

Climate change and Economic, Social and Cultural Rights

How can we tackle climate change and Poverty at the same time? What concept need for them?

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Introduction

- Climate change and poverty are not different issues. They have a **strong connection**.
- Climate impacts (floods, droughts, heatwaves, etc.) put poor people into more harmful condition. They can be victims at first by climate hazards.
- In contrast, poor States in Global South lack resources to adapt climate hazards.
- **it is necessary to focus on adaptation for vulnerable people.** However, so far States have mainly concentrated on mitigation and there is a imbalanced distribution in resources.
- **How does climate law as a legal framework work for adaptation and poverty? If it is not beneficial, what concept can be an alternative role of climate law?**

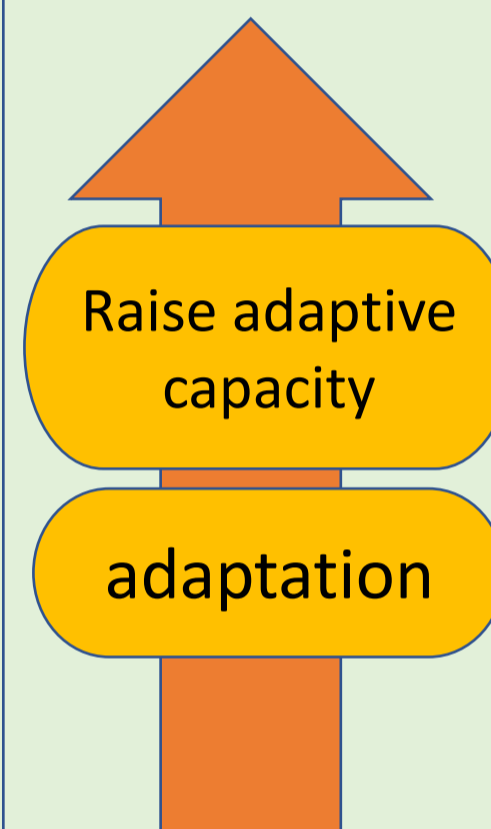


Key findings

- The poor in Global South, who have little assets and cannot access to basic services, easily fall in more loss of assets when hazards happen. Thus, they lose the opportunity to adapt to hazards. This is **'vicious cycle of poverty' in the climate change.**
- **1.6 to 3.3 billion people live in highly vulnerable States.**
- **This number will increase by 122 million by 2030.**
- Vulnerable States for climate hazards are similarly suffering from high poverty rate. While **Haiti is vulnerable for hurricanes and floods, 60% people are under the poverty line (1.9\$ per day).**
- Businesses tend to focus on mitigation because adaptation does not product benefits for them. **Climate finance for adaptation provided developed States is only ¼ of the total fund in 2019.**

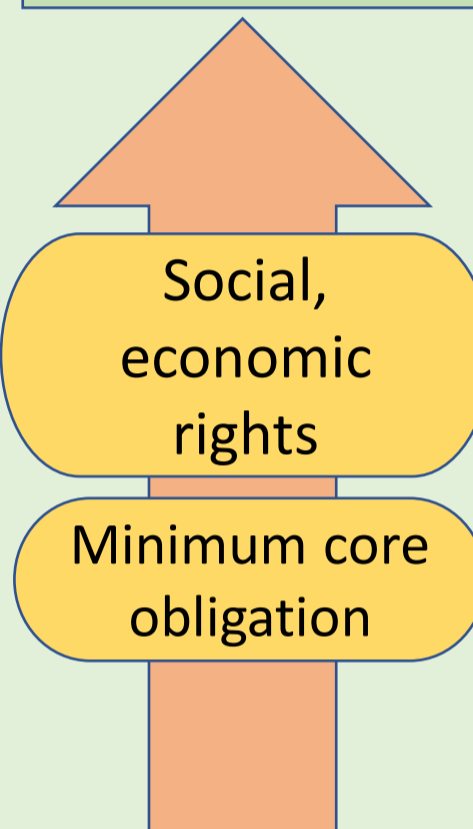
Climate law framework

Lower Vulnerability



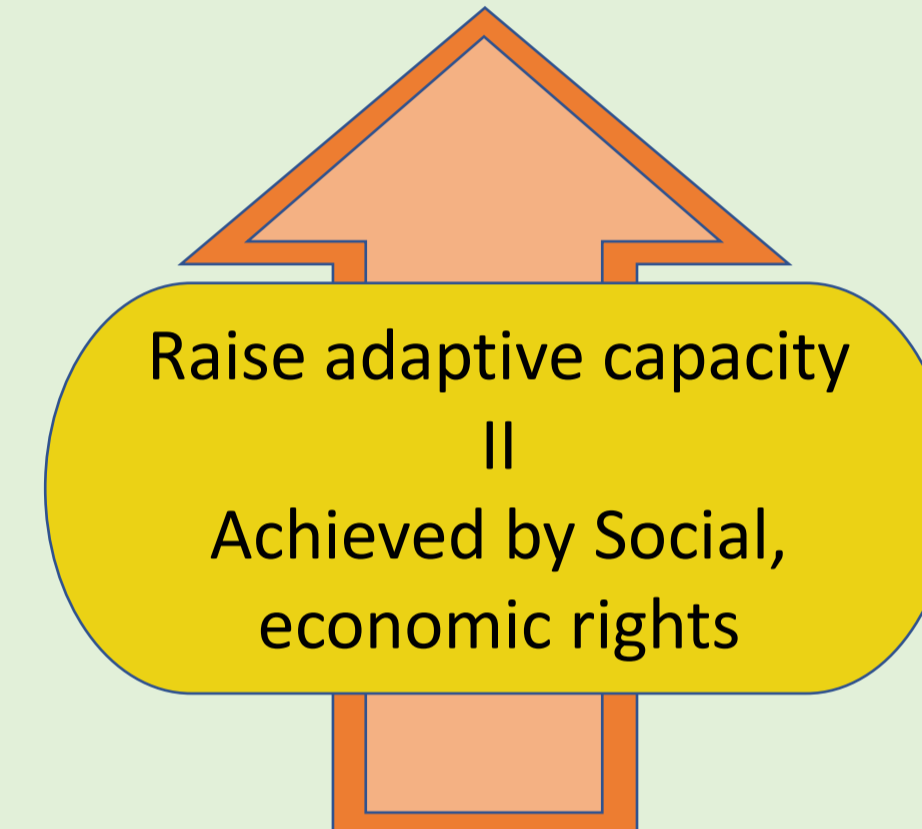
Human rights Approach (ESCR)

Adequate life, housing, water, etc.



Climate law framework Human rights Approach (ICESCR)

Lower vulnerability
Adequate life, housing, water, etc.



Analysis

1. How does climate law framework (the UNFCCC & the Paris Agreement) work for adaptation?

- Their provisions are unclear for adaptation, and lack the concrete standard of what value States should take measures based on.
- As a result of that, inequality and imbalanced distribution of resources, including funds have continued until now.
- What concept can be an alternative?

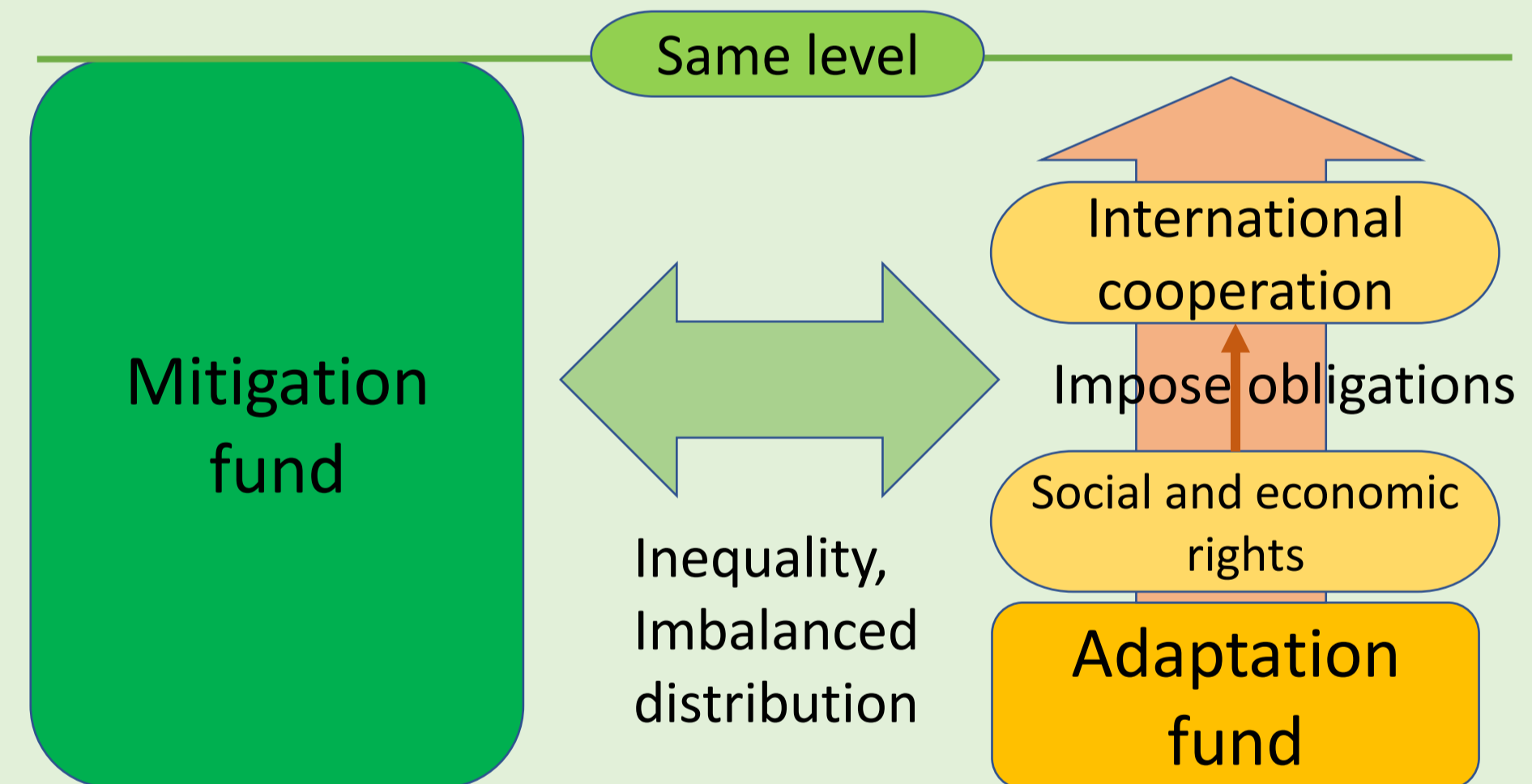
2. Human rights approach (Economic, Social & cultural rights, 'ESCR' in ICESCR*)

- **Common foundation in the vulnerability between climate change and ESCR. Achievement of ESCR by States is to raise adaptative capacity.**
- Human Rights treaty bodies also have addressed climate change, but responses from climate law field is so far uncertain.
- Based on **minimum core obligation of ESCR, State obligation become more clear.** They provide clear vision to decide the priority and resource distribution. **This duty does not allow any trade off with another area, including mitigation.**
- Lack of resources of poor countries must be fulfilled by **International cooperation as the obligation based on ICESCR** to relieve inequality.

*ICESCR = The international Covenant of Economic, Social and Cultural Rights.



"Hurricane Sandy Causes Heavy Rains and Floods in Haiti" by United Nations Photo is marked with CC BY-NC-ND 2.0.



Conclusion

- It is important to **comprehend both adaptation in climate change and poverty reduction in the strategy.**
- In order to address the current inequality and imbalanced distribution issue, it needs a **new framework, which is based on human rights approach (ESCR).**
- **ESCR bring the clear and consistent value into climate law as the legal framework, and clarify the State obligation.**
- But, if Human rights treaty bodies merely advocate, effectiveness is unclear. Thus, **this approach must be clearly incorporated and integrated into climate law framework.**

References

- IPCC 6th report 2022
- OECD 'Climate Finance Provided and Mobilized by Developed countries' 2021
- CESCR General Comment No. 2, 3,4, 11, etc.