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HUMAN AND NON-HUMAN BEINGS: TOWARDS THE AFFIRMATION OF THE RIGHTS OF NATURE AND OF A RIGHT TO A HEALTHY ENVIRONMENT

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ABSTRACT
This short comment connects the aspects of Corradetti's book with international environmental law, and, more specifically, to the rights of nature and the gradual affirmation of a human right to a healthy environment, which takes into consideration the interests of the human beings and nature alike. The analysis starts from some reflections on the concept of 'common concern of human kind,' then acknowledges the absence in Corradetti's book of reference to non-human beings and other elements of nature. It further asks a question (to the author and in general): whether it is possible to conceive a cosmopolitan law that not only recognises a place in the world for all human beings, but also appreciates the place of non-human beings and of the environment *per se* on one hand and as related to the existence of human beings on the other. It eventually explores the concept of 'cosmopolitan authority' in the context of the (though limited) jurisprudence on environment of regional human rights courts. It concludes by arguing that cosmopolitan law can be better appreciated when we endorse a broad understanding of the subjects of this system, which include the 'us', namely human, non-human beings, and the environment. This point of view embraces present and future generations, both entitled of human dignity.

KEYWORDS
Environment, common concern of humankind, rights of nature, human and non-human beings

INTRODUCTION

The reading of my dear colleague Claudio Corradetti's book was an excellent exercise for an international lawyer who does not work on the philosophical theories underpinning the daily practice of law. It has opened my mind to theories

that I studied years ago and has stimulated new ideas.[1] My research mainly focuses on substantive law, with a specific focus on gender equality issues, the fight against transnational criminality, and environmental law, thus it was enriching to learn more about the philosophical thought that guided Corradetti's thorough and clear analysis. I was fascinated in particular by the analysis of cosmopolitan law and by his understanding of a universalism of human rights which is not blind to cultural differences. I completely agree with Claudio's concept of *pluralistic universalism*: "the same form of universality resulting from the balancing of rights through the principle of dignity must be sensitive to the specific cultural and situational conditions for which it aims to be valid".[2]

In this short comment, I will try to connect the aspects of his book that most fascinated me, trying to see whether his analysis works well when applied to international environmental law, and, more specifically, to the rights of nature and the gradual affirmation of a human right to a healthy environment, which takes into consideration the interests of the human beings and the environment alike. The analysis will start from some reflections on the concept of 'common concern of human kind'.

The readers will excuse me if I will not tackle profound notions of philosophical theories of law. I have decided to navigate in 'familiar waters' – to use a metaphor – in order to express how the book has inspired me. This reflection on environmental law *as* human rights law is part of an ongoing research, which the book by Corradetti has enriched and challenged at the same time.

1 COSMOPOLITAN LAW AND THE CONCEPT OF COMMON CONCERN OF HUMANKIND

The concept of 'common concern of humankind' seems to me in line with the idea of 'cosmopolitan law' as described in other Corradetti's works.[3] This system of law includes a corpus of customary practices, principles and norms that recognise the equal right of individuals to have a place on the Earth.[4] In these days, during which the debate on environment has gained momentum, it is easy to posit that

[1] I am extremely grateful to my colleague Claudio Corradetti for the opportunity to write a comment based on his interesting book. It reminded me of our long chats at San Servolo, both teaching at the Venice International University.

[2] C.Corradetti, *Relativism and Human Rights. A Theory of Pluralistic Universalism*, Springer, Dordrecht, 2022 (2nd ed.), p.130.

[3] C. Corradetti, "'Introduction', *Symposium: Cosmopolitan Law and the Courts*", *Transnational Legal Theory*,7(1), 2016a, pp.1-9; C. Corradetti, "Judicial Cosmopolitan Authority", *Symposium: Cosmopolitan Law and the Courts*, Transnational Legal Theory,7(1), 2016b, pp.29-56.

[4] Corradetti, 2016b, p. 35.

climate change is an illustrative example of "common concern of humankind".[5] This concept might seem, at least at first sight, to contradict the well consolidated principle of "permanent sovereignty in classic international law".[6] Nonetheless, this principle has been eroded since the affirmation of international law itself, because international cooperation presupposes a form of restriction of sovereignty necessary to achieve common goals. The evolution of human rights law has also determined an erosion of the absolute power of States to treat their nationals without constraints. Other principles have gradually consolidated in international environmental law, including good neighborliness and the obligation to notify cases of pollution to neighboring countries, have been affirmed in practice, following the findings of the award in the *Trail Smelter* arbitration of 1938/1941.[7]

It can be argued that the notion of common concern of humankind determined a first change of paradigm: from the interest of one (or more) neighboring States to the interests of all States of the international community, to the point of affirming a legal interest of micro-States to challenge measures adopted hundreds of thousands kilometers from them due to the harmful consequences of climate change for low lying islands.[8] As it was interestingly argued, the notion of common concern 'changes' the right of the State to freely dispose of the resources to respond to the challenges of the climate change.[9] The notion of common concern goes beyond the

[5] Preamble of the 2015 UN Paris Agreement on Climate Change: "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."

[6] Werner Scholtz, "Greening permanent sovereignty through the common concern in the Climate Change Regime: awake custodial sovereignty," in *International Law and Global Governance,* ed. Oliver Ruppel, Christian Roschmann, Katharina Ruppel-Schlichting, Nomos Verlagsgesellschaft mbH., Baden-Baden, 2013, p. 201.

[7] Literature on the relationship between climate change and human rights is abundant. See, *inter alia,* Sumudu Atapattu, *Human Rights Approaches to Climate Change: Challenges and Opportunities*, Abingdon: Routledge, 2016; Daniel Bodansky, "Climate Change and Human Rights: Unpacking the Issues", Georgia Journal of International and Comparative Law, 38(3), 2010, pp. 511–25; *Human Rights and Climate Change*, ed. Stephen Humphreys, Cambridge University Press, Cambridge, 2010; Peter Lawrence, *Justice for Future Generations: Climate Change and International Law*, Elgar, Cheltenham, 2015; Siobhan McInerney-Lankford, Mac Darrow, Lavanya Rajamani, *Human Rights and Climate Change: A Review of the International Legal Dimensions*, World Bank, 2011; Marc Limon, "Human Rights and Climate Change: Constructing a Case for Political Action", Harvard Environmental Law Review, 33(2), 2009, pp. 439–76; John Knox, "Linking Human Rights and Climate Change at the United Nations", Harvard Environmental Law Review, 33(2), 2009, pp. 477–98.

[8] Sara De Vido, "General Principles and the Duty to Undertake an EIA: Relationships, Requirements and Practice", in *Protecting the Environment for Future Generation,* ed. Alexander Proelss, Erich Schmid, Berlin, 2017, pp. 120-121.

[9] Scholtz, 2013, p. 205.

obligation for a State not to cause harm in the territory of a neighboring country, it implies a fair and equitable burden sharing, the protection of the interests of present and future generations, and the affirmation of a new steering element in terms of state cooperation.[10] It means, in other words, to entitle a State of a 'custodial element' and consider that it has *due diligence obligations* – which means that these are not obligations of result but obligations of taking steps – even in cases in which it is not an activity of the State – or of one of its *de jure* or *de facto* organs – that has determined the pollution, e.g. a fire in the forest. States obtain a co-trusteeship of the environment as common concern of humankind, which leads to the affirmation of "cosmopolitan fiduciary duties".[11]

This first change of paradigm is far from being far-fetched and has legal consequences in State practice. As posited by the International Court of Justice in the opinion of the legality of the use of nuclear weapons in 1996, there is a "common conviction of the States concerned" – is that an international custom? The International Court of Justice is not explicit in that respect – "that they have a duty to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States *or of areas beyond the limits of national jurisdiction*".[12] Furthermore, the Court acknowledged in its opinion that:

The environment is under daily threat and that the use of nuclear weapons could constitute a catastrophe for the environment. The Court also recognizes that the environment is not an abstraction but represents the living space, the quality of life and the very health of human beings, including generations unborn. The existence of the general obligation of States to ensure that activities within their jurisdiction and control respect the environment of other States or of areas beyond national control is *now part of the corpus of international law relating to the environment.*[13]

From a cosmopolitan law perspective, it means that all 'citizens of the world' are subject of a universal system of freedoms, and that this system entails the right to express the concern for a climate change that might impair their lives and States' obligations to prevent the worsening and to counter this threat. This understanding, which I derived from the Claudio's analysis of cosmopolitan law, leads us to some considerations on the rights of nature and the right to a healthy environment as two evolving concepts in international law.

[10] Ibid, p. 207.

[11] E.J. Criddle, "Fiduciary principles in international law", in *The Oxford Handbook of Fiduciary Law*, ed. Evan J. Criddle, Paul B. Miller, Robert H. Sitkoff, Oxford University Press, Oxford, 2019, p. 359.

[12] *Legality of the Threat or Use of Nuclear Weapons*, Advisory Opinion, I.C.J. Reports 1996, p. 226, para. 27.

[13] Ibid., para. 29. Emphasis added.

2 HUMAN AND NON-HUMAN BEINGS: TOWARDS THE AFFIRMATION OF THE RIGHTS OF NATURE AND OF A RIGHT TO A HEALTHY ENVIRONMENT

What I could not find in the excellent research of my colleague is a reference to non-human beings and the environment. In other words, might we conceive a cosmopolitan law that not only recognises a place in the world for all human beings, but also appreciates the place of non-human beings and of the environment *per se* on one hand and as related to the existence of human beings on the other? Can we move a step forward to overcome the limits of an anthropocentric point of view which have dominated in the traditional doctrine of law? In Corradetti's book, a lot of emphasis is put on human dignity as guiding principle of the universal system of protection of human rights.[14] I found very interesting the argument that Corradetti proposes in his pages, when he commented that it is necessary to move to a universal recognition of the principle of human dignity, which originates a process of individualization where individuals are subject of law in their relations with other members of the legal community and with the State.[15] However, more than individualization, I would stress how human dignity in some countries manifests itself through a collective understanding of human rights, and how human dignity can be also pursued considering the interest and the well-being of non-human beings and the environment. The idea that environmental law is separated from human rights law and traditionally taught in different courses is not realistic in the contemporary world, because the environment is where human beings live and without its protection, human dignity will not be realised in full. As it was argued:

> By looking at the problem in moral isolation from other species and the natural world we simply reinforce the assumption that the environment and its natural resources exist only for immediate human benefit and have no intrinsic worth in themselves. [...] we cannot afford to ignore the fundamental value of natural capital—the climate, biodiversity, ecosystems, the marine environment and so on—in sustaining life on Earth.[16]

What is lacking in the analysis conducted so far – and what has pushed me to do a lot of new research in recent months – is a shift in the paradigm towards the affirmation of a human right to a healthy environment in the context of the rights of the nature.[17] It means, in other words, to conceive a human right to a healthy environment which, at least but not only in the field of climate change, does not

[14] Corradetti, 2022 (2nd ed.), p. 112 ff.

[15] Ibid.

[16] Alan Boyle, "Climate change, the Paris Agreement and Human Rights", *International Comparative Law Quarterly,* 67, 2018, p. 768.

[17] Mumta Ito, Massimiliano Monti, "Nature's rights and earth jurisprudence – a new ecologically based paradigm for environmental law", in *The Right to Nature*, ed. Elia *Apostolopoulou*, Jose A. *Cortes-Vazquez*, Routledge, London and New York, p. 231.

conflict with the rights of the nature. The former cannot exist without the latter. Without the affirmation of the rights of the nature even absent a direct and immediate consequence for the humans, the human right to a healthy environment would be irreparably jeopardized. This conclusion can be reached conceiving the 'us' as humans, non-humans and the environment in a holistic and less anthropocentric approach.

Affirming that climate change consists in a common concern of humankind is not devoid of legal consequences as we could appreciate in the precedent paragraph, but it is still a vague and contradictory notion, which is very difficult to bring in front of the court. To the contrary, a human right to a healthy environment could be invoked as justiciable right in front of (mainly regional) human rights and domestic courts, with the consequence of being affirmed as self-standing right which does not need to rely on other rights to be indirectly protected. It means, in other words, that individuals or groups – where this is possible according to the system in force – could bring cases in front of courts to have this right recognized. As alternative, as it can emerge from the famous *Urgenda* case, decided by Dutch courts,[18] the right could be used to interpret the obligation of States to protect the lives of its own citizens under other sources of (mainly national, but also regional human rights) law. In any case, as stressed by Boyd, a right to a healthy environment leads to "stronger environmental laws" and to "courts decisions defending the rights from the violation".[19]

The consolidation of a right to a healthy environment in international customary law does not seem thus far to be achieved. The *Special Rapporteur on human rights and the environment* acknowledged, in his most recent report of 2019, that the right to a healthy environment is already recognized by a majority of States in their constitutions, legislations and various regional treaties to which they are parties. He also recognised that, in spite of this, "the right to a healthy environment has not yet been recognised as such at the global level"[20] and elaborated States' obligations with

[18] Rechtbank Den Haag [District Court of The Hague, Chamber for Commercial Affairs] (2015) *Urgenda Foundation v The State of the Netherlands,* Case No. C/09/456689/HA_ZA 13-1396, 24 June 2015 (Netherlands); and Gerechtshof Den Haag [Hague Court of Appeal] (2018) *The State of the Netherlands v. Urgenda Foundation,* Case No. C/09/456689/ HA ZA 13-1396, 9 October 2018. (English translation at https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:GHDHA:2018:2610).

[19] David R. Boyd, "Catalyst for change: Evaluating forty years of experience in implementing the right to a healthy environment", in *The human right to a healthy environment*, ed. John H. Knox, Ramin Pejan, Cambridge University Press, Cambridge, 2018, p. 26.

[20] It is possible to find reference to the right to a healthy environment in the 1972 Stockholm Declaration, in the African Charter of human and peoples' rights (Article 24, right to a satisfactory environment), in Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador, Article 11: right to live in a healthy environment), and in the Convention on Access to information, public information, public participation in decision-making and access to justice in environmental matters (preamble, right to a "healthy environment").

regard to a specific aspect of this right, namely the right to breathe clean air. How to reconcile these two affirmations? If it is true, on one hand, that States have proved to be extremely reluctant in accepting international legal obligations in the field of climate change measures, on the other hand courts and national parliaments, urged by civil society, have marked significant steps forward.

Outstanding authors have commented on the possibility of conceptualising a right to a decent environment and of locating it within the corpus of economic, social, and cultural rights. According to Boyle, "clarifying the existence of such a right would entail giving greater weight to the global public interest in protecting the environment and promoting sustainable development" and "the further elaboration of procedural rights [...] would facilitate the implementation of such a right".[21] Boyle further argued that "a right to a decent environment has to address the environment as a public good, in which form it bears little resemblance to the accepted catalogue of civil and political rights, a catalogue which for good reasons there is great reluctance to expand".[22] Can this 'public good' be ascribable to a view of cosmopolitan law that overcomes the limits of traditional States' borders?

3 COSMOPOLITAN AUTHORITY AND THE ADVISORY OPINION OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS OF 2017

In his already mentioned articles, Corradetti defined 'cosmopolitan authority', according to which States delegates authority to superior jurisdictions as long as the latter ones respect the same level of protection granted by the delegating authorities.[23] In the field of the environment, it is difficult to see this reverse subsidiarity – as Corradetti calls it in his book – owing to the absence of an international court dealing with environmental rights and to the limited jurisprudence on environment of regional human rights courts. Nonetheless, it seems to me that what Corradetti contended in his book can be appreciated in the advisory opinion rendered by the Inter-American Court of Human Rights on 15 November 2017, which recognised the existence of a right to a healthy environment as autonomous right, presenting both an individual and a collective dimension. In its collective dimension, it constitutes an 'universal interest', which must be granted to both present and future generations. In its individual dimension, its violation might directly or indirectly impact on other rights, such as the rights to health, to personal integrity, to life, among others. The Court acknowledged that the degradation of the environment can cause irreparable damages to all human beings, with the consequence that the right to a healthy environment is fundamental for the

[21] Alan Boyle, "Human Rights and the Environment: Where Next?", in *Environmental Law Dimensions of Human Rights,* ed. Ben Boer, Oxford University Press, Oxford, 2015, p. 221.

[22] Ibid.

[23] Corradetti, 2016a, 2016b.

existence of humankind.[24] The opinion is groundbreaking and does constitute State practice. The approach followed by the Inter-American Court of Human Rights drives a further shift of paradigm, from a mere anthropocentric to a more eco-centric approach. If we consider the *human* right to a healthy environment, the lens through which we see it is strictly anthropocentric. It is a right belonging to *human beings*. However, climate change affects the environment, human and non-human beings, to the point that the existence of human beings depend on the existence of the flora and the environment. Even though legal scholarship does not seem ready enough, the shift of paradigm from a mere anthropocentric to a more eco-centric approach would imply the consideration of the so-called 'rights of nature', or, in a more practical way at least for the time being, it would lead to the consolidation of a right to a healthy environment *in the context of the rights of the nature*. We are not interested here in whether and to what extent natural elements or non-human beings are subjects of law. The debate dates back to the 70s when Christopher Stone wrote an article entitled "Should trees have standing?".[25] and has developed thanks to the jurisprudence of mainly Latin American courts and to amendments to the Constitution (Ecuador being illustrative example).[26] I will not discuss here whether non-human animals or rivers, seas and oceans should have legal personality, whose rights can be represented in court.[27] What I want to stress here is that the reduction of gases in the atmosphere does not only benefit humans, but also the environment itself. Far from being one against the other, the rights of nature and the human right to a healthy environment converge, and they should be conceived as strictly intertwined in order to overcome a pure sterile anthropocentric approach. As anticipated by Boyle, a right to a satisfactory decent environment "would be less anthropocentric that the present law. It would benefit society as a whole".[28] It would do so because the status of environmental degradation has deteriorated so fast in recent years that the protection of the rights of the nature is fundamental for the respect of human rights, first and foremost the right to life. It is clear that there might be cases in which the interests of the nature conflict with human interest – consider the cases of biodiversity for example, where a human infrastructure might collide

[24] Inter-American Court of Human Rights, IACHR (2017), Opinión Consultiva OC-23-17 de 15 de noviembre 2017, 59. A short comment is available here https://www.acodicr.org/single-post/2019/07/29/Derecho-Humano-a-un-Ambiente-Sano-un-Derecho-Humano-Sui-Generis?fbclid=IwAR3oHyV6ZhMJOZpRufkTqrukl8Mgdws8uJe4ojI8lU7E0oqNNjkZDOeBuQU

[25] Christopher Stone, "Should trees have standing? Towards legal rights for natural objects", *South. Calif. Law Rev.*, 45 1972, p. 450.

[26] Chapter 7 of the Constitution: "Nature or Pachamama, where life is reproduced and exists, has the right to exist, persist, maintain and regenerate its vital cycles, structure, functions and its processes in evolution".

[27] See the article by Lidia Cano Pecharroman, "Rights of Nature: Rivers that can stand in court", *Resources* 7, 2018, pp. 13-27, and *Per gli animali è sempre Treblinka*, ed. Monica Gazzola, Maria Turchetto, Mimesis, Milano, 2015.

[28] Boyle, 2007, pp. 471-511.

with the safeguard of protected areas[29] – but, paraphrasing a decision of a court in Ecuador, the two interests do not collide when the realisation of one interest can be achieved while respecting the other interest.[30] This is the case of the actions against climate change. Even though international environmental law, at least for the time being, basically remains anthropocentric, there are non-anthropocentric developments that reveal a growing recognition of the environment as a public interest. Anthropocentrism and non-anthropocentrism can be reconciled in environmental ethics, which examines human beings' relationship with the natural environment. The reduction of emissions in the atmosphere has value both inherently and as benefits for present and future generations of human beings. As Stone argued even before environmental law had started to develop at the international level, "because the health and well-being of [human]kind depend upon the health of the environment, these goals will often be so mutually supportive that one can avoid deciding whether our rationale is to advance 'us' or a new 'us' that includes the environment".[31] This was precisely the point caught by the Inter-American Court of Human Rights in the aforementioned opinion, which emphasized how, compared to other human rights, the right to a healthy environment protects nature, even absent evidence of possible risks for human beings, because of its importance for the rest of living beings, deserving protection.[32] It is precisely the 'us' including the environment envisaged by Stone; an environment which must be conceived as including both flora and fauna. It follows that human beings bear the responsibility to protect this value and, through their actions, to develop an environmental consciousness.[33]

Francioni contended that a "more advanced jurisprudence in the field of human rights which recognises the collective dimension of the right to a decent and sustainable environment as an indispensable condition of human security and human welfare" is necessary, and that "it does not make much sense to engage human rights language to combat environmental degradation only when such degradation affects the rights to life, property, and the privacy of certain directly affected individuals."[34] The affirmation of a right to a healthy environment paving the way to the 'rights of nature' – which might in the future lead to the *locus standi*

[29] Sara De Vido, "Protecting Biodiversity in Europe: The Habitats and Birds Directives and Their Application in Italy in an Evolving Perspective", in *Contemporary Issues in Environmental Law*, ed. Yumiko Nakanishi, Springer Japan, Tokyo, pp. 115-138.

[30] Ruling by the Ecuadorian Sala Penal de la Corte Provincial. Protection Action. Ruling Number No. 11121-2011-0010. Casillero N0. 826. 30 March 2011. Available online: http://consultas.funcionjudicial.gob.ec/informacionjudicial/public/informacion.jsf

[31] Stone, 1972, p. 489.

[32] Inter-American Court of Human Rights, IACHR (2017), Opinión Consultiva OC-23-17, 180.

[33] Serenella Iovino, *Le filosofie dell'ambiente,* Carocci, Roma, 2007, p. 83.

[34] Francesco Francioni, "*International human rights in an environmental horizon*", *The European Journal of International Law*, 21(1), 2019, pp. 41-55, pp. 44 e 55.

of elements of the nature in front of domestic courts – is the response to the limited political commitments of States, and could be reached through the jurisprudence of regional and domestic courts, that have just started to realise how important this would be for the benefit of present and future generations. This consideration is valid for climate change as well as for biodiversity loss. As stressed by the Special Rapporteur Boyd, "the loss of global biodiversity is having and will continue to have devastating effects on a wide range of human rights for decades to come [...] we can simply not enjoy our basic human rights to life, health, food and safe water without a healthy environment".[35]

It is not an easy task; we are all aware of this. The lack of political will towards the protection of the environment is striking.[36] Nonetheless, we are experiencing a moment in which citizens and non-governmental organisations are pushing courts to recognise States' obligations for the protection of the environment and for countering climate change. Individuals and groups cannot produce State practice useful to consolidate an international custom[37] recognizing the right to a healthy environment, but national and regional jurisprudence, stimulated by individual or collective complaints, surely (and hopefully) can.

CONCLUSIONS

Given the above, the perspective that I followed in the previous pages combines cosmopolitan law with a broad understanding of the subjects of this system, which include the 'us', namely human, non-human beings, and the environment. This point of view embraces present and future generations, both entitled of human dignity. The principle of human dignity, of which I see both an individual and collective dimension, does not exclude a theory that conceives the subjects of law as a plurality. The pluralistic universalism can thus be appreciated not only as a concept that takes into account 'diversified cultural contexts', but also 'diversified subjects'. In this way we will overcome not only the pure universalistic perspective that disregards constitutional elements of a given – and different – society, but also a pure anthropocentric point of view.

The jurisprudence of national and regional courts is, timidly but steadily, going in this direction. A plurality of cases has been filed with national courts (in some cases regional courts) in which both the interests of human beings *and* of the environment, together, as part of an important evolution in international law, have been taken into account. As it was argued, "faced with inadequate regulatory

[35] https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24738&LangID=E

[36] Some declarations made by heads of State over 2019 questioning climate change demonstrate this trend.

[37] An international custom is composed, as it is well known, of State practice and *opinio juris sive necessitatis*.

incentives and a lack of available tort claims, plaintiffs in the US and across the globe have employed a creative new tactic: suing their governments for failing to take sufficient measures to reduce greenhouse gas emissions".[38] The theory of the cosmopolitan authority is therefore respected: when there is no supranational court that is competent to grant the protection, national courts, according to the concept of reverse subsidiarity, must intervene. National jurisprudence will also be able in turn to encourage a fresh and innovative regional human rights jurisprudence. The role of the 'citizens of the world' is even more striking from now on: they can bring cases in front of the courts against unwilling governments, therefore encouraging the latter to exercise their 'custodial duties' which are gradually developing at the international level.

[38] Harvard Law Review (HLR 2019). "Hague Court of Appeal requires Dutch government to meet greenhouse gas emissions reductions by 2020. Hof's Gravenhage, 9 Oktober 2018, AB 2018, 417, m.nt. GA van der Veen, Ch.W. Backes (Staat der Nederlanden/Stichting Urgenda), pp. 2090-2097. http://harvardlawreview.org/wp-content/uploads/2019/05/2090-2097_Online.pdf