



MARCH 30, 2022

DOUGHTY STREET CHAMBERS ESSAY  
WRITING COMPETITION 2022

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*‘International law recognises that global warming will most affect those least responsible for it. Individually, nationally and globally how can global warming be effectively tackled in a way that recognises this injustice?’*

Bangladesh, Haiti and the Philippines are estimated to be the most at risk by climate change and they all have one thing in common: each of these three nations are victims of their past. Globally, Black people, Indigenous people, and people of colour (BIPOC) have been impoverished - in part by colonial rule, environmental racism and extractivism - and they are still suffering from its effects today. Despite having contributed the least to the current developing catastrophe, the Global South are much less equipped to handle and adapt to climate hazards compared to richer countries in the North. The UN Department for Social and Economic Affairs describes this as a ‘vicious cycle’ whereby social inequality exacerbates the position of the disadvantaged groups’ ability to deal with climate change in three main ways: there’s an increase in their exposure to climate hazards, an increase in their susceptibility to the damages caused by the climate hazards, and a decrease in their ability to recover from these damages.<sup>1</sup> Consequently, climate change worsens inequality, which reinforces the cycle. An example of this can be seen in Bangladesh where it has been predicted that by 2050, one in every seven people will be displaced by climate change.<sup>2</sup>

It’s vital to acknowledge the most significant threats standing in the way of climate justice: environmental racism, the failure of national governments to pay reparations, the failure of International law to recognise climate refugees and to hold the largest GHG emitters to account.

BIPOC are disproportionately facing the repercussions of climate change. For example, in Zambia the average carbon footprints are less than one-tenth of the UK’s average, reaching only 0.36 tonnes per person a year. Nonetheless, Zambia is facing a climate emergency, experiencing an extensive drought in 2021, ultimately leaving 1 million people in dire need of food support.<sup>3</sup> Unfortunately, the racial inequalities that climate change produces extend to the UK. Many Black and Asian countries that are disproportionately hit by climate hazards like, Nigeria, Pakistan, Somalia and Bangladesh, to name a few, have strong links to communities across London. Areas of minority ethnic populations in London are 50% more likely to face the highest climate hazards, including: heat risk, toxic air exposure and flash flooding.<sup>4</sup> David Lammy has described the climate crisis as “colonialism’s natural conclusion”. He suggests that it cannot be solved without addressing the racial inequalities that it imposes, and social racial inequalities won’t be solved if we fail to repair the economic system.<sup>5</sup> Therefore, it’s essential that governments recognise the structural imbalances that they’ve created. Firstly, they must create comprehensive plans to provide climate-friendly jobs for these marginalised communities. Secondly, they can decolonise their education systems, paving the way for younger generations to continue to combat environmental racism.

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<sup>1</sup> Nazrul Islam, S and Winkel, J. (2017). “Climate change – inequality”. *Climate Change and Social Inequality. DESA Working Paper No. 152*, 6-7, ST/ESA/2017/DWP/152

<sup>2</sup> Displacement Solutions, *ABOUT THE BANGLADESH HLP INITIATIVE*. <<https://displacementsolutions.org/ds-initiatives/climate-change-and-displacement-initiative/bangladesh-climate-displacement/>>

<sup>3</sup> BBC (2022) *Why climate change is inherently racist*. <<https://displacementsolutions.org/ds-initiatives/climate-change-and-displacement-initiative/bangladesh-climate-displacement/>>

<sup>4</sup> Independent (2022) *Sadiq Khan: ‘Climate crisis is a racial justice issue’ as black and Asian Londoners most affected*. <<https://www.independent.co.uk/climate-change/news/sadiq-khan-climate-crisis-racism-london-b2038056.html>>

<sup>5</sup> TED – David Lammy (2020) *Climate justice can’t happen without racial justice*.

<[https://www.ted.com/talks/david\\_lammy\\_climate\\_justice\\_can\\_t\\_happen\\_without\\_racial\\_justice?language=en](https://www.ted.com/talks/david_lammy_climate_justice_can_t_happen_without_racial_justice?language=en)>

31% of British adults believe that white people ‘suffer most’ from the ramifications of climate change.<sup>6</sup> Breaking down this whitewashed view of the climate crisis is crucial. Globally, we must encourage more BIPOC into politics and to the forefront of the fight for climate justice, especially indigenous people who protect 80% of global biodiversity.<sup>7</sup> 17-year-old Xiye Bastida informs people on how indigenous communities are subject to environmental degradation. She skips school every Friday to protest at the UN alongside the Fridays For Future movement, founded by Greta Thunberg.<sup>8</sup> Individually, we can also leverage the power of social media to campaign and sign e-petitions. However, the focus of campaigning is on the planet in an abstract way, as if everyone faces the same effects of climate change, when it should be significantly more about the nature of injustice and racism. Recognising the privilege experienced by people in the global North, so that people in richer countries become aware of the effect their development creates, will allow them to develop an empathetic understanding for those demanding assistance, reparations and safe routes for refugees.

At COP26 insufficient funds were devised to help those who suffer from permanent loss due to climate change. This must change; Mozambique faces \$3.2bn in damages after 2 cyclones in 2019.<sup>9</sup> The 2005 Kyoto Protocol introduced the Clean Development Mechanism (CDM), essentially a worldwide system of carbon trading. However, the CDM handed developed countries a way out of meeting their reduction commitments. The Öko Institut estimated that 40% of the CDM projects are non-additional; they don’t actually reduce emissions.<sup>10</sup> Even so, inefficiency of the market-based schemes such as CDM must not be unexpected. After all, if capitalism created climate change, how can we expect it to be the solution?

Governments continue to exploit our taxes to subsidise the fossil fuel industry. For example, after the 2015 Paris Agreement, the UK spent £21bn between 2017-2021 in supporting oil and gas exports.<sup>11</sup> National governments must stop saying that they’re committed to climate justice whilst continuing to fund new coal, oil and gas ventures behind our backs. It’s hard to trust a government made up of majority white men when it persistently makes decisions that aggravate struggles for people of colour. Individually, we can hold national governments to account by demanding that they pay ‘reparations’ in the same way that’s being demanded for slavery - and which has already been paid for the Holocaust - to help bridge the gap between the socio-economic inequalities that they’ve imposed through colonialism and heightening climate change. Similarly, those reparations should be extended to multinational corporations, through an international agreement that could be established to sanction corporations which don’t comply.

Japan, the world’s third largest economy, and the oil rich country of Saudi Arabia have slammed their doors on refugees in recent years<sup>12</sup>, alongside other wealthy nations, making it difficult for us to hold out hope that their

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<sup>6</sup> Christian Aid (2020) *Brits largely unaware that climate change disproportionately affects black and brown people worldwide, new poll reveals* <<https://mediacentre.christianaid.org.uk/brits-largely-unaware-that-climate-change-disproportionately-affects-black-and-brown-people-worldwide-new-poll-reveals/>>

<sup>7</sup> National Geographic (2018) *Indigenous peoples defend Earth's biodiversity—but they're in danger* <<https://www.nationalgeographic.com/environment/article/can-indigenous-land-stewardship-protect-biodiversity->>>

<sup>8</sup> Vox (2019) *Meet the young activists of color who are leading the charge against climate disaster* <<https://www.vox.com/identities/2019/10/11/20904791/young-climate-activists-of-color>>

<sup>9</sup> Greenpeace (2020) *Climate change affects rich and poor unequally. Climate justice redresses the balance* <<https://www.greenpeace.org.uk/news/climate-change-inequality-climate-justice/>>

<sup>10</sup> Schneider, L. Öko Institut (2007). “Assessment of the likelihood of additionality for different project types”. *Is the CDM fulfilling its environmental and sustainable development objectives? An evaluation of the CDM and options for improvement*, 42-45 <<https://www.oeko.de/oekodoc/622/2007-162-en.pdf>>

<sup>11</sup> Independent (2021) *Why we are shining a light on UK support for fossil fuels* <<https://www.independent.co.uk/climate-change/news/fossil-fuels-uk-support-b1831136.html>>

<sup>12</sup> Global Figures (2020) *A few countries take responsibility for most of the world's refugees* <<https://www.nrc.no/shorthand/fr/a-few-countries-take-responsibility-for-most-of-the-worlds-refugees/index.html>>

leaders will act humanely when the climate crisis could displace 1.2bn people by 2050.<sup>13</sup> The UNHCR has said that approximately 90% of refugees are from the “most vulnerable” countries that are the “least ready to adapt” from the damages caused by climate hazards.<sup>14</sup> The establishment of international legislation to codify the assistance and protection of climate refugees by developed nations may be the solution to this problem because under the 1998 Human Rights Act and the 1951 Refugee Convention, the rights of refugees are protected but only if they are fleeing from fear of persecution of ‘race, religion, nationality, membership of a particular social group or political opinion’.<sup>15</sup> climate-related disasters incite more than three times as much displacement as war and conflict.<sup>16</sup> Therefore, the UNFCCC should recognise climate refugees; Article 4 of the convention states that it has a mandate to confront adaptation issues.<sup>17</sup> When talking about climate justice, we must make a connection between those most able to provide help and those who are most vulnerable. The UK government is guilty of ignoring this, with the Nationalities and Borders Bill which would criminalise migrants, refugees and asylum seekers, making it even more difficult for them to seek sanctuary in the UK. The bill fails to even mention climate refugees, furthering racist, colonial ignorance. However, the biggest culprit is the USA. Its immigration policy grants Green cards to those possessing skills, meanwhile, restricting entry to those fleeing areas affected by climate change. Whilst the US is the largest economy in the Global North, historically producing 400bn metric tons of CO<sub>2</sub>,<sup>18</sup> the world’s most impoverished 50% of people only supply approximately 10% of global emissions and acquire 8% of global income.<sup>19</sup> International law should create a climate refugee plan to consider how the scale of responsibility based on unsustainable development might be used to determine the level of assistance that the largest polluters provide.

The Paris Agreement, 2015, set a goal to limit global warming below 1.5 degrees Celsius,<sup>20</sup> but many already view the treaty as a failure. This can be seen in a 2019 report by the Universal Ecological Fund, in which it was revealed that 75% of the 184 pledges made for 2030 were insufficient; China and India, the world’s first and fourth largest emitters, will have higher emissions by 2030.<sup>21</sup> Every government has human rights obligations. Therefore, countries that are unable to reduce their GHG emissions and help those who are in danger to adjust, are infringing international human rights law. There’s no official form of accountability for countries that don’t stick to their nationally determined contributions (NDCs). Accordingly, international laws to sanction those countries are imperative. The International Criminal Court also needs to recognise ecocide - deliberate mass destruction of the ecosystem - as a crime against humanity. Ultimately, countries will take their NDCs seriously, making it easier to hold to account the guilty perpetrators of mass injustice: wealthy countries, chief executives, fossil fuel companies and their financial backers.

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<sup>13</sup> Institute for Economics & Peace. Ecological Threat Register 2020: Understanding Ecological Threats, Resilience and Peace, Sydney, September 2020. Available from: <http://visionofhumanity.org/reports> (Accessed 23rd March 2022)

<sup>14</sup> United Nations (2021) *Climate change link to displacement of most vulnerable is clear: UNHCR*  
<<https://news.un.org/en/story/2021/04/1090432>>

<sup>15</sup> United Nations (1951). Article 1, A(2). *Convention and Protocol Relating to the Status of Refugees*, 14.  
<<https://www.unhcr.org/3b66c2aa10.html>>

<sup>16</sup> Joanna Apap with Capucine du Perron de Revel, European Parliamentary Research Service (2021). The complex task of defining the ‘climate refugee’. *The concept of ‘climate refugee’ Towards a possible definition*, 3-5.  
<[https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/698753/EPRS\\_BRI\(2021\)698753\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/698753/EPRS_BRI(2021)698753_EN.pdf)>

<sup>17</sup> UNFCCC (1992). Article 4. *Commitments*. <[https://unfccc.int/files/cooperation\\_and\\_support/ldc/application/pdf/article4.pdf](https://unfccc.int/files/cooperation_and_support/ldc/application/pdf/article4.pdf)>

<sup>18</sup> Statista (2022) *Cumulative CO2 emissions from fossil fuel combustion worldwide 1750-2020, by country*.  
<<https://www.statista.com/statistics/1007454/cumulative-co2-emissions-worldwide-by-country/>>

<sup>19</sup> Greenpeace (2020) *Climate change affects rich and poor unequally. Climate justice redresses the balance*.  
<<https://www.greenpeace.org.uk/news/climate-change-inequality-climate-justice/>>

<sup>20</sup> UNFCCC (2015) Article 2, 1(a). *Paris Agreement*. <[https://unfccc.int/sites/default/files/english\\_paris\\_agreement.pdf](https://unfccc.int/sites/default/files/english_paris_agreement.pdf)>

<sup>21</sup> Sir Watson. R, Dr McCarthy. J, Dr Canziani. P, Prof Dr Nakicenovic. N, Hisas.L. Universal Ecological Fund (2019). *Key Conclusions. The Truth Behind the Climate Pledges*. <<https://feu-us.org/wp-content/uploads/2021/07/The-Truth-Behind-the-Climate-Pledges.pdf>> (Accessed 17th March 2022)



Climate change is a human rights atrocity. We've waited too long for international law and national governments to take climate injustice seriously, so it's up to this generation to shoulder the responsibility. Inevitably, floods, droughts and storms will increase - we mustn't sit back, watching from the sidelines. Instead, we must continue exercising our right to seek justice for millions of people across the world who've had their voices stolen.