

An Analysis of Global Warming: Human Rights Perspective

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Abstract

The Earth's climate has been rapidly changing for 2.5 million years. The worldwide yearly temperature has risen since the Industrial Revolution. However, according to NASA, the Earth's temperature has risen unusually quickly in the last century; the 2017 global temperature on average was 0.90 degrees Celsius (1.62 degrees Fahrenheit), warmer than it was during the 1951–1980 period (NASA, 2017). Scientists believe that the main reason for rapidly increasing temperature is human activity, known as global warming. The everyday increase in Global Warming is caused by the greenhouse effect, which is put on by increased amounts of CO₂, CFCs, and other pollutants. Global warming develops by some absorbed and re-radiated by other air pollutants. The absorbed energy heats the Earth's atmosphere and surface. CO₂, N₂O, CH₄, O₂, and some synthetic molecule compounds known as CFCs are examples of greenhouse gases (Sree Kumar et al., 2020). Climate change affects the protection of human rights, including the inherent right to life, access to proper sanitation and health, and food and shelter. As the world heats up, the population will be faced challenges in accessing basic human needs. Millions of people are dying all over the world because of climate change. The political leaders and the policymakers, particularly from the developing and the least developed countries, of different countries of the world are not that much concerned to reduce global warming. Climate change and global warming have become more than an economic or political problem. It has become a human rights problem, possibly the most important in the history of humanity. This will not only harm ecosystems and push various species to extinction if we do not stop releasing greenhouse gases into the Earth's atmosphere; we will also indirectly violate the right of humans. According to the UN Environment Programmer's 2015 report, extreme weather events are becoming more often as the world warms, resulting in mortality, property, and crop loss, and reduced access to drinking water & food, housing, healthcare, and education (Climate Change, 2019). This paper will broadly discuss global warming and its effect on human rights. This research paper also focuses on climate change, international Environmental Law, and Human Rights perspective.

Keywords: Environmental Changes, International Environmental Law, Human Rights, Global Warming, Climate change

Introduction

The world temperature is increasing, and the regular season pattern is changing all over the world as a consequence of climate change and global warming. As a result, human health is threatened. However, it is crucial to recognize that

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human activity has been the leading cause since the 1800s due to burning fossil fuels such as coal, petroleum, and gas (UN, n.d). When the sun's heat traps in the atmosphere and surfaces temperature of the Earth's rises, resulting in greenhouse gas. Greenhouse gas such as CO₂ and CH₄ are the main contributors to climate change. Mass destruction of forests and increasing fuel engine vehicle use are generating large amounts of CO₂ gas, increasing of powerplant, architectural development, agricultural industry development and unimproved garbage and waste management increasing CH₄ emission.

The formation of Earth was approximately 4.5 billion years ago (AAS, n.d), and Earth's weather has undergone several significant changes. The changes have been caused by various natural factors, including variances in the Sun's strength and volcanic explosions. These biological factors have caused multiple fluctuations in the Earth's temperature for an extended period. Throughout the Earth's history climate change and global warming have been influenced by various natural factors including inconstancy of greenhouse gas. Over the past million years, ice-age cycles have caused Earth's surface temperature on average to fluctuate by around 5 degrees Celsius every hundred thousand years. Because the polar ice sheets had more water trapped on land. In the coldest stage of the last ice age, some twenty thousand years ago, the sea level was at least 120 meters lower than the present day (Krajick et al., 2021). The higher end of this temperature range has been remarkably constant for the last eight thousand years, incorporating the most recorded temperatures in human history. This stability of the global temperatures provided favorable conditions for the development of agriculture and the growth of the human population. While most historical global temperature increase occurred over hundreds of millions of years. However, there are some indications that rapid temperature changes have arisen, at the very least on regional scales. The ice sheet of the Northern Hemisphere is melting and temperature in the North Atlantic region increased by 5°C throughout the previous ice age causing changes in ocean currents (AAS., n.d). Greenhouse gas emissions are continued to increase. Because of it, the Global temperature increased approximately 1.1°C since the late 1800s. The last decade (2011-2020) was recorded as the hottest in the history. Many people assumed that climate change is largely associated with rising temperatures however, it was the beginning of the aspect. The earth operates as a complex comprehensive system whether one change can lead to an effect in all others.

The drought, wildfires, increasing of sea levels, decreasing polar ice, storms, and ecosystem diversity are among the climate change. Without any dispute, it can be said that human activity has caused change in climate and negatively impacts the enjoyment of human rights (COP21, n.d). According to UN

Human Rights Council, climate change has become an urgent global problem that requires a global solution (Climate Change & Human Rights, n.d). The Rights of humans are universal and inherent to all individual to provide legal safeguard for people. These rights extended to individuals protecting them from any violation (COP21, n.d). Human rights laws require governments and other officials to promote, preserve, and fulfill all human rights. These rights are universal rights that are inherent in all people's dignity and equal value. Because they are similar, indivisible, interrelated, and interdependent, this cannot be waived or taken away. Although these rights are protected by law and enforce obligations on states and state actors concerning their actions. It is now without any doubt that the enjoyment of various human rights is harmfully impacted by sudden changes in climate resulting from human activities. Climate change affects the protection of human rights, including inherent right to life, access to proper sanitation and health, right to food and shelter. Changes in ocean currents are possible due to sudden changes in ice sheets of Northern Hemisphere other circumstances. The human rights framework also states that actions taken by governments and other international organizations to reduce or prepare for the outcome of climate change should be guided by essential standards and principles of human rights, the rights to participation and have information, accountability, equity, and non-discrimination. In summary, Human rights must be respected to address climate change (COP21, n.d)

2. United Nations (UN) Convention Relating to Global Warming

2.1 UN Framework Convention on Climate Change (UNFCCC)

UNFCCC convention was established to protect the climate system by stabilizing greenhouse gas concentrations. (UNFCCC, 1994). At the Earth Summit, also known UNCED, which took place in Rio de Janeiro from June 3rd to 14th, 1992, 154 states signed it. The aim is to Stabilizing greenhouse gas concentrations to protect the climate system. (Partelow, 2020). According to this Convention, The goal should be reached in a timeframe that allows ecosystems to adapt to climate change, ensure output is not compromised, and allow for sustainable economic development.

Following UNFCCC Energy Environmental Priorities, Article 4 of the UNFCCC provides various commitments based on differing duties and capacities, implying that poorer nations have a heavier burden to cut their emissions. This article also includes provision for technological and financial assistance from the developed countries to build their capacity to adapt to the effects of climate change. It laid the foundation for the international climate change corporation to meet the aim of UNFCCC which is Stabilizing greenhouse gas concentrations to prevent anthropogenic interference with the climate system is essential. This also helps in

the development of suitable management plans for the coastal zone, agricultural, and water resources. To reduce the negative consequences on the economy, public healthcare, and quality of environment & life (UNFCCC, 1994).

2.2 The UN Programmed on Reducing Emissions from Deforestation and Forest Degradation (UNREDD)

The UN Development Program (UNDP) and the FAO, and the UN Environment Program (UNEP) collaborated on the UN-REDD. The overall development goal of the Programmed is "to improve carbon stocks in forests and reduce forest emissions while supporting national sustainable development" (UNREED, 2020). It does various activities such as Reducing Deforestation and Conservation of Forest Carbon Stocks.

2.3 The UN Convention to Combat Desertification (UNCCD)

UNCCD was established in 1994 to conserve and restore our land while ensuring a more secure, fair, and sustainable future. The UN Convention on Climate Change is the first legally enforceable framework established to combat desertification and drought impacts. The Convention focuses on the areas that are very dry, such as deserts and drylands. Parties to the Convention engage in technical meetings and COPs to advance the objectives of the Convention and make progress with its implementation every two years. UNCCD aims to combat desertification and reduce the effects of severe drought in the countries like Africa (CBD, 2022). It is supported by international cooperation and partnership arrangements that Adopt a unified approach to address desertification and drought, integrate poverty eradication strategies, and promote cooperation among affected country Parties for environmental protection(UNCCD, 1994).

2.4 UN Convention on Biological Diversity (UNCBD)

One of the most severe issues of our day is dealing with the numerous threats to the natural fauna and flora of the planet, which has led to the very high rate of extinction of species and habitat loss that is now occurring. The CBD Convention is the first comprehensive agreement on biodiversity protection and sustainable use. The objectives of the convention are:

- I. They are proving the fundamental importance of biodiversity.
- II. Recognize biodiversity preservation as a widespread public issue.
- III. The state must take responsibility for the maintenance and sustainable use of biodiversity.
- IV. They support the state's position that biological resources are among its sovereign rights.
- V. Approaching the preservation of biodiversity with prudence.
- VI. Focusing on the crucial roles played by women and local communities.

- VII. Supporting developing nations' access to technology and financial resources to address their declining biodiversity.

3. Effects of Global Warming on Human Rights

Human rights and global warming are strongly related because of how harmful they are to the environment and our welfare. Global Warming and human rights are linked on the same economic basis. In a resource-poor environment, rights protection is inherently weakest. However, resource limitations restrict governments and humans' ability to respond to and adaptation to climate change ("The Caribbean's Extreme Vulnerability to Climate Change: A Comprehensive Strategy to Build a Resilient, Secure and Prosperous Western Hemisphere," 2019). It becomes worse when government authorities are under-resourced, world climate change will have negative impact on people unequally, in de facto discriminatory ways because individuals' personal measurements to fight and adapt to it varies substantially (Humphreys, 2010).

3.1 Importance of Human Rights in the Global Environment:

The importance of human rights in global environmental protection is considered in two ways (Faruque, 2021) –Firstly, environmental conservation is viewed as an end to meeting human rights standards. Because harmed physical environments straight result in violations of people's life & health rights, and a means of support, activities that contribute to environmental destruction may constitute a direct violation of worldwide recognized human rights.

Secondly, the legal protection provided by human rights is an active means of achieving environmental protection. Although a complete understanding of human rights can be possible only in a civilization and political order in which claims for environmental protection are more likely to be respected (Faruque, 2021). There are two main arguments for adopting an independent right to the environment: first, it would give enhanced status to environmental quality and may improve public awareness of environmental preservation and put pressure on governments to act; secondly, it would acknowledge the environment is essential for human dignity, welfare, and the enjoyment of other human rights (Birnie et al., 2002). They cannot be waived or taken away since they are equal, indivisible, interconnected, and interdependent. The legal protection of human rights places duties on governments and other state actors with regard to their deeds and omissions.

3.2 Consequences of Global Warming on Human Rights

It is now without any doubt that human rights are very much impacted by climate change which causes by human activities including inherent right to life,

access proper sanitation and health, right to food and shelter are all significantly impacted by climate change.

3.2.1 The Right to Life

According to UDHR article-3 states that "everyone has the right to life, liberty, and personal protection (UDHR, 1948). Article -6 of the ICCPR, "every human being has an inherent right to life." Every state has committed to respecting, preserving, promoting, and realizing the right to life (COP21, n.d.). The IPCC predicts that temperatures between 1°C and 2°C above pre-industrial levels are moderate to high, resulting in more extreme weather events and danger to human life. (IPCC, n.d.). Climate change and extreme weather events are the most visible and dramatic threats to life, killing people and animals through drought, heat, disease, and other means. Research by the Climate Vulnerable Forum and DARA International has found that climate change has caused 400,000 deaths annually and is predicted to rise to 700,000 by 2030. As a result, States must take reasonable steps to mitigate and adapt to climate change to protect the right to life (DARA, 2012).

3.2.2 The Right to Food

The UDHR and the ICESCR recognize the right to food. Article 11 of the ICESCR upholds the "fundamental right of everyone to be free from hunger" and calls on states to ensure an equitable distribution of world food supplies in response to need. States have committed to using all available resources to further the achievement of the right to food and other rights (COP21, n.d.). The World Bank estimates that a 2°C increase in global temperature would increase the risk of hunger and lead to an additional 100 million to 400 million deaths from malnutrition annually (Bierbaum, 2010).

3.2.3 The Right to Water and Sanitation

Safe and pure drinking water and proper sanitation access are globally recognized human rights derived from Article 11(1) of the ICESCR. International human rights law clearly states to aim toward universal access to pure drinking water and proper sanitation for all living beings, without discrimination, focusing on disadvantaged. It also elaborates on major features of the rights to pure drinking water and proper sanitation in its General Comment No. 15 and in the work of the Special Rapporteur on the human right to clean drinking water (About Water & Sanitation, n.d.). It should be:

- **Accessibility:** Pure, clean water and sanitation are essential for human well-being Water must be available to everyone in an adequate and consistent amount for drinking, washing clothes, cooking, personal hygiene, and household cleaning. To guarantee that every person's needs are addressed, there must be

an appropriate number of sanitary facilities available in every household as well as in any businesses, educational institutions, or other public areas. No one should be deprived of getting access to clean water as sanitation. Lack of clean water and sanitation can lead to various diseases such as diarrhea, cholera, and typhoid, leading to severe illness and even death. Safe and pure water and sanitation are very much connected with the right to health, adequate standard of living, and education. International Human Rights Law obligates the state that to have access to safe and pure, accessible and affordable sanitation facilities. Despite all this, each year, millions of people all over the world cannot get access to clean water and sanitation facilities.

- **Affordability:** Water and sanitation facilities must be physically accessible and affordable. It should be considered a fundamental human right. Considering everyone's safe range, certain peoples' needs include older women, children, and people with disabilities. But the harsh truth is many people and communities over the world cannot afford water and sanitation. The reason behind it is that poverty, poor governance and lack of infrastructure and affects a massive amount of the population, mostly the vulnerable ones such as poor women, children, rural peoples. To ensure affordable and accessible drinking water and sanitation combined afford from the governed and international organizations, by including good infrastructure, good governance and community services to promote and warn the people of the importance of affordable water and sanitation.
- **Quality and safety:** Ensuring quality and safety is an essential aspect of human rights. Access to clean, safe, and sufficient water is necessary for good health and well-being. The government should ensure that all individuals, without any discrimination, can have access to safe, clean, and pure drinking water and adequate sanitation facilities. To determine good quality and safety of water and sanitation, regular quality checks and monitoring should be done by the government. They should also ensure the sanitary facilities are hygienic and safe to use by every individual, including vulnerable people. Poor and inadequate water and sanitation can bring serious health issues and lead to severe diseases such as dysentery, typhoid, cholera and other infectious diseases. So, ensuring the safety and excellent quality of water and sanitation is a human right.
- **Acceptable:** Pure water and sanitation facilities must be culturally appropriate and sensitive to gender, life cycle, and privacy requirements. This includes taking into account the different needs and preferences of different communities of people and individuals to ensure that there is no discrimination in water and sanitation services. Because, Access to safe water and sanitation is a human right recognized by the UN.

3.2.4 The Right to Health

Everyone has the right to a standard of living adequate for the health and well-being of themselves and their family, including food, clothing, housing, and medical care. According to Article 25 of the UDHR and Article 12 of the ICESCR, everyone has the right to the best possible quality of physical and mental health. According to projections from the World Bank, health effects from climate change are likely to increase and be worsened by high malnutrition rates (The World Bank, 2013). Potential increases infections and climate change is likely to increase ill-health in many locations, particularly in low-income developing nations, compared to a baseline without it, according to the IPCC's most recent assessment (COP21, n.d.).

3.2.5 Right to Safe-Environment

The recognition of the right to the environment serves two essential purposes: first, it improves the quality of life, and second, it provides remedies to persons who have been harmed by environmental contamination. The right to the environment is linked to the right to a standard of living adequate for health and well-being; the right to health includes access to medicines and healthcare services; the right of all peoples to freely dispose of their natural wealth and resources so that state cannot deprive their citizen of it; safe and healthy working conditions are necessary to prevent workplace injuries ; protection of children against social exploitation, such as child labor, trafficking and so on. On the other hand, some civil and political rights are equally capable of establishing practical and enforceable responsibilities in environmental and related concerns. The right to life, liberty, and property are the most fundamental civil and political rights pertinent to environmental preservation". The right to the environment as a human right implies the right to live in an environment of a minimum quality that allows for a life of dignity and well-being (Faruque, 2021).

The most important details are that the environment must be free from pollution, protect and preserve flora and fauna, provide safe and healthy food, water, and working environment, have access to nature that is environmentally friendly, and enjoy traditional life. These elements are essential for maintaining biological diversity and ecosystems, protecting and wisely using the environment, and preserving unique sites.

4. The Obligation of Governments and Private Actors to Respond to The Human Rights Implications of Global Warming

Climate change also poses a significant threat to every existence in human life. From threatening physical health to any way of life, particularly for the most vulnerable members of our society, such as children, the elderly, and minority people.

4.1 Obligation of government

On June 24, 2015, a court in The Hague ordered the Dutch government to move more quickly in fulfilling its obligation to safeguard its inhabitants from the impacts of climate change. This marks the first time the issue has been legally declared a state obligation (Schweitzer 2015). In *Sophia V. Schweitzer* case the question "Are Countries Legally Required to Protect Their Citizens from Climate Change" arises. Regardless of the argument that the global warming and climate change issue cannot be solved by a country on its own. The court recognized various significance of law and human rights. The Dutch government is responsible for greenhouse gas emission in its jurisdiction in his country and also added that outcome other countries may also need to heed. Although the countries are obligated because the earth is getting warmer and global warming is projected to reach around 3.2°C by the end of the century. To Extreme heat few countries have food shortages. People are suffering from malnutrition and starving from hunger. Governments may appoint public servants who are ecologically sound and have infrastructure that can encourage sustainable consumption. Some countries make concessions to green their lives. Although there is a high reported demand for "green" power, supply is restricted in most nations. Sixty percent of consumers believe they are prepared to pay more for greener energy. Over 75% said they would be ready to spend 20% more on average for an electric automobile than a conventional car. People are using solar energy to reduce the usage of fossil fuels. The government's obligation to protect the environment encourages increased government expenditure on the environment. The government should take active measures to adapt to climate change to protect citizens and promote human rights. This is also including the implementation of various awareness and programs to reduce greenhouse emissions, increasing sustainable energy. The government also needs to be engaged in international cooperation in human rights implementation. Our findings suggest that the extent to which regulating views about government responsibility are translated into preferences for increased spending depends on the quality of government institutions. This means that those who believe that government can safeguard the environment are more likely to favor more government expenditure in nations where government institutions are impartial, effective, and uncorrupt. (Kulin J., & Johansson Sevä, I., 2019).

4.2 The Obligation of the Private Actor

In recent years, there has been increasing focus on the private sector on ability to contribute to climate finance and funding. The initial focus on the private sector's part in climate financing was mitigation to reduce greenhouse gas emissions. The private sector can also contribute by addressing climate change in human rights implementation. It includes various impacts in identifying the potential impacts of their activities on human rights. At present, the part of the private actors

in global adaptation is becoming gradually important (CAN, 2013). Various private actors such as NGOs or other environmental organizations are working on the environmental challenges. The private sectors can work alongside the government to support the development of effective climate change measures and strategies. It plays a vital role in climate finance approximately 75% of total flows. It is very essential to scale up climate finance especially the limitation of public resources. Various organizations are working on adopting climate change. Because by taking action and adopting a human rights-based measure in their operation private companies can contribute to reduce the harmful impacts of climate change and promote sustainable development in the world.

5. Conclusion

While it may be impossible to include all environmental problems in human rights discourse, environmental preservation should at the very least be founded on a rights-based approach. However, given the current global human rights regime's inadequacies in addressing environmental issues, a safe environment should be referred to as "making into international human rights instruments such as the ICCPR or the ICESR, and access to human rights tribunals and mechanisms should be expanded to accept environmental claims. In that situation, the right to the environment can be achieved by using existing structures. Another option for improved environmental protection is the establishment of a new system of environmental rights protection. A convention including substantive and procedural environmental rights might be formed for this purpose. The fundamental reason for establishing a distinct instrument is because the right to the environment is classified as a solidarity right. Hence, it requires its implementing institutions and mechanisms of monitoring and enforcement.

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