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Environmental Justice, Climate Change and Human Rights

Different Contributions, Different
Consequences and Different
Capabilities Should Equal Different
Human Rights Obligations

This publication includes the thesis *Environmental Justice, Climate Change and Human Rights. Different Contributions, Different Consequences and Different Capabilities Should Equal Different Human Rights Obligations* written by Mariana Catalão and supervised by Jan Klabbbers, University of Helsinki.

BIOGRAPHY

Before graduating from the European Master's Programme in Human Rights and Democratisation, Mariana Catalão obtained a bachelor's degree in Law at the Catholic University of Portugal. Mariana is currently working as Trainee Lawyer in order to officially become a Lawyer. She is most passionate about environmental justice, as a form of social justice, and its link with human rights.

ABSTRACT

The current environmental crisis poses itself as one of the biggest threats to the enjoyment of human rights. Everywhere, people's human rights are at risk; however vulnerable communities, particularly the ones in poorer countries, are disproportionately in danger.

This higher risk for the poorer population is inversely proportional to contribution towards the environmental crisis, especially focusing on global warming caused by the emission of greenhouse gases that consequently leads to climate change. The disparity between contribution to the issue of climate change, vulnerability to threats to the enjoyment of human rights caused by the effects of climate change and capability to prevent these threats generates an environmental justice problem that highlights the inequity between the Global North and the Global South.

This thesis aims to showcase how human rights law can be used to bridge this gap between developed and developing countries, in order to fulfil environmental justice imperatives. The aspect of human rights law identified as one of the most apt to address this issue is the concept of extraterritorial human rights obligations of states.

The thesis highlights how the use of extraterritorial human rights obligations of states is a legally plausible solution to address climate change and issues arising from environmental injustice, analysing positions of international stakeholders and respected doctrine that support the imposition of these obligations.

Finally, a practical way of operationalising the imposition of extraterritorial human rights obligations, in the field of climate change, is presented, through the proposal of a liability scheme that reverts in favour of those most affected by climate change.

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