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Human Rights and the Paris Agreement: A Two-Way Street

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Abstract

This article examines the evolving relationship between the Paris Agreement and human rights law, focusing on the interaction between these two regimes. It argues that human rights norms increasingly inform the interpretation, enforcement and implementation of the climate regime, while the Paris Agreement functions as an interpretive, evidentiary and accountability framework within human rights law and practice. The article analyses how human rights considerations have been

incorporated into the Paris Agreement through its preamble, operational provisions and subsequent treaty body practice, particularly in areas concerning participation, transparency, safeguards and just transition. It further examines how courts and other human rights oversight mechanisms have relied on the Paris Agreement's temperature goals, governance structures, reporting mechanisms and mitigation pathways when assessing states' obligations. Drawing on text analysis and institutional and judicial practice, the article assesses the interaction between the climate and human rights regimes. It argues that cross-fertilisation between the two regimes remains partial, selective and contested, reflecting continuing tensions concerning accountability, institutional competence, state sovereignty and the limits of adjudication. The article concludes that the relationship between the Paris Agreement and human rights law is best understood as an evolving process of reciprocal interpretive and institutional reinforcement.

Keywords

Paris Agreement – human rights law – climate governance – climate litigation – institutional interaction

1 Introduction

With ever more frequent extreme weather events and forced displacement, the human rights dimensions of climate change have become increasingly visible, threatening the enjoyment of the full gamut of human rights, including those to life, health, housing, water, food, and culture, especially for marginalised and vulnerable groups.¹ In this context, the trajectories of climate change and human rights law have intertwined in a two-way street relationship. As the International Court of Justice (ICJ) put it in its landmark 2025 Advisory Opinion, 'States must (...) take their obligations under international human rights law into account when implementing their obligations under the climate change treaties (...), just as they must take their obligations

¹ Intergovernmental Panel on Climate Change (IPCC), Sixth Assessment Report, Working Group II: Climate Change 2022: Impacts, Adaptation and Vulnerability – Summary for Policymakers (2023) 5-7; and United Nations High Commissioner for Refugees (UNHCR), No Escape: On the Frontlines of Climate Change, Conflict and Forced Displacement (2024), 6-9.

under the climate change treaties (...) into account when implementing their human rights obligations.²

The 2015 Paris Agreement³ is a central locus for this intersection. Since its adoption, human rights considerations have progressively permeated the implementation of the climate regime, while human rights institutions have relied on the Agreement in assessing state and corporate obligations and responsibilities.

Scholarly work to map this terrain has long begun. This literature argues that human rights governance instruments – such as reporting, accountability mechanisms, and interpretative guidance – can and should be mobilised in the implementation of the Paris Agreement.⁴ Much literature further suggests that embedding human rights into climate governance is not a luxury, but a structural necessity to secure equitable, inclusive, and effective climate action.⁵ Building on this normative optimism, the present article acknowledges that human rights already serve a ‘gap-filling’ function, offering accountability where the climate regime remains comparatively weak and enforcement options are limited.⁶ Yet, the practice of implementation also points to significant limits in applying human rights law to the global, diffuse, and long-term nature of climate change. While human rights arguments can and are increasingly advanced, they run into deep obstacles due to

2 *Obligations of States in respect of Climate Change* (Advisory Opinion, International Court of Justice, 23 July 2025) I.C.J. Reports 2025, 404.

3 Paris Agreement (adopted 12 December 2015, entered into force 4 November 2016) 3156 UNTS 79.

4 Most saliently, Sébastien Duyck, Erika Lennon, Wolfgang Obergassel and Annalisa Savaresi, ‘Human Rights and the Paris Agreement’s Implementation Guidelines: Opportunities to Develop a Rights-Based Approach’ (2018) 12 *Carbon & Climate LR* 191; Annalisa Savaresi and Joanne Scott, ‘Implementing the Paris Agreement: Lessons from the Global Human Rights Regime’ (2019) 9 *Climate Law* 159; Margaretha Wewerinke-Singh, *State Responsibility, Climate Change and Human Rights under International Law* (Hart Publishing 2019).

5 Notably, John H Knox, ‘Climate Ethics and Human Rights’ (2014) 5 *Journal of Human Rights and the Environment* 22; John H Knox, ‘Human Rights Principles and Climate Change’ *Oxford Handbooks in International Climate Change Law* (Oxford University Press 2016); Sébastien Jodoin, Annalisa Savaresi and Margaretha Wewerinke-Singh, ‘Rights-Based Approaches to Climate Decision-Making’ (2021) 52 *Current Opinion in Environmental Sustainability* 45; and Margaretha Wewerinke-Singh and Curtis Doebbler, ‘Protecting Human Health from Climate Change: Legal Obligations and Avenues of Redress under International Law’ (2022) 19(9) *Int J Environ Res Public Health* 5386.

6 For this conceptualisation, see also Annalisa Savaresi and Juan Auz, ‘Climate Change Litigation and Human Rights: Pushing the Boundaries’ (2019) 9 *Climate Law* 244; Annalisa Savaresi, ‘Human Rights and the Impacts of Climate Change: Revisiting the Assumptions’ (2021) 11 *Oñati Socio-Legal Series* 231.

fundamental tensions between human rights law's inherently relational approach (between individuals/communities and states), and climate change's global externalities.⁷

Amidst this burgeoning body of scholarship, literature often remains unidirectional: either examining how human rights can strengthen climate governance,⁸ or how climate change can be litigated through human rights law.⁹ Less attention has been paid to the reciprocal institutional interaction between the Paris Agreement and human rights law, and to the ways in which each regime shapes the interpretation, enforcement and implementation of obligations within the other.¹⁰

- 7 See for example the complexities evidenced in Benoit Mayer, 'Climate Change Mitigation as an Obligation under Human Rights Treaties?' (2021) 115(3) *American Journal of International Law* 409; Vincent Bellinkx, Deborah Casalin, Gamze Erdem Türkelli, Werner Scholtz and Wouter Vandenhoe, 'Addressing Climate Change through International Human Rights Law: From (Extra)Territoriality to Common Concern of Humankind' (2022) 11(1) *Transnational Environmental Law* 69; Riccardo Luporini and Annalisa Savaresi, 'International Human Rights Bodies and Climate Litigation: Don't Look Up?' (2023) 32 *RECIEL*; Jacques Hartmann and Annalisa Savaresi, 'Corporate Actors and Climate Harms: The Role of Human Rights Law', in de Jong (ed), *Corporate Accountability and Liability for Climate Change* (Edward Elgar 2024); and Corina Heri, 'Too Big to Remedy? What Climate Cases Tell Us About the Remedial Role of Human Rights' (2024) 5(3) *European Convention on Human Rights Law Review* 400.
- 8 See for example John H Knox, 'Climate Change and Human Rights Law' (2009) 50 *Virginia Journal of International Law* 163; John H Knox, 'Linking Human Rights and Climate Change at the United Nations' (2009) 33 *Harvard Environmental Law Review* 477; Stephen Humphreys, *Human Rights and Climate Change* (Cambridge University Press 2010); Benoit Mayer, 'Human Rights in the Paris Agreement' (2016) 6 *Climate Law* 109; and Linnéa Nordlander, 'What's in a Right? Concretizing States' Climate Change Mitigation Obligations under Human Rights Law' (2024) 24 *Human Rights Law Review* 1.
- 9 See for example Jacqueline Peel and Hari M Osofsky, 'A Rights Turn in Climate Change Litigation?' (2018) 7 *Transnational Environmental Law* 37; Annalisa Savaresi and Joana Setzer, 'Rights-Based Litigation in the Climate Emergency: Mapping the Landscape and New Knowledge Frontiers' (2022) 13 *Journal of Human Rights and the Environment* 7; and the contributions to the volume César Rodríguez-Garavito (ed), *Litigating the Climate Emergency: How Human Rights, Courts, and Legal Mobilization Can Bolster Climate Action* (CUP 2022).
- 10 Earlier scholarly reflections on this issue largely predate the implementation of the Paris Agreement. See Annalisa Savaresi, 'Climate Change and Human Rights: Fragmentation, Interplay and Institutional Linkages' in Duyck, Jodoin and Johl (eds), *Routledge Handbook of Human Rights and Climate Governance* (Routledge 2018); Alan Boyle, 'Climate Change, the Paris Agreement and Human Rights' (2018) 67 *International & Comparative Law Quarterly* 759; Sam Adelman, 'Human Rights in the Paris Agreement: Too Little, Too Late?' (2018) 7(1) *Transnational Environmental Law* 17; Lavanya Rajamani, 'Integrating Human Rights in the Paris Climate Architecture: Contest, Context, and Consequence' (2019) 9(3)

The 10th anniversary of the Paris Agreement offers an opportunity to assess both whether human rights have meaningfully shaped the implementation of the climate regime and how the Agreement, in turn, has been invoked in human rights law and practice. These questions are significant for accountability and coherence across the two regimes. They also raise broader concerns about whether the interaction between climate and human rights law enhances fairness and oversight or instead risks fragmentation and institutional overreach.

This article therefore examines the reciprocal relationship between the Paris Agreement and human rights law. It argues that the interaction between the climate and human rights regimes is increasingly characterised by mutual supportiveness: human rights norms progressively inform the interpretation and implementation of the Paris Agreement, while the Agreement itself serves as an interpretive benchmark in human rights law and practice. Yet this relationship remains uneven and contested. The article assesses both the synergies and the limits of this evolving interaction, with particular attention to accountability, institutional competence, and legal coherence.

The article adopts a doctrinal legal methodology combining treaty interpretation, analysis of treaty body decisions and broader institutional practice under the climate and human rights regimes. Section 2 examines how human rights norms have been incorporated into the Paris Agreement and its institutional practice, focusing on the treaty's text and its treaty body decisions. Section 3 analyses how the Paris Agreement has been mobilised within human rights law and practice, including climate litigation, advisory opinions, treaty-body outputs, and other oversight mechanisms. Section 4 then evaluates the broader institutional interaction between the two regimes, considering both the potential of this interplay and its structural and normative limits. Section 5 concludes by reflecting on the implications of this evolving relationship for climate governance, human rights protection, and future legal developments.

2 Human Rights in the Paris Agreement

Since the adoption of the Paris Agreement, human rights language has appeared not only in the Agreement's preamble, but also in treaty body decisions addressing multiple areas of implementation, including

Climate Law 180; and John H Knox, 'Bringing Human Rights to Bear on Climate Change' (2019) 9(3) *Climate Law* 165.

participation, transparency, safeguards, adaptation and just transition processes. This section examines how human rights norms have been incorporated into the interpretation and implementation of the Paris Agreement and broader climate regime practice. It argues that the significance of this integration lies not in the creation of new autonomous human rights obligations but in the progressive development of interpretive guidance, procedural safeguards and normative expectations concerning human rights-consistent climate action. At the same time, this integration remains uneven and politically contingent, particularly in relation to core mitigation obligations and questions of climate justice.

2.1 *The Paris Agreement's Text*

The Paris Agreement marked an important moment in the evolving relationship between international climate and human rights law. Its eleventh preambular paragraph provides that Parties should, when taking action to address climate change, 'respect, promote and consider' their respective obligations concerning human rights, together with the rights of specific groups and principles including gender equality and intergenerational equity.¹¹ This language was unprecedented in the context of multilateral environmental agreements and reflected sustained advocacy by climate-vulnerable states, civil society organisations, Indigenous groups, and human rights institutions during the negotiations.¹² By the time of the Agreement's adoption, the relationship between climate change and human rights had already been established, including through a series of Human Rights Council resolutions.¹³ The Agreement's preambular text reflects this evolution and emerged through significant political compromise,¹⁴ as attempts to include stronger and more

¹¹ Paris Agreement (n 3) Preamble.

¹² See the drafting history summarised in Annalisa Savaresi and Jacques Hartmann, 'Human Rights in the 2015 Agreement' (Legal Response Initiative 2015) https://legalresponse.org/wp-content/uploads/2015/05/LRI_human-rights_2015-Agreement.pdf, accessed 19 May 2026; Lavanya Rajamani, 'Human Rights in the Climate Change Regime: From Rio to Paris and Beyond' in John H Knox and Ramin Pejan (eds), *The Human Right to a Healthy Environment* (Cambridge University Press 2018) 236; and Savaresi (n 10) 37.

¹³ Most saliently, UN Human Rights Council, 'Human Rights and Climate Change' Res 7/23 (28 March 2008) UN Doc A/HRC/RES/7/23; UN Human Rights Council, 'Human Rights and Climate Change' Res 10/4 (25 March 2009) UN Doc A/HRC/RES/10/4; UN Human Rights Council, 'Human Rights and Climate Change' Res 18/22 (30 September 2011) UN Doc A/HRC/RES/18/22; UN Human Rights Council, Human Rights and Climate Change, Res 26/27, UN Doc A/HRC/RES/26/27 (27 June 2014); UN Human Rights Council, Human Rights and Climate Change, Res 29/15, UN Doc A/HRC/RES/29/15 (2 July 2015).

¹⁴ Mayer (n 8) 110; and Savaresi (n 10) 18.

operational human rights language met resistance from Parties concerned about the legal implications of incorporating such references into operative provisions.¹⁵

Even the legal significance of this text has remained contested. Because it appears in the Agreement's preamble rather than its operative clauses, this reference does not itself create autonomous or directly enforceable human rights obligations.¹⁶

Yet dismissing this preambular reference as merely rhetorical would understate its interpretive significance. Pursuant to Article 31 of the Vienna Convention on the Law of Treaties,¹⁷ preambles form part of the context for treaty interpretation. The Paris Agreement preamble therefore provides interpretive guidance regarding how Parties should implement and understand their obligations. As noted also by the ICJ,¹⁸ this reference promotes systemic integration by signalling that Parties' obligations under the Paris Agreement should, where possible, be interpreted consistently with existing human rights obligations. The significance of the preamble consequently lies not in the creation of new obligations but in shaping the normative context within which existing obligations are interpreted and operationalised.

The Paris Agreement's operational provisions also indirectly reflect several elements closely associated with human rights law practice. For example, Article 12 on Action for Climate Empowerment emphasises education, public awareness, participation and access to information, while Article 13 establishes an enhanced transparency framework centred on reporting, review and disclosure obligations. Although neither provision expressly refers to human rights, both reflect procedural guarantees long associated with environmental human rights, including participatory decision-making and access to information.¹⁹ As a result, while some procedural guarantees have become operationalised within the climate regime, substantive questions concerning prevention and reparation continue to remain politically contested.

¹⁵ As reported in Savaresi and Hartmann (n 12); and Rajamani (n 12).

¹⁶ Benoit Mayer, "Is the Paris Agreement a human rights treaty?" in Alexander Zahar (ed), *Research Handbook on the Law of the Paris Agreement* (Edward Elgar, 2024), 215–239.

¹⁷ *Vienna Convention on the Law of Treaties* (adopted 23 May 1969, entered into force 27 January 1980) 1155 UNTS 331, art 31.2.

¹⁸ *Obligations of States in respect of Climate Change* (n 2) 404. See also Savaresi (n 10) 18.

¹⁹ See Duyck et al (n 4) 193.

2.2 *Treaty Body Decisions*

The legal significance of the Paris Agreement's preambular reference to human rights is best understood through the subsequent institutional practice of decisions of the UNFCCC Conference of the Parties (COP) and the Paris Agreement's Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA). As confirmed by the ICJ, these decisions are the lifeblood of the climate regime, filling the open-textured obligations in the climate treaties with normative content.²⁰ Human rights language had already begun to cautiously appear in UNFCCC treaty bodies' decisions before the adoption of the Paris Agreement.²¹ After its adoption, however, human rights language has increasingly featured in the institutional practice of the climate regime across multiple areas of implementation.

COP23 decisions establishing the Gender Action Plan and the Local Communities and Indigenous Peoples Platform incorporated explicit references to human rights, participation and Indigenous knowledge systems.²² At this initial stage, human rights language remained limited to specific thematic workstreams with evident implications concerning the rights of Indigenous Peoples and the rights of women.

In subsequent years the use of human rights language in treaty body decisions expanded steadily, both in breadth and depth, to encompass nearly every major area of implementation of the Paris Agreement. Decisions adopted under the Paris Committee on Capacity-building, for example, routinely refer to 'cross-cutting matters including human rights', thereby framing rights considerations as relevant to implementation more generally.²³ Similarly, decisions relating to adaptation,²⁴ loss and damage finance,²⁵ just

²⁰ *Obligations of States in respect of Climate Change* (n 2) 184.

²¹ See for example Annalisa Savaresi, 'The Human Rights Dimension of REDD' (2012) 21 *RECIEL* 102.

²² See Decision 2/CP.23 ('Gender Action Plan') FCCC/CP/2017/11/Add.1 (18 November 2017) preamble; and UNFCCC, Decision 3/CP.23 ('Establishment of a Local Communities and Indigenous Peoples Platform') FCCC/CP/2017/11/Add.1 (18 November 2017) preamble.

²³ See e.g. Decision 19/CP.27 ('Annual technical progress report of the Paris Committee on Capacity-building for 2022') FCCC/CP/2022/10/Add.2 (17 November 2022) 7; Decision 13/CP.29 ('Annual technical progress report of the Paris Committee on Capacity-building for 2024') FCCC/CP/2024/11/Add.2 (18 November 2024) 7.

²⁴ Decision 3/CMA.6 ('Global goal on adaptation') (Addendum to the Report of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement on its sixth session) FCCC/PA/CMA/2024/17/Add.1 (27 March 2025) 21.

²⁵ Decision 1/CP.28 ('Operationalization of the new funding arrangements, including a fund, for responding to loss and damage referred to in paragraphs 23 of decisions 2/CP.27 and 2/

transition²⁶ and the Global Stocktake²⁷ progressively incorporated references to human rights, participation, vulnerable groups, gender equality and Indigenous Peoples.

The clearest examples of operationalisation are found in the context of cooperative approaches under Article 6 of the Paris Agreement. Article 6 activities often involve projects with potentially significant social and environmental implications, including land-use change and carbon-market activities affecting local communities. The safeguards developed under Articles 6(2), 6(4) and 6(8) accordingly include explicit references to the Paris Agreement's human rights preamble.²⁸ In particular, Article 6(4)'s Sustainable Development Tool requires project proponents to assess alignment with specific human rights and social criteria, including rights relating to land, livelihoods, participation and free, prior and informed consent for Indigenous Peoples.²⁹

These developments are significant because they move beyond purely symbolic recognition towards forms of procedural and, in some contexts, substantive human rights guarantees. Human rights language here functions not merely as political rhetoric but as part of the normative framework through which climate action is assessed and implemented. In areas such as Article 6 safeguards, adaptation planning and just transition processes, human rights considerations now help shape expectations concerning participation, transparency, inclusion and the avoidance of harm.

At the same time, this operationalisation remains uneven and politically contingent. Human rights references are considerably more developed in

CMA.4') (Addendum to the Report of the Conference of the Parties on its twenty-eighth session) FCCC/CP/2023/11/Add.1 (March 2024), Preamble.

26 Decision 3/CMA.5: United Arab Emirates Just Transition Work Programme (FCCC/PA/CMA/2023/16/Add.1 (15 March 2024)), preamble and 2.

27 Decision 1/CMA.5 ('Outcome of the first Global Stocktake') (Addendum to the Report of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement on its fifth session) FCCC/PA/CMA/2023/16/Add.1 (15 March 2024) preamble and 178.

28 UNFCCC, *Tool: Article 6.4 Sustainable Development Tool* (A6.4TOOLAC001, ver 01.1, Article 6.4 Supervisory Body, 11 Feb 2025); Decision 2/CMA.3 ('Guidance on Cooperative Approaches Referred to in Article 6(2) of the Paris Agreement') FCCC/PA/CMA/2021/10/Add.1 (13 November 2021) preamble (with safeguards reflected in the operative guidance), 19 and 22, and Annex; and Decision 3/CMA.3 ('Rules, Modalities and Procedures for the Mechanism Established by Article 6(4) of the Paris Agreement') FCCC/PA/CMA/2021/10/Add.2 (13 November 2021) preamble and operative safeguards, Annex 24.

29 Decision 4/CMA.3 ('Work Programme under the Framework for Non-Market Approaches Referred to in Article 6(8) of the Paris Agreement') FCCC/PA/CMA/2021/10/Add.3 (13 November 2021) preamble and 3 of the Annex.

relation to procedural safeguards than in relation to core mitigation obligations. The Paris Agreement's Rulebook, for example, avoided explicit incorporation of human rights language into the Agreement's core obligations concerning Nationally Determined Contributions (NDCs)³⁰ and compliance mechanisms.³¹ Although catch-all terms like 'other contextual aspirations and priorities' could be interpreted to reference the Preamble and its human rights language,³² explicit references remained conspicuously absent. So even though the practice of implementation of the Paris Agreement has accommodated some human rights considerations in discrete areas, Parties have generally resisted efforts to use human rights language to frame enforceable obligations concerning mitigation, ambition and loss and damage reparations.

2.3 *From Symbolic Recognition to Mainstreaming?*

The review of institutional practice in this section points to a gradual and uneven process of normative integration of human rights language within the climate regime. Human rights considerations admittedly shape the interpretation and implementation of the Paris Agreement, particularly in areas concerning participation, transparency and safeguards. Yet this integration remains selective and politically contingent. Explicit human rights obligations continue to be resisted in relation to mitigation, the content of NDCs³³ and of Parties' 'fair share' of the global carbon budget.³⁴ These matters remain politically sensitive, particularly where they might constrain state discretion concerning emissions reductions, finance or burden-sharing. As a result, many references to human rights within the climate regime are framed in facilitative, aspirational or procedural terms, rather than as directly enforceable obligations.

While the Paris Agreement *ex se* does not create new human rights obligations,³⁵ its preambular reference and the repeated use of language in

³⁰ As already suggested in Duyck and others (n 4).

³¹ See e.g. Duyck and others (n 4) and Savaresi and Scott (n 4).

³² United Nations Framework Convention on Climate Change, *Decision 4/CMA.1: Further guidance in relation to the mitigation section of decision 1/CP.21* (Addendum to FCCC/PA/CMA/2018/3, Annex I) para 4(a)(ii)(c).

³³ As already suggested in Duyck and others (n 4).

³⁴ On the notion of fair share, see Lavanya Rajamani and others, 'National "Fair Shares" in Reducing Greenhouse Gas Emissions within the Principled Framework of International Environmental Law' (2021) 21(8) *Climate Policy* 983; and Dennis van Berkel and others, 'Quantifying Fair Share Carbon Budgets' *Verfassungsblog* (2024).

³⁵ See, by contrast, the interpretation of the Brazilian Federal Supreme Court (*PSB et al. v. Brazil*, case ADPF 708, decision of 4 July 2022).

treaty body decisions establish normative expectations that climate action should be compatible with human rights. Since 2015, this practice has steadily expanded, and the Paris Agreement's Preamble has been invoked as a guiding reference in COP and CMA guidance. This use of human rights language indicates a cautious movement toward a rights-based implementation of the climate regime. In practice, however, national authorities and human rights bodies are left to drive and oversee this integration process.

3 The Paris Agreement in Human Rights Law and Practice

Just as human rights norms have progressively informed the interpretation and implementation of the Paris Agreement, the Agreement itself has become an important interpretive reference point within human rights law and practice. Since 2015, domestic and regional courts, UN and other human rights oversight mechanisms have relied upon the Paris Agreement when assessing the implementation of state obligations.³⁶ The Agreement has thereby begun to function not merely as a framework for international climate cooperation, but also as a benchmark against which the adequacy of state conduct is evaluated within human rights law. This section examines how the Paris Agreement has been mobilised within human rights practice. It shows that the Paris Agreement now operates as an interpretive benchmark for assessing the adequacy of climate action; as evidence of normative and scientific consensus concerning climate risks and mitigation pathways; and a procedural framework informing accountability, transparency and due diligence. At the same time, the section demonstrates that this interaction remains uneven and constrained by longstanding doctrinal and institutional limits within human rights law.

3.1 *The Paris Agreement as an Interpretive Benchmark*

Since the adoption of the Paris Agreement, courts and tribunals have increasingly interpreted human rights obligations in light of obligations and temperature goals established under the climate regime. In this context, the Paris Agreement has emerged not only as relevant context, but as a normative benchmark through which courts assess the adequacy of state and corporate climate action.

³⁶ See the review in Savaresi and Setzer (n 9); Pau de Vilchez and Annalisa Savaresi, 'The Right to a Healthy Environment and Climate Litigation: A Game Changer?' (2021) 32 *Yearbook of International Environmental Law* 3; and Luporini and Savaresi (n 7).

One of the clearest examples of this practice are the *Urgenda* judgements issued by the Dutch courts.³⁷ Although grounded primarily in Articles 2 (the right to life) and 8 (the right to respect for private and family life) of the European Convention on Human Rights (ECHR),³⁸ the judgments relied extensively upon climate science and the international climate regime in determining the scope of the state's obligations. The courts treated internationally agreed mitigation pathways and scientific consensus as relevant in assessing whether the state had acted with sufficient diligence to protect human rights threatened by climate change.

This interpretive approach was further developed by the European Court of Human Rights (ECtHR) in *Verein KlimaSeniorinnen Schweiz and Others v Switzerland*.³⁹ In assessing whether Switzerland had complied with its obligations under Article 8 ECHR, the Court examined whether domestic authorities had adopted appropriate mitigation targets, established intermediary reduction pathways, updated measures in light of the best available science and acted consistently and in a timely manner.⁴⁰ Although the Court stopped short of directly enforcing the Paris Agreement itself, its reasoning relied heavily upon the Agreement's architecture and objectives, particularly the relationship between national mitigation measures and global temperature goals.

The Paris Agreement has also functioned as evidence of international normative consensus concerning the seriousness of climate risks and the necessity of mitigation action. In *KlimaSeniorinnen*, for example, the ECtHR referred to the Paris Agreement as evidence of consensus requiring engagement with 'the critical effects of climate change on the enjoyment of human rights.'⁴¹ Similarly, in *Neubauer*, the German Federal Constitutional Court referred to the state's obligations under the Paris Agreement when assessing whether Germany's climate legislation protected intergenerational rights and

37 *The State of the Netherlands v Stichting Urgenda*, Court of Appeal of The Hague, 9 October 2018, Case 200.178.245/01, ECLI:NL: GHDHA:2018:2591; *The State of the Netherlands v Stichting Urgenda*, Supreme Court of the Netherlands, 20 December 2019, ECLI:NL:HR:2019: 2007.

38 European Convention on Human Rights (ECHR) (adopted 4 November 1950, entered into force 3 September 1953) ETS 5.

39 *Verein KlimaSeniorinnen Schweiz and Others v Switzerland* App no 53600/20 (ECtHR, 9 April 2024) ('*KlimaSeniorinnen*').

40 *ibid*, 550.

41 *ibid*, 456.

freedoms in line the Constitution.⁴² Comparable reliance upon the Agreement can also be found in French judgements such as *Grande-Synthe*⁴³ and *Notre Affaire à Tous*⁴⁴.

This emerging practice has been authoritatively corroborated by the ICJ's 2025 Advisory Opinion, which identified both human rights law and the climate treaties among the 'most directly relevant applicable law' concerning climate change.⁴⁵ The Court further recognised the 1.5°C temperature goal as the Paris Agreement Parties' agreed benchmark for limiting global temperature increase.⁴⁶ This conclusion was reached not solely through textual interpretation of the Agreement itself, but also through reliance upon subsequent COP and CMA decisions.⁴⁷ The Advisory Opinion therefore reflects a particularly clear example of mutually supportive interpretation of climate and human rights law.

Although the Paris Agreement is a treaty between states, its temperature goals and underlying objectives have nevertheless played a significant role in litigation involving corporate actors. In *Milieudefensie v Royal Dutch Shell*,⁴⁸ for example, the applicants relied upon both human rights norms and the Paris Agreement to frame the respondent company's duties of care concerning emissions reductions. This and similar cases illustrate the growing role of the Paris Agreement as a normative reference point in assessing the conduct of non-state actors.

3.2 *The Climate Regime's Mechanisms as Backdrops for Human Rights Oversight*

The Paris Agreement's NDC, transparency, and Global Stocktake mechanisms increasingly serve as backdrops for human rights oversight.

Firstly, states' obligations concerning the preparation, communication and maintenance of NDCs have been used to formulate human rights-based

42 Bundesverfassungsgericht (German Federal Constitutional Court), *Neubauer et al v Germany* (24 March 2021) BVerfG, Case No BvR 2656/18 (joined BvR 78/20, BvR 96/20, BvR 288/20)115.

43 Conseil d'État, *Grande-Synthe v France* (Case No 427301, ECLI:FR:CECHR:2020:427301.20201119, 19 November 2020) 12.

44 Tribunal administratif de Paris, *Notre Affaire à Tous and Others v France* (Case No 2321828/41, 22 December 2023) 21.

45 *Obligations of States in respect of Climate Change*, 121 and 145.

46 *ibid*, 224.

47 *ibid*, 185, 195 and 224.

48 The Hague District Court (Rechtbank Den Haag), *Milieudefensie & Others v Royal Dutch Shell plc* ECLI:NL:RBDHA:2021:5339 (26 May 2021) ('Milieudefensie').

arguments in litigation.⁴⁹ For example, in *Do-Hyun Kim and Others v South Korea*, South Korea's Constitutional Court declared domestic legislation implementing the country's NDC unconstitutional, noting failures to set interim targets and guarantee progressive goals.⁵⁰ Other domestic courts have similarly relied on the Paris Agreement in reviewing and rejecting their government's mitigation targets.⁵¹ These cases show how the Agreement's transparency arrangements provide significant information on human-rights-related impacts, as well as on states' alignment with social and environmental safeguards and adaptation obligations. These mechanisms can therefore strengthen accountability and support the implementation and enforcement of human rights law.⁵²

Secondly, the Global Stocktake provides an opportunity to engage with the human rights impacts of climate change. The 2023 Global Stocktake was preceded by numerous, although not entirely successful, calls from state and non-state actors to integrate human rights considerations into the process.⁵³ The Stocktake outcomes can, in turn, underscore the inadequacy of existing state action. For example, the ICJ referred to the 2023 Stocktake's findings to conclude that the content of NDCs is not purely discretionary, but reviewable against the overall temperature goal enshrined in the Paris Agreement.⁵⁴

3.3 *Beyond Litigation: The Paris Agreement in Human Rights Oversight and Institutional Practice*

The interaction between the Paris Agreement and human rights law extends well beyond litigation. Human rights treaty bodies, special procedures, and

49 Paris Agreement (n 3) art 4.

50 Constitutional Court of South Korea, *Do-Hyun Kim and Others v South Korea*, judgment of 29 August 2024, as discussed in Buhm-Suk Baek and Hosung Ahn, '2020Hun-Ma389, 2021Hun-Ma1264, 2022Hun-Ma854, 2023Hun-Ma846 (Consolidated)' (2025) 119(1) *AJIL* 141.

51 *VZW Klimaatzaak v Kingdom of Belgium & Others* (Brussels Court of Appeal, 30 November 2023, Case No 2021/AR/1589).

52 See e.g. Knox (n 10) 167; Duyck (n 4), 197–198.

53 UNFCCC Secretariat, '2023 Synthesis report on GST elements: Views on the elements for the consideration of outputs component of the first Global Stocktake (Synthesis report by the secretariat)' (4 October 2023), available at <https://unfccc.int/sites/default/files/resource/SYR_Views%20on%20%20Elements%20for%20CoO.pdf> accessed 21 May 2026; UNFCCC Subsidiary Body for Scientific and Technological Advice and Subsidiary Body for Implementation, 'Technical dialogue of the first Global Stocktake: Synthesis report by the co-facilitators on the technical dialogue', FCCC/SB/2023/9 (8 September 2023).

54 *Obligations of States in respect of Climate Change* (n 2), 243, citing Decision 1/CMA.5 (n 30) 2.

monitoring mechanisms increasingly rely upon the Agreement when interpreting states' obligations.

Well before the establishment of a Special Mandate on human rights and climate change,⁵⁵ the Committee on the Elimination of Discrimination against Women recognised that climate change and disasters have disproportionate impacts on women and girls, and called on States to adopt gender-responsive climate and disaster risk reduction measures that protect women's rights and ensure their participation in decision-making.⁵⁶ Similarly, the Committee on Economic, Social and Cultural Rights recognised that climate change threatens the enjoyment of economic, social and cultural rights, and called on states to adopt rights-based climate mitigation and adaptation measures that protect vulnerable groups.⁵⁷

Special Rapporteurs and other UN mandate holders have increasingly framed climate change related concerns through the lens of both human rights and climate law.⁵⁸ Reports concerning the right to food,⁵⁹ the right to water and sanitation⁶⁰ and the right to life⁶¹ routinely refer to the inadequacy of current mitigation pathways and the need for climate action consistent

55 See the review of practice in Annalisa Savaresi, 'UN Human Rights Bodies and the UN Special Rapporteur on the Promotion and Protection of Human Rights in the Context of Climate Change: All Hands-on Deck' (2023) 4 Yearbook of International Disaster Law 396.

56 Committee on the Elimination of Discrimination against Women, General Recommendation No 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, UN Doc CEDAW/C/GC/37 (13 March 2018).

57 Committee on Economic, Social and Cultural Rights, Statement on climate change and the International Covenant on Economic, Social and Cultural Rights, UN Doc E/C.12/2018/1 (2018).

58 Eg Special Rapporteur on Human Rights and the Environment, *Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment: Climate Change and Human Rights*, UN Doc A/HRC/32/23 (26 July 2016); Special Rapporteur on Human Rights and the Environment, *Safe Climate: A Report of the Special Rapporteur on Human Rights and the Environment*, UN Doc A/74/161 (2 October 2019). See also the reports by the special mandate holders on human rights and climate change: <<https://www.ohchr.org/en/specialprocedures/sr-climate-change>> accessed 19 May 2026.

59 Human Rights Council, Resolution 53/6 of 12 July 2023, preamble; Resolution 50/9 of 7 July 2022, preamble; UNGA, *Report of the United Nations High Commissioner for Human Rights, Measures for minimizing the adverse impact of climate change on the full realization of the right to food*, UN Doc A/HRC/55/37 (1 February 2024).

60 UN Committee on Economic, Social and Cultural Rights, *Climate change and the International Covenant on Economic, Social and Cultural Rights*, UN Doc E/C.12/2018/1 (31 October 2018).

61 Human Rights Council, *General Comment No 36 (2018) on Article 6 of the International Covenant on Civil and Political Rights, on the right to life*, UN Doc CCPR/C/GC/36 (3 September 2019).

with human rights. In doing so, these mechanisms rely upon the Paris Agreement's temperature goals, reporting structures and scientific benchmarks when assessing state conduct.

Advisory proceedings before the Inter-American Court of Human Rights (IACtHR)'s developed an expansive interpretation of states' obligations concerning climate mitigation, adaptation, due diligence and corporate regulation.⁶² Like the ICJ, the IACtHR treated the climate treaties and human rights law as mutually supportive legal frameworks rather than isolated normative regimes.

Human rights oversight mechanisms have also engaged with the procedural dimensions of the Paris Agreement. Universal Periodic Review recommendations, treaty-body reporting and special procedure communications increasingly address issues such as mitigation ambition, adaptation planning, transparency, participation and protection of vulnerable groups.⁶³ In this context, the Paris Agreement's reporting and governance architecture serves as a reference point through which human rights institutions evaluate state performance.

4 Dialogue Between Regimes: Synergies, Tensions, and Prospects

The developments examined in Sections 2 and 3 suggest increasing interaction between the Paris Agreement and human rights law. This interaction reflects growing institutional dialogue between two regimes seeking to respond to the governance challenges posed by climate change.⁶⁴ This section examines the broader implications of that interaction. It argues that this interaction has the potential to strengthen accountability, transparency and procedural oversight concerning climate change. At the same time, however, mutually supportive interpretation, enforcement and implementation between the regimes remains partial and contested, and continued reliance upon human rights mechanisms to address climate governance gaps raises institutional and normative questions.

62 Inter-American Court of Human Rights (IACtHR), *The Climate Emergency and Human Rights*, Advisory Opinion OC-32/25, IACtHR Series A No 32 (29 May 2025) (OC-32/25) 166–180 ('IACtHR').

63 For an overview, see OHCHR, 'Human rights mechanisms addressing climate change', available at <<https://www.ohchr.org/en/climate-change/human-rights-mechanisms-addressing-climate-change>> accessed 21 May 2026.

64 On regime dialogue more broadly, see Savaresi (n 10); and Rajamani (n 10).

4.1 *Mutual Supportiveness and Regime Interaction*

Since the adoption of the Paris Agreement climate institutions increasingly incorporate human rights language and procedural safeguards into implementation processes, while human rights institutions progressively rely upon Paris Agreement norms and benchmarks when interpreting and enforcing states' obligations.

As discussed in Section 2, COP and CMA decisions refer to participation, transparency, vulnerable groups, Indigenous Peoples and just transition across multiple areas of the Paris Agreement's implementation. These developments suggest that climate institutions are progressively internalising at least some elements of human rights law, particularly procedural safeguards relating to inclusion, participation and the avoidance of harm. Human rights language has become embedded within institutional practice relating to Article 6 safeguards, adaptation planning, loss and damage and the Global Stocktake, even if Parties continue to resist stronger incorporation of substantive human rights obligations into the core mitigation architecture of the Paris framework itself.

At the same time, developments examined in Section 3 indicate that human rights institutions increasingly rely upon the Paris Agreement when assessing the adequacy of state conduct. Courts, treaty bodies and advisory proceedings routinely refer to the Agreement's temperature goals, mitigation pathways, reporting structures and governance mechanisms in interpreting states' obligations. The ICJ⁶⁵ and IACtHR⁶⁶ advisory opinions provide clear illustrations of this reciprocal interpretive interaction, treating human rights law and the climate treaties as mutually reinforcing frameworks rather than isolated normative regimes.

The interaction between the two regimes is particularly significant because human rights law addresses dimensions of climate governance that remain underdeveloped within the Paris Agreement itself.⁶⁷ These include protection gaps concerning vulnerable groups and distributive justice, accountability gaps associated with nationally determined implementation structures, and reparations gaps linked to the absence of compulsory adjudicatory mechanisms within the climate regime. Whereas the Paris Agreement primarily relies upon facilitative compliance, iterative review and political coordination,

65 *Obligations of States in respect of Climate Change* (n 2).

66 *The Climate Emergency and Human Rights* (n 61).

67 Savaresi and Auz (n 6); and Annalisa Savaresi, 'Plugging the Enforcement Gap: The Rise and Rise of Human Rights in Climate Change Litigation' (2021) *Questions of International Law* <<http://www.qil-qdi.org/plugging-the-enforcement-gap-the-rise-and-rise-of-human-rights-in-climate-change-litigation/>> accessed 21 May 2026.

human rights law provides comparatively more developed systems of adjudication, oversight and individual complaint mechanisms. A central feature of the interaction between the two regimes therefore concerns the remedial asymmetry between them: while the climate regime remains largely structured around collective review and nationally determined contributions, human rights systems provide institutionalised pathways through which climate-related harms and governance failures may be scrutinised and contested.

Human rights law has thus performed a 'gap-filling' function within global climate governance.⁶⁸ Human rights mechanisms and remedies have facilitated access to justice and information, clarified the relationship between climate impacts and concrete legal obligations, underscored the need for mitigation and adaptation measures and foregrounded additional protection needs associated with climate vulnerability and inequality.⁶⁹ Human rights-based climate litigation clear illustrations of this accountability function. As Section 3 has shown, courts and tribunals all over the world routinely rely upon human rights law to scrutinise whether states have adopted adequate mitigation and adaptation measures, acted consistently with scientific evidence and provided procedural safeguards concerning participation and access to justice. Rights-based litigation provides avenues of contentious adjudication and remedial oversight that the climate regime itself does not have.

As also seen in Section 3, this accountability function extends well beyond litigation. Human rights treaty bodies, special rapporteurs and other oversight mechanisms increasingly monitor the human rights implications of climate change and climate governance. Climate-related observations are routinely integrated into reporting procedures, General Comments, and Universal Periodic Review processes. Human rights institutions also engage directly with climate governance processes themselves, including through participation in COP and CMA meetings and submissions concerning the Global Stocktake.⁷⁰ This growing institutional interaction further reinforces reciprocal awareness between the two regimes.

68 For this notion, see Savaresi and Auz (n 6) 261; and more generally Annalisa Savaresi, 'Environment and Human Rights' *Max Planck Encyclopedia of Public International Law* (Oxford University Press 2023).

69 See the review of practice in Savaresi and Setzer (n 9); Luporini and Savaresi (n 7); and de Vilchez and Savaresi (n 36).

70 The UN Special Procedure mandate holders have on multiple occasions, provided input to these sessions through both formal and informal channels. An overview of these activities is available in the materials coordinated by the OHCHR over the years: <<https://www.ohchr.org/en/climate-change/integrating-human-rights-unfccc>> accessed 21 May 2026.

The interaction between climate and human rights law is also evident in relation to corporate accountability. Courts and advisory bodies rely upon Paris Agreement benchmarks when assessing both corporate climate responsibilities and states' regulatory obligations concerning private actors. In *Milieudefensie*, for example, the Dutch courts relied upon the Paris Agreement's temperature goals alongside human rights norms and scientific consensus in assessing Shell's duty of care concerning emissions reductions.⁷¹ Likewise, the ICJ recognised that state responsibility may arise where states fail to diligently regulate emissions-producing activities within their jurisdiction,⁷² while the IACtHR has emphasised obligations relating to corporate due diligence, mitigation and transparency.⁷³ These developments suggest that human rights law and climate governance intersect in shaping expectations concerning corporate climate conduct.

Human rights law therefore broadens the scope of accountability beyond the categories traditionally foregrounded within climate governance. Whereas the Paris Agreement primarily focuses upon state collective mitigation and adaptation efforts, human rights institutions increasingly address questions concerning individual impacts, procedural fairness,⁷⁴ climate-induced displacement,⁷⁵ and just transition.⁷⁶ Human rights law therefore helps to articulate dimensions of climate justice that are marginal within the climate regime.

Nevertheless, human rights law may also operate as a constraint upon forms of climate action perceived as socially unjust or insufficiently attentive to individual and localised impacts. All over the world, litigation and mobilisation concerning a just transition invoke human rights to contest climate policies alleged to disproportionately burden workers, local communities or vulnerable groups.⁷⁷ Human rights law therefore does not operate solely as a

71 *Milieudefensie* (n 48) 4.4.28–4.4.38, 4.4.49–4.4.56.

72 *Obligations of States in respect of Climate Change* (n 2) 425–439.

73 *The Environment and Human Rights* (n 61) 146–180.

74 *Ibid.* 226–232; UN Human Rights Council, *Report of the Special Rapporteur on the Promotion and Protection of Human Rights in the Context of Climate Change* UN Doc A/HRC/56/46 (2024) 18–27.

75 See for example *Ioane Teitiota v New Zealand* (Views adopted on 24 October 2019) UN Human Rights Committee, Communication No 2728/2016, UN Doc CCPR/C/127/D/2728/2016; *Billy and Others v Australia* (Views adopted on 22 September 2022) UN Human Rights Committee, Communication No 3624/2019, UN Doc CCPR/C/135/D/3624/2019.

76 See the collection of practice in Business & Human Rights Resource Centre, 'Just Transition Litigation Tracking Tool' <<https://www.business-humanrights.org/en/from-us/just-transition-litigation-tracking-tool/>> accessed 21 May 2026.

77 See Annalisa Savaresi and others, 'Conceptualising Just Transition Litigation' (2024) 7 *Nature Sustainability* 1379.

mechanism for enhancing mitigation ambition. It may also function as a framework for scrutinising the distributive consequences and procedural fairness of decarbonisation measures themselves. This further illustrates the complex and contested nature of the interaction between climate governance and human rights law.^{78,79}

4.2 *Doctrinal and Institutional Limits*

Significant doctrinal and institutional limits continue to constrain the interaction between climate and human rights law. Climate change presents particular difficulties for human rights law because of its diffuse causation, transboundary character and long temporal horizon. Questions concerning attribution, standing, jurisdiction and judicial competence continue to complicate climate-related human rights claims.

These constraints are visible even in successful climate litigation. In *KlimaSeniorinnen*, for example, the ECtHR recognised states' obligations to establish adequate mitigation frameworks, yet remained cautious concerning questions of fair share allocations and specific emissions pathways.⁸⁰ Similarly, in *Greenpeace Nordic and Others v Norway*, the Court acknowledged procedural obligations relating to environmental impact assessment and participation, while ultimately declining to find a substantive human rights violation.⁸¹ Human rights institutions have generally been more reluctant to engage with distributive questions relating to mitigation burdens, historical responsibility or reparations.⁸²

These constraints are evident in questions concerning jurisdiction and admissibility. In *Duarte Agostinho and Others v Portugal and 32 Others*⁸³ for example, the ECtHR declined to extend jurisdiction to multiple respondent states and emphasised the continued relevance of procedural admissibility

78 Human Rights Council, 'Mandate of the Special Rapporteur on the Promotion and Protection of Human Rights in the Context of Climate Change' UN Doc A/HRC/RES/48/14 (8 October 2021).

79 Annalisa Savaresi, 'Human rights-based litigation in the transition towards net zero emissions: a double-edged sword?' in Beatriz Martinez Romera, Linnéa Nordlander, Alessandro Monti and Jens Elo Rytter (eds), *Human Rights and Investment Law for Climate Change* (Edward Elgar Publishing 2025) 71.

80 *KlimaSeniorinnen* (n 39) 545–550, 573–574, 595–600.

81 *Greenpeace Nordic Association and Others v Ministry of Petroleum and Energy* HR-2020-2472-P (Supreme Court of Norway, 22 December 2020) 143–150, 167–168.

82 Heri (n 7); and Annalisa Savaresi, 'Verein KlimaSeniorinnen Schweiz and Others v Switzerland: Making Climate Litigation History' (2025) 34 *RECIEL* 279.

83 *Duarte Agostinho and Others v Portugal and 32 Others* App no 39371/20 (ECtHR, 9 April 2024).

requirements even in the context of climate harm. Likewise, in *Aurora*,⁸⁴ Swedish courts displayed caution concerning the justiciability of broad mitigation claims and the relationship between collective climate obligations and individual rights-based remedies.⁸⁵ More generally, courts often remain cautious about interpreting the Paris Agreement's collective and nationally determined commitments into directly enforceable individual obligations. Even where courts recognise climate-related duties, remedial intervention frequently remains deferential and procedurally framed.

The increasing reliance upon the Paris Agreement within human rights adjudication has also generated concerns regarding judicial overreach and institutional legitimacy. Critics of *KlimaSeniorinnen* argued that the ECtHR had exceeded its institutional role by relying upon climate commitments to shape Convention obligations.⁸⁶ Such criticisms reflect broader tensions concerning the extent to which courts should engage with questions involving economic policy, burden-sharing and long-term climate governance.⁸⁷ The Paris Agreement's flexible and nationally determined architecture may itself encourage judicial restraint by limiting the extent to which open-textured obligations can be judicially enforced through adjudication.⁸⁸

Moreover, reliance upon human rights mechanisms as substitutes for climate governance raises broader concerns regarding institutional capacity and political backlash. Human rights institutions were not designed to address diffuse, cumulative and transboundary environmental harms. Their historically anthropocentric, individualised, state-centred and territorially bounded structures complicate efforts to address the global, collective and long-term nature of climate change.⁸⁹ Human rights bodies are themselves subject to growing political pressure and contestation, particularly where climate-

84 *Anton Foley and others v Sweden* (Aurora case) (Nacka District Court, T 4658-22, filed 25 November 2022).

85 See the analysis in Nina Koistinen, 'Litigating for the Future: Rights-Based Argumentation in Future Generations Climate Litigation' (2025) 24 *L'Ircocervo* 119.

86 See e.g. Swiss Parliament, Motion 24.3485, '*Der EGMR soll sich an seine Kernaufgabe erinnern*' ('Motion Caroni'), debate of the National Council of 5 May 2025. See e.g. the intervention by MP Gianini.

87 See Helen Keller and Corina Heri (eds), *Reparation for Climate Change: The Successes and Limits of Litigation* (sui generis 2026).

88 Daniel Bodansky, 'The Legal Character of the Paris Agreement' (2016) 25(2) *RECIEL* 142; and Alexander Zahar, 'The Paris Agreement and the Gradual Emergence of a Duty of Care?' (2021) 8(1) *Transnational Environmental Law* 37.

89 See Stephen Humphreys, 'Competing Claims: Human Rights and Climate Harms' in Stephen Humphreys (ed), *Human Rights and Climate Change* (CUP 2010) 37; and Mayer (n 7).

related decisions are perceived as intruding upon national policy discretion or economic governance.⁹⁰

The relationship between the Paris Agreement and human rights law therefore remains characterised by both mutual supportiveness and restraint. Human rights law contributes to addressing accountability deficits within the climate regime, while the Paris Agreement provides human rights institutions with scientific benchmarks, reporting structures and governance frameworks through which climate-related obligations may be interpreted and assessed. Yet this mutually supportive interaction remains incomplete and politically contingent.

5 Conclusion

This article has examined the evolving relationship between the Paris Agreement and human rights law. It has argued that the interaction between these regimes operates as a two-way street. Human rights norms progressively inform the interpretation and implementation of the climate regime, while the Paris Agreement increasingly shapes how human rights institutions assess climate-related obligations and accountability. The relationship between the two regimes is therefore no longer adequately understood as a one-directional process in which human rights norms merely enter climate governance. Rather, each regime influences how obligations within the other are interpreted, implemented and enforced.

Within the climate regime itself, human rights considerations have moved beyond purely symbolic recognition. Although the Paris Agreement's preamble does not create autonomous human rights obligations, it nevertheless contributes to the interpretive context within which climate obligations are implemented. COP and CMA decisions have progressively embedded human rights considerations into areas such as participation, transparency, adaptation, Article 6 safeguards and just transition. Yet this integration remains uneven and selective. Human rights considerations continue to appear more in procedural safeguards than in the implementation of the mitigation architecture of the Paris Agreement itself.

90 Başak Çalı, 'Framing Climate Remedies in European Human Rights Law: It is All About Trust – in European Democracies' (2025) *The International Journal of Human Rights*; Corina Heri, 'Mattering in the Anthropocene: The ECtHR's Domesticating Framing of Climate Change' (2025) *The International Journal of Human Rights* 1.

At the same time, human rights institutions increasingly rely upon the Paris Agreement when addressing climate change. Courts, treaty bodies, advisory proceedings and oversight mechanisms now routinely engage with the Agreement's temperature goals, mitigation pathways, reporting structures and governance mechanisms when interpreting states' obligations. In this respect, the Paris Agreement functions not merely as a framework for inter-state cooperation, but also as a normative and evidentiary benchmark within human rights law and practice.

This interaction has important implications for climate accountability. Human rights law has helped to address some of the accountability limitations associated with the Paris Agreement's facilitative and nationally determined architecture by providing means for adjudication, review and enforcement. Conversely, the institutional architecture of the Paris Agreement increasingly provides human rights institutions with scientific benchmarks, reporting frameworks and assessments through which state and corporate conduct may be evaluated. In this sense, the two regimes increasingly operate in a mutually supportive fashion.

Yet, this process remains partial and contested. Human rights institutions continue to face doctrinal and institutional constraints when addressing the diffuse, transboundary and long-term nature of climate change, while climate institutions remain cautious regarding the incorporation of substantive human rights obligations into the core architecture of the Paris Agreement. Courts and treaty bodies have generally been more willing to engage with procedural guarantees and due diligence obligations than with distributive questions concerning mitigation burdens, historical responsibility or reparations.

The relationship between the Paris Agreement and human rights law therefore reflects an evolving process of interaction in which each regime increasingly shapes the interpretation, implementation and enforcement of the other. Whether this two-way relationship ultimately contributes to more coherent, equitable and effective responses to climate change depends upon how institutions will navigate the enduring tensions between flexibility and accountability, political discretion and legal constraint, and collective climate governance and individual rights protection.

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