

# Drowning Coastlines: Human Rights Amid the Climate Crisis

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DOI:10.37648/ijrssh.v13i04.018

<sup>1</sup>Received: 28 October 2023; Accepted: 21 December 2023; Published: 24 December 2023

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## ABSTRACT

As the effects of climate change exacerbate, coastal communities across the globe are getting hit by rising sea levels and natural disasters at an accelerated pace. Those changes are jeopardizing people's homes, livelihoods, rights, especially in small island nations. Floods and erosion are making many coastal regions unlivable, forcing people to relocate. This raises important questions of how to ensure the protection of these displaced communities and what responsibility the international community has to them. Acknowledging this reality demands a fresh perspective that includes the protection of human rights, adaptation and relocation. This paper explores the relationship between climate change and human rights, and calls on the need of urgent action to safeguard the people disproportionately affected by the climate crisis.

**Keywords:** *climate change; natural disasters; coastal areas; displaced communities; adaptation strategies; relocation; climate crisis*

## 1. Introduction

In the early hours, as the coastal district in Bangladesh sleeps soundly, its residents were roused not by alarm clocks but by the sounds of seawater rushing into their homes. Land that was once green and fertile is now saline and unproductive, flooded repeatedly by rising tides that bring not just saltwater, but the loss of livelihoods, homes and heritage. Entire villages populated for generations along the coast are being driven inland as they surrender their ancestral homes to the advancing Bay of Bengal. Dismal scenes were unfolding across the globe, from the island nation of Tuvalu, whose atolls are vanishing into the sea, to the sunken coastal wetlands of southern Louisiana, where Tezakapoyah is one of 2,000 Biloxi-Chitimacha-Choctaw who were fleeing the rising waters and sinking land due to climate change (Bronen, 2014; Storlazzi et al., 2018).

These are the stories that put the human face on a global trend. It has been estimated that roughly 3.3 mm/year are registered based on the satellite measurements by NASA (NASA, 2023), but it increases rapidly due to the melting of the polar ice sheets and glaciers, and due to thermal expansion of the oceans for global warming (NASA, 2023). The Intergovernmental Panel on Climate Change (IPCC) suggests that the sea level could rise with up to 1.1 m by 2100 if the emissions of greenhouse gases are unlimited (IPCC, 2021). It is also a force that threatens to inundate coastal cities, poison fresh water supplies, erode coastlines and worsen storm surges. But it is not just the ecological and economic consequences that matter: it is the scale of the human crisis.

The rising seas are not merely eroding shorelines; they are also washing away human rights in a fast-accelerating erosion of the public trust. Human rights to housing, today, but also clean water, health, education, cultural identity and not least life are increasingly undermined for millions of people in coastal and low-lying areas. Climate-driven migration is remaking populations and societies, with the marginalised, those least responsible for global emissions, caught in the triple trap of climate, conflict and destitution. As the land is swallowed up, so goes the protection and dignity humanity was once promised in global human rights regimes. That is why climate crisis, and with it sea level

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<sup>1</sup>How to cite the article: Pavani P.S., December 2023; Drowning Coastlines: Human Rights Amid the Climate Crisis; *International Journal of Research in Social Sciences and Humanities*, Vol 13, Issue 4, 226-233, DOI: <http://doi.org/10.37648/ijrssh.v13i04.018>

rise, cannot simply be regarded as an environmental or scientific matter: it must be seen as one of the biggest human rights emergencies, whose solution requires a global emergency response.

## 2. Understanding the Crisis

Sea level rise projections, one of the most visible impacts of climate change, are the product of complex and accelerating processes. Chief among them is the melting of glaciers and polar ice sheets, which dumps massive amounts of fresh water into the seas. The Greenland and Antarctic ice sheets are losing mass at an accelerating rate due to global warming. Between 2006 and 2015 the Greenland ice sheet lost on average 278 billion metric tonnes of ice per year and Antarctica was losing 155 billion metric tonnes of ice per year (IPCC, 2019). Also, thermal expansion, the expansion of sea water as it warms, is a major contributor to sea level rise. The sea level rises, even when world ocean temperatures warm, but without more water coming in. The net effect of these processes caused the global mean sea level rise by about 20 cm since 1900 and nearly half of that rise was after 1993 (IPCC, 2021; Dangendorf et al., 2019).

Under a business-as-usual scenario of greenhouse gas emissions, the Intergovernmental Panel on Climate Change (IPCC) has cautioned that global sea-level rise would be between 0.63 and 1.01 m (RCP8.5) and possibly above if ice sheet instability proceeds more extremely (IPCC, 2021). Even when assuming moderate mitigation, the seas will rise 0.44 meters to 0.76 meters. Not that that rise will be uniform: Regional quirks linked to the action of ocean currents, the rebound of rock once the weight of melting ice is lifted, ongoing tectonic shifts and differences in the pull of gravity from shrinking concentrations of ice mean that some regions, including Southeast Asia, the western Pacific and parts of the Arctic will see sea level increases well above the global average. Island states, like Marshall Islands and Kiribati, are already coping with submersion and salinity, and megalopolises are increasingly flood-prone due to phenomena like sinking under groundwater over-extraction like Jakarta is (Rasmussen et al., 2021; Nicholls et al., 2021).

Yet these physical changes are as much social as they are environmental: social, in that they disproportionately imperil the lives and fates of those who are least affluent and most vulnerable. Marginalised coastal communities, indigenous peoples, and Small Island Developing States (SIDS) are also in the firing line in a crisis that could see them used as 'guinea pigs' for land-based and carbon offsetting experiments with Natural Climate Solutions (NCS) on their lands. In 2022, 32.6 million people fled disasters, the highest annual figure since 2013 and almost half of it due to floods (IDMC, 2023). Most of those were in low-lying, developing areas, like South and Southeast Asia and sub-Saharan Africa. Poor people often do not have the kind of adaptation necessary, high housing, relocation and have to cope with repeatedly flooding and storm surges. For Indigenous communities, whose cultural practices are so tied to specific lands, they're grappling not just with their displacement but with their cultural erasure. Simultaneously with facing land loss, they are losing their water and fisheries (p.6) and this has directly impacted their food security and their public health and in some cases, the very existence of their States (UNFCCC, 2020). Such effects accentuate existing injustices and denote a pressing urgency to address sea level rise as far more than an issue of climate change, but as a matter of immediate humanitarian and ethical immediacy.

Millions are being forced from their homes as coastlines shrink and seas advance, violating the right to housing and shelter, a basic human right enshrined in international human rights law. Seawater flooding, saltwater intrusion and erosion are making many coastal areas across the continent unlivable. It is not a mere portion of one of the Pacific's island nations that the world is thinking of relocating, but an entire nation may soon need to be evacuated in the case of the island of Kiribati (McDonnell, 2014). Kiribati has recently purchased a piece of land (20 km) in Fiji for a potential resettlement of a nation (Londono et al., 2014). The Indonesian capital, Jakarta, is also plummeting, and both the rising seas and the overuse of groundwater are a threat to the country. Over the course of this year, the Indonesian government has begun to transport to Borneo its own capital city to address chronic flooding and land loss, displacing thousands of the urban poor who were living on the low-lying coast (Rich, 2019). These cases illustrate the way the environmental crisis is becoming an underlying cause of forced migration with very little legal protection for those who are displaced.

So, the health and life-related effects are just as trembling. It's the storm surges, the flooding of the coast that is getting worse with climate change, and so these populations, especially these vulnerable populations, a lot more of them are getting hurt and displaced and killed. The salt in saltwater that contaminates freshwater sources makes the water we drink dirty and has been linked to increases in waterborne diseases and less productive agriculture. Everywhere on the coast in poor nations this results in malnutrition and food insecurity. Rice paddy production, meanwhile, has declined due to soil salinity in southwest coastal Bangladesh, negatively impacting childhood and pregnancy malnourishment. These health burdens are more pronounced in populations with weakened infrastructure and health

systems, such as those living in coastal areas (World Health Organization (WHO), 2021). It could also lead to a spike in heat-related illness as temperatures soar and overcrowded urban areas expand following displacement.

The concrete losses aside, culture and spirit of the climate displaced are often excruciating, and frequently unrecoverable. In these areas, coastal indigenous and local communities are typically dependent on the environment, which defines their identity, livelihoods and social integration. Intolerable truths such as extinction of indigenous species, 'drowning' of the ancestral land, and sacred sites, and the intangible cultural heritage associated with these. Among the earliest of American communities to witness the federal reality of moving to higher ground due to increasingly persistent water are the Indian people, and in our own country, those islanding souls, the Isle de Jean Charles Band of Biloxi-Chitimacha-Choctaw Indians in Louisiana, provide us the all-too real example that this phenomenon is a cultural matter in ways that are not simply about moving people and not stuff or potential, in fact just as much moving spirit (Bronen, 2015). Similarly, Pacific Islanders risk becoming stateless, detached from their lands and the ecosystems that connect their languages, oral histories and collective ways of life (Farbotko & Lazrus, 2012). UN Declaration on the Rights of Indigenous Peoples Right to culture is, therefore, seriously threatened by the climate crisis.

Clean water, which the UN General Assembly has declared a basic human right, is increasingly coming under threat as sea levels rise at coasts. Saltwater intrusion can result in its contamination in shallow wells (common in low elevation areas, where most drinking water supply targets). In many small island states and deltaic regions, residents are already relying on desalinated or imported water that comes at great expense and is not accessible to all (Werner et al., 2017). Some communities in Tuvalu and the Maldives have observed the deterioration of water quality, elevation of morbidity for diarrhoeal disease and higher dependence of foreign assistance for the access of safe water (UNICEF, 2021). The old infrastructure there is not suitable for protecting against the seawater intrusion and there is now a serious humanitarian issue because of the lack of fresh water. The consequences of no safe water are even more significant in terms of poverty and public health, particularly for women and girls, who are usually the ones gathering the water in most communities.

### 3. Legal Dimensions

The impacts of climate change, including sea level rise, have brought to the fore urgent legal and ethical questions concerning the adequacy of current international frameworks in protecting vulnerable communities. Approached undertakings in instruments such as the International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR) to respect rights such as life, housing, water, health, and an adequate standard of living were part of a moral commitment to states. These obligations cut across the spectrums of harm, including those from environmental damage (OHCHR, 2015). But the effectiveness of those treaties is limited when people are forced to cross borders because of climate change. Under the 1951 Refugee Convention, to be a refugee is to be oppressed in part for reasons such as race, religion, political opinion. But it is not applicable yet for those people who are displaced directly by environmental reasons, thus the so called climate migrants are in a legal nowhere land (McAdam, 2012). This loophole was exposed in a court case, *Teitiota v New Zealand*, in which a man born in Kiribati, on 2 September 2015 and the implications of the inevitability of climate change such as sea levels rising, existing conditions and conflict. The man sought asylum in New Zealand over rising sea levels. While his application was unsuccessful, the UN Human Rights Committee observed that it was arguable that an individual might be returned to a situation of life-threatening environmental degradation, and accordingly in principle infringe his or her right to life as guaranteed in the ICCPR (UNHRC, 2020). This case is a step toward a promising recognition of climate displacement rights, but the degree of protection afforded remains minimal.

Those legal constraints clash with broader questions of climate justice and global equity. The countries most at risk, often poor nations and small island states, have contributed the least historically to the greenhouse gases that cause the sea to rise. The poorest 50% of people in the world are estimated to be responsible for just 10% of cumulative emissions, while the richest 10% caused nearly half (World Bank, 2022). But climate-driven disasters, displacement and economic loss disproportionately rain down on the global South. This inequality mirrors the principle of Common but Differentiated Responsibilities and Respective Capacities (CBDR-RC) enshrined in the UNFCCC. The CBDR-RC accepts that while it is all countries' responsibility to respond to the global needs that former beneficiaries created; that those whose hands are the dirtiest and who have the means must step up to both, tackling the challenge directly and to help. There is a moral obligation for wealthier countries not just to slash emissions rapidly but to provide money and legal help to those people most vulnerable, whose way of life is threatened, including the people forced to relocate by the rising water.

There are inherent global trends and developments still being some of the newer legal developments that on their own account for immense pressure in the area of law that are gaining momentum. Interstate advisory opinions in international courts are opening up a space for the evolution of climate change law. For instance, in 2023 the Inter-American Court of Human Rights has been asked to deliver an advisory opinion on the obligation of States in relation to climate change and human rights, after its 2017 advisory opinion declared that the right to a healthy environment was justiciable under its American Convention on Human Rights (IACHR, 2017, 2023). In this regard, ICJ requested for an advisory opinion on the obligations of states under international law as regards the climate protection, once again a not just purely symbolic action to clarify international obligations as well (UNGA, 2023). Some countries have begun including climate-driven migration in their immigration laws. New Zealand currently operates a Pacific Access Category, allowing a small number of residents of threatened Pacific nations (e.g. Tuvalu and Kiribati and Tonga) to immigrate each year (Bedford & Bedford, 2010). While not explicitly framed as a response to climate displacement, this scheme provides a positive and people-centered example of the kind of proactive, inclusive durable solutions for asylum and resettlement that other nations could learn much from globally.

#### 4. Case Studies

Around the globe, rising seas are swallowing the coast in the most abandoned of low-lying places, offering new desperation for vanished land, forced migrations and a constant of lost livelihoods. Nowhere is this more apparent than for low-lying Pacific Island countries such as Tuvalu and the Marshall Islands. These nations face a double catastrophe, loss of physical territory, and the destruction of the culture of what might still survive. In Tuvalu, which is mostly only one to two meters above the ocean, flooding and saltwater intrusion are already causing people to move and wiping out crops. Long-running international advocacy has been driven by the assertion of rights to climate justice and for its people to survive as a nation as they lose their territory, 'home' (Farbotko & McMichael 2019). The same fate awaits also the Marshall Islands, which could even become uninhabitable around the mid 21st century, wherefore there were also talks about the realization of legal pathways for migration and international guarantees in order to keep the sovereignty and culture (Yamamoto & Esteban, 2014). Instead, the two countries are asking for the rest of the world to see them as something other than mindless victims, as individuals who act or push for legal recognition, climate finance and respect in the face of suffering that comes from losses imposed by nature.

In South Asia, Bangladesh is perhaps the best portrait of a nation overcrowded and struggling to confront the human toll of the rising sea. Its coastlines, especially in Sundarbans and other Southern deltaic regions, are subject to high salinity, erosion, and frequent tidal surges. The International Organisation for Migration estimates that over 19 million Bengalis are likely to be internally displaced by the impacts of climate by 2050, with significant numbers already moving from rural coastal areas to major urban centres such as Dhaka and Chittagong (IOM, 2018). It has become an insupportable weight bearing down through the broken buildings and across city's sagging infrastructure. To cope with these threats, Bangladesh has embraced adaptation strategies at the local level such as floating crops, cyclone shelters and embankment schemes. But it won't come close to stopping the displacement tide. In the absence of substantial international support and rights-based migration policies, millions could become 'trapped in place' and unable to either adapt where they are, or to migrate with dignity without impediment (Walsham, 2010).

Across the country, half a world away, the effects of rising seas are unfolding there in different but no less alarming ways. In coastal Louisiana, Native American communities, such as the Isle de Jean Charles Band of Biloxi-Chitimacha-Choctaw Indians, have been forced to moving from their ancestral lands due to a combination of sea level rise, land subsidence and oil industry activity. They are considered by some the country's first federally funded "climate refugees," receiving funds in 2016 to pay for a government-funded relocation (Jessee, 2020). But the tribe says it worries it will have no cultural autonomy, and that tribal members will not be among those with the most important voices in determining where they will be moved. There's a separate dynamic at play in Miami, meanwhile, that's been discussed in terms of "climate gentrification." As richer people begin to abandon waterfront properties at high risk from climate-driven flooding, the very concept of a "safe" part of the city will no longer have any real meaning; land in places like Hôpital Albert Schweitzer and Jean Rabel will start to seem like a better investment. The developers are taking over these communities and displacing previously banished long-term Black and immigrant communities (Keenan et al., 2018). This sudden shift underscores a reality of climate change: It does not harm all people in the same way, nor are all equally responsible for contributing to our altered climate. But the causes of, and the burden of the world's quickly shifting climate at that cross intersection of race, class and power are also reinforcing the divisions of haves and have nots even in rich countries.

## 5. Responses and Solutions

Many more exposures are being unlocked with the quickening rate of sea-level rise, and governments and societies around the world are developing a range of adaptation strategies to protect lives, livelihoods and ecosystems. Construction of physical infrastructures such as sea wall, dikes, and levees are the most widely used measures, especially in urban coastal area. For instance, Japan and the Netherlands have developed extensive sea-barriers for many years and Bangladesh has set up a system of cyclone shelters and raised home heights in response to annual flooding (World Bank, 2020). Mangrove rehabilitation is one of the nature-based solutions which has a two-fold effect in terms of protecting shorelines from erosion and maintaining biodiversity. Some countries such as the Philippines and Indonesia have started mangrove reforestation programme to counteract the coastal erosion as well as to improve the (Alongi, 2015). However, where in-situation adaptation is not possible outmigration, sometimes subsidized by the state will be necessary. The Government of Fiji has begun formalising a policy of relocating vulnerable remote communities to higher ground based on a national relocation framework that promotes through community and social relocation processes that respect dignity, self-reliance and a sense of community (Fiji Government, 2018). Yet even these imaginary migrations are mired in issues of consent, cultural displacement and financing deficits, suggesting a need for approaches that are rights-based and inclusive of those affected.

Appellants have brought petitions for review of three Board decisions in cases in which the Board has ruled that moneys may be drawn on the phasedown fund only upon cessation of mining on a partially severed tract. The fund should serve those countries experiencing the loss and damage from impacts of climate change that are climate change impacts for which adequate adaptation is no longer possible, including sea level rise and extreme weather events. This vision is must be constrained by obstacles, including inadequate financial contributions from those countries who emit the most, and red tape and inefficiency in delivering money to the most vulnerable parties (UNFCCC, 2023). Least developed countries and small island developing states in particular, experience considerable difficulties in obtaining access to climate finance mainly because they are generally unable to deal with complex reporting and application systems. There are also debates whether contributions to the fund should be considered as compensation or aid; developing nations have been advancing the climate justice and historical responsibility principle (Roberts & Huq, 2015). In order to be legitimate and successful the fund must be transparent, fair and open to all.

Given this institutional response, action on the ground for climate justice has very much come to the fore. Movements such as the Pacific Climate Warriors have unified the voice of young people and Indigenous leaders across the Pacific in calling for greater global ambition and asserting a voice in climate diplomacy. Their refrain 'we are not drowning, we are fight' is not about victimhood but a demand for accountability from the industrialised countries. Youth-led climate movements, represented in protesters such as Greta Thunberg and Vanessa Nakate, have raised global consciousness of the moral significance of the crisis through mass demonstrations, engagement in public discourse and even legal challenges. Indigenous leaders have also been some of the harshest voices, regularly highlighting the importance of traditional ecological knowledge when it comes to climate resiliency and insisting that their rights be recognized at an international level. This group was the largest meeting of Indigenous peoples to date and an important step toward acknowledging their custodial position in some of the world's most threatened places (UNFCCC, 2021). Still, many argue that true inclusion is rare, with local and younger voices too frequently smothered in decision-making spaces in which state actors dominate.

Courts are being used more and more to hold governments to account for failing to act on the climate crisis. The United Nations Human Rights Council has passed a number of resolutions which accept their connection between human rights and environmental protection, (e.g., decision 48/13, 2021, stating that clean, healthy and sustainable environment is a right which every human being has the right to (OHCHR, 2021). Running concurrently with that effort is a wave of climate litigation that is altering the legal backdrop. Youth-filed lawsuits have also won in certain locations, however, including in Montana, where young plaintiffs successfully sued the state arguing that the state's energy laws violated their constitutional rights to a healthy environment (Held v. Montana, 2023). In Australia, the Torres Strait Islanders have similarly lodged a complaint against the Australian Government with the UN Human Rights Committee, for failing to protect the Islanders from the impacts of climate change. They allege that this is contrary to the their rights under Articles 1 and 27 of the ICCPR. The committee further affirmed in 2022, for the first time in International history a ruling determined that a government was responsible for not fulfilling its duties to protect Indigenous Peoples from climate change (UNHRC, 2022). These victories are more than symbolic; they are establishing new norms and precedents and shaping policy to protect the most marginalized in our communities.



## 6. Conclusion

As we witness the oceans rise and shorelines disappear, it becomes more and more apparent: climate change is not just an environmental crisis, it is a human rights catastrophe. From the submerged Pacific island villages, to the burgeoning urban slums in Dhaka, to the vanishing bayous of Louisiana, the climate crisis is a violation to human rights to life, housing, health, culture, and self-determination. And despite growing awareness of these threats taken together, human rights remains largely peripheral in global climate policy. The climate crisis and all responses to it must be rooted in human dignity, justice and fairness. There is a need for global agreements to be based not only on emissions targets, economic numbers, and balance sheet equations, but on the lived experiences of those worst impacted, those communities generally responsible for least pollution, yet paying the highest price (Amnesty International, 2021).

The right response calls for international cooperation rooted in solidarity and equity. That includes immediate legislative changes which acknowledge the legitimacy when facing climate-induced displacement, supérieure environmental rights resolutions under climate rights and ability to fund and provide technological assistance to the most vulnerable. The operationalisation of the Loss and Damage Fund is a good step, but without fair governance and finance, it will be an empty promise. Rich countries like ours have a moral obligation not just to slash emissions at breakneck speed but also to finance the efforts of communities displaced and otherwise required to adjust in ways that protect the dignity and self-determination of the tens of millions of people in harm's way. Moreover, national and international laws must transform themselves in the face of a new phenomenon, that is, that of climate refugees and stateless people without taking away their peace and cultural identity of communities being displaced (McAdam, 2020).

The climate crisis demands that we interrogate the ethical and moral underpinning of our global order. It's not just ecosystems and economies that are at stake, but entire ways of life, languages, cultural practices, spiritual relationships with land and generational traditions. To save the land only, is to abandon to disuse the soul of the places that are disappearing. The way we treat people who live in these threatened places will be the real measure of how we respond. As Kiribati's former president Anote Tong has said: "We may be sinking, but we are not drowning." The future needs policies that preserve not just the physical land of the Earth with its landscape, but also the culture, stories and human rights entangled in them. Anything less will be an unforgivable miscarriage of justice and of humanity.

## 7. Conflict of Interest

The authors declare that they have no conflict of interest.

## 8. Funding Declaration

This research did not receive any specific grant from funding agencies in the public, commercial, or not-for-profit sectors.

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