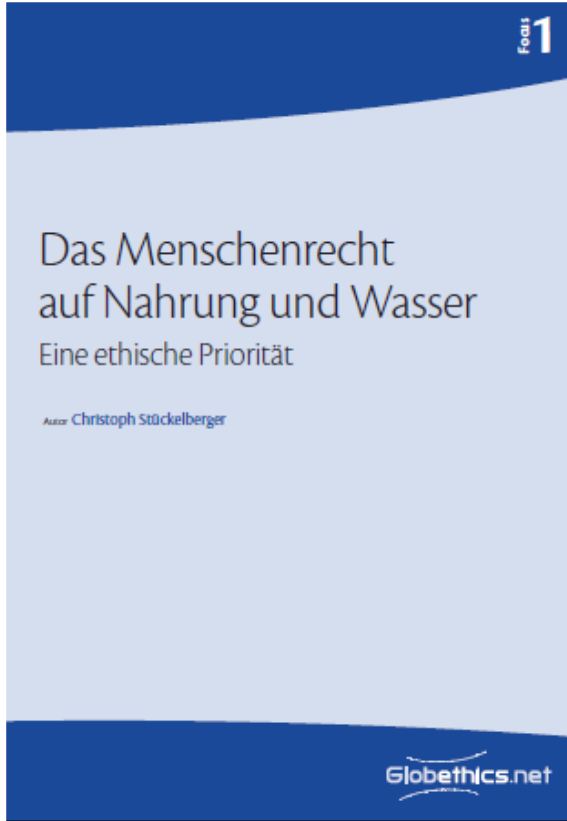


# Climate Change and Human Rights (Right to Food and Water): Ethical Dilemmas and Solutions

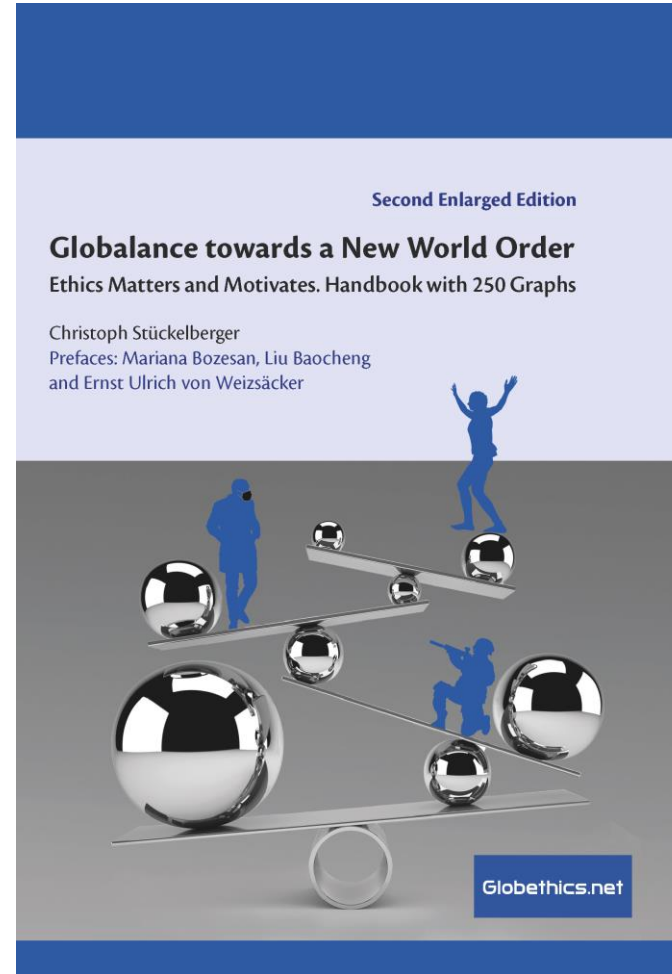
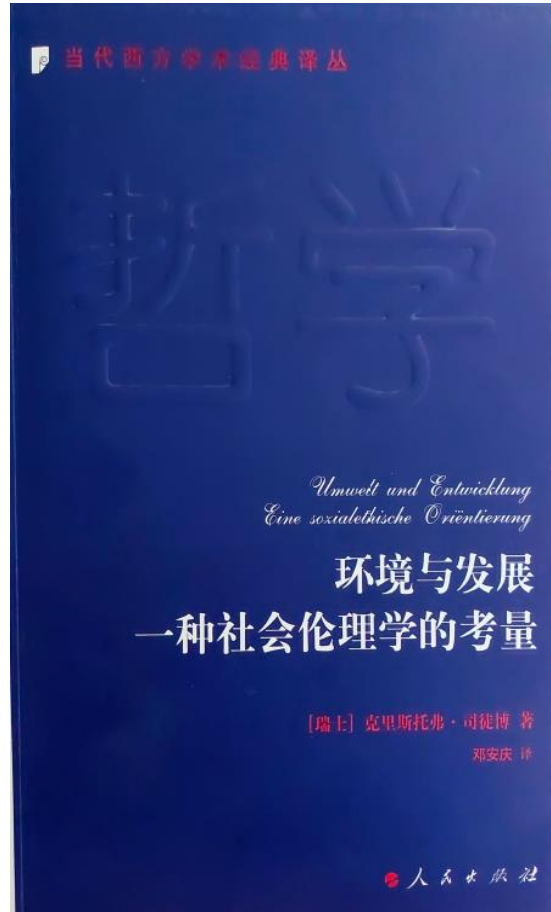
Nankai University, Law Faculty,  
Tianjin, China, 13 Sept. 2023

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The Human Right to Food and Water



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With 12 Encouragements for Emerging Authors  
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2023

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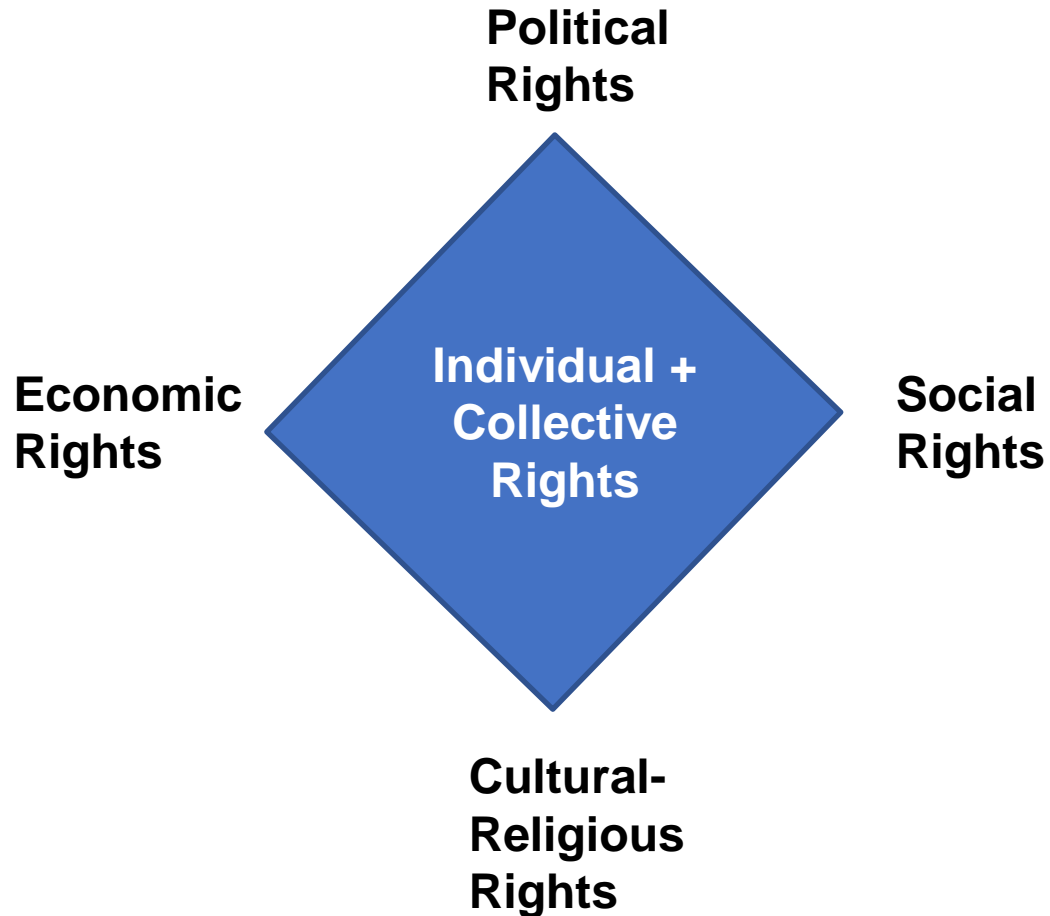
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# 1. Climate Warming: Global Challenges

- **Climate Warming: hugh challenges** for food, water, health, new diseases, natural und human-made disasters, political destabilisation, migration, security, peace etc.
- **Climate Warming predicted by scientists since 40 years.** 1990 second climate conference, 1992 UN conference in Rio.
- **Slow awakening**, long time climate deniers, polarisation.
- **Political challenges**: in democracies slow decision-making processes. In autocracies potentially less acceptance by population.
- **Economic challenges**: Higher prices for products, who are not environmentally friendly, are needed. Increasing costs for disasters. Who pays?
- **Cultural-religious challenges**: dispaire and hope, fatalism and engagement.

## 2. Human Rights: Four Dimensions, Two types



## Three Generations

### First Generation:

1948 UN Universal Declaration of Human Rights: Political and Individual Rights

### Second Generation:

1966 UN International Covenant on Economic, Social and Cultural Rights

### Third Generation

#### Community Rights:

1986 UN Convention on the Right to Development

1981/1986 African Charter on Human and Peoples' Rights

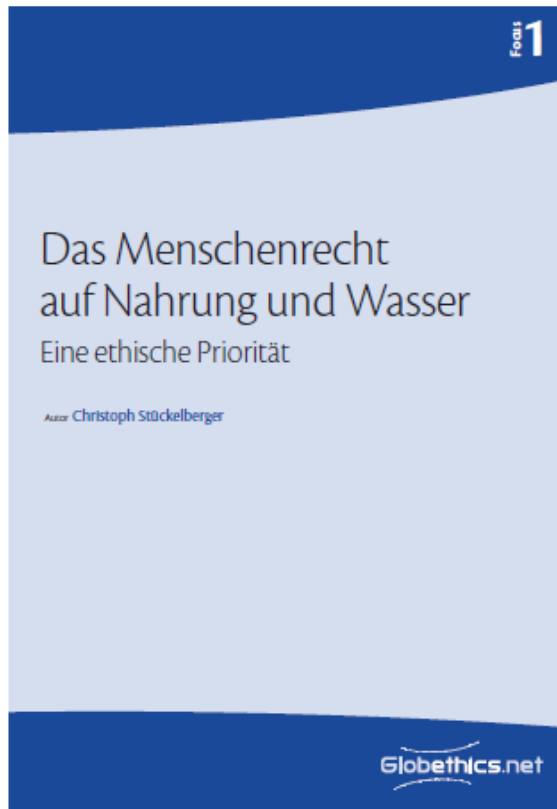
2004 Arab Charter on Human Rights

# 3.1 UN SDG's 2015-2030: Rights + Responsibilities

UN Sustainable Development Goals SDG's: 17 Interdependent Goals  
3: Zero Hunger (Right to Food), 6 Clean Water and Sanitation 4: Quality Education



## 3.2 Right to Food/Water: First Human Right



Right to Food/Water is First Human Right, because

- All other HR are meaningless if we die.
- In case of conflict between different Human Rights (ethical dilemmas), the rights related to basic human needs/survival have priority over other rights.
- Right to Food/Water and right to education, information/communication and job/income are interrelated.

## 3.3 Obligations to Secure Right to Food/Water

The Committee on Economic, Social and Cultural Rights in General Comment No. 12 also defined the obligations that States parties have to fulfill in order to implement the right to adequate food at the national level:

- The obligation to *respect* existing access to adequate food requires States parties not to take any measures that result in preventing such access;
- The obligation to *protect* requires measures by the State to ensure that enterprises or individuals do not deprive individuals of their access to adequate food;
- The obligation to *fulfill (facilitate)* means the State must pro-actively engage in activities
- Whenever an individual or group is unable, for reasons beyond their control, to enjoy the right to adequate food by the means at their disposal, States have the obligation to *fulfill (provide)* that right directly. This obligation also applies for persons who are victims of natural or other disasters.



## 3.4 Recommendations - Imperatives

1. The Right to Food and the Obligations of States to respect, protect and fulfill is not just “nice to have”, but a obligation of international law and an ethical imperative. To deprive people from food and water is not allowed to be a means of war and power.
2. The UN has to call the respective countries (of lack of access to food and water) and the countries in war this these territories, the para-state armed or non armed groups, the business sector and civil society to fulfil their obligations.
3. Humanitarian Actions by UN agencies, states and all actors of civil society and fundraising appeals should refer to this inalienable right to food and water and the respective obligations.

## 3.5 Right to Food: War Convention since 2800 Years!

“When you besiege a city for a long time, making war against it in order to take it, you shall not destroy its trees by wielding an axe against them. You may eat from them, but you shall not cut them down. Only the trees that you know are not trees for food you may destroy and cut down, that you may build siegeworks against the city that makes war with you, until it falls.

A 2800 year old humanitarian convention on war and food!

(Bible, Old Testament, Deuteronomy 20:19-20, 8<sup>th</sup>/7<sup>th</sup> Century Before Christ).

Even in wars, States and armies are obliged to guarantee the right to food and water including for enemies!

## 4.1 Dilemmas: Who Dies First? Climate Justice

**A dilemma** is a conflict between two or more values which can not be reached together or at the same time.

**Ethical priority rules** for each situation are needed to solve such dilemmas. Examples:

- Life in dignity by prosperity through economic growth or versus environmental protection. Priority? Green Economy?
- Mobility versus sustainability: offshore production with long transport of goods versus nearshore production with higher prices. Priority? Increase transport costs to make near-shore more competitive?
- Climate Change protection investments for whom? First for the rich who can afford to pay or the poor who need public help? Environmental and social protection are linked.

*The basic ethical question today is how to invest and distribute limited resources for the threefold duty of prevention, mitigation and adaptation related to climate change in order to minimize the number of victims. Climate change becomes a question of global climate justice.*

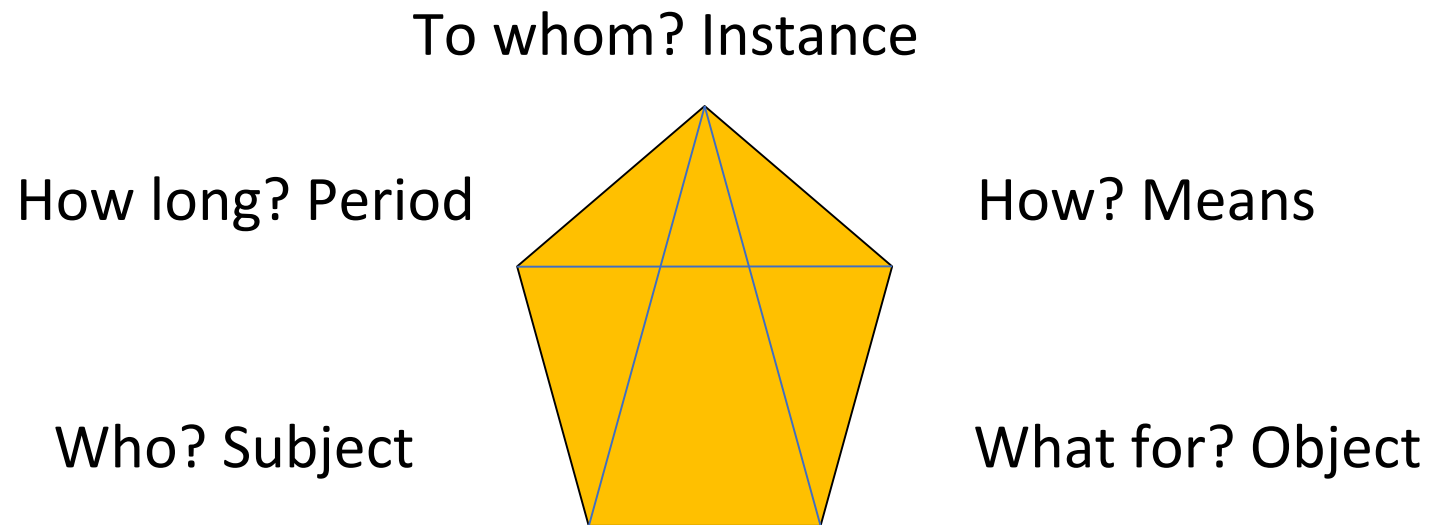
## 4.2 Responsibility: the key for Climate and Rights

The word responsibility is composed of two words:

- „Spondere“ (Latin) means to promise, to offer, to commit, to sign a contract (theologically: God offers his earth, he commits it to humankind. Philosophically: inherit the earth from children).
- „Re-spondere“ (Latin) means to respond, to answer to this offer by responsible behaviour / responsible use of this offer.
- Rights and responsibilities are twins. We claim the right to food and water, but we also have the responsibility for measures to implement it.

## 4.3 Responsibility: Five Key Questions

Five key questions: a) who is responsible  
b) what for c) to whom d) for how long e) with which means?



## 4.4 Responsibility for the Five „Skins“

A holistic anthropology underlines the link between the human and the non-human. Each human being needs five levels of „skin“ to protect his/her life. These are five basic needs:

1. skin: the biological skin of the body (food,water)
2. „skin“: the clothes
3. „skin“: the housing
4. „skin“: the community
5. „skin“: the atmosphere (protects from ozon and is vital for all life on earth etc.) and climate

## 4.5 Basic Value: Justice. Climate Justice

*Climate Justice means just and fair instruments, decisions, actions, burden sharing and accountability for the prevention, mitigation and adaptation related to climate change.*

14 dimensions of justice, among others:

- **Causer related justice:** polluter pay principle
- **Capability related justice:** capability to contribute
- **Needs-related justice:** needs of people independent of their capability to contribute/pay
- **Procedural justice:** e.g. corruption free, fair (judiciary) procedures
- **On-time justice:** climate action in time. To be too late =unjust

## 4.6 Climate Justice Principles I

Aspects for 10-15 Climate Justice Principles of the Global Alliance for Climate Justice:

- The five dimensions of responsibility as frame for the Climate Justice Principles
- Develop the different dimensions of justice/equity relevant for Climate Justice
- The polluters pay principle is expression of responsibility and has to be implemented.



## 4.6. Climate Justice Principles II

- Prevention has ethically higher priority than mitigation and adaptation (efficiency)
- Responsibility and Capability Index RCI is ethical: it leads to fair burden sharing IC/DC
- Ethical reasons for positive and negative sanctions, market and state instruments
- Time factor: on time, emergency legislation?

## 4.6 Climate Justice Principles III (full list)

1. Capability-related Justice    just recognition of capabilities, charisms
2. Performance-related Justice                    just recognition of performance
3. Needs-related Justice            just recognition of needs
4. Distributive Justice            just balancing needs, capacities, performance
5. Justice as equal Treatment    equal chances (of men and women)
6. Intergenerational Justice    just sharing of resources with future generations
7. Participatory Justice            just participation in decision making
8. Procedural Justice            just and transparent procedures
9. Functional Justice            just, efficient structures and resource allocation
10. Punitive Justice            just instruments to overcome injustice
11. Transitional Justice            fair provisional justice in transformation periods
12. Restorative Justice            restore justice from occurred injustice
13. Transformative Justice        healing and reconciling processes after injustice
14. On Time Justice            act on time in order to avoid further injustice.

## 4.6 Climate Justice Principles IV (explained)

- Capability-related justice means that every person and institution has the duty to contribute solving problems on the basis of their capability.
- Performance-related justice means that every person and institution involved in human activities must be given their due (e.g. salary) on the basis of their performance. This means related to climate justice: An activity which reduces greenhouse gas emissions is a good performance and should be rewarded respectively.
- Needs-related justice means that basic human needs and rights should be taken into consideration for every person and institution. This means related to climate justice: Every person has the right to survive and be supported to manage adaptation to climate change independent from his/her capability and performance.

## 4.6 Climate Justice Principles V (explained)

- Intergenerational justice means a sustainable use and fair distribution of resources, as well as a reduction in and a fair distribution of ecological burdens between generations living today and in future.
- Procedural justice means calculable, constitutional (publicly and privately) regulated, transparent, corruption-free and thus fair procedures in all interactions.
- Punitive Justice means the punishment of actions which violate justice. The goal is retaliation, determent or overcoming of existing injustice.
- On Time Justice means that justice is bound to the right time of decision and action (in German: zeitgerechte Entscheide, Zeit-Gerechtigkeit, in Greek: kairos, the right moment). If a measure is taken too late and the victim dies, injustice happened.

## 4.7 The Contribution of Religions to Climate Protection

Religions are essential contributors to climate protection: Hope is a precondition to act. Resignation/fatalism (not to act) is in religious term a sin against the will of God/ the Divine/ the creator to save lives and the planet.

Buddhism: mindfulness leads to caring for all human and non-human beings

Daoism: unity of all beings. Sacred mountains etc.

Hinduism: ahimsa: attitude of non-violence to all creatures

Judaism/Christianity/Islam: God's promise to Noah, „never again shall there be a flood to destroy the earth“? (Gen 9:11)

Christianity: Humankind breaks God's covenant again and again, God is willing to renew it again and again – he gave even his life in Jesus Christ to save humanity (new covenant). God cares and suffers with all human beings.

**Message of all religions: Yes, it is late, but not too late to act**

# 5. Solutions 1: Globalance of Values

## 5.1 Three Main World Views (Lenses)



**My Power** First



**My Money** First



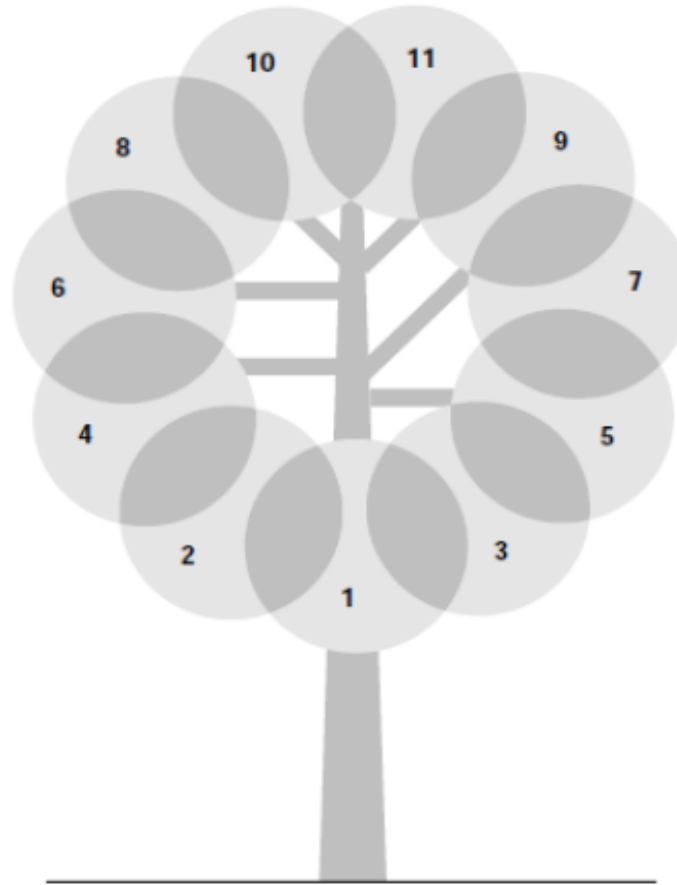
**Our Common Values** First  
= Goal of Globalance



## 5.2 The Tree of Values and Virtues

### Values

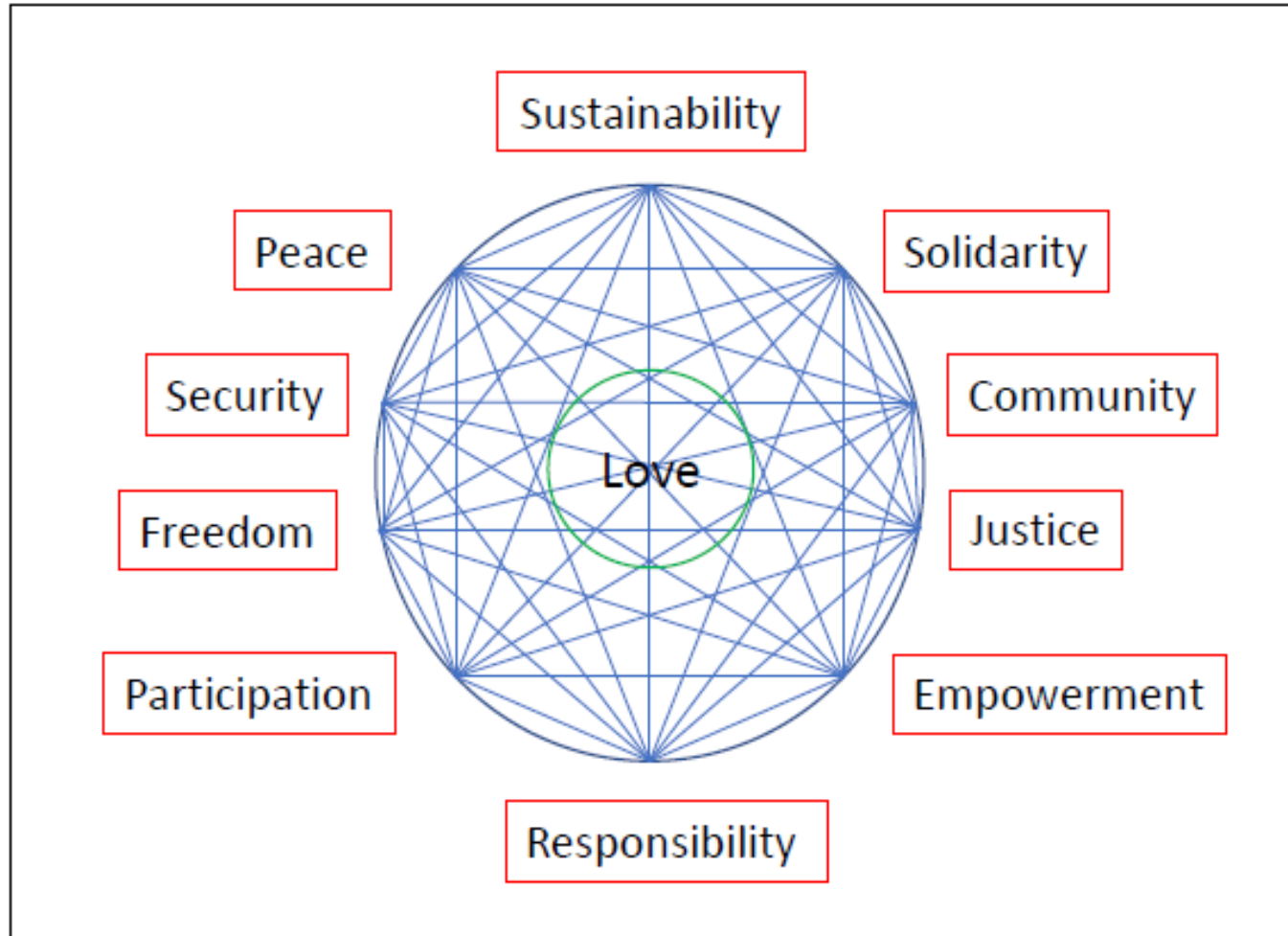
1. Responsibility
2. Freedom
3. Justice
4. Equity
5. Peace
6. Security
7. Community
8. Inclusiveness
9. Participation
10. Forgiveness
11. Stewardship



### Virtues

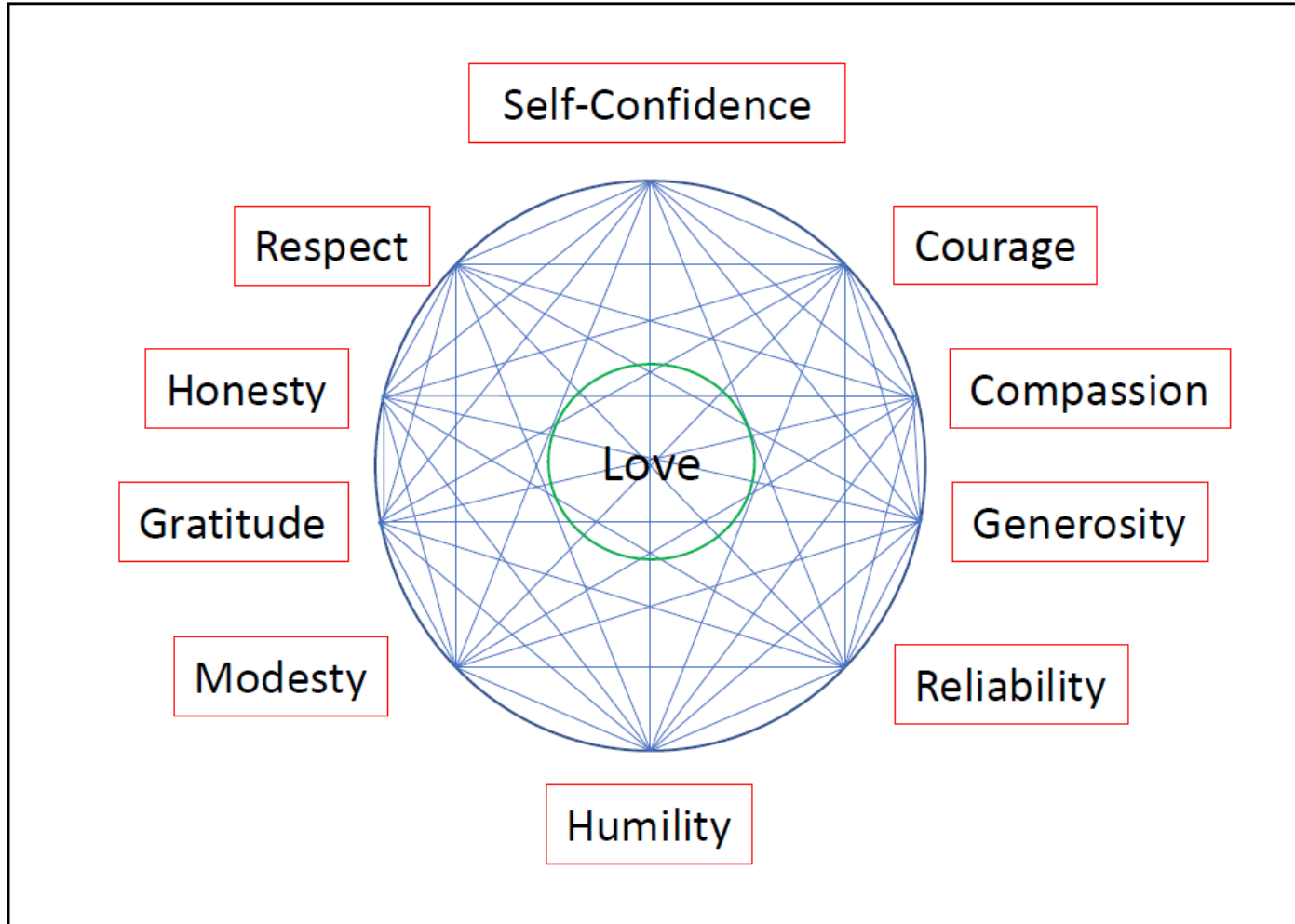
1. Integrity
2. Compassion
3. Care
4. Transparency
5. Accountability
6. Reliability
7. Respect
8. Humility
9. Courage
10. Gratitude
11. Generosity

## 5.3 Globalance: Relational Values





# 5.4. Globalance: Relational Virtues



## 5.5 Balance since 3000 Years in Religions & Philosophy

Is Globalance a Western and Christian Concept? No, it is global, inter-cultural, inter-religious. (Globalance, chapter 4, 104-163)

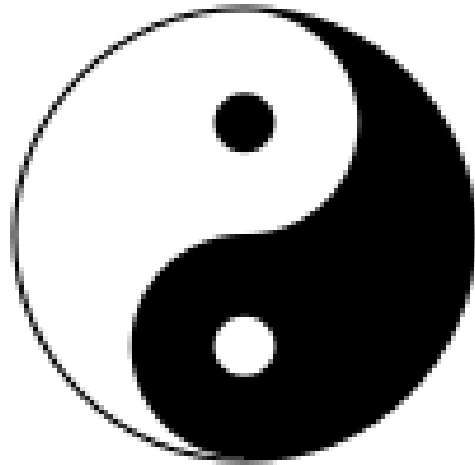


Ancient Egypt: Goddess Maat:  
Goodness of moderation  
(German: Mass)

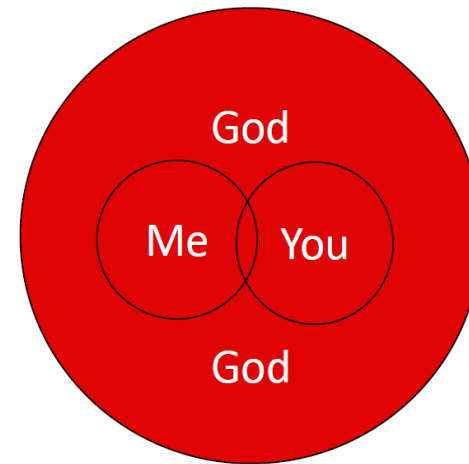


Buddhism: Balance  
through Mindfulness

## 5.6 Balance since 3000 Years in Religions & Philosophy

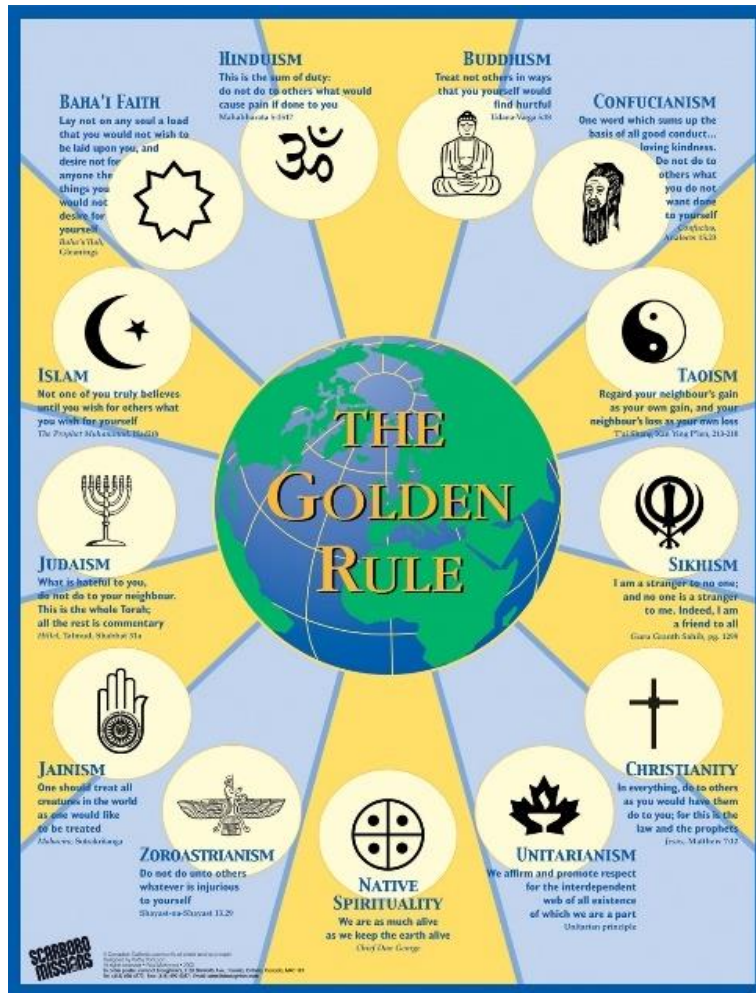


Daoism:  
Yin and Yang



Judaism-Christianity:  
Balanced love: God,  
the other, yourself

# 5.7 Balance since 3000 Years in Religions & Philosophy

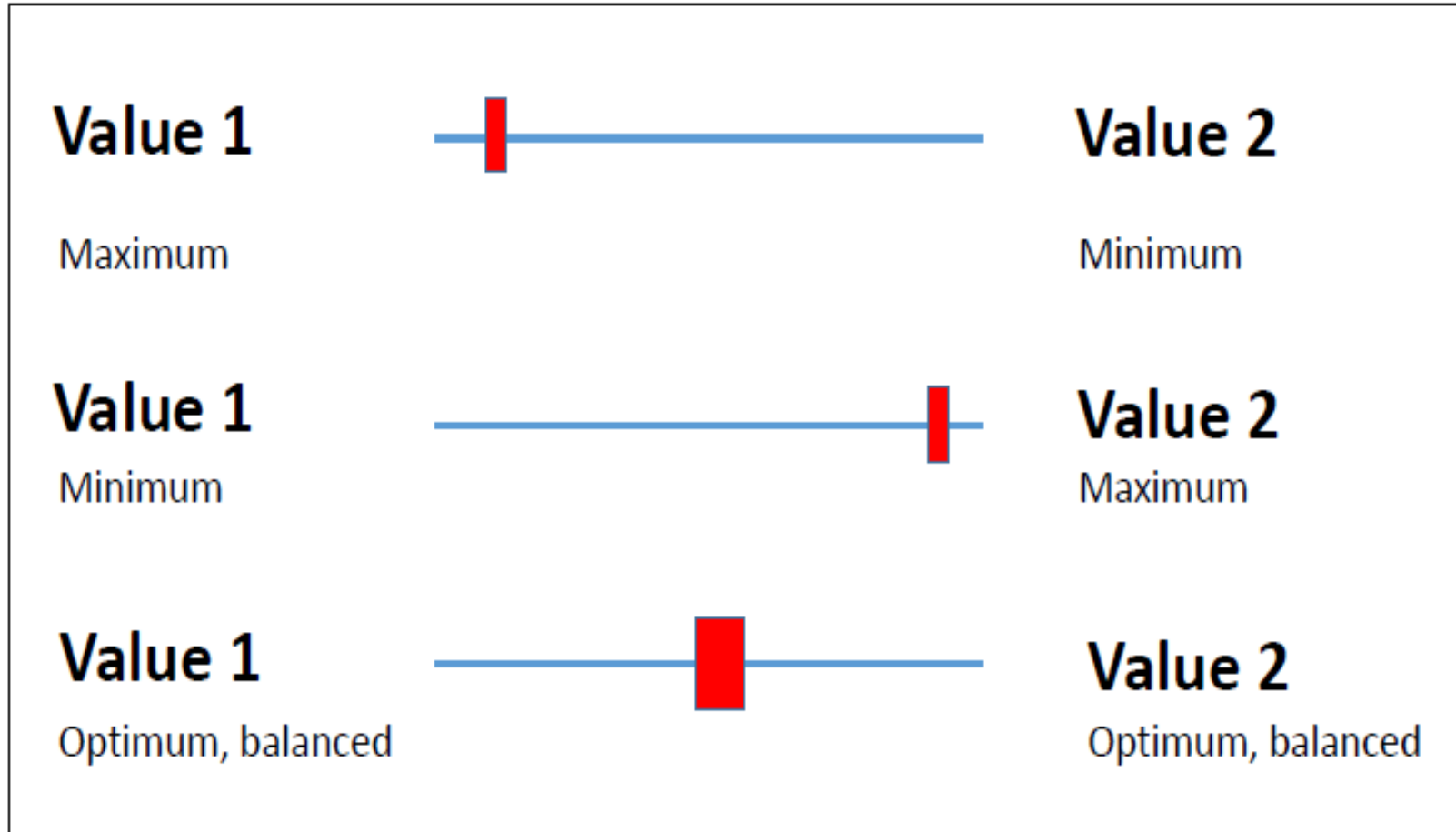


Across Religions and Philosophies:  
The Golden Rule of Reciprocity.

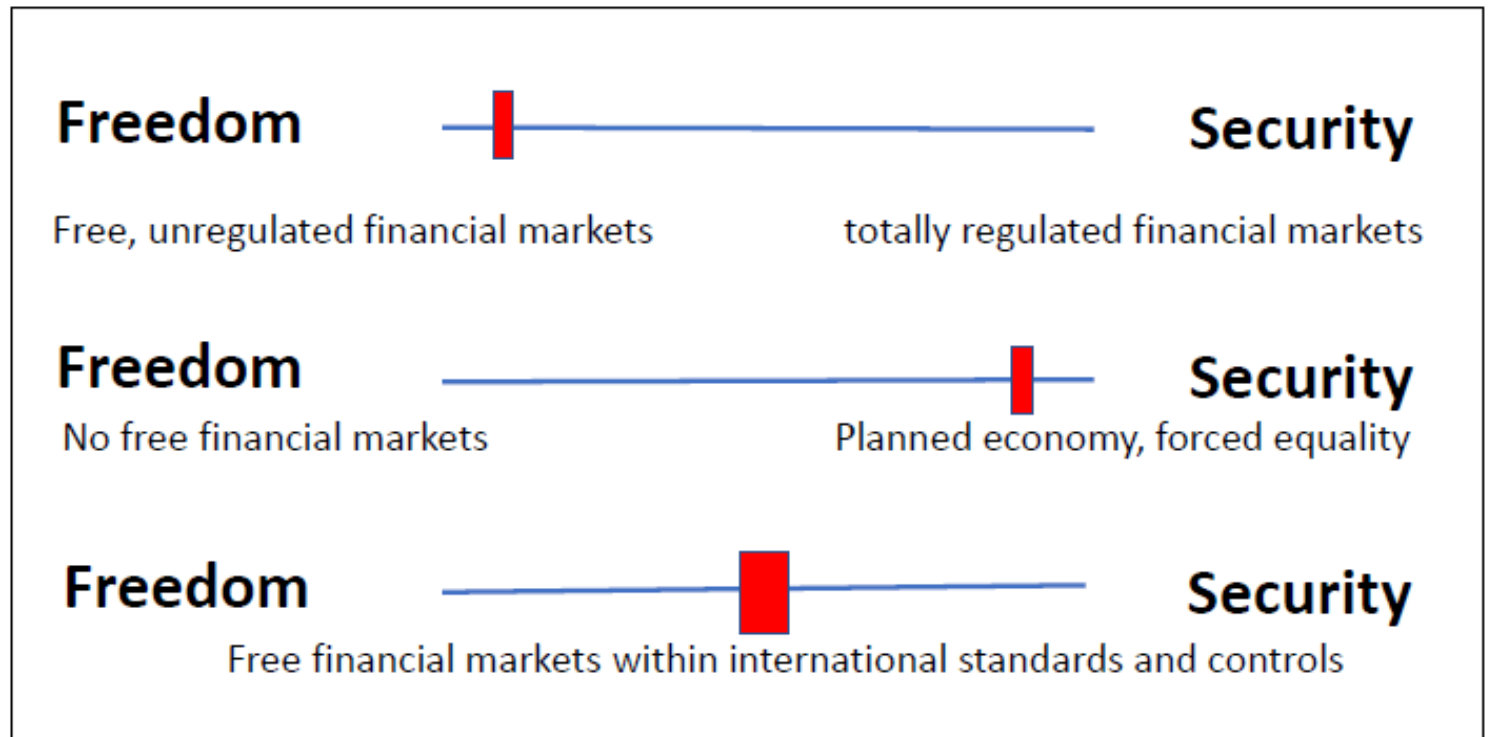
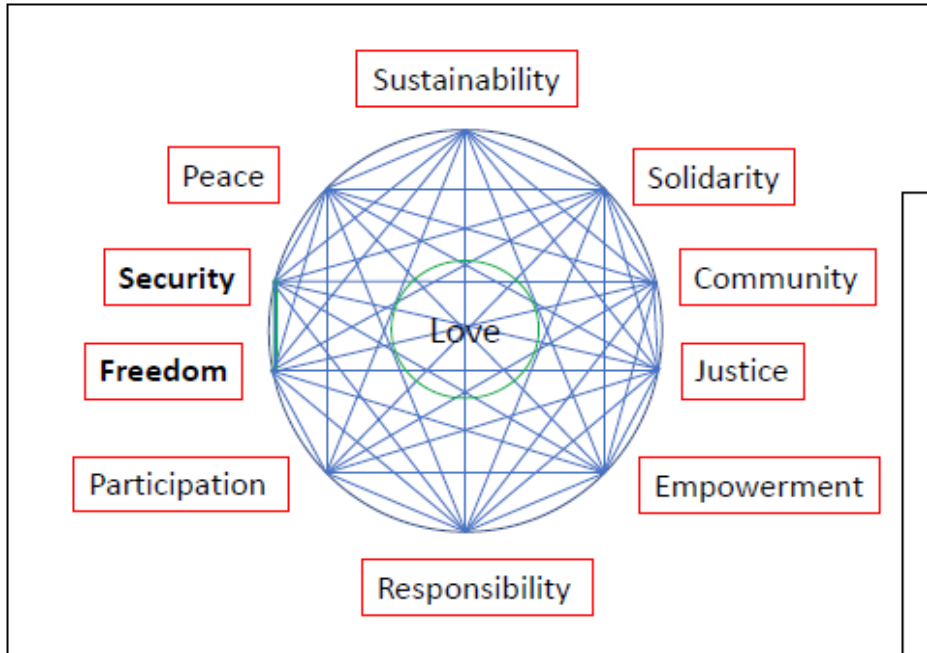


Africa: Ubuntu: Community  
«I am because we are»

## 5.8 Two Opposite Values: Maximum, Minimum, Balanced

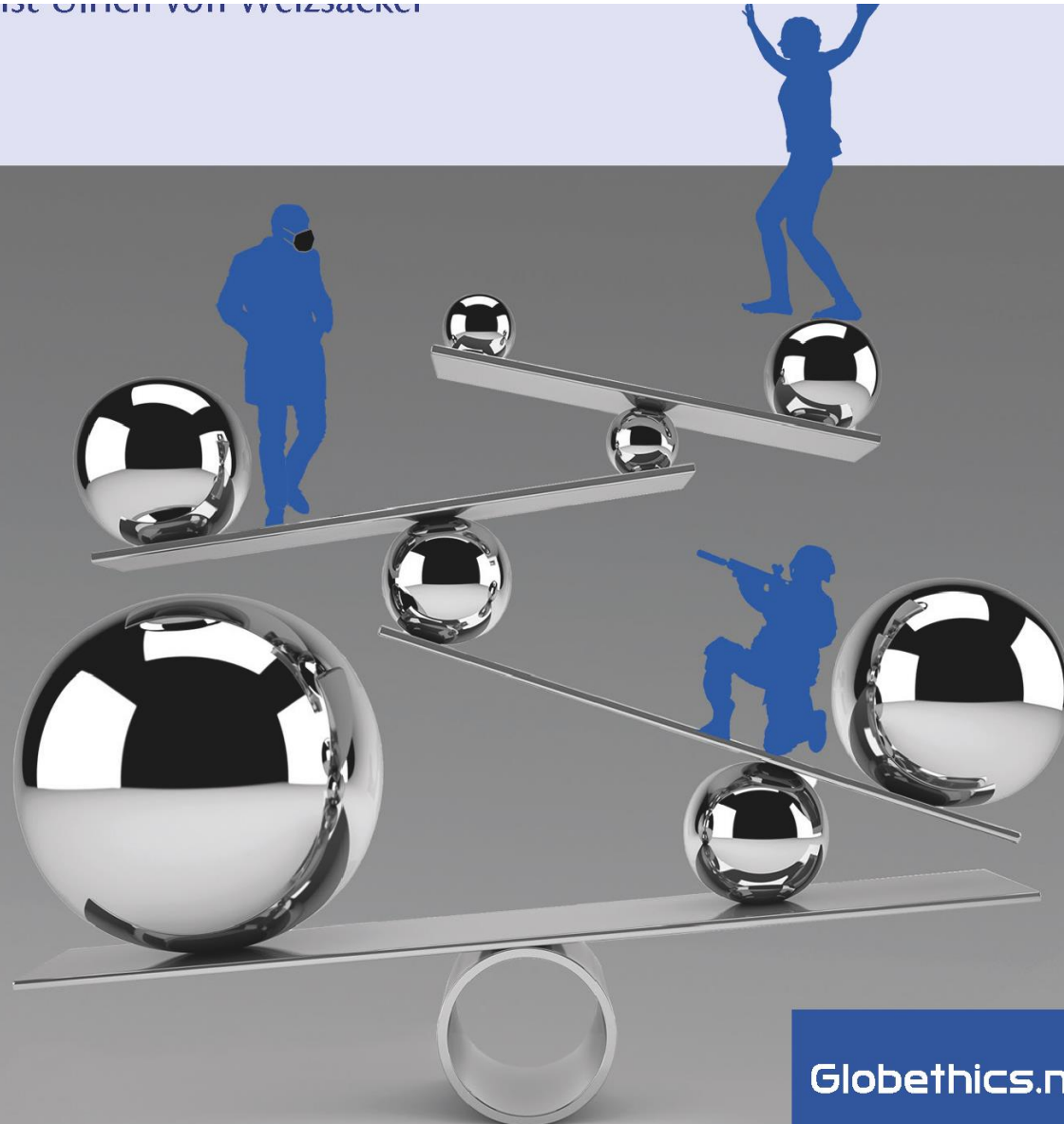


# 5.9 E.g. Global Trade: Freedom and Security free trade and securing access to water and food

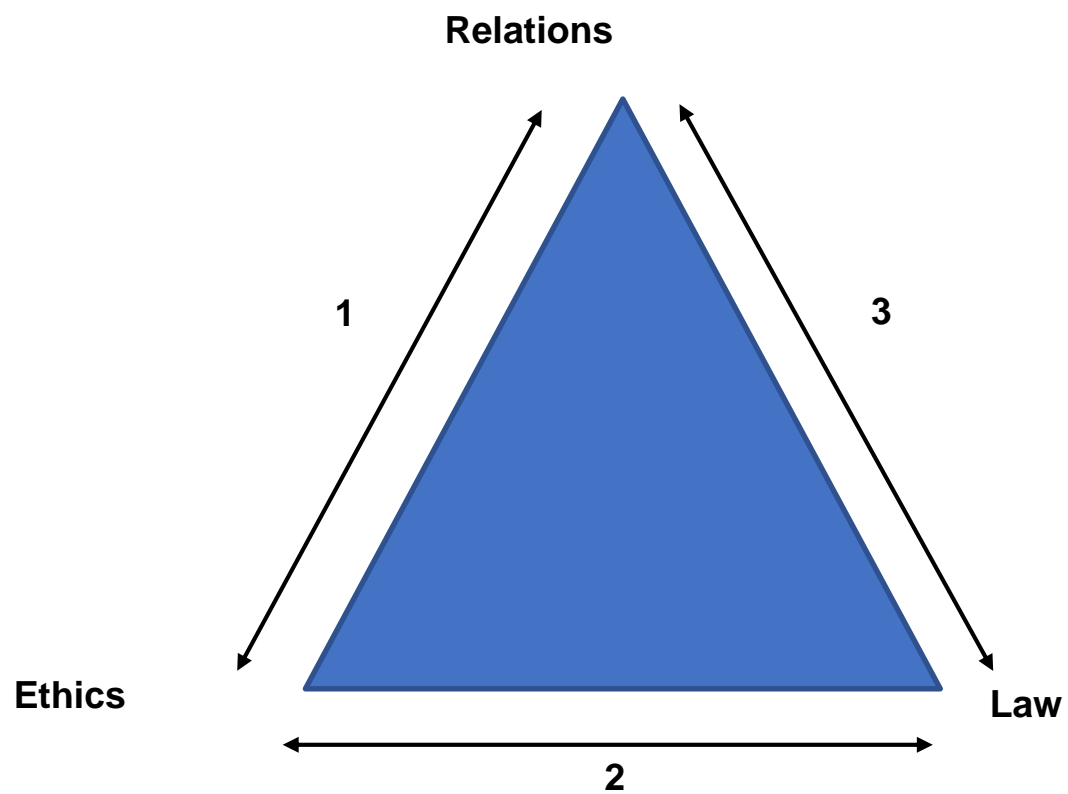


# 5.10 Climate and Rights: a Dynamic (Im-)Balance

and Ernst Ulrich von Weizsäcker

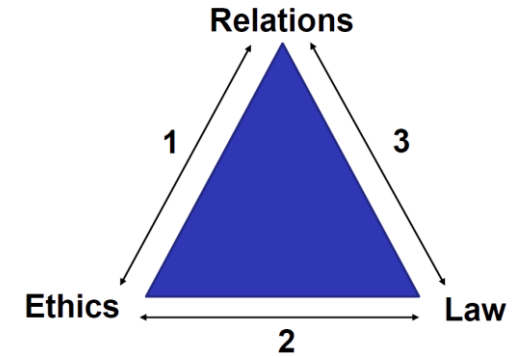


# 6.1 Solutions 2: Balance of Law, Ethics and Relations





## 6.2 Rules of Law, Ethics, Relations

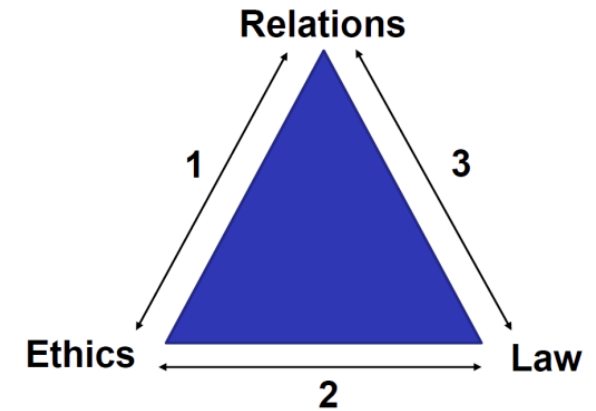


**The Rules of Law** are a key element for reliability, trust, fairness, accountability, transparency, control of power, order and for relations and ethics.

**The Rules of Ethics** (composed of virtues and values) are a key element for visions, orientations, humane living, community life, coherence of a society and for relations and law.

**The Rules of Relations** are a key element for human relations, communities, respect, sustainability, peace and for law and ethics.

## 6.3 Three Connections/Dimensions



### **Dimension 1: The Connection Relations-Ethics**

Ethical Values are the basis for good relations. Relations are at the center for interpersonal ethics.

### **Dimension 2: The Connection Ethics-Law**

Ethics without law is lame (in enforcement).

Law without ethics is empty (and inhumane).

### **Dimension 3: The connection Relations-Law**

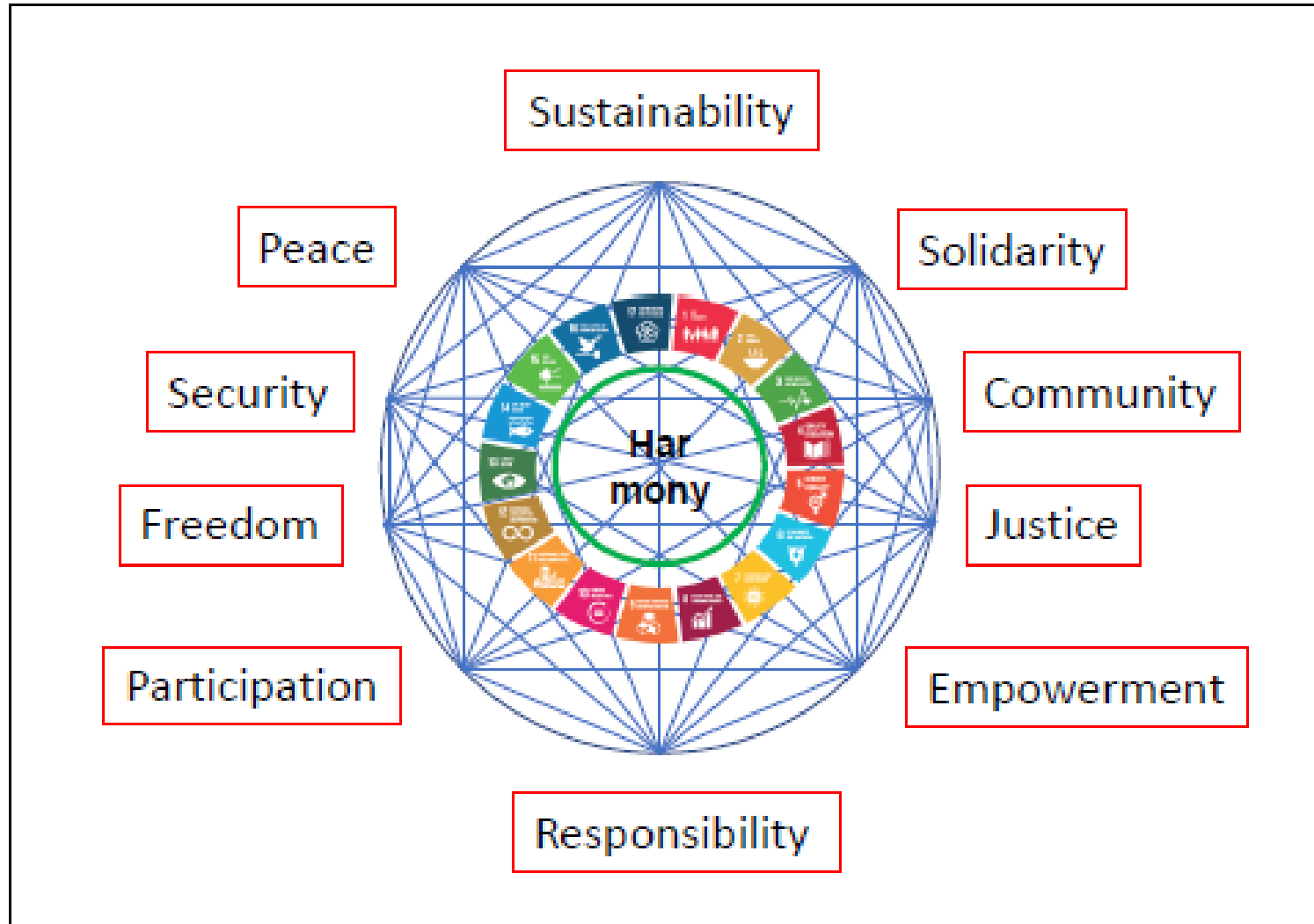
Relations superior to law endanger the state of law.

Law without compassion can become inhumane.

## 7. Solutions 3: Invest in Green Economy, not Weapons

- The current polarization leads to a dramatic shift in public budgets:
- From investments and subsidies in green economy to expenses in war economy/arms production and arms trade
- It leads also to immense need of capital for reconstruction (Ukraine alone estimated 411 billion USD!). *Source: World Bank*
- It is estimated that achieving universal access to safe drinking water and sanitation in 140 low- and middle-income countries would cost about USD 114 billion per year.  
*Unesco world water report 2021: [Valuing water supply, sanitation services / 2021 World Water Development Report \(unesco.org\)](#)*
- With the cost of reconstruction of Ukraine, 140 developing countries could have access to drinking water and sanitation for 4 years!

# 8. Harmonious Globalance of Values for Climate Justice



## ***I STILL HAVE A DREAM***

*I have a dream  
Superpowers cooperate  
Suspicion is converted to trust  
Escalation is turned to de-escalation  
Domination is replaced by participation  
Innovation is balanced with conservation  
Competition is combined with cooperation  
Extremism is defeated by respect of opposites  
Power and leadership are executed with integrity  
The Golden Rule of reciprocity becomes true  
Self-confidence is balanced with modesty  
Soft water is stronger than hard stones  
Freedom and justice kiss each other  
Hate is transformed into love  
Death is integrated in life  
Love will never end  
I have a dream*

Egg.  
Symbol of Life  
Christoph  
Stückelberger



شكراً جداً (Shokran Gidan)

teşekkürler

kealeboga

diolch yn fawr

thank you

baie dankie

धन्यद (Danyavad)

謝謝

(xiexie)

asante sana

gracias merci grazie danke

Спасибо (spacibo) obrigado/a adube

oshe

dankjewel

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