



Environmental Rights as Human Rights: “The Evolution of Climate Change Litigation” This would analyze

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INTRODUCTION

The intersection of environmental rights and human rights represents one of the most significant developments in modern jurisprudence, marking a profound shift in how legal systems conceptualize environmental protection. Over the past three decades, this convergence has transformed from an emerging legal theory into a robust framework for climate change litigation, fundamentally altering how courts address environmental challenges worldwide.

The historical trajectory of climate litigation reveals a remarkable evolution. Initial environmental cases in the 1970s and 1980s primarily focused on localized pollution, property damage, and regulatory compliance. However, the late 1990s witnessed a paradigm shift as scientific consensus on climate change strengthened and international environmental law matured. The 1992 Rio Declaration on Environment and Development first explicitly recognized the interconnection between human rights and environmental protection, setting the stage for future developments in climate litigation.

This transformation accelerated in the 21st century, particularly following the Paris Agreement of 2015. Courts began recognizing that environmental degradation directly threatens fundamental human rights - including the rights to life, health, and dignity. The landmark decision in *Urgenda Foundation v. State of Netherlands* (2019) exemplified this shift, establishing that governments have a human rights-based duty to protect citizens from climate change.

Thesis: The evolution of climate change litigation from traditional environmental law cases to human rights-based claims has fundamentally reshaped legal approaches to environmental protection, creating new avenues for accountability and establishing precedents that recognize environmental rights as fundamental human rights. This transformation has empowered courts to address climate change not merely as an environmental challenge but as a human rights imperative, demanding immediate and substantial action from governments and corporations alike.

The theoretical framework underpinning environmental rights represents a complex intersection of traditional human rights law, environmental law, and emerging legal principles. Environmental rights, in their broadest conception, encompass both substantive and procedural



rights related to the natural environment. Substantively, they include the right to live in a healthy environment that supports human dignity and well-being. Procedurally, they involve rights to access environmental information, participate in environmental decision-making, and seek remedies for environmental harm.

The connection between environmental rights and established human rights frameworks has evolved through both international instruments and judicial interpretation. The 1972 Stockholm Declaration first recognized the fundamental right to "an environment of a quality that permits a life of dignity and well-being." This principle has since been reinforced through various international agreements and national constitutions. The United Nations Human Rights Committee has interpreted Article 6 of the International Covenant on Civil and Political Rights (ICCPR) to include environmental protection as essential to the right to life. Similarly, the European Court of Human Rights has derived environmental rights from Article 8 of the European Convention on Human Rights, protecting the right to private and family life.

International legal principles supporting environmental rights have developed through multiple channels. The 1992 Rio Declaration established key principles including intergenerational equity, the precautionary principle, and the polluter pays principle. These principles have been further strengthened by the 2015 Paris Agreement, which explicitly acknowledges human rights obligations in climate action. The Aarhus Convention of 1998 specifically codified procedural environmental rights, establishing standards for public participation and access to justice in environmental matters.

The emergence of environmental constitutionalism represents a significant theoretical advancement. Over 150 national constitutions now include explicit environmental rights or duties, demonstrating the growing recognition of environmental protection as a fundamental right. This constitutional recognition has provided courts with a stronger legal basis for enforcing environmental rights and has influenced the development of environmental jurisprudence globally.

The evolution of climate change litigation is best illustrated through three groundbreaking cases that have reshaped the legal landscape of environmental rights. These decisions have established crucial precedents for recognizing climate change as a human rights issue and compelling government action.

The *Urgenda Foundation v. State of Netherlands* (2019) marked a watershed moment in climate litigation. The Dutch Supreme Court upheld that the government's inadequate climate action violated human rights obligations under Articles 2 and 8 of the European Convention on Human Rights. The Court mandated a minimum 25% reduction in greenhouse gas emissions by 2020 compared to 1990 levels, marking the first time a national court ordered a government to take specific climate action based on human rights obligations.



In *Leghari v. Federation of Pakistan* (2015), the Lahore High Court Green Bench recognized climate change as a direct threat to fundamental rights. Judge Syed Mansoor Ali Shah established a Climate Change Commission, ruling that Pakistan's delay in implementing climate adaptation measures violated citizens' fundamental rights to life, dignity, and property under the constitution. This case exemplified how courts in developing nations can advance climate action through rights-based litigation.

The Neubauer case (2021) saw Germany's Federal Constitutional Court rule that the country's climate protection measures were insufficient to protect future generations' fundamental rights. The Court ordered the government to strengthen its Climate Protection Act, explicitly recognizing that current climate policies could infringe upon young people's future freedoms and rights. This decision uniquely emphasized intergenerational justice and constitutional rights as bases for climate action.

Conclusion

As we stand at the crossroads of technological innovation and ethical considerations, the landscape of our research demands both critical reflection and proactive vision. The emerging challenges we have explored underscore the urgent need for comprehensive and adaptive legal frameworks that can keep pace with rapid technological advancements.

The potential developments in this domain are profound and multifaceted. Technological systems are becoming increasingly complex, blurring traditional boundaries between human agency and algorithmic decision-making. This complexity necessitates a nuanced approach that balances innovation with robust safeguards for individual rights and societal well-being.

Moving forward, we must prioritize the development of agile, anticipatory legal mechanisms that can effectively regulate emerging technologies. This requires interdisciplinary collaboration among policymakers, technologists, ethicists, and legal experts to create frameworks that are both flexible and substantive. The goal is not to impede progress, but to ensure that technological innovations align with fundamental human values and contribute positively to our collective future.

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