

# ON THE BALANCE BETWEEN ENVIRONMENTAL AND DEVELOPMENTAL NEEDS IN THE CONTEXT OF CLIMATE CHANGE

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The given article presents a general characteristic of the problem pertinent to achieving a balance between environmental and developmental concerns in the context of climate change. The object of the work is climate change response measures juxtaposed with developmental needs. The research aim is to determine the balance of environmental and developmental matters with regard to climate change. As a result of the research of the academic literature and international documents in this field, it has been proposed that the balance between environmental and developmental needs in the climate change context should be achieved through limitation of developmental needs.

**Key words:** climate change; climate change response; climate change mitigation; human rights; right to development.

Nowadays international cooperation on climate change-related financial and technological support, which is needed to combat climate change, has not yet proved to be effective in terms of climate action at scale. This is mainly accounted for by severe impacts of climate change response measures manifesting itself in limitation of States' opportunities to achieve economic development through natural resources-based industries. The given problem is especially acute for developing countries, such as India, Indonesia and Iran, that are projected to be at the level of the United States' development in the 1890s when reaching global peaking and undertaking rapid reductions thereafter [1, p. 567].

Considering that climate change response measures are aimed at preserving and maintaining a favourable environment vital for the human survival in the long term, a difficult issue arises with respect to striking a balance between environmental and developmental needs in the context of climate change.

It seems clear that to achieve such a balance there are two possible options: either by promoting environmental dimension, for example, through forest conservation, tree-planting projects, sustainable management of land use, alternative energy sources, including new low-carbon and energy technology [2], or by reducing developmental needs. Robinson rightly stressed here that if the countries of the world do not make the transition to a zero carbon society, everyone will suffer the negative effects of climate change [1, p. 568].

This needs to be seen in light of the fact that the global average temperature is predicted to increase by up to 6.4 degrees centigrade, which is quite possible according to the current data [3].

Based on the foregoing, it seems reasonable that precedence be given to climate change response measures, since the latter are aimed at addressing the unprecedented multidimensional climate change implications in general, and in particular those regarding human rights. Notably, a number of the international legal instruments, such as the 2030 Agenda for Sustainable Development, the United Nations Framework Convention on Climate Change and the Paris Agreement, recognize the importance of protecting the climate for the present as well as future generations of mankind [4; 5; 6]. Apart from these documents, a remarkable example is the outcome document of the United Nations Conference on Sustainable Development “The future we want” with its emphasis on the commitment of the international community to ensuring the promotion of an environmentally sustainable future for present and future generations [7].

More specifically, it is suggested that the balance be achieved through limitation of developmental needs: through the temporary restriction of the right to development while improving the already existing climate change mitigation mechanisms pertinent to technology transfer and climate finance, and developing new ones to ensure this right when reducing carbon emissions.

As for the practical implementation of the aforementioned proposal, it is noteworthy that one of the basic principles underlying the right to development is improvement of human well-being (art. 1-4, 8 of the Declaration on the Right to Development) [8]. In this regard, the respective right to a decent standard of living and to increasingly better living conditions is set forth, *inter alia*, in art. 11 of the International Covenant on Economic, Social and Cultural Rights (hereinafter – ICESCR) [9]. As Schrijver put it, “this treaty article could be seen as a ‘mini-treaty’ on the right to development” [10, p. 93], thereby forming part of the very essence of the latter right. Against this backdrop, let us turn to art. 4 of the ICESCR which provides avenues for limitation of the right to a decent standard of living in accordance with certain criteria, namely compatibility with the nature of rights and promotion of general welfare as a purpose of such limitation.

The first criterion refers to the minimum core obligations approach, under which there is an absolute bottom-line of States’ human rights obligations that should be complied with irrespective of the economic development level. This being the case, one of the contexts of human rights limitations when the Committee on Economic, Social and Cultural Rights used this approach calling on States to guarantee minimum essential levels is that of natural disasters

[11, p. 569, 580], which appears rather relevant in terms of the above-mentioned proposal.

With respect to the second criterion, one should take into account the fact that the meaning of the ‘general welfare’ is not elucidated. However, according to the *travaux préparatoires*, reasons relating to maintaining public order or respecting rights and freedoms of others were rejected, which led to the understanding of ‘general welfare’ in literature as pertaining mainly to social and economic well-being [11, p. 569, 573]. Such understanding is particularly apt in light of the climate change discourse, as the long-term well-being of humankind cannot be achieved without climate action at scale.

Thus, it is proposed that the balance between environmental and developmental needs be struck through the temporary restriction of the right to development, in particular through limitation of the right to a decent standard of living (art. 11 of the ICESCR) being viewed as a cornerstone of the human right to development. Meanwhile, due consideration should be given to fostering developments in relation to climate change mitigation mechanisms to ensure this right while tackling climate change. As unrealistic this suggestion may sound today, it will probably be considered as a more relevant proposal in the near future. The rationale behind this is the urgent need for aggressive climate change response to avoid the adverse climate-related human rights impacts.

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