

collana diretta da G. F. Carrel F. Fracchia F. Mangano

Human Rights and the Environment

edited by
Nicola Gullo

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Ogni lavoro scientifico rappresenta il frammento di un cammino. I percorsi forniscono prospettiva e danno profondità a quelle realtà su cui indagiamo e di cui sono parte e vanno definiti in ragione del loro obiettivo.

La collana "Percorsi di diritto amministrativo", con i suoi volumi monografici o collettanei, intende illustrare la direzione di una traiettoria, attraversando un territorio; il diritto amministrativo, sempre più complesso.

La sua multiforme articolazione è una sfida per il giurista, tanto più grande quanto più aiuta a comprendere alcuni punti fermi, provando ad affrontarli: il senso di disorientamento con gli strumenti propri dei libri, ossia le idee.

In questo contesto, la collana è pensata per accogliere lavori la cui analisi si sottrae così alla fascinazione del futuro come allo sterile indugio sul passato, per costituire, invece, un apporto attuale, certamente circoscritto, ma ben radicato nei problemi del presente e nel dibattito della scienza pubblicistica. Una collana che si mette al servizio di questo libero, schietto e franco confronto, soprattutto se alimentato dai giovani, ma che farà ricorso a un referaggio autorevole, quale contributo di serietà e di scientificità dell'analisi.

L'auspicio è che dallo sguardo verso nuovi approdi possano anche scaturire studi differenti da quelli della nostra tradizione culturale, per argomenti trattati e strumenti linguistici impiegati.

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HUMAN RIGHTS AND THE ENVIRONMENT
Legal, Economic and Ethical Perspectives

Edited by

Nicola Gullo

Editoriale Scientifica
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For Tonia with love

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CHAPTER XXV
VULNERABILITY, HUMAN RIGHTS AND CLIMATE CHANGE

Isabel Trujillo

SUMMARY: 1. Climate change and vulnerability. – 2. Human rights and global justice. – 3. Some specific added value of a human rights approach to climate change. – 4. Cosmopolitanism, human rights and climate change.

1. Climate change and vulnerability

The climate on our planet is changing. This is not a controversial matter or an unfounded opinion, because the climate is continually evolving, and many climate scientists hold that the current change is particularly severe, and is producing worrying effects in terms of environmental degradation. My interest here is not in inquiring into the verisimilitude of this fact, or its dimensions, or the scope of its impacts. As a starting point, what is relevant is that climate change is nowadays more and more clearly linked to human activities (the long-term effects of the industrial revolution and the kind of values and lifestyles it has induced), and that its consequences are producing negative effects on human beings in terms of displacement, natural disasters and increasing poverty, and are threatening lives and safety. In other words climate change is interfering with and/or rendering difficult the satisfaction of basic rights of human beings (the right to water, to food, to a clean environment and so on). In addition to these negative effects on human lives in absolute terms, climate change is increasing inequalities between human beings. As we will see, from both these points of view climate change interacts with human rights. The first aspect is intuitive because climate change affects the satisfaction of basic needs. The second one – its implications in terms of inequalities – is more controversial in the context of the discussion on global justice, but it is relevant as well in the whole picture of what climate change is producing.

In general terms, it is worth noticing that the benefits of the industrial revolution at the roots of this phenomenon are not equally distributed: not all countries have pursued the same level of industrialization, at the same time, and to slow or to stop that process would affect underdeveloped and developing countries more than developed ones because

both negative and positive effects linked to industrialization are not distributed equally. The poorest countries in the world are contributing insignificantly to pollution, but the rights of their citizens are the most jeopardised by climate change (Caney 2005). Further, the richest countries have polluted more than the poorest ones but they have means for facing the threats of a degraded environment, and at least at the current moment they are able to face the negative consequences. All these elements introduce asymmetries among individuals and countries, and at the same time show that the link between action and effect is not simple. What some individuals (or some countries) produce may affect different individuals (or countries). Hence all humanity is involved in this matter according to two keys: culpability and/or vulnerability (Sinden 2007). Climate change is a framework of human interdependence, and as such is relevant for justice and institutions¹.

Culpability in the field of climate change is controversial because causality and liability are problematic when referring to this phenomenon, since it is very difficult to assess the individual contribution to collectively produced harm, and sometimes individuals causing harm are ignorant about their contribution. Vanderheiden has focused on both these two problems of culpability regarding climate change: the first can be explained in terms of Parfit's idea of mistakes in moral mathematics. He states that what an individual can do (as a harm and as a positive contribution) is difficult to isolate, but it is not trivial from the moral (and legal and institutional) point of view. As the voter's paradox shows, even if an individual action can be considered irrelevant, aggregate actions can make the difference. From the point of view of ignorance, it must be considered that the lack of knowledge must be reasonable, and this is today implausible, at least in the case of governments and public officials. Perhaps our legal systems can continue excluding liability because of the difficulty of imputation in the context of climate change, but they cannot wipe out clear moral responsibility (Vanderheiden 2006). These difficulties – the controversial attribution of duties and the subtle line between moral and legal duties – are not new in the field of human rights, as well as in legal practice in general. It is certain that exploitation of natural resources and the public policies that have determined the current state of deteriorated environment can be linked to some leading countries in the world but not to all of them in the same way, though it is difficult to derive consequences from this fact².

¹ At least in the sense that it could also be a common good in the plain meaning of a shared good.

² Perhaps this cannot be said of the current generation, but in some ways the actions of former generations have benefited the latter ones. The difficulty of undoing historical actions is well known (Meyer 2014).

In contrast, vulnerability is not controversial. It is a fact that the effects of climate change are greatly harming many human beings and in particular the poorest and most vulnerable individuals, and this is relevant from the institutional point of view, and in particular from the point of view of human rights. Vulnerability is the anthropological feature of human beings as rights holders (Nussbaum 2006, 131-132), and it is a reason for the existence of legal and political institutions. Even when rights are interpreted as claims of non-interference, the existence of the right depends on the possibility of others violating it, and this is the reason of the universality of vulnerability. It increases with the growth of global interdependence because it is more difficult to control its effects. It becomes radical when it consists in the lack of means for defending rights (the right to access to justice, in particular). The goal of human (social and political) institutions – especially those concerned with justice and cooperation – can be explained in terms of facing human vulnerability together. This implies the possibility of limiting the power of the strongest. The aim of institutions is to mitigate the effect of the natural and social lottery as well as to rectify the negative consequences of voluntary actions on other human beings' lives.

Caney has identified two different approaches to climate change from the point of view of justice: burden-sharing justice, according to which what counts is the distribution of responsibilities and consequent burdens (those who have polluted or benefited from pollution should bear the burden); and harm-avoidance justice, according to which it is the potential victim of climate change that counts (Caney 2014). Delimiting harms to rights violations, this second approach and its implications can converge with human rights practice. Nevertheless, this reading is the result of a reduction of the concept of harm because it presupposes that only human beings have value in themselves. This is not a complete approach to climate change, insofar as it produces harm to the environment. Nonetheless, it is useful as a starting point.

The relationship between human rights and climate change is definite, even if complex. Human rights are not only statements of a normative theory, but a social practice, and according to the nature of current human rights practice, a purported violation and the subsequent institutional fact of vindication is at the root of the emergence of the climate change question in the context of the international debate on human rights. In 2005, the Inuits – a population of North America – petitioned the Interamerican Commission on Human Rights against US gas emissions damaging their cultural way of life and their means for surviving. The petition was rejected but the question reached the international agenda and since that moment it has not been abandoned. States and international agencies have been working on the topic and following up the debate and possible actions to promote. Even if there is not a specific right to the environment in human rights treaties, it is certain that climate change interferes with the enjoyment of rights recognized by human rights law and hence it is possible to establish a

link between climate change and that practice (Knox 2009). The aim of this article is precisely to face this link problematically, in order to examine its scope without ignoring its limits.

After the process of constitutionalization of modern states and decolonization in international law, the main legal challenge, in both the domestic and in the international legal context, has been the emergence of human rights. The practice of human rights appears to be a complex and sometimes a magmatic phenomenon, but it can be identified starting from its core goal: to assure fundamental rights to human beings, meaning by 'fundamental' both the idea of some crucial interests, and the idea that they are socially influenceable (Sen 2004). The current stage of human rights practice can be described as a moral, legal, political and social practice with peculiar characteristics that is influencing a large range of human activities, not only those that we will indicate as publicly relevant. The current phase of human rights can be dated to not more than a few decades ago, and since then they have been maturing in the global context, though not without difficulties (Moyn 2010; Trujillo & Viola 2014). But human rights practice is evolving and both progress and regress can occur quickly (Nickel 2014, 219). The aim of this article is to indicate some conditions for a positive relationship between the practice of human rights and the problem of human-caused climate change. The background idea is that not every development of the practice of human rights serves to face the challenge of climate change.

2. *Human rights and global justice*

As is well known, since the publication of Rawls' *A Theory of Justice* in 1971 there has been a wide debate on the possibilities, conditions, content and implications of a global approach to justice. The scope of the domain of justice (domestic vs. global) has covered a big part of the discussion on justice. Normative theories of justice have also developed their justifications, and have applied their outcomes to different practical topics, increasing their appeal and importance. As is also well known, the idea of a global justice has been contested by eminent theorists on the basis that equality cannot be correctly referred to on a global scale (Miller 2005). The critics of global justice have focused on the conditions of establishing those judgements of comparison that are at the origin of any statement on equality. However, this implies displacement of the focal point: it now regards the reasons of special relationships, i.e. the preference for some human beings (compatriots) and the special duties towards them, or the historical and cultural reasons of territorial rights of the states as spheres of cooperation (Miller 2009), and how this preference would be balanced with universal rights. Nonetheless, *prima facie*, territorial rights do not exclude the possibility of speaking of equality in the global context, and they can be considered derivative of principles of global justice, as cosmopolitanism affirms (Moellendorf 2002). A rights-

based approach is one of the most suitable methods for identifying the content of global justice insofar as theories of rights propose global rights, i.e. rights all human beings are recognized to enjoy over and above their citizenship (even if not necessarily independent of it). At least, human rights establish the minimal standards of human treatment, minimal but equal. In addition, looking at their recent developments, it is difficult to deny the relationship between international human rights practice and the principle of equality. This link emerges from the universality of human rights, to be understood as an inclusive generality, on the one hand, and – more penetratingly – as the demand of eliminating every form of discrimination, on the other. Non-discrimination is the other side of equality and a way of making equality and protection of rights effective (Trujillo & Viola 2014, 53-58).

As was said above, human rights are not (only) a theory, but a normative and institutionalized practice. They can be considered as an attempt to put a theory of global justice into practice, or – in other words – to recognize a content of global justice in the context of domestic and international institutions. Human rights practice implies a global approach to justice but it looks at their implementation, not just at their justification. It is not enough to declare that human beings have these or those rights. It is commitment to implementation that is at stake, and the actors of this practice are not mainly the rights holders, but all those that the human rights practice is able to involve in implementation. As is well known, one of its birth events is the signature of the *Universal Declaration of Human Rights* in 1948. At that moment, states in the names of their peoples recognized their duties to protect human rights. From that moment those rights have been identified as others' rights, making it possible to distinguish human rights from their ancestors', the natural rights of the liberal tradition, claimed as people's own rights against any interference from other individuals and from the political power. In other words, human rights are rights of vulnerable individuals and their practice implies a responsibility on the part of those who can operate in the aim of meeting those basic needs. From this characteristic, two implications derive. The first one is that what is considered a weakness of human rights practice – indeterminacy on who is the holder of a duty in relation to given rights – is also a resource when it produces the involvement of different actors, in particular different actors from states, which are usually the first to be involved. The second one is that the differences in terms of enjoyment of rights are relevant. The jeopardising of human rights is a serious fault in human rights practice. Universality of human rights means that everyone's rights are relevant.

Human rights are institutionalized in domestic and in international law. Hence violation of human rights is an institutional fact, since all the actors in the international community (and not only states) are committed to their protection. This obviously does not mean that human rights practice is already established, clear, uncontroversial and effective. But it is a good starting point for establishing that human rights are part of

global values, this being a reason for taking them seriously in the task of facing the climate challenge. From some perspectives, these two global goals could be seen as conflicting with one another. Human rights can be seen as allies of anthropocentrism, i.e. the idea according to which only human beings have value in themselves, with the consequence that non-human beings are instrumental for humans. To some extent, this limit is inevitable in the case of the practice of human rights, precisely because they are *human* rights. But they are not the only relevant principles in international and domestic domains. The complementarity of human rights with different perspectives makes it possible to overcome this limit.

Another premise has to be made explicit. It could be introduced by distinguishing two different faces of human rights. The first one presents them as a set of rights to be attributed to everyone: from the right to life to freedom rights, from social, economic and cultural rights to procedural rights, and so on. It is a reading centred on the content of human rights. From this point of view, many questions are relevant in the case of the relationship between human rights and climate change: the source of those rights, the prevalence of the moral or the legal dimension of rights, but also more practical questions like the correct specification³ of rights linked to climate change, the correlation between rights and duties and the identification of duty holders, and the political and institutional means and tools for implementing them (McInerney-Lankford 2009). In this context, the principle of non-discrimination plays an important role in the relationship between human rights and climate change: it stimulates the process of specification of rights and the recognition of special rights that from a more abstract perspective could be ignored or remain ineffective, like the right to water and a clean environment, or the right not to be displaced.

The other side of human rights regards establishing a priority rule: the interests of individuals over those of the community as a whole; human beings' interests recognized as rights over the collective interest. From this point of view, rights concern those individual interests that cannot be ignored even if they go against a goal of the community as a whole (Dworkin 1984). In this connection, two considerations are relevant and work in opposing directions. On the one hand, human rights are limits to collective choices, and they impose restraints on collective perspectives. In order to face climate change some restrictions on human beings' interests would become necessary, but human rights tend not to tolerate them. On the other hand, collective choices are necessary for the implementation of human rights, also because some of the goods that human rights aim at assuring are not individually pursued and enjoyed. Public health, peace, development, security and a clean environment

³ The process of specification of rights aims at identifying the adequate form for protecting people's different states of life in the most appropriate way.

cannot be enjoyed as single goods, and they are the outcomes of collective choices and policies regarding them. In the latter context, human rights exercise a negative role: those choices cannot be against individuals' fundamental interests. All this means that human rights have an ambivalent relationship with climate change.

The priority reading of rights points at the centrality of individuals in the domestic and in the international system. A problematic aspect of the practice of rights consists in the inevitable concrete and partial effort of implementing them, with the risk of discrimination when the rights of some are systematically marginalized. The candidates for this position are obviously the less powerful and the most vulnerable. For this reason, the possibility of discovering new violations is unceasing: it is the very process of implementing rights, the same concrete and real history of rights that shows which rights have not been taken into account *before* and which needs have been neglected till now. If not included in this virtuous circle, violations of rights become invisible, but not less serious. For this reason the universality of rights is a crucial note of the practice of rights and it feeds an open process. The universality of rights regards their capacity of inclusion in the process of protecting human beings. From these points of view, human rights support a normative practice of global justice and contrast with global inequalities. Rights aim at counteracting gross imbalances of power in society (Sinden 2007, 258) when those imbalances affect human beings in their most basic needs, those that the practice of rights aims at protecting. This dynamic process requires strong efforts and cooperation, not only by political institutions, but also by civil society and transnational and international organizations. It is necessary to integrate all these different forces in the practice of human rights. What is clear is that it is against the human rights practice that the rights of the most vulnerable are systematically neglected.

3. Some specific added value of a human rights approach to climate change

“Global warming may well be the most profound moral issue ever to face the human species” (Sinden 2007, 257). Even if we consider this statement excessive, the idea that in order to face the climate challenge we have to reconsider our moral commitments is convincing. It is intuitive that the moral appreciation of some goods (which they are and how to consider them in a scale of priorities) motivates the choices that we adopt and that are at the bottom of the causation of climate change and at the roots of the rules and policies that political and social institutions use when dealing with its implications.

The moral question has to be faced, if we want to modify harmful behaviours. But the point is how to face this challenge respecting human freedom and pluralism. At first sight, human rights permit us to cope with this task from a privileged perspective. On the one hand, human rights as a moral account already seem to count on the widest possible

consensus. On the other hand, their moral account appears as a circumscribed approach to morality and justice: it only answers the question of which rights are to be recognized and implemented. The moral reform necessary for facing climate change is wider than the one produced by human rights practice, even though the latter is an important aspect. It includes changes in economy and in lifestyles, but engagement in protection of human beings, and of all of them without discrimination, is a good starting point for this moral transformation.

The more restricted scope of rights is at the same time an advantage and a limit, and it is the target of the critics of a morality of rights (Raz 1988, 193-216). A rights-based morality appears to be incomplete since it does not include duties correlative to rights. It seems also to exclude some important moral attitudes not directly ascribable to anybody but clearly part of morality, like solidarity, or benevolence, and part of the moral revision that climate change imposes. Last but not least, the morality of rights is not able to recognize the value of nature in itself, but only as a necessary good for human beings, as long as it affects some fundamental rights: to health, to water, to a clean environment, not to be displaced, to the preservation of territorial landscapes and so on. The path followed until now for overcoming this limitation is to attribute rights to some non-human beings. From this point of view, some animals are assimilated to human beings (showing a bias toward humans and towards some animals because of their similarity to human beings), even if this extension beyond speciesism does not usually extend to non-living nature (Viola 2000, 110-113; Nickel & Malgraw 2010). The main limit of human rights is precisely that it is too much humanity-oriented. It cannot recognize any intrinsic value to what is not human. From the point of view of their practice this is not a defect, but their true logic.

Constituting a social, legal and moral practice makes the consensus on human rights necessarily contingent: it is not acceptance of what is considered universally right in the abstract. Human rights constitute a practice for realizing what we judge to be right towards human beings in the current historical situation and in consideration of the shape of our current institutions. One of the features of human rights practice is, then, continuity between its moral and legal and institutional dimensions. Human rights are not only moral rights. They include a way of deliberating on justice that performatively contradicts a strong relativism: even if problematically, there exists a way of establishing what is right for human beings here and now. And this is part of their legal statute. It does not mean that the practice of human rights is without deficiencies because infallibility is not a characteristic of human institutions. But the discursive and argumentative practice about human rights that begins with vindications and social movements, and goes through political decisions and the creation of international institutions, is able to produce some global standards on what is to be considered as a right for human beings. From this point of view, human rights are independent of the moral and political doctrines that have generated them (for instance, liberalism) but

also of those doctrines that have sometime opposed them (utilitarianism, Marxism, Christian traditions), as well as of those unfamiliar with them (Buddhism, Confucianism, Hinduism, Islam). Their compatibility with different traditions is possible insofar as all those different traditions converge on the value and dignity of human persons and the subsequent institutional implications. The practice of human rights is compatible with different ways of understanding humans: as autonomous agents, as agents in relation with others, as transcendent or immanent beings in the world of nature. What is at stake is not only the content of rights to be recognized, but also how this content would determine the shape and rules of social and political institutions. Human rights, then, can be considered a starting point for a shared perspective needed by the major transformation that climate change requires.

Another important field for observing how human rights practice can be useful to face climate change is to consider its dynamic character. A right is the ground of a duty (Raz 1988, 170-171). Hence a right-based approach requires identification of duty bearers that have the task of correcting wrongs and implementing solutions (Gruskin & Ray 2014), even if the existence of rights does not depend on effective identification of the duty holder, but on the strength of their justification. This justification can refer to the content of rights as they must be specified in consideration of the climate change threat or as the outcome of a discriminatory approach. Duty holders are not only states or international institutions (indirectly legitimated by states), but also a wide range of non-state actors belonging to domestic and global civil society (Frost 2002), as well as to a large number of different international institutions with different goals. States are the first and main duty holders, just as they are the most dangerous enemies of rights, in both cases because of their proximity to rights-holders. But an approach from rights certainly includes multifaceted duty holders. What is important is not uniformity of these duty holders, but satisfaction of rights. The practice of human rights has shown a powerful ability to involve different kinds of actors. According to the subsidiarity principle, it is possible to put order among different duty holders, giving priority to those closest to the interest to be regulated and to the individuals affected, but this does not mean that others are exonerated. If the closest is not able to guarantee rights, it is necessary that other actors intervene. Each one acts in accordance with its nature. Global civil society is the realm of spontaneity, proximity, capillarity, but at the same time it is the field of asymmetry and casualty, because of its spontaneity. Political institutions would enact some preferences (to compatriots). Legal institutions must act according to equality.

A final relevant question for climate change debate is that of future generations. Human rights deny an exclusive spatial/territorial preference deriving from citizenship insofar as human rights go beyond those borders. From this point of view, human rights aim at realizing intra-generational equity. It is not evident whether human rights are compatible with a pure

time preference and imply intergenerational equity or not. The practice of human rights looks at the protection of concrete human beings, in their living statuses and situations. Future generations are non-contemporaries and they are contingent. To this we can add that there are no straight exchanges and our relationships with them are asymmetrical (Meyer 2014). And indeed an account of justice completely founded on straight reciprocity must deny the pertinence of future generations to the domain of justice: how can we interact with those that at the moment do not exist? As is well known, Rawls' normative theory of justice includes future generations in the domain of fair institutions, though not on the basis of the principle of difference. Nevertheless, the veil of ignorance would also cover belonging to this or that generation, as long as it is something not voluntarily alterable. It would be unjust for the living to take advantage of their position in time to favour their own interests, and this is relevant from the point of view of individual rights. This is particularly clear in those fields in which the effects of current actions influence the future state of things. This paradoxical outcome leads Rawls and many others to state that, in the context of fair institutions, intergenerational justice is certainly relevant. And indeed each generation has to preserve its cultural, historical, environmental heritage and to maintain its political institutions. Further, each generation invests in research, development and education in favour of future generations. One important characteristic of the political community is precisely its continuity: fair political institutions must be constant and stable (Rawls 1999, §44). It is certainly difficult to translate this discourse into individual rights, but it is certain that the practice of human rights also needs continuity, in space and time, in order to be trustable. The practice of human rights has to show its ability to protect every human being, also those of future generations, and this is an important part of its justification. It is again a requirement deriving from its universality. Even if future generations are not currently concrete rights holders, the practice of human rights must aim at protecting them.

4. *Cosmopolitanism, human rights and climate change*

A full approach to climate change seems to require a cosmopolitan vision, i.e. an approach that overcomes the borders of the political community. The essence of the wide cosmopolitan family of visions seems to be the idea that all human beings, regardless of their political affiliation, are citizens of a single community (Kleingeld & Brown 2014), the single community of humanity. As is well known, the meaning of cosmopolitanism derives from the Greek fusion between *kosmos* and *polites*, with the meaning of world citizenship, which is nevertheless far from being an uncontroversial Greek concept. Both Plato and Aristotle seem to prefer anti-cosmopolitan versions of citizenship. This preference is justified by the conception of citizenship that makes reference to active

agents taking part in political tasks. Both the words *cosmos* and *polis* at the roots of cosmopolitanism indicate the idea of order: the order created by humans as free and equal, and the order of all reality beyond humanity. Nevertheless, cosmopolitanism mainly being a way of understanding citizenship, even the order of all reality is to be seen as depending on human action or in some way linked to it. Human beings are part of the whole order in two ways: as part of that order and as agents cooperating to that order or producing it. According to the idea of an active world citizenship, human beings can cooperate with the cosmic order as well as with its degradation, and this is the case of climate change, both from the point of view of seeing it as a negative effect of human action, and from the point of view of positive contributions to limiting it. Nowadays, more powerful accounts of cosmopolitanism could be appreciated in ecology movements (Nussbaum 1996, 12) or in geoism (Casal 2012), positions that reiterate old meanings of *cosmos* as a harmonic whole including every being, not only humans.

For their part, human rights can be considered cosmopolitan insofar as they militate against the exclusive force and validity of local and partial links and affiliations. They exclude the crucial relevance of borders: political borders and those differences that can bring out discriminations, including some kinds of speciesism. They are also cosmopolitan because they promote integration and inclusion, since they determine how to protect human beings considering their status and concrete situation. But cosmopolitanism is able to go beyond political affiliations and even beyond humanity itself, as far as the strong idea according to which human beings, animals and other natural beings form part of the same whole. In this connection, within the *cosmos* human beings can be set alongside other forms of beings. Obviously, the widest versions of cosmopolitanism need to be combined with the awareness that different statuses must be distinguished and must be articulated. Otherwise cosmopolitanism would seem the Hegelian ‘night in which all cows are black’, with the effect of losing every relevance for the task of establishing normative directions. The wider the community is, the more important are the internal distinctions that have to be compatible among them in some order and harmony⁴. In general, the widest forms of cosmopolitanism point at underlining human responsibility for the rest of the *cosmos*, distinguishing the role of humans and their normative positions from those of other beings (Trujillo 2015). From this point of view, the centrality of vulnerable rights holders renders defective the cosmopolitanism of human rights, unless we consider that the very centre of the practice of human rights is not the rights holder, but the individual involved in the responsibility of protecting others’ rights.

⁵ This idea is prevalent in Confucianism and other Eastern approaches (Kim 2006).

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