


Chapter 7

Reimagining Human Rights in Response to Climate Change: The Entitlement to a Sustainable Environment

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ABSTRACT

There is no denying that many human rights are at risk due to climate change. Unfortunately, because environmental rights do not exist, those who are already suffering as a result of climate change will have to make do with what they have. In contrast, these solutions don't always work or even come close to adequately compensating the victims; furthermore, they seem to be especially problematic when thought of in relation to climate change. This research looks at the potential consequences of creating distinct substantive rights to a healthy environment via the lens of climate change. The consequences of this perspective are the major focus

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of our investigation. According to the research, a paradigm shift might occur as a consequence of climate change's catastrophic impacts, allowing for a reassessment of human rights laws. Integrating core principles of environmental law into the bedrock of human rights is especially necessary in this regard.

INTRODUCTION

In the past two decades, there has been a significant increase in climate change lawsuits based on human rights concerns that have been successfully resolved in local courts. (Blumm & Wood, 2017). It seems inevitable that international organizations will voice comparable complaints against the world's most egregious polluters in light of the interrelated nature of climate change. This fast-developing body of law provides significant advances in arguments on human rights about climate change (Limon, 2009). However, unlike domestic instances, the 2005 “*Inter-American Commission on Human Rights (IACHR)*” petition on behalf of the Inuit people of the American and Canadian Arctic (Inuit Petition) initially the claim based on international human rights law was unsuccessful (Crowley, 2005). The IACHR rejected the Inuit Petition the following year despite its arguments that climate change infringed on many Inuit human rights and that the US was partly to blame (Polzella, 2021).

While it is common knowledge that climate change impacts numerous human rights, the complexity of this natural phenomenon on a worldwide scale and the interconnectedness of its causes make it very difficult, if not impossible, to apply human rights legislation to the problem (Zia-ud-Din et al., 2023). So far, efforts to seek redress for these negative impacts using the mechanisms offered by human rights legislation have expanded upon the concept of environmental protection as a framework for human rights (Shelton, 2017). As time has progressed, several human rights, including those to privacy, property, health, and water, have been “vetted” to allow victims of environmental damage to pursue justice via human rights channels, and environmental protection is now established and enjoyed by many rights (Knox, Morgera, 2022). In the face of climate change, it becomes challenging to determine legal responsibility for certain human rights violations. Human rights legislation regarding climate change is already complicated because of the many theoretical challenges that arise from the topic's complexity, global scope, and intergenerational nature.

The rejection of the Inuit appeal was transformed by the discussion of applying human rights legislation to the consequences of climate change. The bright side is this: Domestically based climate litigation has found solutions to the “causation” problems that occur when attempting to apply human rights legislation to the effects of climate change. Given the complicated link between human rights and

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