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Research Article

STATE OF ENVIRONMENTAL PROTECTION IN THE OIC COUNTRIES: GENESIS, ONGOING INITIATIVES AND RECOMMENDATIONS FROM HUMAN RIGHTS PERSPECTIVE

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Abstract. The article focuses on the state of environment protection at global and regional levels. It dwells in detail on the definitions, history, causes of climate change and the efforts made by the international community to address this existential threat in a just and efficient manner, as well as the ongoing efforts to salvage the future of humanity by embarking on the road to sustainable development. The article also focuses on explaining the state of environmental degradation from a human rights perspective and suggests requisite measures that ensure the promotion and protection of human rights of the most disadvantaged persons and segments of every society. The special emphasis is placed on the origin of Islamic ecological thought, the dichotomy between Islamic precepts, which are fully in line with the just and sustainable use of natural resources, and the contradictory practices of Muslim countries. Equally important in this regard are the various initiatives, policies and decisions taken by the Organization of Islamic Cooperation (OIC) to address the challenge of environment protection at the national, regional and international levels, as part of the global community. In dealing with the state of environment protection in the OIC countries, the article also situates the overall debate within the context of the right to a healthy environment and the concept of climate justice. It accordingly makes a number of recommendations to different stakeholders including the primary target of the article i.e. the OIC countries both from a developmental and human rights perspective.

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Introduction

The devastation and havoc wreaked by the catastrophic Australian fires (January 2020) has once again brought the burning issue of climate change on the global agenda. Australian National University climate scientist Dr Imran Ahmed states that there is a direct link between climate change and the fires. He says: that “what climate change does is exacerbate the conditions in which the bushfires happen”¹. This unfortunate phenomenon, like many other climate related disasters in different parts of the world, highlights not only telltale signs of an imminent change in weather pattern, but more importantly, exposes the enormity of the scale of challenge and relative unpreparedness or “unwillingness” of humanity to mitigate them individually and collectively.

The threatening ecological crises of our generation manifests in myriad of forms, which include global warming, air and water pollution, desertification, land erosion, deforestation, loss of biodiversity, etc. The dots on the global climatic changes map are getting connected faster than ever and the deafening silence is being repeatedly interrupted by echoes to “act now and act big before it gets too late”, as it is already late.

In recent decades, climate change has emerged as a serious threat to the life and livelihood of millions of people across the world. In some situations, it even represents an existential threat for many communities who are at the front line of experiencing severe impacts of climate change. According to the 2006 Living Planet Report, “the Earth’s regenerative capacity can no longer keep up with demand, as people are turning resources into waste faster than nature can turn waste back into resources. Humanity is no longer living off nature’s interest but drawing down its capital”². No region, no country and no community are immune from the harmful effects of climate change though some regions of the globe are more susceptible than others to the ad-

¹ BBC News. (2019) Is climate change to blame for Australia’s bushfires? Available at: <https://www.bbc.com/news/world-australia-50341210> (Accessed 6 April 2020).

² World Wildlife Fund International (WWF) and Global Footprint Network. (2006) Living Planet Report, available at: http://assets.panda.org/downloads/living_planet_report.pdf (Accessed 6 April 2020).

verse consequences such as a rise in sea level, severe flooding, prolonged drought and heat waves³.

While the negative impacts caused by climate change are global, they are disproportionately borne by persons and communities already in disadvantageous situations owing to geography, poverty, gender, age, disability, cultural or ethnic background. In some cases, entire communities and even States are at risk of losing their subsistence due to threats from climate change. Worst still, these are the entities that have historically contributed the least to causing the environmental imbalance.

Environmental challenges: history and its causes

The term “*environment*” is derived from French verb “*environ*”, “that means which surrounds”⁴ or “encircles”. In scientific terms environment can be defined as “complex of physical, chemical, and biotic factors (such as climate, soil, and living things) that act upon an organism or an ecological community and ultimately determine its form and survival”⁵. Stan Rowe, a Canadian geo-ecologist and environmentalist, opined that term “ecosphere” could be substituted for the term “environment”, which according to him, is composed of four equally important constituents: “atmosphere (air), hydrosphere (water), lithosphere (soil) and biosphere (organisms)” (1989). Rowe (1989) concluded that “ecosphere” is more meaningful to environmental protection because it gives “intrinsic values equally to organic and non-organic parts of the environment”.

Historically, human quest to secure reliable food supply remained a driving force for transition from nomadic lifestyle to a more settled habitation which led to the emergence of “agriculture”. The subsequent evolution and advancement in the agricultural practices was considered as the first indicator of a significant human impact on the natural world (Northcott, 1996:44). According to Diamond (1987), “human beings are still dealing with the dire consequences of our ancestors” unwise decision to favour agriculture and to abandon foraging as a lifestyle. The growing scholarly criticism points towards the fact that the eco-crisis is attributed to unwise agricultural practices such as monoculture and the destruction of native vegetation (McCormick, 1989:22). The insatiable human consumption to meet the ever-increasing demand, driven by population explosion and changes in human lifestyle and habits not only depleted the land and other natural resources but also paved the way for colonial expansions to secure natural resources and supply chain raw materials, beyond the true needs. Hardin (1968) argued that environmental destruction can be attributed primarily to population growth and un-

³ Global Humanitarian Forum. (2009) Human Impact Report: Climate Change — The Anatomy of a Silent Crisis, Geneva.

⁴ Definition of environment, available at: <https://www.merriam-webster.com/dictionary/environment> (Accessed 6 April 2020).

⁵ Definition of environment, available at: <https://www.merriam-webster.com/dictionary/environment> (Accessed 6 April 2020).

limited exploitation of the Earth's finite resources. For example, the massive deforestation of China occurred as more food was required to meet the needs of its fast-growing population. In modern history, European colonialism, driven by the rise of capitalist economies and competition among European nations, inflicted serious ecological degradation on non-European lands (Northcott, 1996:4).

The “agricultural revolution” was succeeded by the “scientific revolution”, which led to the “mechanization and mathematization of nature” (Pepper, 1996:138–139) providing justification for human abuse of nature for the sake of scientific progress. By transforming nature into a machine, classical science nurtured and facilitated the exploitative attitude of human beings towards their environment (Hay, 2002:125). According to White (1998), the Western science and technology developed in the Middle Ages are the main cause of environmental degradation. Francis Bacon, a leader of the Renaissance in England declared that nature exists solely for humans' use (Connelly, 2003:18). On the other hand, in Bacon's view, nature is to be treated aggressively so it releases its secrets (Hay, 2002:140). Hancock (Hancock, 2003:27), in his criticism of capitalism, described “economic rationality” as the leading cause of environmental destruction because it transforms natural assets into products for the purpose of accommodating consumers' lifestyles to favor profit maximization over the environment.

Muslim environmentalism: dichotomy between Islamic precepts and Muslim practices

Muslim environmentalism refers to Muslim commitments / involvements in mass ecological movements that are not necessarily stimulated by Islamic values and principles. The Islamic ecological thought is based on three intertwined concepts of “Tawhid” (Divine unity), “Khilafah” (trusteeship), and “Aakhirah” (the hereafter). Tawhid implies that God is the only creator of the entire universe and that “all existence reflects unity in plurality”. The Qur'an emphasizes that the universe is characterized by proportion, harmony, and beauty, which are the hallmarks of Divine craftsmanship. Secondly, the mankind, the creation of God, acts as God's stewards on Earth to look after the balance and harmony of His creation and refrain from any mischief which corrupts or disturbs the harmony. This notion of stewardship puts mankind as “friends of universe” and “not its masters” to restrain them to overexploit it. Lastly, they are held accountable for every action so that they should not pollute the earth and leave it fit for the succeeding generations (Saniotis, 2012). These traditions and concepts exhort Muslims to care for all creatures, to protect the environment, to conserve water, to preserve nature and to take care of the entire creation, animate and inanimate. The teachings of the Holy Quran and the Prophetic traditions refer to just and sustainable use of natural resources while avoiding extravagance and wastefulness. As believers, Muslims are duty-bound to ensure a higher level of environmental protection and conservation of natural resources.

Vincenti examined sustainability from what Islam, as a religion, has to offer and the cultural, social, and political aspects of sustainability mobilisation and activism in the Muslim world, using a qualitative method. According to him, sustainability concerns are inherited from the tradition of the religion, from what he referred to as “eco-Islamic” wisdom (Vincenti, 2016).

Contrary to the religious thought, the “enduring inefficiency of environmental performance” which afflicts the Muslim world and its 1.8 billion Muslims, constituting one fifth of humanity, is contrary to the teachings of Islam (Dien, 1997). There is no denying the fact that majority of the Muslim countries emerged from the colonial rule where the natural resources of these countries were extracted and exploited to fuel the industrial growth of the colonial masters with no regard for environmental balance and harmony. This baggage and legacy of environmental insensitivity continued after these countries gained independence. Despite clear religious precepts, lack of awareness and sensitivity towards environmental challenges created a functional disconnect, which has led to intensification of environmental degradation. As rapid social change has taken place in many countries, including the Muslim world, their traditional and religious values, and culture and good manners about caring for the environment have been diminishing. Some Muslim countries are even ill-reputed for wasteful consumption of food (Saniotis, 2012). According to some scholars, the environmental issues in the Muslim world are the product of social injustice (Sardar, 1977), lack of awareness of environmental issues (Foltz, 2000) and failing to observe principles from the Quran and the prophetic tradition (Foltz, 2002).

State of environment in OIC countries

The OIC Member States as a group are highly vulnerable to environmental changes induced by the increasing anthropogenic activities related to industrial production, non-scientific methods of agricultural pursuits, transportation and urbanization etc. Although the damaging effects of climate change are transnational and experienced by all the countries, their consequences are much more pronounced in developing countries. As the majority of the Muslim countries are developing countries, these are prone to be affected faster and more starkly than developed countries due to the environmental challenges (Homer-Dixon, 2010) especially in terms of unsustainable energy consumption, which have adversely affected the developing world (Aziz, Mustapha, 2013).

There is growing evidence to indicate that poor governance issues and lack of coherent policies have led to man-made environmental problems such as destruction of the Aral Sea in Central Asia, desertification in Sub-Saharan Africa, exhaustion of oil deposits in the Middle East and deforestation as well as loss of biodiversity in Muslim countries with mega biodiversity in Southeast Asia (Kula, 2001). There is also lack of focus on “environmental sustainability” and “climate resilience” in urban development policies and ineffective adaptive capacities to deal with the vulnerabili-

ties due to technological and financial limitations and high dependence on climate sensitive natural resources and low adaptive capacities⁶.

The OIC region has experienced remarkably high population growth since the 1950s, with the second highest growth rate in the world (Tabutin, Shoumaker, 2005). According to the United Nations estimates, the combined population of the Middle East, North Africa and the Arabian Peninsula region is expected to grow from 423 million in 2007 to 800–900 million by the end of the twenty-first century (Tabutin, Shoumaker, 2005) which will have a compounding effect on depleting natural resources of the region. The cascading effect of the population explosion has produced inefficient agricultural practices and unplanned urbanization causing immense stress on the resources of many OIC countries. The excessive use of fossil fuel and biomass for transport and industrial growth has led to concomitant air and water pollution with damaging health effects. Furthermore, around two dozen OIC countries are currently classified as water stressed with high prevalence of inefficient water use in agriculture and sewerage dumping in rivers. As a result, biodiversity and ecosystems are being threatened across the OIC region with low coping and adaptive capacities for environmental sustainability in the wake of worsening climatic conditions⁷.

According to the findings of Environmental Vulnerability Index, most of the OIC countries are above medium level of environmental vulnerability. Existing climate models predict worsening of environmental and climatic conditions in many OIC countries; posing serious social and economic consequences especially for the disadvantaged and poor populations⁸.

The situation is particularly alarming in low income and least developed OIC countries. The analysis of Environmental Performance Index (EPI), developed by Yale University, reveals that OIC countries perform poorly with a score of 59.4 compared to 65.4 for Non-OIC developing countries and 85.4 for developed countries. The environmental performance of OIC countries is not uniform and shows significant regional divergence. OIC countries located in Europe & Central Asia, Latin America, and East Asia and Pacific score higher than the world average with scores of: 72.4, 69.9, and 69.3 respectively⁹. The worst performing OIC region is South Asia with a score of 46.9 followed by Sub-Saharan Africa with a score of 48.7 and MENA with a score of 66. Only three OIC countries were in top 50 on EPI score in 2018¹⁰.

⁶ Outcome Document of the OIC-IPHRC Thematic Debate on “Climate Change and Environmental Protection; A Human Rights Perspective” (2019), available at: <https://www.oic-iphr.org/en/sessions> (Accessed 6 April 2020).

⁷ Statistical, Economic and Social Research and Training Centre for Islamic Countries (SESRIC). (2019) OIC Environment Report, available at: <https://www.sesric.org/files/article/675.pdf> (Accessed 6th April 2020).

⁸ Statistical, Economic and Social Research and Training Centre for Islamic Countries (SESRIC). (2019) OIC Environment Report, available at: <https://www.sesric.org/files/article/675.pdf> (Accessed 6 April 2020).

⁹ Statistical, Economic and Social Research and Training Centre for Islamic Countries (SESRIC). (2017) OIC Environment Report, available at: <https://www.sesric.org/files/article/586.pdf> (Accessed 6 April 2020).

¹⁰ Environmental Performance Index (EPI). (2018) Executive Summary, available at: <https://epi.envirocenter.yale.edu/2018-epi-report/executive-summary> (Accessed 6 April 2020).

The environmental performance of majority of Upper Middle Income (UMIE) countries is low with declining EPI scores as a comparison between 2006 and 2018. The 8 UMIE countries (73%) had low and declining EPIs, except for Azerbaijan, Turkmenistan and Albania. The figures imply that environmental issues in the majority of the UMIE countries are worsening. EPI scores for all 3 High Income (HIE) countries are declining. EPI scores for Oman, Saudi Arabia and UAE were 67.9, 68.3 and 73.2 in 2006 but fell to 51.32, 57.47 and 58.9 in 2018 respectively signifying environmental deterioration. However, a number of steps are being taken in the recent years that convey the seriousness and readiness of these countries to address their environmental woes. The National Environment awareness and sustainable development Program of Saudi Arabia has a number of short term and long-term goals that aim to raise awareness on environmental concerns from climate change and develop programs to preserve a greener and sustainable model of development¹¹.

Though OIC countries are the least polluters, their Green House Gas (GHG) emissions reaching 15% of the world's total¹², are on the rise coupled with limited mitigation efforts. During 2000–2017, 38 out of 54 OIC countries with data have witnessed increase in CO2 emissions per capita¹³. While the developed countries GHG growth is declining, growth in OIC countries is still very high at a level of 4.4% during the period 2000–2013. With this rate, GHG emissions are expected to be doubled in 2027. The sector responsible for such GHG emissions is the energy sector, which contributes to 72% of emissions of OIC countries. On the positive note, OIC countries have recorded the largest improvement on the EPI issue category of “Biodiversity and Habitat” since the last decade with its average score increasing from 51.9 to 58, which corresponds to a 12% improvement¹⁴.

Impact of environmental deterioration on OIC countries

The environmental degradation adversely affects millions of people and the ecosystem, natural resources, and physical infrastructure upon which they depend¹⁵. It represents an existential threat for many vulnerable communities, groups and various species. The erratic weather patterns; decline in agricultural productivity and water levels; melting of icebergs and increasing sea levels are alarming signs. These nega-

¹¹ United National Platform GOV.SA. (2020) Environmental Protection in KSA, available at: <https://www.my.gov.sa/wps/portal/snp/aboutksa/environmentalProtection/> (Accessed 6 April 2020).

¹² Statistical, Economic and Social Research and Training Centre for Islamic Countries (SESRIC). (2017) OIC Environment Report, available at: <https://www.sesric.org/files/article/586.pdf> (Accessed 6 April 2020).

¹³ Statistical, Economic and Social Research and Training Centre for Islamic Countries (SESRIC). (2019) OIC Environment Report, available at: <https://www.sesric.org/files/article/675.pdf> (Accessed 6 April 2020).

¹⁴ Statistical, Economic and Social Research and Training Centre for Islamic Countries (SESRIC). (2019) OIC Environment Report, available at: <https://www.sesric.org/files/article/675.pdf> (Accessed 6 April 2020).

¹⁵ The Intergovernmental Panel on Climate Change (IPCC). (2014) The Fifth Assessment Report (AR5), available at: <https://unfccc.int/topics/science/workstreams/cooperation-with-the-ipcc/the-fifth-assessment-report-of-the-ipcc> (Accessed 6 April 2020).

tive effects of environmental deterioration cause poverty, food and water insecurity and conflicts leading to mass migration, refugees and displaced population.

OIC countries face acute shortage of water resources. The OIC Group, over the past decade and a half, experienced 23.3% drop in water availability per capita which is alarming. Almost half of OIC countries face some level of water scarcity with 14 countries facing absolute water scarcity¹⁶. Global studies indicate that more than 80% of the natural disasters are hydrometeorological; e.g. floods, droughts, desertification, cyclones, storms and fires etc. (Sena, Woldemichael, 2006). The OIC countries are becoming increasingly vulnerable to natural disasters intensifying the frequency and severity of hydro-meteorological hazards. OIC countries have experienced an upward trend in the occurrence of natural disasters increasing from 199 incidents in the 1970s to 1740 between 2000 and 2016. 3040 occurrences of natural disasters have been recorded in OIC since 1970. This corresponds to a 24% share of OIC countries, as a group, in the aggregate number of disaster incidents in the world during 1970–2016¹⁷.

Since 1970, more than 1.4 million people were killed by natural disasters in OIC region, corresponding to 39.4 % of the world. The share of OIC countries in the world, regarding the number of people killed by natural disasters, fluctuated over the decades, hitting a record high of 56% in 1990s but decreasing to 40% after 2000s. Notably, while the OIC countries experienced only one fifth of total number of natural disaster incidents, they accounted for almost two fifth of total number of people killed by these disasters during 1970–2016¹⁸. According to a study (GAR, 2011)¹⁹, about 75% of the OIC countries are identified as having low or extremely low capacities for effective risk management policies, strategies and activities for reducing the impact of natural hazards on vulnerable local communities.

The economic costs of natural disasters in OIC and other country groups during 1970–2016 shows that the cost of damages substantially increased in OIC countries from US\$ 3 billion in the 1970s to record high of US\$ 67 billion in the 1990s. Between 2000 and 2016, the economic impact of natural disasters was also accounted as US\$ 77 billion²⁰. It is estimated that 22% of global deaths attributed to air pollution

¹⁶ Statistical, Economic and Social Research and Training Centre for Islamic Countries (SESRIC). (2019) OIC Environment Report, available at: <https://www.sesric.org/files/article/675.pdf> (Accessed 6 April 2020).

¹⁷ Statistical, Economic and Social Research and Training Centre for Islamic Countries (SESRIC). (2017) OIC Environment Report, available at: <https://www.sesric.org/files/article/586.pdf> (Accessed 6 April 2020).

¹⁸ Statistical, Economic and Social Research and Training Centre for Islamic Countries (SESRIC). (2017) OIC Environment Report, available at: <https://www.sesric.org/files/article/586.pdf> (Accessed 6 April 2020).

¹⁹ United Nations Office for Disaster Risk Reduction. (2011) Global Assessment Report on Disaster Risk Reduction, available at: <https://www.undrr.org/publication/global-assessment-report-disaster-risk-reduction-2011> (Accessed 6 April 2020).

²⁰ Statistical, Economic and Social Research and Training Centre for Islamic Countries (SESRIC). (2017) OIC Environment Report, available at: <https://www.sesric.org/files/article/586.pdf> (Accessed 6 April 2020).

are occurring in OIC countries and cost of land degradation alone could run into \$23 trillion by 2050²¹.

Environmental crises are often root cause, or one of the root causes, of other social / political crises leading to a vicious cycle of cause and effect relationship. For example, some OIC countries use their rich energy resources for desalination of seawater to offset the scarcity of sweet water sources. This in turn aggravates the greenhouse effect owing to the use of fossil fuel to generate the vast amounts of energy required (Abderrahmen, 2001). Limited natural resources, exacerbated by climate change, have the potential for igniting conflict, which, when it falls along religious lines, can rapidly spiral out of control (Diamond-Smith, Smith, 2011). In Nigeria, because of increasing desertification in the Muslim northern areas, farmers are slowly being pushed southwards into the predominantly Christian areas. Scarce water and land resources have spurred conflict in Nigeria, such as two major outbreaks of violence in early 2010, which were blamed on religious tensions (Handley, 2010). Changes in climate will only add to the ensuing unrest. It is argued that growing tensions between Muslims and people of other religious faiths are often intrinsic consequences of populations under growing stress from environment (Diamond-Smith, Smith, 2011:7).

OIC involvement in international and regional environmental initiatives

Environmental protection constitutes an integral part of development process and is essential for achieving sustainable development (Konac, 2004). Over the years, many OIC countries, which continue to grapple with weak governance mechanisms and lack of institutional infrastructures to deal with environmental issues related to fragile ecosystems, have started to realize the importance of sustainability for economic growth and development. These countries have also made progress in mainstreaming “sustainability” into their national development agendas. However, economic growth has continued to be fueled by unsustainable use of natural resources²², particularly for the least developed countries that have no or limited sustainability policies and practices in place. This requires serious introspection and coordinated policy action at all levels by becoming part of international and regional initiatives.

The first serious attempt at the international level to deal with the climate was during the First World Climate Conference held in Geneva on 12–23 February 1979. Subsequently, the main international multilateral agreement on the issue is the United Nations Framework Convention on Climate Change (UNFCCC)²³ which was adopted

²¹ Statistical, Economic and Social Research and Training Centre for Islamic Countries (SESRIC). (2019) OIC Environment Report, available at: <https://www.sesric.org/files/article/675.pdf> (Accessed 6 April 2020).

²² Statistical, Economic and Social Research and Training Centre for Islamic Countries (SESRIC). (2019) OIC Environment Report, available at: <https://www.sesric.org/files/article/675.pdf> (Accessed 6 April 2020).

²³ The United Nations. (1992) The United Nations Framework Convention on Climate Change, available at: https://unfccc.int/files/essential_background/background_publications_htmlpdf/application/pdf/conveng.pdf (Accessed 6 April 2020).

at the Rio Earth Summit in 1992. The UNFCCC provided a platform for all countries to work jointly to mitigate climate change and commit to specific actions to reduce global warming. With a view to reduce the GHG emissions signatories of the convention adopted the Kyoto Protocol in 1997, which entered into force in 2005. The Protocol operationalizes the UNFCCC by committing industrialized countries to limit and reduce GHG emissions in accordance with agreed individual targets. Currently, there are 192 Parties to the Kyoto Protocol²⁴.

The results of the first commitment period (2008–2012) could be termed as “first critical step”²⁵ with mixed results as USA, top GHG emitter in the world, never signed the Kyoto Protocol while Canada pulled out of it before the end of first commitment period (Martin, 2016). According to UNFCCC estimates, “information submitted by Parties to the Kyoto Protocol in 2014, their total GHG emissions at the end of that first commitment period were 22.6 per cent lower than the 1990 base year”²⁶. There is no doubt that over the years, the global community has shown resolve and progress to bring different stake holders to agree on concrete measures but the overall GHG emissions remain staggeringly high as the devil lies in the maze of the details and numbers as “10 countries achieved their targets only by buying carbon credits. This means that ... the claimed reductions were not true cuts”. However, Kyoto Protocol should not be judged on the emissions numbers alone as it also helped lay the foundation of the Paris Climate Agreement (Le Page, 2016).

In Doha, Qatar, on 8 December 2012, the Doha Amendment to the Kyoto Protocol was adopted for a second commitment period, starting in 2013 and lasting until 2020. However, the Doha Amendment has not yet entered into force; a total of 144 instruments of acceptance are required for entry into force of the amendment (as of 18 February 2020, 137 Parties have deposited their instrument of acceptance)²⁷. Therefore, experts are not sanguine that GHG emissions target could realistically be realized unless US and China agree to commit to voluntary emission cuts outside the agreement. The 2015 Paris Agreement is the latest global agreement on climate change adopted on 12 December 2015 (Abashidze, Solntsev, 2018). In line with its predecessor, Paris Agreement for the first time brings all nations to “strengthen the global response to the threat of climate change by keeping a global temperature rise this century well below 2 degrees Celsius above pre-industrial levels”²⁸.

²⁴ The United Nations. What is the Kyoto Protocol? Available at: https://unfccc.int/kyoto_protocol (Accessed 6 April 2020).

²⁵ The United Nations. (2015) Kyoto Protocol 10th Anniversary — Timely Reminder Climate Agreements Work, available at: <https://unfccc.int/news/kyoto-protocol-10th-anniversary-timely-reminder-climate-agreements-work> (Accessed 6 April 2020).

²⁶ The United Nations. (2015) Kyoto Protocol 10th Anniversary — Timely Reminder Climate Agreements Work, available at: <https://unfccc.int/news/kyoto-protocol-10th-anniversary-timely-reminder-climate-agreements-work> (Accessed 6 April 2020).

²⁷ The Doha Amendment. (2012), available at: <https://unfccc.int/process/the-kyoto-protocol/the-doha-amendment> (Accessed 6 April 2020).

²⁸ The United Nations. Paris Agreement: essential elements, available at: <https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement> (Accessed 6 April 2020).

Based on their commitment to addressing the ever-deteriorating international environment scenario, OIC countries actively participate in the climate related summits, treaties, events, and projects. They have also developed their national and regional adaptation and mitigation strategies and strive hard to get technical and financial support from the international community to implement these strategies. The UNFCCC states that developing countries are not obliged to reduce GHG emissions. However, they are expected to enhance climate-friendly (low carbon) technologies in their economic development with the financial support of developed countries. As of September 2017, 42 OIC countries had ratified the UNFCCC whereas; 14 members were at the state of accession. Majority of oil-exporting countries are in the state of accession because the concept of “using low-carbon technology” implies reduction in using oil for transportation and industry, which can cause significant decline in their national income since export of oil is their sole or main source of earnings. Based on the principle of “common but differentiated responsibilities” industrial developing countries insist on their right for economic development and the historical responsibility of the developed countries for global warming, while developed countries claim that developing countries have a big share of generated GHG emissions and this share will increase significantly in the future. As of April 2020, 189 Parties have ratified the Paris Agreement²⁹.

Environment is one of the priority topics on the agenda of OIC. Its Charter aims “to preserve and promote all aspects related to environment for present and future generations”³⁰. It has included “*Environment, Climate Change and Sustainability*” as a priority item in the OIC Plan of Action for 2025 “as one of the aspirations of the peoples of its Member countries” (Konac, 2004:1) to guide countries to “protect and preserve the environment, promote sustainable production and consumption patterns and enhance capacities for disaster risk reduction as well as climate change mitigation and adaptation”³¹. The environmental commitments of the OIC countries are also inscribed in their performance for ensuring environmental sustainability of the Sustainable Development Goals agreed on a set of 17 interconnected and interdependent goals to be achieved by 2030 (Abashidze, Solntsev, 2016), including SDG13 on climate³².

Historically, the OIC demonstrated environmental commitments through the UN agenda about the environment such as the Millennium Development Goals and the United Nations Environment Program (UNEP). In 2000, the OIC and UNEP organized the first Global Environmental Forum from an Islamic Perspective, which adopted the

²⁹ The United Nations. Ratification status of the Paris Agreement, available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVII-7-d&chapter=27&clang=_en (Accessed 6 April 2020).

³⁰ The Organization of Islamic Cooperation (OIC). (2008). The Charter of OIC, available at: https://www.oic-oci.org/page/?p_id=53&p_ref=27&lan=en (Accessed 6 April 2020).

³¹ The Organization of Islamic Cooperation (OIC). (2016) OIC-2025: Programme of Action, available at: <https://www.oic-oci.org/docdown/?docID=16&refID=5> (Accessed 6 April 2020).

³² The United Nations. Sustainable Development Goal 13, available at: <https://sustainabledevelopment.un.org/sdg13> (Accessed 6 April 2020).

“Jeddah Declaration on the Environment from an Islamic Perspective”. In June 2002, the OIC in its First Islamic Conference of Environment Ministers (ICEM) also formed the OIC’s Islamic Declaration on Sustainable Development for submission to the UN-2002 World Summit on Sustainable Development (WSSD) (Vincenti, 2016). The ICEM convenes once every two years. The latest 8th session of ICEM was held on 2–3 October 2019 in Rabat, Morocco, which reviewed/discussed a number of documents aimed at developing joint Islamic action in the field of the environment at the level of OIC countries. The Conference adopted: (i) *Project of the Establishment of the Islamic Network for Environmental Action and Sustainable Development*; (ii) *Strategy for the Activation of the Role of Cultural and Religious Factors in Protecting the Environment and Achieving Sustainable Development in the Islamic World*; (iii) *Guidance Document on Strengthening the Role of Youth and Civil Society in the Protection of the Environment and Achievement of Sustainable Development*; and (iv) *Executive Action Plan for Natural Disaster Risk Reduction and Management in Member States*³³.

Earlier the 7th ICEM called for adoption of the “*Guidance Document on Green Cities and their Role in Achieving Sustainable Development Goals*” and launched the “*Programme for the Celebration of Islamic Capitals of the Environment and Sustainable Development*”.

The OIC has also created OIC Water Council to coordinate water-focused joint Islamic action in light of the “*Strategy for Integrated Management of Water Resources in the Islamic World*” and the “*OIC Water Vision 2025*”³⁴, in such a way as to contribute to ensuring water security for Islamic countries. The OIC Water Vision adopted in March 2012 identifies the opportunities for promoting collaboration, including exchange of best practices, capacity building and knowledge sharing, among Member States in all aspects of water.

The Islamic Educational Scientific and Cultural Organization (ISESCO) is working for creation of the Islamic Academy for the Environment and Sustainable Development to carry out research and development activities to deal with the challenges. The OIC Statistical, Economic and Social Research and Training Centre for Islamic Countries (SESRIC) has developed Environment Capacity Building Programme to promote environmentally sustainable lifestyle changes and thereby improve the state of the environmental protection in the OIC countries. SESRIC also established and updated the OIC Statistics Database (OICStat), which provides data on the environmental status of the OIC Member States.

OIC countries are also participating actively at all relevant international forums to strengthen global efforts aimed at environmental protection and sustainable development. Given the continued and effective presence of the OIC at regional and

³³ 8th Islamic Conference of Environment Ministers (ICEM). (2019) *Role of Cultural and Religious Factors in the Protection of the Environment and Sustainable Development*, available at: <https://www.icesco.org/en/wp-content/uploads/sites/2/2019/12/Resolutions-ICEM8-Environment.pdf> (Accessed 6 April 2020).

³⁴ The Organization of Islamic Cooperation (OIC). *Implementation Plan for OIC Water Vision*, available at: <https://www.oic-oci.org/docdown/?docID=4270&refID=1136> (Accessed 6 April 2020).

international forums, the OIC as a group has been granted Advisory status with UN organs, such as: Economic and Social Council (ECOSOC), UNIDO, UNICEF and the Department of Public Information (DPA)³⁵.

Most of the OIC Member States recognize the Right to a healthy environment through regional agreements and declarations including some 40 States that have incorporated this right in their constitutions and national legislations³⁶.

The OIC emphasizes the concept of “Climate justice”, which requires that climate action must be consistent with existing human rights agreements, obligations, standards and principles. It is a known fact that those who have contributed the least to environmental damage (i.e. the poor, children, and future generations) unjustly and disproportionately suffer its harms. Hence, it is important to ensure equity in climate action that requires efforts to mitigate and adapt the impacts of climate change must benefit people in developing countries, people in vulnerable situations and future generations³⁷.

Recommendations

Based on the importance and urgency related to this important topic vis-à-vis sustainable development of the OIC Countries, the author, in his capacity as the Executive Director of the OIC Independent Permanent Human Rights Commission (IPHRC), proposed to convene a Thematic Debate on the subject of “*Climate Change and Environmental Protection; A Human Rights Perspective*”. The Commission agreed with the proposal and this important and timely debate was held on 26th November 2019, which was attended by the Members of the OIC Human Rights Commission, relevant international human rights experts from UNEP, UN Treaty bodies, SESRIC and relevant officials from the OIC Member and Observer States.

A frank and open exchange of ideas related to the analysis of ongoing challenges, available options and best practices took place from a human rights perspective. Based on the comprehensive exchange of knowledge and practices among the participants, the author had the privilege to compile and present a set of recommendations for different stakeholders including the primary target, i.e. the OIC countries. These recommendations were duly considered and adopted by the IPHRC and issued as its Outcome Document on that thematic debate. A summary of these recommendations is given as under³⁸.

³⁵ The Organization of Islamic Cooperation (OIC). OIC-2025: Programme of Action. Progress Report 2017-2018, available at: https://www.oic-oci.org/upload/documents/POA/en/poa_progress_rep_final_2018_en.pdf (Accessed 6 April 2020).

³⁶ Outcome Document of the OIC-IPHRC Thematic Debate on “Climate Change and Environmental Protection; A Human Rights Perspective” (2019), available at: <https://www.oic-iphrc.org/en/sessions> (Accessed 6 April 2020).

³⁷ Outcome Document of the OIC-IPHRC Thematic Debate on “Climate Change and Environmental Protection; A Human Rights Perspective” (2019), available at: <https://www.oic-iphrc.org/en/sessions> (Accessed 6 April 2020).

³⁸ Outcome Document of the OIC-IPHRC Thematic Debate on “Climate Change and Environmental Protection; A Human Rights Perspective” (2019), available at: <https://www.oic-iphrc.org/en/sessions> (Accessed 6 April 2020).

At the international level, the Commission emphasized the importance of compliance by the industrialized nations of the commitments of Paris Agreement by: a) meeting respective emission targets; (b) assisting in eliminating the environmental challenges and their human rights consequences faced by developing countries by adopting climate friendly sustainable development policies; and (c) supporting countries in the global South to achieve net zero emissions by year 2050 through greater reliance on renewable sources of energy.

To this end, the Commission urged the international community to: (i) share resources, knowledge and technology needed to address climate change impacts; (ii) extend international assistance to the developing countries in the form of technology transfer and financial support, which should be administered through participatory, accountable and nondiscriminatory processes targeted towards most vulnerable; (iii) cooperate to invent and disseminate affordable and environmentally clean / smart technologies, which should be fairly distributed between and within the countries; (iv) ensure that global intellectual property regimes do not obstruct dissemination of mitigation and adaptation technologies; (v) engage in cooperative efforts to respond to climate-related displacement and migration as well as to address climate-related conflicts and security risks; and (vi) recognize the right to a clean and healthy environment, at the global level.

The OIC-IPHRC also emphasized the need for the OIC countries to undertake coordinated and accelerated actions, in accordance with the commitments made in the revised OIC Charter, its 2nd Ten Year Plan of Action, SDGs, UNFCCC and Paris Agreement. The key to addressing the problem at hand is that the OIC countries should carry out their own environmental impact assessment programmes to strengthen the scientific base for sustainable management of their natural resources as well as to better assess and establish national scientific capabilities (Konac, 2004).

Flowing from these objective assessments of their natural resources and capabilities, the Commission urged the OIC countries to devise corresponding environmental laws, policy frameworks, development plans and affirmative regulatory measures to prevent and address human rights harms caused by climate change especially the anthropogenic emissions. It also recommended that the OIC countries should; (a) create enforcement mechanisms at the national and regional levels to benchmark the progress in establishing compatibility with the international environmental and human rights obligations and implementation of regulatory regimes; (b) adopt community led bottom-up human rights-based approaches for environment friendly sustainable developmental pathways; (c) ensure that appropriate adaptation measures are taken to protect and fulfil the rights of all persons, particularly those living in vulnerable situations; (d) guarantee effective remedies including judicial and other redress mechanisms for the affected individuals and communities e.g. the role of Ombudsman, NHRIs and civil society etc.; (e) mobilize and allocate maximum available resources to address climate change, to complement other governmental efforts to ensure realization of all human rights; (f) adopt innovative fiscal and non-

fiscal measures based on the principle of “Climate Justice” to minimize negative impacts on the poor; (g) mobilize additional resources to finance mitigation and adaptation efforts including active support for development and dissemination of new climate mitigation and adaptation technologies; (h) ensure early-warning information regarding effects of climate change and natural disasters is available to all sectors of society; (i) develop and monitor relevant human rights indicators in the context of climate change, keeping disaggregated data to track varied impacts of climate change across demographic groups to enable effective, targeted and human rights compliant climate response; (j) promote awareness through education on impact of climate change and importance of environmental protection using print, electronic and digital media; and (k) develop linkages between governments, NHRIs, religious institutions, media, community leaders to participate in designing and implementing environmental programmes including human rights impact assessments of these projects.

Stressing the importance of a comprehensive approach by incorporating all sectors of society in this common objective of environmental protection through sustainable development, the Commission encouraged the OIC countries to: (a) integrate the role of private sector in environmental protection strategies as part of corporate social responsibility and as viable business models to develop innovative mitigation and adaptive technologies; (b) empower the relevant national Courts and human rights mechanisms to ensure that business activities are appropriately regulated to support rather than undermine the efforts of States to combat climate change; and (c) promote public- private- people partnership in formulation of disaster risk reduction and mitigation strategies for wider ownership and better coverage.

To strengthen these efforts from a legal perspective, the Commission also urged OIC countries to implement the right to a healthy environment as a freestanding right in accordance with their existing commitments and obligations and to cooperate with the UN Mechanisms and Special Procedures in implementation of laws and policies to deal with the climate change.

Conclusion

It is not the first time that earth and humanity are confronted with existential threats. History is full of examples that remind us that when faced with such situations, the underestimated human resolve, collective wisdom and will and human ingenuity have come to our rescue and remain our best bet. In recent history, the nuclear apocalypse posed a real threat to humans. It was during that time that Albert Einstein, in connection with the development of atomic weapons, said that “*We shall require a substantially new manner of thinking if mankind is to survive*”. It was that change in the thought process, which successfully averted the nuclear dooms day scenarios. This analogy highlights that human beings are capable to forge consensus and act in unison when confronted with existential challenges.

The only way out of the current climate challenge is again to change the way we approach the subject by breaking down the silos, thinking beyond borders and above parochial interests, which serve no one well neither in the short nor long term.

The other much-required change in approach is to reorient the debate and focus from purely scientific perspectives of “emission targets” and “temperature limits” to include the “domain of ethics and (human) rights to non-human beings or to nature as a whole” (Nash, 1989:4). As Lynn White Jr., an American historian, said, “what people do about their ecology depends on what they think about themselves in relation to things around them” (White, Fishman, Lipeles, Squillace, 1996:5). Similarly, Fabra noted that “poverty and environmental degradation are often bound together in a mutually reinforcing vicious circle, and thus human rights abuses related to poverty can be both cause and effect of environmental problems” (Fabra, 2002:13).

Therefore, it would be a gross miscalculation to term these issues as mere environmental issues when they are in reality human rights issues. One of the main reasons for lack of effectiveness of international and regional climate change initiatives is because they were not linked to protect, promote and fulfil the human rights of the targeted communities, which include “Third generation rights, known as solidarity or collective rights” (Taylor, 1998) i.e. the right to development and the right to a healthy environment (Kiss, Shelton, 2004), right to natural resources, right to participation in cultural heritage and right to intergenerational equity and sustainability. There is growing realization of the strong linkages between human rights and environmental protection. The need of the time is to highlight, promote and implement it further at all levels.

Linking the environmental issues with the human rights and related mechanisms will empower States, peoples and individuals to defend the interests of both humans and ecosystems. Declaration of climate change as a major threat to the enjoyment of human rights and fundamental freedoms by the UN Human Rights Council³⁹ has helped equipping the human rights activists, environmentalists and victims of environmental degradation with a powerful tool with which to ensure accountability of States and individuals on transnational issues. The need of the hour is to build further on this path and create legally binding enforcement/accountability mechanism for these rights.

Due emphasis must also be put on the important concept of equity. UNFCCC calls for States to protect future generations and to take action on climate change “on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities”⁴⁰, which means that any remedial measures to address the climate change should not exacerbate inequalities within or between States. Particular care should be taken to comply with relevant human rights obligations re-

³⁹ The United Nations Human Rights Council. (2019) Resolution A/HRC/41/L.24 on Human Rights and Climate Change, available at: <https://documents-dds-ny.un.org/doc/UNDOC/LTD/G19/208/58/PDF/G1920858.pdf?OpenElement> (Accessed 6 April 2020).

⁴⁰ The United Nations. (1992) The United Nations Framework Convention on Climate Change, available at: https://unfccc.int/files/essential_background/background_publications_htmlpdf/application/pdf/conveng.pdf (Accessed 6 April 2020).

lated to participation of persons, groups and peoples in vulnerable situations in decision-making processes and to ensure that adaptation and mitigation efforts do not have adverse effects on the disadvantaged segments⁴¹.

In the particular case of the OIC, Member States have to recall that the importance and utility of any regional organization lies in its ability to benefit from its memberships' best practices and resources, which in most cases are socio-culturally and economically homogenous. The OIC has a diverse membership with different development status and diverse economic models ranging from total dependence on fossil fuels to agrarian and industrial countries, which at time put their interests at crossroads. Yet it is an established fact that no country, irrespective of its development status or economic model, is immune to the worst effects of climate change. Hence, the need for coordinated actions at all levels. In addition to taking firm actions to fulfilling their commitments under the Paris Agreement / UNFCCC, developed OIC countries must help their less developed partners in the OIC by sharing resources, knowledge and technology needed to address climate change impacts. Such an approach is in the best interest of not just the regional countries but the planet earth, which is the only and common home of the humanity, as a whole.

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⁴¹ The United Nations (2015) OHCHR document on “Understanding Human Rights and Climate Change”, available at: <https://www.ohchr.org/Documents/Issues/ClimateChange/COP21.pdf> (Accessed 6 April 2020).

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Научная статья

СОСТОЯНИЕ ОХРАНЫ ОКРУЖАЮЩЕЙ СРЕДЫ В СТРАНАХ — ЧЛЕНАХ ОРГАНИЗАЦИИ ИСЛАМСКОГО СОТРУДНИЧЕСТВА: ИСТОРИЯ, ПРИНИМАЕМЫЕ МЕРЫ И РЕКОМЕНДАЦИИ ПРАВООЩИТНОГО ХАРАКТЕРА

М.С. Бутт

Независимая постоянная комиссия по правам человека

Организации исламского сотрудничества (ОИС)

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Статья посвящена вопросам охраны окружающей среды на универсальном и региональном уровнях. В ней подробно рассматриваются определения, история, причины изменения климата, а также усилия, предпринимаемые международным сообществом по устранению существующих угроз и спасению будущего человечества в рамках достижения устойчивого развития. Автором также рассматривается охрана окружающей среды в правозащитном измерении и предлагаются меры, необходимые для обеспечения поощрения и защиты прав человека в целом и наиболее уязвимых категорий лиц в частности. Особый акцент в статье делается на историю экологического мышления в исламских государствах, на дихотомию исламских заповедей, полностью соответствующих справедливому и устойчивому распределению природных ресурсов, и практикой ряда государств. Не менее важными в этой связи являются различные инициативы, предпринимаемые Организацией исламского сотрудничества (ОИС) для охраны окружающей среды на национальном, региональном и универсальном уровнях. В отношении охраны окружающей среды

в странах ОИС в статье рассматриваются подходы к защите права на благоприятную окружающую среду и концепции «климатической справедливости». В свою очередь автор дает ряд рекомендаций странам-членам ОИС с точки зрения проблематики развития и защиты прав человека.

Ключевые слова: изменение климата, вырубка лесов, Киотский протокол, Организация исламского сотрудничества, ОИС, Парижское соглашение 2015 г., право на благоприятную окружающую среду, устойчивое развитие, Рамочная конвенция Организации Объединенных Наций об изменении климата

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Краткое содержание статьи

Учитывая глобальный характер экологических проблем, их влияние и, как следствие, необходимость преодоления кризиса, вызванного изменением климата, в статье рассматривается состояние охраны окружающей среды на универсальном и региональном правовом уровнях. В дополнение к этому в статье подробно изучены определения, история и причины изменения климата (как естественные, так и вызванные действиями человека, как, например, неограниченная эксплуатация ограниченных ресурсов планеты, колониальная экспансия, рост капиталистической экономики и промышленная революция).

В статье также сделан обзор усилий, уже предпринятых международным сообществом, и предпринимаемых в настоящее время для противодействия экологическим угрозам и спасения будущего человечества в рамках достижения устойчивого развития, которое основывается на единстве трех элементов: экономическом, экологическом и социальном. Не менее важным является рассмотрение вопросов охраны окружающей среды в правозащитном измерении, а также предложение мер, необходимых для поощрения и защиты прав человека в целом и наиболее уязвимых категорий лиц в частности.

Наряду с изучением состояния охраны окружающей среды автором рассматривается позиция государств-членов Организации исламского сотрудничества (ОИС) по данному вопросу. Особый акцент делается на историю экологической мысли в этих государствах, которая зиждется на трех взаимосвязанных принципах: таухид (единственность и единство Бога); халифат (замещение) и ашира (будущее). Иными словами, Бог создал мир красивым и гармоничным, а люди

в свою очередь должны воздерживаться от причинения вреда окружающей среде с целью сохранения планеты для будущих поколений.

Несмотря на существование в исламе упомянутой концепции, которая соответствует справедливому и устойчивому использованию природных ресурсов, наблюдается дихотомия исламских заповедей и практики ряда государств. Основные проблемы окружающей среды в странах — членах ОИС включают в себя загрязнение воздуха и воды, нехватку водных ресурсов, вырубку лесов, уничтожение биологического разнообразия и деградацию экосистем. Основываясь на анализе индекса экологической эффективности (Environment Performance Index) стран-членов ОИС, автор приходит к выводу о необходимости принятия срочных и согласованных мер на всех уровнях.

В то же время в статье приводятся примеры действий, предпринимаемых ОИС для охраны окружающей среды на национальном, региональном и универсальном уровнях.

Следующий момент, на который обращает внимание автор, — подходы к защите права на благоприятную окружающую среду и концепции «климатической справедливости». В свою очередь он дает ряд рекомендаций странам-членам ОИС с точки зрения проблематики развития и защиты прав человека. На универсальном уровне автор призывает к строгому соблюдению государствами своих обязательств, взятых ими по Парижскому соглашению 2015 г., а на региональном уровне — осуществлять государствами-членами ОИС программы по оценке воздействия на окружающую среду с целью укрепления научной базы для последующего устойчивого использования ресурсов планеты и разработки подходов к достижению устойчивого развития с учетом прав человека.

В заключение отмечается, что путь к устойчивому развитию в будущем определяется человеческой решимостью, коллективной мудростью, волей и человеческой изобретательностью. В этой связи автор считает, что нынешний подход к охране окружающей среды должен быть основан не только на научной составляющей, но и включать в себя правозащитный компонент. Автор особо подчеркивает нынешний общепринятый подход, в соответствии с которым окружающая среда рассматривается в качестве общего наследия человечества, а ухудшение ее состояния затрагивает как развитые, так и развивающиеся государства. Кроме того, автор предлагает рассматривать право человека на благоприятную окружающую среду как право третьего поколения (коллективное право), что позволит создать механизмы, обеспечивающие соблюдение этого права.

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