This research summarizes law review articles and other secondary sources related to human rights and climate change and relevant to the advisory opinion (AO) for the Inter-American Court of Human Rights (IACtHR).

Secondary Sources

   - This article analyzes climate change actions taken by human rights bodies in Latin America, specifically the Inter-American Commission on Human Rights (IACHR) and the Inter-American Court on Human Rights (IACtHR).

   - This article outlines a path forward for addressing climate change by asserting environmental human rights in the Inter-American System for the Protection of Human Rights (“Inter-American System). This article specifically discusses the Escazú Agreement.

   - This article analyzes human rights cases developing jurisprudence on states’ positive obligation to mitigate climate change.

   - This article argues against interpreting human rights treaties as imposing a broad positive obligation on states to mitigate climate change. Instead, the article argues that human rights treaties only implies an obligation to the extent that climate change mitigation protects the enjoyments of treaty rights by individuals within the state.

   - This article argues that the Inter-American right to a healthy environment can and should be used to protect the most vulnerable individuals in the Americas from environmental harm and climate change. The article further argues that the “greening” of human rights does not sufficiently protect vulnerable non-indigenous communities.
   - This article provides a summary of the use of human rights law in climate litigation and an analysis of future opportunities for success.

   - This article argues that international case litigation can be used to address climate change-related human rights violations suffered by women, Indigenous peoples, and children. The article also discusses cases before various international human rights bodies (including the IACHR), the areas in which case litigation can aid in defining the boundaries of state obligations, and human rights treaties (including the Escazú Agreement). The author seeks to advance scholarship exploring the relations between climate change, climate justice, human rights law, and the human rights of women, Indigenous peoples, and children.

   - This article discusses soft-law developments around climate change-related displacement, the characteristics of climate change in the Northern Triangle, and the legal frameworks of humanitarian protection in Mexico and the United States for displaced people from the Northern Triangle.

   - This article includes a discussion of the IACtHR’s establishment on the right to a healthy environment as a fundamental human right. The article also discusses the establishment of a right to a health environment by the UN Human Rights Council (HRC) and the ICJ.

    - This piece, published by the Sabin Center, provides a summary of a decision by the IACtHR, *Lhaka Honhat Association v. Argentina*. The case addresses Indigenous groups’ rights to communal property, a healthy environment, cultural identity, food, and water under Article 26 of the American Convention.

    - This article assesses the international campaign for an advisory opinion from the ICJ on states’ climate change obligations. Though much of the article focuses on framing the question and the potential benefits of the ICJ advisory opinion, the article also discusses human rights doctrines and summarizes several recent notable
opinions. In addition, the article discusses climate migrants, domestic actions around the world, constitutional protections, and future generations.

   - This article discusses four ways in which international human rights law can help Latin American governments: providing language on key state obligations, offering an international avenue to discuss and document, addressing vulnerable groups, and identifying an adequate gender perspective in addressing climate change.

   - This article discusses remediation of the loss of cultural rights for indigenous Pacific Islanders as island nations disappear due to climate change.

   - This article argues for a relevant theory of justice to address climate migration, indigenous rights, environmental justice, and climate justice in the new world created by climate change.

   - This article discusses extraterritorial applications of human rights law and specifically comments on Sacchi v. Argentina, No. CCR/C/88/D/104/2019 (Oct. 8, 2021).

   - This article discusses the potential of the Inter-American Human Rights System (IAHRS) to respond to the climate crisis. The article specifically discusses the IAHRS’s norms and contrasts these norms with International Human Rights and Environmental Law scholarship. This paper proposes an approach to the IAHRS but still posits that IAHRS fails to provide climate justice.

   - This article discusses self-determination, culture, and environment as the tripartite system under which Indigenous rights are adjudicated. The article argues that though these three frames of adjudication have strengths, they also have limitations. The author suggests that the right to life, the right to integrity (physical or cultural), procedural rights, and economic, social, and cultural rights might be other avenues
to better address Indigenous rights. The author explores these concepts primarily within the IAS.

   - This article discusses the nature of international law and the avenues available under domestic and international law for climate change litigation. The article proposes that the constitutional challenges invoked by climate change should be addressed in future international human rights documents.

   - This article provides a detailed summary of actions brought by Indigenous communities in Canada and the United States, including actions brought to the Inter-American Commission on Human Rights (*Mary and Carrie Dann v. United States* and the Inuit petition).

   - This article examines the right to self-determination (established through declarations by the UN General Assembly and other international human rights covenants and applied by the ICJ), the right to self-determination in the face of climate change, and two case studies (French Polynesia and the Republic of Kiribati). The article concludes that climate change challenges the right to self-determination and poses challenges for both non-self-governing territories such as French Polynesia and fully independent states like the Republic of Kiribati. The author argues that the international community must uphold the fundamental right to self-determination by addressing climate change.

   - This article seeks to outline a framework for decolonizing states to protect their right to self-determination in the face of climate change, using the Republic of the Marshall Islands as a case study. The article also espouses a climate justice theory that connects colonialism and the threat of climate migration to argue that colonial powers have moral and legal obligations to assist former colonies with adaptation strategies that protect the former colonies’ right to self-determination. Finally, the author suggests specific legal strategies that Marshallese communities and similarly situated communities could pursue in accordance with this theory.

   - This article explores whether those harmed by transboundary pollution can seek redress under domestic or international law. The article first outlines the evolution and structure of international human rights and environmental regimes, then
considers the regime nexus in the context of transboundary issues, examines existing jurisprudence on extraterritorial State obligations under human rights treaties, analyzes the general duty to prevent transboundary harm, and finally argues that the nature of states’ human rights obligations must be considered in light of international environmental law. In doing so, the article addresses the scope of extraterritorial obligations in international law for transboundary environmental harm (including but not limited to climate change), outlines a viable mechanism for victims of environmental law through international human rights law, analyzes the scope of State obligations in inter-regime relations, and focuses specifically on the IAS.

   - This article begins by discussing the distinctive qualities of the climate crisis: its status as a tragedy of the commons and its delayed consequences and gradual changes. The article next discusses the unique positioning of Indigenous groups in the climate crisis. The article briefly discusses FPIC, historical redress, and self-determination as bases for unifying human rights and Indigenous rights, and argues for bringing restitution-based claims against oil and gas companies.

   - This article discusses the creation of a human right to a healthy environment. The author briefly discusses a variety of different cases, courts, and documents, including the Inuit petition, the IAS, the ECtHR, the Paris Agreement, *Gbemre v. Shell Petroleum Development Co.* (the Ogoniland case), and the Male' Declaration.

   - This article examines jurisprudence from the ECtHR, the IACtHR, and the IACHR, considers the connection between climate change on human rights (including American Convention’s right to life, right to use and enjoyment of property, right to private and family life, right to public information), compares jurisprudence between the ECtHR and the IAS, examines the Inuit petition and the Athabaskan petition, and finally reflects on the extent to which human rights claims around climate change can be expected to succeed.

   - This article discusses the threat climate change poses to human rights and explores the development of a right to a healthy environment. The article includes a discussion of the strengths and weaknesses of using existing human rights norms to address climate change and other environmental challenges. In this discussion, the author discusses the IACtHR’s “environment as precondition” concept, in which there is a right to an environment that permits the enjoyment of the human
rights explicitly guaranteed by the American Declaration and American Convention.

   o This chapter discusses the relationship between human rights and climate change. It specifically discusses the conclusions of the IACHR on the right to life, the environment as precondition concept, and the right to health. The chapter also discusses the Inuit petition.

   o This article discusses Indigenous rights in the context of the IACtHR and specifically argues that the precedent that the IACtHR has established on free, prior, informed consent (“FPIC”) is essential to self-determination. The article considers specifically the case of the Kichwa People of Sarayaku v. Ecuador.

   o This article articulates a theory for clean air as a human right, develops the positive content for that right, and argues for the right's importance, all within the context of the IAS. The article concludes by proposing two legal strategies for the elimination of procedural barriers for victims of air pollution pursuing remedies within the IAS. The first of these calls for enforcement under the American Convention, while the second relies on the Additional Protocol to the American Convention (“Additional Protocol”).

   o This article discusses Indigenous groups, persons with disability, gender, and petitions brought by children, primarily in the context of the Paris Agreement.

   o This article examines the effects of climate change on the Pacific islands, UNCLOS, cultural rights, and freezing maritime boundaries.

   o This article discusses the slow violence of climate change and its creation of climate migration, looking at a case study of smallholder farmers in Guatemala. The article argues for an international law approach that addresses slow-onset climate migration and centers climate justice.
   o This article aims to offer a comprehensive look at climate cases in the Global South and identifies trends in the claims.

   o This article considers how international law can address climate migration within the bounds of international refugee law and international environmental law. The article focuses on the UNFCCC and the Paris Agreement.

   o This article surveys climate change litigation in the Global South and identifies the countries with the most litigation.

   o This article is based around the publication of International Environmental Law and the Global South, a book that argues that international environmental law must overcome the North-South divide in order to succeed. This article considers frameworks for analyzing and overcoming this divide, including environmental justice (distributive, procedural, corrective, and social justice) and human rights. The article then summarizes other articles (some of which are included in this table) that provide frameworks for international environmental law.

   o This article looks at the development of the human right to the environment within the UN framework, and at the regional level (including within the IAS), and barriers to the right’s application.

   o This article argues that New Zealand violated ICCPR Articles 6 and 7 by denying refugee claims of persons from island nations fleeing due to climate change. The article also looks at the major treaties by which New Zealand is bound, analyzes how New Zealand violated Articles 6 and 7 through its prohibition against refouled, and finally recommends that New Zealand reform its Immigration Act and system. This article thus offers a specific perspective on the human rights of persons from island nations attempting to seek refugee status.
   - This article examines intergenerational equity in the context of climate change and includes a discussion of a 2018 case in Colombia’s Supreme Court wherein the Court recognized the intergenerational equity principle.

   - This article argues for more meaningful expression of and respect for the human rights of Indigenous communities. Though this is focused generally on Indigenous rights and is not solely concerned with climate change, the article does lay out a complete view of human rights foundations, including critical race theory, and outlines a ten principle approach for moving forward with Indigenous rights.

   - This article explores FPIC as an emerging human right. This article is focused on Indigenous groups within the United States, but the article still provides an overview of FPIC in international law, including under the American Convention.

   - This article discusses the human right to clean air, including the source of the right, the type of the right, and problems with the right.

   - This article examines the rights of nature and indigenous rights and discusses human rights as an alternative to these principles.

   - This article examines the relationship between international human rights law and biodiversity, particularly looking at the influence of the Convention on Biological Diversity (CBD) on international human rights law. The author argues for embracing biological diversity within the international human rights framework.

   - This article examines the human right to water, including in the IAS, and argues for increased recognition of the right, increased nuclear desalination, investment in
green infrastructure and alternative energy, and aid from developed countries towards developing countries.

   - This article examines the right to water and includes a discussion of IACtHR decisions related to water.

   - This article discusses Indigenous peoples’ right to water and includes a discussion of the jurisprudence of the IACtHR and IACHR, particularly under Articles 21 and 4 of the American Convention.

   - This article discusses the extent to which international law provides redress for deforestation and biodiversity loss by using Brazil and Indonesia as case studies. It analyzes states’ obligations under the transboundary harm principle, international criminal law, the sustainable development principle, and the human right to a healthy environment. The article concludes that none of the doctrines directly address biodiversity loss and that these doctrines are insufficient for dealing with private actors. Therefore, the author argues for direct regulation of private conduct.

   - This article argues for the application of the right to a healthy environment in order to protect vulnerable groups. The article analyzes a case study of Puerto Rico’s coal-ash harms. The author begins by introducing the harm the coal-ash industry has caused to Puerto Rican communities, then introduces the relationship between human rights and the environment (including the “greening” of rights), the origins of the right to a healthy environment, the protection offered to vulnerable populations by a right to a healthy environment (including in the IAS), the procedural protections of the right, and finally discusses the case study.

   - This article analyzes and promotes the right to a healthy environment by looking at environmental rights’ recognition in law, analyzing the extent to which courts reach results due to an environmental right, and finally discusses the extent to which environmental human rights recognized in law improved environmental outcomes.
The author looks at the right's recognition in domestic constitutional law globally (and includes an appendix with 84 countries’ constitutional language), recognition in global domestic legislation, recognition in international law, and recognition in regional law.

   - This article aimed to do a large-scale assessment of climate change litigation outside of the United States. The article also analyzes trends across global litigation.

   - This article first discusses the transnational energy production process and challenges within, and then examines climate change litigation within the context of descriptive geography.