



Ordine internazionale e diritti umani

International Legal Order and Human Rights
Ordenamiento Jurídico Internacional y Derechos Humanos
Ordre Juridique International et Droits de l'Homme
Diretta da Claudio Zanghì, Lina Panella, Carlo Curti Gialdino

EDITORIALE
SCIENTIFICA

CLIMATE LITIGATION AND HUMAN RIGHTS: NEW IDEAS FOR THE JURISTS OF THE FUTURE

The main purpose of this paper, starting from a critique for States' inaction and their unjustifiable delays on the issue of climate change, is to propose new legal ideas related to climate emergency. After an in-depth legal and historical examination of the ineffective States' interventions, the paper analyzes the most important innovations introduced by the so called "climate litigation". The last part is devoted to the new ideas that are emerging in the field of public international law with respect to the relationship between human rights and the harmful effects of climate change. Specifically: the access to renewable energy as a human right; the formation of an international custom on climate litigation; the possible inclusion of climate migration in the phenomenon of inhuman and degrading treatments. The paper aim is to remind jurists that, although prudence might be auspicious, their role in helping the evolution of the system is of highly importance, and that some risks must be taken in order to help the needed changes to take place. An attitude that some European judges have demonstrated with the recent phenomenon of climate litigation.