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A New Perspective on Combating Climate Change: The Right to Decarbonisation as a Fundamental Human Right

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Abstract: Basic human rights are increasingly under threat due to climate change. This study explores the potential to conceptualise the right to decarbonisation as an emerging human right under international climate law and international human rights law. The research method used is qualitative, comprising doctrinal and normative legal research. It considers the UN Framework Convention on Climate Change, the Kyoto Protocol, the Paris Agreement, the UNICCPR, the UNICESCR, the Aarhus Convention, UN resolutions on the right to a healthy, sustainable environment, and climate litigation. The findings show that decarbonisation is already included in the international climate law with obligations for reducing GHGs, carbon neutrality, and net-zero transition. However, it has not yet been formally recognised as an autonomous human right. It further shows that the proposed right to decarbonisation has substantive and procedural dimensions. Its material dimension relates to lower emissions and decarbonization of systems. On the procedural side, the issue is access to climate information, participation, and access to justice. The study shows that the right to decarbonisation, by enabling the protection of current socio-economic and

environmental rights, can be used as an enabling right. The study contributes to the legal domain by both conceptualising decarbonisation as a climate policy goal and as a legal argument with rights implications. This right has the potential to enhance climate accountability, corporate responsibility, climate justice, and protect present and future generations.

Keywords: climate change, climate justice, decarbonisation, environmental law, emerging human rights, human rights, international climate law, right to a healthy environment.

Introduction

Climate change (CC) emerged as a serious global barrier affecting human civilisation. It threatens environmental stability, economic development, public health, and fundamental human rights (HUR). Its consequences are no longer distant because severe climatic conditions, rising temperatures, floods, food insecurity, droughts, and displacement increasingly affect individuals and communities worldwide (Farbotko, 2019; Salimi Turkamani, 2025). Therefore, CC must be understood not only as an environmental problem but also as a legal and HUR concern. This position is increasingly supported in recent studies, which show that CC affects the exercise of rights related to necessities of life, mobility, and environmental security (Di & Yin, 2025; Mayrhofer, 2024). Ndhlovu and Dube (2024) analyse droughts, displacement, and human implications in Southern Africa and show that climate-related shocks require holistic social-policy responses to vulnerability, migration, and resilience. Since the postmillennial period, states have evolved international legal and policy frameworks to address the causes and consequences of CC. Much of this effort has been focused on limiting greenhouse gas (GHG) emissions, including CO_2 neutrality. In this context, decarbonisation has emerged as a key goal of international climate governance. This means a step-by-step reduction of carbon emissions through laws, technology, the economy, and institutions. Decarbonisation is therefore not solely a technical or economic process anymore. This has become a prerequisite for protecting human life, dignity, and environmental security (Romppanen & Huhta, 2023; Walnycki & Landesman, 2024).

Decarbonisation is a central aspect of the progress of international climate law (ICL). Important legal bases for emission reduction and climate responsibility are provided by the UN Framework Convention on Climate Change (UNFCCC), the Kyoto Protocol (KYP), and the Paris Agreement (PA). Although these instruments have been acknowledged as vital instruments of collective climate action, they are still hindered by inadequate enforcement mechanisms, financial constraints, and disparities in national capacities (Budak, 2025). The PA also increased the importance of nationally determined contributions (NDC) in the governance of CC, and emission reduction became a joint responsibility for the international community. However, the fairness of national contributions is questioned as states use different principles, indicators, and notions of equity to determine their emission-reduction commitments (Rajamani et al., 2021). These instruments reveal acceptance of the need to reduce GHG emissions and carbon-intensive system changes. But most of the current climate commitments remain as policy commitments, treaty obligations, or national targets. They are not clearly presented as an autonomous HUR claim.

Meanwhile, there has been a growing awareness of the nexus between environment and HUR in international HUR law (IHRL). The United Nations Human Rights Council (UNHRC) adopted the right to a clean, healthy, and sustainable environment (SUE) in Resolution 48/13. Later, a similar right was recognized by the United Nations General Assembly (UNGA) in Resolution 76/300. Although there are few universal HUR treaties, recent research has revealed that this right has emerged as one of the most pertinent legal channels at the intersection of HUR and environment (Di & Yin, 2025; Wang et al., 2025). These marked developments that reinforced the legal link among climate protection, environmental quality, and HUR. They also established a more solid foundation for exploring the possibilities for decarbonisation as a separate rights concept.

This study examines the right to decarbonisation as an emerging fundamental HUR. It argues that decarbonisation should not be treated only as a climate policy goal or an economic transition strategy. Rather, it should be examined as a legal condition for the effective protection of existing HUR. This argument is important because CC directly affects the socio-economic and environmental rights (Di & Yin, 2025; Farbotko, 2019; Mayrhofer, 2024; Salimi Turkamani, 2025). It is also important because climate and energy law are increasingly connected through the broader legal transformation toward climate neutrality (Romppanen & Huhta, 2023). Therefore, the legal right-based decarbonisation may strengthen climate accountability and support rights-based climate governance

Research Problem

The current study addresses the absence of a clear right to decarbonisation in IHRL. International climate instruments require states to reduce emissions of GHG and alleviate CC. One independent right to decarbonisation has not yet been fully integrated from these two legal areas. Because CC affects several HUR, but decarbonisation is primarily framed as a policy and governance objective rather than a rights-based legal requirement, this gap creates a legal and conceptual issue. The legal obligation to reduce GHG emissions relates to climate policy, environmental regulation, and international commitments. Decarbonisation is seen as a technical obligation, not a HUR obligation. This limits the HUR law to require accountable climate action. However, the right to a clean, healthy, and SUE do not define the specific mitigation obligations needed to reduce GHG emissions. The proposed right to decarbonisation places greater practical emphasis by connecting environmental protection to measurable outcomes, such as emissions reduction, carbon neutrality, and a shift away from systems that remain heavily carbon-intensive. Studies have shown that climate litigation is increasingly grounded in constitutional and environmental rights, but obligations to mitigate emissions differ across jurisdictions (Cepparulo & Giuriato, 2024). Without the right to decarbonisation, it is more difficult to translate climate obligations into HUR claims. If decarbonisation continues to be outside HUR, states may still consider emission reduction as a political discretion. Victims of CC may have limited access to justice, accountability, and legal protection. Climate action requires a rights-based approach to protect people and communities, while addressing equity, vulnerability, and justice (Farbotko, 2019; Mayrhofer, 2024; Walnycki & Landesman, 2024). Decarbonisation must be viewed through a rights-based lens in order to help strengthen climate action and HUR protection.

Research Focus

This study considers the legality of decarbonisation as a HUR. It compares IHRL and CC with ICL. It also considers whether decarbonisation can be framed as an emerging rights-based legal concept in response to global environmental survival, technological transition, intergenerational justice, and human survival. The study emphasises the legal concept of rights-based decarbonisation. It asserts that decarbonisation can safeguard HUR and foster climate justice (CJ). Life, health, food security, water, property, development, and a SUE are protected by limiting GHG emissions. ICL and IHRL are linked in the study. It is based on selected climate litigation, legal doctrine, UN resolutions, HUR instruments, and climate treaties. This focus allows the study to elaborate on the legal underpinnings, the normative significance and potential implications of the emergence of a new decarbonisation fundamental HUR.

Research Aim and Questions

The study explores the possibility of conceptualising the right to decarbonisation as a new fundamental HUR in the ICL and the IHRL. The study also seeks to understand how this envisioned right can help protect current HUR and contribute to the promotion of rights-based climate governance. The current study focused on the following research questions.

1. How is decarbonisation reflected in existing ICL?
2. How does decarbonisation support the protection of existing HUR?
3. Can the right to decarbonisation be conceptualised as an emerging right-based legal concept?
4. What legal and institutional implications may follow from recognising the right to decarbonisation?

Literature review / Theoretical Overview

Decarbonisation Law and the Evolution of International Climate Obligations

Decarbonisation law is still an emerging legal concept. It is yet not considered as a distinct branch of international law (INL). However, its legal content can be traced through international climate treaties, national climate legislation, net-zero commitments, carbon neutrality strategies, and sectoral emission-reduction rules. In this study, decarbonisation law refers to the developing LEF (LEF) that supports efforts to reduce GHG emissions and transition away from carbon-intensive systems (Romppanen & Huhta, 2023; UN, 2015). This framework is founded on the UN Framework Convention on Climate Change (UNFCCC), and its Article 2 seeks to limit GHG accumulation that averts hazardous anthropogenetic impacts on the environmental system (UN, 1992). This provision establishes emission reduction as a matter of international legal concern.

The KYP established quantified emission-reduction commitments for developed states (UN, 1997). Its legal approach was more specific because it created binding mitigation duties for industrialised countries. However, its scope was limited because developing countries were not subject to the same binding structure. Therefore, the KYP strengthened the LEF for emissions

reduction, but it did not establish a universal legal model for decarbonisation. The Paris Agreement (PA) established a broader, more flexible LEF. Article 2(1)(a) of the PA requires parties to limit the growth in international mean temperature to below 2°C above pre-industrial levels and to follow legislation to restrict the rise to 1.5°C (UN, 2015). Article 4(1) of the PA necessitates states to attain global reduction of GHG emissions and to balance anthropogenic emissions from sources with their elimination in recent decades (UN, 2015). These provisions do not use the term right to decarbonisation. However, they provide the legal foundation for the transformation toward net-zero emissions.

This shift is reflected in ICL. Budak (2025) investigated the evolution of ICL and found that the most important legal instruments for collective climate action are the UNFCCC, the KYP, and the PA. Xu (2022) attempted to assess the implementation of the PA and concluded that the long-term temperature goal requires early emission reduction and stronger implementation by developed countries. Qin and Yu (2023) researched the governance model of PA and found that its decentralisation structure needs more institutional support. these studies show that decarbonisation has become a central legal direction, although not yet an autonomous HUR.

Decarbonisation is also associated in literature with equity and differentiated responsibility. Rajamani et al. (2021) have discussed national of GHG reductions in the framework of international environmental law. They found that emission targets alone are not enough to evaluate climate pledges. These should be assessed in the context of equity, capacity, responsibility, and national circumstances. Ekardt et al. (2022) analysed PA, HUR, and carbon budgets. In their legal analysis, they argued that HUR reasoning and a stricter reading of carbon budgets could provide a basis for more climate protection. The studies moved the discussion from mitigation per se to legal liability. However, they do not yet develop decarbonisation as a separate rights-based right. Decarbonisation also happens through the regional and national legal systems. Romppanen and Huhta (2023) examined the interrelation of EU climate and energy law. They found that climate neutrality requires the convergence of the legal approaches to emission reduction, energy transition, and regulatory design. Merner et al. (2024) explored the legal paths to achieving neutrality in Germany, the USA, Brazil, and China. Their comparative legal analysis revealed that different jurisdictions employ different mixes of legislation, litigation, policy instruments, and institutional mechanisms. These studies show that decarbonisation is not just the objective of an international treaty. It is a multi-layered legal process which involves domestic law, regional governance, courts, and administrative institutions.

The practical operation of this legal process is shown by national examples. China's dual carbon objectives are to reduce emissions of GHG before 2030 and attain CO_2 neutrality before 2060. This approach is discussed in Gao et al.'s (2023) exploration of the supply-chain economy legislation in China. Their study found that legal support for the development of a supply-chain economy can support energy efficiency, carbon reduction, and carbon sequestration. Saudi Arabia takes a different path. Shehri et al. (2023) outline the Saudi Arabia circular carbon economy approach with an emphasis on carbon reduction, reuse, recycling, and removal. The Chinese model has concerns about industrial restructuring and the circular economy law. The Saudi model relies on carbon

management and technological transition. In both cases, decarbonisation depends on the national economic structure and development priorities. This comparison is relevant to the current study. Obligations to reduce GHG emissions are based on ICL. National climate strategies turn these commitments into domestic policies and legal instruments. But both levels are central examining decarbonisation as a state duty, policy objective, or economic transition strategy. They do not explicitly name rights-holders of decarbonisation, nor specific individuals and communities.

Human Rights Foundations of Decarbonisation

CC is now a primary challenge of IHRL. It impacts the circumstances necessary for socio-economic and environmental security rights. According to Article 6 of The International Covenant on Civil and Political Rights (ICCPR), the right to life should be protected (UN, 1966a). The International Covenant on Economic, Social, and Cultural Rights (ICESCR) safeguards the socio-economic rights under Articles 11 and 12 (UN, 1966b). These provisions were not originally written as "climate rights." But their interpretation has widened in the perspective of CC, which now presents foreseeable risks to the exercise of these rights.

This HUR view of CC is reflected in the literature. Jodoin et al. (2021) review climatic jurisprudence and argued that HUR can make inclusive, equitable, and effective climate resolutions. Mayrhofer (2024) explored international HUR and CC policies in the context of vulnerability. The study found that HUR discourse can protect affected groups, but it can also reproduce unequal narratives if vulnerability is defined too narrowly. Bueno de Mesquita (2024) adopted a broader normative perspective, arguing that the climate crisis necessitates a rethinking of HUR, including in ways that extend beyond economic growth and unsustainable development. These studies differ in their focus and methodology, and underscore that CC is no longer alien to HUR law.

The legal nexus has been strengthened by the socio-economic and environmental rights. This right was recognised as a HUR by the UNHRC Resolution 48/13 on the HUR to a healthy SUE (UNHRC, 2021). Subsequently, a comparable right was documented through UNGA Resolution 76/300 on the HUR to a healthy SUE (UN General Assembly, 2022). These resolutions are not legally binding treaties. However, their nexus indicates a rising international consensus that environmental protection (EVP) is necessary for the exercise of HUR.

The literature treated these resolutions as a central stage in the progress of environmental HUR. Aguila and Lichet (2023) examined the necessity for a novel covenant on the right to a healthy SUE. They found that the right requires both substantive elements and procedural guarantees. Substantive includes environmental rights such as clean air, a safe climate, safe water, food, healthy ecosystems, and non-toxic environments. Procedural includes social rights such as access to information, participation in decision-making, and access to justice. Chalabi (2025) found that the right to the environment may assist as a direct foundation for climate claims. These studies focus on a healthy environment but highlight that environmental rights are shifting from general principles to stronger legal claims. They do not separately develop the right to decarbonisation.

This distinction is central to the present study. The right to a clean, healthy, and SUE protects the wider environmental background needed for human well-being. The proposed right to decarbonisation points to climate-specific legal action needed to secure that background through GHG reductions and a carbon-neutral transition. The procedural side of environmental HUR is also important. The Aarhus Convention recognises procedural environmental rights (PRER) in Article 1 (UN Economic Commission for Europe, 1998). These rights are relevant to decarbonisation because emission-reduction policies affect energy systems, industries, local communities, and future generations. If affected people cannot access climate information, participate in decision-making, or challenge inadequate climate action, decarbonisation will be controlled by political and economic actors. Therefore, PRER support the democratic legitimacy of climate governance.

The literature on CJ confirms this legal foundation. Ayompe (2025) examined CJ through the lens of inequalities and fairness in global climate policies. Their study focused on marginalised groups, historical injustice, and participation in climate decision-making. Addaney (2025) examined the limited engagement of African HUR bodies with the CC and HUR nexus. The study is regionally focused and shows that HUR institutions can mediate their part in climate accountability. These studies differ in geography, focus, and emphasis on the fact that climate harms are not distributed equally; however, they are limited in addressing the right to decarbonisation, including justice, participation, and protection for vulnerable groups.

HUR-based climate protection is also developing through constitutional and judicial pathways. Schilling-Vacaflor and Gustafsson (2024) examined France's attempt to constitutionalise the fight against CC. The study showed that constitutional provisions can help anchor long-term climate commitments, but they must be clearly designed to avoid uncertainty. Heri (2026) examined the European Court of HUR's framing of CC and shows how climate obligations are being interpreted through HUR adjudication. These studies demonstrate that courts and constitutional systems are increasingly involved in climate governance, and existing HUR frameworks still struggle to define precise emission-reduction duties. These frameworks support climate-related protection, but they do not clearly define decarbonisation as a specific legal entitlement.

Climate Justice, Procedural Rights, and Decarbonisation Accountability

CJ provides the normative link between decarbonisation and HUR protection. It does not consider CC simply as an environmental issue. It looks at how climate harms are distributed unfairly, historical responsibility for emissions and fair climate responses. It is crucial because although decarbonisation policies can have positive outcomes for the climate system, they can also have negative consequences for vulnerable groups, whether in terms of social costs, economic costs, or legal obligations. Justice, participation, accountability and fair burden sharing are therefore key elements to be taken into account in the legal design of decarbonisation. Recent studies have taken several disciplinary and geographical perspectives on CJ. Islam (2024) redefines CJ through the lens of environmental sociology, and clarifies the interplay between social inequality, political power and unequal access to resources and climate vulnerabilities. The interplay of climate variability and gender, disability and social status in natural resource disputes as evidenced in Nakijoba (2025)

further supports inclusion and equity in climate governance. Walnycki and Landesman (2024) narrow their focus to cities and contend that decarbonisation must be tied to social justice, as otherwise it can end up exacerbating inequality. Khan et al. (2025) analysed the results of COP29 and found that there are still ongoing climate governance, finance, and implementation shortcomings at the global level. The studies vary in their goals and scope, and have found that CJ is more than emission reduction. Fair procedures, inclusive governance and institutional responsibility are required, as well.

The justice-based approach is at the core of PRER. Social rights are to be considered as part of the core procedural guarantees as identified in the Aarhus Convention (UN Economic Commission for Europe, 1998). This is also confirmed by the literature on participation. Ferreira et al. (2025) analysed co-created climate policy frameworks for urban decarbonisation and found that climate action can benefit from a community level participation to enhance the design and legitimacy of climate action. To explore the intentions to drive low-carbon transformation in China, Wu et al. (2025) engaged in a qualitative approach and used interviews which showed that communication, public understanding and institutional trust affect low-carbon transformation in cities. Grigorescu and Lungu (2026) argue that green jobs are becoming a focal point of Europe's journey towards a green economy, while also highlighting the need for consideration of social inclusivity, regional inequalities and long-term economic impacts in green job policies. These studies reveal that involvement enhances decarbonisation governance.

Climate finance is another important element of accountability for decarbonisation. The report of the COP15, held in Copenhagen from 7 to 19 December 2009, recognised the assurance by developed states to utilise climate finance for developing nations (UNFCCC, 2010). This commitment reflects the belief that states with greater commitment and higher capacity should support climate action in states with fewer resources. However, climate finance remains legally and politically contested because financial pledges do not always produce predictable, adequate, or accessible support. Wildowicz-Szumarska and Kocur-Bera (2026) examined CC and tax policy through the lens of CJ and argued that environmental taxation can support fairer climate responses when it is designed with equity in mind. Shan et al. (2025) explored social justice in energy transition and argued that policy assessment must consider how transition risks and benefits are allocated.

Legal developments in national systems also show the growing connection between decarbonisation and accountability. Mohamed-Benkadda and Bonillo (2025) explained how the French Climate and Resilience Law attempts to align domestic law with climate objectives while introducing new environmental legal provisions. Von Malmborg (2024) studied the FuelEU Maritime Regulation and showed how policy discourse shaped the world’s initial legal requirements for decarbonising sea shipping. He focuses on sectoral European Union legislation. Both studies show that decarbonisation is becoming more legally specific. However, both also show that the legal development of decarbonisation remains fragmented across sectors, states, and institutions. A CJ perspective strengthens the argument for the right to decarbonisation. Existing climate laws and policies may reduce emissions. However, they do not always guarantee public participation, access

to justice, fair transition, or protection from unequal burdens. This creates a legal gap between decarbonisation as a policy outcome and decarbonisation as a rights-based legal process.

Corporate Accountability, Climate Litigation, and the Limits of Current Enforcement

Corporate accountability has become a major issue in climate law. Under ICL and IHRL, nations are the primary duty-performers. But corporations are also accountable for a significant contribution to the emissions of GHG from fossil fuel extraction, industrial production, transport, finance, and global supply chains. This raises a legal issue. Various sources of emissions are controlled or influenced by private actors, whereas climate obligations mainly apply to states. This gap has become central to climate litigation and business responsibility, according to literature. Bright and Buhmann (2021) reviewed risk-based due diligence in the context of CC, HUR, and just transition. In their study, they used legal and regulatory analysis. It contended that corporate climate responsibility should include securing, reducing, and restoring climate-related HUR and environmental harm. Lizarazo-Rodriguez (2021) has studied the UN Guiding Principles on Business and HUR and their relation to climate litigation.

The literature on climate disclosure and corporate governance also shows the debate about corporate accountability. Attenborough (2022) investigates British fossil fuel producers in the FTSE All-Share index. The study used empirical analysis to examine whether fossil fuel companies factor climate-related risks into their enterprise risk management. It demonstrated that climate accountability is not just a litigation issue. It is also related to corporate governance, disclosure, and long-term business decision-making. Aristova and Nichols (2024) looked at CC on corporate boards and directors' duties. These studies show that corporate governance is relevant to decarbonisation accountability. Climate litigation has created a stronger avenue for testing these responsibilities. Raghupathi et al. (2023) highlighted that several key issues exist in CC litigation. They demonstrate that lawsuits are progressively used to pressure governments and corporations to adopt stronger risk-reduction and restructuring objectives. Their study is comprehensive and systematic. It maps themes of litigation across climate accountability, rights, science, and governance. For instance, Mayer (2022) provided a more specific legal analysis of Milieudefensie et al. v. Royal Dutch Shell plc, District Court of The Hague. In that case, Shell was ordered to cut emissions by 45% from 2019 levels by 2030 (Miliudefensie et al. v. Royal Dutch Shell plc., 2019, April 5).. The decision gained significance because it tied a business's responsibility to pay attention to CC mitigation.

The 2024 appeal decision in *Milieudefensie et al. v. Royal Dutch Shell plc* demonstrates the boundaries of present corporate climate responsibility. In 2024, the Court of Appeal in The Hague rejected the specific 45% reduction order, while maintaining that Shell had an obligation to reduce its CO_2 emissions. The case is significant because it separates the existence of a corporate climate-related duty from the judicial power to impose a specific percentage reduction on corporations. This point is crucial to the study at hand. Existing HUR and tort-based arguments can apply pressure to corporations. But they may not always offer a secure legal footing for particular decarbonisation obligations. The problem also applies to transition pathways and climate technologies. The HUR implications of large-scale carbon dioxide removal were analysed by Günther and Ekardt (2022). The

study employs IHRL legal interpretation. It showed that climate solutions themselves can carry HUR risks, particularly when land-intensive technologies affect food, water, and environmental rights. This finding is significant as corporate decarbonisation cannot be assessed solely by emissions reductions. It must also be assessed by the impact it has on affected communities. A rights-based approach to decarbonisation must therefore regulate both carbon-intensive harms and potentially harmful transition measures.

Corporate behaviour also depends on regulatory, political, and environments. Afzali et al. (2025) examined CC denial and corporate environmental responsibility in the United States. Their empirical study showed that local climate denial can weaken corporate environmental responsibility. Favotto and Kollman (2025) examined industrial accountability and business lobbying on CC. Their study showed that stronger corporate social responsibility commitments can be associated with greater support for state climate intervention. These studies explain why voluntary corporate responsibility is not enough. Corporate climate action depends on incentives, regulation, public pressure, and legal enforcement. This literature shows a clear limitation in the current LEF. Corporate actors are increasingly expected to reduce emissions, disclose climate risks, and prevent climate-related harm. However, these expectations are spread across soft law, due diligence rules, corporate governance standards, litigation strategies, and emerging climate disclosure regimes. They are not yet unified under a clear right to decarbonisation. This creates uncertainty for courts, regulators, corporations, and affected communities.

Emerging Human Rights and the Right to Decarbonisation

The concept of emerging human rights remains contested in legal doctrine. Therefore, this study does not rely on that taxonomy as the main basis for recognising the proposed right. Instead, it uses a more cautious framework of rights emergence. A claim may be treated as an emerging right only when it has a clear protected interest, identifiable duty-bearers, a connection with existing legal obligations, and a plausible route toward institutional recognition or enforcement. Such claims are often made when existing rights cannot, in their present form, fully address new threats to human identity, human survival, and intergenerational justice. This is not merely a reflection of the right to healthy SUE. It gives a legal specificity to that broader environmental right. This direction is to decarbonise and transform carbon intensive systems.

Recent legal theory supports the importance of new rights-based responses to CC. Carducci (2023) investigated CC and legal theory through the prism of planetary boundaries, democracy, and HUR. The study claimed that CC causes new legal problems because it involves space, time, sovereignty, and future generations. Baroni (2024) studied emerging HUR in the context of the Fourth Industrial Revolution. The study tied new rights to ongoing tenological and social changes. The studies imply that categories of HUR can shift in the face of new systemic risks encountered by legal systems.

The proposed right to decarbonisation also has an intergenerational dimension. CC has an impact on current populations and it also passes risk on to future generations. This is crucial as the choices made around decarbonisation today will help determine the environmental conditions for

future generations. Nkrumah (2021) explored the climate adjudication and youth rights in South Africa. The study revealed that the judicial linkage between climate protection and children and future generations and the preservation of the environment is growing. In this context, Croke (2023) studied the next age group HUR and talked about the formalization of representation for future persons. These studies vary in method and geographical area. These studies lend weight to the argument that rights should be tied to climate change impacts that are not necessarily direct or personal to the rights' holders. A rights-based future generations approach is not only applicable to the land-based environment but is also relevant to environmental governance more generally. In the maritime environment, Wang et al. (2025) discussed and suggested the HUR-based approach can fill the gap between maritime law and the HUR law. Their study determined right holders, duty bearers and obligations in a new environmental rights context.

The literature backs up the need for decarbonisation in HUR terms. Forbes et al. (2025) explored the shift to renewable energy and how HUR principles can address some of the justice and equity issues. The present study has its emphasis on legal doctrine; their study has its emphasis on social work and transition ethics. The right to decarbonisation is also different from the traditional environmental rights in that it is transformative. General right to a healthy SUE to safeguard environmental quality. A right to decarbonisation means that legal systems must confront carbon-intensive institutions that cause climate damage. This is a significant difference. The proposed right would require states to adopt emission-reduction targets, regulate high-emission sectors, support renewable energy transition, protect affected communities, and ensure access to climate information and remedies. Therefore, the right to decarbonisation would combine substantive, procedural, and institutional elements.

Research Methodology

General Background

This study uses a qualitative doctrinal and normative legal research design. The study examines the legal status, conceptual meaning, and possible recognition of decarbonisation as a HUR, making the design appropriate. The study examines legal documents, HUR documents, climate agreements, and litigation. The study examines legal rules and principles in doctrinal terms. It examines how IHRL and ICL address GHG reduction, climate protection, environmental rights, and state responsibility. The normative element assesses whether the LEF supports the rights to decarbonise. This technique is suitable as the study goes beyond a description of the law. Law may also evolve in response to CC and HUR threats. This method is used to examine whether decarbonization can be understood as a rights-based legal concept.

Legal Materials

The study corpus included international climate instruments, international HUR instruments, and PRER. The selected legal materials are listed in Table 1.

Table 1

Core Legal Materials Used for the Doctrinal Analysis

No.	Legal material	Legal area	Relevance to the study
1	UNFCCC)	ICL	Establishes the objective of stabilising GHG concentrations and provides the foundation for international climate responsibility.
2	KYP to the UNFCCC	ICL	Introduces binding emission-reduction commitments for developed states and strengthens the legal basis for mitigation.
3	Paris Agreement (PA)	ICL	Provides the main framework for NDC, global temperature limits, and net-zero transition.
4	ICCPR	IHRL	Protects the right to life, which is increasingly affected by climate-related risks.
5	ICESCR	IHRL	Protects socio-economic rights.
6	UN HUR Council Resolution 48/13 on the HUR to a Clean, Healthy and SUE	Environmental HUR	Recognises right to healthy SUE as a HUR.
7	UNGA Resolution 76/300 on the HUR to a Clean, Healthy and SUE	Environmental HUR	Strengthens the international recognition of EVP as part of HUR protection.
8	Aarhus Convention	Procedural environmental law	Supports access to environmental information, public participation, and access to justice in climate-related decision-making.

Source: Author's own development.

Instrument and Procedures

Structured legal reviews are the main research tool of the present study. The selected legal documents were examined using this framework. Four interrelated themes were reviewed. Decarbonisation duties in ICL were the first theme. The second theme was CC and HUR. CJ, PRER, and accountability in decarbonisation governance were the third theme. The fourth theme was whether decarbonisation is an emerging HUR. Reviews were conducted in different stages. First, the study identified climate mitigation and GHG reduction laws. This included UNFCCC Article 2, KYP mitigation structure, and PA Articles 2(1)(a) and 4(1). Second, the study examined EVP and HUR resolutions. This included ICCPR Article 6, ICESCR Articles 11 and 12, UNHRC Resolution 48/13, and UNGA Resolution 76/300. Third, the study examined the PRER under the Aarhus Convention. Sources were chosen based on research goals and questions.

Fourth, the study examined selected climate litigation to assess how courts and quasi-judicial bodies have linked climate obligations with rights-based protection. The selected jurisprudential materials included *Urgenda Foundation v. State of the Netherlands*, *Neubauer et al. v. Germany*, *Torres Strait Islanders v. Australia*, and *Milieudefensie et al. v. Royal Dutch Shell plc*. These cases were selected because they represent different legal pathways for climate accountability: state due diligence, constitutional rights, international human rights communication, and corporate responsibility. Sources were included when they addressed GHG reduction, carbon neutrality,

climate mitigation, environmental rights, procedural environmental rights, human rights obligations, climate litigation, or emission-reduction responsibility. Sources were excluded when they treated CC only as a scientific, technical, or economic matter without a legal, rights-based, or normative connection.

Data Analysis

Doctrinal legal interpretation, thematic synthesis, and normative legal analysis were used. Doctrinal legal interpretation was used to interpret international climate and HUR laws. The legal materials listed in Table 1 were examined through doctrinal interpretation. These documents were organised into legal themes using thematic synthesis. Decarbonisation law, CJ, procedural participation, corporate accountability, and emerging HUR were discussed. The study could compare existing laws and resolutions and find the gap. Existing literature discusses climate obligations, environmental rights, and CJ, but it fails to develop the right to decarbonisation as a rights-based legal concept. The study used a normative legal analysis to assess whether decarbonisation meets the conditions for recognition as an emerging HUR. In other words, it examined whether the proposed right has a definable legal object, and it also tried to find who the right-holders and duty-bearers are, then whether there is a grounding in existing treaty obligations and soft law, plus a real connection with the protection of existing rights, and finally whether there is enough capacity for later codification or maybe even judicial enforcement. This analysis also examined whether decarbonisation functions as an enabling right. So the normative analysis did not treat the proposed right as already established; rather, it asked whether the existing legal materials could provide a sufficient conceptual and doctrinal basis. The point was to argue that the right to decarbonisation might later emerge as a rights-based legal claim. It also examined whether this proposed right can protect existing socio-economic and healthy SUE rights. The analysis was non-statistical. Interpretative, comparative, normative. This method is appropriate because the study seeks to illuminate the legal foundation, conceptual scope, and potential implications of the right to decarbonisation. It also supports the research questions because they require legal interpretation rather than empirical measurement.

Research Results

Decarbonisation as a Human Rights-Linked Legal Concept

The analysis shows that the right to decarbonise is not yet formally developed as a fundamental HUR in INL. Nevertheless, the legal materials analysed in this study indicate that decarbonisation is already associated with the protection of existing HUR. CC impacts the exercise of the socio-economic and environmental rights. The reduction of GHG emissions can thus be seen as a necessary legal condition for the protection of these rights. The Paris Agreement (PA) offers an important legal basis for this reading. The preamble to the PA requires Parties to respect, promote, and consider HUR when taking action to address CC. These rights include indigenous peoples, communities, migrants, children, persons with disabilities, and vulnerable groups alongside

development rights (UN, 2015). This wording does not create a separate right to decarbonise. But it does confirm that there is a legal linking between climate action and protection of HUR. The analysis also shows that CJ reinforces the HUR basis of decarbonisation by linking mitigation with fair burden-sharing, historical responsibility, and protection of vulnerable groups.

Substantive and Procedural Dimensions of the Right to Decarbonisation

Both substantive and PRER are involved in the proposed right to decarbonisation. The substantive dimension is linked to reducing GHG emissions, the transition to carbon neutrality, and the transformation of carbon-intensive sectors. The procedural dimension relates to the availability of climate information, participation in climate-related decision-making, and access to justice. These are supported by Aarhus Convention in Article 1. It seeks to safeguard the right of present and future generations to live in an environment adequate to health and well-being (UN Economic Commission for Europe [UNECE], 1998). This provision is critical because decarbonisation policies impact citizens, communities, workers, industries, and future generations. Table 2 summarises the proposed legal structure of the right to decarbonisation based on the doctrinal analysis.

Table 2

Proposed Legal Structure of the Right to Decarbonisation

Component	Legal meaning	Supporting legal basis	Implication for the proposed right
Substantive protection	Reduction of GHG emissions and movement toward carbon neutrality	UNFCCC, KYP, PA	Decarbonisation becomes a legal condition for protecting climate-related HUR.
Procedural protection	Access to climate information, participation, and justice	Aarhus Convention	People affected by climate policies can participate in and challenge climate-related decisions.
HUR protection	Protection of life, health, food, water, development, and environmental well-being	ICCPR, ICESCR, UNHRC Resolution 48/13, UNGA Resolution 76/300	Existing rights are supported through stronger climate mitigation duties.
CJ	Fair burden-sharing and protection of vulnerable groups	UNFCCC principle of common but differentiated responsibilities; PA preamble	Decarbonisation is linked with equity, historical responsibility, and vulnerability.
Accountability	Legal responsibility of states and high-emission actors	Climate litigation and duty-of-care reasoning	Recognition of the right may strengthen remedies and regulatory duties.

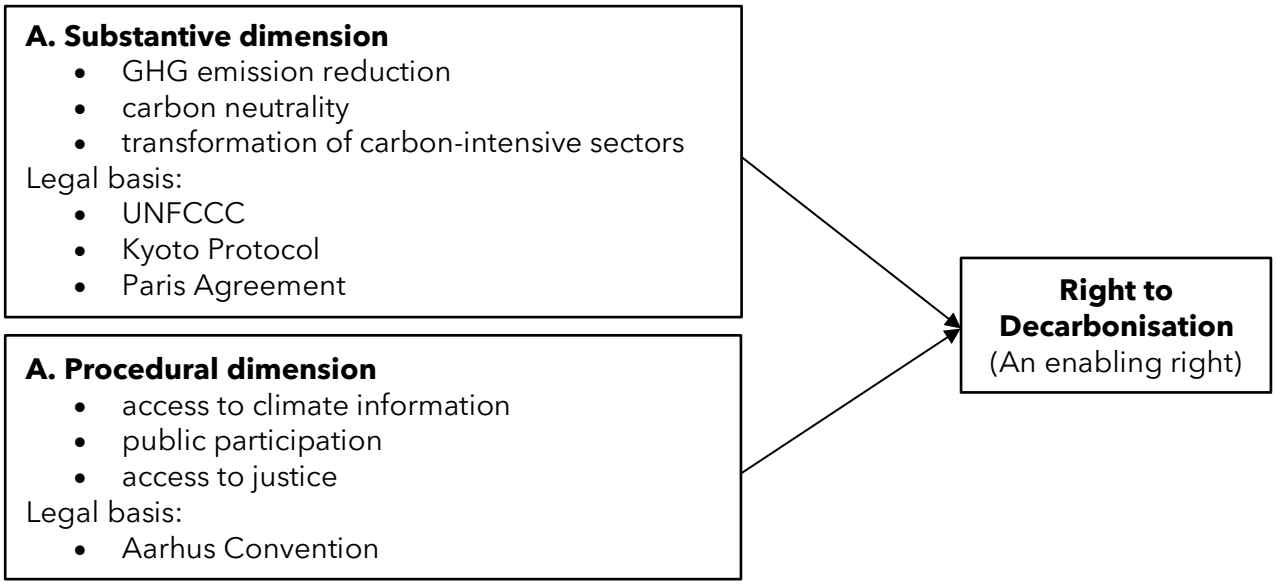
Source: Author's own development.

The table shows that the right to decarbonisation cannot be limited to emission reduction alone because it also includes participation, justice, accountability, and protection for those affected by CC. This clarifies the difference between the already recognized environmental right and the

proposed right to decarbonisation. The environmental right is condition-based because it points to the quality of the environment that needs to be protected and what state is allowed. Meanwhile, the right to decarbonisation is action-based because it spells out the mitigation duties that have to be done when the environment is threatened by GHGs. Figure 1 illustrates the internal structure of the proposed right to decarbonisation and clarifies how its substantive and procedural dimensions operate together as an enabling right.

Figure 1

Structure of the Proposed Right to Decarbonisation



Source: Author's own development

Decarbonisation as a Guarantor of Existing Human Rights

The analysis further shows that the proposed right to decarbonisation would function as a guarantor of existing HUR. The ICCPR safeguards the right to life under Article 6 (UN, 1966a). CC can threaten this right through the extreme impacts of global warming. The ICESCR protects the freedom to an appropriate standard of living, food, and health under Articles 11 and 12 (UN, 1966b).

The mapping report prepared by John H. Knox for UNHRC explains that environmental rights have an enabling function for the exercise of other HUR (Knox, 2014). This reasoning is directly relevant to the proposed right to decarbonisation. The term "right to decarbonisation" is not used in the report. However, the report supports the broader principle that EVP is necessary for HUR protection. On this basis, the right to decarbonisation can be understood as an enabling right because it supports existing socio-economic and environmental rights by targeting one primary source of climate-related harm.

Legal Implications for States and Domestic Legal Systems

States are affected by the recognition of a right to decarbonisation. It pushes states out of the realm of general climate policy statements. States are legally responsible, with quantifiable reductions, and more institutionally accountable. This is in accordance with the PA that requires Parties to prepare, communicate, and maintain NDC and to promote the application of national mitigation actions (UN, 2015, Article 4). The acknowledgment of the liberty to decarbonise nationally could be the foundation for constitutional reform, climate laws, judicial review, and stronger environmental legislation. It could empower people and communities to demand stronger climate action when the government's emissions-reduction policies are insufficient to protect fundamental rights. It could also support a stricter cap on emissions in high-emissions industries and greater responsibilities for high-GHG-producing industries.

This right may help improve climate finance and just transition activities. The UNFCCC process (2010) Copenhagen climate finance pledge was to utilise USD 100 billion a year for climate action in third-world countries. Later, the Organisation for Economic Co-operation and Development (OECD) announced progress towards this goal (OECD, n.d.). Climate finance is, however, controversial, as the burden of climate action funding has implications for historical responsibility, equity, and fairness. A rights-based strategy for decarbonisation could provide a more robust moral foundation for climate finance. It would place financial aid under a legally binding responsibility to shield people from the impacts of CC, rather than political assistance. This would help developing countries and climate-vulnerable communities that lack strong financial and technical resources.

Corporate Accountability and Climate Litigation

The analysis also shows that the right to decarbonisation may strengthen corporate accountability. Large industrial corporations and fossil-fuel companies contribute significantly to GHG emissions. However, ICL mainly imposes duties on states. This poses a legal gap because many high-emission activities are carried out by private actors. Comparative climate jurisprudence shows that rights-based climate claims have developed across different legal forums. In *Urgenda Foundation v. State of the Netherlands*, the Dutch courts connected state climate mitigation duties with the protection of rights to life and private life. In *Neubauer et al. v. Germany*, the German Federal Constitutional Court linked insufficient climate action with intertemporal freedom and the protection of future generations. In *Torres Strait Islanders v. Australia*, the Human Rights Committee recognised that inadequate climate adaptation can affect protected human rights. These cases show that climate litigation is increasingly rights-based, but they still do not recognise a separate right to decarbonisation. The Milieudefensie et al. v. Royal Dutch Shell plc litigation illustrates this gap. The District Court of The Hague essential Shell to reduce emissions by 45% by 2030 compared with 2019 levels (Mayer, 2022). The claim relied on duty-of-care reasoning and broader climate responsibility. However, the Hague Court of Appeal later rejected the specific 45% reduction order, while confirming that Shell remains obliged to reduce its CO_2 emissions (AP News, 2024). This development shows the difficulty of judicially imposing a precise corporate reduction percentage

without a clearer statutory or treaty-based legal foundation. This finding is important for the present study. The Shell litigation shows that courts may recognise climate responsibility in principle. However, courts may hesitate to convert that responsibility into a specific numerical reduction target without clearer binding legal standards. If the right to decarbonisation were recognised in an international treaty, protocol, or domestic legal instrument, courts would have a stronger basis for assessing corporate obligations. Therefore, recognition of this right may reduce uncertainty in climate litigation and strengthen accountability for high-emission actors.

Decarbonisation as an Emerging Right-Based Legal Concept

Finally, the analysis reveals that the right to decarbonisation can be understood as a new HUR, as it addresses ecological, intergenerational, and existential risks. The right to decarbonisation has a place in this new paradigm as CC poses an existential threat to human lives, human security and future generations. But it demands legal frameworks to change behaviors related to energy, industry, transport, finance, and consumption. This renders the proposed right unique as compared to the traditional environmental rights. Environmental quality is a right to a healthy SUE. A legal right to decarbonisation would entail taking legal steps against the carbon-intensive systems that are responsible for climate damage.

Baroni (2024) conveys the meaning of emerging HURs to respond to new risks brought by contemporary technological and social transformations. Farbotko (2019) also frames CC displacement as a problem connected with ontological security. These arguments support the view that CC affects not only ordinary environmental interests but also the conditions of human existence and future social stability. The right to decarbonisation should therefore be understood as an emerging and enabling right. Therefore, the right to decarbonisation may be placed within the broader development of emerging HUR while remaining connected to existing climate and HUR obligations. Table 3 summarises the five main findings produced by the doctrinal and normative analysis.

Table 3

Summary of Key Results

Finding	Meaning	Relevance to the study aim
Decarbonisation has an existing legal foundation.	The UNFCCC, the KYP, and the PA already require mitigation and emissions reduction.	Supports the legal basis of the proposed right.
CC affects existing rights.	The socio-economic and environmental rights are exposed to climate-related harm.	Shows why decarbonisation has HUR relevance.
The proposed right has two dimensions.	It includes substantive emission reduction and procedural access to information, participation, and justice.	Clarifies the legal content of the right.
Recognition would strengthen accountability.	States and corporations could face clearer legal duties.	Shows institutional and practical implications.

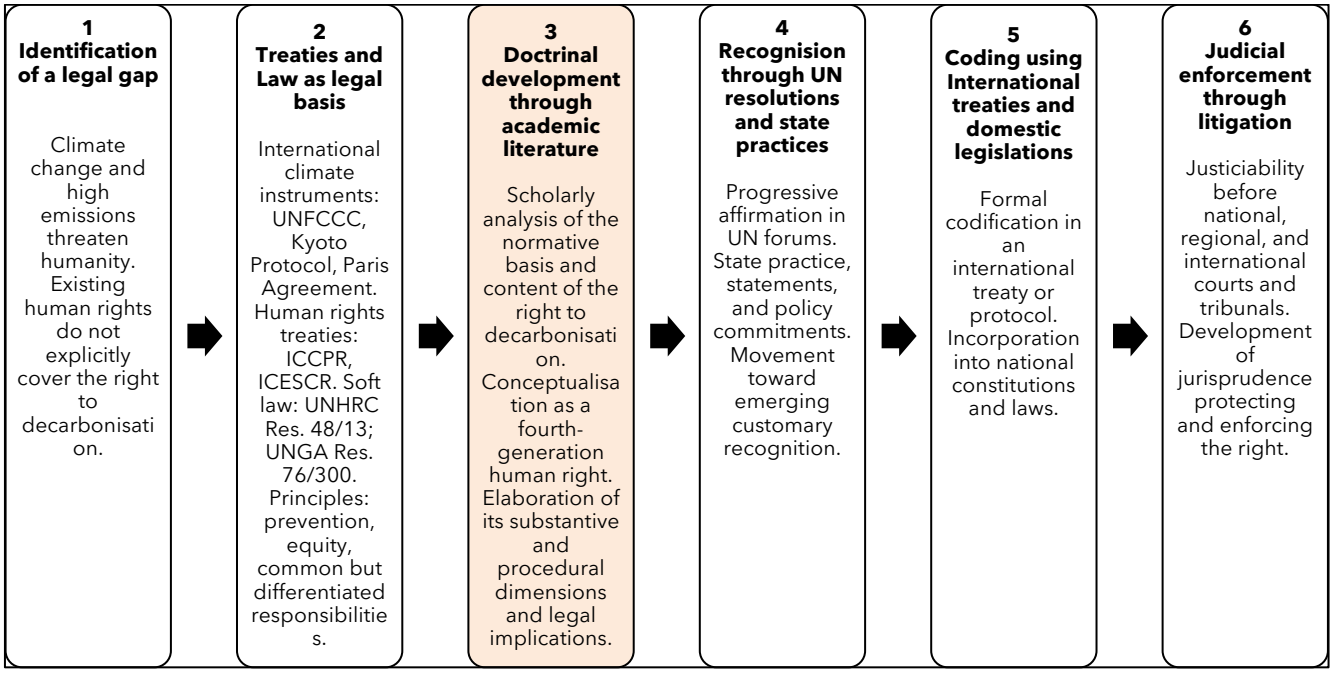
The right may be emerging	It responds to ecological, existential, and intergenerational risks.	Supports the study's theoretical contribution.

Source: Author's own development.

These findings support the study's central argument that the proposed right has an emerging legal foundation but remains formally unrecognised. Figure 2 presents the legal pathway through which a new human right may achieve recognition under international law and indicates the current stage reached by the proposed right to decarbonisation.

Figure 2

Process of recognising the right to decarbonisation as an emerging human right



Source: Author's own development.

Discussion

The study shows that decarbonisation has already become a central legal objective within ICL. The UNFCCC, the KYP, and the PA found a legal pathway for reducing GHG emissions and moving toward carbon neutrality (UN, 1992, 1997, 2015). However, these instruments still treat decarbonisation mainly as a climate obligation of states. This finding backs up the main thesis of the study – that the legal basis of the proposed right already exists, and that the HUR status of the right is underdeveloped. The findings are in line with earlier research in law on ICL. Budak (2025), Xu (2022), and Qin and Yu (2023), similarly, reveal the PA's turn in the direction of long-term emissions reductions, NDC, and more rigorous implementation commitments. They study primarily the weaknesses of the international climate regime and the structure of the treaty. The purpose of the present study is to expand this debate and see the same legal movement through a HUR lens. This

is relevant due to the fact that treaty obligations might not be enough to protect individuals and communities impacted by CC.

The study also confirms that CC is no longer only an environmental issue. It has become a HUR issue. Therefore, the protection of HUR now requires stronger attention to climate mitigation and decarbonisation. This interpretation is supported by HUR studies. Jodoin et al. (2021) argue that rights-based approaches can make climate decision-making more inclusive and accountable. Mayrhofer (2024) shows that climate vulnerability must be understood carefully because affected groups are not all exposed to climate harm in the same way. Bueno de Mesquita (2024) also argues that the climate crisis requires a reinterpretation of HUR beyond growth-based legal and policy assumptions. These studies support the present finding that HUR law can no longer remain separate from climate law. However, they do not develop decarbonisation itself as a specific legal entitlement. This is where the present study adds a distinct contribution.

The recognition of the right to a clean, healthy, and SUE also supports the study's argument. UNHRC Resolution 48/13 on the HUR to a Clean, Healthy and SUE and UNGA Resolution 76/300 on the HUR to a Clean, Healthy and SUE show that EVP has entered the universal HUR framework (UNGA, 2022; UNHRC, 2021). These resolutions strengthen the legal basis for connecting environmental quality with human dignity. However, they remain broad in scope. They do not define a specific legal duty to reduce GHG emissions. The proposed right to decarbonisation can address this gap by providing a more explicit climate-specific orientation to the environmental right. The environmental right identifies the protected condition, while the right to decarbonisation points to the legal pathway required to protect that condition through mitigation, transition, regulation, and accountability. This substantive-procedural structure has already been identified in analysis. It is used here to interpret the legal significance of the proposed right. Thus, decarbonisation becomes more legitimate when affected communities are able to participate in decisions shaping energy transition, industrial policy, land use, and climate finance.

This procedural dimension is further affirmed by the discussion on CJ. Islam (2024), Walnycki and Landesman (2024), and Khan et al. (2025) show that climate action should not only be assessed by emission-reduction outcomes but also by fairness, participation, and institutional responsibility. Their studies are on different levels of analysis. Islam, (2024) examines CJ in terms of social inequality. Walnycki and Landesman (2024) are concerned with urban decarbonisation and social justice. Khan et al. (2025) examine the gaps in global climate governance after COP29. These works support the study's finding that decarbonisation must be interpreted through justice, participation, and vulnerability. Also, the results emphasise the importance of domestic legal systems. The recognition of the right to decarbonisation would allow states to translate climate obligations into constitutional provisions, legislative duties, administrative rules, and judicial remedies. This would make decarbonisation less dependent on political discretion. It would also provide individuals and communities with a stronger legal basis to challenge insufficient climate action. In this respect, the study is in line with Cepparulo and Giuriato's (2024) critique of constitutional climate protection and Heri's (2026) development of CC before HUR courts. However, this study goes further by identifying decarbonisation as the particular legal content that could make climate rights more enforceable.

Corporate accountability remains one of the most difficult areas. The findings show that large corporations contribute significantly to GHG emissions, but ICL still places primary obligations on states. The Milieudefensie et al. v. Royal Dutch Shell plc case illustrates this difficulty. The District Court of The Hague required Shell to reduce emissions by 45% compared with 2019 levels, but the Hague Court of Appeal later rejected that specific percentage while maintaining that Shell had an obligation to reduce CO_2 emissions (AP News, 2024; Mayer, 2022). This does not mean that corporate climate responsibility has no legal basis. It means that courts may recognise corporate climate duties but hesitate to impose precise numerical targets without clearer statutory or treaty-based authority. This finding is consistent with corporate accountability literature. Bright and Buhmann (2021) and Lizarazo-Rodriguez (2021) show that corporate climate responsibility is increasingly connected with due diligence, business and HUR, and litigation. Aristova and Nichols (2024) and Attenborough (2022) also show that climate accountability is becoming relevant to directors' duties, disclosure, and corporate governance. However, these studies also reveal that corporate obligations remain fragmented. The present study extends this literature by linking corporate accountability to the proposed right to decarbonisation.

The enabling function of the proposed right is significant because it links mitigation duties to the practical protection of existing rights. If GHG emissions continue to increase, these rights will be more challenging to defend. Therefore, the right to decarbonisation may act as a protective legal tool. It considers the source of climate harm and helps to improve the conditions for the realisation of other rights. The classification of the right to decarbonisation as an HUR of the fourth generation is more complex. Baroni (2024) relates emerging HUR to new risks generated by technological and social change. Carducci (2023) links CC to legal theory, planetary limits, and future generations. Future generations are also increasingly prominent in rights-based climate reasoning, as demonstrated by Croke (2023) and Nkrumah (2021). These studies are consistent with the notion that existing rights categories may need to evolve. But the concept of FGHR is still not settled. Therefore, the study frames the proposed right as emerging rather than established. Recent research has also increasingly identified the relationship between economic development, public finances, and the ability of states to address contemporary global challenges. The authors argue that sustainable economic growth largely depends on the ability of states to attract and effectively use investment resources. This can create favorable conditions for the implementation of long-term environmental and climate policies. Recent research suggests that economic sustainability, investment attractiveness, and fiscal stability have become important prerequisites for addressing broader societal challenges, including environmental transformation and climate policy implementation. Therefore, achieving decarbonization goals requires institutional commitment and sufficient economic resources and stable public financing mechanisms (Artemchuk et al., 2024; Babayev et al., 2024).

A main limitation of the existing literature is that decarbonisation is often positioned as a policy, governance, or energy transition concept. It is rarely thought of as a legal right of individuals and communities. Climate law studies explain mitigation duties and climate-related harm, as explained by HUR studies. CJ studies look at fairness and exposure. Studies of corporate accountability

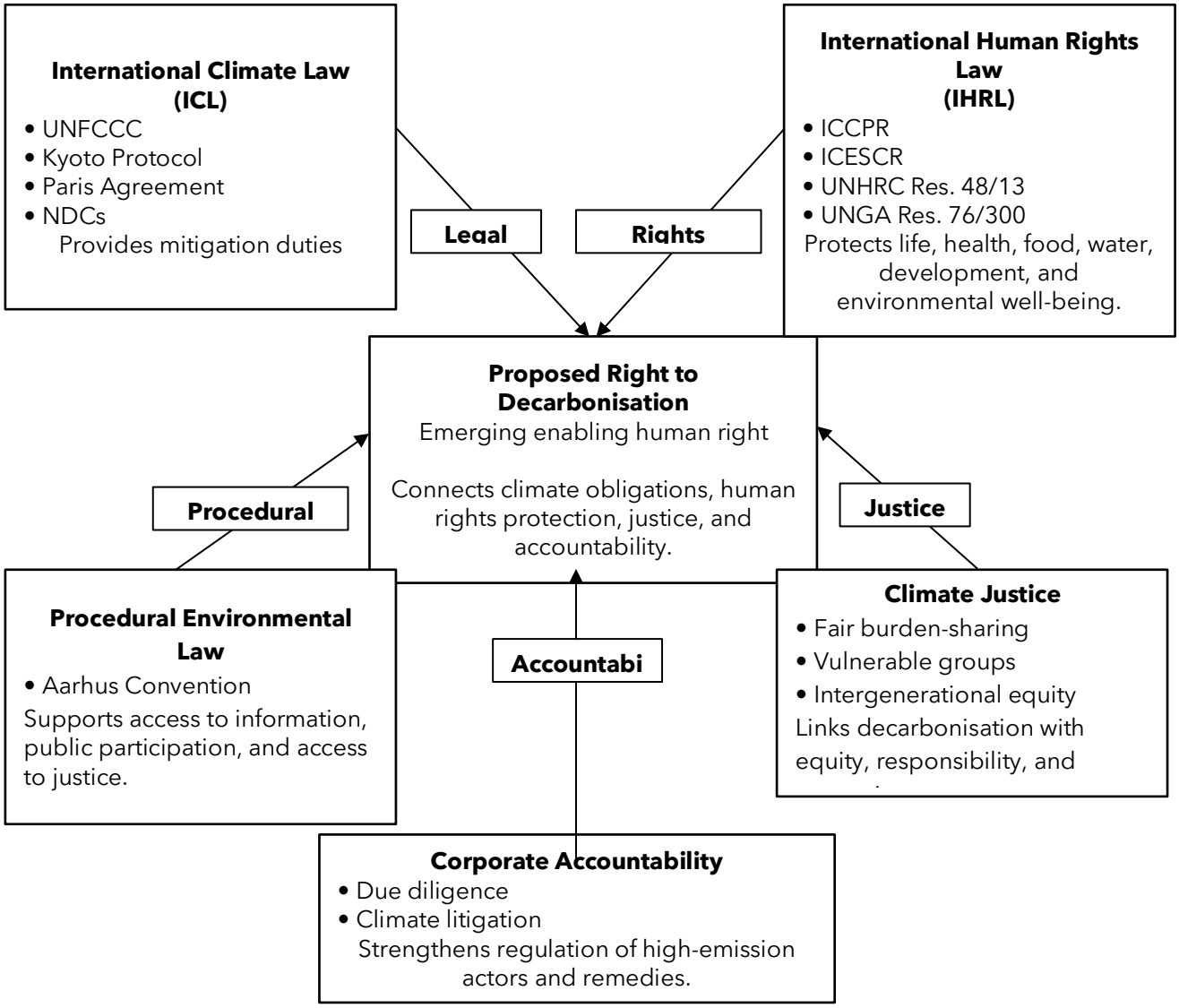
consider the limits of private responsibility. However, these literatures are still somewhat apart. This gap is filled in the current study by uniting them through the proposed right to decarbonisation. It should also acknowledge varying development needs, technological capacities, historical emissions, and financial resources. The right should therefore be 'framed as an accountable and progressive duty'. It should require action that can be measured, but allow for fair implementation depending on national circumstances. These objections also show why further research on remedies is necessary. Future research should examine how the right to decarbonisation could be enforced through constitutional litigation, administrative law, HUR courts, environmental tribunals, corporate due diligence laws, and international climate finance mechanisms.

Critical Objections to the Proposed Right

The right to decarbonisation is proposed, and this introduces several important legal issues, pertaining to sovereignty, justiciability, and enforceability. The first is the issue of state sovereignty, states have permanent jurisdiction over their natural resources, and states vary in their levels of historical responsibility, economic resources and developmental needs. Therefore, the proposed right should not have the same decarbonisation requirements for all States but should rather be based on the principle of common but differentiated responsibilities and respective capabilities. In this regard, the right would have to involve some real mitigation measures, be flexible to national situation, finances, historical emissions and development needs. The second issue is justiciability as the right to systemic decarbonisation could be formulated broadly, which may lead to problems for courts to enforce. In this context, courts would not be asked to make policy decisions on climate change but to determine whether a State or regulated entity had taken reasonable mitigation measures, based on evidence and rights-compatible. A third is the prospect of a 'normative dilution' – several collective rights or third-generation rights referred to in soft law have been poorly enforced and developed. If the right to decarbonisation is only recognised at a declaratory level, this right may be subject to the same restrictions. It can therefore only be as effective as the institutional framework ensures, which includes reporting, domestic legal implementation, judicial oversight, climate financing and due diligence by companies.

Figure 3

Conceptual map of the legal and normative domains supporting the proposed right to decarbonization



Source: Author's own development.

Conclusions and Implications

This study examined whether emerging fundamental HUR in ICL and IHRL include the right to decarbonisation. The study achieved its goal through doctrinal and normative legal analysis. The analysis showed that decarbonisation is already embedded in ICL, but it remains framed mainly as a climate obligation rather than an autonomous HUR. They do not consider decarbonisation a HUR. The main finding is that decarbonisation is an emerging enabling right. Enabling because it helps protect HUR. CC endangers existing socio-economic and environmental rights. Thus, reducing GHG emissions is not just for technical or economic reasons. Legally protecting human dignity and environmental security requires it. The novelty of the study lies in framing decarbonisation as a rights-based legal concept focused on GHG reduction, carbon neutrality, and transformation of

carbon-intensive systems, rather than only as a policy goal, energy transition strategy, or net-zero pathway. This contribution integrates ICL, HUR law, environmental procedural law, CJ, and corporate accountability. Results have clear practical implications. If states recognise the right to decarbonisation, they may have to set clearer emission-reduction duties, measurable climate targets, and stronger climate accountability laws.

The findings also suggest that the proposed right could strengthen corporate emissions regulation, due diligence, and climate litigation. INL should gradually develop the right to decarbonisation through treaty interpretation, soft-law development, and codification, according to the study. A new protocol or international instrument could define this right legally. States should include decarbonisation duties in constitutions, climate laws, environmental laws, and energy-transition policies. These duties should be guided by common but differentiated responsibilities and respective capabilities, so that the proposed right does not undermine state sovereignty or impose identical burdens on unequal states.

Suggestions for Future Research

Future research should further examine how the right to decarbonisation can be defined, implemented, and enforced in international and domestic legal systems. Comparative legal studies are needed to assess how different jurisdictions integrate emission-reduction duties into constitutional law, climate legislation, environmental regulation, and HUR adjudication. Further research should also examine whether the right to decarbonisation can be developed through treaty interpretation, an additional protocol to existing climate instruments, or a separate international legal instrument. Future research should also examine the role of courts in the recognition of decarbonisation-based claims. Climate litigation is growing, but courts have trouble putting the general climate obligations into more concrete emission-reduction obligations. This needs to be studied in greater depth particularly, when it comes to emissions by high-emission companies and governments' failure to control industrial emissions. Linkages between decarbonisation, climate finance, and just transition should also be explored for future research. This is crucial because the right to decarbonisation should not impose disproportionate burdens on developing countries, workers, and vulnerable communities. Empirical and comparative research can also examine the experiences of affected communities with participation and access to climate information and access to justice in decarbonisation governance. The directions can help develop the proposed right in a legal, institutional, and practical way.

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Conflict of Interest

The author declares no conflict of interest.

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