

# The Importance of Environmental Human Rights

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On May 9th, 2013, the level of carbon dioxide in the world's atmosphere hit 400 parts per million, a crucial indicator of humankind's effect on the environment.<sup>1</sup> As the *New York Times* reported, "For the entire period of human civilization, roughly 8,000 years, the carbon dioxide level was relatively stable near [280 parts per million]. But the burning of fossil fuels has caused a 41 percent increase in the heat-trapping gas since the Industrial Revolution."<sup>2</sup> Humankind has had such a profound impact on the environment that the Worldwatch Institute deems that "there are no policies in place to prevent it from passing 450 ppm."<sup>3</sup> Scientists have proclaimed that we have entered the Anthropocene era, a new geologic era where humans are the primary driver of evolutionary change on earth.<sup>4</sup>

Ever since the 2009 United Nations Climate Change Conference in Copenhagen, the international community has agreed that the world should not warm over 2 degrees Celsius (2°C) from pre-industrial levels. However, in 2012 the World Bank declared that "we're on track for a 4°C warmer world [by century's end] marked by extreme heat waves, declining global food stocks, loss of ecosystems and biodiversity, and life-threatening sea level rise."<sup>5</sup> To put the 4°C (or 7.2°F) rise in temperatures in perspective, as of 2015, the temperature has only increased by 0.8°C; nevertheless, we are already experiencing extreme drought, excessive glacial melting, and ocean acidification.<sup>6</sup>

The anthropogenic activities of burning fossil fuel, cutting down forests, and polluting our rivers are having profound effects on our global community. Between 1970 and 2003, the planet lost roughly 200 million hectares of forest every year (11.4 million hectares of which were

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<sup>1</sup> Justin Gillis, "Heat-Trapping Gas Passes Milestone, Raising Fears," *New York Times*, May 10, 2013.

<sup>2</sup> Ibid.

<sup>3</sup> *Governing for Sustainability* (Washington, DC: The Worldwatch Institute, 2014), 63.

<sup>4</sup> Ibid.

<sup>5</sup> "Turn Down the Heat: Why a 4°C Warmer World Must be Avoided," *World Bank*, 2012.

<sup>6</sup> See appendix figure 1, 2, and 3 for data on drought, glacial melting, and acidification of the world's oceans respectively.

rainforest).<sup>7</sup> In addition, the United Nations Development Programme (UNDP) estimates that over 500 million people prematurely die annually because of high levels of pollution.<sup>8</sup> In 2001, the United Nations Environmental Programme (UNEP) World Resources' Annual Report noted that all nations are experiencing “water shortages, soil erosion, fish kills, landslides on deforested slopes, and fires.”<sup>9</sup>

But even more so, the environmental degradation that humankind is inflicting on the planet is disproportionately affecting those in poorer communities, for example, those residing near toxic waste dumps or in degraded landscapes where effective retaining walls have not been constructed on their behalf.<sup>10</sup> Even former U.S. President William Clinton noted in 1992 that there was a striking trend in which the poorest countries and people were disproportionately affected by environmental harm.<sup>11</sup> The UNDP estimates that nearly half a billion people, the majority of whom are poor, live in severely polluted areas. There is a troubling intersection between poverty and environmental degradation, which is often called “environmental discrimination.” It is undeniable that humans have an increasingly negative effect on the world’s environment, which is in practice and effect, a gross human rights violation.

Scholars and historians debate the exact moment when human rights emerged as a concept. While some historians cite ancient philosophical texts by Socrates and Aristotle, others, including Lynn Hunt, argue that human rights didn’t emerge until the 18th century, while another group of scholars, including Samuel Moyn, argue that human rights weren’t widely accepted until the 1970s. Despite the uncertainty of the exact date human rights became widely accepted,

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<sup>7</sup> Romina Picolotti, and Jorge Daniel Taillant, eds., *Linking Human Rights and the Environment* (Tuscon, AZ: The University of Arizona Press, 2003), xiii.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid., xiv.

<sup>11</sup> Ibid.

scholars agree that human rights came out of the traditional idea of natural rights. According to political philosophers like Locke, Paine, and Jefferson, natural rights are inherent in human beings and predate government.<sup>12</sup> As historian Lynn Hunt characterizes the transition between natural and human rights, “Human rights only become meaningful when they gain political content. They are not the rights of humans in a state of nature; they are the rights of humans in society.”<sup>13</sup> Hunt’s emphasis on “society” is crucial for the understanding of human rights. Contrary to natural rights, which are often invoked by an idealized “state of nature,” human rights are often realized and solidified after horrific events: it is no coincidence that there was a major push to recognize human rights internationally in the aftermath of the Nazi Holocaust.

The first international attempt to promote a unified code for human rights was the creation of the United Nations Commission of Human Rights, chaired by Eleanor Roosevelt. Influenced by the Declaration of Independence, Declaration of the Rights of Man and of the Citizen, and Franklin Delano Roosevelt’s proclamation of the Four Freedoms, the Universal Declaration of Human Rights (UDHR) was completed in 1948. With a preamble declaring that the “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,” the UDHR went further than any other human rights document in history.<sup>14</sup> Despite controversy over the enforceability of the UDHR, given the precedent of state sovereignty, the UDHR was a groundbreaking moment in the recognition for the equality in humankind.

Yet within the 30 articles of the UDHR, none mentions the relationship humans have with their environment. For millennia, the human progression of political order and advent of

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<sup>12</sup> Richard P. Hiskes, *The Human Right to a Green Future: Environmental Rights and Intergenerational Justice* (New York: Cambridge University Press, 2009), 26.

<sup>13</sup> Lynn Hunt, *Inventing Human Rights* (New York, NY: W.W. Norton & Company, 2007), 21.

<sup>14</sup> “Universal Declaration of Human Rights,” United Nations, accessed December 8, 2015, <http://www.un.org/en/documents/udhr/>.

civilization has hinged on the conquering of the natural world-- whether that be during the age of colonization, American western expansion, or space exploration. Rather than focusing on environmental issues, the beginning years of the UN were focused on remedying the failures of the League of Nations. There was an emphasis on deterring aggression between states and improving economic conditions in war-torn Europe.<sup>15</sup> After the perils of World War II, organizations like the Brookings Institute advocated for more coal, gas, and timber to improve economic conditions across the world.<sup>16</sup>

Yet at the same time, a greater consciousness was emerging regarding the deterioration of the environment and the human consequences associated with environmental degradation. Although air pollution prevention measures dated back to the fourteenth century when Edward I prohibited the burning of coal in London, not many environmental regulations were passed on the national level until the second half of the 20th century.<sup>17</sup> The U.K. was one of the first nations to pass a comprehensive emissions reductions law. After thousands of people died from respiratory illnesses from debilitating smog in London in the early 1950s, the U.K. Clean Air Act was passed in 1956.<sup>18</sup> During the 1960s, countries in North America and Europe saw an explosion in environmental activism and legislation. In 1962, Rachel Carson published *Silent Spring*, exposing the evils of DDT and other pesticides, which helped facilitate the establishment of activist non-governmental organizations (NGOs) like Friends of the Earth, the World Wildlife Fund, and Greenpeace.<sup>19</sup> Environmentalists were able to use the increasingly activist culture regarding civil rights and the anti-Vietnam War sentiments in North America and Europe to

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<sup>15</sup> Paul Kennedy, *The Parliament of Man* (New York, NY: Vintage Books, 2006), 159.

<sup>16</sup> Ibid.

<sup>17</sup> Donald K. Anton and Dinah L. Shelton, *Environmental Protection and Human Rights* (New York: Cambridge University Press, 2011), 1, Kindle edition.

<sup>18</sup> Paul Kennedy, *The Parliament of Man* (New York, NY: Vintage Books, 2006), 157.

<sup>19</sup> Ibid.

promote their cause. As Paul Kennedy writes in *The Parliament of Man*, “It was no coincidence that the emergence of these groups occurred at the same time as the civil rights movement in the United States, the women’s rights movement in the West generally, and the student protests of the 1960s-- all were challenges to the established order and to traditional thinking about how to arrange affairs.”<sup>20</sup> In addition, parliaments and governments around the world were starting to implement environmental committees and agencies. In the U.S., the Clean Air Act was passed in 1963, the Environmental Protection Agency was created in 1970, and the Clean Water Act was enacted in 1972.<sup>21</sup>

The increasing environmental activism on the national level helped create momentum for an international conference on environmental issues. The UN hosted the first international environmental conference in Stockholm in 1972. The Under-Secretary General of the UN, Maurice Strong, helped coordinate the UN Conference on the Human Environment (UNCHE), inviting experts, NGOs, and governmental leaders. The vast array of institutions, encompassing both the public and private sectors, allowed for greater legitimacy for the negotiations.<sup>22</sup> In the final declaration, the preamble states that “man has the 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.*”<sup>23</sup> Never before had the international community agreed to a declaration relating humankind’s “fundamental right to freedom” to the environment.

Yet an important divide emerged between more developed and less developed countries when discussing environmental rights. The so-called “North-South divide” separated countries

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<sup>20</sup> Ibid., 158-159.

<sup>21</sup> Ibid., 159.

<sup>22</sup> Ibid., 160.

<sup>23</sup> “Declaration of the United Nations Conference on the Human Environment,” United Nations, accessed December 9, 2015, <http://www.unep.org/Documents.Multilingual/Default.asp?documentid=97&articleid=1503>; emphasis added.

that were primarily economically-stable, prosperous, and calling for environmental regulation and those that were less economically-stable, poorer, and calling for more economic expansion. Developing nations often invoked their right to national sovereignty to justify the exploitation of their own resources for economic gain. In particular, Brazil and Malaysia stood firmly on their rights as nations to clear cut their forests and implement slash and burn agricultural tactics. However, this “North-South divide” was then solved through an emphasis on sustainable development. The technological advances in resource extraction, alternative forms of energy, and energy efficiency allowed nations to pursue economic growth while using fewer resources.

An important institutional framework that the UNCHE created in 1972 was the UN Environmental Programme (UNEP), which consists of 85 states elected by the General Assembly in order to monitor the state of the planet, act as a database of information, and improve enforcement of international environmental law. The headquarters of UNEP was symbolically placed in Nairobi, Kenya, a move that developing nations praised. In addition, the UNEP pairs up with NGOs and governmental agencies to monitor the implementation of the UNCHE declarations.

Realizing the deepening environmental crisis, the UN established the World Commission on Environment and Development (WCED) in 1983 to focus on sustainable development. The WCED published the Brundtland Report in 1987, advocating for “development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”<sup>24</sup> The second major UN conference on the environment met in Rio in 1992 and followed the suggestions laid out in the Brundtland Report. The United Nations Conference on Environment and Development (UNCED) (the Rio Earth Summit) reaffirmed the 1972

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<sup>24</sup> Sheldon Leader and David Ong, eds., *Global Project Finance, Human Rights and Sustainable Development* (New York: Cambridge University Press, 2011), 73.

Stockholm Conference and attempted to address the first convention's pitfalls. The consensus among nations was that the lofty ideals and powerful rhetoric in the 1972 Declaration of the UNCHE was too ambitious. As a scholar whom Kennedy references points out, the 1972 agreement "laid down twenty-six disparate principles: two proclaimed rights; four related to conservation of resources; two to pollution; eight to development; nine to general topics; one called for acceptance of state responsibility for environmental damage."<sup>25</sup> In a world with increasing environmental problems, the difficulty of enforcement emerged. Although countries like Denmark and New Zealand were able to follow the guidelines proposed in the 1972 Stockholm agreement, countries with weak governments like Greece, Italy, and Uruguay had trouble implementing the policies. Even worse, countries like Mozambique, with a per capita annual income of \$100, and in the midst of a civil war, couldn't possibly comply with the agreement. As Kennedy notes, "it was much easier to fulfill international environmental accords if you were homogenous, rich, democratic, liberal, and educated."<sup>26</sup> In addition, as developing nations were becoming more prosperous and populous, countries like Brazil, China, and India began emitting more pollutants.

The geographical placement of the conference in a developing nation was significant and attempted to ease tensions between developed and developing nations. With 178 heads of state attending the Rio Conference, there were more world leaders there than in any previous international conference. The Rio Conference also had strong NGO representation and over 10,000 journalists attended.<sup>27</sup> Despite work regarding the Statement of Forest Principles, the UN Framework Convention on Climate Change (UNFCCC), and the creation of high-level interagency committees, the Rio conference was seen as less successful than initially anticipated.

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<sup>25</sup> Paul Kennedy, *The Parliament of Man* (New York, NY: Vintage Books, 2006), 162.

<sup>26</sup> Ibid., 161-162.

<sup>27</sup> Ibid., 162.

Due to Malaysia's insistence that deforestation was a national right, the convention on Forest Principles was not legally binding. Countries like Brazil, India, and China insisted that development using carbon-heavy resources was necessary for economic expansion. The decision by then President Herbert Walker Bush to not attend the conference also didn't help matters. The 1980s movement of Thatcher-Reagan anti-welfare conservatism, both domestic and abroad, tainted proposals for developed countries to aid in building environmentally sustainable infrastructure in developing countries. Such a proposal would have been the most effective policy to bridge the "North-South Divide" and protect the environment.<sup>28</sup>

The principles laid out in the Rio Declaration on Environment and Development mimicked those in the Stockholm Declaration, but had more of an emphasis on sustainable development. More importantly, the Rio Conference emphasized the right to public information of projects affecting the environment through principle 10 of the Rio Declaration and Chapter 23 of Agenda 21 (a supplemental 700 page document outlining an action plan for sustainable development).<sup>29</sup> Principle 10 declares that "At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities."<sup>30</sup> In addition, principles 20, 21, and 22 extend the right to information to women, children, and indigenous peoples more specifically.<sup>31</sup> The push for the right to information is significant in the international community because of its preventative nature. Due to the high costs associated with the cleanup of environmental disasters, giving people access to information before projects occur can save millions of dollars. If a community doesn't approve of a certain

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<sup>28</sup> Ibid., 163.

<sup>29</sup> Romina Picolotti, and Jorge Daniel Taillant, eds., *Linking Human Rights and the Environment* (Tuscon, AZ: The University of Arizona Press, 2003), 33.

<sup>30</sup> "Rio Declaration on Environment and Development," United Nations, accessed December 9, 2015, <http://www.un.org/documents/ga/conf151/aconf15126-1annex1.htm>.

<sup>31</sup> Ibid.

project because of anticipated environmental damage, in order to hold the company accountable, one must wait until environmental damage occurs. However, with the right to information, if a community doesn't approve of a certain project, one can protest or take appropriate action before said environmental damage occurs.<sup>32</sup>

Despite numerous conventions regarding climate change and sustainable development, environmental rights have not been solidified on the international level. Neither the Stockholm Declaration nor the Rio Declaration created a "human right to the environment."<sup>33</sup> In a paper published by the United Nations regarding international environmental policy, Law Professor Gunther Handl notes that although the principles might seem to imply environmental rights, proposals clearly indicating environmental human rights were rejected during both conferences.<sup>34</sup> Although various environmental human rights are being enforced on the regional level, the international community still hasn't established them as clearly-stated rights.<sup>35</sup>

UN conferences regarding climate change since the 1992 conference in Rio (most notably Kyoto in 1997, Johannesburg in 2002, and Copenhagen in 2009) have only slightly revised non-binding agreements. As noted in the introduction, the 2009 United Nations Climate Change Conference in Copenhagen created a compromise to limit global temperature rise to 2°C. Yet

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<sup>32</sup> Romina Picolotti, and Jorge Daniel Taillant, eds., *Linking Human Rights and the Environment* (Tuscon, AZ: The University of Arizona Press, 2003), 33.

<sup>33</sup> Günther Handl, "Declaration on the United Nations Conference on the Human Environment (Stockholm Declaration), 1972 and the Rio Declaration on Environment and Development, 1992," *United Nations Audiovisual Library of International Law*, 2012, 4.

<sup>34</sup> Ibid., 3.

<sup>35</sup> On the regional level, the right to information has been implemented through the Bangkok Declaration (1990), the Arab Declaration on Environment and Development and Future Perspectives (1991), the North American Agreement on Environmental Cooperation (NAAEC) (1993), and the European Community's Aarhus Convention on Access to Information, Public Participation and Access to Justice in Environmental Matters (1998). More strikingly, the NAAEC is the first environmental agreement to allow individuals, environmental organizations, and businesses to report a country's failure to enforce environmental law, including those established in international agreements. In the referenced regional bodies, more enforcement measures can be taken than on the international level. Therefore, regional bodies continue to be the most effective enforcement bodies after nation-states. Sheldon Leader and David Ong, eds., *Global Project Finance, Human Rights and Sustainable Development* (New York: Cambridge University Press, 2011), 382.

because the agreement is non-binding, lacking any enforcement mechanisms, the World Bank predicts that we will experience a 4°C rise in temperatures by the end of the century. Even worse, a report by the International Energy Agency in 2011 estimated that the world is more on track for a 6°C (or 10.8°F) rise in temperatures.<sup>36</sup> Such temperature changes would be so extreme that scientists don't even know the full consequences. A major failure in the international community is this lack of enforcement--whether it be on human rights treaties or environmental accords. As Anton and Shelton write in *Environmental Protection and Human Rights*, "very little can be done by international bodies addressing human rights to actually compel compliance outside of dialogue and shaming."<sup>37</sup> The inability to enforce the various climate change talks make their elaborate declarations less groundbreaking. As Lynn Hunt elegantly phrases the dilemma, "human rights are still easier to endorse than to enforce."<sup>38</sup> But nevertheless, the right to a sustainable environmental future should be enshrined in UN doctrine more clearly.

Environmental contamination not only affects the everyday lives of people around the world, but also prohibits them from fully enjoying other established human rights: the right to health is affected by air and water pollution, the right to property is affected by sea level rise, the right to equality is affected by the disproportionate effects of environmental degradation on poorer communities, and the right to an accountable government can be affected by environmental instability.<sup>39</sup>

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<sup>36</sup> "World Energy Outlook 2011," *International Energy Agency*, 2011, 40.

<sup>37</sup> Donald K. Anton and Dinah L. Shelton, *Environmental Protection and Human Rights* (New York: Cambridge University Press, 2011), 282, Kindle edition.

<sup>38</sup> Lynn Hunt, *Inventing Human Rights* (New York, NY: W.W. Norton & Company, 2007), 208.

<sup>39</sup> Romina Picolotti, and Jorge Daniel Taillant, eds., *Linking Human Rights and the Environment* (Tuscon, AZ: The University of Arizona Press, 2003), xv.

## Drought and Flooding as Causes of Human Disasters

On August 19th, 2014, ISIS (the Islamic State of Iraq and Syria) posted a video on YouTube of the beheading of American journalist James Foley.<sup>40</sup> Since the tragedy of James Foley's killing, reports have surfaced of ISIS's inhumane raping of women, killing of children, and torturing of foreigners. As a result of a power vacuum created during the Syrian Civil War, ISIS has been successful in gaining support from the economically disenfranchised Syrian population and instilling fear in the developed world.<sup>41</sup>

The root causes of Islamic extremism are multi-faceted, which must take into account economic, social and political circumstances of those affected; however, the scientific community has recently connected the rise of violence and economic disenfranchisement to an unprecedented drought that started in the winter of 2006/2007.<sup>42</sup> A scientific paper published by the Proceedings of the National Academy of Sciences (PNAS) notes that ineffective water-usage policies by President al-Assad's government, which disregarded sustainable land use, exacerbated the unprecedented drought.<sup>43</sup> As Rami Zurayk and Anne Gough, both professors at the American University of Beirut, note in *The New Middle East: Protest and Revolution in the Arab World*, the unprecedented drought led to a severe food shortage: "biophysical limitations to food production are severe, especially with periodic and recurrent droughts that are worsened by climate fluctuations."<sup>44</sup> Zurayk and Gough then directly link the food shortage to the destruction of the agrarian Syrian lifestyle, which precipitated political instability: "Prolonged drought,

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<sup>40</sup> Callimachi, Rukmini, "Militant Group Says It Killed American Journalist in Syria," *New York Times*, August 19, 2014.

<sup>41</sup> Ibid.

<sup>42</sup> See appendix figure 4.

<sup>43</sup> Colin P. Kelley et al., "Climate Change in the Fertile Crescent and Implications of the Recent Syrian Drought," *Proceedings of the National Academy of Sciences*, November 16, 2014, 3241-3246.

<sup>44</sup> Fawaz A. Gerges, ed., *The New Middle East: Protest and Revolution in the Arab World* (New York: Cambridge University Press, 2014), 108-109.

increase in costs of agricultural inputs, and government cuts to agricultural subsidies have compounded the situation for rural Syrians.<sup>45</sup> The effect of such drought and lack of food led to the migration of 1.5 million people from rural farming communities to urban areas. By 2010, the urban population in Syria was roughly 20% internally displaced persons and Iraqi refugees, which contributed to a 50% increase in population within eight years (8.9 million people in 2002 compared to 13.8 million people in 2010).<sup>46</sup> The dramatic increase in an urban poor population helped spark the revolution in Syria, creating a civil war and leading to a power vacuum hospitable to Islamic extremists.

The scientific paper also emphasizes that “anthropogenic forcing has increased the probability of severe and persistent droughts in the region, and made the occurrence of a three-year drought as severe as that of 2007-2010 two to three times more likely than by natural variability alone.”<sup>47</sup> The human effect of such a drought, and by extension, of a civil war and human rights violations is undeniable. According to Amnesty International, “Syria remains in a state of human rights and humanitarian crisis. The United Nations lists more than 9 million Syrians as refugees and internally displaced peoples, making it the largest current refugee crisis in the world.”<sup>48</sup>

The facts linking anthropogenic climate change to human rights abuses are striking. Yet, it is important to realize the sequence of events that occurred by the media and international community regarding the Syrian drought. Nearly all of the scientific reports and international attention regarding the drought in Syria were released after the emergence of ISIS and the

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<sup>45</sup> Fawaz A. Gerges, ed., *The New Middle East: Protest and Revolution in the Arab World* (New York: Cambridge University Press, 2014), 123-124.

<sup>46</sup> Colin P. Kelley et al., “Climate Change in the Fertile Crescent and Implications of the Recent Syrian Drought,” *Proceedings of the National Academy of Sciences*, November 16, 2014, 3241-3246.

<sup>47</sup> Ibid.

<sup>48</sup> “Syria,” Amnesty International, accessed December 9, 2015, <http://www.amnestyusa.org/our-work/countries/middle-east-and-north-africa/syria>.

refugee crisis affecting Europe. Few non-governmental organizations (NGOs), governmental institutions, or UN organizations cared about the environmental crisis until it was too late. In order to mitigate climate effects and potential future situations, it is important to identify and solve these crises before they become so severe. The Syrian crisis demonstrates the interconnected nature of human rights, the need for greater awareness of the environment as a major agent of change including of revolutions, and the importance of effective preventative measures to monitor environmental situations that can precipitate violence.

Another environmental situation affecting human rights involves the low lying island-nations in the Pacific Ocean. On October 1st, 2015, the President of Micronesia and various other leaders of small island-nations in the Pacific addressed the UN General Assembly about the impending effect of sea level rise on their nations. President Peter Christian of Micronesia emphasized that “We must become more cohesive in our actions to bring a useful conclusion to help mitigate the threat of sinking islands and prevent the potential genocide of Oceanic peoples and cultures.”<sup>49</sup> As a low-lying nation, Micronesia faces the future displacement of its people and disappearance of its land. In addition, the island nation of Kiribati is beginning to implement initiatives to educate its population through a “migration with dignity program,” in order to prepare its people for life in places like Australia and New Zealand. In addition, Kiribati recently announced a purchase of higher-level land in the nearby nation of Fiji to relocate the rest of its population. As the Senior Policy Advisor on Climate Change for the President of Kiribati, Andrew Teem said in an interview, “it is no longer a question of if we will remain in the country

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<sup>49</sup> “Island States Threatened by Rising Seas Call at UN for Urgent Action on Climate Change,” United Nations News Centre, last modified October 1, 2015, accessed December 9, 2015, <http://www.un.org/apps/news/story.asp?NewsID=52118#.Vmyh64SDnIJ>.

forever, it is a matter of when we will have to leave because the science is very clear.”<sup>50</sup> These island nations are facing the incredible challenge of cultural genocide due to climate change. This is another way climate change is creating even more dramatic human rights crises-- according to the United Nations Environmental Programme (UNEP), 62.3 million people live in small island developing states (SIDS). The UNEP estimates that the cost of sea level rise of SIDS within the Caribbean alone will be an estimated \$187 billion by 2080.<sup>51</sup> If the Syrian refugee crisis looks overwhelming in Europe, the forced migration of millions more people in southeast Asia will have even more dramatic consequences.

But the crisis of sea level rise doesn’t just affect impoverished nations. Hurricane Sandy was a watershed moment in America’s consciousness of the effects of climate change. The massive storm, impacting the eastern coast of the U.S., inflicted more than \$75 billion in damages.<sup>52</sup> After years of anthropogenically-induced flooding in developing nations like Bangladesh, a catastrophic natural disaster happened on American soil.<sup>53</sup> In the September 2013 edition of National Geographic Magazine, an article addressed Hurricane Sandy and the future of rising sea levels. The article featured a spread of photos taken during Hurricane Sandy and maps projecting what the flooding would look like in New York City if the storm would hit in the year 2100.<sup>54</sup> Both the images and projections of flooding depict what was unthinkable in the minds of Americans before the storm hit New York City. The image showing the Seaside Heights pier that was eerily swept into the Atlantic Ocean allows people to rethink the once distant concept of climate change-induced flooding.<sup>55</sup> The other two visuals--one of a series of iconic yellow NYC

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<sup>50</sup> “Kiribati: the Islands Being Destroyed By Climate Change,” video file, Youtube, posted by AJ plus, December 8, 2014, accessed December 9, 2015, <https://www.youtube.com/watch?v=9P7jXveokDY>.

<sup>51</sup> “Annual Report 2014,” *United Nations Environment Programme*, 2015.

<sup>52</sup> Tim Folger, “Rising Seas,” *National Geographic Magazine*, September 2013.

<sup>53</sup> See appendix figure 5 and 6 for depictions of environmental crises in Bangladesh.

<sup>54</sup> See appendix figure 7 for the predicted storm surge during a Hurricane Sandy-like storm in the year 2100.

<sup>55</sup> See appendix figure 8 for the Seaside Heights pier image.

taxis and the other of a darkened downtown Manhattan-- display the effects climate change can have on tangible symbols of American capitalism and so-called human progress.<sup>56</sup> As Sharon Sliwinski writes in *Human Rights in Camera*, “The notion of universal human rights was born and is carried, in part, in the minds of distant spectators.”<sup>57</sup> Sliwinski focuses on the power of the spectator of images to change the greater consciousness of human rights. In terms of the National Geographic magazine, the visual representations of the effects of Hurricane Sandy were able to invoke the “emotional conflict, a kind of internal disharmony, which is itself interruptive to the usual modes of thinking and judging,” which Sliwinski deems is necessary to promote greater consciousness.<sup>58</sup> Hurricane Sandy seared the concept of environmental human rights into the minds of people across the world and allowed Americans to realize the human rights effects climate change can have on those in their own country.

Because the international community has failed to implement binding environmental agreements, many actors in the private sector have tried to solve the crisis of climate change. During the 2006 annual Clinton Global Initiative meeting in New York City, Richard Branson, CEO of Virgin Group, owning Virgin Atlantic Airlines and Virgin Mobile, pledged to spend roughly \$3 billion over the next decade to develop biofuels as an alternative to oil and gas.<sup>59</sup> His announcement came after pledges by other self-made billionaires including Warren Buffett and Bill Gates to spend their private fortunes to combat climate change on initiatives to create machines to vacuum away carbon dioxide out of the atmosphere and zero-carbon jet fuel. The public praised such efforts, convincing themselves that such efforts were an alternative way to combat climate change. Yet as of December 2013, the Gates Foundation had at least \$1.2 billion

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<sup>56</sup> See appendix figure 9 and 10 for photos taken during Hurricane Sandy.

<sup>57</sup> Sharon Sliwinski, *Human Rights in Camera* (Chicago: University of Chicago Press, 2011), 5.

<sup>58</sup> Ibid., 32.

<sup>59</sup> Naomi Klein, *This Changes Everything: Capitalism vs. The Climate* (New York, NY: Simon & Schuster Paperbacks, 2014), 231.

in investments in BP and ExxonMobil, two oil giants that lobby congress for oil subsidies and contribute to global climate change. Buffet also holds large stakes in ExxonMobil and tar sands giant Suncor.<sup>60</sup> As for these billionaires' claims of combatting climate change, over six years after their announcements, the inventions still haven't manifested themselves.<sup>61</sup>

A more realistic initiative involving the private sector proposed on October 19th, 2015 by the White House is called the American Business Act on Climate Pledge, which includes 81 companies with a total annual revenue of \$3 trillion that have committed to take steps towards a low-carbon future.<sup>62</sup> This pledge came just before the 2015 UN Climate Change Conference (or COP-21) in Paris. The Paris Climate Change Conference approached the issue of environmental sustainability using a new strategy. Rather than divisively creating an across-the-board emissions reduction strategy for every nation to comply, the UN allowed each individual nation make its own targets and goals in order to increase the legitimacy of such an agreement. This new strategy reduced the tensions between developed and developing nations that have troubled agreements in the past. Such a strategy led to a more effective reduction in carbon emissions, given that a legally-binding agreement would be nearly impossible to achieve.<sup>63</sup> In addition, as of December 8th, Bill Gates introduced a new strategy to tackling climate change. During the Paris COP-21 talks, he announced the largest public-private partnership to combat climate change. The Gates Foundation has pledged to invest at least \$2 billion in clean-energy start-ups.<sup>64</sup> This solution,

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<sup>60</sup> Ibid., 236.

<sup>61</sup> Ibid., 254.

<sup>62</sup> "FACT SHEET: White House Announces Commitments to the American Business Act on Climate Pledge," The White House Press Office, last modified October 19, 2015, accessed December 9, 2015, <https://www.whitehouse.gov/the-press-office/2015/10/19/fact-sheet-white-house-announces-commitments-american-business-act>.

<sup>63</sup> Justin Gillis, "Short Answers to Hard Questions About Climate Change," *New York Times*, November 28, 2015.

<sup>64</sup> Coral Davenport and Nick Wingfield, "Bill Gates Takes On Climate Change with Nudges and a Powerful Rolodex," *New York Times*, December 8, 2015.

combining governments, companies, and individuals could be the first step to tackling climate change, regardless of the lack of enforcement mechanisms in the final COP-21 agreement.

In terms of how to effectively endorse the right to the environment, the UN must clearly declare that environment rights are integral to human rights. And despite the UN's limitations to implement a legally-binding agreement, another effective proposal would be to create a UN Global Environmental Commission and appoint a Commissioner for the Global Environment, similar to the UN Human Rights Commissioner, who could act as a person to oversee the implementation of environmental policies. In addition, the UN should rethink its strategy for the UNEP. The UNEP is currently underfunded, and because it is located in Nairobi, Kenya, a relatively dangerous country with an incredibly weak government, the agency has trouble attracting international talent and living up to its full potential.<sup>65</sup> In addition, to promote environmental human rights, we must integrate the two subjects in academia, government, and business.<sup>66</sup> But moreover, in order for environmental human rights to be fully endorsed, the world's population must become increasingly aware of their effects and interrelated nature with other human rights. As Sliwinski and Hunt observe, for specific human rights to emerge, the public must be exposed to the gravity of such rights, experience outrage, and then feel a new degree of empathy. Visuals similar to those published in National Geographic Magazine (and more recently, YouTube videos regarding environmental issues) are the most effective way to spark outrage in the public, creating pressure on governments, NGOs, and the UN to declare environmental human rights.

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<sup>65</sup> Paul Kennedy, *The Parliament of Man* (New York, NY: Vintage Books, 2006), 167.

<sup>66</sup> Only recently has it been possible to earn a joint environment and human rights law degree at most universities. Romina Picolotti, and Jorge Daniel Taillant, eds., *Linking Human Rights and the Environment* (Tucson, AZ: The University of Arizona Press, 2003), xv.

As for enforcing the right to the environment, it is crucial for national governments and regional bodies with enforcement power to pass legislation regarding pollution. Although the scale of environmental degradation and human rights violations seems overwhelming, past legislation involving cap and trade has been successful.<sup>67</sup> As the most effective solution to reducing carbon emissions, cap and trade allows the government to cap emissions and corporations to trade permits. But carbon emissions are only one of the many troubling environmental factors affecting human rights. In order for environmental human rights to become enforced, the current free-market and pro-trade approach to environmental regulation should end.<sup>68</sup> The recent proposal to pair public and private sector initiatives through the Gates Foundation could be the most effective way to incentivize environmental sustainability.

Following previous human and civil rights struggles, financial investments paired with greater societal awareness are the best way to solve injustice. During the civil rights movement of the 1960s, activists advocated for economic rights in addition to political rights. As Martin Luther King Jr. wrote, “The practical cost of change for the nation up to this point has been cheap. The limited reforms have been obtained at bargain rates. There are no expenses, and no taxes are required, for Negroes to share lunch counters, libraries, parks, hotels and other facilities with whites... The real cost lies ahead...The discount education given Negroes will in the future have to be purchased at full price if quality education is to be realized. Jobs are harder and costlier to create than voting rolls. The eradication of slums housing millions is complex far beyond integrating buses and lunch counters.”<sup>69</sup> King’s vision to solve human rights violations

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<sup>67</sup> An EPA report cites that since the agency implemented cap and trade policies in 1990 for SO2 and NOx emissions, the two have decreased by 67.5 percent and 69.2 percent respectively. Gabriel Nelson, “Has Emissions Cap and Trade Created Toxic Hotspots? A New Study Says No,” *New York Times*, March 31, 2011.

<sup>68</sup> Recent World Trade Organization (WTO) decisions regarding solar panel production in China show our society’s prioritization of free market economics to environmental regulation. Naomi Klein, *This Changes Everything: Capitalism vs. The Climate* (New York, NY: Simon & Schuster Paperbacks, 2014), 77-80.

<sup>69</sup> Martin Luther King Jr., *Where Do We Go from Here: Chaos or Community?* (Boston: Beacon, [1967] 2010), 5-6.

involved financial investments to fight discrimination with economic security. The feminist movement has followed a similar approach regarding equal pay for men and women.<sup>70</sup> In terms of the environmental movement, the lasting presence of colonization still affects environmental policymaking on the international level. The “North-South divide” is based primarily on economic inequality that was perpetuated by colonization. Therefore, the words of Franz Fanon in *The Wretched of the Earth* are important regarding geopolitical conflicts regarding environmental policymaking: “The basic confrontation which seemed to be colonialism versus anticolonialism, indeed capitalism versus socialism, is already losing its importance. What matters today, the issue which blocks the horizon, is the need for a redistribution of wealth. Humanity will have to address this question, no matter how devastating the consequences may be.”<sup>71</sup> The “redistribution of wealth” that Fanon calls on would involve developed nations and corporations investing in clean energy technology in developing nations, which would create jobs and reduce environmental inequality. With one of the most insightful outlooks on environmental human rights issues going forward, climate activist and author Naomi Klein notes in her book *This Changes Everything Capitalism vs The Climate*, “we will not win the battle for a stable climate by trying to beat the bean counters at their own game--arguing, for instance, that it is more cost-effective to invest in emission reduction now than disaster response later. We will win by asserting that such calculations are morally monstrous, since they imply that there is an acceptable price for allowing entire countries to disappear, for leaving untold millions to die on parched land, for depriving today’s children of their right to live in a world teeming with the

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<sup>70</sup> Naomi Klein, *This Changes Everything: Capitalism vs. The Climate* (New York, NY: Simon & Schuster Paperbacks, 2014), 454.

<sup>71</sup> Frantz Fanon, *The Wretched of the Earth* (New York: Grove Press, 2004), 55.

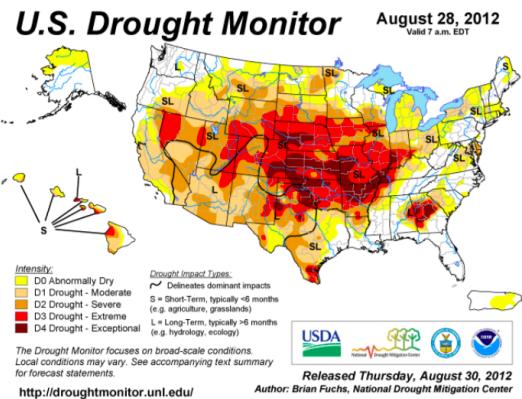
wonders and beauties of creation.”<sup>72</sup> In order to properly endorse and enforce environmental human rights, people across the world must realize their greater humanity and become increasingly aware that the unsustainable use of resources is inherently a human rights violation.

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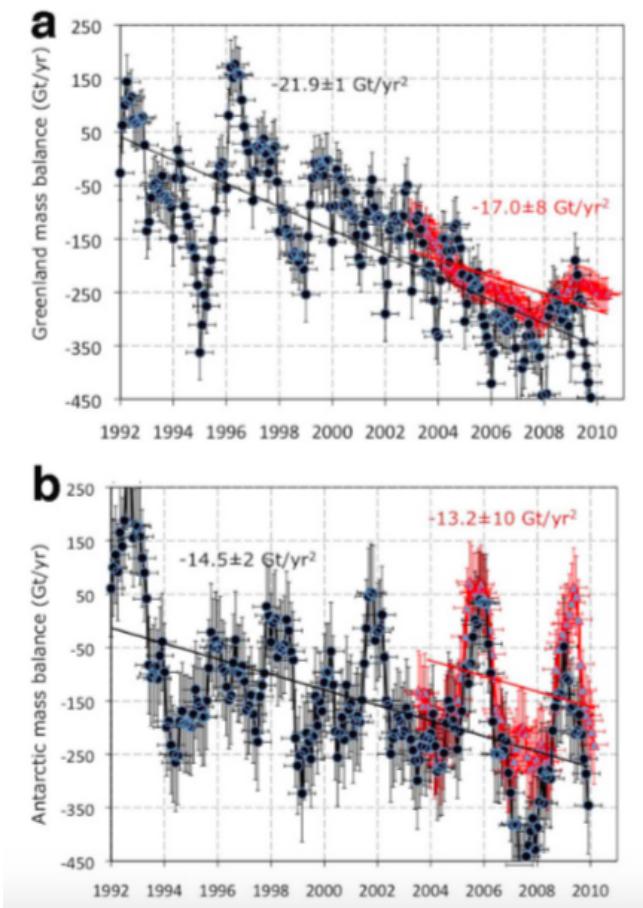
<sup>72</sup> Naomi Klein, *This Changes Everything: Capitalism vs. The Climate* (New York, NY: Simon & Schuster Paperbacks, 2014), 464.

**Appendix:**

**Figure 1.** Drought Conditions experienced on August 28th, 2012 in the contiguous United States.<sup>73</sup>



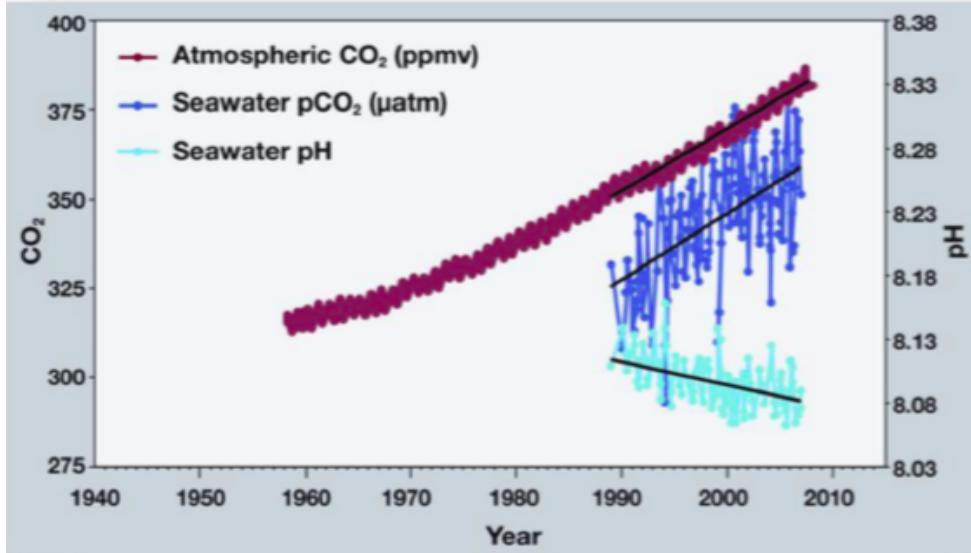
**Figure 2.** Total ice sheet mass balance,  $dM/dt$ , between 1992 and 2010 for (a) Greenland, (b) Antarctica, in Gt/year from the Mass Budget Method (MBM) (solid black circle) and GRACE time-variable gravity (solid red triangle), with associated error bars.<sup>74</sup>



<sup>73</sup> “Turn Down the Heat: Why a 4°C Warmer World Must be Avoided,” *The World Bank*, 2012, 10.

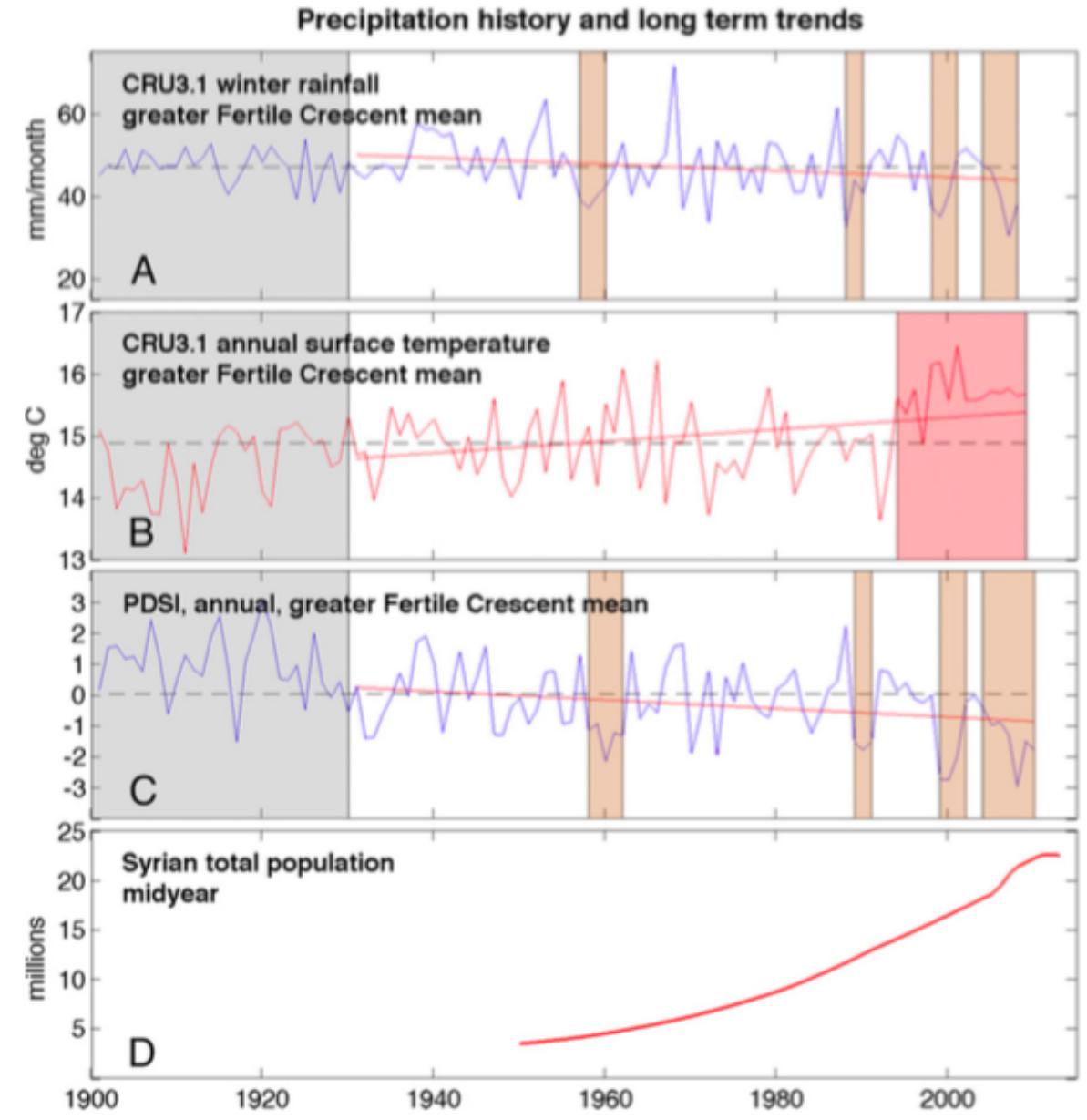
<sup>74</sup> Ibid., 11.

**Figure 3.** Observed changes in ocean acidity (pH) compared to concentration of carbon dioxide dissolved in seawater (pCO<sub>2</sub>) alongside the atmospheric CO<sub>2</sub> record from 1956. A decrease in pH indicates an increase in acidity.<sup>75</sup>



<sup>75</sup> Ibid., 14.

**Figure 4.** (A) Six-month winter (November-April mean) Syria area mean precipitation, using CRU3.1 gridded data. (B) CRU annual near-surface temperature (red shading indicates recent persistence above the long-term normal). (C) Annual self-calibrating Palmer Drought Severity Index. (D) Syrian total midyear population. Based on the area mean of the FC as defined by the domain  $30.5^{\circ}\text{N}$ - $41.4^{\circ}\text{N}$ ,  $32.5^{\circ}\text{E}$ - $50.5^{\circ}\text{E}$ . Linear least-square fits from 1931 to 2008 are shown in red, time means are shown as dashed lines, gray shading denotes low station density, and brown shading indicates multiyear droughts.<sup>76</sup>

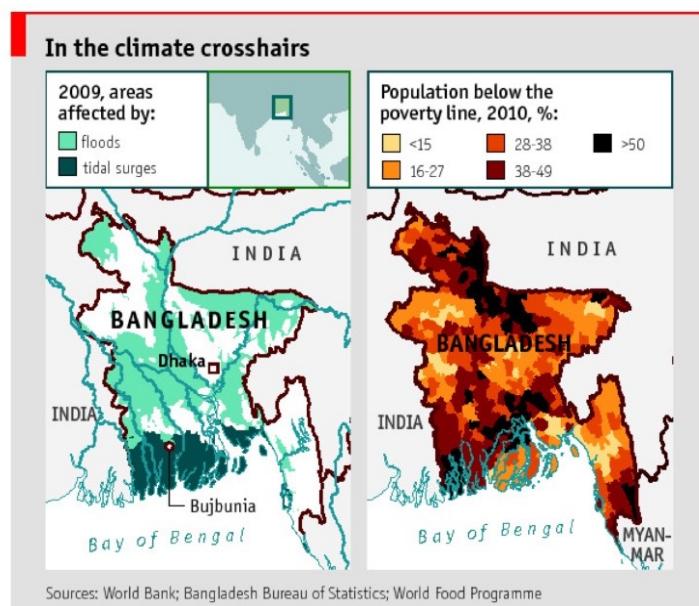


<sup>76</sup> Colin P. Kelley et al., “Climate Change in the Fertile Crescent and Implications of the Recent Syrian Drought,” *Proceedings of the National Academy of Sciences*, November 16, 2014.

**Figure 5.** Caption as seen in May 2011 National Geographic Magazine. HIGH AND DRY: When the river floods, the children of Jabed Ali know what to do: Climb the bamboo *macha* in the front yard and hold on tight. Midstream-island dwellers are used to such calamities, which are on the increase.<sup>77</sup>



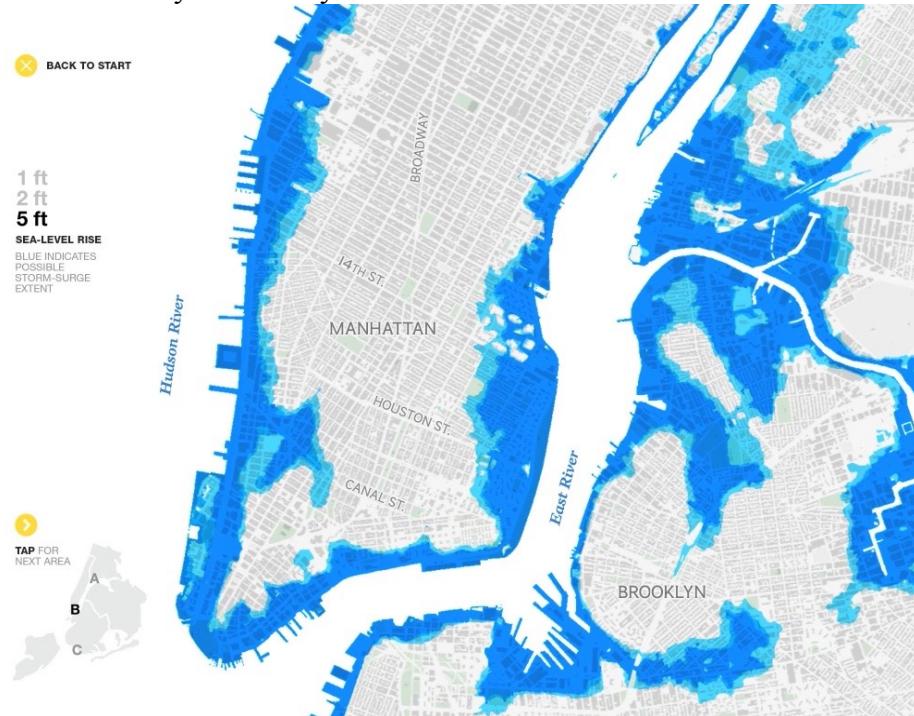
**Figure 6.** Areas affected by floods, tidal surges, 2009; Population below the poverty line (%), 2010.<sup>78</sup>



<sup>77</sup> Don Belt, "The Coming Storm," *National Geographic Magazine*, May 2011.

<sup>78</sup> "Hot and Bothered: Special Report on Climate Change," *Economist*, November 28, 2015.

**Figure 7.** The map shows the projected storm surge in the city of New York if a storm similar to Hurricane Sandy hit in the year 2100.<sup>79</sup>



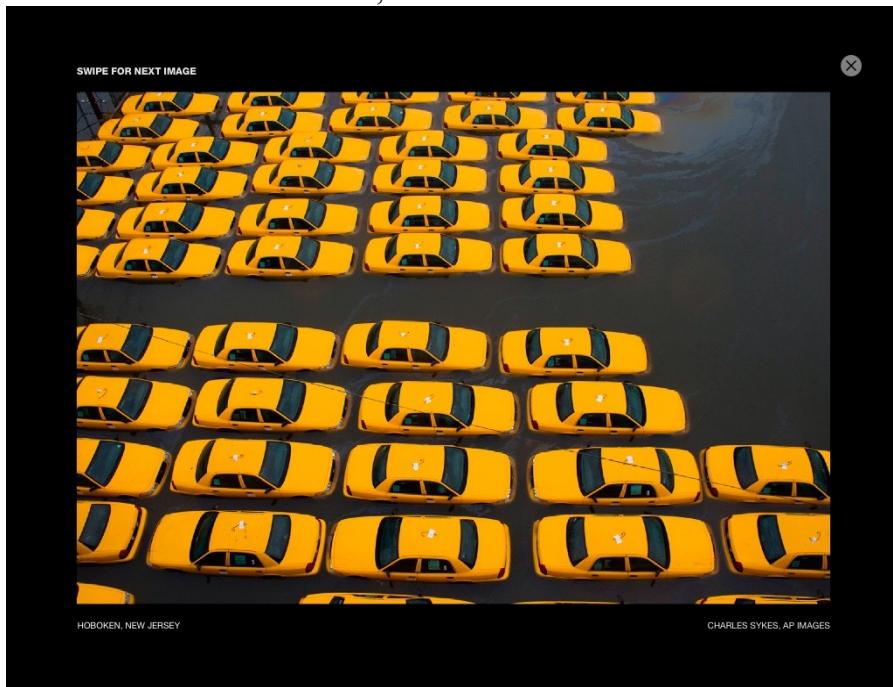
**Figure 8.** Caption as seen in September 2013 National Geographic Magazine. Hurricane Sandy narrowed New Jersey's beaches by more than 30 feet on average. At Seaside Heights it swept away the pier under the roller coaster. STEPHEN WILKES<sup>80</sup>



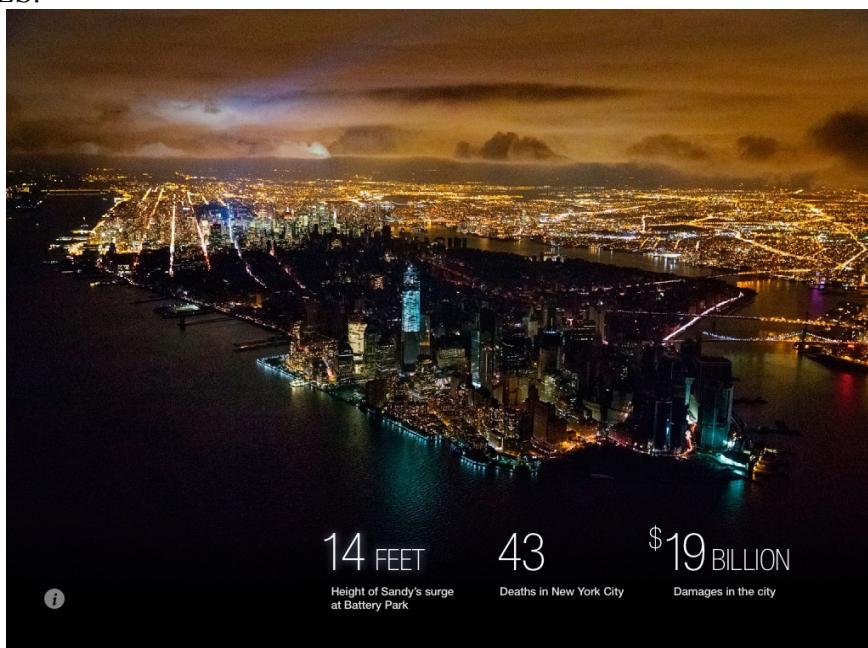
<sup>79</sup> Ibid.

<sup>80</sup> Tim Folger, "Rising Seas," *National Geographic Magazine*, September 2013.

**Figure 9.** Caption as seen in September 2013 National Geographic Magazine. HOBOKEN, NEW JERSEY. CHARLES SYKES, AP IMAGES.<sup>81</sup>



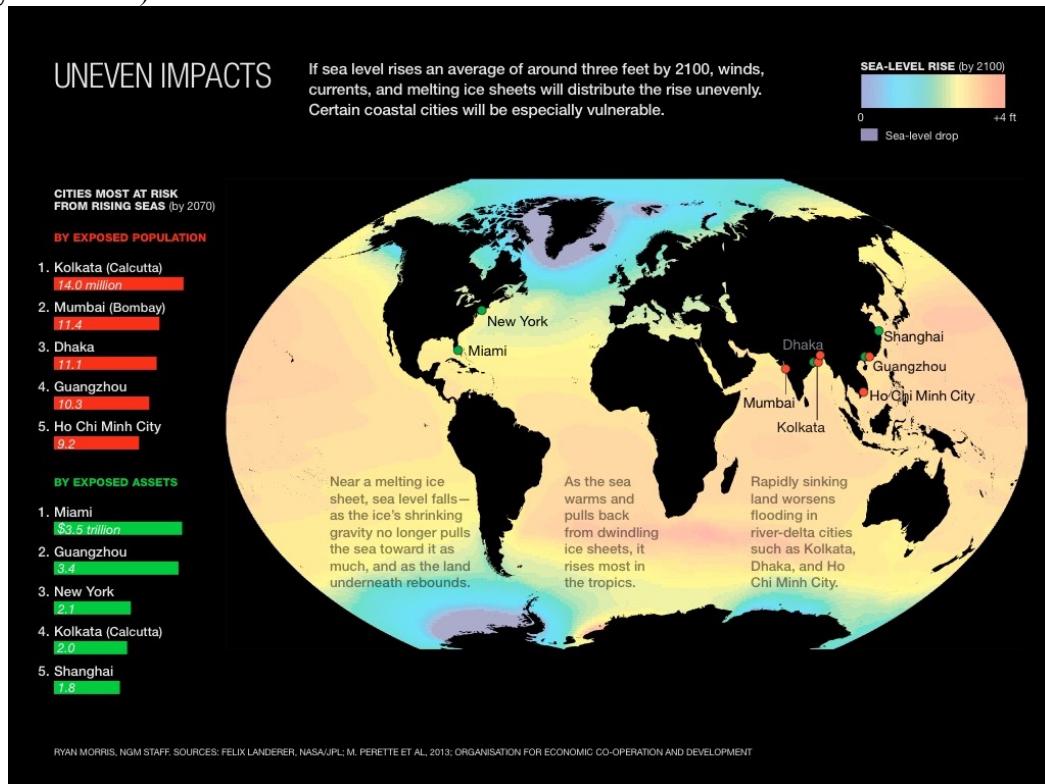
**Figure 10.** Caption as seen in September 2013 National Geographic Magazine. In Manhattan, Sandy's surging tide knocked out a Con Ed substation, darkening the city below Midtown. Private generators provided some light, including the blue glow of the new World Trade Center, whose base is three feet above sea level. PHOTO: IWAN BAAN. REPORTAGE BY GETTY IMAGES.<sup>82</sup>



<sup>81</sup> Ibid.

<sup>82</sup> Ibid.

**Figure 11.** The economic costs of sea level rise by the year 2100 (assuming the sea level will be roughly three feet).<sup>83</sup>



<sup>83</sup> Ibid.

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