

PARIS AGREEMENT 2015 AND HUMAN SECURITY FROM INTERNATIONAL LAW VIEWPOINT

Mostafa Taghi Zade Ansari^{*1}, Esmail Shahsavandi², Leila Ramezani³

¹(P.H.D), Assistant Professor, Public International Law, Islamic Azad University, Humanities Sciences Faculty (North Tehran Branch), Tehran. (Corresponding Author)

²(P.H.D), Assistant Professor, International Trade Law, Islamic Azad University, Humanities Sciences Faculty (North Tehran Branch), Tehran.

³P.H.D Student, Public International Law, Islamic Azad University, Humanities Sciences Faculty (North Tehran Branch), Tehran.

Received: 14.11.2019

Revised: 03.12.2019

Accepted: 15.01.2020

Abstract

Paris Agreement 2015, is a historic contract to deal with the consequences of climate changes. Furthermore, the main subject of Paris agreement is climate changes and also it has pointed to governments commitments about human security. In accordance with the investigations in this field, current paper has attempted to study legal effects and consequences of human security in this agreement, the results were obtained by descriptive-analytic method. Through considering international agreements, United Nations resolutions, Universal Declaration of Human Rights, International Covenant, the position of human security is originated from international human rights. And all countries that accepted that agreement, must implement it.

key words: The Paris Agreement, Green Houses, International Environmental Law, Human rights, Human security.

© 2019 by Advance Scientific Research. This is an open-access article under the CC BY license (<http://creativecommons.org/licenses/by/4.0/>) DOI: <http://dx.doi.org/10.31838/jcr.07.02.85>

INTRODUCTION

The world's first comprehensive climate treaty was concluded in Paris on 12 December 2015. The Paris agreement is widely accepted by most of the countries and for the first time brought all the countries to work together on the basis of their past, present and future responsibilities. The main purpose of this global agreement is to prevent global warming below two degrees Celsius in this century and try to limit the temperature and increase it to one and half degrees Celsius compared to its pre-industrial level. As such, all countries must commit to reducing their carbon emissions. Studying Paris agreement shows that its main subject is climate changes and also it has definite points to governments commitments about human security. The question that raises is that what is the position of human security of Paris agreement 2015 From International Law Viewpoint? Through considering international agreements, United Nations resolutions, Universal Declaration of Human Rights, International Covenant, the position of human security is originated from international human rights. And all countries that accepted that agreement, must implement it.

Greenhouse Gases

Greenhouse gases like CO₂, methane (CH₄) and nitrogen oxide (NO₂) along with the two groups of hydrofluorocarbons (HFCs) and perfluorocarbons (PFCs) as well as sulfur hexafluoride (SF₆) have been introduced in the climate change convention's document as the intensifiers of the greenhouse gases' effect and global warming (Navari, 2015, pp.47-58).

Climate change and its effects

It means the change of climate that is derived from human activities, directly and indirectly. Fog causes variation in atmospheric compound. It is separated from natural changes of climate. From several million years ago in different time periods, climate of earth has changed many times. Of course, there's partial information from past but through data from several million years ago until now that are about climate change and have been gathered by geologists and archaeologists, it can be understood that earth climate is changing consistently. In the past, climate changes had determined the way of human's life and human had to adjust himself with climate changes. But,

today, human's industrial activities cause climate changes that have been unprecedented so far.

Climatic changes are created by the increase in the mankind's industrial activities and excessive use of fossil fuels and immethodical exploitation of the natural resources, especially forests. Moreover, global warming causes the occurrence of the natural disasters, including tropical and marine storms, conflagrations caused by drought and earthquake (Munasinghe, 1998). Such a warming has taken many of the living species to the limits of exposure to extinction and turned some of them into pests out of the body's control (Babran, Ibid, p.23)

human rights and climate change

The introduction of climate change agreement refers to the preservation of human rights and the rights of future generation. Considering the expansion of the territory of human rights obligations of states in recent decades by the United Nations and concerning the Article 1 on International Covenant on economic, social and cultural rights, it says: each state party to the present covenant undertakes to endeavor, through international cooperation, especially in technical economic projects, to make use of the most of its resources in order to provide for the implementation of the rights recognized with the present covenant. It should also take appropriate actions in accordance with legislative measures. The Article 2 of the international covenant states that: the state must be the best guarantor of human rights. In fact in view point people center, a basic goal protecting Environmental is fact protecting human interests. This issue is found in the third generation of human rights (solidarity rights) or in the aggregative right. These include rights such as environment right, the right to peace and the right to the development.

Resources of human rights assurance in human rights system

There are a lot of resources that considered the human security of individuals specifically, and these resources are generally formulated and confirmed in different international, regional and national levels. As example, I just mention some cases. In international level, Universal Declaration of Human Rights (1948) in its article 3, has identified everybody's security right

beside freedom and life right, and International Covenant on Civil and Political Rights (1966) as one of the most important international agreements, in its paragraph 1 article 9, has recognized the personal security right of everybody beside freedom right. In regional level, some important documents like European Convention on Human Rights and Political Freedoms (1950) in its paragraph 1 article 5, has identified everybody's personal security right beside freedom right, and *American Convention on Human Rights* (1969) has also recognized this right in its paragraph 1 article 7, and African Charter on Human and People's Rights (1982) has recognized this right in its article 6. Due to this issue that human security of individuals have different aspects and perspectives, there are different laws in human rights documents from each of different physical and spiritual perspectives to assure human security that expressing them is beyond the capacity of this brief study. And, for example, in this regard, article 5 of Universal Declaration of Human Rights, article 20 of Cairo Declaration on Human Rights, article 7 of International Covenant on Civil and Political Rights (1966), article 3 of European Convention on Human Rights¹⁰ and briefly United Nations Convention against Torture (1985); can be mentioned, and all of them have been authorized for protecting individual personal security. Likewise, numerous regulations have been authorized in support of other aspects related to human security in different international, regional and national levels. For example, supplying food security and right of access to food, in addition to being supported in international important documents like paragraph 1 article 25 of Universal Declaration of Human Rights and paragraph 1 article 11 of International Covenant on Economic, Social and Cultural Rights (1966), has attracted attention of international community, specifically. Among examples of attending this right, selecting specific reporters about right over food in 2002 on Nigeria, 2003 on Brazil, 2004 (Bangladesh), 2005 (Ethiopia), 2006 (Guatemala, India, Niger and Lebanon) and ... can be observed. Health security and access right to health care and protecting patients have always been a concern of international organizations like World Health Organization, and in addition, they have been supported in

paragraph 1 article 25 of Universal Declaration of Human Rights and paragraph 1 article 11 and article 12 of International Covenant on Civil and Political Rights, in the regional level they have been supported specifically in article 16 of African Charter on Human and People's Rights (1982) and there's an emphasis on this issue that everyone has right to have the best attainable status of physical and spiritual health and governments that are members of charter, assure performing necessary actions for supporting their people's health and providing them with health services in times of illness.

In recent years environmental security and protection against pollution and right to live in a healthy environment, that often is referred to as right of third generation in the field of human rights, have been attended seriously by related institutions and organizations. But earlier, in paragraph 2 article 12 of International Covenant on Economic, Social and Cultural Rights, the provisions of mentioned right have been identified and supported, and more explicitly in the regional level it has been told in the article 24 of African Charter on Human and People's Rights (1982) that all nations have the right to utilize a healthy and appropriate environment for development. Personal security as a category of human security that includes a relative extensive range of personal supports including physical protection against torture, war, criminal attacks and ... have been supported in international documents like provisions 4 and 5 of Universal Declaration of Human Rights (1984), provisions 6, 7, 8, 9 and 20 of International Covenant on Civil and Political Rights (1966) and specifically in United Nations Convention against Torture (1985) and also in regional level in provisions 4, 5, 6 and 7 of *American Convention on Human Rights* (1969)(2), provisions 2, 3, 4 and 5 of European Convention on Human Rights and Fundamental Freedom (1950) and provisions 4, 5 and 6 of African Charter on Human and People's Rights (1982).

Social security and preservation of traditional cultures have been also attended implicitly as another category of human

security different aspects from the beginning, and in important documents like article 27 of Universal Declaration of Human Rights (1948) and article 15 of International Covenant on Civil and Political Rights (1966) have been mentioned, and in the regional level in paragraph 3 article 17 of African Charter on Human and People's Rights (1982), there's an emphasis on this point that promoting and protecting moral and identified traditional values of society, is government's duty. The issue of political security and political freedoms and protecting them, have been attended by international community since formation of modern human rights system and in the field of supporting it, whether in the form of human rights general documents or in the form of specific documents and in different levels, specific rules and laws have been formulated and confirmed. In this way, each of Provisions 12, 16

and 19 of Universal Declaration of Human Rights (1984), provisions 18, 19 and 21 of International Covenant on Civil and Political Rights (1966), provisions 8, 9, 10 and 11 of European Convention on Human Rights and Fundamental Freedoms (1950), provisions 11, 12 and 13 of *American Convention on Human Rights* (1969) and provisions 8, 9 and 10 of African Charter on Human and People's Rights (1982), in contrast to current actions of international community in this field, are only partial examples of these supports in the international and regional level.

HUMAN SECURITY

The introduction of climate change agreement emphasizes the right to health, the fundamental priority of ensuring and maintaining food security, ending hunger and the particular vulnerability of food production systems to the adverse effects of climate change. In fact having food, healthy water, healthy air and sanitation are among basic human rights. Preventing threats that jeopardize these rights will preserve human dignity. These rights derived from human security. In 1995, the Global Governance Commission, entitled *Our Global Neighborhood*, emphasized that the global security should be beyond the traditional focus of the security of governments and it should extend toward human security and earth security. This traditional notion of the concept of security continued until the United Nations Development Program formulated the doctrine of humanity. This movement came also simultaneously with the World Bank's doctrine of favorable governance in 1989. But earlier, the term human security was mentioned in the 1982 report of the Independent Disarmament Commission, known as Palme Commission. In the United Nations development Program report in 1993, a new definition of security was created. It was called human security and its various dimensions were taken into account. Human security thus refer to a kind of security that place the human beings at the center of security discussions. The 1993 report of the United Nations Development program emphasized that every person should be at the center of international affairs. Subsequent reports of the United Nations Development Program have attempted to provide a clear, transparent and objective definition of the term. Therefore, while criticizing the background to the monopoly use of the term in military affairs, the following seven elements are inferred from the term: economic security (emancipation of poverty), food security (access to food), health security (access to health care and patient protection), environmental security (pollution protection), personal security (physical protection against torture), war and criminal attacks, social security, preserving traditional cultures and political freedom.

human security and human development strategy in climate change

The introduction climate change agreement highlights the human centeredness of accurate, impeccable transfer of workforce, the creation of well-tailored, proportionate work places and high quality jobs in compliance with development priorities of the agreement. In fact the human development strategy was justified in the United Nations Development Program. In this strategy, the most important factor in the development of a society, is its people, because human beings are both the goal and the tool of development. Human development is a tool for greater productivity, in a way that

trained and skilled work force is the most important asset and agent of productivity. Human development has a positive impact on environment because poverty is both the cause and victim

human security and good governance

The introduction to the climate change agreement addresses civil society, children, people with disability and people who are in vulnerable situations as well as gender equality, women's empowerment and intergenerational tolerance. In fact the human security doctrine emphasizing human rights and citizenship at individual and collective levels, provides the basis for institutional exercise and enforcement of the right to development as an inalienable human right. The government's human security approach sees the government as the main provider of human security. The rule of law and good governance have been examined as a key concept to prevent authoritarianism and the exercise of arbitrary power. The United Nations Development Program, linked the sustainable human development with good governance and this matches with the law of international human rights. Also good governance has been characterized as an effort to govern, rule of law, justice and its inclusions, responsibility, effectiveness and productivity, transparency, accountability, participation in judicial control and separation of powers. On the other hand, paying attention to the rule of law and adopting its provisions and consequences, is one of the essential elements of good governance. This definition of the rule of law leads us to the aspects of human security.

human security and environmental security in climate change:

Due to the numerous climate conventions, including the Paris Agreement, climate changes affects plants and animals directly or indirectly. This warming has led many species of living creatures to extinction and some have become out of control pests. Early migration of migratory birds, alternation of laying time in amphibians, early emergence of butterflies, early flowering of plants and the alternation of animal behavior are obvious effects of climate change. Global warming also causes natural disaster, including tornados and tropical storms, sea storms, floods and droughts, sandstorms, high temperatures and thermal shocks, fires caused by droughts and earthquakes. This warming menace the safety of human environment.

human security and health security in climate change

Climate change, whether directly or indirectly, has negative consequences on human health. Thus the health of millions of people is exposed to malnutrition, abnormal weather, respiratory illness, heart problems and communicable diseases. Increased UV emissions due to the ozone depletion has a devastating effect on the quality on the air that human breathes in urban areas. In fact global warming has an impact on human health security. The introduction of Paris agreement emphasizes the right to health.

human security and food security in climate change

The results of various studies showed that climate change has a major effect on agriculture and food resources. Its overall consequences can be felt globally. Countries such as Brazil, Peru, coastal countries in Africa, Southeast Asia, central Asian countries and China, now have a little ability to be adapted to climate changes and we can see a decline in agricultural productions. Other studies have shown that the issue of temperature rise also applies to other important crops such as corn and soybeans. There is also access to safe water that has recently been reduced in mass due to global warming. This issue affects the human food security. Food security means that all people have physical and economic access to food resources at all times. This indicator doesn't just mean that food must be sufficient and satisfying, but it means that people must have good access to food. It turns out that the real issue is not the existence of food, but the ability to access and buy it. Most of the studies show that even a yearly low temperature rise, will cause the food prices to increase. This issue is due to the inequality in supply and demand. Lack of food and water can lead to regional and trans regional conflicts.

CONCLUSION

Formation of modern human rights system has been attended by international community and in the field of supporting it, whether in the form of general documents of human rights or in the form of specific documents and in different levels, specific rules and laws have been formulated and confirmed. In terms of different physical and spiritual perspectives, there are also also different laws in human rights documents, and in Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights; several laws have been formulated and confirmed in supporting other aspects related to human security in different international, regional and national levels. Human security and its seven characteristics show that this right is human-centered. One of the prominent manifestations that consider human security is in the climate changes agreement of Paris 2015 that has been stated rightly about health and main priority of supplying and keeping food security and ending hunger, and also security of human environment, and preventing creation of regional struggles and quarrels and threats that lead to endangering of these rights. Since Human Security is human-centered, causes maintaining human dignity. In fact, Human Security, is derived from international human rights system and all countries that accepted that agreement, must implement it.

PERSIAN REFERENCES

Books

- Christian Tamo Shot, International Humanitarian Rights, Translated and Written by: H. Sharifi TarazKoohi, Mizan Legal Foundation Press, First Edition, 2007.
- Farideh Shayegan , Masood Tarom Seri, Strengthening international cooperations on human rights, University of Tehran. Faculty of Law and Political Science Press, , First Edition,1382.
- P. M. Yourisef, can human change climate?. Translated by Fakhr al-Sadat Moghari and Iqbali, 21 century publications, 1381.
- Seddigheh, Babran, (2009), "climate change, the biological challenge of 21st century", strategic research group's research center, international studies core, published by the strategic research center of the system's exigency assembly
- Shahin Mohammad Napad, Seyed Mehdi Farghi, translation of Climate Changes, Tehran Publications, 1380.

Dissertations

- Behnam Alipoor Vaghasloo, , components of good governance and role of united nations development program (UNDP) in its promotion, thesis of MSc in the field of Human Rights

Foreign References

1. African Charter on Human and Peoples Rights Adopted in Nairobi June 27, 1981 Entered into Force October 21, 1986 , <http://www.humanrights.se/wp-content/uploads/2012/01/African-Charter-on-Human-and-Peoples-Rights.pdf>.
2. UN DOC.A/39/51/1985 .
3. Characteristics of Good Governance :<https://www.gdrc.org/u-gov/g-attributes.html>.
4. Claude , Bruderlein, peoples security as a New Measure of Global stability, vol.83,NO.842,IRRC,2001,P.353, Available at:www.icrc.org.
5. Conde,H. victor,A handbook of International human rights Terminology, santa Barbara Ca :ABC-Clio,2002.
6. Convention for Protection of Human Rights and Fundamental Freedoms 1950, 213 UNTS 222 /1950.
7. Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment ,1984.GA Res.39/46 GAOR Supp.NO.51 at 197, UN DOC,A/39/51/1985.
8. Elah Khandakar ,UNDP on good governance, International Journal of Social Economics , 36(October):1167-118

9. Human Rights and Fundamental Freedoms ,https://ec.europa.eu/employment_social/soc-prot/disable/human_en.htm.
10. Universal Declaration of Human Rights (1948), <https://www.un.org/en/universal-declaration-human-rights>.
11. Human Development Report (1993),at 2, Available at <http://hdr.undp.org/en/reports/global/har1993/>
12. Food security, <http://www.fao.org/3/y4671e/y4671e06.htm>.
13. Human Development report(1994),New Dimensions of Human security ,at22et seq ,Human Development report(1999),at36 et seq ,Available at: <http://har.undp.org/en/reports/global/har1994>.
14. Ipcc, Summary for Policymakers Areport of Working Group I4 of The Ipcc Third Assessment Report 2001,pp.11,http://www.grida.no/climate_change/ipcc_tar/no14/pdf/ag2smp.pdf.
15. Jean Dreze, and Amartya Sen (1995) India: Economic Development and Social Opportunity. New Delhi: Oxford university Press.
16. Johanna Hallin, Evelina Fredriksson, Rebecca Altman, Zhou Shimeng, Developing a Human Centered Business Index Leading with Purpose, Empathy, Systems-Approach and Resilience in 'Business Beyond Sustainability',European Public&Social Innovention Review.
17. Johnston Michael, Good Governance: Rule of Law, Transparency, and Accountability, Department of Political Science, Colgate University, <http://etico.iiep.unesco.org/sites/default/files/unpan010193.pdf>.
18. GA, Res.217A(III),UN DOC.A/810,10 Des.1948.
19. GA Res. No. 2200A (xxi)UN DOC.A/6316/1966.
20. Munasinghe, M,1998, Natural Disasters and sustainable Development: Liknage and Policy, INDR Press Kit,pp1-5.
21. OAS Treaty Series NO. 36,OEA/Ser.L./V/II.23 DOC.Rev.2
22. OAU Doc. CAB/LEG/67/3REV.5,21 ILM 58/1982.
23. Palme Commission on Disarmament and Security Issues, <https://uia.org/s/or/en/1100004121>
24. The Rule of Law, Stanford Encyclopedia of Philosophy, First published Wed Jun 22, 2016.
25. The Cairo Declaration on Human Rights in Islam Annex to Res. No. 49/19-
26. nternational Covenant on Economic, Social and Cultural Rights
27. Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 3 January 1976, in accordance with article 27 <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>.
28. The Commission on global governace,1995:338. Our global Neiberhood(New York:Oxford University Press)
29. GoodGovernance: [http://www.pajoohe .Com/Fa/index.Php?Page= definition & UID 31794](http://www.pajoohe.Com/Fa/index.Php?Page=definition&UID31794).
30. The Paris Agreement, United Nations Framework Convention on Climate Change, La Convention, 2015, Conference of the Parties Twenty-first session Paris(cop21), 30 November to 11 December 2015htts ://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement.
31. universal-declaration-human-rights-enshrines-and-illuminates-global,
32. <https://www.un.org/sg/en/content/sg/speeches/1997-12-10/universal-declaration-human-rights-enshrines-and-illuminates-global>.
33. Jadeja, Siddharth, Girish Pai, Krishnamurthy Bhat, and Muddukrishna Badamane Sathyanarayana. "President's Emergency Plan for AIDS Relief." Systematic Reviews in Pharmacy 9.1 (2018), 6-9. Print. doi:10.5530/srp.2018.1.2