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Climate governance and its implications on human rights and social inclusion

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I. Introduction


The global challenge of climate change is becoming more imminent and continues to pose a serious threat to the actualization of the sustainable development goals of Agenda 2030 across developing countries. It is expected that by 2030 developing countries should be able to put in two key measures such as – “integrate climate change measures into national policies, strategies and planning; and improve education, awareness-raising and human and institutional capacity on climate change mitigation, adaptation, impact reduction and early warning”.¹ Specifically, Goal 13 of the Sustainable Development Goals (SDGs) urges States to “take urgent action to combat climate change and its impacts”. Therefore, to achieve this goal, States must individually and collectively adopt policies and put in place national and local institutions to limit actions and inactions which account for climate change. Hence, climate governance refers to States’ actions to protect the climate through articulation and adoption of overarching, multilevel and multisectoral regulatory instruments that lay down general principles and define the institutional framework for climate change policy and implementation (World Bank, 2020).

Climate change is not a new phenomenon. As of 15,000 BC average temperatures rose by as much as fifteen degrees Celsius within a short period and by 9,600 BC again, global temperatures rose by seven degrees Celsius in less than a decade (Acemoglu & Robinson, 2012). What is however new is the increase in the intensity and rate at which human activities (anthropogenic factors) are speeding up climate change, the threat to livelihoods and increasing internecine conflict connected to climate change especially in the developing countries. The Fifth Assessment Report (AR5) by the Intergovernmental Panel on Climate Change states that “human influence on the climate system is clear, and recent anthropogenic emissions of greenhouse gases are the highest in history”.² Since the industrial revolution, particularly in the second half of the twentieth century, human activities have increased atmospheric carbon dioxide (CO₂) concentrations by more than 40 percent. The increase in CO₂ and other greenhouse gases has led to a rise in sea levels, accentuation of frequency and intensity of heatwaves and other related changes in climate (Royal Society and U.S. National Academy of Sciences, 2020).

To address the rapidly escalating climate change situation, several climate governance actions have been put in place globally. These have included the adoption of international protocols such as, the

¹ See [Sustainable Development Goals | United Nations Development Programme \(undp.org\)](#) particularly SDG indicators 13.2.1 and 13.3.1

² Intergovernmental Panel on Climate Change, Fifth Assessment Report: Climate Change 2014 Synthesis Report Summary for Policymakers (Bonn: United Nations Framework Convention on Climate Change)



Kyoto Protocol and the Paris Agreement, which oblige countries to reduce greenhouse gas emissions. Despite these efforts, the amount of CO₂ in the atmosphere keeps rising, heating the Earth at an alarming rate. Scientists warn that if this warming continues unabated, it could bring environmental catastrophe to much of the world (Maizland, 2021).

During his speech³ in Dakar, Sengel at the African Ministerial Conference on the Environment on September 15, 2022, U.S. special envoy for climate John Kerry buttressed the fact that even though the developed countries are more responsible for world's emissions, the developing countries suffer the consequences more. He noted the devastating impacts of climate change in Africa, which is home to 17 of the world's 20 most climate-vulnerable countries. He revealed that 20 countries, including the U.S., are responsible for 80 percent of the world's emissions, compared to 48 of sub-Saharan African countries, which are responsible for just 0.55 percent.

The United Nations revealed that the global climate governance regime has further conditioned the development of national and regional climate governance frameworks in Africa. For example, 'many African governments have produced climate policy frameworks such as National Adaptation Programmes of Actions (NAPAs) and Nationally Appropriate Mitigation Actions (NAMAs) in line with the dictates of the UNFCCC, but have not implemented them in any meaningful ways, or developed national institutional capacities to respond organically to climate change'.⁴ Thus, there is need for deeper reflection on the discourse around climate change and its mitigation. This paper seeks a workable mitigation approach that would ensure inclusivity and protection of human rights for all from the effects of climate change. It is obvious that the existential threat occasioned by climate change necessitates conversations around climate governance and its implications on human rights and social inclusion. This paper therefore further examines the key drivers and consequences of climate change, existing frameworks for climate governance and the implication on human rights and social inclusion.

II. Climate change: key drivers and consequences

The United Nations Framework Convention on Climate Change (UNFCCC) defines climate change as "a change in climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable periods of time" (UNFCCC, 1992). The two key drivers of climate change are human activities and natural processes. However, human activities are more damaging and contribute substantially to the intensity and speed of climate change. These human activities include:

Greenhouse Gas (GHG) Emissions: Fossil-fuel combustion – burning of oil, natural gas and coal to generate energy – resulting in CO₂ emissions is the major human activity causing enhanced

³ For more details about John Kerry's speech visit [US Pledges Support for Climate Change Mitigation in Africa \(voanews.com\)](https://www.voanews.com)

⁴ [Climate Governance and Climate Policy in Africa | United Nations Economic Commission for Africa \(uneca.org\)](https://www.uneca.org)



greenhouse effect. Other activities are agriculture and land-use changes such as deforestation, cement production, landfilling of wastes, refrigeration, among others. GHG emissions from human activities have increased since the industrial revolution. The additional CO₂ from these activities distort the balance of the carbon cycle, resulting in accumulation of a substantial fraction of the CO₂ emitted from human activities in the atmosphere, where some of it will remain for thousands of years (Royal Society and U.S. National Academy of Sciences, 2020). Climate change resulting from the enhanced greenhouse effect is expected to have far reaching consequences such as: rise in sea-levels and possible flooding due to melting of glaciers and sea ice; extreme weather leading to changes in rainfall patterns with implications for floods and droughts, food supply disruptions and wildfires.

Emissions of pollutants (other than greenhouse gases): Some industrial and agricultural processes emit pollutants that produce aerosols (small droplets or particles suspended in the atmosphere) some of which affect the formation of clouds, which can have a warming or cooling effect depending on their type and location (Royal Society and U.S. National Academy of Sciences, 2020).


Natural forces that have been attributed to climate change over the years have included sun's intensity, volcanic eruptions, and changes in naturally occurring greenhouse gas concentrations. However, according to the National Aeronautics and Space Administration, "these natural causes are still in play today, but their influence is too small, or they occur too slowly to explain the rapid warming seen in recent decades".⁵

III. Some key global frameworks towards addressing climate change

Climate governance takes place at the international, national and local levels involving diverse stakeholders. In most cases, at the international level efforts are made to articulate normative frameworks which are adopted and ratified by countries. At the national and local levels, the main task is implementation of the normative frameworks adopted and ratified at the international level. Hence, all levels of governance are critical and important for mitigating climate change and its impact. At the international level for instance, there have been milestone achievements in climate governance as evidenced by the articulation and adoption of global frameworks for addressing climate change. Some of these frameworks include:

- *UNFCCC:* Adopted on 1 May 1992, the UNFCCC entered into force on 21 March 1994 at a time when there was less scientific evidence on climate change as we have today. The central goal of the UNFCCC was to stabilize greenhouse gas concentrations at a level that would prevent dangerous human induced interference with the climate system. The convention required developed countries to reduce emissions to 1990s level by the year 2000.

⁵ Denchak Mellisa & Turrentine Jeff (2021). "What is Climate Change? The lockdown on the earth's central environmental threat." <https://www.nrdc.org/stories/what-climate-change#:~:text=Natural%20causes%20of%20climate%20change,naturally%20occurring%20greenhouse%20gas%20concentrations> (Accessed on Sunday 2 October 2022)



- *The Kyoto Protocol:* Adopted on 11 December 1997 and entered into force on 16 February 2005, the Kyoto Protocol operationalizes the UNFCCC by committing industrialized economies in transition to limit and reduce GHG emissions in accordance with agreed individual targets. The Kyoto Protocol is based on the principles and provisions of the UNFCCC and binds developed countries including placing heavier burden on them under the principle of “common but differentiated responsibility and respective capabilities”.

- *The Paris Agreement:* Adopted by 196 Parties at COP 21 in Paris, on 12 December 2015 as a legally binding international treaty on climate change, the Paris Agreement entered into force on 4 November 2016. Within the context of the Paris Agreement, a series of Conference of the Parties (COPs) have taken place over the years. The COP is the supreme decision-making body of the UNFCCC, mandated to assess the effects of the measures taken by Parties and the progress made in achieving the ultimate objective of the Convention. The 27th COP is taking place in November 2022 and brings together government and non-Party stakeholders “to foster collaboration that would address issues of greenhouse gas emission reductions and help ensure a just transition to a net-zero economy which alleviates poverty and helps secure a sustainable future”.⁶

IV. Climate governance and human rights:

As climate change escalates and worsens, its negative impacts on humans accelerate with attendant consequences on the full enjoyment of fundamental human rights and freedoms. Specifically, climate change continues to disproportionately affect individuals, groups and peoples in vulnerable situations including, women, children, older persons, indigenous peoples, minorities, migrants, rural workers, persons with disabilities and the poor. Unequivocally, climate change violates human rights as it has been evidenced by increasing numbers of people impoverished, evicted, and killed as a direct consequence of climate change impacts. Extreme weather events characterized by drought, increased heat, floods and expanding disease vectors are not only displacing millions but also killing thousands across the globe per year.

According to a report by the Climate Vulnerable Forum and DARA International, climate change is already responsible for approximately 400,000 deaths per year and that number is expected to rise to 700,000 by 2030.⁷ In addition, climate change continues to impact on the right to self-determination especially among people in small island states, whose ability to continue to live in their traditional territory continues to be challenged by effects of rising sea levels on coastal systems and low-lying areas. Other rights being affected by climate change include the right to development, food, water and sanitation, health, housing, education, and the right to meaningful and informed participation.

⁶ More information about COP 27 can be accessed via [Sharm el-Sheikh Climate Change Conference - November 2022 | UNFCCC](#)

⁷ DARA and the Climate Vulnerable Forum, Second edition: A guide to the cold calculus of a hot planet (DARA and Climate Vulnerability Monitor, 2012)



The undisputable impact of climate change on human rights and fundamental freedoms as illustrated above calls for an urgent need to mainstream a human rights-based approach to climate change actions including climate governance. Specifically, mainstreaming a human rights-based approach to climate governance would ensure that States are not only bound by their obligations to other States, but also to the people, including individuals and groups, under their jurisdiction and guided by international human rights norms and standards. For instance, with the energy industry under the limelight as one of the greatest contributors to greenhouse gas emissions, its contribution to people's livelihoods and economic development notwithstanding, and small island states threatened with being submerged due to rising sea levels, the right to self-determination and development are of particular importance in this regard. Inclusion of all concerned, especially the most vulnerable, in climate governance actions will ensure that these people would be provided with fair compensation for human rights violations, they would inescapably have to suffer because of climate change impacts.

V. Climate governance and social inclusion

Social inclusion speaks to the process of improving participation in the society, especially for disadvantaged persons by enhancing opportunities, access to resources, access to justice, giving them a voice and respecting their rights. Climate change affects all populations across the globe but in different ways (Capetola, 2008). Further, Islam and Winkel (2017) demonstrate that climate change entrenches social inequality by: increasing the exposure of the disadvantaged groups to the adverse effects of climate change; increasing their susceptibility to damage caused by climate change; and decreasing in the ability of such persons to cope and recover from the damage suffered. Therefore, there is need to ensure that people of different socio-economic backgrounds and gender are given due consideration in making and implementing policies aimed at addressing climate change.

Accordingly, climate governance provides an opportunity for social inclusion by providing platforms for stakeholder engagement and citizens' involvement on conversations around climate change at the international, regional, national and local levels. Again, the articulation and adoption of international protocols for mitigation of climate change provides standards that can be adopted by stakeholders to protect the vulnerable groups and basis for the vulnerable groups to demand performance from government. For instance, civil society organisations and social movements can rely on the provisions of existing international climate conventions to hold national governments accountable on climate related issues.

Besides those present today, the discussion on climate governance and social inclusion should not disregard the intergenerational nature of climate change impacts. In the past fifty years, globalized infrastructures of production and consumption powered by technological advancements in key industries have damaged ecosystems, spread pollution, and altered the physiognomy of the planet, causing disruptions of Earth's fundamental systems, including those that govern climate (Paola and Kamal, 2015). Given the consequences of such systems on human life, such impacts are not only faced



by those present today, but also generations to come. Unfortunately, future people have no way of making their voices heard in the current climate governance processes. Nevertheless, a strong argument in favour of the rights of future generations can be made based on the human rights principle of equity and several multi-lateral environmental agreements, such as the Stockholm Declaration of the United Nations Conference on the Human Environment. This states that “defend[ing] and improve[ing] the human environment for present and future generations has become an imperative goal for mankind” and 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, and he bears a solemn responsibility to protect and improve the environment for present and future generations”⁸. In addition, the 1992 Rio Declaration on Environment and Development explicitly advanced the rights of future generations when it linked the right to development to the environment and sustainable development.

In paragraph 3, the Rio Declaration affirmed that “the right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations.”⁹ The principle of equity, including intergenerational equity, is also specifically recognized in the UNFCCC which calls for all parties to “protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities”. As such, human rights of future generations impose duties on present people, as beneficiaries of such rights in the future requires some degree of preparation in the present (Paola and Kamal, 2015). In as much as it is obvious that inequality in the society in terms of incomes, has made it difficult for the have-nots and low-income class to be able to have the resources required to mitigate the impacts of climate change. This is unlike the few privileged who have access to more resources to deploy technologies and other mitigation measures in addressing the challenges of climate change.

VI. Conclusion

Climate governance is paramount for effective delivery of any intervention targeted at addressing climate change. If the people affected by climate change are not included in designing transition plans, their fundamental rights of seeking climate justice will remain endangered. Several countries and communities are today seeking climate justice and unable to get it largely due to the general focus on broader issues of climate change rather than the specific effects on the people. For instance, developing countries need to start rethinking about a shift from high-level conversations on greenhouse gas, carbon emissions and trading, to focusing more on seeking and ensuring climate justice for affected local communities through rights-based and inclusive interventionist approaches.

⁸ United Nations Conference on the Human Environment, Declaration of the United Nations Conference on the Human Environment (Stockholm: United Nations, 1972)

⁹ United Nations Conference on Environment and Development, Rio Declaration on Environment and Development (Rio de Janeiro: United Nations, 1992).



The energy transformation and transition of affected communities has not sufficiently been deployed to the extent of replacing fossil fuels with low carbon energy sources, and the reason being that African states are still deficient in the required skills, knowledge and “information technology, smart technology, policy frameworks and market instruments” as requirements stipulated by the International Renewable Energy Agency¹⁰. The dependency nature of African states towards addressing the issues of climate change has continued to make it impracticable for States to build strong and sustainable institutions or even strengthen the existing ones towards mitigating the challenges of climate change.

African Union Climate Change and Resilient Development Strategy and Action Plan (AU-CCRDS) for 2022-2032 is clear on expected actions and commitments by African countries under the 2015 UNFCCC Paris Agreement which is targeted towards addressing the issues of climate change on the continent. As noted in the African Union CCRDS document, African countries commitments are expressed through Nationally Determined Contributions, National Adaptation Plans and long-term, climate-resilient development and decarbonization visions contained in national Long-Term Strategies. The Strategy document further revealed that, ‘despite Africa having contributed less than 4 per cent of global greenhouse gas (GHG) emissions, it is one of the regions that are most vulnerable to climate variability and change’. The AU in the document acknowledges that, ‘Africa grapples with the impacts of climate change in the agriculture sector, such that there is need to increase production in the sector to approximately 50 per cent by 2050 for Africa to meet the needs of the growing population’. Similarly, the Strategy document observed that ‘the AU’s 55 Member States collectively have an estimated population of over 1.2 billion people with an average national climate change literacy rate of only 39 per cent’.¹¹

Notwithstanding the global challenge of climate change and the call for support to developing countries, the African Development Bank (AfDB) reiterates that Africa, despite its low contribution to greenhouse gas emissions, remains the most vulnerable continent. The AfDB point is that Africa is the most vulnerable continent to climate change impacts under all climate scenarios above 1.5 degrees Celsius. This situation according to AfDB implies that ‘despite having contributed the least to global warming and having the lowest emissions, Africa faces exponential collateral damage, posing systemic risks to its economies, infrastructure investments, water and food systems, public health, agriculture, and livelihoods, threatening to undo its modest development gains and slip into higher levels of extreme poverty’. The AfDB¹² further highlighted that Africa will need investments of over \$3 trillion in mitigation and adaptation by 2030 to implement its Nationally Determined Contributions (NDCs) to the Paris Agreement. The AfDB also notes the following as contributory factors to Africa’s vulnerability to issues of climate change:

¹⁰ The International Renewable Energy Agency (IRENA) is an intergovernmental organisation that supports countries in their transition to a sustainable energy future, and serves as the principal platform for international cooperation, a centre of excellence, and a repository of policy, technology, resource and financial knowledge on renewable energy. See <https://www.irena.org>

¹¹ [African Union Climate Change and Resilient Development Strategy and Action Plan \(2022-2032\) | African Union \(au.int\)](#)

¹² [Climate Change in Africa | African Development Bank - Building today, a better Africa tomorrow \(afdb.org\)](#)

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- Sub-Saharan Africa has 95% of rain-fed agriculture globally.
 - A large share of agriculture in GDP and employment adds to vulnerability, as do other weather-sensitive activities, such as herding and fishing, leading to income losses and increased food insecurity.
 - Seven of the 10 countries that are most vulnerable to climate change are in Africa. In 2015, four African countries ranked among the 10 countries most affected: Mozambique (1st), Malawi (3rd), Ghana and Madagascar (joint 8th position).

On the other hand, population displacement because of climate change is increasingly becoming a global concern due to the inability of African states and citizens to build and sustain community resilience in adapting and coping with the climate related crisis. This has resulted in forced-displacement, people evacuating from their homes due to changes in weather and environmental conditions such as landslides, flooding, droughts, and loss of livelihoods, among others. The effect of climate induced force displacement impacts on education, welfare and healthcare of the affected communities and largely on children, persons with disability, and women. The rights of displaced children to healthcare and education are threatened by climate related crises that cause displacement. This situation further increases the number of out of school children in the affected locations. Access to healthcare facilities has also been hampered by devastating effects of climate related environmental degradation where communities no longer have accessible infrastructure like roads and health centres, due to erosions and flooding, etc. Consequently, the climate crisis has become a major threat to food security which also threatens livelihoods and exposes people to an insecure environment.

The elitist and *urbanist* approaches towards addressing climate change are well appreciated though the capacity of local authorities and communities affected by these approaches due to so much attention on national and central authorities is limited. The lack of capacity by the local people leaves them disadvantaged and unable to apply early response measures whenever there are early warning signs on climate related environmental issues like drought, erosions, and flooding. There is need for a shift from high-level dialogues to transformative approaches and targeted interventions that would capacitate local communities on emergency response mechanisms. It is very key to build local community climate resilience, develop community adaptation and coping strategies on how best they could deal with the challenge of climate change. This can be achieved through joint collaboration of civil society engagements and the local communities who are directly threatened by climate crisis.

Although the human impact, pain and burden resulting from climate change is undisputable, a human rights-based approach to climate governance is a discourse that is yet to be widely accepted and often subject to power politics. This year's COP27 in Egypt provides an unprecedented and timely opportunity for States and the world at large to further deliberate on climate governance efforts that mitigate climate change and adapt to its impacts in a way that addresses the human rights impacts of climate change



and be consistent with existing human rights agreements, obligations, standards and principles, to ensure a just transition.

VII. Recommendations:

To ensure protection of human rights and social inclusion through climate governance, the following recommendations are put forward:

- a) Climate decisions and policies must be people[masses]-centred, gender sensitive and designed in ways that reflect the interests and rights of vulnerable populations (children, women, persons with disabilities, indigenous peoples and the poor) especially at the local level of governance. These could be informed by the use of impact assessments to ensure that climate actions benefit those facing the greatest risks.
- b) Beyond climate finance there is need for multilevel climate governance that provides a platform for conversations and engagement of government at all levels, the private sector, NGOs and the wider civil society including the frontline local communities who are mostly detached from the central governments.
- c) Global protocols on climate change should be founded on a human rights-based approach which takes into consideration rights of the vulnerable people and provides institutions such as tribunals and other justice mechanisms where such rights can be enforced, and redress mechanisms operationalized. Where this gap exists, then regional protocols and decisions should adequately address it so that a thorough integration of human rights obligations, standards and principles is ensured in national climate policies and actions.
- d) Developing countries need time and space for policy development that would effectively address the issues of climate change because energy transition is not something that could be achieved immediately. For the developing countries to have inclusive energy transition, there is need for rights-based policies and governance frameworks, as well as legal and regulatory frameworks that are required to implement the energy transition agenda.



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