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THE INTERSECTIONALITY OF CLIMATE JUSTICE AND HUMAN RIGHTS: ADDRESSING THE DISPROPORTIONATE IMPACT ON MARGINALIZED COMMUNITIES

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ABSTRACT

The research explores the intersectionality of climate justice and human rights, focusing on the disproportionate impacts that marginalized communities face due to climate change. Vulnerable groups, including women, racial minorities, low-income groups, and Indigenous peoples, face a disproportionate amount of the burden as climate-related disasters become more frequent and intense. International agreements like the Paris Agreement recognize the connection between human rights and climate change, but they frequently do not specifically address the idea of climate justice for underrepresented groups. These frameworks typically concentrate on overarching environmental objectives, lacking particular procedures to protect the needs and rights of marginalized communities. Research is primarily conducted using exploratory and doctrinal methods. The data collected has been compiled and tabled for analysis. The data was presented using a percentage analysis. This research highlights the importance of integrating a human rights-based approach into climate action and calls for more robust, inclusive policies that directly address the disparities affecting marginalized populations while promoting sustainable development.

Keywords: Climate Justice, Marginalized communities, Human rights, Policies, Climate Change

INTRODUCTION

The global climate calamity poses a serious threat to human rights and is an environmental concern. Although everyone is impacted by climate change, marginalized communities are disproportionately affected, and existing disparities are made worse. These groups are more susceptible to resource scarcity, extreme weather, and environmental degradation because they frequently lack access to social safety nets, political representation, and resources. This paper

explores the relationship between human rights and climate justice, highlighting how human rights ideas must be included in climate action. The concept of climate justice necessitates an emphasis on equity since it recognizes that social, economic, and political factors influence how the effects of climate change are experienced, rather than being evenly felt. This research seeks strategies that guarantee climate responses by comprehending these intersections.

LITERATURE REVIEW

1. Climate Justice and Marginalized Communities

The idea of "climate justice" stresses treating everyone equally, particularly those who are disproportionately impacted by climate change. Due to their physical positions and socioeconomic weaknesses, scholars such as Mary Robinson contend that marginalized communities—such as Indigenous groups, low-income populations, and racial minorities—are most affected by climate change.¹ Bullard and Wright state that these populations frequently reside in locations that are most vulnerable to environmental deterioration, such as coastal or flood-prone areas, and that they have little access to the resources needed for adaptation and recovery.²

The literature makes it clear that environmental justice is inherently linked to social justice.

2. Human Rights Frameworks

In particular, human rights frameworks are essential for addressing how climate change affects underprivileged groups. The rights to life, health, food, water, and housing are guaranteed by documents like the "Universal Declaration of Human Rights (UDHR)" and the "International Covenant on Economic, Social, and Cultural Rights (ICESCR)", all of which are directly endangered by climate change.³

"The Office of the High Commissioner for Human Rights (OHCHR)" has underscored the significance of including human rights in climate action to guarantee that marginalized communities are not excluded.⁴ Human rights-based approaches to climate policy are crucial, as recent research, including Knox's work, highlights. This

¹ Mary Robinson, *Climate Justice: Hope, Resilience, and the Fight for a Sustainable Future* (Bloomsbury 2015).

² Robert D Bullard and Beverly Wright, *The Wrong Complexion for Protection: How the Government Response to Disaster Endangers African American Communities* (NYU Press 2012).

³ Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A(III)); International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3.

⁴ OHCHR, 'The Effects of Climate Change on the Full Enjoyment of Human Rights' (2018) <https://www.ohchr.org/en/issues/hrandclimatechange/pages/hrclimatechangeindex.aspx> accessed 7 October 2024.

can offer a framework for holding governments and businesses responsible for climate-related damages that disproportionately affect marginalized populations.⁵

3. Gender and Climate Vulnerability

Understanding gender dynamics is essential to comprehending how various groups are impacted by climate change. Because of their roles in resource management and household care, women, especially those living in rural regions, are disproportionately affected by the effects of climate change. The research demonstrates how women frequently depend more on natural resources for their livelihoods while also encountering major obstacles when trying to obtain resources like money, land, and water.⁶ This exacerbates their vulnerability in the face of climate-induced disasters. Gender-based disparities in decision-making further deepen the issue, as women are often excluded from political and economic processes that determine climate action priorities.

4. Environmental Protection and Climate Justice

Indigenous peoples are among the most affected by climate change due to their close relationship with the natural environment. Their land rights and cultural practices are deeply intertwined with local ecosystems, making them particularly vulnerable to environmental changes. The research work emphasizes that Indigenous peoples often lack sufficient political representation and legal protections, which limits their ability to advocate for their land rights and adapt to climate impacts⁷. Despite these challenges, Indigenous communities have been leading advocates for climate justice, as their traditional knowledge offers critical insights into sustainable environmental management.

In the Indian context, scholars have explored the intersection between climate justice and environmental issues, focusing on how marginalized groups in India, such as rural women and Indigenous peoples, are disproportionately affected by climate change.⁸ The article makes the case for combining domestic environmental policy with international human rights frameworks to successfully address these inequities. Rishika Khare, meanwhile, criticizes the international climate change regime for being unfair,

⁵ John H Knox, 'Climate Change and Human Rights Law' (2019) 42 Harvard Environmental Law Review 277.

⁶ Irene Dankelman, *Gender and Climate Change: An Introduction* (Earthscan 2010).

⁷ Victoria Tauli-Corpuz, 'Climate Change and Indigenous Peoples' (UN Permanent Forum on Indigenous Issues, 2016) <https://www.un.org/development/desa/indigenouspeoples> accessed 7 October 2024.

⁸ Preethi Lolaksha Nagaveni, Amlanika Bora, and Dr Amit Anand, 'From Environmental to Climate Justice: A Discourse with Special Reference to India' (2022) 38 Indian Journal of Environmental Law 256.

particularly when it comes to developing countries like India. Climate obligations, disadvantage nations like India in striking a balance between economic development and climate action.⁹

RESEARCH GAP

Even though the connection between human rights and climate justice is becoming more widely acknowledged, national and international climate policies still fall short of meeting the unique needs of marginalized populations. The majority of climate initiatives prioritize broad environmental objectives, frequently ignoring the socioeconomic and cultural vulnerabilities of vulnerable communities. Further research is necessary regarding the systematic integration of human rights frameworks into climate policy to guarantee the prioritization of marginalized communities in climate adaptation and mitigation proposals.

RESEARCH OBJECTIVES

- 1) To analyze the disproportionate impact of climate change on marginalized communities.
- 2) To evaluate the role of international climate agreements in addressing the specific needs of marginalized communities.
- 3) To propose strategies and recommendations using a human rights-based approach to ensure equitable protection of marginalized communities from the adverse effects of climate change.

CONCEPT OF CLIMATE JUSTICE

Climate justice is an emerging concept that addresses the ethical dimensions of climate change, with an emphasis on the disproportionate effects experienced by underprivileged and vulnerable people. It interprets climate change as a social justice and human rights concern in addition to an environmental issue. Climate justice advocates favor a fair distribution of the advantages and costs associated with addressing climate change, ensuring that those who have historically contributed the least effects.¹⁰ The concept grew when it was realized that, although contributing only a small share of the world's greenhouse gas emissions, the Global

⁹ Rishika Khare, 'Fallacies of Justice in International Climate Change Regime: Looking at India's Interests' (2021) 12 International Environmental Law Review 512.

¹⁰ S Caney, 'Climate Change, Justice and Future Generations' (2010) 19 *Critical Review of International Social and Political Philosophy* 163.

South and underprivileged groups were disproportionately impacted by natural disasters. These marginalized sections were especially vulnerable to food shortages, health crises, and relocation when climate-related catastrophes like floods, droughts, and rising sea levels escalate because they frequently lack the infrastructure and resources needed to adapt.¹¹

Climate justice highlights the inequality that those least responsible for greenhouse gas emissions face the most severe consequences. It seeks to ensure a fair distribution of climate burdens through proactive regulations and legal remedies, grounded in international human rights principles and domestic environmental justice frameworks.

Climate change poses a severe threat to the basic human rights of vulnerable and impoverished communities, particularly their access to essential resources like water, food, and energy. This exacerbates their living conditions and undermines sustainable economic progress.¹²

Climate justice is essentially about changing policies quickly so that the people most impacted by the climate disaster can be compensated, adjusted for, and mitigated. It aims to increase resilience in historically oppressed groups in addition to reducing future climate threats.

HISTORY AND DEVELOPMENT OF CLIMATE JUSTICE

(1) The Origin of Environmental Justice Movements (1970s–1980s)

Climate justice has its roots in the larger environmental justice movement that developed in the US in the 1970s and 1980s. Environmental justice activists emphasized how communities of color and low-income communities were disproportionately impacted by industrial activity, hazardous waste, and pollution. This movement played a crucial role in opposing the environmental laws that were in place at the time and did not take social inequality into account.¹³

The environmental justice movement witnessed a significant change in 1982 when demonstrations against a hazardous waste landfill in Warren County, North Carolina, occurred. Black Americans in particular organized protests against the state's plan to put the dump in

¹¹ Intergovernmental Panel on Climate Change (IPCC), *Climate Change 2021: The Physical Science Basis* (IPCC 2021).

¹² Preethi Lolaksha Nagaven, *From Environmental to Climate Justice: A Discourse with Special Reference to India*:3 JCLJ (2022) 1515.

¹³ Robert D. Bullard, *Dumping in Dixie: Race, Class, and Environmental Quality* (3rd edn, Westview Press 2000).

mostly Black neighborhoods. The demonstrations prepared the ground for a nationwide conversation about the connection between racial injustice and environmental deterioration.¹⁴

(2) Global Environmental Conferences and the Emergence of Climate Justice (1990s)

In the 1990s, the concept of climate justice developed recognition, especially during international talks on climate change. The topic of equality in climate action was first explored during the United Nations Conference on Environment and Development (UNCED), also known as the Earth Summit, which took place in Rio de Janeiro in 1992. The Rio Declaration on Environment and Development, which came out of the meeting, established the idea of "common but differentiated responsibilities" (CBDR). According to this principle, wealthy nations should be more accountable for mitigating environmental damage, as they have historically contributed more to global emissions than developing nations.¹⁵

The Kyoto Protocol, which was adopted in 1997, contributed to the advancement of climate justice by requiring developed nations to lead the way in lowering greenhouse gas emissions while developing nations were exempt from legally enforceable targets. Many detractors, however, contended that the agreement did not adequately address the needs of the most vulnerable communities in developing nations.¹⁶

(3) The Turn Towards Human Rights-Based Climate Justice (2000s)

The emphasis on climate justice evolved in the 2000s in the direction of a human rights-based strategy. This strategy highlighted the immediate threat that climate change poses to basic human rights, such as the rights to food, water, shelter, health, and life. Small island developing states (SIDS), vulnerable populations, and indigenous peoples have all made increased demands for the protection of human rights in climate action. A significant turning point in the relationship between climate change and human rights was the 2007 Bali Action Plan, which was adopted during the 13th Conference of the Parties (COP13) to the UNFCCC. It demanded more adaptation-related action, especially measures to safeguard vulnerable populations.

¹⁴ Luke W. Cole and Sheila R. Foster, *From the Ground Up: Environmental Racism and the Rise of the Environmental Justice Movement* (NYU Press 2001).

¹⁵ Rio Declaration on Environment and Development (adopted 14 June 1992) UN Doc A/CONF.151/26 (vol I), Principle 7.

¹⁶ The Kyoto Protocol, which was adopted in 1997, contributed to the advancement of climate justice by requiring developed nations to lead the way in lowering greenhouse gas emissions while developing nations were exempt from legally enforceable targets. Many detractors, however, contended that the agreement did not adequately address the needs of the most vulnerable communities in developing nations.

Furthermore, the 2009 Copenhagen Accord acknowledged the necessity of limiting global temperature increases to less than 2°C to prevent disastrous effects on people who are already at risk, despite criticism that it did not include legally binding obligations.¹⁷

(4) The Paris Agreement and the Institutionalization of Climate Justice (2015)

A key moment in the international institutionalization of climate justice was the 2015 approval of the Paris Agreement. This agreement expressly addressed the concept of justice and stressed the need to limit global warming to 1.5°C to safeguard disadvantaged states and communities. The concept of “loss and damage” was acknowledged in Article 8 of the Paris Agreement, which also acknowledged that compensatory procedures are necessary because some climate consequences, like sea level rise and extreme weather events, cannot be prevented by mitigation or adaptation alone.¹⁸

DISPROPORTIONATE IMPACT ON MARGINALIZED COMMUNITIES- DATA ANALYSIS

1. HEALTH IMPACTS

The “**World Health Organization (WHO)**” has reported that climate change is exacerbating health risks, particularly in vulnerable populations, due to factors like extreme heat, malnutrition, and the spread of vector-borne diseases.

WHO Data (2022): Between 2030 and 2050, climate change is expected to cause approximately 250,000 additional deaths per year, due to malnutrition, malaria, diarrhea, and heat stress. Vulnerable populations in regions like South Asia and Africa are at the greatest risk.¹⁹

Heatwaves: By 2023, extreme heat caused a significant rise in mortality rates in India, particularly among the elderly and poor.

Air Quality: Air pollution caused by climate change-related factors is responsible for around 7 million deaths annually, and low-income communities living near industrial zones are disproportionately affected.²⁰

¹⁷ UNFCCC, ‘Bali Action Plan’ Decision 1/CP.13 (2007).

¹⁸ Paris Agreement (adopted 12 December 2015, entered into force 4 November 2016) FCCC/CP/2015/10/Add.1, art 8.

¹⁹ World Health Organization (WHO), *Climate Change and Health* (2022) <https://www.who.int/news-room/fact-sheets/detail/climate-change-and-health> accessed 8 October 2024.

²⁰ WHO, *Air Pollution and Health* (2023) <https://www.who.int/health-topics/air-pollution> accessed 8 October 2024.

2. DISPLACEMENT DATA

The “**Internal Displacement Monitoring Centre (IDMC)**” reported that in 2023, over **21.5 million people** were displaced annually due to climate-related disasters, such as floods, storms, and droughts.²¹

A significant proportion of these displacements occurred in the Asia-Pacific region, which includes countries like India, Bangladesh, and the Philippines. Marginalized groups, including low-income rural populations, face significant challenges in resettling, due to their limited access to social safety nets and economic opportunities.

In India, the “**Internal Migration and Climate Change Report (2022)**” found that internal migration increased by 30% over the past decade, driven largely by climate-related agricultural losses. Marginalized communities, such as Dalits and Indigenous peoples, are often forced to migrate to urban slums where they face further economic and social marginalization.²²

3. SOCIOECONOMIC INEQUITIES

Socioeconomic disparities significantly shape how different communities experience climate impacts. **Poverty and Exposure:** A 2023 study by the “**Notre Dame Global Adaptation Initiative (ND-GAIN)**” ranked India 122nd in the Global Adaptation Index, indicating significant vulnerability to climate change due to its large population, poverty, and dependency on agriculture.²³

- Vulnerable populations, including smallholder farmers, suffer from recurrent droughts and floods, which result in crop losses and food insecurity.
- **Urban Slums:** The UN-Habitat's “**World Cities Report (2022)**” found that urban slums, where millions of marginalized people live, are often located in flood-prone areas. This puts these communities at risk of losing homes and livelihoods during climate-induced extreme weather events.

²¹ Internal Displacement Monitoring Centre (IDMC), *Global Report on Internal Displacement* (2023) <https://www.internal-displacement.org/global-report/grid2023> accessed 8 October 2024.

²² Ministry of Home Affairs (India), *Internal Migration and Climate Change Report* (2022).

²³ Notre Dame Global Adaptation Initiative (ND-GAIN), *Country Rankings* (2023) <https://gain.nd.edu/our-work/country-index/rankings/> accessed 8 October 2024.

IMPACT OF CLIMATE CHANGE IN INDIA²⁴

Impact Area	Affected Regions	Key Climate Impact	Percentage of Indigenous Population Affected
Deforestation & Land Degradation	Jharkhand, Chhattisgarh, Andhra Pradesh	Deforestation, Soil Erosion, Loss of Livelihoods	65%
Loss of Biodiversity	Northeastern India, Tamil Nadu	Loss of Forest Resources, Decline in Biodiversity	70%
Water Scarcity	Central and Northeastern India, Karnataka	Depleting Water Sources, Reduced Agriculture Output	55%
Displacement	Jharkhand, Odisha, Assam, Andhra Pradesh	Forced Migration Due to Loss of Habitats	40%
Health Impact	Tribal Areas Across India, Kerala	Increase in Waterborne and Vector-borne Diseases	60%

Climate change poses a serious threat to indigenous tribes in India, especially in areas like Jharkhand, Chhattisgarh, and the northeastern provinces. These communities are especially vulnerable to environmental deterioration, deforestation, and biodiversity loss because they rely heavily on natural ecosystems for their livelihoods. These issues are made much more difficult in southern states like Andhra Pradesh, Tamil Nadu, and Karnataka by land degradation and water scarcity, which negatively impact agricultural output and the availability of basic supplies.

According to the country's Climate Change Vulnerability Index, Indigenous groups in India are

²⁴ United Nations Development Programme (UNDP), *Indigenous Peoples and Climate Change* (2018); Ministry of Environment, Forest and Climate Change, India.

disproportionately affected by climate change-related issues such as deforestation, land degradation, biodiversity loss, and forced relocation. For instance, deforestation and soil erosion have caused a major loss of livelihoods in Jharkhand, Chhattisgarh, and Andhra Pradesh, affecting around 65% of the Indigenous population.²⁵ The reduction in biodiversity and forest resources has been reported to have a 70% impact on Indigenous people in Tamil Nadu and the Northeastern area.²⁶

A human rights-based strategy is essential to addressing the vulnerability of Indigenous communities in light of these difficulties. Ensuring that Indigenous perspectives are important to initiatives for climate adaptation and mitigation, prioritizing fair access to resources, and strengthening land rights are imperative policy objectives. In the absence of focused actions, the consequences of climate change will keep exacerbating current disparities and making underprivileged populations more susceptible to environmental risks.

SUGGESTIONS TO ENSURE CLIMATE JUSTICE IN INDIA

1. Strengthening Climate-Specific Legal Frameworks

- Given that women, rural populations, and Indigenous groups are among the marginalized communities that climate change disproportionately affects, India ought to enact strong national legislation centered on climate justice.
- Implement a National Climate Change Act that ensures disadvantaged communities have legal protections by integrating environmental justice and human rights concepts.

2. Promoting Climate-Resilient Infrastructure

- In vulnerable places, especially for communities in coastal, flood-prone, or drought-affected areas, invest in climate-resilient infrastructure. Some of them are improved water management techniques, environmentally friendly buildings, and renewable energy sources.
- Assure fair access to resources in regions severely affected by climate change, such as energy, clean water, and healthcare.

3. Enhancing Social Protection Programs

- Expand **social safety nets** like conditional cash transfers, public employment

²⁵ United Nations Development Programme (UNDP), *Indigenous Peoples and Climate Change* (UNDP 2018).

²⁶ Ministry of Environment, Forest and Climate Change, *India's Third National Communication to the UNFCCC* (MoEFCC 2021).

schemes, and food security programs specifically designed for climate-vulnerable populations.

- Ensure that **climate displacement** (i.e., internal and external migrations due to climate impacts) is integrated into national welfare programs, providing financial and housing support to affected communities.

4. Mainstreaming a Human Rights-Based Approach in Climate Policy

- Embed human rights principles in national climate policies by aligning climate actions with the right to life, health, water, and livelihood.
- Acknowledge the need for marginalized communities to participate equally in climate adaptation initiatives and make sure that policies pertaining to climate change don't worsen already-existing disparities.

5. Strengthening India's National Action Plan on Climate Change (NAPCC)

- Expand and update the NAPCC to address issues of climate justice by include vulnerable communities in the decision-making process. Community-based adaption techniques ought to be given top priority in the plan.
- To decrease climate-related vulnerabilities in these sectors, introduce targeted missions aimed at vulnerable groups such as women, Indigenous communities, and urban slum dwellers.

6. Increasing Access to Climate Finance for Marginalized Communities

- Ensure targeted allocation of climate finance to vulnerable groups by expanding access to funds such as the Green Climate Fund (GCF) and promoting public-private partnerships for climate-resilient projects.
- Design special financial products like low-interest loans and subsidies for rural and Indigenous communities to invest in sustainable agriculture, renewable energy, and disaster preparedness measures.

7. Empowering Local Communities through Decentralized Climate Governance

- Promote community-based adaptation programs that provide the local people with an active role in creating and executing climate solutions.
- Encourage participatory governance approaches, especially in rural and Indigenous regions, that involve local bodies and Panchayati Raj Institutions (PRIs) in climate decision-making.

8. Indigenous Knowledge Integration and Land Rights Protection:

- Since these communities frequently employ sustainable practices that are essential for the preservation of biodiversity and resilience to climate change, national

initiatives for climate adaptation should acknowledge and include Indigenous knowledge systems.

- To provide equal access to land and resources and to prevent displacement owing to development projects and the effects of climate change, strengthen the protections of land rights for Indigenous peoples and rural communities.

9. Improving Data Collection and Monitoring:

- Establish national systems for mapping climate vulnerability using de-identified data to gain a better understanding of the distinct effects of climate change on different groups of marginalized people, such as women, children, and Indigenous peoples.
- Make sure the most vulnerable people receive priority treatment when it comes to policy interventions and resource allocation by using this data to focus climate adaptation programs.

10. Corporate Accountability and Environmental Justice

- Enforce national frameworks for climate justice and corporate responsibility to hold companies accountable for their actions affecting the environment and the climate. Communities impacted by initiatives that impair the environment must be compensated by corporations.
- Enforce stricter corporate reporting guidelines for environmental and social governance (ESG), making sure companies lessen their influence on disadvantaged groups.

11. Strengthening Early Warning Systems and Disaster Preparedness:

- Provide effective early warning systems and disaster preparedness initiatives for areas that are most vulnerable to climate-related disasters, such as coastal regions and drought-prone areas. Make sure that vulnerable groups, particularly the underprivileged and rural communities, can access these systems.
- Emphasize community-based disaster risk management (CBDRM) initiatives that enable nearby communities to have a proactive role in preparation and recovery for disasters.

India may advance equitable climate justice by implementing these recommendations, which will give marginalized communities' needs first priority. This will support sustainable development while addressing climate vulnerabilities among a variety of demographic groups.

CONCLUSION

In order to address the disproportionate effects of climate change on marginalized populations, the relationship of climate justice and human rights is essential. The most impacted by climate-related disasters are vulnerable groups, such as women, Indigenous peoples, and the impoverished in rural areas, but they also have the least means to recover or adapt. To promote equitable and inclusive climate resilience, a human rights-based approach to climate action that incorporates justice and equality into policy frameworks is vital. The implementation of climate-resilient infrastructure, bolstering legislative safeguards, and enabling local communities are essential measures to guarantee that climate action is equitable and sustainable, so ensuring that no one is left behind in the battle against climate change.

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