

Forum: *Human Rights Council*

Issue: *Amending the UDHR to make protection against the effects of climate change a protected human right (SDG13)*

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Introduction

Climate change: everyone has heard of it, and everyone knows at least a little about it. Climate change has long become a familiar term to the general public. Stimulated by human activity and greenhouse gas emissions, the impacts borne by climate change have tangible impacts on the environment, and thus our lives. It is also commonly understood that people living in different places face the consequences of climate change in a dramatically different manner; in some cases, climate change increases the likelihood of contracting diseases while, in other regions, extreme temperatures result in famine and droughts. Whatever the impact that climate change is bringing, one aspect of the issue remains synonymous- climate change is the single most significant impediment on the fulfillment of human rights in contemporary times.

While intangible and invisible, climate change acutely affects all aspects of our lives. Ranging from mass displacement to premature deaths, climate change can be viewed as the most egregious violator of human rights today. Enshrined in the Universal Declaration of Human Rights underscores the idea that individuals have inalienable human rights which must be upheld. John F. Kennedy once articulated that “the rights of every man are diminished when the rights of one man are threatened, yet in this case, climate change not only endangers the rights of the individual but entire communities and societies. Given the rise of the climate crisis, the actions and decisions we are making in the present raise one simple question: is the Universal Declaration of Human Rights outdated for its time? Or should the notion of climate change, previously unknown to the writers of the Declaration, be finally included to fully encompass the need to protect human dignity in the status quo?

Definition of Key Terms

Climate Change

The United Nations formally recognized climate change as “a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere...” in the United Nations Framework Convention on Climate Change (UNFCCC). While this concept is rather self-explanatory, it is essential to note that, with this definition, the United Nations unequivocally recognizes the idea that climate change is innately tied attributed to human activity.

Human Rights

According to the United Nations, human rights are rights inherent to all human beings regardless of our status. This implies non-discrimination towards any group and sets a guideline for upholding the minimum standards for people to live a life of dignity. Human rights enable self-expression and ensure that people are not exploited by those who are more powerful.

Universal Declaration of Human Rights

The Universal Declaration of Human Rights (UDHR) was adopted on the 10th of December, 1948, following the conclusion of the two preceding world wars. This document details and recognizes the fundamental rights of an individual that states should try to uphold. While the Universal Declaration of Human Rights is an expression of fundamental values shared by the international community, it is not legally binding, meaning that the declaration does not supersede any laws instituted by any member states.

Background Information

Context of the UDHR

During World War II, the allies adopted four principle freedoms that defined their involvement in the war: freedom of speech, freedom of religion, freedom from want, and freedom from fear. After the war concluded, the Charter of the United Nations was drafted, which set the guidelines of the United Nations with aims to prevent atrocities akin to the two prior world wars from happening again. However, as news about the crimes committed under Nazi Germany slowly became lucid, the consensus among the international community was that the UN Charter does not sufficiently explain the rights of individuals. It was under the notion that the Universal Declaration of Human Rights was adopted on December 10th, 1948, as a continuance of these fundamental values. The document was the first instance that the notion of inalienable human rights was expressed in an international document. Enshrined in the declaration are

comprehensive statements regarding the rights of an individual that each state must uphold to the best of their abilities.

Climate Change and the United Nations

The concern of climate change first rose to prominence in the 1950s, where the warming effects of carbon dioxide emissions became more and more evident as a result of climate studies. Models of the Earth's atmosphere were being formed, and reports indicate the possible collapse of Antarctic ice sheets. In 1965, Charles David Keeling presented an accurate measure of the Earth's atmosphere and detected a rise in CO₂ levels. Future findings later correlated the increase in atmospheric CO₂ with the rising of the Earth's temperature. The first Earth Day was hosted on April 22nd, 1970, to raise global awareness on Earth's degradation. Severe droughts through the early 1970s furthered the concern for the global climate. Despite the general cooling concurring in the 1970s, scientific studies showed the rise of temperature to be prevalent in the century to come. Following drastic warming in the 1980s, concerns regarding climate change first arose. News media coverage about global warming publicized the issue following intense droughts and record heats.

In 1988, the Intergovernmental Panel on Climate Change (IPCC) was established, marking the United Nation's first official involvement on the issue of climate change. The IPCC would go on to make numerous reports in regards to this issue, presenting both the impacts and solutions attributed to climate change. As the issue of climate change became more and more pronounced, the United Nations created the United Nations Framework Convention on Climate Change (UNFCCC) in 1992 as a comprehensive guideline to stabilize greenhouse gas emissions. An international conference in 1997 would produce the Kyoto Protocol, which sought to curb carbon emissions for industrialized or industrializing nations. This treaty would be the only legally binding treaty in regard to the emission of greenhouse gasses. Despite international efforts in reducing pollution, achieving sustainable cities, and finding suitable solutions to prevent further temperature rises, the problems caused by climate change remain potent. As world temperature gradually grew more and more unstable, countries experienced much more wildfires, heatwaves, floods, droughts, and extreme weather. The United Nations has played a crucial role in helping countries in dire need of assistance by presenting adequate funding for restoration projects. In December 2010, the Green Climate Fund was founded to support projects and policies instituted by individual member states to combat climate change. The 2015 Paris Climate Agreement, alongside the Sustainable Development Goals (SDGs), saw nearly all countries in the world

pledge to set targets in limiting carbon emissions, a vibrant display of the commitment the international community has in resolving the issue.

Key Issues

The right to life

Enshrined in the Universal Declaration of Human Rights is the idea that everyone is entitled to a fundamental right to life. This idea is also stressed and reaffirmed in other international documents, such as the International Covenant on Civil and Political Rights (ICCPR), reiterating that “every human being has the inherent right to life.” The right of life is inextricably connected with the fulfillment of all other facets of human rights; failure to uphold the right to life inherently implies failure in protecting all subsequent rights.

Climate change serves as a direct detriment to people’s right to life. The notion of upholding the right to life entails that states should, at the very least, necessitate effective measures against foreseeable and preventable loss of life. Despite consensus on methods to combat climate change and persistent global efforts to resolve the issue, climate change continues to claim dozens of lives each year. The exact death toll cannot be calculated due to the multitude of impacts that climate change brings, such as the spread of chronic diseases, food and water shortages, the development of new pandemics, abrupt temperature shifts, and mass displacement. A World Health Organization review published in 2014 estimated that climate change will cause 250,000 deaths annually between 2030 and 2050, with 200,000 of those deaths deriving from malnutrition and the spread of diseases. However, the astounding number projected seems only to be a conservative estimate; the review fails to take into account displacement risks and lower farmer productivity attributed to a less stable climate. The World Bank estimates that more than 100 million people would dwindle into extreme poverty by 2030, which will further disenfranchise the impoverished and exacerbate existing inequalities.

While terms like “ten years,” “thirty years,” and “end of the century” distant the impacts that many scientists and experts are preaching, we already see some of the damages and deaths caused by climate change come to fruition in contemporary times. Heatwaves in Europe has caused over 3,400 deaths in the United Kingdom alone over the past four years. The 2019 summer heatwaves resulted in 892 deaths in the United Kingdom and 1,435 deaths in France. Despite experts already formulating intricate initiatives and plans, the summer heatwaves still claimed thousands of lives across Europe as European governments have failed to implement the required adaptations to combat hotter weather.

The right to self-determination and development

Self-determination embodies the idea that people have control over their own lives and are guaranteed the ability to determine their political status alongside the freedom to pursue cultural and social developments. The right to development, as stated in Article 55 of the UN Charter, articulates the need for international cooperation in fostering an environment where the benefits of development can reach everyone. Both of these chief concepts of human rights are indisputably challenged with the persistence of climate change. With these considerations, states ought to ensure that people are provided the resources necessary to either adapt or combat the looming threats brought forth by climate change.

Climate change acutely affects small island nations and challenges the prospect of self-determination for many states in the near future. Given the rising sea levels concurring in the status quo, many member states with coastal or low-lying regions face uncertainty regarding their future existence. Countries like Kiribati, Tuvalu, the Maldives, and the Marshall Islands are at risk of getting entirely covered by rising sea levels. China, Indonesia, and other states with developed coastal cities will also face an imminent threat regarding their decades worth of development and investments. Nature Communications, a well renowned scientific magazine, estimates that roughly 200 million people will live below the sea levels by the end of the century. An additional 160 million would struggle to prolong cultures and live on their traditional territories due to high annual floodings stimulated by rising ocean levels.

The issues posed by climate change necessitates actions to be taken by all member states. Resolution of the issue, however, presents a grave dilemma; a country either sacrifices the contemporary wellbeing of civilians and jeopardize the future security of its people or pursue policies that would stimulate the economy at the cost of further degrading the environment. For instance, Brazil has historically been a global leader on the issue of climate change. Yet, Brazil's current administration stripped off protection laws on the preservation of the Amazon Rainforests (often dubbed the lungs of the world) in the interest of expanding extraction businesses in the region to assist a struggling economy. In less economically developed countries, the cost directed towards climate change dilutes funding for other socio-economic problems that ought to be prioritized otherwise. No matter the policy is chosen, climate change blatantly betrays the right to self-determination and development as it confines the scope of what a country and its people can do with their resources.

The right to food, water, sanitation, and health

The Universal Declaration of Human Rights also articulates that all persons should enjoy the rights of obtaining the highest standard of health, alleviation from hunger, and entitlement to accessible and safe drinking water. In alignment with rights stated previously, all states must strive to ensure equitable supplies and resources are expended to guarantee the fulfillment of the rights to food, water, sanitation, and health. As climate change continues to take its toll on the planet, it directly undermines the realization of these rights.

In the status quo, roughly ten percent of the world's population remains undernourished, and a billion lack access to safe drinking water. The World Bank issued a statement back in 2010, stating that an increase in average global temperature of up to two degrees celsius could put up to 400 million people at risk of malnutrition. A United Nations report published in August of 2019 reaffirms this concern by citing the rapid depletion of soil suitable for agriculture; it is reported that soil is being lost upward to a hundred times faster than it is being formed. Climate change threatens to amplify these concerns through droughts, floods, and extreme weather, further discouraging the formation of agriculturally suitable soil and harming existing farmlands. Additionally, climate change also affects the rights to water through incremental increases to water scarcity and contamination. As droughts deplete water supplies in delicate communities and further competition between the agricultural and industrial sectors, floods ruin water quality and sanitation by damaging sanitation infrastructures and halt the natural water purification process (through temperament with groundwater levels).

The ability of a country to realize the right to health is significantly stumped through the continuation of climate change. As mentioned previously, inadequate access to food and sanitary water naturally mean that people who lack the necessary resources are facing risks of malnutrition and diseases. We will also experience a net increase in the commonality of vector-borne diseases, such as higher levels of smog that exacerbates respiratory diseases. A warmer climate along the equator also enables the transmission of diseases such as malaria and dengue fever, which claims roughly 400,000 and 100,000 lives on an annual basis. Developing or less developed countries are already facing difficulties with maintaining health facilities in the present, and worsening global health caused by climate change would only strain the already limited resources in these countries.

Freedom of movement and the right to education

Freedom of movement, as stated in the Universal Declaration of Human Rights, refers to a person's ability to travel freely and choose their preferred place of residence. With the impacts as mentioned earlier of climate change happening all around the world, people in areas amidst

development are forced to relocate to a more developed region in search of a safer environment. The IPCC estimates that around 22.5 million people are forced to relocate annually due to climate-related disasters or concerns. These relocations can either be temporary or permanent, but regardless of the status of these environmental migrants, not enough support is being extended to them. While states are obligated to protect against forced and arbitrary migration according to the International Covenant on Civil and Political Rights, many countries often deny these climate migrants refuge. Denial of environmental migrants stems from the term "environmental migrants" being loosely defined- countries often conflate environmental migrants with economic migrants, whom they are not obligated to take in. It is often challenging to tell whether a migrant fled their country due to environmental or economic issues, and this not only complicates the asylum-seeking process but also allows for countries to purposefully not take in climate migrants.

The right to education calls on states to realize secondary education for all. However, climate change poses both a direct and indirect threat to the prospect of education for many member states and civilians. Not only do climate-change-stimulated droughts and floods damage facilities and dilute funding from education, but climate change also indirectly facilitates brain drain. With the climate worsening each year incrementally, increasing numbers of migrants are moving out from their home country. Unlike what many tend to think, the notion that people who are driven to migrate from natural disasters come overwhelmingly from less developed countries is false; the impoverished have no means of relocation. Between 2008 and 2014, developing countries accounted for 95% of all global climate migrants. While 86% came from developing countries like Pakistan and Bangladesh, a mere 6% were from low-income countries. Especially in developing countries, long term relocation means that not only are these migrants are forfeiting their right to education, but also exacerbating brain drain.

The rights of future generations

Although no international documents technically formalize the rights of our future generations, a strong argument can be constructed on the basis of equality and existing agreements; by harming our communities in the status quo, climate change serves as a credible and imminent threat to the future of our generations. This notion has been adopted in multiple United Nations resolutions, which seek to mitigate the effects of climate change and guarantee the rights of future generations.

Climate justice requires both the member state and its people to look beyond just themselves, to devote the necessary attention and care beyond just individual communities.

Numerous instances display just how our future generations are endangered by climate change. For example, Island-states that face threats of being submerged in the decades ahead experience possible loss of land, culture, and values. In this sense, the future of their generations is being denied the right to understand the cultural identity and land the way that it was presented to the people in the present generation. As the future generations cannot pronounce their preferences to people who are present today, we have a moral responsibility to uphold the planet's health and to ensure that subsequent generations are left with an inhabitable environment. People of today are bounded by the rights of future people despite their supposed "non-existence" as inaction today paths towards troubles in the future.

Major Parties Involved and Their Views

China

As the world's largest emitter of carbon dioxide (up to a quarter of the world's total emission derives from China), China plays a crucial role in the resolution of climate change. In 2015, China reaffirmed the "common but differentiated responsibilities" notion under the Paris Climate Agreement, which entails that China's developing status inherently limits its ability to reduce emissions compared to a developed country. This resulted in climate change only existing as a sideline issue in China until recently, where the issue rose to prominence. The rise in the national importance of climate change can be attributed to both environmental and political reasons. Environmentally, hundreds of thousands die each year in events causing or linked with climate change (Pollution, heatwaves, floods). Politically, China has offered numerous conditional aid to countries most affected by climate change for political recognition.

Whether it is for political or environmental reasons, China's commitments towards climate change remain strong. China has enlisted climate change as one of its priority issues and has adopted the "Made in China 2025" national strategy to promote renewable energy and self-sustainability. With promises to green the Chinese Belt and Road Initiative, China has also garnered international applause and is gradually assuming a leading role on this issue. Given the country's current progress on transforming their cities and industrial sector to become more eco-friendly, China is on track to hit its Paris climate change goals as early as 2021.

France

France has assumed the leading role in combating climate change on the international level. Altogether, France has pledged to contribute up to 50 million for developing and less developed countries with an additional 1.71 billion towards the Green Climate Fund. While these

donations signify France's commitment to resolving the issue, there are still concerns about France not reaching their ambitious goals detailed in the Paris Climate Agreement. France's new climate council, Haut Conseil pour le Climat (HCC), has found that France is falling behind on their supposed reduction in carbon emissions; they have only decreased it by 1.1 percent as to the prescribed 1.9 percent. Efforts to combat emissions through taxation has become a widely unpopular policy in France, drawing massive protests in recent years. In light of these controversies, the French president, Emmanuel Macron, has called for the creation of a French citizen panel to get non-national based solutions for the issue and has echoed the need for a national referendum to be held in selecting climate change proposals.

Solomon Islands

Climate change remains a significant impediment for the Solomon Islands as it jeopardizes its economic and social sectors. The Solomon Islands, alongside other Island nations, remain the most endangered by the impacts of climate change as it threatens the existence of the entire country. In 2016, five islands belonging to the Solomon Islands had already been completely submerged due to climate change, and six other also seen sizable damages were done, some of which saw entire villages destroyed. The government of the Solomon Islands has long detailed a plan to increase the adaptability of the Islands while maintaining a low emission profile. Despite the high costs of adaptations, the Solomon Islands are receiving international funding and support; Australia has promised a 250 million dollar fund for infrastructural development, and the UN has offered consistent advisement and assistance in the country.

United States

Historically, the United States has always had a mixed policy in regards to climate change due to the conflicting stance of interest groups. Under the Trump administration, the United States' position regarding this issue has become much more transparent and easy to grasp. Budget cuts of the Environment Protection Agency (the United States' chief agency for environmental preservation), diminished spending and donations dedicated towards environmental causes, and the withdrawal from the Paris Climate Agreement all demonstrate the United States' unwillingness to compromise its economic well-being in exchange for climate protection. In addition, the United States has repeatedly criticized United Nations funding initiatives, such as the UN Green Climate Fund, for its unimpressive efficiency and lack of future planning.

Despite its absence from both the Paris Climate Agreement and the Human Rights Council, the United States still retains its strong support for the Universal Declaration on Human Rights due to the role it played in drafting the document. In this case, the United States would not want to see any modifications directed towards the UDHR as it does not recognize environmental problems that are leveraged based on climate change. Although the current administration does not formally recognize the existence of climate change, cities in the United States understand the possible impacts and are pouring billions of dollars to protect endangered areas and lower carbon emissions.

Timeline of Relevant Resolutions, Treaties and Events

Date	Description of event
December 10th, 1948	<p>Universal Declaration of Human Rights was adopted</p> <p>The Universal Declaration of Human Rights was adopted by the United Nations General Assembly, which marked the first time the concept of Human Rights was codified and agreed upon internationally.</p>
1988	<p>Establishment of the Intergovernmental Panel on Climate Change</p> <p>Along with the support of the UN Environment Programme (UNEP) the Intergovernmental Panel on Climate Change was formed and endorsed by the General Assembly.</p>
August, 1990	<p>First IPCC report</p> <p>The IPCC published a report displaying signs of global warming, and that future warming would seem likely. IPCC would later go on to publish annual reports about this issue.</p>
December 11th, 1997	<p>Establishment of the Kyoto Protocol</p> <p>Following the hottest ever recorded year in 1995, countries got together and established the Kyoto Protocol, an international treaty which strives to reduce carbon dioxide emissions from businesses</p>
February 16th, 2005	<p>Kyoto Protocol takes effect</p> <p>The Kyoto Protocol officially takes effect after its signing almost a decade</p>
March 15th, 2006	<p>Formation of the Human Rights Council</p>

The Human Rights Council- the principal UN organ on the protection of human rights- was established in the United Nations General Assembly.

The Paris Climate Agreement

December 12th, 2015 The Paris Climate Agreement, which details the efforts needed to prevent an average temperature rise of up to two degrees celcius, was drafted and would be opened for signatures in April 2016.

The United States withdraws from the Paris Climate Agreement

June 1st, 2017 The United States formally announced its withdrawal from the Paris Climate Agreement, making it the only country in the world that is not included in the agreement.

International fires

July→ December 2019 The Amazon rainforest and Australia experienced unyielding wildfires- the biggest in decades- over their respective summers. Scientists are saying that the fires are only a prelude to what continual increase in temperature would do to the environment.

Relevant UN Treaties and Events

- The Kyoto Protocol, 11 December, 1997
- Paris Climate Agreement, 22 April, 2016
- United Nations Framework on Combating Climate Change, 4 June, 1992
- Sustainable Development Goals, 1 January, 2016
- Protection of global climate for present and future generations of humankind, 19 December 2019 **(A/RES/74/219)**
- Human rights and climate change, 18 July, 2016 **(A/HRC/RES/32/33)**
- Human rights and climate change, 22 July, 2015 **(A/HRC/RES/29/15)**
- Human rights and climate change, 28 March 2008 **(Resolution 7/23)**

Evaluation of Previous Attempts to Resolve the Issue

Numerous talks regarding climate change have been hosted, yet most of them prove to be ineffective. While these negotiations usually produce promises of future talks and a vague resolution, it hardly does anything to address the issue. The reason can be traced towards the lack of legal commitment countries key countries have towards remedying the effects of climate change. For

example, the 2009 United Nations Climate Change Conference, often known as the Copenhagen talks, saw negotiators try to produce a similar treaty as the Kyoto Protocol that would extend to all countries. However, this conference was mostly unsuccessful as developing countries like China and India failed to reach any meaningful compromise with developed countries. While developing countries were willing to submit specific goals that they would attain, they did not want the treaty to be legally binding. Furthermore, the insistence that developed countries should contribute more funding also shattered any chances at consensus building in the conference.

Treaties like the Kyoto Protocol and agreements like the Paris Accord are often dubbed the chief guidelines for countries to work and combat climate change. Both these initiatives have only produced limited results for a variety of reasons. First and foremost, countries are hesitant to add too many legal restrictions on any international documents as it dissuades countries from signing. This means that agreements like the Paris Accord can only politically encourage member states to take action against climate change, but have no way to dissuade countries from doing otherwise concretely. On the other hand, although the Kyoto Protocol is the only legally binding treaty that actively reduces greenhouse gas emissions, it still fails to be an adequate solution as significant emitters are not included in this treaty (the treaty only covers roughly 18% of the world's total emissions). Even if countries were to support and ratify these initiatives, enforcements and commitments are still not guaranteed. Disregarding the legal status of the treaty or agreement, countries always have an option to leave the convention; applying a "no withdrawal" standard would effectively garner zero support for any convention due to the lack of flexibility and a large amount of commitment required.

However, this is not to say that the United Nations has failed to remedy the effects of climate change. As of April of 2018, 10 developing countries have already completed their national adaptation plans for climate change response, and 168 countries have listed out their supposed contributions to the UN framework convention. While these plans seem minute in the grand scheme of things, the United Nations' initiatives have all prompted countries to think about the issue and created helpful guidelines for them to adhere to. In an environment of relative inaction, the United Nations has fostered excitement and commitment from countries and people alike and installed a sense of activism that was previously unfounded. Individuals serve as the best stimulus to prompt societal action, and nowhere can we see this better represented than in issues concerning climate change.

Possible Solutions.

Amending the UDHR

One possible solution to address the issue of climate change would be to frame it within the context of human rights. Despite not possessing any legal significance, the Universal Declaration of

Human Rights has stood the testament of time and proves to be a document embodying general support and longevity. By updating the Declaration and elaborate on certain rights pertaining to impacts brought forth by climate change, member states have more incentives to set out commitments and fulfill them.

Spreading responsibility

Climate change initiatives have failed in the past because of its complete reliance on member states to comply with its guidelines and parameters. While it is the member state that conventionally assumes the role of foreign policy, climate change is an issue that breaks the conventional framing- it is a combination of both foreign policy and domestic affairs. Thus the responsibility can be spread onto other agencies. Diversifying the focus from the national government to include subnational organizations with jurisdiction can help with problems regarding enforcement of agendas and divert pressure from one singular organization. This promotes non-national actors such as cities, states, and businesses to contribute a joint effort in resolving this crisis and enables more flexibility in regards to policy creation and implementation. The United States serves as a prime example of this “fragmented responsibility” concept. Despite the fact that the current administration withdrew much of its funding and support for climate change-related initiatives, the United States is two-thirds of the way to their Paris Climate Agreement target due to the individual states taking responsibility into their own hands. In other countries, even ones where states don’t possess as much freedom, joint initiatives between the government and non-national actors would undoubtedly rally more support behind resolving climate change and simplify processes necessary to come up with adequate reductions. Furthermore, these non-national actors have the ability to formulate policies on a smaller-scale basis, allowing more meaningful and substantial change to concur as policies would be more intricate and regionalized.

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