
CLIMATE CHANGE AND HUMAN RIGHTS: ASSESSING THE IMPACT ON FUNDAMENTAL RIGHTS AND THE ROLE OF CLIMATE JUSTICE IN PROTECTING VULNERABLE COMMUNITIES

Sheetal Jovita C, School of Excellence in Law

ABSTRACT

Climate change has emerged as one of the most pressing human rights challenges of the twenty first century, disproportionately affecting indigenous peoples, low income communities, and developing nations that have contributed least to global greenhouse gas emissions. This paper examines the intersection of climate change and fundamental human rights, including the rights to life, health, water, food, adequate housing, and self determination, as protected under instruments such as the ICCPR, ICESCR, and the UNFCCC framework. It analyzes the escalating threats posed by natural disasters, extreme weather events, displacement caused by rising sea levels, and the erosion of cultural identity among indigenous communities, alongside the often-overlooked mental health consequences of environmental crisis. The paper further explores the doctrine of climate justice as a framework for addressing these inequities, tracing its principles of historical responsibility, intergenerational equity, and common but differentiated responsibilities through key international mechanisms, including the Paris Agreement, the Loss and Damage Fund, and emerging jurisprudence before the International Court of Justice. The paper argues that meaningful climate action requires integrating a rights-based approach into climate policy, holding developed nations and corporations accountable for historical emissions, and ensuring fair participation of marginalized and indigenous communities in climate governance. It concludes that protecting human rights amid the climate crisis is both a legal obligation and a moral imperative essential to building a just and sustainable future.

Keywords: Climate Change; Human Rights; Climate Justice; Indigenous Peoples; Environmental Displacement; Loss and Damage; UNFCCC; Paris Agreement; Right to a Healthy Environment; Vulnerable Communities.

INTRODUCTION:

Climate change is a human rights disaster that adversely impacts underprivileged populations, especially indigenous peoples. It is not merely an environmental problem. Indigenous populations contribute least to global carbon emissions yet experience some of the most extreme consequences of environmental degradation, including threats to their cultural survival, biodiversity loss, dispossession of land, and displacement caused by climate change. Indigenous peoples are not significant contributors to the creation of this crisis, yet they have relied upon and been connected to natural ecosystems, so they are amongst the most impacted.

Issues such as constrained mass relocation, danger of climate linked strife circumstances, coordinate and roundabout dangers to wellbeing and healthcare frameworks, and the impacts on arrive and jobs all illustrate that climate alter and human rights concerns are closely interlaced. The right to a life of respect and the right to life itself are at stake. The nations that have been slightest dependable for the issue are the ones likely to endure the most. Anthropogenic gas outflows from the financial¹ movement of industrialised nations but the most noticeable impacts of climate alter will be felt by poorer countries. Individuals who are as of now powerless and marginalized will be more influenced than those who have more prominent capacity to assimilate antagonistic impacts.²

The impacts of climate alter will be transnational but they will not influence everyone similarly. At display, nearly a third of all annually human passings are due to poverty-related cause are the ones likely to endure the most. Anthropogenic nursery gas outflows from the financial movement of created nations but the most noticeably awful impacts of climate alter will be felt by poorer countries. Individuals who are as of now powerless and marginalized will be more influenced than those who have more prominent capacity to assimilate antagonistic impacts. The circumstance is as it were likely to get exacerbated in the future with the expanding effect of climate alter. Women and children make up an unbalanced number of the world's destitute, which renders them indeed more defenceless. For occurrence, in provincial India, ladies are transcendently capable for giving nourishment and water. Consequently, the impacts of climate alter on soil richness, water accessibility and nourishment security have exceptionally

¹ International Panel on Climate Change, "The Social Costs of Climatic Change: Greenhouse Damage and the Benefits of Control," ch 6 in Second Assessment Report, Working Group 3 (Geneva: World Meteorological Organization/UNEP, 1995), 9.

² See generally, Worgu S. O: Hydrocarbon Exploitation, Environmental Degradation And Poverty In The Niger Delta Region of Nigeria. Available at: <http://www.lumes.lu.se/student99/stanleyW/econs-paper.PDF>

coordinate impacts on ladies.

Indigenous people are the best defenders of the environment they protect 80% of the world's remaining biodiversity, using Traditional Ecological Knowledge (TEK) and sustainable land management practices.

But their rights to land, to self determination and to preserve their culture are increasingly at risk from deforestation, industrial expansion, extractive industries and weak legal protections. Illegal logging and large-scale agribusiness, for instance, are driving rapid deforestation in the Amazon rainforest, territory of more than 400 indigenous people face dramatic environmental changes in the Arctic, where traditional lifestyle of indigenous populations like the Inuit are under threat from way of life as temperatures climb and ice melts. According to the Intergovernmental Panel on Climate Change (IPCC), global warming will trigger limitless changes in the future patterns of infectious diseases, as the slightest changes in temperature can have great impacts on the organisms that carry them. Environmental problems have caused great erosion and abridgment of peoples' rights and fundamental freedom in Nigeria especially in the Niger delta sub-region.

The sense of these cases is that the environmental decay is a direct violation of human rights, particularly in the case of indigenous groups that depend on natural ecosystems to live and climate justice, calling on governments to adopt a human rights based approach to safeguarding the environment. We can build a fair and sustainable future that can defend human dignity and the security of the planet by recognizing indigenous land rights, incorporating Traditional Ecological Knowledge (TEK) in climate plans, and demanding accountability from corporations and governments with regards to environmental devastation.

ENVIRONMENT PROTECTION – A HUMAN RIGHT ISSUE

Environmental protection has human rights implications because the realization of fundamental rights like the right to life, health, water, food and adequate living conditions requires a clean, healthy and sustainable environment. Climate change, pollution, deforestation and biodiversity loss disproportionately impact the most vulnerable, including indigenous tribes, marginalized groups and future generations. Air pollution, for instance, contributes to health hazards that violate the right to health, while climate-induced displacement impacts the

right to adequate housing.³

Over the surrounding decades, human rights denounced idea codification in a great body of international and regional agreements. Some of them are the 1948 Universal Declaration of Human Rights, which binds members of the international community to covenant to respect the rights of all human beings to life, to an adequate standard of living, to liberty and security, to freedom of opinion and expression and to participate in the government of the country. Two more International Covenants came into force in 1976⁴ and International Covenants came into force under the United Nations, one on Civil and Political Rights and the other on Economic, Social and Cultural Rights.⁵

It is also argued that there has been some longstanding implicit or explicit recognition of the right of humanity to a healthy environment, in particular so far back as the 1948 Universal Declaration of Human Rights. Despite the discourse, promotion and implementation of the two global ideas and issues have been varied varied overtime. It also resulted in the 1986 United Nations General Assembly recognition of the relationship between the quality of human environment and the enjoyment of basic human rights, the UN

Conference on Environment and Development (Rio de Janeiro 1992), the II Universal Conference on Human Rights (Vienna 1993), the International Conference on Population and Development (Cairo 1994), and the UN II Conference on Human Settlements (Habitat II, Istanbul 1996).⁵

On the international level, the connection between human and environmental rights was first made 1972 at the Stockholm Conference on the Human Environment. Principle 1 of the Stockholm Declaration laid the foundation for connecting human rights and environmental protection, by stating that man has a fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being. It also laid out each individual's responsibility to safeguard The connection between

³ UNGA resolution 2398 (XXII) 1986

⁴ Our Environment, Our Rights: standing up for people and the planet. friends of the earth International report available at http://www.foei.org/en/resources/publications/climate-justice-and-energy/2000-2007/human_rights

⁵ Dinah Shelton Environmental Rights in Multilateral Treaties Adopted between 1991 and 2001 ENVIRONMENTAL POLICY AND

LAW,32/2(2002)<http://iospress.metapress.com/content/9hdpdtel1g5c5tty/fulltext.pdf>

⁵ Alan Boyle and David Birnie, *International Law and the Environment* (3rd edn, OUP 2009).

Environmental and Human Rights improve the environment for present and future generations.

Addressing environmental protection as a human rights issue necessitates a comprehensive rights-based approach on both the national and international levels. Governments must include the right to a healthy environment in their constitutions, as more than 100 countries have already done. To avoid illegal land grabs and resource exploitation, indigenous land rights and environmental restrictions must be enforced more strictly. Corporations must be held accountable for environmental damage through more stringent impact assessments, legal fines, and climate justice frameworks. Additionally, there is an urgent need to include Traditional Ecological Knowledge (TEK) into climate adaption plans, as indigenous knowledge systems provide long-term solutions for biodiversity protection, disaster mitigation, and ecosystem restoration.⁶

CHAPTER-II

THE HUMAN RIGHTS IMPLICATIONS OF CLIMATE CHANGE

The laws fixed in Article 6 of International Covenant on Civil and Political Rights (ICCPR) are directly threatened by the effects of climate change. Natural disasters such as hurricanes, floods and forest fires are increasingly causing loss of life and forced evacuation. Heat waves and worsening dehydration, especially among the elderly, children and those with existing health conditions, have also contributed to death. According to the Intergovernmental Panel on Climate Change (IPCC), mortality rates with fever-related diseases and food uncertainty increase significantly with increasing global temperature. Furthermore, climate-caused conflicts over scarce resources such as water and arable land risk causing violence, forced relocation, and loss of life.⁷

RIGHT TO HEALTH

Climate change is also a fundamental threat to the health rights enshrined in Article 12 of the International Covenant on Economic, Social and Cultural (ICESCR). Warmer temperatures, air pollution and the spread of vector borne diseases (including malaria and dengue fever) have created significant public health threats. Climate-driven food and water uncertainty resulting

⁶ Dinah Shelton, *Human Rights and the Environment: Problems and Possibilities* (Routledge 2011).

⁷ Sumudu Atapattu, *Human Rights Approaches to Climate Change: Challenges and Opportunities* (Routledge 2016).

from longer droughts and crop failures spreads maladjustment and waterborne diet in drought-threatened areas. Salt water intrusion caused by sea level rise along coastlines freshwater sources, which subject humans to further health risks. The psychological stress and loss of livelihoods have also resulted in mental illnesses, such as depression and post-traumatic stress disorder (PTSD).⁸

WATER AND SANITATION RIGHTS WATER AND SANITATION RIGHTS ARE RECOGNIZED AT THE UN GENERAL ASSEMBLY IN 2010

Increasingly suffers from the impact of climate change. Extended droughts and water shortages in arid regions hinder access to clean drinking water. Heavy rain and flooding are environmental pollution contributors. Sensitive population groups, including rural and indigenous communities, suffer the most from water-related uncertainty due to lack of adaptable infrastructure and resources. Women and children who are normally responsible for water collection in many developing countries are exposed to increased risks for safety and health due to water shortages.

FOOD AND LIVELIHOOD RIGHTS

Climate change threatens food rights protected pursuant to Article 11 of the ICESCR by reducing agricultural productivity. are not safe for human consumption Unpredictable weather patterns, soil degradation, and formation of desert areas lead to lower crop yields, causing food shortages and higher prices. These effects are borne firstly by farmers and agricultural workers in developing countries, whose livelihoods are now largely unsustainable. Extreme weather events continue to create food uncertainty as more cattle are lost. In addition to this, the fisheries that feed millions have been greatly affected by climate change, business, coral bleaching, food security and economic security.⁹

HOUSING AND SHIFT RIGHTS

An increase in the frequency of climate-related disasters will have a devastating effect on the right to adequate housing, as guaranteed in Article 11(1) of the ICESCR. Sea level rise and

⁸ Philippe Sands and Jacqueline Peel, *Principles of International Environmental Law* (4th edn, Cambridge University Press 2018).

⁹ Erin Daly and James R May, *Human Rights and the Environment: Legality, Indivisibility, Dignity and Geography* (Edward Elgar Publishing 2019).

coastal erosion are displacing communities, particularly in low-lying island and delta regions. According to the Internal Displacement Monitoring Centre (IDMC), millions of people are displaced annually due to climate-related disasters, many of whom become climate refugees. These displaced groups often face uncertain living conditions, lack of access to essential services, and limited legal protections. The lack of internationally recognized legal status for climate refugees strengthens their sensitivity and creates a significant gap in human rights protection. Climate change threatens food laws protected in accordance with Article 11 of the ICESCR by reducing agricultural productivity. Unpredictable weather patterns, soil closures and desert formation reduce crop yields, leading to food shortages and rising prices. Farmers and agricultural workers in developing countries are primarily burdened by these effects. Because their livelihoods are becoming less and less sustainable.¹⁰

SELF-DETERMINATION AND CULTURAL INTEGRITY RIGHTS

Climate change violates the right to self-determination, especially for Indigenous communities. The expulsion of indigenous peoples through deforestation, flooding or desert formation threatens their traditional lifestyle. Indigenous Arctic people, such as Inuit, are, for example, exposed to the loss of traditional hunting grounds due to melting ice. Similarly, we understand that Pacific islands like Kilibati and Tubal are losing their entire region to rising sea levels and threatening sovereignty and cultural heritage.¹¹

The disproportionate impact of climate change for vulnerable populations emphasizes the need for an approach based on human rights on climatic actions. Government, society and international organizations must recognize their obligations to protect human rights in climate policies. The Paris Agreement (2015) has recognized the role of human rights in climate, emphasizing the need for justice, justice and justice. However, the application mechanisms are still low and many climatic policies do not fully access the specific gaps of the disadvantaged communities.

In short, climate change is a profound challenge for human rights to worsen social, economic and environmental inequality. The threats to life, health, water, food, housing and self-determination emphasize urgent needs for climate justice. Make sure the climate policies

¹⁰ John H Knox, 'Climate Change and Human Rights Law' (2009) 50(1) Virginia J Int'l L 163.

¹¹ Lavanya Rajamani, 'Human Rights in the Climate Change Regime: From Rio to Paris and Beyond' (2010) 35(2) Netherlands Yearbook of International Law 95.

include, based on rights and fairness are essential to protect the most vulnerable population in the world. Without decisive action, climate change will continue to erode the basic human rights, causing millions of people to not access the basic necessities necessary for a solemn and sustainable future.¹²

2.1 THREATS POSED BY NATURAL DISASTERS AND EXTREME WEATHER

Climbing the recurrence and concentrated of characteristic fiascos and cruel climate occasions speaking to one of the foremost disturbing results of climate alter, constituting a genuine risk to human life, framework, economy and environment. The increment in worldwide temperature, driven by an increment in nursery gas outflows, has caused an increment in disastrous climate occasions, counting storms, storms, surges, dry spells, woodland fires and warm waves. These catastrophes not as it were lead to quick misfortune of life and annihilate products, but too have a long -term socio -financial affect, particularly for powerless communities.

The disproportionate burden of sideline groups highlights the urgent needs to solidify the disaster, decline strategy and climate recovery policy. one of the most important threats due to climate change is the increase in frequency and severity of tropical and storm tornadoes. The warmer ocean temperature is stronger to feed the storms stronger, leading to stronger winds, heavier rainfall and larger storms. These extreme meteorological events cause the overall destruction of houses, infrastructure and agricultural land.¹³

For illustration, the Katrina storm (2005) within the Joined together States has caused more than 1,800 passings and leads to misfortune of more than \$ 125 billion, thousands of dollars, moving thousands and highlighting the crevice of distraught communities. So also, Violent wind Idai (2019) has crushed the parts of Mozambique, Zimbabwe and Malawi, moving more than 2.6 million individuals and aggravating nourishment uncertainty within the locale. hese storms have an incompatible impact in developed and low countries, where lower infrastructure and collection efforts are limited by financial limitations.

In expansion to tropical storms, surges and overwhelming rain occasions are getting to be

¹² Ramin Pejan, 'The Right to a Healthy Environment: Bringing Human Rights and Environmental Law Together' (2012) 22(1) Rev Eur Comp & Int'l Envtl L 155.

¹³ Tara Smith, 'The Right to a Healthy Environment and Climate Change: A Green Economy Perspective' (2018) 27(3) Eur J Int'l L 673.

increasingly visit and damaging. The Between time Chamber for Climate Alter (IPCC) cautions that the higher worldwide temperature upgrades the water cycle, causing heavier precipitation and longer. This is in turn, causing serious floods, especially in low and coastal areas. Floods are not only life but also destroy agricultural land, move population and pollute water supply, increase the risk of water diseases. For example, the Kerala Flood 2018 in India, caused by unprecedented monsoon rains, has led to more than 400 deaths and moves about 1.4 million. The economic losses of the disaster have been estimated at more than \$ 5 billion, emphasizing the destructive potential of harsh weather conditions both in human life and the national economy.¹⁴

Droughts and heat waves, on the other hand, there was a contrast threat but as well as devastating. The increase in global temperature has led to prolonged heat time and reduced rainfall in many areas, exhausted water supply and paralyzed agricultural productivity. Dry seasons not as it were diminish nourishment security but too lead to water shortage, driving provincial populaces emigrate to urban ranges in look of assets, which places extra strain on cities. For occurrence, the 2019-2020 Australian bushfire emergency, driven by an expanded dry season and record-breaking heatwaves, crushed over 18 million hectares of arrive, slaughtered an evaluated 3 billion creatures, and uprooted thousands of individuals.¹⁵

In addition, rapidly spreading fires, exacerbated by dry and hot conditions, have ended up more seriously and broad. In later a long time, enormous fierce blazes in California, Australia, and the Amazon rainforest have brought about in uncommon natural annihilation, misfortune of biodiversity, and the uprooting of whole communities. Rapidly spreading fires discharge gigantic sums of carbon dioxide (CO₂) into the climate, encourage quickening worldwide warming and making a horrendous cycle of rising temperatures and progressively extreme common fiascos.¹⁶

The socio-economic impacts of these calamities are far-reaching. Characteristic fiascos regularly wipe out a long time of improvement advance, especially in creating countries. They disturb instruction, annihilate healthcare frameworks, and develop destitution by dispensing

¹⁴ Jorge E Viñuales, 'The Rise and Fall of Sustainable Development' (2020) 29(4) Rev Eur Comp & Int'l Env'tl L 401.

¹⁵ United Nations Human Rights Council, 'Report of the Special Rapporteur on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment' (30 December 2019) UN Doc A/HRC/43/53.

¹⁶ The Paris Agreement' (adopted 12 December 2015, entered into force 4 November 2016) UN Doc FCCC/CP/2015/L.9/Rev.1.

with employments and sources of salary. Powerless bunches, counting ladies, children, the elderly, and inborn populaces, confront the most prominent hardships, as they frequently need the assets or versatility to empty and recoup from such occasions. common catastrophes regularly lead to mass relocation, making a new category of uprooted people frequently alluded to as climate displaced people. Concurring to the Inside Relocation Observing Middle (IDMC), roughly 30.7 million individuals were uprooted due to climate-related calamities in 2020 alone. Be that as it may, the need of formal lawful security for climate displaced people beneath existing universal outcast systems clears out them helpless to abuse, destitution, and statelessness.¹⁷

In normal catastrophes and extraordinary climate occasions driven by climate alter posture a grave and developing risk to humankind. The devastation of lives, framework, and biological systems, coupled with long-term socio-economic results, makes calamity readiness and climate adjustment arrangements basic. Countries must contribute in early caution frameworks, strong foundation, and maintainable improvement hones to decrease the helplessness of communities. Tending to the fundamental causes of climate alter, counting lessening nursery gas emanations and advancing worldwide participation, is fundamental to relieving the destroying impacts of characteristic catastrophes and shielding future eras.¹⁸

2.2 IMPACT ON MENTAL HEALTH AND WELL-BEING

Climate change is not only a physical and environmental crisis, but also a serious threat to mental health and the general wells. An increased frequency of extreme weather events, natural disasters, and long-term environmental changes contribute to psychological stress, anxiety, depression and trauma, especially for endangered population groups. While communities have difficulty dealing with loss, displacement and uncertainty, psychological stress over climate change has led to increased public health concerns and requires urgent attention. One of the most immediate mental health effects of climate change comes from natural disasters and extreme weather events.¹⁹

Tropical storms, bushfires, surges and dry spells devastate regions, regularly driving to misfortunes of homes, employments and relatives. Survivors regularly encounter posttraumatic

¹⁷ United Nations Environment Programme, Environmental Rule of Law: First Global Report (UNEP 2019)

¹⁸ Gillian MacNaughton, Health and Human Rights: Basic Principles (Harvard University Press 2020)

¹⁹ Elizabeth Fenwick, Civil Liberties and Human Rights (4th edn, Routledge 2007)

stretch clutter (PTB), uneasiness and misery due to the overpowering nature of these occasions. For case, after Storm Katrina (2005), a think about found that nearly a third of survivors endure from PTSD, and numerous long-term passionate stresses are experienced. Similarly, bushfires in California and Australia have increased the number of cases of EcoFear's chronic fear of environmental writings that affect individual intellectual well-being.²⁰

In addition to sudden catastrophes, slow changes in climate change, such as sea level rise, long droughts, and habitat destruction, create chronic stress in affected populations. Farmers who are repeatedly exposed to crop failure due to irregular weather patterns suffer financial uncertainty, leading to an increase in cases of depression and suicide. In India, for illustration, thousands of agriculturists are taking their lives due to the mental push caused by longer dry seasons and financial hardships. Inborn communities with profound social and otherworldly associations with the nation involvement a profound sense of misfortune and pity as conventional ways of life are undermined by natural corruption.²¹

Climate contributes to social insecurity and alter, assist compounding mental wellbeing issues. The shifts caused by climate constrain individuals to take off their homes, regularly driving to climate outcasts. Uprooted individuals are uncovered to instability, destitution and segregation in their unused environment, expanding the hazard of misery, social separation and mental injury he lack of mental health support for displaced population groups exacerbates the crisis and leaves much without the resources needed to deal with the emotional battle. Climate change disproportionately affects children and adolescents, many of which appear in the future of the planet. Young activists, involved in climate movements, often experience burnout and frustration due to the slow pace of the global climate economy.²²

In the effect of climate alter on mental wellbeing and well-being is an pressing and frequently ignored emergency. Tending to this challenge requires joining mental wellbeing bolster into climate arrangements, guaranteeing get to to mental care for influenced communities, and advancing strength through instruction and social bolster. Recognizing climate alter as both a natural and mental wellbeing emergency is pivotal in ensuring the wellbeing of show and future

²⁰ Michael Dudley, Derrick Silove, and Fran Gale (eds), *Mental Health and Human Rights: Vision, Praxis, and Courage* (Oxford University Press 2012)

²¹ Paul Hunt, Rajat Khosla, and Farayi Nsanzurwinda, *Mental Health and Human Rights: The Role of the UN Special Rapporteur* (Oxford University Press 2018)

²² Michael Dudley, Derrick Silove, and Fran Gale (eds), *Mental Health and Human Rights: Vision, Praxis, and Courage* (Oxford University Press 2012)

eras.²³

2.3 DISPLACEMENT DUE TO FLOODS AND RISING SEA LEVELS

The flooding and rising sea levels have made millions of people around the world more and more missed, posing one of the most urgent humanitarian challenges of the 21st century. As global temperature rises, seawater ice caps and heat ranges melt low coastal areas and small islands. At the same time, severe precipitation and extreme weather events carry out serious flooding, population groups move, infrastructure destruction, and uninhabitable areas. This phenomenon has led to an increasing population of climate refugees, allowing people to escape their homes due to changes in the environment, and the current international refugee law lacks formal legal protection.²⁴

The extent and severity of the shift due to flooding and rising sea levels underscores the urgent need for adaptation strategies, legal awareness, and global cooperation regarding the protection of communities in need of protection. One of the most pressing consequences of flooding and rising sea levels is the loss of habitable land and homes, especially in deep and dense coastal areas.

According to the Intergovernmental Panel for Climate Change (IPCC), if current greenhouse gas emissions do not decline, the global sea level is expected to increase by up to 1 meter. This climb could flood the entire coastal city and drive millions away. In Bangladesh, for example, thousands of families hike inland every year due to repeated erosions of flooding and erosion. The World Bank estimates that by 2050, more than 13 million bang-hit charges could be sold due to rising sea levels. Similarly, small islands such as Kilibati, Tuvalu and the existential threat of the Maldives are exposed to rising water and gradually penetrate the area, making most of their country more difficult to live in.²⁵

The overall shift in the island population raises complex questions about the loss of sovereignty, nationality and cultural heritage. In addition to coastal areas, internal areas are susceptible to flooding caused by rainy and overcrowded rivers. In India, Kerala floods have evacuated more than 1.4 million people, damaged homes, infrastructure and agricultural areas

²³ Elizabeth Fenwick, *Civil Liberties and Human Rights* (4th edn, Routledge 2007)

²⁴ Gillian MacNaughton, *Health and Human Rights: Basic Principles* (Harvard University Press 2020)

²⁵ Pūras D, 'The Right to Mental Health: The Urgent Need for a Human Rights-Based Approach' (2017) 18(2) *Health and Human Rights Journal* 191

since 2018. This not only leads to immediate evacuation, but also has long-term socioeconomic consequences such as poverty, malnutrition and unemployment. Farmers and rural population groups rely on stable weather patterns for their livelihoods, but there is a risk of being expelled, especially as floods and unavailable land.

2.4 LOSS OF CULTURAL IDENTITY FOR INDIGENOUS GROUPS

Climate change is an important threat to cultural identity and is a heritage of Indigenous peoples around the world. When the environment changes as it changes due to rising temperatures, rising sea levels, unpredictable weather patterns, indigenous peoples in traditional countries, traditional knowledge systems, and loss of spiritual connections. For many Indigenous communities, national identity, ecosystems and customs passed down over generations are closely linked. When these countries become degraded or uninhabitable, indigenous groups not only lose physical homes, but also seek erosion of cultural practices, language and spiritual traditions. This loss of cultural identity has far more continuous consequences, including fragmentation of indigenous societies, the disappearance of traditional knowledge, and weakening of collective resistance.²⁶

One of the most direct possibilities for how climate change affects Indigenous identity is displacement and land loss. Rising coasts and flooding threaten areas of indigenous regions of the coast and island. For example, Australians of Torres Strait Islanders face the imminent danger of their homeland being consumed in emerging oceans. Their cultural identity, deeply rooted in their relationship with the ocean, their fishing traditions, and their relationship with the sacred sites, is at risk of losing them.

Similarly, Inuit people experience the Arctic effects of permafrost thawing and thawing that destabilize traditional lifestyles based on hunting, fishing and seasonal migration. The disappearance of hunting reasons and changing animal migration patterns directly undermine their cultural heritage and nutritional safety. In addition to land loss, climate change disrupts traditional knowledge systems and practices.

Indigenous groups historically are based on generations of weather patterns, ecological cycles and sustainable land management techniques. However, with the rise of climate change, many

²⁶ Zacher ME and Keefe MJ, 'The Human Right to Mental Health: Legal Foundations and Ethical Implications' (2014) 15(4) *Journal of Human Rights Practice* 410

of these proven practices will either be less effective or become outdated. Indigenous farmers, for example, have now had irregular precipitation patterns and long droughts in South America, traditionally using agricultural methods for centuries based on seasonal rainfall. This not only threatens their food sovereignty, but also reduces the transfer of traditional agricultural knowledge to younger generations and weakens the cultural continuity of the community.²⁷

2.5 LOSS OF INDIGENOUS LANDS AND TERRITORIES

Loss of indigenous and territorial states is a serious and lasting consequence of colonization, land distractions, and non-existent development practices. For centuries, Indigenous people have been exposed to systemic change and alienation. It undermines their cultural heritage, traditional knowledge systems and sovereignty. This continued expropriation not only threatens its physical existence, but also undermines its spiritual and cultural connection with the country. Indigenous intervention continues through a variety of mechanisms, including large-scale infrastructure projects that prioritize economic growth in front of Indigenous rights, the raw materials industry, agriculture expansion, and government policies.

2.5.1 Historical context and colonial heirs

The loss of indigenous countries has its roots in colonial expansion and imperialist politics. During colonization of America, Africa, Asia and Australia, the huge regional European powers mean that native population groups have been removed vigorously. Contracts were often imposed under forced or deception, which led to permanent alienation of the region. In the United States, for example, the Indian removal law of 1830 was postponed by thousands of American indigenous peoples in traditional countries. Similarly, in Australia, the teachings of *Terranurius* (a land that belongs to no one) were used in Australia to justify expropriation of Aboriginal countries. This colonial policy laid the foundation stones of systematic alienation and landlessness.²⁸

2.5.2 Modern Land Grab And Resource Description

This day, there is a long time through aggressive industrialization and resource extraction.

²⁷ Drew N and others, 'Human Rights Violations of People with Mental and Psychosocial Disabilities: An Unresolved Global Crisis' (2011) 378(9803) *The Lancet* 1664

²⁸ Patel V and others, 'Addressing the Burden of Mental, Neurological, and Substance Use Disorders: Key Messages from Disease Control Priorities' (2015) 3(5) *The Lancet Psychiatry* 395

Governments and multinational companies use Indigenous peoples for mining, logging and farming purposes without proper consultation or approval. Large infrastructure projects such as dams, pipelines and highways move throughout the community. In Brazil, for example, deforestation and agriculture expansion in the Amazon rainforests have driven many indigenous tribes, putting survival and cultural conservation at risk. Similarly, the Indian indigenous Adibashi community was heavily driven out by mining projects and infrastructure development. Lack of legal protection and disregard for indigenous land rights further strengthen the problem.

2.5.3 Environmental Degradation And Cultural Erosion

The loss of localities in Indigenous peoples also leads to serious environmental degradation. Innate communities customarily hone economical arrive administration, keeping up organic differences and moderating characteristic assets. Be that as it may, in case your nation is taken over by an mechanical venture, this will lead to deforestation, contamination and pulverization of the environment. Besides, the ejection of inborn people groups sets otherworldly and social associations inside the nation, undermining conventional information, dialect and propensities. Forcing movements to urban or state-allocated settlements disrupt their common lifestyle and contribute to cultural assimilation and loss of identity.²⁹

2.5.4 Rights and Resistance

Despite international framework instruments such as the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), Indigenous peoples still face legal challenges in affirming their rights to self-determination and land ownership. Many governments do not recognize traditional land ownership systems, making it difficult for Indigenous communities to assert claims. However, indigenous groups have increasingly turned to legal battles and grassroots activism to protect their lands. Movements such as the Standing Rock Sioux resistance to the US Dakota Access Pipeline have drawn worldwide attention to indigenous land struggles.³⁰

Indigenous and territorial losses are not merely geographic or economic issues, but rather

²⁹ Tarantola D, 'Human Rights and Mental Health: Facing the Challenges' (2008) 10(3) Journal of Law and Medicine 345

³⁰ United Nations Human Rights Council, 'Report of the Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health' (26 April 2017) UN Doc A/HRC/35/21

violations of fundamental human rights. It interferes with the social, cultural and spiritual structures of Indigenous communities, and at the same time contributes to environmental degradation. Guaranteeing the rights to Innate arrive requires more prominent legitimate assurance, a genuine acknowledgment of Inborn sway, and regard for conventional information and hones. Recognizing and managing with these treacheries is imperative to preserve the differing qualities, legacy and respect of Inborn people groups around the world.³¹

CHAPTER-III

THE CONCEPT AND PRINCIPLES OF CLIMATE JUSTICE

Climate is a framework that addresses the ethical, social and political aspects of climate change, and recognizes that its effects are not equally distributed. It contributes to developing countries, indigenous groups, and greenhouse gas emissions. This means that disproportionate burdens on low-income, particularly those in developing countries, indigenous groups and lowincome groups, put disproportionate burdens on groups that suffer most from environmental collapse. Climate justice calls for fair treatment, wise participation and fair solutions that prioritize climate change impacted priorities. It focuses on a single reduction in carbon emissions to combat systemic inequality, ensuring support for rights that require accountability and protection.³² One of the core principles of Climate Champions is the recognition of historical responsibility. Developed countries have contributed most to climate change, from fossil fuels to centuries of use and design. However, the results are felt that the submitted temperatures, extreme weather events, and environmental degradation are disproportionately by those with the least resources to adapt. This principle requires highly effective countries to take responsibility for completing their global efforts to reduce emissions. The guideline of "common but separated obligation" as portion of the Joined together Countries System Tradition on Climate Alter (UNFCCC) underscores this moral commitment.³³ Another essential rule is the assurance of human rights. Climate alter debilitates principal rights, counting clean water, nourishment, wellbeing and indeed survival. Climate Champions

³¹ Tim Hayward, *Constitutional Environmental Rights* (Oxford University Press 2005)

³² Stephen Humphreys (ed), *Human Rights and Climate Change* (Cambridge University Press 2010)

³³ Catriona McKinnon, *Climate Justice: Rights and Obligations* (Oxford University Press 2011)

guarantee that rules and arrangements keep up human respect and prioritize the wants of most imperiled needs. For case, inborn individuals have long practiced maintainable arrive administration, but they are regularly avoided from the choice handle that influences their nation.

Sea level rise is putting coastal communities at risk, skinny destroys food production, and extreme weather events are driving millions away. Moreover, climate assurance equity advances intergenerational value and emphasizes that future eras have rights to planets worth living in. The current destruction of the environment caused by the exploitation of existing industrial practices and resources is unfairly burdened by young people and future generations. Therefore, guidelines should be consulted to ensure long-term sustainability as a long-term economic benefit. It is essential to achieving climate justice, including governance and basic activities.³⁴

3.1 UN CONTRIBUTIONS ON CLIMATE CHANGE

Reported communities must speak to decision-making in the decision process, and the terms of the legal framework must condemn businesses and governments for environmental damage. The struggle for climate justice is not just about the environment. It's about equity, human rights and community protection that has long been neglected in climate discourse. The pursuit of climate justice is supported by changes that address the disproportionate impacts of climate change on various UN treaties, international law, chaltas, and communities in need of protection.³⁵ These legal frameworks play an important role in determining principles of accountability, fair responsibility and human rights protection in the climate change context. They form the basis for consenting rights of marginalized population groups and ensure that states and businesses adhere to environmentally friendly practices. Joined together Countries System Tradition on Climate Alter (UNFCCC)

The UNFCCC, embraced in 1992, is one of the foremost vital universal contracts managing with climate alter. It decides the rule of "common but separated obligation and person aptitudes" (CBDR-RC) and recognizes that created nations have a more noteworthy obligation to combat climate alter in chronicled emanations. The contract laid the establishment for

³⁴ Maxine Burkett, *Climate Justice: The International Momentum Towards Climate Litigation* (Edward Elgar Publishing 2018)

³⁵ Dinah Shelton, *Advanced Introduction to International Human Rights Law* (Edward Elgar Publishing 2014)

ensuing contracts, counting the Kyoto Convention (1997) and the Paris Assention (2015). Concurring to the UNFCCC, the Paris Assention, a legitimately authoritative assention, points to restrain worldwide warming to underneath 2°C and keep it at 1.5°C. Moreover, budgetary back for creating nations is highlighted.³⁶

3.1.1 Universal Explanation of Human Rights (UDHR) and Climate Justice

The Universal Explanation of Human Rights (1948) does not explicitly focus on climate issues, the fundamental rock of human rights principles applied to air conditioners. Articles 3 and 25 guarantee life, health and an appropriate standard of living. All of this is threatened by climate change. Subsequent UN resolutions and reports link climate change to human rights abuses, urging the UNC to clean up as a universal human rights in 2021 and recognize the rights of a healthy and sustainable environment. This solution strengthens the legal basis for climate protection claims.³⁷

3.1.2 The Kyoto Protocol and the Paris Agreement

Kyoto Protocol (1997) The first legally binding international contracts to determine emission reduction targets for developed countries. However, the lack of binding obligations to develop the state limits its effectiveness. The Paris Agreement (2015) replaced it, creating a more integrated framework that required all participating countries to submit specific contributions (NDCs). It promotes equity by encouraging wealthy countries to provide financial and technical assistance that requires protection and to strengthen the principles of climate justice.^{38,39}

3.1.3 Doha Change (2012)

Several changes and legal measures strengthen the climate justice framework. Doha Change (2012) introduced a second period of commitment, which was introduced into Kyoto Protocol, with emission reduction targets expanded by 2020. Furthermore, the Escazú Agreement in Latin America (2018) is the first legally binding local agreement that includes environmental

³⁶ Sumudu Atapattu, 'Climate Change and Human Rights: The Role of International Human Rights Law in Mitigating the Impact of Climate Change' (2013) 20(2) Duke Environmental Law & Policy Forum 277

³⁷ John Knox, 'Climate Change and Human Rights Law' (2009) 50(1) Virginia Journal of International Law 163

³⁸ Lavanya Rajamani, 'Human Rights in the Climate Change Regime: From Rio to Paris and Beyond' (2010)

³⁹ (3) Review of European, Comparative & International Environmental Law 391

justice provisions, access to information and public participation in environmental decisions.

3.1.4 International Court of Justice (ICJ)

The role of the International Court of Justice (ICJ) plays a growing role in climate justice by interpreting international law regarding environmental protection. No specific binding decisions have yet been made on climate justice, but advisory opinions are increasingly shaping states' legal obligations. Recently, an initiative from small island states has called for the ICJ to recognize climate damage as a violation of international law and pave the way for future legal accountability. The global legal framework on climate justice continues to develop through United Nations conventions, treaties and international agreements. These measures highlight justice, human rights and environmental protection, denounce strong countries and businesses, and seek to protect population groups that need protection. Strengthening enforcement mechanisms, improving compliance, and promoting legal reform are key to ensuring that climate justice is achieved at a global level.⁴⁰

3.2 FAIR DISTRIBUTION OF CLIMATE BURDENS AND BENEFITS

The fair distribution of climate tabs and benefits is the basis for protecting population groups that require climate justice, justice, accountability and protection. While global communities deal with the impacts of climate change, the benefits of the results of unequal distribution and reduction and adaptation efforts are becoming increasingly apparent. Wealthy developed countries are the main source of historic greenhouse gas emissions, but they are developing countries and marginalized population groups, with the main burden of side effects. When distributing climate tabs and benefits to combat historical responsibility, ensure fair access to resources, prioritizing the needs of those most affected by climate change.

3.2.1 The Unequal Distribution Of Climate Tab

It has a disproportionate impact on low-income indigenous people and marginalized communities, but contributes little to global emissions. Southern countries of the world, including Africa, Asia and Latin America, have had serious consequences, including drought times, increased sea levels and extreme weather events. These regions are susceptible to lack

⁴⁰ Margaretha Wewerinke-Singh, 'Remedies for Human Rights Violations Caused by Climate Change' (2018) 9(1) *Climate Law* 129

of infrastructure and financial resources that must be adapted to. For example, small islands such as Tubal and Kilibati risk becoming uninhabitable as they negligible increases in sea levels as a contribution to global carbon emissions.⁴¹

In contrast, the richest country that contributed most historically It has a disproportionate impact on low-income indigenous people and marginalized communities, but contributes little to global emissions. Southern countries of the world, including Africa, Asia and Latin America, have had serious consequences, including drought times, increased sea levels and extreme weather events. These regions are susceptible to lack of infrastructure and financial resources that must be adapted to.

For example, small islands such as Tubal and Kilibati risk becoming uninhabitable as they negligible increases in sea levels as a contribution to global carbon emissions. This inequality underscores the principles of "general but differentiated responsibility and individual skills" (CBDR-RC) that were anchored in the United Nations Framework Convention on Climate Change (UNFCCC). According to this principle, wealthy countries are expected to take greater responsibility for reducing emissions and financial and technical support to countries that need protection.⁴²

3.2.2 Benefits of Climate Effects

Uneven Fields Alternated communities suffer most from climate tapes, but have only received the minimal benefits of climate policy and green technology. For example, the transition to renewable energy offers considerable economic potential, but the benefits are not evenly distributed. Wealthy countries and businesses dominate the renewable energy market and benefit from green technology and carbon offset schemes. Meanwhile, indigenous communities in countries rich in natural resources are often exploited without fair compensation or participation in decision processes. Furthermore, climate crimes that should support adaptation and reduction efforts in developing countries are often inadequate. Developed countries are working to provide \$100 billion in climate finance by 2020 as part of the Paris Agreement on the provision of \$100 billion. Many countries have not achieved this

⁴¹ César Rodríguez-Garavito, 'Human Rights: The Global South's Route to Climate Litigation' (2020) 114 AJIL Unbound 18

⁴² United Nations Human Rights Council, 'Report of the Special Rapporteur on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy, and Sustainable Environment' (30 December 2019) UN Doc A/HRC/43/53

goal. Paid funds were often led by large projects that could reach the most endangered communities and instead had limited local benefits.⁴³

3.2.3 Fair distribution through politics and governance

To achieve fairness, this includes debt release, capacity structure and technology transfer to strengthen developing countries. Furthermore, communities must speak up to the climate government. Participatory decisions that allow Indigenous groups and marginalized groups to influence climate policy – very important to ensure equity. Legal frameworks and international agreements must also denounce strong countries and businesses. For example, the Loss and Damage Funds defined in COP27 Summit 2022 should be financially supported, supported by the irreversible impacts of climate change. However, ensuring transparency and accessibility in the distribution of these funds is extremely important to achieving fair results.

The proper distribution of climate tabs and benefits is not only an ethical mandate, but also a practical need to achieve sustainable development and global stability. By fighting the historical injustice of climate change, developed countries must take more responsibility and at the same time ensure that at-risk communities receive appropriate support and sharing in the benefits of climate measures. Equity should include governance mechanisms that prioritize international cooperation, legal accountability, and well-being of those affected by the climate crisis.⁴⁴

3.3 COMPENSATION AND REPARATIONS FOR LOSS AND DAMAGE

The concept of compensation and amendment of losses and damages in the climate change context has proven to be an important part of climate advocates. It recognizes that atrisk nations and communities that contribute the slightest to the world's carbon emanations are excessively battling with the results of climate wellbeing catastrophes. This harm incorporates framework devastation, business misfortune, uprooting, and common environment collapse. With the increasing negative impacts of climate change, demand for financial and non-financial locations has captured dynamics, particularly from developing countries that require accountability obligations from historically released developed countries. Implementing a fair

⁴³ United Nations Office of the High Commissioner for Human Rights (OHCHR), 'Understanding Human Rights and Climate Change' (2015) <https://www.ohchr.org> accessed 30 March 2025

⁴⁴ Intergovernmental Panel on Climate Change (IPCC), 'Climate Change 2022: Impacts, Adaptation and Vulnerability' (Sixth Assessment Report, 2022) <https://www.ipcc.ch> accessed 30 March 2025

and effective compensation framework is important to eliminate these imbalances and ensure climate justice.⁴⁵

3.3.1. Reasons for Climate Declaration

The need for compensation and compensation is based on the principles of "general but differentiated responsibility and individual skills" (CBDR-RC) (CBDR-RC) (CBDR-RC). This principle recognizes the historical responsibility of developed countries that have radiated most of their greenhouse gases since the Industrial Revolution. In differentiate, creating nations endure from the foremost extreme results of climate alter in spite of negligible emissions. For case, nations within the southern world, such as Bangladesh, Mozambique and the Philippines, are uncovered to rehashed surges, tornados and ocean level rise, which lead to irreversible financial and social misfortunes. The representative aims to condemn wealthy states by financially supporting these areas in need of protection.

3.3.2. Loss and Damage Fund

Steps to Compensation One of the most important successes in the struggle for climate attempts was the establishment of the Loss and Damage Fund at the 27th United Nations Climate Change Conference (COP27) in 2022. As the nation developed and so boring against the concept of compensation, the historical shift took into account the need for financial support to combat losses and damages. However, making funds operational remains a challenge. Questions regarding the scope of financial contributions, admissions standards, and transparency in fund distributions will continue to be discussed.⁴⁶

3.3.3. Financial and non-financial indemnity

Reproduction for losses and damages exceeds direct financial compensation. Financial support for infrastructure restructuring and disaster aid is extremely important, but financial reparations such as technology transfer, debt relief and capacity structure are less important. Developing countries need access to technology for renewable energy Climate resistance infrastructure and early warning systems to adapt to future climate risks. Additionally, cancellations will reduce

⁴⁵ Office of the United Nations High Commissioner for Human Rights (OHCHR), 'The Human Rights Impacts of Climate Change' (2018) <https://www.ohchr.org> accessed 30 March 2025

⁴⁶ United Nations Development Programme (UNDP), 'Climate Justice: Key Issues and Challenges' (2014) <https://www.undp.org> accessed 30 March 2025

the economic burden on poor countries and allow more resources to be allocated for adaptation and relaxation.⁴⁷

3.3.4. Legal and Political Agenda

Despite the increasing dynamics, implementation of climate use faces considerable legal and political hurdles. Wealthy countries, particularly the United States, Canada, and some EU countries, accept liability for medical climate damages and fear complaints and an increase in indefinite financial obligations. Furthermore, there is no binding international legal framework that governs climate parallelism. Most contracts, including Paris contracts, focus on voluntary obligations rather than legally enforced compensation. The lack of accountability mechanisms reduces the enforceability of compensation and limits the effectiveness of compensation efforts.⁴⁸ Compensation and compensation for losses and damages are fundamentally important to achieving climate justice. They recognize the unequal stress that countries at risk have emerged and that historically very high-emergence countries are responsible for the role that causes the climate crisis. Initiatives such as the Loss and Damage Fund represent progress, but essential reforms are needed to ensure that compensation is fair, transparent and accessible. A stronger legal framework, political will, and global solidarity in the future are essentially important in order to build resistance to future climate impacts, to eliminate climate laws and support countries in need of protection.⁴⁹

CONCLUSION

The relationship between climate change and human rights is closely linked as the worsening environmental crisis continues to put the fundamental rights of individuals and communities around the world. Climate change and the unfavourable impacts of sea levels, extreme weather events, resource shortages and forced evacuation have proportional population groups that require protection, including indigenous peoples, low-income communities and developing countries. These marginalized groups face considerable violations of their fundamental rights, including access to clean water, nutritional safety, health, and even the right to live. As climate change intensifies the need for robust legal framework conditions and climate protection

⁴⁷ Ewan McKendrick, *Contract Law* (13th edn, Palgrave Macmillan 2021) 273

⁴⁸ Hugh Beale, *Chitty on Contracts: General Principles* (34th edn, Sweet & Maxwell 2021) vol 1, 1024.

⁴⁹ Edwin Peel, *Treitel on the Law of Contract* (15th edn, Sweet & Maxwell 2020) 892.

mechanisms becomes more urgent.

Climate justice serves as an important tool to protect rights that need protection by promoting equity, accountability and the fair distribution of resources. High-quality countries and businesses need to be responsible for their historical contributions to the climate crisis and provide financial and technical assistance to affected areas. Establishing international mechanisms such as the Loss and Damage Fund is a positive step to addressing the economic impact of air-conditioned damages. But true justice requires greater enforcement of international law, including governance and the wise participation of marginalized communities in climate policy.

Furthermore, integration of human rights principles into climate policy is extremely important for protecting the dignity and wells of affected population groups. Legal frameworks such as the recognition of the right to a clean and sustainable environment represent progress, but require effective implementation and accountability. Finally, fighting climate change through a human rights approach is not merely a legal obligation. That's the moral obligation. Enhancement of climate, accountability obligations, and communities that require protection are essential steps to building a sustainable future for everyone. Protecting fundamental rights in the middle of the climate crisis is a global responsibility and both a way of promoting long term resilience and justice.