

<b>Institution:</b> University of Stirling		
<b>Unit of Assessment:</b> 18. Law		
<b>Title of case study:</b> Human rights and climate action: closing the accountability gap		
<b>Period when the underpinning research was undertaken:</b> 2016-2020		
<b>Details of staff conducting the underpinning research from the submitting unit:</b>		
Name(s):	Role(s) (e.g. job title):	Period(s) employed by submitting HEI:
Annalisa Savaresi	Senior Lecturer	08/2016-present
<b>Period when the claimed impact occurred:</b> 2016-Dec 2020		
<b>Is this case study continued from a case study submitted in 2014?</b> No		
<p><b>1. Summary of the impact</b></p> <p>The 2015 Paris Agreement and climate laws all over the world set out to reduce greenhouse gas emissions, but do not provide the means to hold state and corporate actors accountable for failing to deliver on their promised climate action. Savaresi's research has demonstrated that human rights law and institutions provide readily available structures to hold these actors accountable and her work has <b>underpinned major legal developments</b>. Specifically, her work has:</p> <p><b>Impact 1:</b> Equipped international NGOs with the legal tools to fight climate-related human rights abuses. Direct beneficiaries of her research include Amnesty International and 350.org.</p> <p><b>Impact 2:</b> Contributed to a decision to investigate the accountability of multinational corporate actors for the effects of climate change in the Philippines and the preliminary findings of that investigation.</p> <p><b>Impact 3:</b> Underpinned litigation and law-making practice on human rights and climate change internationally, including by the EU Parliament.</p>		
<p><b>2. Underpinning research</b></p> <p>In recent years the question of how to integrate human rights considerations into climate change law, and vice versa, has attracted the attention of national and international governmental and non-governmental organisations. This is especially so in the face of the glaring accountability gaps left by climate law at the international and national level.</p> <p>Savaresi's work is at the forefront of the body of research on how human rights and climate change law interact, clash and complement each other. She has authored <b>20 widely read and cited publications</b> on how to embed human rights considerations into climate change law. Savaresi's expertise in this area is further evidenced by frequent invitations to present her research— including by the universities of Singapore, Yale, Oxford, Geneva, the British Institute of International and Comparative Law, the European University Institute, and the LSE. Savaresi has contributed to establishing and leading global research groups in this area and since 2019 serves as Director for Europe of the <b>Global Network for the Study of Human Rights and the Environment</b> – an international network of thinkers, researchers, policymakers, opinion-formers and activists working at the interface between human rights and the environment.</p> <p><b>Since joining Stirling in 2016</b>, Savaresi has written articles, briefings and book chapters on how to integrate human rights considerations in the making and implementation of climate laws (<b>RO1-2</b>); and on the use of human rights law and remedies to bridge the climate accountability gap (<b>RO3-6</b>).</p> <p><b>RO1-2</b> exemplify Savaresi's conceptualisation of the interplay between climate change and human rights law and of the way in which human rights institutions may pragmatically address the justice questions associated with the climate emergency. Specifically, <b>RO1</b> concerns the interplay between state obligations on human rights and climate change, which provided key context to the development of new thinking on human rights-based climate litigation.</p> <p><b>RO2</b> reflects Savaresi's crucial contribution to the literature on the role of human rights in international climate change law-making. This is one of the most widely read and cited pieces on the issue. It was the most widely read piece in CCLR in 2018, which is in turn one of the most cited journals in the field. The cutting-edge nature of this work is demonstrated by the fact that Savaresi was subsequently invited to provide expert opinions and deliver keynote addresses on climate change and human rights at important international events. Amongst others, Savaresi addressed states' and international organisations' representatives at an international event</p>		

organised by the **UN Office of the High Commissioner on Human Rights at the UN Palais des Nations** (Geneva, 2019), as well members of the [European Parliament Committees on Human Rights and on Environment, Public Health and Food Safety](#) (2020). Savaresi has furthermore been invited to contribute to world-leading training programmes on human rights and climate change organised by **Amnesty International** (2020) **UNEP** (2018) and the **Geneva Academy of International Humanitarian Law and Human Rights** (2017).

**RO3-6** specifically deal with the use of human rights law and remedies to bridge the accountability gap left by climate laws at the national and international level. **RO3** is a report addressing a series of technical questions on the human rights responsibility of corporate actors for the impacts of climate change. Savaresi coordinated and authored the report, soliciting contributions from another two scholars. The report was commissioned by the Asia Pacific Forum of National Human Rights Institutions and the Global Alliance of National Human Rights Institutions, in support of a pathbreaking inquiry carried out by the Philippines Human Rights Commission on the responsibility of the world's largest fossil fuel corporations (so-called Carbon Majors including and including the likes of Shell, BP, Chevron) for the impacts of climate change (**Carbon Majors inquiry**).

**RO4 and 6** reflect Savaresi's input to the preparation of the Carbon Majors' inquiry findings and concluding recommendations. Both pieces analyse in detail a series of technical obstacles facing complaints brought against corporate actors for human rights violations associated with the impacts of climate change. **RO5** is a widely cited article analysing recent trends in human rights-based climate litigation, published as part of a pathbreaking special issue of one of the most eminent journals in the field. The special issue was co-edited by Savaresi and features articles by world leading scholars and practitioners, including the UN Special Rapporteur on Human Rights and the Environment.

### 3. References to the research

**RO1.** Savaresi, A. 'Climate Change and Human Rights: Fragmentation, Interplay and Institutional Linkages' in (Eds.) Duyck, S., Jodain, S. and Johl, A. *Routledge Handbook of Human Rights and Climate Governance* (Routledge, 2018) 31-42. DOI: [10.4324/9781315312576-3](https://doi.org/10.4324/9781315312576-3)

**RO2.** Savaresi, A., Duyck, S., Lennon, E., and Obergassel, W. 'Human Rights and the Paris Agreement's Implementation Guidelines: Opportunities to Develop a Rights-based Approach' *Carbon and Climate Law Review* 12:3 (2018) 191-202. DOI: [10.21552/cclr/2018/3/5](https://doi.org/10.21552/cclr/2018/3/5)

**RO3.** Savaresi, A., Hartmann, J. and Cismas, I. *Amicus Curiae– Human Rights and Climate Change* (2017), available online: <https://www.asiapacificforum.net/resources/amicus-brief-human-rights-and-climate-change/> (**brief coordinator and lead-author**)

**RO4.** Savaresi, A., and Hartmann, J. 'Human Rights Responsibility for the Impacts of Climate Change: Lessons from the Carbon Majors Inquiry in (Eds.) Lin, J. and Kysar, D.A. *Climate Change Litigation in Asia* (Cambridge University Press, 2020). DOI: [10.1017/9781108777810](https://doi.org/10.1017/9781108777810) (**lead-author**)

**RO5.** Savaresi, A. and Auz, J. 'Climate Change and Human Rights Litigation: Pushing the Boundaries' *Climate Law* 9:3 (2019) 244-262. DOI: [10.1163/18786561-00903006](https://doi.org/10.1163/18786561-00903006) (**lead-author**)

**RO6.** Savaresi, A. 'Human Rights Responsibility for the Impacts of Climate Change: Revisiting the Assumptions' *Onati Socio-legal Series* 11:1, <https://doi.org/10.35295/osls.iisl/0000-0000-0000-1143> Available at SSRN (2020): <https://dx.doi.org/10.2139/ssrn.3454099>

### 4. Details of the impact

In recent years the question of how to integrate human rights considerations into climate change law, and vice versa, has attracted the attention of national and international governmental and non-governmental organisations. Savaresi's research on the interplay between human rights and climate change law has had clear impact on **public policy**. Through her scholarship and the related policy outputs she has engaged with and influenced the **work of governmental and non-governmental organisations** globally, including through formal **partnerships**.

#### Impact 1: Equipping international NGOs with the legal tools to fight climate-related human rights abuses

Building on **RO4-5**, in 2019 global NGO **350.org** contracted Savaresi to coordinate a report reviewing caselaw concerning the responsibility of fossil fuel corporations for human rights abuses (**S1**). Based in the United States, 350.org is a leading international mobiliser of climate change

campaigns. 350.org was a major force behind, for example, the 2019 climate strike protests involving approximately 7,000,000 people, and supports numerous grass-roots campaigns against fossil fuel use. The report Savaresi prepared for 350.org (**S1**) highlights lessons learnt, and **outlines litigation strategies that have subsequently been used in 350.org global and local campaigns (S2.A)**. As 350.org state, the report was used to

“lay the foundations for a new programme of work, the Climate Defenders Programme, which aims to: A) support local groups and activists who face repression and threats as they campaign for climate action and justice. B) make the connection that fossil fuel companies are responsible for both abuses of human rights, and for causing climate change which in itself is a violation of human rights.” (**S2.B**)

In February 2020, Savaresi’s report was launched at the global Climate Defenders Gathering in Curitiba, Brazil – which was livestreamed to social media channels and featured a keynote address by Savaresi, alongside spokespeople from some of the case studies covered in the report – and has since been downloaded hundreds of times. According to 350.org,

“The report [S1] was used as a tool to publicly launch the Climate Defenders programme of 350.org and to establish a robust academic underpinning to the strategic planning of the Climate Defenders Programme (see 350.org/climate-defenders).” (**S2.B**)

An example of use of this report are 350.org campaigns against corporate human rights abuses in Muğla, Turkey, where coal mines and coal-fired power plants have long polluted air and water supplies (**S2.B**). The report is therefore a key resource for 350.org and stakeholders (**S2.B**).

Similarly, in 2019 **Amnesty International** commissioned Savaresi to write an evaluation of the advantages and disadvantages of using human rights arguments in climate change litigation. The study, published in August 2020, maps national and international social, political and legal developments which affect Amnesty’s work (**S3.A**). Amnesty has used this study to “move the debate forward and provide guidance for Amnesty International and other human rights practitioners” on climate change action (**S3.B**). Following this, and demonstrating the important role that **S3** helped to foster, in 2020 Amnesty International commissioned Savaresi to develop the contents of its first ever Massive Online Open Course (MOOC) on human rights and climate change. Amnesty International MOOCs are free online courses that are available to whoever wants to self-educate on a given subject matter. They are typically taken by Amnesty sympathizers and people at the grassroots level and thousands of people all over the world enrol every year. The MOOC on human rights and climate change has given Amnesty the tools to equip learners with the knowledge and skills to use human rights law as a means to demand action on climate change. The launch of the MOOC has been delayed until later in 2021, due to the global pandemic.

The **beneficiaries** of Savaresi’s research are therefore international NGOs; and the civil society seeking to integrate human rights into climate change action and to use human rights remedies to tackle climate change.

**Impact 2: Savaresi’s research and expertise contributed to a decision to investigate the accountability of multinational corporate actors for the effects of climate change in the Philippines and contributed to the breakthrough preliminary findings - that multinational corporate actors can be held accountable for the impacts of climate change.**

Savaresi provided essential technical support and expertise to the world’s first **inquiry into the responsibility of the Carbon Majors** (e.g. ExxonMobil, Shell, and BP) for human rights violations associated with the impacts of climate change. The inquiry was carried out between 2017 and 2019 by the **Philippines Human Rights Commission (PHRC)**, at the request of a group of Filipino citizens and non-governmental organisations, including Greenpeace. At UNFCCC COP25 in December 2019, the inquiry’s preliminary findings were shared with the public and the press, announcing that the PHRC had concluded that the Carbon Majors could be held legally and morally liable for harms associated with climate change (**S4.B**).

Amnesty International noted that this was,

“the first time ever that a human rights body has said that **fossil fuel corporations can be been [sic] found legally responsible for human rights harms linked to climate**

**change. ... [It] creates a major legal precedent. It opens the door for further litigation, and even criminal investigations,** that could see fossil fuel companies and other major polluters either forced to pay damages, or their officials sent to jail for harms linked to climate change". (**S4.A**)

In the words of **Greenpeace International's** Senior Legal Counsel for Strategic Litigation, Kristin Casper, Savaresi's work 'has helped create the conditions for this major legal milestone' (**S10**).

Savaresi's impact on the inquiry began in 2017, when the Asia Pacific Forum of National Human Rights Institutions and the Global Alliance of National Human Rights Institutions commissioned her to coordinate and author a technical report to support the PHRC in making sense of a series of technical and jurisdictional questions that needed to be resolved, before starting the inquiry (**RO3**). Savaresi's report **crucially informed the PHRC's decision to go ahead with the inquiry** in the first place. **Greenpeace** noted how the PHRC's decision motivating the reason why it accepted the petitioners' request to investigate the Carbon Majors relied heavily on wording lifted from Savaresi's report (**S5**), which was quoted verbatim in several passages (**S6.A**).

Savaresi subsequently continued to provide technical support to the PHRC, including by coordinating expert advice provided by scholars and practitioners from all over the worlds (**S6.B**). In the words of the **Commissioner leading the inquiry**, Roberto Cadiz, Savaresi's work has been "invaluable" in "seeing the PHRC through the process" (**S6.C**) and crucially informed the inquiry's concluding recommendations, which will be published in 2021, due to delays associated with the pandemic.

In the meantime, the PHRC's preliminary findings have already had a sizeable impact on climate litigation worldwide. Law firm Norton Rose Fulbright highlights that the combination of the PHRC's findings and the Urgenda decision (whereby Dutch courts interpreted the state's duty of care in relation to climate change in light of the rights enshrined in the European Convention on Human Rights and Fundamental Freedoms) "are likely to lead to an explosion of new claims which place human rights front and centre" of climate litigation" (**S4.C**). In January 2021, at least 85 climate litigation cases globally relied in whole or in part on human rights law, representing an increase of a third since 2019 (**S4.D**). A recent report by the London School of Economics confirms that the PHRC investigation has crucially influenced developments in climate litigation worldwide (**S4.E**).

Savaresi has furthermore contributed to **improving public understanding of the inquiry** by writing blogs and newspaper articles (**S6.D & E**), giving interviews to journalists from all over the world, and organising a global student competition and expert hearings and public events in support of the inquiry at the London School of Economics and at the University of Stirling. These events were attended by more than 400 people, with hundreds watching the live broadcast, and more than 1,000 watching the webcasts.

The **beneficiaries** of Savaresi's research are therefore the PHRC; the petitioners in the Philippines and other victims of the impacts of climate change; civil society; and the public at large.

### **Impact 3: Savaresi's work has underpinned litigation and law-making practice internationally, including by the EU Parliament.**

Savaresi's work on the Carbon Majors inquiry has been widely cited, influencing legal practice on corporate actors' human rights responsibility for climate change around the world. In 2019 a judicial case building on arguments first formulated in the Carbon Majors' inquiry was brought by Friends of the Earth Netherlands against Shell (**S7**). In 2019, the EU announced its decision to develop legislation on human rights due diligence and in July 2020 the European Parliament Subcommittee on Human Rights invited Savaresi to give evidence in the course of the legislative debate (**S8.A**), which was informed by **R01-5**. Savaresi was subsequently invited to provide input into reports compiled by the Committees of the European Parliament on the draft legislation. This led to the production of a draft European Parliament Recommendation in Sept 2020 (PE655.925) 'The effects of climate change on human rights and the role of environmental defenders on this matter' (**S8.B**). Finally, in her capacity as Global Network for Human Rights and the Environment (GNHRE) Director for Europe, in 2020 Savaresi designed and launched a highly popular webinar series on human rights strategies in climate change litigation (**S9**). The series took stock of developments in human-rights based climate litigation across the world, bringing together leading



academic experts and practitioners from all continents. The live webinars were attended by over 1000 participants and the online recordings have been watched by hundreds more.

In the words of **Greenpeace** International's Senior Legal Counsel for Strategic Litigation, Kristin Casper, Savaresi has "inspired a new generation of lawyers to consider the legal implications of climate change... This will have lasting and positive effects in the decades to come" (**S10**).

The impact and influence of Savaresi's research has resulted in the award of GBP10,000 by the British Academy in January 2021. Working in partnership with GANHRI, UNEP, and UNDP, Savaresi will organise a series of knowledge-sharing and capacity-building activities in the lead up to COP26, to support national human rights institutions in tackling climate change.

The **beneficiaries** of Savaresi's research are therefore the EU Parliament; legal professionals engaged in climate litigation; civil society; national human rights institutions; and the public at large.

### 5. Sources to corroborate the impact

- S1.** *Human Rights Abuses by Fossil Fuel Companies* (2020) prepared for 350.org (lead author): <http://stir.ac.uk/57l> Press release available at: <http://stir.ac.uk/57o>
- S2.** **A.** Testimonial from 350.org (December 2019).  
**B.** Email exchange with 350.org (April 2020).
- S3.** **A.** *The Use of Human Rights Arguments in Climate Change Litigation and its Limitations* (2020) prepared for Amnesty International Strategic Study on Human Rights and Climate Change (sole author).  
**B.** Testimonial from Amnesty International (October 2019)
- S4.** **A.** Ashfaq Khalfan, Director of Law and Policy, Amnesty International, (9 December 2019). Available online: <http://stir.ac.uk/57r>.  
**B.** Hasminah Dimaporo Paudac, 'Toppling modern-day Goliaths in the fight against climate polluters' (15 July 2020) OpenGlobalRights. Available online: <http://stir.ac.uk/5ji> & see Greenpeace website for summary of preliminary findings: <http://stir.ac.uk/5il>  
**C.** Elisa de Wit, Sonali Seneviratne, Huw Calford, 'Climate change litigation update' (Feb 2020), Norton Rose Fulbright. Available online: <http://stir.ac.uk/57u>  
**D.** Savaresi, Annalisa and Setzer, Joana, 'Mapping the Whole of the Moon: An Analysis of the Role of Human Rights in Climate Litigation' (February 18, 2021). Available at SSRN: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3787963](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3787963)  
**E.** Setzer J and Byrnes R (2020) 'Global trends in climate change litigation: 2020 Snapshot'. London School of Economics and Political Science. Available online: <http://stir.ac.uk/57i>
- S5.** Email exchange with Greenpeace (December 2017).
- S6.** **A.** Transcript of the decision by the Philippines Human Rights Commission (December 2017).  
**B.** *Summary of Amici Expert Contributions Regarding the Human Rights Impacts of Climate Change* (2018) prepared for the Philippines Human Rights Commission and published by the Centre for International Environmental Law (lead author).  
**C.** Interview with Commissioner Cadiz (April 2019) (PHRC).  
**D.** 'The Philippines Human Rights Commission and the 'Carbon Majors' Petition' *EJIL Talk* (2017) (with I. Cismas and J. Hartmann) (lead author).  
**E.** 'The Philippines holds world's biggest corporations to account on climate change' *The Independent* [2018] (with I. Cismas and J. Hartmann) (lead author).
- S7.** Friends of the Earth Netherlands, 'The Climate Case against Shell' <http://stir.ac.uk/57x> (accessed 08 Feb 2021).
- S8.** **A.** European Parliament Subcommittee on Human Rights (3 July 2020), Minutes (DROI\_PV(2020)0703\_1) <http://stir.ac.uk/586> and video of Savaresi giving evidence: <http://stir.ac.uk/58c>  
**B.** Draft report on the effects of climate change on human rights and the role of environmental defenders on this matter (2020/2134(INI) (PE655.925).
- S9.** Savaresi, 'Webinar series: Human Rights Strategies in Climate Change Litigation' (June 2020) Available at: <http://stir.ac.uk/583> and <http://stir.ac.uk/58f>
- S10.** Testimonial from Kristin Casper (October 2019) (Greenpeace).