



BY WILLIAM F. FELICE
Guest Columnist

To fight climate change, the young and the old are leading the way

The young people of Montana and the senior women of Switzerland have shown us an effective legal strategy to push our government to take on the complex tasks necessary to protect our fragile planet.



A lake of meltwater forms on the tongue of the Rhone Glacier near Goms, Switzerland, on June 13, 2023. Europe is the fastest-warming continent, and its temperatures are rising at roughly twice the global average, two top climate monitoring organizations reported on April 22, 2024, warning of the consequences for human health, glacier melt and economic activity. (AP Photo/Matthias Schrader, File) [MATTHIAS SCHRADER | AP]

Earlier this month, the European Court for Human Rights ruled that Switzerland violated its citizens' human rights by inadequately combating climate change. More than 2,000 Swiss women 64 and older argued to the court that the Swiss government's climate inaction put them at risk of death during the heat waves in Europe.

The Barcelona Institute for Global Health recorded more than 61,000 heat-related deaths in Europe during the summer of 2022, with 63% more women than men dying and the vast majority being older adults. The 17-judge panel meeting in Strasbourg, France, ruled that the Swiss government did not effectively protect Swiss citizens from "the serious adverse effects of climate change on lives, health, well-being and quality of life." The court noted that the Swiss government did not meet its targets for cutting greenhouse gas emissions and failed to set a national carbon budget. This ruling establishes a binding legal precedent for the 46 member countries to the European Convention on Human Rights.

It is noteworthy that at least 44 nations globally have adopted clauses related to environmental protection in their national constitutions. In addition, more than 150 countries now have laws that recognize a human right to a healthy environment. And, around 30 countries including Spain, Bolivia and Uganda have some legal recognition that nature, certain ecosystems or individual species possess inherent rights, including the right to exist and regenerate. The Aruba government recently joined this effort. Aruba intends to enshrine both a human right to a "clean, healthy and sustainable environment" and an acknowledgment that nature has rights to "protection, conservation and restoration" in its constitution.

Environmental activists increasingly use these legal guarantees to pressure countries to enforce environmental law. In the Netherlands, the leading court declared that climate change is a direct threat to human rights and ordered the Dutch government to do more to cut carbon emissions. In India, the supreme court recently ruled that the people's right to be protected from the effects of climate change falls under the articles of the country's constitution, which protects the right to equality and to life.

In Brazil, the supreme court declared that the Paris climate change agreement is a human rights treaty and should supersede national law. In Latin America and the Caribbean, indigenous peoples have used human rights law to campaign against logging, mining and oil exploration in protected areas. And the Inter-American Court is deliberating an advisory opinion on whether its member countries are required to protect citizens from climate change.

In the United States, young people in Montana, ranging in age from 5 to 22, won a landmark lawsuit in August 2023 over the state's failure to consider climate change when approving fossil fuel projects. The Montana state constitution guarantees residents "the right to a clean and healthful environment" and demands that the state maintain and improve the environment "for present and future generations."

The Montana government had previously blocked the state from "an evaluation of greenhouse gas emissions and corresponding impacts to the climate in the state or beyond the state's borders" when deciding whether to approve new projects. In her ruling, Judge Kathy Seeley of the Montana District Court found that the state's emissions "have been proven to be a substantial factor" in affecting the climate, and that these laws that limited the ability of regulators to consider climate effects were unconstitutional.

Other states have similar legal guarantees, and according to The New York Times, young people in Hawaii, Utah and Virginia have filed environmental lawsuits that are slowly working their way through the courts. In addition, many states, including Ohio, have safety and/or happiness provisions in their constitutions. It is becoming clear that state constitutions can provide a vehicle for environmental activists to push for action to protect the planet so that the happiness and safety of current and future generations is guaranteed. The ruling in Montana, for example, now means that the state, which gets one-third of its energy by burning coal, must now consider climate change when deciding to approve or renew fossil fuel projects.

In addition, cities and states are suing oil companies, including Exxon, Chevron and Shell, claiming that these companies knew for decades that their products

were responsible for global warming and thus accountable for current climate disasters.

Scientific data documents that March was the world's warmest month ever, extending a run of monthly temperature records. Climate scientists now fear that we are reaching a tipping point and the world will enter a new phase of even faster climate change. U.N. Climate Chief Simon Stiell stated in December that humanity has only two years left "to save the world" by making dramatic changes and cutting back on the ways it spews "heat-trapping emissions." "We still have a chance to make greenhouse gas emissions tumble ... but we need ... stronger plans now."

The young people of Montana and the senior women of Switzerland have shown us an effective legal strategy to push our government to take on the complex tasks necessary to protect our fragile planet. Children and the elderly are showing us a path forward.



William F. Felice is professor emeritus of political science at Eckerd College. He is the author of six books on human rights and international relations. He can be reached via his website at williamfelice.com.