rights, placing a responsibility on governments and international bodies to take decisive, protective actions. Recognizing climate protection as a human right transforms the issue from one of policy choice to a moral and legal imperative, prioritizing proactive measures to secure a safe, livable environment for current and future generations. This framing calls for a shift from reactive to preventative action, pushing for stronger commitments to climate resilience, environmental justice, and accountability.

Definition of Key Terms

Human Right

The basic rights and freedoms that are entitled to all human beings, whatever their nationality, race, sex, or religion, with no distinction whatsoever, and include rights to life, liberty, and security. The official list of human rights is called the Universal Declaration of Human Rights (UHDR)[1]. The United Nations (UN) organ that deals with human rights related issues is called the Human Rights Council (HRC).

Climate Justice[2]

A perspective that involves the ethical and political dimensions of the climate change issue. It exposes the cruel fact that the impacts of climate change fall disproportionately on the most vulnerable people in society and promotes just climate policies that protect human rights.

Climate Resilience

This is defined as the capacity of communities, ecosystems, and economies to resist, absorb, accommodate, and recover from the impacts of climate change while maintaining essential services and capacities.

Environmental Rights

Environmental rights are a set of rights relating to the environment; these include rights to clean air, safe water, and natural resources.

Sustainable Development

Development that meets the needs of the present without compromising the ability of future generations to meet their own needs. It integrates economic growth, social inclusion, and environmental protection. An example of sustainable development is renewable energy.

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[1] United Nations. (n.d.). *Universal Declaration of Human Rights | United Nations*. https://www.un.org/en/about-us/universal-declaration-of-human-rights

[2] *Climate change is a matter of justice – here's why*. (n.d.). UNDP Climate Promise. https://climatepromise.undp.org/news-and-stories/climate-change-matter-justice-heres-why

Adaptation
The process of preparing for and moderating the adverse impacts of climate change; it involves solutions like constructing flood defenses, developing drought-resistant crops, and improving urban planning to better manage extreme heat, to adapt to a changing climate.

Mitigation
Efforts to reduce or prevent the emission of greenhouse gasses and enhance carbon sinks to limit global warming and its associated effects. An example of this is planting trees to absorb carbon dioxide (CO_2). In a technological sense, mitigation is similar to sustainable development.

Paris Agreement[3]
A legally binding international treaty on climate change, which was adopted in 2015. The agreement pursues to curtail global warming to well below 2°C, especially to 1.5°C to avoid grievous climate impacts.

General Overview

The Impact of Global Warming to Human Rights
Climate change threatens the very foundation of numerous fundamental human rights directly, particularly the most vulnerable groups including children, older adults, and the poor.

Right to Life and Security
While the right to life is a cornerstone of international human rights law, climate change is placing this right in jeopardy on a global scale. Rising temperatures, more frequent and intense natural disasters, and health hazards from pollution threaten millions. According to the WHO, between 2030 and 2050, climate change will be causing approximately 250,000[4] additional deaths every year, primarily due to malnutrition, malaria, diarrhea, and heat stress. The right to life may be gravely thwarted unless measures of protection are instituted.

Right to Health
Climate change fuels air pollution, contaminates water sources, and spreads diseases, which all brutally affect human health. Heat increase in most regions exacerbates temperature-related illnesses and respiratory diseases common in highly populated urban areas. In addition, with extreme weather conditions that destroy healthcare infrastructure, medical treatment may be grossly reduced in the most unsafe places, thereby increasing the risk to health even more.

Right to Food and Water
Food and clean water are also being diminished through climate change, thereby threatening the right to an adequate standard of living. The decrease in agricultural productivity due to drought, flood, and changed weather patterns results in the shortage of foodstuffs and hikes in prices, with the potential for malnutrition. Water scarcity, an issue that was already at a critical level in many regions, is only expected to worsen as rainfall patterns change and as water sources are contaminated or depleted. These stressors are felt more seriously by the poorer populations, who cannot as easily adapt to rising food and water costs, increasing the need for climate protections aimed at safeguarding these rights.

Right to Housing
The climate-induced disasters-floods, hurricanes, and wildfires-continue to displace communities, affecting their rights to safe housing. According to the Internal Displacement Monitoring Centre,

[3] UNITED NATIONS. (2015). *PARIS AGREEMENT*. https://unfccc.int/files/essential_background/convention/application/pdf/english_paris_agreement.pdf
[4] World Health Organization: WHO. (2019, 9th August). *Climate change*. https://www.who.int/health-topics/climate-change#tab=tab_1

weather-related disasters alone forced more than 24[5] million people from their homes in 2020. The loss of residential and social rights further makes those living in informal settlements, especially in countries which are less developed, even more vulnerable. This would have governments recognize climate protection as a human right and ensure policies on the security of decent, affordable, and climate-resilient housing for all.

Climate Justice and Human Rights

Climate justice reframes climate change as a human rights and social justice issue, placing great emphasis on differential impacts related to climate change on vulnerable populations, including the low-income communities, indigenous peoples, women, children, and the elderly. These communities are more likely to be situated in conditions where they are highly exposed to greater climate risks, including coastal or arid areas, and have fewer resources available to adapt and hence are more vulnerable to injury. Globally, high-income countries and big corporations, which are the historic biggest polluters, bear an ethical obligation to help those suffering most from drastic climate impacts with minimal contribution to the problem.

Climate justice calls for accountability and reparations in the form of financial support and technology from richer countries and the biggest polluting industries to facilitate poorer countries in adapting and recovering from the damage. This call includes mechanisms such as a "loss and damage" fund that would support communities where destruction is irreparable, or debt forgiveness, freeing up countries to invest in resilience building instead of paying off debt.

Vulnerability and Inequality

Low-income groups, indigenous people, women, children, and the aged are more vulnerable to the vagaries of a changing climate because of limited resources and political clout in their ability to adapt. In contrast, richer countries and communities tend to be able to devote more resources to climate adaptation and mitigation. Climate justice includes claims of wealthy countries in support of low-income countries for adaptation efforts as those countries have contributed very little to the problem and yet they are suffering from it most.

Legal and moral issues

Viewing climate protection as a human right introduces legal and ethical obligations for states, transnational corporations, and international organizations. Many argue that wealthy nations, which have benefited most from fossil fuel-driven development, have a duty to address climate impacts in poorer regions through both funding and policy support. This ethical framework shifts the conversation from one of charity to one of responsibility, urging developed nations to actively participate in reparative actions like debt relief, technology transfer, and adaptation financing for nations facing extreme climate challenges.

United Nations and Human Rights Resolutions

In October 2021, the United Nations Human Rights Council took an unprecedented and historic resolution[6], considering a healthy environment a fundamental human right. This protects everything that comes under its ambit, including protection from climate change impacts. While the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement emphasize the relevance of human rights in climate action, neither document provides legally binding obligations to specifically protect individuals' rights from the harmful effects of climate change.

Legal Precedents and National Initiatives

[5] *2020 Global Report on internal displacement (GRID)*. (n.d.). IDMC - Internal Displacement Monitoring Centre. https://www.internal-displacement.org/publications/2020-global-report-on-internal-displacement-grid/

[6] United Nations. (2021). Report of the Human Rights Council. In *General Assembly Official Records: Vol. Seventy-sixth* (Nummer Supplement No. 53), p50. https://documents.un.org/doc/undoc/gen/g21/233/36/pdf/g2123336.pdf

The growing number of climate-related cases filed during the past years has framed climate action as a human right. For example, the Dutch Supreme Court, in the case Urgenda Foundation *vs* Kingdom of the Netherlands[7], ordered that the State has an obligation to reduce GHG emissions due to a duty of care concerning citizens' right to life. Similar cases have also cropped up in other countries, like Ireland[8] and Colombia[9], where courts have ruled favorably for citizen rights to a safe and healthy environment, and correspondingly imposed legal obligations on the governments for stronger climate policies. These point out a more recent and developing role of the courts in climate protection as a matter of human rights.

The Way Forward: Policy and Global Cooperation

If climate protection is to be treated as and invoked as a human right, governments and international organizations have to pick up a set of policies and cooperation initiatives.

Major Parties Involved

United Nations Framework Convention on Climate Change (UNFCCC)

The UNFCCC is the 1992-established global body mandated to oversee the global climate agreements, including the Paris Agreement. It is responsible for the organization of the annual meetings termed Conference of the Parties meetings. Therefore, it would lend a clear platform for the negotiations by countries toward the reduction of emissions, financing of climate change, and commitment in the support of vulnerable countries.

The Green Climate Fund (GCF)

The GCF came into existence in the year 2010 by the UNFCCC and, therefore, is considered as one of the major global funds developed to invest in projects of climate adaptation and mitigation in developing countries. It disburses funds for the purpose of supporting developing nations in responding to specific manifestations of climate change. It focuses on reducing poverty and ensuring sustainable development.

The Inter-American Court of Human Rights

The Inter-American Court of Human Rights-as the regional human rights court for the Americas-has increasingly been taking account of environmental concerns as integral to the protection of human rights. The court has issued decisions holding that states have an obligation to prevent environmental damage in cases affecting Indigenous rights, the right to health, and right to life in relation to climate change.

Large Fossil Fuel Companies

Large Fossil Fuel Companies like Saudi-Aramco, ExxonMobil, Chevron, BP, and Shell represent some of the largest historic greenhouse gas emitters. Due to increasing pressure by climate justice movements and governments, they are having to begin to take steps for reduction of emissions, disclosure of climate-

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[7] *Urgenda Foundation v. State of the Netherlands - Climate Change Litigation*. (2020, 13 January). Climate Change Litigation. https://climatecasechart.com/non-us-case/urgenda-foundation-v-kingdom-of-the-netherlands/

[8] *Judgments | The Courts Service of Ireland*. (n.d.). https://www.courts.ie/view/judgments/681b8633-3f57-41b5-9362-8cbc8e7d9215/981c098a-462b-4a9a-9941-5d601903c9af/2020_IESC_49.pdf/pdf

[9] *Future Generations v. Ministry of the Environment and Others - Climate Change Litigation*. (2022, 27 March). Climate Change Litigation. https://climatecasechart.com/non-us-case/future-generation-v-ministry-environment-others/

related risk, and reparations or adaptation funds to communities from climate impacts.

Local Climate Organisations

These are the local groups, including the Pacific Climate Warriors for the communities of the Pacific Islands and the Indigenous Environmental Network for Indigenous rights within North America, that provide grassroots mobilization, indigenous rights, and local climate resilience, holding national and local governments and corporations to account. This provides essential insight into global climate negotiations and is a driving force behind policies that protect vulnerable populations.

Timeline of Events

1992 – United Nations Framework Convention on Climate Change (UNFCCC): Established at the Earth Summit in Rio de Janeiro, this framework set the foundation for international cooperation on climate change.

1997 – Kyoto Protocol[10] Adopted: The first binding international treaty to set greenhouse gas reduction targets for developed countries, effective from 2005, aimed at curbing climate change impacts.

2007 – Intergovernmental Panel on Climate Change (IPCC) Fourth Assessment Report[11]: The IPCC highlighted the disproportionate impacts of climate change on vulnerable communities, linking climate change to social justice and human rights.

2009 – Copenhagen Accord[12]: Although non-binding, this accord recognized the need to limit global warming to below 2°C and pledged financial support for developing countries but faced criticism for insufficient commitments.

2010 – Establishment of the Green Climate Fund (GCF): At COP16 in Cancun, the GCF was created to mobilize funding for climate adaptation and mitigation projects in developing countries.

2015 – Paris Agreement: This landmark international agreement aimed to keep global temperature rise well below 2°C, preferably 1.5°C, with explicit commitments from countries to address climate adaptation, mitigation, and financing.

2018 – IPCC Special Report on Global Warming of 1.5°C[13]: This report warned of severe impacts if warming exceeds 1.5°C, reinforcing the urgency for climate justice, particularly for marginalized communities.

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[10] UNITED NATIONS. (1998). *KYOTO PROTOCOL TO THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE*. https://unfccc.int/resource/docs/convkp/kpeng.pd

[11] *Fourth assessment report — IPCC*. (n.d.). IPCC. https://www.ipcc.ch/assessment-report/ar4/

[12] UNITED NATIONS. (2009). Copenhagen Accord. In *CONFERENCE OF THE PARTIES* (pp. 1–3) [Report]. https://unfccc.int/resource/docs/2009/cop15/eng/l07.pdf

[13] *Global Warming of 1.5 ºC —*. (n.d.). Global Warming Of 1.5 ºC. https://www.ipcc.ch/sr15/

2019 – Dutch Supreme Court Ruling in the *Urgenda* Case: The court ruled that the Dutch government must reduce emissions to protect citizens' human rights, setting a precedent for climate litigation globally.

2021 – UN Human Rights Council Recognizes the Right to a Healthy Environment: The council formally recognized access to a clean and sustainable environment as a universal human right, linking environmental protection with human rights.

2023 – COP28 and First Global Stocktake of the Paris Agreement: This process assesses collective progress toward Paris Agreement goals, emphasizing the need for stronger climate action and accountability mechanisms to protect vulnerable populations.

Possible Solutions

Recognizing Climate Protection as a Human Right

Enshrining climate protection as a fundamental human right would legally require governments to take action to protect citizens from climate impacts, ensuring policies prioritize human welfare and vulnerable communities.

Strengthening Climate Financing for Vulnerable Countries

Wealthier nations should increase their contributions to international climate funds, such as the GCF, to help developing countries adapt to climate change and recover from climate-related disasters, reducing global inequalities in climate resilience.

Promoting a Just Transition

Policies ensuring a fair transition from fossil fuels to renewable energy are essential. This includes retraining workers, protecting communities, and creating new job opportunities in green industries, ensuring no one is left behind in the shift toward a sustainable economy.

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