

Climate Change and Human Rights in the Caribbean

Guest blog for the “Caribbean Voices for Climate Justice” series by Malene C. Alleyne, Freedom Imaginaries

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The climate crisis is the logical consequence of a racial capitalist order that normalizes resource plundering, indigenous dispossession, environmental destruction, and a process of racial structuring that relegates former colonies to sacrificial zones of extraction. The global human rights system has traditionally been complicit in sustaining this order, mainly by failing to confront issues of political economy and historical structures of oppression. However, there are existing human rights tools that could be strengthened and leveraged to take action against the climate crisis. This blog explores the **framework for economic, social, cultural and environmental (ESCE) rights** as one such tool.

International human rights law protects a number of ESCE rights that are particularly threatened by the climate crisis. These rights include the right to health, a healthy environment, food, water, and cultural identity, which are enshrined in treaties such as the [International Covenant on Economic, Social and Cultural Rights](#). Indeed, climate change is causing serious injuries and loss of life from extreme weather events, heat waves, floods, droughts, wildfires, water-borne and vector-borne diseases, malnutrition and air pollution. Moreover, the impacts of climate change on freshwater resources and ecosystems are undermining access to clean water, food, and shelter, while devastating rural livelihoods and displacing vulnerable populations.

Climate change has particularly devastating impacts on the ESCE rights of Indigenous Peoples, Afro-descendent and rural communities given their dependency on the environment for economic and cultural survival. In this sense, climate change undermines the legal and normative framework established in treaties and documents such as [Indigenous and Tribal Peoples Convention](#) and the [UN Declaration on the Rights of Peasants and Other People Working in Rural Areas](#), which seek to ensure the cultural survival of these communities. Climate change is also a racial and gender issue since it disproportionately impacts former colonies and the ESCE rights of racialized peoples, women and girls.

The ESCE rights framework provides a powerful moral and legal basis to demand that states take affirmative measures to prevent human rights harms caused by climate change, including foreseeable long-term harms. Under the ESCE framework, states have an obligation to act to limit anthropogenic emissions of greenhouse gases; stop activities that aggravate the climate crisis; mobilise maximum available resources for sustainable, human rights-based development; ensure equity in climate action, and ensure accountability and effective remedy for human rights harms caused by climate change. The recently concluded [Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean \(Escazú Agreement\)](#) is also an important tool for climate governance and action since it reinforces state obligations to ensure public participation, access to information and access to justice in environmental matters.

The ESCE rights framework is already being leveraged to demand state action on climate crisis. At the domestic level, there is a growing number of climate cases that evoke ESCE rights. This includes the landmark case in Guyana that challenges fossil fuel production on the grounds that it exacerbates global

warming and threatens the constitutional rights to a healthy environment, sustainable development, and the rights of future generations.



Caption: (Top row, second from left) Malene Alleyne, Dr. Esther Figueroa, and other Caribbean advocates appear before the IACHR for a landmark hearing on the Impact of Extractive Industries on Human Rights and Climate Change in the Caribbean, held on October 26, 2021.

At the regional level, Dr. Esther Figueroa and I recently requested a [landmark hearing of the Inter-American Commission on Human Rights \(IACHR\) on the Impact of Extractive Industries on Human Rights and Climate Change in the Caribbean](#), which was held on October 26th. Drawing on the ESCE framework, the hearing request asked the IACHR to call upon Caribbean states to “take concrete and effective actions to stop activities that aggravate the climate crisis and threaten the effective enjoyment of human rights, such as fossil fuel extraction.”

At the international level, 16 children and youth filed a climate [case](#) before the UN Committee on the Rights of the Child against Argentina, Brazil, France, Germany and Turkey. The authors claimed that, by contributing to climate change, each state failed to take necessary preventive and precautionary measures to respect, protect, and fulfil their rights to life, health, and culture under the Convention on the Rights of the Child. The authors argued that state acts and omissions perpetuating the climate crisis have:

- exposed them to the foreseeable risks of human-caused climate change, including heat, floods, storms, droughts, disease, or polluted air, threatening their right to life.
- caused injuries to their mental and physical health, from asthma to emotional trauma, which violate their right to health; and
- jeopardised millennia-old subsistence practices of the indigenous authors, which are not only the main source of their livelihoods, but also relate to a specific way of being, seeing, and acting in the world, that are essential to their cultural identity.

The **ESCE framework could also play a critical role in shaping just transition initiatives**, such as the recent initiative for a declaration for an oil-free Caribbean Sea and a just transition away from existing production signed by 32 Caribbean civil society organisations and networks, including Freedom Imaginaries and other international partners. The ESCE framework is critical in guiding such a transition to ensure that it does not exacerbate inequalities within and between countries.

Despite these developments, the ESCE framework is still generally under-utilised in the Caribbean as a tool for climate action. This is due, in part, to the fact that ESCE rights are hardly recognised at the constitutional level. Even where they are recognised, they are hardly implemented and rarely litigated. The landmark constitutional cases in the region that deal with environmental degradation tend to be framed narrowly around the right to a healthy environment without addressing other economic, social and cultural rights that are dependent on a healthy environment.

There is an urgent need for human rights work in the region that empowers marginalised communities to claim ESCE rights—rights to land, water, food sovereignty and cultural survival. These communities have the most innovative solutions to the climate crisis and their imaginings and practices of stewardship could build pathways to a sustainable future.

About Malene Alleyne:



Malene Alleyne is a Jamaican human rights lawyer and founder of Freedom Imaginaries, an organisation that uses human rights law to tackle legacies of slavery and colonialism. She has over seven years of experience working with international human rights bodies and organisations, including the Inter-American Commission on Human Rights and the United Nations. Malene holds a Master of Laws degree from Harvard Law School and a Master of Advanced Studies degree from the Graduate Institute of International Studies, Geneva. She received her Bachelor of Laws degree from the University of the West Indies, Cave Hill, and a Bachelor of Arts degree from Eckerd College. She is qualified to practice law in Jamaica, having received her Legal Education Certificate of Merit from the Norman Manley Law School.