

Evento: XXV Seminário de Iniciação Científica

THE LEGAL CONSEQUENCES OF CLIMATE CHANGE¹ THE LEGAL CONSEQUENCES OF CLIMATE CHANGE

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¹ Interdisciplinary theme among the areas of social sciences

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INTRODUCTION

An environmental crisis has been manifested through a society that is primarily based on the use of technological instruments over the nature. The speech about sustainable development is just a politic of representation, in other words, it is a powerful mechanism of manipulation, cultural decimation and appropriation of the nature as a way of production and bonanza. Likewise, inside the speech of sustainability we also find a hidden desire of deliberate cultural and natural resistances to submit it inside the logical of the capital as a strategy of economic appropriation over the nature and culture.

METHODOLOGY

This article arises from a bibliography analysis through books written by reputable authors on the theme and all sorts of material and instruments available on the Internet, and its goal is to debate the climate change and its impacts on human rights. In addition, we bring up news and alternative ways to cope with the climate change issue in a try to find better solutions for it.

RESULTS AND DISCUSSION

Most of our international treaties on human rights do not recognize clearly the right to a health and clear environment. However, it is known that an environment in inadequate conditions can compromise the effective exercise of others rights such as the right to life, health, water and feeding. Thus, some treaties on human rights recognize explicitly the importance of a clear environment where would be possible to get adequate life conditions.

In this context, the first international treaty that identifies the interferences of climate change as a factor in detriment to the human rights was the Male's Declaration on Human Dimension of Global Climate Change, adopted in 2007 which confirms that the climate alterations have clear and immediate implications to the full enjoyment of the human rights (UNEP, 2015).

In 2009, a report made by the Office of the Higher Commissioner for Human Rights (OHCHR),

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verified how the impacts caused by the climate change have implications on the human rights and also showed the obligation that the states have to protect those rights by the international law. The report also demonstrated that the increasing of the global temperature to 2° C will affect negatively the ecosystems around the world, exacerbating the environmental pollution, and finally affecting specific groups such as children, women and indigenous people (UNEP, 2015).

Furthermore, the OHCHR concluded that the states have the duty to protect the human rights from the climate change effects, independently whether or not one state has contributed more or less to the climate phenomena. This because, according to UNEP (2015, *apud* John H. Knox, 2015, p. 13), “[...] human rights law requires each State to do more than merely refrain from interfering with human rights itself; it also requires the State to undertake due diligence to protect against such harm from other sources [...].”

According to Rifkin (n.d.), the problem of the increasing of the temperature on the planet has caused changes on the hydrological cycle, and so the planet is essentially characterized by the water. So,

[...] the Earth’s diverse ecosystems have evolved over geological time in direct relationship to precipitation patterns. Each rise in temperature of 1°C results in a 7 percent increase in the moisture-holding capacity of the atmosphere. This causes a radical change in the way water is distributed, with more intense precipitation but a reduction in duration and frequency. The consequences are already being felt in eco-systems around the world. We are experiencing more bitter winter snows, more dramatic spring storms and floods, more prolonged summer droughts, more wildfires, more intense hurricanes [...], a melting of the ice caps on the great mountain ranges, and a rise in sea levels. (RIFKIN, n.d., p. 1).

Thereby, the ecosystems of our planet can’t readjust to such modification in so little time. Thus, what we have to do is to implement an economic paradigm represented by three elements which are technologies that are able to manage more efficiently; new sources of energy that allow to promote economic activities and; new means of transportation that can move the economic activities (RIFKIN, n.d.).

Concerning the energies, the actual model of energy production is untenable. In this context, according to Rifkin (2013), we need a new economy vision on the world. An economy not guided by the use of reduced carbon or clear carbon, but absolutely disconnected from the use of carbon, and it has to be implemented within the next 30 years otherwise it will be too late.

Therefore, if we consider our planet as our home, and if you don’t take care of our own home, in little time it’s going to be in ruins and so we’re not going to have a minimum standard for habitat conditions (LUTZENBERGER, 1990).

In this context, there’s the conception, for example, that a determined action in a specific place on the planet can rebound its impacts on another place even very far from the first one and affect this

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second space. Thus, when we point out the questions related to the increase of the global temperature, we have to keep in mind that the actions conducted by the rich countries can impact the poor countries. Thereupon, it's very important to discuss the geopolitical issues and take prudent measures to stop these kinds of things (SAAVEDRA, 2010).

So, we have to understand that our world is finite and fragile where is absolutely necessary to preserve the nature. In this sense, the geopolitics in our globalized world coexists with many variables such as the crescent preoccupation of preserving the biodiversity and tropical forests (like Amazônia) and at the same time to keep the consumerist life standard of the United States of America. In this perspective, "[...] if the human consumption was accomplished in energy units, we wouldn't have enough energy on the planet for all its habitants to reach the consumption level of a medium American citizen [...]"^[1]. (SAAVEDRA, 2010, p.62, our translation).

Now, when it comes to the environmental crisis, it should be understood as a problem caused by the human specie. To be more specifically, it's due to a specific group which in its search for solutions to their survival developed a particular form of relationship with the remaining of its congeners and with physical environment. (SAAVEDRA, 2014). It's exactly this particular pattern or relationship with the environment that originated the so called environmental crisis.

However, one of the alternatives in a try to reverse those problems would be the implementation of the model of a sustainable society, implying citizens more consciousness and involved on the production processes, creating an environment rationality, shifting the model of a consumerist society to a more sustainable society, utilizing, for example, practices that don't generate pollutant gases but that are compatibles to a paradigm that respect the environment and the natural sources of our planet (NUNES; TYBUSCH, 2015).

FINAL CONSIDERATIONS

Our planet is right on the middle of a serious environmental crisis where the environmental impacts are making us more vulnerable to disasters and tragedies. Therefore, we found ourselves on a planetary state of emergency where those problems are accumulating around us, requiring cautious and urgent attention. If the humanity continues moving itself through this dangerous path, it is foreseeable that the planet will not support it for much longer. The implementations of technologies that are capable to provide a clearer and more sustainable planet are already being developed. However, it is absolutely important to bring those issues to the political sphere to be debated and to get consistent decisions. So we have to adopt measures very soon.

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[1] [...] si el consumo humano es llevado a unidades de energía, no hay suficiente energía en el planeta para que todos sus habitantes alcancen el nivel de consumo de un ciudadano estadounidense promedio [...].