

HR260 Take Home Final Exam

The human rights movement has achieved significant advancements in the last decades, but new and emerging challenges risk undermining or outpacing its frameworks. As the global environment changes, the defenders of human rights encounter new challenges that are not so much about codifying the rights as about implementation, enforcement, and recognition in more complicated areas. This essay considers three key areas that will present the largest challenges to the human rights movement in the forthcoming years: environmental rights, Indigenous rights, and protection of refugees. These matters present imperative, under addressed realities to which there must be a reconsideration of conventional human rights approaches.

One of the foremost human rights challenges in the future is obtaining genuine international protection of environmental rights. Whereas environmental degradation more and more threatens the availability of life-supporting resources, no general agreement exists regarding a stand-alone right to a sound environment in international human rights law. As noted by Atapattu, "Even thirty years after the Stockholm Declaration was adopted, international human rights law has not recognized a stand-alone right to a healthy environment" (Atapattu, Lesson 14, 302). This absence of recognition reflects a deeper conflict between environmental protection and economic and political interests.

The convergence of environmental degradation and violations of human rights is no longer in doubt. Climate change impacts the right to life, health, food, water, and shelter—but the human rights system continues to treat these as distinct silos. Atapattu clarifies that most scholars currently embrace "a hybrid approach comprising all of the substantive rights that can be invoked about environmental issues as well as all of the procedural rights" (Atapattu, Lesson 14, 302). This indicates a new evolution in human rights thinking: to promote human dignity in

the twenty-first century, human rights law needs to be construed maximally to embrace both procedural and substantive environmental rights.

The problem is political will. States do not want to legalize environmental rights since doing so might curb exploitative acts that are the lifeblood of their economies. Also, enforcing environmental obligations is weak and symbolic or lacking in any real teeth. In the future, the human rights movement will need to demand binding global treaties and greater incorporation of climate justice in pre-existing treaties. Otherwise, millions will keep experiencing climate-caused injuries and no legal remedy, and the divide between environmental destruction and the protection of human life will keep growing. Another significant challenge is the ongoing marginalization of Indigenous peoples, especially in the context of Western-dominated frameworks of globalization and rights. Although there have been official acknowledgments of Indigenous rights, including the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), practical implementation is limited, particularly where Indigenous rights come in conflict with corporate or state interests. One of the least discussed of these is the way the rights of Indigenous women are constantly subordinated to the general aim of collective self-determination. As Romero, Berra, and Speed outline, "Indigenous women's rights have often been subsumed under the broader goal of collective self-determination, to be addressed later once this has been achieved" (Romero, Berra, & Speed, Lesson 15, 82).

This delay also undercuts efforts to address gender-specific violations, leaving Indigenous women twice marginalized—once by colonial and capitalist systems and a second time by their societies. The writers also contend that "many Indigenous women call for greater recognition of the structural violence that globalization perpetuates and sustains as well as for attention to how some contemporary discourses on women's rights [...] are complicit in

maintaining this system" (Romero, Berra, & Speed, Lesson 15, 82). This criticism of Western feminism points out the tendency of Western-centric models of human rights to disregard cultural environments and the distinct needs of Indigenous peoples,

This conflict illustrates the inability of conventional human rights models, reliant on individual rights in liberal democracies, to encompass collective identity and systems of governance. Future efforts at human rights need to more effectively combine collective and individual rights, including those of Indigenous women in particular. This not only requires the recognition of Indigenous sovereignty but also that gender justice does not take a backseat in the process. More localized, community-based strategies are also in need, empowering Indigenous voices more, rather than speaking over them. Thirdly, there is the crucial problem of the global refugee crisis and the failure of the classical instruments of resettlement, local integration, and voluntary repatriation. In the view of Loescher and Mills, "The average duration of protracted refugee situations has nearly doubled in the past decade to more than twenty years" (Loescher & Mills, Lesson 13, 288). This figure is a testament to the failure of the global system to address displacement in a timely and humane manner. One of the core tenets of protection of the refugee, that of nonrefoulement, is coming under growing threat. According to Loescher and Mills, "perhaps the most significant right granted to refugees by the 1951 Convention is nonrefoulement: the right not to be returned to a country where a person risks persecution" (Loescher & Mills, Lesson 13, 288).

Despite its premise, the principle is frequently disregarded or devalued by restrictive migration policies, externalization of the border, and criminalization of asylum seekers. Additionally, the classical "durable solutions" paradigm is in decline. Host nations in the Global South are overwhelmed and underfunded, while richer nations increasingly view refugee arrivals

as a political burden. International standards and national practices diverge even more strongly. As migration is expected to rise in the context of climate change, conflict, and inequality, the shortcomings of the present frameworks will become even more evident.

Solving this problem will demand a fundamental transformation of asylum systems. This will mean increasing legal migration options, including the inclusion of refugees in decision-making processes, and a reform of the sharing of responsibility by states. The human rights movement will also need to overcome the political narratives under which the refugee is a threat, not a subject of dignity and rights. It will not if it doesn't, exacerbate the global refugee crisis and undermine international legal norms further.

Among the greatest, most difficult challenges confronting the human rights movement are environmental rights, Indigenous rights, and the protection of refugees. In order of priority, climate and environmental rights rank first due to their overlap with almost every other human rights problem and the jeopardy of the viability of life itself that they pose. Indigenous rights, second, due in part to the balance of collective self-determination and personal protections, are structurally not addressed in many global legal systems. Refugee protection, though highly contested and oftentimes overlooked, at least enjoys the presence of existing international instruments, though their enforcement is in decline. What these challenges have in common is their overlap, complexity, and the need for novel, inclusive, and justice-focused responses. If the human rights movement can meet these challenges in creativity, humility, and unity, it not only might weather the threats but also emerge more robust and more applicable in the years to come.