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Paris Climate Agreement and Human Rights¹

I. Introduction

The climate change, caused by anthropogenic factor, has become a process of interaction between mankind and nature which has continued since the beginning of industrial revolution. This process is mainly triggered by the use of carbohydrates (coal and oil) as the main sources of energy. Most scientists believe today that rising number of long-living molecules of carbon dioxide, methane and some other greenhouse gases in the atmosphere is a main factor of increasing temperature on the Earth and that the increase over 2°C of the average global pre-industrial temperature will cause disaster consequences for living world and mankind. The first negative manifestations of climate change are obvious today.

The interaction between mankind and nature, resulting in climate change, brings inherent injustice. The injustice is reflected in disproportion of distribution of benefits of using carbohydrates and of detrimental consequences of climate change. A lot of people of present and former generations have benefited from industries, agriculture and traffic based on the use of coal or oil, but at the same time lot of people have suffered from negative consequences of climate change. Paradoxically, however, those who benefited the most are not those who suffered the most. In his video message to the panels on human rights and climate change the Secretary General of the UN Ban Ki-moon observed: “that people living in developing countries, particularly in small island developing States, in Africa and in the least developed countries had contributed the least to dangerous carbon emissions but were bearing the brunt of the negative impacts of climate change”². That unfair distribution of benefits and damages exists at international level among nations as well as at national level among individuals. The poorest part of national population contributes to climate change at least, but suffers from negative consequences most.

The injustice inherent to the relationship between causes and consequences of climate change has been recognized by the 1992 UN Framework Convention on Climate Change (hereinafter: the Climate Change Convention or the Convention). The first principle, established by Article 3 (1) of the Convention states: “The Parties should protect the climate

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² Summary report of the Office of the United Nations High Commissioner for Human Rights on the outcome of the full-day discussion on specific themes relating to human rights and climate change, Human Rights Council, 1 May 2015 (<http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session29/Pages/ListReports.aspx>).

system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities. Accordingly, the developed country Parties should take the lead in combating climate change and the adverse effects thereof’.

The general objective of the Climate Change Convention was “stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system” (Article 2) and concrete aim was that developed parties return individually or jointly to their 1990 levels of emissions of greenhouse gases not controlled by the Montreal Protocol [Article 4 (2b)].

The Kyoto Protocol, a treaty which implemented the Convention, distributed burden of reduction of greenhouse gas emissions among developed countries for period from 2008 to 2012, determining quantity of reduction for each of them and projected more ambitious global aim: reducing their overall emissions by at least 5 percent below 1990 level. Whatever was the result of the Kyoto Protocol, it did not stop an increase of the global temperature. The 2012 Doha Amendment has foreseen prolongation of validity of the Kyoto Protocol for period between 2012 and 2020, but due to not enough number of ratifications, it did not enter into force yet.

Reduction of greenhouse gases is a huge burden for national economies, based on energy of coal and oil. The USA has never accepted the Kyoto Protocol and Canada left it. In meantime, some developing countries, like the PR of China and India have become big emitters of greenhouse gases. Being developing countries, they are saved from burden of reduction by the principle of equity, as defined in the Climate Change Convention and in the Kyoto Protocol. The climate change problem is distinguished by its complexity. The 1987 Montreal Protocol to the 1985 Vienna Convention for the Protection of Ozone Layer is evaluated as an example of the most successful international cooperation in resolving global environmental issues³. 95% of all gases depleting ozone layer are now out of production and ozone layer will regenerate in full until 2050. Unfortunately, ozone and climate problems are not comparable by their complexity. Substitutes for gases depleting ozone were invented in short period and since the gases were used in small portions of industrial and agricultural productions, their replacement was not a big problem. Developing countries had some privileges, but they were not exempted totally from obligation to cease to use forbidden gases. However, national economies are mostly based on energy from coal and oil and a proper substitute is not at disposal. Due to this fact there is a tension between reduction of greenhouse gas emissions and economic development. The international awareness of the tension is reflected in related international documents since 1980s through the attempt to reconcile environmental concerns and the right to sustainable development. The consciousness of importance of the right to sustainable development and eradication of poverty is reflected in the Climate Change Convention and especially in the Paris Climate Agreement.

II. The Paris Climate Agreement and Human Rights

The Paris Climate Agreement (hereinafter: the Paris Agreement or the Agreement) was accepted by acclamation of the 196 parties to the Climate Change Convention⁴ on 12 December

³ *Ozone Secretariat*, UNEP, Handbook for the Montreal Protocol on Substances that Deplete the Ozone Layer, Nairobi, 2009.

⁴ The Climate Change Convention entered into force on 21 March 1994.

of 2015⁵. The Paris Agreement was adopted to pursue the objective of the Climate Change Convention, but not in a way of the Kyoto Protocol. Article 2 of the Paris Agreement distinguishes three main aims: a) to hold “the increase in the global average temperature to well below 2°C above pre-industrial level and to pursue efforts to limit the temperature increase to 1.5 °C above pre-industrial levels”; b) to increase “the ability to adapt to the adverse impacts of climate change and foster climate resilience and low greenhouse gas emissions development, in a manner that does not threaten food production”; and c) to make “finance flows consistent with a pathway towards low greenhouse gas emissions and climate-resilient development”. In accordance to the introductory sentence of paragraph 1 of Article 2 of the Paris Treaty, the quoted aims serve to enhanced implementation of the Climate Change Convention *in the context of sustainable development and efforts to eradicate poverty*. However, it does not determine quantity of reduction for each developed country party, nor it exempts developing country parties from the obligation of reduction of greenhouse gas emissions. Each party will individually determine its contribution to the overall the reduction of greenhouse gas emissions on the basis of equity, and in the context of sustainable development and efforts to eradicate poverty, but developing countries are allowed to reach their peak of emissions in longer period than developed countries. Besides, it is foreseen that developing country parties can receive financial and other support necessary to perform their obligation under the Agreement.

The Climate Change Convention acknowledges the fact that adverse effects of climate change can affect *human health and welfare*. It addresses the issues of sustainable development and eradication of poverty, but the Convention does not go further in elaboration of the relationship between climate change and human rights.

In the meantime the issue of climate change impact to human rights has been raised in the United Nations Human Rights Council (hereinafter: the Human Rights Council) and it was discussed in literature⁶. On a proposal of Maldives, a country especially endangered by the climate change, the Human Rights Council adopted resolution 7/23 on 28 March 2008, requesting the Office of the United Nations High Commissioner for Human Rights that, in consultation with states, international organizations and inter-governmental bodies, including International Panel on Climate Change and the secretariat of the Climate Change Convention prepare a detailed analytic study on relationship of human rights and climate change⁷. The

⁵ It will be open for signature in April 2016 and it will enter into force after ratification of at least 55 parties that produce at least 55% of the world’s greenhouse gas emissions.

⁶ *B. Docherty, T. Giannini*, Confronting a rising tide: a proposal for a convention on climate change refugees, in *Harvard Environmental Law Review*, vol. 33/2009, p. 349; *V. Kolmannskog, F. Myrstad*, Environmental Displacement in European Asylum Law, in *European Journal of Migration and Law*, vol. 11, 2009, p. 313; *Human Rights and Climate Change*, Ed. S. Humphreys, Cambridge, 2010; *L.M. Braman, P. Suarez, M.K. Van Aalst*, Climate change adaptation: integrating climate science into humanitarian work, *International Review of the Red Cross*, vol. 92/2010, p. 698; *V. Kolmannskog, L. Trebbi*, Climate change, natural disasters and displacement: a multi-track approach to filling the protection gaps, *International Review of the Red Cross*, vol. 92/2010, p. 713; *R. Etinski*, Human Rights Protection in view of Climate Change Impact, in NRDO no. 1/2012, p. 20-27.

⁷ (http://www2.ohchr.org/english/issues/climatechange/docs/Resolution_7_23.pdf)

High Commissioner prepared the report in 2009⁸. The Human Rights Council has continued to consider the impact of climate change to human rights. By its resolution 10/4 from 25 March 2009, the Human Rights Council organized panel discussion on the relationship between human rights and climate change on its 11 session⁹. By its resolution 15/13 on human rights and international solidarity from 30 September 2010, the Human Rights Council called the international community to advance international solidarity and cooperation to contribute to overcoming negative effects of running economic, financial and climate crises, especially in developing countries¹⁰. By its resolution 18/2, the Human Rights Council requested the Office of the United Nations High Commissioner for Human Rights to convene a seminar *on addressing the adverse impacts of climate change on the full enjoyment of human rights, with a view to following up on the call for respecting human rights in all climate change-related actions and policies, and forging stronger interface and cooperation between the human rights and climate change communities*. The seminar was held on 23 and 24 February 2012¹¹. The Human Rights Council held a discussion on specific issues relating to human rights and climate change on 6 March 2015¹².

The relationship between human rights and climate change was addressed by some provisions of the Draft of Paris Agreement of 4 December 2015¹³. Article 2 (2) of the Draft, related on the purpose of the Agreement, stated: “This Agreement shall be implemented on the basis of equity and science (...) and the respect, protection, promotion and fulfillment of human rights for all, including indigenous peoples, including the right to health and sustainable development...”. The proposed provision covered all activities in implementation of the Agreement. Unfortunately, parag. 2 of Article 2 of the Draft was omitted in final version of the Agreement.

Article 4 of the Draft, related to the adaptation, (Option 1) was as follows: “Parties [acknowledge][X] that adaptation action should follow a country-driven, gender-responsive, participatory and fully transparent approach, [respecting [human rights][the right to life][the rights of people under occupation] and] taking into consideration vulnerable groups, communities and ecosystems...”.

Under adaptation action is understood activity of a party to enhance adaptability and resilience of its society to effects of climate change. Article 7 (5) of the Agreement is following the quoted provision of the Draft, but not fully: “Parties acknowledge that adaptation action should follow a country-driven, gender-responsive, participatory and fully transparent approach, taking into consideration vulnerable groups, communities and ecosystems, and should be based on and guided by the best available science and, as appropriate,

⁸ Report of the Office of the United Nations High Commissioner for Human Rights on the relationship between climate change and human rights, A/HRC/10/61, 15 January 2009 (<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/103/44/PDF/G0910344.pdf?OpenElement>).

⁹ (http://www2.ohchr.org/english/issues/climatechange/docs/resolution10_4.doc)

¹⁰ (<http://www2.ohchr.org/english/bodies/hrcouncil/docs/A-65-53-Add1.pdf>)

¹¹ (<http://www.ohchr.org/EN/Issues/HRAndClimateChange/Pages/HRClimateChangeIndex.aspx>)

¹² Summary report of the Office of the United Nations High Commissioner for Human Rights on the outcome of the full-day discussion on specific themes relating to human rights and climate change, Human Rights Council, 1 May 2015 (<http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session29/Pages/ListReports.aspx>).

¹³ Draft agreement and draft decision on workstreams 1 and 2 of the Ad Hoc Working Group on the Durban Platform for Enhanced Action.

traditional knowledge, knowledge of indigenous peoples and local knowledge systems, with a view to integrating adaptation into relevant socioeconomic and environmental policies and actions, where appropriate”.

The reference to human rights was omitted, but the text reflects human rights concerns such as *gender-responsive, participatory and fully transparent approach* and consideration of vulnerable groups and communities.

However, recital 11 of the preamble of the Agreement brings a general instruction on human rights: “*Acknowledging* that climate change is a common concern of humankind, Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity...”.

The provision should play important role in interpretation of the Agreement. It covers all activities of the parties addressing climate change.

It is without doubt that effects of climate change and related activities of states can affect human rights, but the issue is how to articulate responsibility for human right violation? In other words, the issue is whether the relationship between climate change and human rights requires novelties in international and national mechanisms of human rights protection? Generally, standard legal concept of a human right denotes the legal relationship between a state and an individual under its territorial jurisdiction, consisting of prerogatives of individual and corresponding obligations of a state. Failures and activities of a state, related to climate change, which affect human rights of an individual under its territorial jurisdiction, are covered by standard legal concept of human rights. However, climate-related natural disasters, such as floods, storms and droughts whose frequency, severity, time and location is influenced by climate change affect various human rights of millions across the world. They are not result of failures or acts of a state, but they are a result of failures of more states to reduce greenhouse gas emissions in longer period. Such sort of human rights violation, caused by cumulative effects of failures of a number of states, is not covered by standard legal concept of human rights. In a foreword for a collection of articles under title *Human Rights and Climate Change* Mrs Mary Robinson writes: *Climate change shows up countless weaknesses in our current institutional architecture, including its human rights mechanisms*¹⁴.

On the other hand, in a few various contexts states found opportune to allow individuals to be engaged in international proceedings related to the protection of environment. These proceedings brought some novelties which can be of importance for consideration of the issue whether human rights protection can contribute to realization of the aims of the Paris Agreement¹⁵.

III. International environmental proceedings available to individuals

I will refer here to the North American Agreement on Environmental Cooperation of 14 September 1993 (hereinafter: the American Environmental Agreement), the Convention on

¹⁴ *M. Robinson*, Forward to *Human Rights and Climate Change*, Ed. S. Humphreys, Cambridge, 2010, p. XIX.

¹⁵ *S. Kravchenko*, Procedural Rights as a Crucial Tool to Combat Climate Change, in *The Georgia Journal of International and Comparative Law*, 2010, p. 614-648.

Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matter, done in Aarhus on 25 June 1998,¹⁶ (hereinafter: the Aarhus Convention) and the 1999 Protocol on Water and Health to 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes (hereinafter: the Protocol on Water and Health). All of them have established international proceedings available to individual, but due to different reasons.

The American Environmental Agreement and the North America Treaty on Free Trade¹⁷ (hereinafter: the Free Trade Agreement) entered into force on the same date, on 1 January 1994. The first was created as a supplement of the second. Asserting that Mexico had not applied its internal environmental provisions in appropriate and consistent way, American NGO-s considered that the Free Trade Agreement could have negative effects, since a part of American production of goods might be transferred to Mexico or USA authorities might decrease standards of application of domestic environmental law¹⁸. The American Environmental Agreement was concluded to provide high and equally effective legal protection of environment in all three parties, Canada, Mexico and the USA. Article 8 of the American Environmental Agreement has established the Commission for Environmental Cooperation and Articles 14 and 15 have established proceedings available to individual and NGO-s, which are by their nature fact-finding proceedings. These subjects are authorized to submit applications asserting that a State Party failed effectively to apply its internal environmental provisions. The applications have to satisfy some formal and substantial conditions. The Commission for Environmental Cooperation consists of the Secretariat, composed of independent international officers, and of the Council of high representatives of three parties. Under permission of two Governmental representatives, the Secretariat can investigate the case and by the same majority the Council may decide to publish the report of the Secretariat. The reports include statement on facts, as they are established by the Secretariat and may include views of the parties to the proceedings. In period between July 1995 and February 2016, 87 applications were submitted to the Commission for

¹⁶ Entered into force on 30 October 2001. Open for signature by state members of the Economic Commission for Europe, as well as states having consultative status with the Economic Commission for Europe by regional economic integration organizations consisting of states members of the Economic Commission for Europe and with competence over matters governed by the Convention. There are 46 parties, including the EU. United Nations, Treaty Series, vol. 2161, p. 447 (http://treaties.un.org/Pages/ViewDetails.aspx?mtdsg_no=XXVII-13&chapter=27&lang=en). Text of the Convention is available at (<http://www.unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf>).

The second Meeting of the Parties, held in Almaty on 25-27 March 2005, adopted the amendment to the Convention inserting Article 6 bis and Annex I bis on public participation in decisions on deliberate release into the environment and placing on the market of genetically modified organisms. Text is available at (<http://www.unece.org/fileadmin/DAM/env/documents/2005/pp/ece/ece.mp.pp.2005.2.add.2.e.pdf>).

For the time being, the amendment has not entered into force. An extraordinary Meeting of the Parties, held in Kiev on 21 May 2003 accepted Protocol on Pollutant Release and Transfer Registers. Text is available at (http://www.unece.org/fileadmin/DAM/env/pp/prtr/Protocol%20texts/PRTR_Protocol_e.pdf). The Protocol entered into force on 8 October 2009.

¹⁷ R. MacCallum, Evaluating the Citizen Submission Procedure Under the North American Agreement on Environmental Cooperation, in Colorado Journal of International Environmental Law and Policy no. 8/1997, p. 395.

¹⁸ K. Raustiala, International "Enforcement of Enforcement" Under North American Agreement on Environmental Cooperation, in Virginia Journal of International Law no. 36/1995-1996, p. 723.

Environmental Cooperation¹⁹ and 22 reports were published²⁰. Obviously, the proceedings are not very much pervious and the Council is not generous in giving permissions. That was criticized,²¹ but the proceedings remain alive.

The Aarhus Convention guarantees three rights in environmental matters: the right to information, the right of participation in decision-making and the right of access to internal legal proceedings. The Aarhus Convention implies the existence of the right to an adequate environment that is manifested in the three rights. The Aarhus Convention is based on the idea that environmental protection, human rights and the rule of law mutually support and reinforce each other.

The Meeting of the Parties to the Aarhus Convention is authorized by Article 15 to establish “optional arrangements of a non-confrontational, non-judicial and consultative nature for reviewing compliance with the provisions of this Convention”, which “shall allow for appropriate public involvement and may include the option of considering communications from members of the public on matters related to this Convention”. The Parties on the first their Meeting, held in Lucca from 21 to 23 October 2002, have established the Compliance Committee with competence of hearing individual communications. This solution has not been adopted since huge discussion and remarkable opposition of some Governments²². The Compliance Committee has begun to work in October 2003²³ and to August 2015 received 130 communications among which 29 were declared inadmissible²⁴. Between February 2005 and February 2016 the Compliance Committee adopted 51 findings on compliance of acts of the Parties with the provisions of the Aarhus Convention²⁵. Proceedings include written and oral phase, and oral hearing is open and NGO-s, which are not parties to the proceedings, can participate. *Earthjustice* and *Center for International Environmental Law* usually participate in discussions expressing their views on disputed issues²⁶. The proceedings are very flexible and they are guided by intent to offer a help to a Party to remedy its noncompliance with the Aarhus Convention.

Obviously inspired by positive experience of the Compliance Committee for the Aarhus Convention, the Protocol on Water and Health has foreseen similar proceedings. The Parties, on the first Meeting, held in Geneva from 17 to 19 January 2007, have established the Compliance Committee. Having been inspired by positive experience of the Compliance

¹⁹ (<http://www.cec.org/sem-submissions/all-submissions>)

²⁰ ([http://www.cec.org/sem-submissions/factual-records?title=&field_submission_date_value\[value\]=&field_submission_country_tid=All&field_submission_status_tid=All&page=2](http://www.cec.org/sem-submissions/factual-records?title=&field_submission_date_value[value]=&field_submission_country_tid=All&field_submission_status_tid=All&page=2)).

²¹ Ch. Wold, Evaluating NAFTA and the Commission for Environmental Cooperation: Lessons for Integrating Trade and Environment in Free Trade Agreements, in Saint Luis Public Law Review no. 1/2008, p. 249, f. 256; L.J. Allen, The North American Agreement on Environmental Cooperation: Has It Failed Its Promises and Potentials? An Empirical Study of Policy Effectiveness, in Colorado Journal of International Environmental Law and Policy no. 1/2012, p. 147.

²² S. Kravchenko, The Aarhus Convention and the Innovations in Compliance with Multilateral Environmental Agreements, in Colorado Journal of International Environmental Law and Policy vol. 18, no.1/2007, p. 17.

²³ V. Koester, The Compliance Committee of the Aarhus Convention, An Overview of Procedures and Jurisprudence, in Environmental Policy and Law vol. 37, no. 2-3/2007, p. 83.

²⁴ (<http://www.unece.org/ru/env/pp/pubcom.html>).

²⁵ (http://www.unece.org/fileadmin/DAM/env/pp/compliance/Compilation_of_CC_findings.pdf).

²⁶ S. Kravchenko, op. cit., p. 27.

Committee for the Aarhus Convention, the proceedings tailored in Geneva are similar, but not identical to the first. The Compliance Committee for the Protocol on Water and Health held its first meeting on 12 March 2008. Surprisingly, until February 2016 it received just one communication in 2014 and adopted its finding and recommendation concerning it in 2015²⁷.

A common feature of the presented proceedings is non-standard concept of a victim, as a condition of admissibility of communications, which exists in national and international human rights proceedings. Just a person affected by human right violation, and who has in such way become a victim, is authorized to initiate domestic²⁸ or international human rights proceedings.²⁹ The presented environmental proceedings can be initiated by individuals and NGO-s who are not affected by a failure of a party to the American Environmental Agreement to implement domestic environmental law or by a breach of the Aarhus Convention or of the Protocol on Water and Health. The other distinct characteristic of the proceedings related to the Aarhus Convention is that an individual or NGO can initiate the proceedings against a state even if they do not live on its territory.

IV. Could and should individuals find their place in compliance procedures related to the Paris Agreement?

Specific feature of the relationship between climate change and human rights, which does not fit to the standard legal concept of human rights, is manifesting primarily in the context of reduction of greenhouse gas emissions, since failures of parties to reduce greenhouse gas emissions result in further increase of global temperature and cause climate-related natural disasters affecting human rights across the world. Inuit people, who live on the ice of the Arctic regions in Greenland, Canada and Alaska, have been seriously affected by effects of climate change, but they cannot find international forum to address the state, they believed, responsible for climate change³⁰.

By Article 16 (4, a) of the Paris Agreement, the Conference of the Parties to the Climate Change Convention, serving as the meeting of the Parties to the Paris Agreement, is

²⁷ (<http://www.unece.org/environmental/protocol-on-water-and-health/cc/communications/ecempwhcc.com1.html>)

²⁸ See about public interest litigation in Bangladesh, India and Pakistan in J. Rozzaque, Linking Human Rights, Development, and Environment: Experience from Litigation in South Asia, in *Fordham Environmental Law Review*, 2006-2007, p. 587-608.

²⁹ Ch. Schall, Public Interest Litigation concerning Environmental Matters before Human Rights Courts: A Promising Future Concept?, in *Journal of Environmental Law* no. 3/2008, p. 417-453.

³⁰ See Inuit Petition Inter-American Commission On Human Rights To Oppose Climate Change Caused By The United States Of America of 7 December 2005 (<http://www.inuitcircumpolar.com/inuit-petition-inter-american-commission-on-human-rights-to-oppose-climate-change-caused-by-the-united-states-of-america.html>); M. Wagner, D.M. Goldberg, An Inuit Petition to the Inter-American Commission on Human Rights for the Dangerous Impacts of Climate Change, Earthjustice, The paper was presented at the 10th Conference of the Parties to the Framework Convention on Climate Change, Decembre 15, 2004, in Buenos Aires (http://www.ciel.org/Publications/COP10_Handout_EJCIEL.pdf); J. Gordon, Inter-American Commission on Human Rights to Hold Hearing after Rejecting Inuit Climate Change Petition (<http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1239&context=sdlp>) Inuit leader Sheila Watt-Cloutier's testimony before the Inter-American Commission on Human Rights (http://www.ciel.org/Publications/IACHR_WC_Mar07.pdf).

authorized to establish such subsidiary bodies as deemed necessary for the implementation of the Agreement. I think that a human rights advisory body would be necessary for proper implementation of the Paris Agreement, it is for its implementation in accordance with international standards of human rights. Recital 11 of the preamble of the Agreement states that “Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity...”. Consequently, individuals and NGO-s should have a right to raise the issues of compliance of climate change related actions of the parties with international human rights standards before an expert body competent to consider such issues. The proceedings might be of a non-confrontational, non-judicial and consultative nature, open for addressing one or more parties to the Paris Agreement and might result in advisory opinions. Such nature of the proceedings would be comparable with the proceeding of the Aarhus Convention and it would correspond to the nature of the Paris Agreement itself, which reckons on good faith and moral of the parties more than to strict legal obligations.

The proceedings could result in an expert opinion on facts and law and in recommendation on actions that should be done to satisfy obligation in respect of human rights. They would serve also to raise awareness on effects of climate change related actions of the parties to marginalized groups, such as indigenous peoples, local communities, environmental migrants or other people in vulnerable situations. Public opinion, awakened by such proceedings, might contribute to more efficient implementation of the Paris Agreement.

V. Concluding Remarks

Dark clouds were hanging over international horizon in 2015. It was a year of enormous refugee crisis and terrible acts of terrorism. But, at the end of the year a ray of hope has appeared – the Paris Agreement was adopted by acclamation of 196 parties to the Climate Change Convention. It came as result of awareness of rising interdependence among nations and individual in time and space and of necessity for deep reforms at national and international levels which have to be guided by principles of justice in achieving environmental and social aims: to stop the increase in the global average temperature below 2°C above pre-industrial level, to eradicate the poverty and to provide sustainable development. It will require very strong sense of solidarity and responsibility for wellbeing of others.

It is not dominant, but a trend of constitutional reform of international community by recognition of supremacy of human rights in international legal order is present at international scene. Discussion is open, for example, on how international trade, environmental matters, even decisions of the UN Security Council, affect human rights. The UN Human Rights Council explored the impact of climate change to human rights. This trend is reflected in the Paris Agreement. Recital 11 of the preamble of the Agreement instructs the parties that when taking action to address climate change, respect, promote and consider their respective obligations on human rights.

An advisory human rights body, which might be established by the Conference of the Parties, and which would be competent to consider compliance of actions of the parties addressing climate change with international standards of human rights, could contribute to

proper implementation of the Paris Agreement. The proceedings might be of a non-confrontational, non-judicial and consultative nature, open for addressing one or more parties to the Paris Agreement and might result in advisory opinions. They would overcome territorial limits of standard legal concept of human rights, allowing individuals and NGO-s to arise the issues of compliance of actions or failures of one or more parties with human rights, even if they are not located on their territories, but they are affected or might be affected by climate-related natural disasters. Such proceeding would be especially important for marginalized groups, such as indigenous peoples, local communities, environmental migrants or other people in vulnerable situations. Public opinion, created by such proceedings, might contribute to more efficient implementation of the Paris Agreement.