

Introduction

1. The United States government has an obligation to protect human rights related to the environment, including, but not limited to, the following:
 - Right to life, liberty, and security of persons;
 - Right to non-discrimination and equal protection;
 - Right to an adequate standard of living and housing;
 - Right to access public health and social services.
2. Effects of the climate crisis threaten life, undermine liberty, and erode personal security. States have an obligation to protect this right. Inaction regarding the climate crisis violates these rights, compounding systemic inequality, and contributing to a loss of dignity in unlivable environments and irreversible climate damage.
3. The United Nations, International Court of Justice, International Criminal Court, Inter-American Court of Human Rights, and U.S. national courts hold that the U.S. government has legal and ethical obligations to address the climate crisis. Failure to do so infringes upon fundamental human rights by exacerbating environmental degradation. Environmental destruction disproportionately harms vulnerable populations by limiting their access to an adequate standard of living and to adequate housing, health resources, and social services.

Issue Summary

4. U.S. domestic courts have upheld the government's preventive duty to protect the climate for future generations. Despite this, recent widespread executive and legislative action actively prioritizes the use of fossil fuels over green energy, denies the impacts of the climate crisis, and systematically dismantles existing regulations to protect the environment. This constitutes a fundamental breach of preventive duty, as the government knowingly jeopardizes the human rights of current and future generations.
5. Environmental racism harms marginalized communities and exposes them to increased vulnerabilities related to climate risk, disaster recovery, and climate adaptation efforts. The climate crisis is a "threat multiplier" for health and safety for already-marginalized populations including women, girls, and gender-expansive people; Indigenous people and people of color; the poor; the elderly; the disabled; and future generations.
6. The legal and policy framework in the United States lacks sufficient protections to mitigate environmental racism, which is exacerbated by intentional dismantling of accountability

mechanisms that were designed to ensure basic environmental justice. The U.S. government goes beyond administrative and policy rollbacks to actively sue states taking positive climate action. Government relationships, including financial ties, with global fossil fuel corporations entrench these interests within the political landscape, successfully guaranteeing legislative rollbacks and civil and criminal impunity for negligent and harmful practices.

7. Climate inaction today is a theft of the future for subsequent generations. The United States is now a global outlier as the only major economy actively dismantling environmental protections while the rest of the world pursues decarbonization. The U.S. withdrawal from international climate treaties leaves future residents without a future in global climate governance as effects from the climate crisis escalate. The U.S. abdication of responsibility prevents full collective action for a habitable world.

Relevant Treaties and Documents

Universal Declaration of Human Rights (UDHR)¹

8. The UN affirms universal rights to:

Human liberty

Article 1 recognizes that all humans are free and equal in their dignity and rights.

Life, liberty, and security of person

Article 3 states, “Everyone has the right to life, liberty and security of person.”

Equality, protection against discrimination

Article 7 emphasizes equality before the law and protection against discrimination. It provides for equal protection of all groups, which must include in climate adaptation, climate mitigation, and disaster relief.

An adequate standard of living

Article 25 guarantees an adequate standard of living for all, including the rights to safe and secure housing, food and water, health care, and social protection systems.

International Covenant on Civil and Political Rights (ICCPR)²

9. The US ratified the ICCPR in 1992, making it the “supreme law of the land” under the Supremacy Clause of the U.S. Constitution.³ The ICCPR provides rights to:

Non-discrimination

10. Article 2 requires states to implement all rights contained within the ICCPR, which provides the legal anchor for states’ climate obligations.

Life

11. Article 6(1) provides that everyone has the right to life and that this right “shall be protected by law.” The UN Human Rights Committee interprets this as a ‘positive duty’ for states to exercise due diligence against foreseeable threats to life, including environmental harms.⁴

Equal protection

12. Article 26 states, “All persons are equal before the law and are entitled without any discrimination to the equal protection of the law.” States must ensure climate policies are fair, inclusive, and non-discriminatory.

Convention on the Elimination of All Forms of Racial Discrimination (CERD)⁵

Non-discrimination

13. Article 2(1) requires that states eliminate “racial discrimination in all its forms.” States must enact environmental and climate policies that avoid perpetuating racial discrimination or inequality.

Housing

14. Article 5(e)(iii) guarantees the right to housing without discrimination.

Public health and social services

15. Article 5(e)(iv) provides for the right to public health, medical care, social security, and social services without discrimination. This includes state obligations to
 - Protect against racial discrimination in medical care,
 - Address environmental racism,
 - Ensure equal access to healthcare during climate disasters,
 - Provide climate-resistant social services, and
 - Protect the health of Indigenous people.

United Nations General Assembly Resolutions

16. **Resolution 43/53 (1988)**⁶ recognizes the climate crisis as a “common concern for mankind” and requires a “global framework” of action.
17. **Resolution 76/300 (2022)**⁷ provides a ‘rights-based’ foundation for climate litigation and allows individuals to argue that state climate inaction is a direct violation of their human rights. The US voted in favor of this resolution.⁸

18. **Resolution 77/276 (2023)**⁹ highlights the climate and rights obligations states have to present and future generations. The General Assembly (GA) asked the International Court of Justice to define the legal consequences that states face for failing to address the climate crisis.

International Court of Justice (ICJ)

19. In 2025, the ICJ issued an Advisory Opinion that states have a binding legal obligation under customary international law to prevent climate harm.¹⁰ The Court elaborated that state obligations extend beyond voluntary climate treaties like the Paris Agreement,¹¹ and affirmed that states are bound by human rights law and customary international law. This means due diligence required to prevent environmental harm applies universally to all states, regardless of their treaty accessions.¹² The ICJ further affirmed that 1.5°C is the global legally-required standard for state conduct¹³ and established that states can be held legally responsible for continued reliance on, or expansion of, fossil fuel extraction or use.¹⁴ The Court established that states owe climate protection to future generations¹⁵ and clarified that a state must provide reparations for failing its climate-related duties.¹⁶

International Criminal Court (ICC)

Policy on Addressing Environmental Damage Through the Rome Statute

20. In 2025 the ICC Office of the Prosecutor confirmed that existing crimes, e.g. persecution or extermination, can be committed by destroying the environment, and the Court established that corporate executives could be held personally responsible for mass death or suffering associated with climate harms.¹⁷

Amendment Proposal – Ecocide

21. Ecocide is defined as “unlawful or wanton acts committed with knowledge that there is a substantial likelihood of severe and either widespread or long-term damage to the environment being caused by those acts.”¹⁸
22. In 2024, the Republics of Vanuatu and Fiji and the Independent State of Samoa submitted a proposal to the ICC to amend the Rome Statute to include ecocide as a core human rights crime.¹⁹ This proposal is under formal consideration at the ICC as of March 2026. Countries including Belgium, Chile, France, and Vietnam²⁰ have enacted national ecocide laws which provide the customary law foundation for the ICC to adopt the crime globally.

23. Case Precedents

- Ukraine: ICC investigators assessed the destruction of the Kakhovka Dam and the resulting environmental devastation in Ukraine as a potential war crime.²¹
- Brazil: Filings allege that destruction of the Amazon rainforest in Brazil constitutes crimes against humanity and genocide against Indigenous populations.²² The ICC acknowledged that these acts of environmental destruction are within its mandate to investigate.²³

Inter-American Court of Human Rights (IACHR)

24. The IACHR 2025 Advisory Opinion found that states must take proactive measures to protect human rights from climate-induced “forseeable harm.”²⁴ It established a due diligence standard which extends to protecting rights of future generations.²⁵

Paris Agreement

25. The Paris Agreement is the first legally binding international treaty to address climate issues. The US signed the Paris Agreement in 2016; President Trump withdrew the US in 2020. The US again signed the agreement in 2021 and Trump again withdrew the US in 2025. The United States is currently one of only four nations in the world that is not party to the Agreement, along with Iran, Libya, and Yemen.²⁶

Universal Periodic Review Outcome, United States, Third Cycle (2020)²⁷

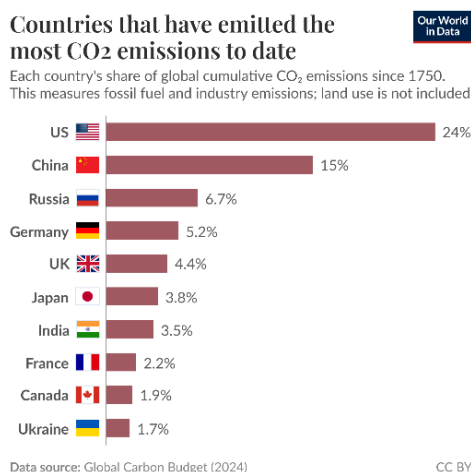
26. In the most recently-completed UPR cycle, the US supported recommendations regarding the Paris Agreement to do the following:
- 26.65 Take immediate steps to overturn the executive branch decision to withdraw from the Paris Agreement (Fiji);
 - 26.64 Reconsider the 2017 decision to withdraw from the Paris Agreement on climate change (Slovenia);
 - 26.77 Reconsider the withdrawal from the Human Rights Council and the Paris Agreement on climate change (Spain).
27. The US additionally supported recommendations to enhance efforts and laws to address the climate crisis to do the following:
- 26.150 Advance towards the implementation of instruments to combat climate change and its negative impacts on human rights (Bahamas);
 - 26.151 Intensify efforts to develop and strengthen the necessary legislative frameworks that address cross-sectoral environmental challenges, including climate change adaptation and mitigation frameworks (Fiji);
 - 26.152 Pursue the fight against the global problem of climate change and its negative impacts, in particular by strengthening cooperation with the international community in this area (Haiti).

Detailed Discussion

Insufficient Emissions Reductions

28. The United States is the world's highest cumulative CO₂ emitter, responsible for 24% of historic emissions worldwide since 1750.²⁸

Figure 1: Historic Emissions by Country²⁹

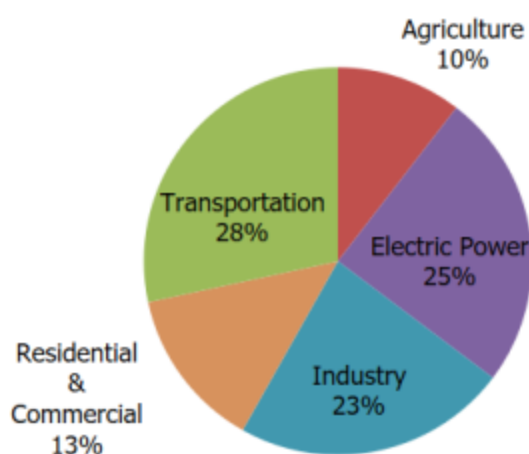


29. Despite this historical responsibility, the US consistently ranks very low on the Climate Change Performance Index (CCPI) which measures climate mitigation efforts.³⁰ In 2025, the US ranked *third to last* on the CCPI, with only Iran and Saudia Arabia scoring lower.³¹ In 2025 the US increased its greenhouse gas emissions by 2.4%³² and the Trump administration removed the legal classification of greenhouse gases as a public health threat in 2026.³³
30. A safe and healthy climate is a prerequisite for the rights to life, health, and an adequate standard of living. The U.S. lack of emissions reduction and mitigation efforts violates the human right to life (UDHR art. 3; ICCPR art. 6.1). Emissions disproportionately violate the rights of marginalized groups to an adequate standard of living, non-discrimination, housing, public health, and social services. The climate crisis disparately affects at-risk groups including women, girls, and gender-expansive people, Indigenous populations and people of color, the poor, the elderly, the disabled, and future generations. The landmark U.S. case *Held v. Montana* established that every ton of carbon contributes to a violation of youths' constitutional rights, and that governments have a preventive duty to protect the climate for future generations.³⁴
31. While other nations transition to clean energy, the United States is engaged in economically-driven expansion of fossil fuel extraction, use, and reliance. The US is the world's largest producer of crude oil, with a record-breaking 13.6 million barrels per day in 2025.³⁵ The Trump administration has prioritized a policy of "energy dominance," subsequently increasing oil production, generating new oil, gas, and coal leases on federal lands,³⁶ and expanding pipeline infrastructure across the country.³⁷ In 2025 the Department of Energy authorized a 70%

increase in liquified natural gas exports.³⁸ Approval of new 20-year extraction permits for deep-seabed mining³⁹ ensures decades of high carbon output. These policies make climate stabilization nearly impossible. The expansion of fossil fuel use, reliance, and extraction actively violates human rights of U.S. residents and people across the world.

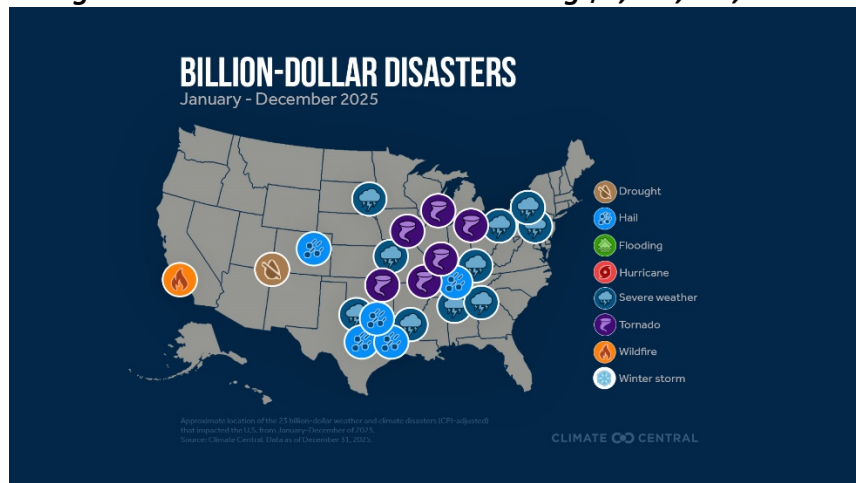
32. The transportation and energy-generation sectors remain highly reliant on fossil fuels. Transportation is the top emitter of carbon across the country, exacerbated by the 2025 rescission of California's electric vehicle- promoting waivers⁴⁰ and the 2026 federal repeal of previous federal vehicle emission standards.⁴¹

Figure 2: U.S. Greenhouse Gas Emissions by Sector⁴²



33. The U.S. energy sector in 2025 saw a 3.8% surge in power sector emissions, largely driven by a 13% increase in coal extraction.⁴³ Rapidly-expanding data centers and AI infrastructure place high demands on energy, further straining the sector. In 2025, the U.S. Department of Energy and the EPA terminated over \$7.5 billion in clean energy grants and funding,⁴⁴ which forces residents to rely on fossil fuel energy sources, use of which ultimately infringes upon their rights, as noted above.
34. The U.S. federal government continues to perpetuate a false “energy affordability” narrative, claiming that expansion of fossil fuels reduces long-term consumer costs, even as utility rates reach historic highs⁴⁵ and gas prices rise. In addition to direct costs for consumers, climate disasters in the US cost \$115 billion in damages in 2025 alone.⁴⁶ An increasing occurrence of severe weather causes drastic increases in insurance rates, with some insurers even refusing to offer policies in areas at high risk of climate disaster.⁴⁷ Current energy policies and extraction practices increase costs for residents and increase carbon output, infringing upon human rights.

Figure 1: 2025 Climate Disasters Costing \$1,000,000,000+⁴⁸



Map courtesy of Climate Central is unmodified and licensed under CC BY 4.0: <https://creativecommons.org/licenses/by/4.0/>

35. The 2025 U.S. re-withdrawal from the Paris Agreement underscores the current administration's commitment towards domestic deregulation, fossil fuel expansion, and international isolation. Amnesty International writes,

"The US withdrawal from the Paris Agreement sets a disturbing precedent that seeks to instigate a race to the bottom, and, along with its withdrawal from other major global climate pacts, aims to dismantle the global system of cooperation on climate action."⁴⁹

36. This 'race to the bottom' causes irreversible harm and undermines the collective right to a livable planet. The ICJ in 2025 ruled that states have a legal obligation to protect the climate system regardless of treaty status.⁵⁰ Despite this obligation, the US is going backwards with energy-related policies and practices, forcing residents both literally and figuratively into the dark. **The entirety of the United States' energy policies and climate actions create systemic human rights violations for all humankind.**

Environmental Racism

37. Environmental racism describes the systemic practice of disproportionately targeting communities of marginalized people and people of color for the placement of hazardous waste sites and polluting infrastructure while denying them protection under environmental regulations.⁵¹ These groups are disproportionately harmed by these acts of environmental racism and are especially vulnerable to climate crisis harms. States have an obligation to "protect individuals and groups who, due to their vulnerability, are exposed to the most severe impacts" of the climate crisis.⁵²
38. Effects of the climate crisis are not neutral or automatic. Rather, they are "shaped by institutional structures, adaptive capacities, and pre-existing conditions of discrimination and exclusion."⁵³ For "population groups whose vulnerability is increased by the convergence of intersectional and structural factors of discrimination,"⁵⁴ the climate crisis generates severe risk

to human rights infringement. Marginalized groups include people of color, women, girls, and gender-expansive people, Indigenous populations, the poor, the elderly, the disabled, future generations, and those whose livelihood depends on crop production or livestock management.⁵⁵

- Indigenous populations are especially at risk of forced displacement and destruction of cultural sites,⁵⁶ and they experience harms from fuel extraction industries.⁵⁷
- Geographic, cultural, socioeconomic, and psychological factors make racial and ethnic groups “particularly vulnerable to the health effects” of the climate crisis.⁵⁸ The intersectional identities of race, gender, and Indigenous status of human rights defenders make them uniquely susceptible to climate-related rights acts of violence.⁵⁹
- Climate vulnerability is exacerbated by poverty.⁶⁰

Disparate Health Impacts

39. The right to health extends to protection from harmful environmental conditions.⁶¹ However, current data reveals a significant gap between this legal protection and the reality for marginalized communities. **The climate crisis is a “threat multiplier” for already-marginalized populations.**⁶²

- Proximity to hazardous facilities results in a 28% increase in health complications for people of color.⁶³
- Exposure to high-heat environments is linked to a 26% increase in premature births across the US.⁶⁴
- African American children are nearly twice as likely to have asthma⁶⁵ and are ten times more likely to die from asthma-related complications than white children.⁶⁶
- Displaced and migrant children face higher risks for long-term, climate-related harm including adverse physical and mental health outcomes and barriers to accessing education.⁶⁷
- Children are physically and psychologically more vulnerable and may experience “eco-anxiety.”⁶⁸ These risk factors are exacerbated by intersectional identities.⁶⁹
- Black and Hispanic populations are exposed to significantly *more* pollution than they produce – 56% and 63% more, respectively – while white populations are exposed to *less* pollution than they produce.⁷⁰
- Women and children face a mortality risk 14 times higher than men during extreme weather events due to disparate access to emergency information and financial

resources.⁷¹

- African Americans face a significantly higher risk of residential proximity to industrial zones and are 75% more likely to live in “fence-line” areas directly adjacent to manufacturing or service plants.⁷² Fully 39% of people who live within three miles of a coal power plant are people of color.⁷³
- Immigrant farmworkers are 20% more likely to suffer fatal heatstroke or heat-related illness than workers in any other domestic employment sector.⁷⁴
- African Americans encounter air pollution levels nearly 40% higher than their Caucasian counterparts.⁷⁵ Nearly three-quarters of the U.S. Black population resides in localities where air quality violates federal air pollution standards.⁷⁶
- During weather disasters, the death rate for persons with disabilities is four times higher than rates of the non-disabled population.⁷⁷

Insufficient Legal and Policy Protections

40. The legal and policy framework in the United States lacks necessary protections to mitigate environmental racism. These vulnerabilities are exacerbated by administrative rollbacks that dismantled accountability mechanisms and stripped agencies of their authority to prioritize environmental justice.⁷⁸
41. Operational limitations imposed on the U.S. Council of Environmental Quality hinder enforcement of the National Environmental Policy Act, and the failure to codify executive orders on the climate crisis leaves these initiatives vulnerable to political shifts.^{79 80} Recent regulatory reversals, including the revocation of the Endangerment Finding and the weakening of greenhouse gas vehicle emissions standards, further limit progress.⁸¹ Elimination of dedicated programs and scientific research within the Environmental Protection Agency has depleted resources and capability to address root causes of environmental inequity.⁸²
42. In 2022, the UN Committee on the Elimination of Racial Discrimination made recommendations to strengthen U.S. law and policy and address climate change and environmental racism:
 - Ensure federal statutes against environmental pollution are upheld by state and local authorities,⁸³
 - Remove and remediate toxic and radioactive waste, with a focus on residential communities of marginalized racial and ethnic people and Indigenous lands,⁸⁴
 - Undertake impartial audits of environmental violations impacting minority and Indigenous populations, with a commitment to legal accountability and effective judicial remedies,⁸⁵

- Adopt moratoriums on expanding current and new construction of heavy metal industry facilities,⁸⁶ and
- “Protect historical sites of cultural significance for [marginalized] communities from harm by extractive and manufacturing industries.”⁸⁷

Weak Domestic Enforcement, Judicial Constraints

Limits on Federal Regulatory Authority

43. The fossil fuel industry has spent billions of dollars shaping climate policy in its favor. The current U.S. government’s hostility toward climate action has stalled progress at the federal level. Some states have tried to fill the gap left by insufficient federal action; but those states now carry a disproportionate burden to decrease their emissions. The federal government is also actively engaged in trying to hinder state-level action.
44. Corporate influence continues to shape the trajectory of national environmental law, as fossil fuel companies spend record-breaking sums to influence climate policy and political outcomes. As of 2020, the industry had spent \$5 billion undermining climate science and fighting clean energy policies.⁸⁸ In 2024, the fossil fuel industry spent more than \$150 million lobbying the federal government, marking the industry’s second-largest annual expenditure. The industry also influences elections; during the 2024 election cycle, the oil and gas industry spent \$450 million to support presidential and congressional candidates who propounded pro-fossil fuel platforms.⁸⁹ These previously-unprecedented levels of spending demonstrate a sustained effort to prioritize fossil fuel expansion over essential climate protections.
45. In recent years, the federal government has conducted major rollbacks in federal climate regulations.
 - The Environmental Protection Agency revoked its finding that greenhouse gas emissions endanger public health, limiting its responsibility to regulate emissions under the Clean Air Act.⁹⁰
 - The current administration has withdrawn from key global bodies working on climate including the Paris Agreement, the UN Convention Framework on Climate Change, and the Intergovernmental Panel on Climate Change.⁹¹
 - The Trump administration suspended 5 leases for large-scale off-shore wind projects that were already under construction.⁹²
46. Some states have tried to make progress on climate. Over the past decade, some three dozen states and local governments have sued the biggest oil companies in the world, arguing that the industry hid what it knew about the dangers of global warming.⁹³ New York and Vermont have passed laws requiring the fossil fuel industry to pay for the damage caused by the climate crisis.⁹⁴ Similar legislation is pending in at least 10 other states across the country.⁹⁵

47. Despite this state action, the federal government continues to intervene and prevent state action. For example, the Justice Department sued New York and Vermont, claiming that laws requiring the fossil fuel industry to pay for damages of the climate crisis are unconstitutional.⁹⁶ The Justice Department also sued Michigan and Hawaii over “anticipated actions” to attempt to hold the fossil fuel industry accountable.⁹⁷
48. The legal principle of “federal preemption” also limits states’ ability to take action on climate. This legal principle invalidates state laws when they either explicitly or implicitly conflict with federal law.⁹⁸ This federal preemption has been used to invalidate state action on vehicle emissions⁹⁹ and could be used to invalidate state action on clean energy.¹⁰⁰

Judicial Restrictions

49. On the global scale, climate litigation is becoming increasingly common. As the International Court of Justice Advisory Opinion on the Climate Crisis recognizes, many judicial systems incorporate strict standards in relation to the legal principles of *causation* and *standing*. The United States is no exception.
50. **Causation** is the legal principle that a plaintiff must show that the defendant they are suing caused the harm for which they are seeking redress. In the climate context, this means providing admissible evidence that the emissions from a specific defendant caused the specific climate harm (i.e. the specific hurricane, wildfire, or flood).
51. The **doctrine of standing** is interconnected to causation. **Standing** is the legal principle that only those uniquely harmed can bring forward litigation. By its nature, climate-fueled disasters cause widespread harm that can lack the required nexus to a unique individual. In addition, to have standing, the uniquely-harmed individual must show that the actions of the defendant caused the harm.

Inadequate Protection of Future Generations

52. International and domestic courts have established and upheld the concept of intergenerational rights. In 2025 the Inter-American Court of Human Rights in Costa Rica ruled that issues involving intergenerational equity claims can, indeed, be adjudicated.¹⁰¹ Also in 2025, a landmark ICJ advisory opinion affirmed that states have a legally binding duty to prevent transboundary harm as a matter of intergenerational equity.¹⁰² This precedent was upheld domestically in the U.S. case *Held v. Montana*, and other youth-led climate cases, where the court established that the state’s public trust obligation extends beyond current U.S. residents to include future generations.¹⁰³ The current U.S. focus on short-term energy affordability violates this concept of intergenerational equity, whereby current economic gains are subsidized by the future safety of today’s youth.
53. For youth from marginalized communities, this impact is magnified. Structural inequalities have compounding effects over time¹⁰⁴ and generations:

- Climate-related weather events, practices, and policies shape physical, social, and psychological developmental issues for young people, which can perpetuate intergenerational inequality.¹⁰⁵
- Lack of housing access and disinvestment in communities of color result in additional environmental burdens.¹⁰⁶
- Lead exposure is more likely in impoverished communities, which is influenced by environmental factors, and exposure to lead can have intergenerational effects through socioemotional or biological means.¹⁰⁷
- Environmental racism can lead to intergenerational trauma, particularly for those who witness family members and loved ones suffering from pollution-related illnesses.¹⁰⁸

54. All states have an obligation to ensure equitable future access to a livable environment, and this is particularly relevant for communities with additional risk factors. Despite this obligation, the U.S. government continues rollbacks of environmental protection and is taking concerted steps to protect the government and fossil fuel companies from future liability. Instead of protecting its residents, the U.S. government is prioritizing profit over people while enabling impunity for the government and fossil fuel companies.¹⁰⁹

55. In 2026, the Environmental Protection Agency (EPA) rescinded the 2009 Greenhouse Gas Endangerment Finding,¹¹⁰ which had concluded that greenhouse gases threaten the welfare of current and future generations. The EPA continued its attempt to gain legal impunity by circulating false information claiming that U.S. greenhouse gas emissions from vehicles have “no more than a trivial effect” on global temperature trends.¹¹¹ The EPA is now suppressing federal climate research, preventing future generations from accessing necessary climate data. Additionally, references to ‘future generations’ were removed from federal regulatory foundations. These actions function to avoid U.S. government liability for climate-related harm as they pertain to future generations. These rescissions of scientific protections directly impact current and future generations and violate intergenerational human rights.

56. Within the United States, Tennessee’s 2026 Energy Security and Independence Act and similar state-level bills attempt to grant fossil fuel companies immunity from climate lawsuits,¹¹² which prohibits future generations’ access to the right to legal redress.

57. Climate inaction today serves as a theft of the future for subsequent generations. In the US in 2025, crude production and liquified natural gas (LNG) export terminals expanded significantly.¹¹³ These facilities have operational lifespans reaching into the 2050s and 2060s, meaning the physical, financial, and policy burden for attempting to mitigate pollution and other negative environmental impacts is placed on future generations. In 2026, U.S. policies favor coal and gas plants,¹¹⁴ which forces future taxpayers to inherit trillions of dollars in cleanup costs for orphaned wells and carbon infrastructure.¹¹⁵ Irreversible harms caused to the environment through fossil fuel production and consumption, including permafrost melt and

sea level rise, permanently takes habitability of the world away from future generations.¹¹⁶ Current U.S. emissions consume the remaining global carbon budget, which effectively steals the right to choose a sustainable development path for future generations.

58. In its 2025 advisory opinion, the Inter-American Court of Human Rights affirmed that the obligation to protect the environment from irreversible harm is a *jus cogens* norm that no state can opt out of.¹¹⁷ Yet the current trajectory of the United States is one of damage, irreversible destruction, and abridgment of human rights for generations to come. As the U.S. government prioritizes profit over climate, survival rights of current and future generations are stolen.
59. The United States is now a global outlier, the only major economy actively dismantling environmental protections while the rest of the world pursues decarbonization. The U.S. withdrawal from international climate treaties leaves future residents without a future in global climate governance.¹¹⁸

Conclusion

60. Despite U.S. government obligation to protect fundamental human rights of all residents, current administration plans of accelerated fossil fuel expansion and environmental deregulation knowingly compromise the health, safety, and future of its residents.
61. Widespread executive and legislative action prioritize fossil fuel use over green energy, deny impacts of the climate crisis, and systematically dismantle environmental regulations. These policies directly harm people, disproportionately targeting marginalized communities while prioritizing and advantaging corporate interests and short-term economic gain.

Recommendations

1. Immediately reverse the U.S. withdrawal from the Paris Agreement.
 2. At the federal level, formally recognize the right to a clean, healthy, and sustainable environment.
 3. Strengthen corporate accountability by mandating human rights due diligence.
 4. Prioritize substantive environmental justice by giving marginalized populations a voice and a vote in decisions about industrial projects that affect their communities.
 5. Pass short-term and long-term legislation to mitigate emissions, support efforts to make the biggest polluters pay for damage to climate, and actively expand the U.S. transition to green energy.
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