Climate Change and Human Rights
An international and comparative law perspective

Edited by
Ottavio Quirico and Mouloud Boumghar
Contents

Foreword  
PIERRE-MARIE DUPUY  xiii

Introduction  
OTTAVIO QUIRICO AND MOLOUD BOUMGAR  1

PART I  
General framework  5

1 States, climate change and tripartite human rights:  
the missing link  
OTTAVIO QUIRICO, JÜRGEN BRÖHMER AND MARCEL SZABÓ  7

2 Balancing human rights in climate policies  
BRIDGET LEWIS  39

3 Human rights responsibility of private corporations for  
climate change? The State as a catalyst for compliance  
ANNA RIDDELL  53

PART II  
Specific rights  69

4 Climate change and right to life: limits and potentialities  
of the human rights protection system  
CHRISTINE BAKKER  71

5 Climate change and interdependent human rights to  
food, water and health: the contest between harmony  
and invention  
ALESSANDRA FRANCA  89
6 Waterworld: climate change, Statehood and the right to self-determination 101
Cameron Moore

7 Two-pronged right to development and climate change: reciprocal implications 118
Same Varayudej

8 Untying the Gordian Knot: towards the human right to a climatically sustainable environment? 133
Francesco Francioni and Ottavio Quirico

PART III
Specific regimes 157

9 A double-edged sword: climate change, biodiversity and human rights 159
Federico Lenzerini and Erika Piergentili

10 Climate change, migration and human rights: towards group-specific protection? 173
Benoit Mayer and Christel Cournil

11 Balancing human rights, climate change and foreign investment protection 189
Valentina Vadi

12 Linking trade and climate change: what room for human rights? 201
Olivier de Schutter

PART IV
Institutional prospects 219

13 Systemic integration between climate change and human rights at the United Nations? 221
Spyridon Aktypis, Emmanuel Decaux and Bronwen Leroy

14 Climate change and human rights in the Asia-Pacific: a fragmented approach 236
Bla Boer

15 A wider human rights spectrum to fight climate change in Africa? 241
Mouloud Boumghar and Roland D'Hooghe

16 Missing opportunities to shed light on climate change in the Inter-American human rights protection system 270
Mouloud Boumghar

17 All in all it was all just bricks in the wall: European legal systems, climate change and human rights 287
Ottavio Quirico

18 Challenging the human rights responsibility of States and private corporations for climate change in domestic jurisdictions 307
Tineke Lambooy and Hanneke Palm

Conclusion 337
Ottavio Quirico and Mouloud Boumghar

Appendix – CO2 emissions 339
Documents 343
Cases 336
Bibliography 361
Index 373
Abbreviations 392
Notes on contributors 396
Detailed contents 401
Acknowledgements 409
9 A double-edged sword

Climate change, biodiversity and human rights

Federico Lenzerini and Erika Piergentili

Introduction

The Preamble to the Biodiversity Convention emphasises the significance of biodiversity for humanity. In addition to its 'intrinsic value', the 'ecological, socio-economic, cultural, and aesthetic values' of biodiversity and its components are underscored.\(^1\) The Preamble also addresses 'the importance of biological diversity for evolution and for maintaining life-sustaining systems of the biosphere',\(^2\) to the point of considering biodiversity a 'common concern of humankind'.\(^3\)

At the same time, the Biodiversity Convention also expresses the concern that biodiversity is being significantly reduced by certain human activities,\(^4\) noting that it is consequently 'vital' that the international community 'anticipate[s], point[s] and attack[s] the causes of significant reduction or loss of biological diversity at source'.\(^5\) Among the causes leading biodiversity to be significantly reduced, climate change – to be imputed to human activities – undoubtedly plays a particularly important role, and is therefore to be attacked 'at source'. Indeed, there is no reasonable doubt that climate change represents today the main cause of biodiversity loss. It is estimated that approximately 10-30 per cent of known plant and animal species are likely to be at increased risk of extinction if the global average temperature rises more than 1.5-2.5°C.\(^6\) This figure appears particularly surprising if one considers that, according to some estimates, warming of up to 1°C could be possible by 2100.\(^7\) By 2050, climate change alone is expected to

---

\(^1\) Biodiversity Convention, Preamble, first recital.

\(^2\) Ibid, second recital.

\(^3\) Ibid, third recital.

\(^4\) Ibid, fourth recital.

\(^5\) Ibid, fifth recital.


\(^7\) 1°C, Two Degrees, Our Choice. The Urgent Need to Curb Global Warming, b, <www.tearfund.org/uk/docs/Website/OurCampaign/Policy%20and%20research/Two_degrees_Our_choice_final.pdf>.