

# Climate Change and Vulnerable Groups—Global and Regional Developments

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Asia Pacific Judicial Colloquium On Climate Change:  
Using Constitutions To Advance Environmental Rights and  
Achieve Climate Justice

26-27 February 2018

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# Its not Rocket Science

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We **Know it** but we **Ignore it**



# OUTLINE

- Effects of climate change—setting the stage
- Who is vulnerable to climate change impacts?
- Big picture—eminent crisis
- What needs to be done?
- How Can Judges respond to CC?
- Way forward—questions

*“Vulnerable People  
Suffer First and Worst”*

*Ban Ki-Moon*



# Effects of Climate Change

- Short-term: erratic climate and weather extremes—natural hazards.
- Long-term: altered ecosystems and habitats—loss of biodiversity, degradation of ecosystems, rainfall variability, sea level rise, ocean acidification.
- Risks to human health and society. Threaten development gains and hinder the implementation of SDGs.

# Effects of Climate Change: Pakistan

- One of the world's most vulnerable countries to climate change.
- Hotter and more extreme climatic events.
- Increased variability of water availability.
- Reduced agricultural productivity.
- Increased coastal erosion and seawater incursion.



# Effects of Climate Change: Human Rights

- ✓ Right to life
- ✓ Right to health
- ✓ Right to water and sanitation
- ✓ Right to food
- ✓ Right to adequate standard of living
- ✓ Right to housing
- ✓ Right to property
- ✓ Right to self-determination
- ✓ Right to development (sustainable)
- ✓ Right to nationality
- ✓ Right to mobility

# Effects of Climate Change

- CC has a different meaning for different people.
- CC is unjust—those who have contributed least to CC causes are suffering most from its effects.
- CC is unfair.
- CC is a threat to global peace, security, and prosperity.



# What is Climate Vulnerability?

- **What is vulnerability?** degree of inability to anticipate, cope with, resist, and recover from the impacts of disasters [WHO]
- **What is climate vulnerability?** degree to which geophysical, biological and socio-economic systems are susceptible to, and unable to cope with, adverse impacts of climate change [IPCC]

*Climate change is undermining the enjoyment of human rights, especially of the people on the frontline of the climate crisis who have contributed least to the causes of climate change: Mary Robinson*

# Who is Vulnerable to CC Impacts?

- Children
- Elderly and disabled
- Indigenous people
- Women

*... in developing countries*

*women and children are 14 times more likely to die or be injured during a disaster than men:*

*Soroptomist International of the Americas*



# Impacts of CC on Children

- **Health:** more vulnerable to heat waves, vector-borne, and water-borne diseases than adults.
- **Natural Disasters:** small size and relative inability to care for themselves.
- **Malnutrition:** parched, cracked earth and crop failures undermine the survival and nutrition of children
- **Education**

*Inequality and Poverty: a vicious cycle—a child living in poverty or deprived of adequate water and sanitation before a crisis will be more affected by a flood, drought or storm, less likely to recover quickly and at even greater risk in a subsequent crisis: UNICEF*

# Impacts of CC on Children

*Nearly **160 million** children live in high or extremely high drought severity zones: UNICEF*

*More than **88 %** of the existing global burden of disease due to CC occurs in children **less than five years of age**: WHO*



# Impacts of CC on Elderly and Disabled

- Diminished Ability to Adapt
- Diminished Ability to Seek Assistance
- Detrimental Physical Impacts
- Loss of Access to Infrastructure and Resources
- High Poverty Rates

# Impacts of CC on Elderly and Disabled

*56% of those who **died** during Japan's 2011 tsunami  
were aged **65 or over***

*Climate change is having the largest impact on the  
world's poorest and most vulnerable people.*

*Within this group, **20% are people with  
disabilities**, who are nearly always doubly  
disadvantaged: CBM*



# Impacts of CC on Indigenous People

- **IPs geographical regions and ecosystems:** often live in places that are worst hit—poverty and discrimination exacerbates their vulnerability.
- **Proximity to nature:** close relationships with their environments and great reliance on renewable natural resources—heightened risk of CC impacts.
- **Climate induced migration:** right to self determination.
- **Biofuels connection:** seen as a solution—leading to human rights violation.

# Impacts of CC on Poor and Indigenous People

- **Economic growth:** CC impacts will slow down economic growth throughout the 21<sup>st</sup> century, making poverty reduction more difficult—“further erosion of food security” and “creation of new poverty traps.”
- **Increased inequality:** wage-dependent poor households affected by increased food prices, especially in regions with high food insecurity and high inequality.



# **Mind the gap: climate change, minorities and indigenous peoples**

*In some cases, peoples' ways of life and even their  
very existence are being threatened by climate  
change*

# Impacts of CC on Women

- Land ownership and displacement
- Unequal access to resources makes women vulnerable to:
  - Crop failure
  - Fuel shortage
  - Water scarcity
- Natural disasters
- Disease

*Majority of world's poor coupled with unequal access to resources*



*An average of **77%** of the fatalities were  
women*

*some of whom drowned as a result of not  
being taught how to swim after Tsunami in  
2004*

***300% increase** in new domestic violence cases  
after two tropical cyclones hit Tafe Province  
in Vanuatu in 2011*

# Big Picture—Eminent Crises

- Hunger, Diseases—UNPRECEDENTED DEATHS
- Mass Migration
- Violence
- National Security Crisis
- Grave Injustice

*“Climate change is the biggest threat to human rights in the 21<sup>st</sup> century.”*



# What Needs to be Done?

- Improve basic public health measures
- Increase capacity for disaster preparedness and response
- Alleviate poverty
- Promote inclusive growth
- Inclusive planning and decision making
- Awareness raising

*Women Agents of Change: Women are not only vulnerable to CC but they are also effective actors or agents of change in relation to both mitigation and adaptation: Women Watch*

# How Can Judges Respond to CC?

- Proactive responses can access to justice
- *Judicial responses:*
- *Seemingly simple:*
  - Challenges to projects and EIAs—they all add up
  - Land—vulnerable peoples' land rights
  - Water—water justice
- *As complex as:*
  - Claims for refugee status
  - Human rights: rights to nationality, right to life, right to an environment capable of sustaining human life

*The human cost of global warming has a name: climate injustice: Mary Robinson*



# How Can Judges Respond to CC?

- **Indigenous Peoples**
- *Ali Steel Industry v Government of Khyber Pakhtunkhwa*: Ali Steel cannot harm local residents' health and life just because EPA does not cover the tribal areas. Right to a clean environment is an integral part of the right to life and dignity under the constitution-PHC
- **Women**
- *Ukeje v. Ukeje, Supreme Court of Nigeria, 2014*: Igbo (ethnic group) law and custom discriminated against daughters inheriting their fathers' estate, conflicted with a few sections of their constitution. Daughter was entitled to inherit.
- *Ramantele v. Mmusi and Others, Court of Appeal of Botswana, 2013*: Customary rule denying women the right to inherit the family home violates their constitutional right to equality.

# How Can Judges Respond to CC?

- **Water**
- *Sindh Institute of Urology and Transplantation v. Nestle Milkpak Limited*. No civilized society should permit unfettered exploitation of natural resources, especially water. Water is a necessity of life. Nestle's planned bottled water plant prevented.
- *Asghar Leghari v the Federation of Pakistan*. "Water justice," a sub-concept of climate justice, means individuals have a human right to clean water for survival and recreational purposes.
- *SWIM (Save Waters of Indang, Cavite Movement Inc.) v PTK2 H2o Corporation (Court of Appeal of the Philippines, 2015)*: Water is an essential element of life and an environmental resource. Respondent's excessive water extraction could dangerously impact the riparian ecosystem and locals' livelihoods.



# Way Forward-Questions?

- ✓ How can we?
  - Integrate the needs of men and women into CC policies?
  - Move away away from largely scientific, market-based CC responses to a more people-focused, gender-aware approach?
  - Ensure human rights are at the centre of CC responses?
  - Ensure women play an equal role in decision-making around CC?
- ✓ What successful strategies are already adopted by men and women?

# Thank You

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“From little things big things grow”

Paul Kelly