

Abstract

Subject of this diploma thesis is the accountability of largest private green-house gas emitters, mainly fossil fuel corporations (so called “carbon majors”) and in particular their relationship with human rights law. Strategic climate litigation is on a rise and private emitters are increasingly targeted by the litigants. While human rights are widely used in climate change litigation against governments and state authorities, their role in existing and potential climate lawsuits targeted at private parties remains uncertain. The goal of the thesis is to enlighten this topic analysing potential grounds for corporate climate liability and recent case-law.

Firstly, impact of corporations on climate system (their “share” of GHG emissions) is presented in contrast to their peripheral role in the international climate governance and law. Climate change as a human rights issue is briefly examined in the second part focusing on human rights abuses of fossil fuel corporations, including “case studies” of human rights impacts of corporations Shell, Total and Texaco/Chevron in countries of the Global South.

Third part deals with various sources of potential climate change liability of corporations and role human rights law might play. Concepts of Corporate Social Responsibility and Business and Human Rights are presented as a basis for international soft law instruments and human rights due diligence national legislation. Leaving the human rights lenses, the part ends with an overview of other potential legal sources and stresses importance of private (tort) law.

In the fourth part, major climate lawsuits are analysed considering the findings of previous part. Firstly, definition of strategic climate litigation is discussed, as well as the key on selection of (mainly) European jurisdictions. Then, cases *Milieudéfensie v Shell* and *Carbon Majors Inquiry* are dealt with, where international soft law plays an important role, followed by the French cases brought after the adoption of the French mandatory human rights due diligence law. Other recent cases (notably the German *Lliuya v RWE AG*) based on tort law are described afterwards.

Fifth part summarises overall trends in the corporate climate litigation field in the light of previous two parts. Source of potential accountability is revisited stressing the potential of private law instruments, following discussion on prospects of corporate climate litigation.

Author concludes that while human rights discourse has helped to develop pressure to hold corporations accountable for their human rights harms related to climate change, corporate climate litigation can be successful using private law instruments on their own. Human rights

instruments can help overcoming some issues corporate climate litigation is facing, like causality or extending the scope of emission accountable. Moreover, human rights lenses help to fulfil the strategic purpose of the litigation. Author in the end identifies various topics for further research: relation of private law to climate change issues, role of Global South and global inequalities, and the urge to redefine private and corporate law to reflect crises of the Anthropocene.