Climate Justice and Solidarity Rights: Peace, Development, Humanitarian Assistance, and a Healthy Environment

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Introduction
Taking the view that climate justice must be a primary global objective, this briefing proposes the application of a human rights-based approach (HRBA) to the humanitarian-development-peace (HDP) nexus. In the context of new challenges arising as a result of climate change around the world, the need for new and bridging approaches is increasingly vital. This briefing argues that advancing the so-called “third-generation solidarity rights” that already include the rights to peace, development, humanitarian assistance, and a healthy environment (Minnerop et al., 2018) can serve the evolution of such an approach. Around for several decades already, solidarity rights speak to the collective objectives and rights of communities and peoples (Farooq, 1983). Solidarity rights are especially emphasized by Global South advocates for international equality between states, intent on addressing inter-state injustices and global inequality that heightens the risks of conflicts and widens poverty.

In assessing the HDP nexus in the context of climate change, some of the foundational building blocks of international collaboration must be considered, and human rights are a central piece of this foundation. Beyond a critical “cross-cutting” issue informing the HDP nexus, human rights can serve as a lens to frame discourse and programming, in particular around the evolving area of “climate justice”. While there are varied definitions, the Intergovernmental Panel on Climate Change (IPCC) frames climate justice as “justice that links development and human rights to achieve a rights-based approach to addressing climate change” (IPCC SPM fn. 14 at p. 7). Within this frame, the IPCC recognizes that people’s vulnerabilities to climate impacts vary by region, and that these differences are driven by “historical and ongoing patterns of inequity such as colonialism, and governance” (IPCC SPM B.2 at p. 11).

Climate justice is fundamentally a human rights issue that in turn affects programming, financing, implementation, and accountability of humanitarian, development, and peace-affecting actors. The argument here is that prioritizing climate justice can be advanced by those implementing programmes in the HDP nexus through a HRBA, focused on meeting the goals of equity, inclusion, and accountability of a range of stakeholders. In line with the IPCC report, the suggestion is also that if the HDP nexus is framed in the language

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of rights, then the onus of implementation is placed on the collaborative relationship between national and international institutions and civil society, to ensure that such rights are protected and promoted before, during, and after conflicts or climate-induced disasters.

In the following sections, I first discuss what a HRBA implies within the HDP nexus and how it links to climate justice. From there, a brief overview of the evolution of solidarity rights lends a focus on the rights to peace and development as a starting point for a shared language, followed by a reflection on emerging rights to humanitarian assistance and a healthy environment – a set of rights that provides the foundation on which practitioners can expand. It concludes with a call for greater accountability mechanisms based on the collaboration of a wider set of actors, the very aspirations of HDP nexus responses.

The Need for a Human Rights-Based Approach

In development work, a HRBA is one where programmes, polices and processes of development are designed and managed with guidance from the legal standards, values, and principles found in international human rights conventions, declarations, and mechanisms. This analytical framework, adopted by the United Nations Sustainable Development Group, is used to analyze inequalities and redress discriminatory practices and unjust distributions of power that impede development progress. The focus is on developing the capacities of ‘duty-bearers’ to meet their obligations, and ‘rights-holders’ to claim their rights. The approach goes back to 2003, when United Nations agencies agreed on these attributes of human rights being applied to programming, resulting in the Common Understanding on HRBA to Development Cooperation. Among the essentials are inclusion and participation of civil society in the development and delivery of programmes. Moreover, the HRBA is one of the Guiding Principles of the United Nations Sustainable Development Cooperation Framework that also includes the promise to “leave no one behind” as per the 2030 Agenda, along with sustainability, accountability, and resilience as central tenets in addressing climate change.

A HRBA extended to the HDP nexus can bridge the gaps between development aid workers, peacebuilders, humanitarians and persons to whom the aid is given, by providing an overarching framework based on human rights (including the right to development, the right to peace, the right to humanitarian assistance, and the right to a healthy environment) that are indivisible – and thus also apply to these three sectors in focus. The approach aspires to be participatory, to bring all the different aspects of the HDP ecosystem to work together in line with their objectives to be cohesive, coherent, and collaborative.

Striving towards climate justice merits application of a HRBA to address the systemic inequalities, power imbalances, and disproportional impacts on vulnerable populations largely experienced by and within the Global South. The UN Office of the High Commissioner for Human Rights states that climate change threatens a range of human rights including the rights to life, water and sanitation, food, health, housing, self-determination, culture and development. It also notes the disproportionate effects of climate change on security, Indigenous Peoples’ rights, poorer countries and disadvantaged communities, while magnifying and compounding existing racial, gender, and socio-economic inequalities that will persist, if not averted, for future generations. Appropriately, the IPCC recommends that actors pursue rights-based approaches that focus on building capacities of communities, ensuring the meaningful participation of vulnerable groups in decision-making, and providing access to financing and other resources for climate adaptation (IPCC SPM D.2.1 at p 32).

Solidarity Rights to Peace and Development

Applying a HRBA to the HDP nexus in the interest of pursuing climate justice can be seen as
having supportive conceptual foundations in the set of rights that comprise solidarity rights, starting with the rights to peace and development. Solidarity rights are collective, of a society, or a people, while international solidarity refers to unity and cohesion between individuals, peoples, states and organizations. Such solidarity also encompasses a recognition of different interests and needs within a framework of common goals. These rights, under the heading of solidarity, continue to be clarified over the years with new declarations and even covenants, including a new draft declaration on international solidarity. In short, international solidarity objectives aim to prevent and eliminate asymmetries and inequities between and within states, including those that perpetuate poverty and inequality, while improving trusting relations. The concept goes back to decolonization after the Second World War and, beginning in the 1970s, calls of the UN to support the development of former colonies through the human rights framework (Farooq, 1983). Solidarity rights share with climate justice an intention to address historic power imbalances and inequalities between states that result in vast inequalities between human beings around the world.

The UN Charter begins with a democratic ideal of “We the Peoples of the United Nations”: The mandate of the UN, therefore, provides a conceptual container as well as some accountability mechanisms, beginning with the first two objectives of peace and development. Therefore, the original “nexus” is found in the UN pillars derived from the Preamble of the UN Charter of 1945. In some versions, the pillars refer to 1) peace and security, 2) development, and 3) human rights, while others add a fourth pillar – the rule of law. Peace-making is the original raison-d’être of the UN and of many other multilateral organizations. But the pillar of peace and security is no longer just the absence of military conflict, but the presence of factors that can foundationally address national and international tensions, including by addressing poverty, environmental degradation, weak democratic institutions and human rights violations. The pillar of development comes from the declared aim of the UN to promote social progress, expand human potential, and have better standards of life with greater freedom.

The “right to peace” has a long history (Fernández et al., 2017), with a Declaration on the Right of Peoples to Peace as far back as 1984, proclaiming that “the peoples of our planet have a sacred right to peace” (UNGA Resolution 39/1). Two years later, in 1986, the Declaration on the Right to Development came about, calling for an inalienable human right to economic, social, cultural and political development as belonging to every person and peoples (UNGA Resolution 41/128). Thirty years after that, in December 2016, another Declaration on the Right to Peace, initially proposed by UNESCO, was ratified by the UN General Assembly, bringing the two concepts together in Article 1, stating that “everyone has the right to enjoy peace such that all human rights are promoted and protected and development is fully realized” (emphasis added). There is a recognition that an enjoyment of peace is limited without a comprehensive set of rights, and this hints at an emphasis on social and economic rights that have otherwise been widely neglected around the world. The 2016 Declaration then goes on in its article 2 to say that States should guarantee freedom from want as means of building peace, again linking socio-economic development with peace in its rights discourse.

Importantly, the 2016 Declaration on the Right to Peace emphasizes again that peace is not just absence of conflict but a continual “dynamic participatory process” of dialogue to resolve conflicts, ensure socioeconomic development, eradicate poverty, promote sustained and sustainable economic growth and global prosperity for all, while reducing inequalities within and among countries. It recognizes civil society organizations as making important contributions in building and preserving peace, especially by strengthening a culture of peace. The mention of all stakeholders – human beings, peoples, and nations – to practice tolerance, dialogue, cooperation and solidarity, is key.
The Right to Humanitarian Assistance

Whereas the rights to peace and development have been more clearly articulated, a human right to humanitarian assistance has been more tenuous. Such an independent right continues along the evolutionary path of third-generation solidarity rights. And while it does not yet exist on its own, and is not spelled out in a separate declaration, the right to humanitarian assistance can be derived from existing social and economic rights. These rights include, as a starting point, the rights to life, food, water, shelter and housing, and overall health that includes access to medicine (Kuijt, 2014; Pietropaolo, 2016). These rights exist in international law, for example in the respective conventions for refugees, internally displaced persons, and children. Further commitments to an independent right to humanitarian assistance are said to exist in “soft law” of both General Assembly and Security Council resolutions (Cubie, 2011). A recent General Assembly Resolution called for “international cooperation on humanitarian assistance in the field of natural disasters, from relief to development”, specifically identifying the connections that climate change creates between development efforts and humanitarian ones (UNGA Resolution 75/124 /2020).

The laws pertaining to humanitarian assistance may differ depending on the type of emergency, whether natural disaster, conflict, or occupation. International Humanitarian Law (IHL) applies to situations of armed conflict, and a different set would apply in response to natural disasters as a result of climate change. For the time being, the 2016 Draft Articles on Protection of Persons in the Event of Disasters include a separate provision in Article 5 stating that “persons affected by disasters are entitled to the respect for and protection of their human rights in accordance with international law.” The timing of when the rights apply is also of issue – when to intervene, not just in response to a humanitarian crisis (whether conflict or climate induced), but to prevent a humanitarian situation. In this case, it would entail mitigating and adapting to the effects of climate change through development and peacebuilding efforts.

The Right to a Healthy Environment

The right to a healthy environment englobes similar rights to that of humanitarian assistance – preservation of basic rights to life, clean water, food, etc. (Aquila, 2021). This right to a healthy environment is part of the solidarity rights grouping, having a clear link to development, with an emphasis on the collective claims of peoples. The initial milestone achieved in October 2021 involved the UN Human Rights Council adopting a resolution that recognized the human right to a safe, clean, healthy and sustainable environment. This was followed with its recognition by the UN General Assembly in July 2022, moving closer to becoming a freestanding and legally-binding human right.

For decades, climate justice advocates have been calling for a right to a healthy environment and for states to recognize that the implications of environmental damage are felt unevenly around the world. Those who experience the most significant consequences are already in vulnerable situations, particularly Indigenous Peoples, older persons, persons with disabilities, and women and girls. Recent UN resolutions recognize that the combination of climate change, unsustainable development, and environmental degradation pose among the most pressing of threats to the human right to life. This amounts to a global recognition that such a right exists but also that it can already be found in other rights in accordance with existing international law.

Thus, States are called to meet their commitments, through enhanced cooperation with one another, with the UN system and other relevant organizations, and all relevant non-State stakeholders, including civil society. They are called upon to exchange knowledge and ideas, build synergies between the protection of human rights and the protection of the environment, and continue to apply an integrated and multisectoral approach, particularly as this is the nature of the Sustainable Development Goals (SDGs).
Accountability Towards Climate Justice

This briefing has advanced that peace, development, humanitarian assistance, and a healthy environment have a basis in human rights frameworks that can and should be strengthened – towards taking more concerted action on climate change. It has shown how each of these are solidarity rights – and as such, can be seen to align with the notion of climate justice – focusing on the experiences of vulnerable people that are disproportionately affected by climate change, socio-economic disparities, and conflicts.

Additional reflection on the abovementioned declarations and resolutions, including the draft declaration on the right to international solidarity, is needed to bring more insight into the actionability of the HRBA approach. Solidarity rights are inching towards having greater legal recognition, but they heed distinctive enforcement mechanisms; more collaborative ones. While the rights discussed above have the force of soft law but are not all legally binding at the international level, national and regional courts have been increasingly interpreting the international laws in ways that gives them force. However, as IHL (the oldest form of international law based on the Geneva Conventions) has shown, even when laws are well entrenched, this does not guarantee that states or non-state actors will abide by them. While state parties can be brought to trial in international courts or there can be political repercussions to violations, this typically happens only after the fact of a human rights violation. By comparison, with solidarity rights – to peace, development, humanitarian assistance, and a healthy environment – accountability actions can be preemptive and not solely reactive.

With the HRBA, human rights are not only applicable in the rule-based litigation context, but also implemented through the programmes of UN agencies, NGOs, civil society actors, developmental partners, and in collaboration with government counterparts. As a result, solidarity rights have multiple layers of accountability – local, regional, transnational, and global. With climate change, that accountability gets even more complex because drivers and factors of climate change may happen on one side of the world, with direct impacts on the other – beyond states, to communities and individuals. As it is difficult to trace and ascribe a climate change cause to particular states and to hold them accountable solely through human rights enforcement mechanisms, the responsibility is collective among states, hence the nature of solidarity having even more importance.

Reminiscent of the calls for climate justice globally, there has been a call for implementation of the HDP nexus to focus on equity and inclusive decision-making with meaningful civil society participation so as to strengthen accountability. Mindful of the complexity in doing so, the HDP nexus has the potential to powerfully realize solidarity rights in pursuit of climate justice, bringing greater accountability through more coherent and coordinated programming. Rooted in systems thinking, a HRBA approach to the HDP nexus can inform partnership building among diverse stakeholders and especially local leadership, participatory decision-making and dialogue, and co-creation in response to complex challenges.

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