

## The Role of International Human Rights Law in Fighting Against Climate Change

**Andika Putra**

Department of Environmental Law, Faculty of Law, Universitas Gadjah Mada, Indonesia.

Correspondence author: [andika.p@ugm.ac.id](mailto:andika.p@ugm.ac.id)

### ARTICLE INFO

**Keywords:**

climate change; human rights law; international legal regime

**How to cite:**

Putra, A. (2021). The Role of International Human Rights Law in Fighting Against Climate Change. *Jurnal Media Hukum*, 28(2), 153-165

**Article History:**

Received: 29-01-2021  
Reviewed: 22-11-2021  
Revised: 31-12-2021  
Accepted: 31-12-2021

### ABSTRACT

*This paper aims to examine the current international legal framework that addresses climate change and identify the role of international human rights law in climate change issues. This paper begins by identifying the international legal basis, the development of international legal regimes, and looking at the character and nature of these frameworks. Furthermore, this study seeks to identify the role of international human rights law to close the gap left by the climate change framework. This normative legal research is conducted by examining secondary data from relevant books, journals, and published documents. There are several findings from this research. First, the current international climate change framework is insufficient to address climate change problems and their adverse impact. Second, international human rights law may play a significant role in closing the current climate change framework gap. International human rights law will add distinctive value to the current system, perform the complementary function to the non-legally binding commitment, and could provide an 'arena' for such non-compliance behavior of states parties.*

DOI: <https://doi.org/10.18196/jmh.v28i2.10988>

### 1. Introduction

The long-term dilemma of climate change is seen as a consequence of past pollution and present emissions. Human activities have been identified as the cause of climate change and have already had significant consequences. Several adverse effects of climate change, such as rising sea levels, floods, droughts, and other types of natural disasters, were identified in the 2014 report by the Intergovernmental Panel on Climate Change (IPCC) (IPCC, 2014, p. 39-45). While IPCC 2021 report has been considered "code red for humanity" due to the continued occurrence of extreme climate catastrophes in all regions of the world (IPCC, 2021, p. 34; UN, 2021).

The above-mentioned natural and man-made phenomenon has direct and indirect detrimental impacts on human life and the environment. Climate change is inextricably linked to the numerous extreme weather occurrences and directly influences the

enjoyment of civil and political rights, as well as economic, social, and cultural rights. (Lanyi, 2012, p. 269-270). In terms of civil and political rights, the increased frequency of floods, droughts, heatwaves, and storms significantly impact the right to life and other relevant human rights (Willcox, 2012, p. 4). According to the IPCC's 2014 Report, climate change-related injuries, fatalities, and diseases will become increasingly widespread among disadvantaged groups during the next decade (IPCC, 2014, p. 69). Additionally, economic, social, and cultural rights such as the right to food, water, health, and housing are all threatened by climate catastrophe. Therefore, climate change has been considered a global problem, and, as a result, an international legal framework, such as the United Nations Framework on Climate Change, the Kyoto Protocol, and the Paris Agreement, has been agreed to address these issues.

The former High Commissioner for Human Rights, Mary Robinson, addressed that "climate change is the greatest human rights challenge of the twenty-first century" (United Nations. Human Rights Council. 2015, para. 77). The statement represents the idea that climate change has contributed to the detrimental effects on the enjoyment of human rights and fundamental freedoms globally. In addition, it calls on the international community to engage seriously in efforts to tackle climate change by incorporating international human rights into the context of international and national climate change policy. The idea requires States to ensure sufficient and adequate protection of human rights in implementing climate-related actions and monitoring those activities, consistent with relevant international conventions, particularly international human rights law instruments (United Nations. Human Rights Council, 2015, para. 27). On the contrary, the actions taken by States and international organizations seem insufficient and inadequate to avoid the adverse impact of climate change on the enjoyment of human rights (The Guardian, 2019; Leijten, 2019, p. 112-113). These insufficient and inadequate actions are because many states' mitigation and adaptation measures were unsuccessful or not ambitious enough, and as a result, the public decided to take the matter to court (Newman & Head, 2015, p. 344-335; Setzer & Higham, 2021, p. 7).

While there is increasing literature examining the relationship between climate change and human rights, the role of human rights law remains largely unexplored. Thus, this paper aims to examine the current international legal framework that addresses climate change and identify the role of international human rights law in climate change issues. In doing so, the paper will first address the development of the international climate change law framework. Secondly, the paper will focus on the interaction between international human rights law and climate change by identifying how international and regional human rights instruments and bodies address climate change issues.

## **2. Method**

This type of research is normative legal research. In this context, this legal research is carried out by examining secondary data through library research (Soekanto & Mamudji, 2016, p. 14). In this study, the authors used several approaches: the statutory approach by examining regulations related to climate change and human rights; and the conceptual approach used by examining and understanding the concepts of the international legal regime and climate change litigation. In doing so, the international and regional framework on climate changes and human rights law instruments and relevant books and journals will be analyzed to understand the current development.

Finally, the paper will also address several landmark cases, particularly communication submitted to the Committee on human rights treaty bodies and climate change litigation, to understand whether the human rights law has been incorporated or not in those cases.

### **3. Analysis and Results**

#### **3.1. International Legal Framework on Climate Changes: Quo Vadis?**

Given that climate change has become a global challenge, the international community has sought to address this issue. The United Nations Framework Convention on Climate Change is considered the first international legal framework to address this issue (Peel, 2008, p. 928). The UNFCCC was negotiated during the 1992 United Nations Conference on Environment and Development. The objective of the Convention is to stabilize the concentration of greenhouse gasses in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system (UNFCCC, 1992, art. 2). One of the critical features of this Convention is the principle set out in article 3(1), which mentions that state parties should protect humankind based on equality and following their common but differentiated responsibilities (UNFCCC, 1993, art. 3(1)). The principles acknowledge that all states are responsible for addressing climate change while at the same time recognizing different capabilities and responsibilities in economic development among states parties. However, the UNFCCC is considered not to have an ambitious commitment to reduce greenhouse gases regulated in article 2 of the UNFCCC.

Under those circumstances, in 1997, the Kyoto Protocol was adopted due to the negotiations for a more stringent international agreement (Peel, 2008, p. 929). The Kyoto Protocol still upholds the principles 'common but differentiated responsibility and respective capability (Kyoto Protocol, 1997, art. 10). The obligations to limit and reduce greenhouse gas emissions are applied to developed countries, as they are recognized as the most responsible for the high emission level in the atmosphere. The Kyoto Protocol was seen as an institutional design failure because it is unlikely that the Kyoto regime itself could yield the requisite results (Rosen, 2015, p. 32-40). Consequently, there is critique in the Kyoto Protocol where the Protocol focuses solely on binding objectives and not on binding policies and measures.

Following the failure of the previous Kyoto Protocol, the international community initiatives to create a new legally binding treaty on climate change was adopted in 2015 called the Paris Agreement. The Paris Agreement aims to maintain the average global temperature increase too much lower than 2 ° C above pre-industrial levels and proceed with attempts to limit the temperature increase to 1.5° C above the pre-industrial level (Paris Agreement, 2015, art. 2).

Compared to its predecessor, the Paris Agreement has several essential characteristics. First, the agreement is a legally binding instrument with many non-binding elements. It is due to intense negotiations between States that consistently opposed the adoption of legally binding instruments (Montini, 2015, p. 161-162). Second, the Paris Agreement will also apply to developing countries as they also contribute to an increase in global emissions instead of the Kyoto Protocol that only applied to developed countries. This agreement finally overcomes the conventional dichotomy of the first UNFCCC 1992 between developing and developed countries. Thirdly, the Paris Agreement allows for a more flexible measure and policy, taking account of the capability and circumstances

of States parties, as opposed to the Kyoto Protocol; (Bodansky, 2016, p. 290), and fourth, the Paris Agreement is the first legally binding international mechanism for climate change to relate to human rights in its text. Even though it can only be found in the preamble and not in the operative part of the agreement (Adelman, 2018, p. 35).

On the other hand, several scholars criticize the Paris Agreement as an insufficient instrument and consider the agreement will fail in solving the climate change problems. Massimiliano Montini addresses two negative features of the Paris Agreement; the first main argument lies in the fact that the Paris Agreement substitutes the previous regime for control and reduce global emission, which has a binding character, with a new regime on the nationally determined contribution which considers as non-legally binding commitment. This new regime considers as a 'race to the bottom,' which will affect the state's party's commitment to not setting the ambitious target. The second arguments lie in the fact that under the Paris Agreement, the state parties will have the right to freely determine their national commitment and freedom to implement their determined contribution. Without any obligations on limitation and reduction of global emission imposed to state parties, the agreement contains flexible and very likely less effective ways to reach the aims stipulated in article 2 of the agreement (Montini, 2015, p. 162-163). In addition, Jen Iris Allan also argues that the Paris Agreement has two dangerous characteristics. At first, the Paris Agreement initially repackages the current and previous commitment that has proven insufficient to reverse the trend of increased emissions and an ineffective climate change response. Moreover, the agreement seems unlikely to be successful with little incentives to encourage enforcement or prevent free riders. Finally, despite all the negative characteristics of this Paris Agreement, the agreement has widespread legitimation based on the premise that any agreement is better than no agreement (Allan, 2019, p. 4-6).

Following the Paris Agreement's flawed character, several states have shown us non-compliance behavior to the international commitment to reduce the global emission and fight against global changes. States have neglected and denied their obligation to several international legal frameworks in climate change. States fail to address several problems contributing to climate changes, such as Indonesia and Brazil, which have not yet successfully reduced deforestation and forest degradation. This phenomenon is due to a lack of political will to enforce the law (Tacconi et al. 2019, p. 5-8).

Moreover, as one of the most important political powers, the United States of America has announced its withdrawal from the Paris Agreement as a core international framework for climate change legislation (Pavone, 2018, p. 34-49). This action has preserved the ideology of climate change denial of the United States of America (Collomb, 2014, p. 11-12), a poor example for America, as well as the efforts and determination to tackle climate change problems and their detrimental effects on the protection of human rights.

In summary, it can be said that the current international legal framework for climate change is insufficient to address climate change issues. Following this negative feature, several countries have found handling this issue inadequately or even ignoring climate change issues. Hence, the fact that climate change affects human rights and the Paris Agreement as the first legally binding multilateral climate change instrument which involves human rights issues in its preamble has become a starting point to examine the role of international human rights law to close the gap of current framework in climate changes. Then, what is the role of international human rights law in climate change?

Moreover, whether the role of international human rights law is acceptable to be neglected in these issues?. The answer to the question will be discussed in the next part.

### 3.2. The Role of International Human Rights Law in Climate Change: Close the Gap

Given the current international legal structure on climate change, international human rights law will play a role in bridging the gap. Climate change has a negative impact on human rights, and attempts to address the human rights dimension in the Paris Agreement will further provide an 'arena' for international human rights law to play a significant role in climate change issues (Boyle, 2018, p. 11-15).

International human rights are closely connected with other international law regimes, and there is always a human rights dimension in all human activities, as human rights are inalienable, indivisible, and interdependent (Silva *et al.*, 2019, p. 1-2). In addition, the rising number of instruments and bodies on human rights coping with climate change demonstrates how international human rights law contributes and strengthens efforts to tackle climate change and further ensures the enjoyment of human rights and fundamental freedoms. International human rights law plays several roles and adds value in fighting climate change.

**First**, international human rights law will add distinctive value to the current international climate change framework. The Paris Agreement focuses on state obligation to reduce global emissions and the increased capacity to adapt to the adverse effects of climate change on the basis of equity and common but differentiated responsibility (Paris Agreement, 2015, art. 2(2)). At the same time, state parties also cannot neglect the adverse climate change to human rights, especially the effect of climate change on the ecosystem, livelihoods, health, and security, leading to the detrimental of the right to life, right to health, and other relevant human rights (UNEP, 2015, p.1-8). As stated in the preamble to the Paris Agreement, the States Parties need to recognize that climate change is a common concern of humankind (Paris Agreement, 2015, preamble). Therefore, in taking action, parties need to address, respect, promote, and take account of their respective human rights obligations (Paris Agreement, 2015, the preamble). However, the agreement only deals with human rights in its preamble, and there are no specific operational articles on how the obligation should be carried out. International human rights law could therefore play a significant role in addressing this issue, and several human rights treaties and bodies have, in fact, frequently addressed these issues.

Since 2008, the Human Rights Council and its Special Procedure have been actively addressing the negative impact of climate change on human rights. It is based on Resolution 7/23, which expressed concern that climate change poses an immediate and far-reaching threat to people and communities worldwide (United Nations, Human Rights Council, 2008). Following Resolution 7/23, the Human Rights Council also adopted Resolution 10/4 (2009) on Human Rights and Climate Change, Resolution 18/22 (2011) on Human Rights and Climate Change, Resolution 26/27 (2014) on Human Rights and Climate Change, Resolution 29/15 (2015) on Human Rights and Climate Change and Resolution 32/33 (2016) on Human Rights and Climate Change, each of the human rights council resolution highlighted the need for international cooperation and called on the parties to integrate human rights into climate change mitigation and adaptation in their national action (United Nations, Human Rights Council, 2009; United

Nations, Human Rights Council, 2011; United Nations, Human Rights Council, 2014, United Nations, Human Rights Council, 2015; United Nations, Human Rights Council 2016). Specifically, the Human Rights Council and the Office of the High Commissioner for Human Rights focus on the protection of the rights of those most vulnerable to climate change, namely children (Human Rights Council Resolution 32/33), women and girls (Human Rights Council Resolution 38/4) and persons with disabilities (Human Rights Council Resolution 41/21; United Nations, Human Rights Council, 2016; United Nations, Human Rights Council, 2019). Moreover, they are also specifically focused on two agendas, namely right to health (Resolution 29/15) and the impact of climate change on migration, particularly to the issue of climate-induced displacement (Resolution 35/20; United Nations, Human Rights Council, 2015; United Nations, Human Rights Council, 2017).

Table 1. Relevant Human Rights Treaties and Bodies on Climate Change Issue

<b>Name of Human Rights Treaties</b>	<b>Relevant Articles</b>	<b>Relevant General Comments Adopted By Committee</b>
International Covenant on Civil and Political Rights	The right to self-determination (article 1) and the right to life (article 6)	Human Rights Committee General Comment No. 36 on the Right to Life
International Covenant on Economic, Social, and Cultural Rights	The right to self-determination (article 1), the right of everyone to an adequate standard of living (article 11), and the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (article 12)	Committee on Economic, Social, and Cultural Rights (CESCR) General Comment No. 14 on The Right to the Highest Attainable Standard of Health and CECSR General Comment No. 15 on the Right to Water
International Convention on the Rights of the Child	The protection and the best interest of the child (article 3), right to life (article 6), the right of the child to the enjoyment of the highest attainable standard of health (article 24), and the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development (article 27)	Committee on the Rights of the Child (CRC) General Comment No. 15 on the right of the child to the enjoyment of the highest attainable standard of health ( and CRC General Comment No. 11 on Indigenous children and their rights under the Convention
International Convention on the Elimination of All Forms of Discrimination Against Women	The protection of women, non-discrimination, and the right to an adequate standard of living for women (article 2, 11, 1, and 15)	Committee on the Elimination of Discrimination against Women (CEDAW) General Recommendation No. 37 on Gender-related dimensions of disaster risk reduction in the context of climate change
International Convention on the Rights of Person with Disabilities	Right to life (article 10), the protection and safety of persons with disabilities in situations of risk (article 11), and the right to the enjoyment of the highest attainable standard of health (article 25)	

(Source: Author)

In addition to the Human Rights Council and the OHCHR, specific international human rights treaties and bodies have also addressed climate change. Climate change impacts have several implications for the enjoyment of human rights and fundamental freedom, guaranteed and protected by relevant human rights treaties and bodies, as presented in the table 1.

Table 1 provides relevant treaties, specific rights, and general comments adopted by the Committee, adding distinctive value to the present international framework on climate change. The right to life and the right to self-determination are directly or indirectly affected by climate change in the context of civil and political rights. In particular, in General Comment 36 on the right to life, the Human Rights Committee addresses Climate Change, which states that the right to life of present and future generations is severely threatened by climate change. Member States parties to the Covenant should respect and ensure the right to life, ensure that natural resources are used sustainably, and take all necessary action for activities that have an important environmental impact (United Nations, Human Rights Committee, 2019, para. 62).

The right to self-determination, the right to adequate living standards, including nourishment, water, housing, the right to health, should be protected by states in the fields of economic, social, and cultural rights (ICESCR, 1966, Art. 1, 11, and 12). Specifically, Committee on Economic Social and Cultural Rights (CESCR) has adopted two general comments related to the climate change issues, namely CESCR General Comment 14 on the Right to the Highest attainable standard of health and CESCR General Comment No. 15 on the water right. Both general comments address the state party's obligation to guarantee a healthy environment and assess the impact of actions that may impede the enjoyment of the water right (CESCR, 2002, para. 28).

Additionally, women, children, and persons with disabilities are among the most vulnerable groups to climate change. Each human rights convention and body addresses the state obligation to protect the rights to life, right to health, and an adequate standard of living. In the case of children, there are two relevant General comments adopted by the Committee on the Rights of the Child, namely General Comment No. 15 on the enjoyment of the highest attainable standard of health and General Comment No. 11 on Indigenous children and their rights under the Convention, which both addresses that climate change is one of the biggest threats to children's health and states should put children's health concerns at the center of their climate change adaptation (CRC, 2013, para. 50; CRC, 2009, para. 34-36). Correspondingly, the Committee on the Elimination of Discrimination against Women (CEDAW) as the bodies of Women Convention has adopted General Recommendation No. 37 on the gender-related dimensions of disaster risk reduction in the context of climate change, which further specifies the state obligation to take all appropriate measure to promote and protect the enjoyment of these rights for women in the context of climate change. (CEDAW, 2018, para. 10) In addition, the International Convention on the Rights of Persons with Disabilities has recognized the responsibility of the States to protect disabled persons in the event of danger and natural disasters (CRPD, 2007, art. 11).

**Second**, as previously discussed, one of the negative features of the current climate change law regimes is non-legally binding commitment in the form of national determines contribution and its flexibility measures, which lead to the non-ambitious target to reduce the global emission. Hence, international human rights law may perform the complementary function to the international climate change law, as

international human rights law imposes the obligation to respect, protect, and fulfill to state parties to the human rights treaties. Through a joint declaration of the five United Nations human rights treaty organizations on climate and human rights, all countries are encouraged to consider their human rights obligations as they review their climate commitment (OHCHR, 2019). Consequently, the failure to introduce legislation to avoid or control foreseeable harm to human rights caused by climate change may constitute a breach of States' human rights obligations (OHCHR, 2019).

**Lastly**, it cannot be denied that the current climate change legal framework did not provide any monitoring and enforcement procedure for the states who did not achieve their 'ambitious' target. The Paris Agreement lies on the so-called 'transparency framework,' which serves as an instrument of indirect control over the activities conducted at the national level by states parties to implement their obligations under the agreement (Montini, 2015, p. 163). Such a mechanism is likely less effective in forcing compliance behavior among the state's parties. Alternatively, International human rights law provides a crucial layer of protection.

The current human rights law will provide an 'arena' for the state's non-compliance behavior to be addressed through several existing mechanisms, namely charter-based mechanism, treaties-based mechanism, and several climate change litigation cases. First, during the 33<sup>rd</sup> universal periodic review session, several states have incorporated climate change issues into the national reports. For example, the reviewed address to Nicaragua to continue tackling the adverse impact of climate change and promoting international cooperation (UPR Info, 2019). Such interactive dialogue and recommendations will help the relevant states further meet the ambitious target to reduce global emissions.

The treaties-based mechanism will also provide a 'room' to address human rights' enjoyment in the context of climate change. The treaty-based mechanism is a human rights mechanism that monitors the development of critical international human rights instruments through United Nations treaty bodies (Kemlu, 2019). International human rights law is primarily enforced through the United Nations (UN) treaty bodies. In this context, treaty-based mechanisms such as the United Nations Human Rights Committee (HRCtee) are not the only ones in existence. Among the UN system's human rights treaty bodies are the Committee on Economic, Social, and Cultural Rights, the Committee on the Child's Rights, and the Committee on the Elimination of Discrimination Against Women. These bodies are unique within the UN system in that they are the only entities officially designated by states parties to monitor compliance with their human rights treaty obligations (Bantakes & Oette, 2013, p. 195).

Communication submitted by children to the Committee on the Rights of Child is one of the landmark cases submitted under the UN treaties bodies (The Child Rights Committee, 2019). The plaintiffs argue that the respondent nations have contributed to the climate crisis and failed to address the issues. Additionally, the plaintiffs asked the Committee to recommend that the respondent nations amend their laws and policies to fulfill their obligation, which was stipulated in the Convention. Accordingly, other than charter-based and treaties-based mechanisms, the growing trend of climate change litigation worldwide becomes a shred of evidence on how the international human rights law plays a significant role in the fights against climate change. One of the key features of climate change litigation is incorporating the relevant right stipulated in human rights treaties into their claim and demanding sufficient action to combat climate change to the



state. One of the landmark cases in climate change litigation is the Urgenda Case. The Urgenda Foundation and 900 people in the Netherlands have brought a lawsuit against the Dutch Government for inadequate climate action, which adversely affects human rights. In 2015, The District Court found that the State violated its citizens' duty of care, an unlawful act according to Dutch Tort Law. Thus, the State has a duty of care to take mitigation measures (Verschuuren, 2018). Furthermore, The Court of Appeal has ruled on the immediate and real risk of climate change violating the right to life and family and private life as guaranteed by the European Convention on Human Rights (Verschuuren, 2015). In late 2019, the Supreme Court upheld the court of appeal's judgment, confirming the Netherlands to reduce its emissions to protect human rights.

As the current framework is insufficient to address the issues at hand, the international human rights law could fill the gap and have added value to the current framework. Each abovementioned mechanism is not working separately; instead, each mechanism is interrelated and interdependent to protect human rights in the context of climate change. Moreover, those three abovementioned features have become evidence that international human rights law plays a significant role in the climate change law framework, and its role in the fights against climate change is not negligible.

#### 4. Conclusion

This paper's central question is how the current international legal framework addresses climate change, and the role plays by international human rights law. As can be seen from the analysis above, the current international climate change framework is insufficient to address climate change problems and their adverse impact. Following these insufficient instruments, state parties to the relevant framework show non-compliance behavior by inadequately performing their obligation or denying climate change issues. Therefore, international human rights law may play a significant role in closing the current climate change framework gap. International human rights law will add distinctive value to the current system, perform the complementary function to the non-legally binding commitment, and could provide an 'arena' for such non-compliance behavior of states parties. The mechanisms available are charter-based mechanism, treaties-based mechanism, and several climate change litigation claims. In short, the role of international human rights law in fighting against climate change is not negligible as there is always a human rights dimension in climate change issues.

#### References

- Adelman, S. (2018). Human Rights in the Paris Agreement: Too Little, Too Late. *Transnational Environmental Law*, 7(1), 17-36. <https://doi.org/10.1017/S2047102517000280>
- Allan, J. I. (2019). Dangerous Incrementalism of the Paris Agreement. *Global Environmental Politics*, 19(1), 4-11. [https://doi.org/10.1162/glep\\_a\\_00488](https://doi.org/10.1162/glep_a_00488)
- Bantekas, I & Oette, L, (2020). *International Human Rights Law and Practice: Third Edition*. Cambridge University Press

- Bodansky, D. (2016). The Paris Climate Change Agreement: a New Hope?. *The American Journal of International Law*, 110(2), 288-319. <https://doi.org/10.5305/amerjintlaw.110.2.0288>
- Boyle, A. (2018). Climate Change, the Paris Agreement and Human Rights. *International and Comparative Law Quarterly*, 67(4): 1-19. <https://doi.org/10.1017/s0020589318000222>
- Collomb, J. D. (2014). The Ideology of Climate Change Denial in the United States. *European Journal of American Studies*, 9(1), 11-12. <https://doi.org/10.4000/ejas.10305>
- IPCC. (2014). *Climate Change 2014: Synthesis Report. Contribution of Working Groups I, II, and III to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change*. IPCC.
- IPCC. (2021). Summary for Policymakers. In: *Climate Change 2021: The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate*. Cambridge University Press.
- Lanyi, G. (2012). Climate Change and Human Rights. *Alternative Law Journal*, 37(4), 269-271. <https://doi.org/10.1177/1037969x1203700411>
- Leijten, I. (2019). Human rights v. Insufficient climate action: The Urgenda case. *Netherlands Quarterly of Human Rights*, Vol. 37(2): 112-118. <https://doi.org/10.1177/0924051919844375>
- Montini, M. (2015). The Paris Agreement on Climate Change: Miracle or Disaster. *Environmental Liability*, (5), 161-166.
- Newman, J., & Head, B. W. (2015). Categories of failure in climate change mitigation policy in Australia. *Public Policy and Administration*, 30(3-4), 342-358. <https://doi.org/10.1177/0952076714565832>
- Neves-Silva, P., Martins, G. I., & Heller, L. (2019). Human rights' interdependence and indivisibility: a glance over the human rights to water and sanitation. *BMC International Health and Human Rights*, 19(1). <https://doi.org/10.1186/s12914-019-0197-3>
- Pavone, I. R. (2018). Paris Agreement and the Trump Administration: Road to Nowhere?. *Journal of International Studies*, 11(1), 34-49. <https://doi.org/10.14254/2071-8330.2018/11-1/3>
- Peel, J. (2008). Climate Change Law: The Emergence of a New Legal Discipline, *Melbourne University Law Review*, 32: 922-979. [https://law.unimelb.edu.au/\\_data/assets/pdf\\_file/0008/1705652/32\\_3\\_5.pdf](https://law.unimelb.edu.au/_data/assets/pdf_file/0008/1705652/32_3_5.pdf)
- Rosen, A. M. (2015). The Wrong Solution at the Right Time: the Failure of the Kyoto Protocol on Climate Change. *Politics & Policy*, 43(1), 30-58. <https://doi.org/10.1111/polp.12105>
- Setzer, J., & Higham, C. (2021). *Global trends in climate change litigation: 2021 snapshot*. Grantham Research Institute on Climate Change and the Environment and Centre for Climate Change Economics and Policy, London School of Economics and Political Science. <https://www.lse.ac.uk/granthaminstitute/wp->

[content/uploads/2021/07/Global-trends-in-climate-change-litigation\\_2021-snapshot.pdf](#)

- Soekanto, S., & Mamudji, Sri. (2016), *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*. PT. Raja Grafindo.
- Tacconi, L., Rodrigues, R J., & Maryudi, A. (2019). Law enforcement and deforestation: Lessons for Indonesia from Brazil. *Forest Policy and Economics*, 101943, 1-10. <https://doi.org/10.1016/j.forpol.2019.05.029>
- UNEP. (2015). *Climate Change and Human Rights*. UNEP and Sabin Center for Climate Change Law, Columbia Law School. <https://www.unep.org/resources/report/climate-change-and-human-rights>
- Willcox, S. (2012). A Rising Tide: The Implications of Climate Change Inundation for Human Rights and State Sovereignty. *Essex Human Rights Review*, Vol. 9 No.1: 1-19. <https://www.corteidh.or.cr/tablas/r29029.pdf>
- A/HRC/RES/10/4. (2009). *Human Rights Council Resolution 10/4 on Human Rights and Climate Change*.
- A/HRC/RES/18/22. (2011). *Human Rights Council Resolution 18/22 on Human Rights and Climate Change*.
- A/HRC/RES/26/27.(2014). *Human Rights Council Resolution 26/27 on Human Rights and Climate Change*
- A/HRC/RES/29/15. (2015). *Human Rights Council Resolution 29/15 on Human Rights and Climate Change*.
- A/HRC/RES/32/33. (2016). *Human Rights Council Resolution 32/33 on Human Rights and Climate Change*.
- A/HRC/RES/35/20. (2017). *Human Rights Council Resolution 35/20 on Human Rights and Climate Change*.
- A/HRC/RES/38/4. (2018). *Human Rights Council Resolution 38/4 on Human Rights and Climate Change*.
- A/HRC/RES/41/21. (2019). *Human Rights Council Resolution 41/21 on Human Rights and Climate Change*.
- A/RES/61/106. (2007). *Convention on the Rights of Person with Disabilities*.
- CCPR/C/GC/36. (2019). *UN Human Rights Committee (HRC) General Comment No. 36: Article 6 the Right to Life*.
- CEDAW/C/GC/37. (2018). *General recommendation No. 37 on the gender-related dimensions of disaster risk reduction in the context of climate change*.
- CRC/C/GC/11. (2009). *CRC General Comment No. 11: Indigenous children and their rights under the Convention on the Rights of the Child*.
- CRC/C/GC/15. 2013). *CRC General Comment No. 15 on the right of the child to the enjoyment of the highest attainable standard of health art. 24*.
- E/C.12/2002/11. (2002). *CESCR General Comment No. 15: The Right to Water (Arts. 11 and 12 of the Covenant)*.

- FCCC/CP/2015/10/Add.1. (2015). *Paris Agreement*.
- FCCC/INFORMAL/84. (1992). *United Nations Framework Convention on Climate Change*.
- General Assembly resolution 2200A (XXI). (1966). *International Covenant on Economic, Social and Cultural Rights*.
- Human Rights Council Resolution 7/23 on Human Rights and Climate Change*, 2008
- UN. CHAPTER XXVII/7.a. (1997). *Kyoto Protocol to the United Nations Framework Convention on Climate Change*.
- Kementerian Luar Negeri. (2019). *UN Human Rights Mechanism*.  
[https://kemlu.go.id/portal/en/read/87/halaman\\_list\\_lainnya/un-human-rights-mechanism](https://kemlu.go.id/portal/en/read/87/halaman_list_lainnya/un-human-rights-mechanism)
- OHCHR. (2019). *Five UN human rights treaty bodies issue a joint statement on human rights and climate change*.  
<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24998&LangID=E>
- The Guardian. (2019). Most countries' climate plans 'totally inadequate' – experts.  
<https://www.theguardian.com/environment/2019/nov/05/most-countries-climate-plans-totally-inadequate-experts>
- The Child Rights Committee. (2019). *Communication to the Committee on the Rights of the Child against Argentina, Brazil, France, Germany, and Turkey*.  
<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27644&LangID=E>
- United Nations. (2021). Secretary-General Calls Latest IPCC Climate Report ‘Code Red for Humanity’, Stressing ‘Irrefutable’ Evidence of Human Influence.  
<https://www.un.org/press/en/2021/sgsm20847.doc.htm>
- United Nations. Human Rights Council. (2015). *Summary Report of the Office of the United Nations Commissioner for Human Rights on the Outcome of the Full-Day Discussion on Specific Themes Relating to Human Rights and Climate Change*. A/HRC/29/19.  
[https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session29/Documents/A\\_HRC\\_29\\_19\\_en.doc](https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session29/Documents/A_HRC_29_19_en.doc)
- UPR Info. (2019). *Highlights of the 33<sup>rd</sup> UPR Session: SDGs, Climate Change and LGBTI Rights*.  
<https://www.upr-info.org/en/news/highlights-of-the-33rd-upr-session-sdgs-climate-change-and-lgbti-rights> .
- Verschuuren, J. (2015). *Spectacular judgment by Dutch Court in climate change case*.  
<https://blog.uvt.nl/environmentallaw/?p=109>
- Verschuuren, J. (2018). *Urgenda Climate Change Judgement Survives Appeal in the Netherlands*.  
<https://www.iucn.org/news/world-commission-environmental-law/201810/urgenda-climate-change-judgment-survives-appeal-netherlands>