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Book Review: Climate Change and the Voiceless: Protecting Future Generations, Wildlife, and Natural Resources

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BOOK REVIEW

Climate Change and the Voiceless: Protecting Future Generations, Wildlife, and Natural Resources by Randall S. Abate (Cambridge University Press, 2019)

As the defining social, political, and legal issue of this century, the climate crisis has reached a point of no return. The urgency and severity of the crisis is on full display as the world watches severe droughts, catastrophic fires, and devastating hurricanes become more common with every passing year.

Author Randall S. Abate does not mince words in his book *Climate Change and the Voiceless: Protecting Future Generations, Wildlife, and Natural Resources*. From the very first sentence he makes his intentions clear, stating that “the severity of the climate change crisis is caused exclusively by human action and inaction.” Abate goes on to call out the failures of political leaders that have led us down this path and offers his suggestion on how to institute meaningful change.

The book aims to identify common vulnerabilities in a group Abate calls the “voiceless,” and offers insights for how the law can evolve to protect these at-risk populations more effectively. Abate’s voiceless are comprised of three groups he believes to be the most vulnerable and least equipped to protect themselves in the climate crisis: 1) future generations; 2) wildlife; and 3) natural resources. In the context of this book, future generations include both present and unborn children who will inherit the climate crisis.

Abate contends that the only way to protect the voiceless is to abandon current approaches to fighting the climate crisis altogether. He proposes shifting to a rights-based framework coupled with government stewardship. This can be done, he asserts, by shifting away from the current anthropocentric model and adopting an eco-centric paradigm. The current model is centered on humans as the dominant and most important life forms on the planet, with non-human life forgotten or only considered when it is useful for humanity. An eco-centric paradigm would consider and embrace the value of nature, regardless of its utility to humans. According to Abate, this shift is not just one approach to regulate climate change but the only way to truly make headway in order to combat the climate crisis.

To analyze the first group of the voiceless, future generations, the book delves into case studies of climate change litigation in both United States (“U.S.”) and foreign domestic courts. There are a total of eight cases analyzed, four from the U.S. and four from foreign courts. The general conclusion is that litigation developments in foreign courts are more encouraging than those in the U.S. While eight cases are too few to accurately judge the entire history of climate change litigation, the rulings in many of these cases are often disappointing. Plaintiffs are at times denied their desired remedy or any remedy at all because they do not have standing or because they failed a procedural requirement. However, these cases highlight the connection between human rights violations and the climate crisis.

The book uses case studies from multiple human rights commissions, which is one of the most interesting chapters. The intersection between human rights, climate change, and vulnerable populations is clear in the Inuit Petition and the Carbon Majors Petition. The first pertains to rising sea levels resulting in the

displacement of Inuit peoples, while the second focuses on Filipino citizens subjected to severe weather events as a result of climate change. The Inuit Petition was rejected, and as of the publishing of Abate's book, the result of the Carbon Majors Petition has yet to be determined. Nonetheless, these two petitions aim to present climate change as a human rights issue. This new way of presenting climate change as an existential threat to human rights will hopefully help remedy the crisis and aid future generations.

Abate makes it clear that the current approach to the climate crisis does not put much—if any—emphasis on wildlife or nature, unless they benefit humans. The emergence of animal rights advocacy aids the second group of the voiceless: wildlife. In the U.S., efforts to recognize wildlife as legal persons have not gained much traction. However, in foreign domestic courts there has been slightly more success. Some countries recognize wildlife as a “non-human legal person” and acknowledge the inherent rights of wildlife. While this is an emerging body of law, Abate does a great job showing that if companies exacerbating climate change enjoy legal personhood, wildlife directly affected by the climate crisis should as well.

The rights of nature and natural resources are more regulated than either of the other two groups among Abate's voiceless. In the U.S., the rights of nature have been successfully protected through local initiatives. This suggests there is a growing movement of people who understand that the rights of nature deserve protection. However, a national initiative is necessary to fully address this problem. Countries around the world vary in the level that they recognize the rights of nature. Yet, the world is trending towards acknowledging these rights.

Abate states that one of the reasons the climate crisis has reached this point is because of the U.S.'s failure to effectively lead. By analyzing both the U.S. and foreign efforts to protect these three groups, the book does a great job arguing that international cooperation is crucial alongside strong leadership by the U.S. Abate's book concludes with a framework for rights-based protection of the voiceless. He sees this transition happening in three steps: 1) creating new regulatory bodies that focus on protecting the voiceless; 2) integrating the urgency of the climate crisis into a sustainable development mandate; and 3) implementing stewardship responsibilities and rights-based protections.

Climate Change and the Voiceless: Protecting Future Generations, Wildlife, and Natural Resources best serves an audience that understands the urgency and severity of the climate crisis. Furthermore, this audience should be open to implementing sweeping changes. The book is certainly not intended for those who believe the climate crisis can be solved with small wins and slow improvements.

After reading this book I am inclined to accept Abate's opinion that this is the best way to stand up for the voiceless and effectively fight the climate crisis. The time for small incremental change is gone. Human action and inaction have guaranteed that sweeping change is likely our only choice to address the climate crisis. Although harsh at times, Abate makes it clear that the climate crisis is real and the law must change on environmental issues because the current model is no longer working. As a result, it is leaving the voiceless unprotected.

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