

Draft Declaration on Human Rights and Climate Change

Preamble

Guided by the United Nations Charter, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Vienna Declaration and Program of Action of the World Conference of Human Rights, the United Nations Declaration on the Rights of Indigenous peoples, The Nagoya Protocol and other relevant international instruments incorporating human rights,

Guided by the Stockholm Declaration of the United Nations Conference on the Human Environment, United Nations Framework Climate Change Convention, Convention on Biological Diversity, the World Charter for Nature, United Nations Convention on the Law of the Sea, the Rio Declaration on Environment and Development, and other relevant instruments of international environmental law,

Reaffirming the universality, indivisibility and interdependence of all human rights,

Recognizing the radical dependency of all life on earth on a healthy Earth system,

Recognizing that climate impacts caused by the human industrial and consumer activities on the planetary lifecycle, disproportionately affect the poor, women and children, the vulnerable, small island communities, developing countries and least developed countries, future generations and innumerable non-human natural persons and living systems,

Recognizing that courts and jurists of international standing link the fulfillment of human rights to a secure, healthy and ecologically sound environment, and that this necessarily includes human rights related to climate harms,

Recognizing that human and non-human natural persons and living systems are affected by climate harm and that it is the stewardship responsibility of human beings to respect and protect the rights of non-human natural persons and living systems,

Recognizing that science confirms the threat of climate change on the livelihoods and well-being of present and future generations,

Deeply concerned by the severe human rights consequences of the continuing political failure to reach firm commitments on climate mitigation and adaptation; by the dominance of the market as the supreme value coordinating international responses to the climate crisis; and by the lack of direct responsibility in international human rights law for corporate actors violating human and environmental human rights,

Convinced that the potential irreversibility of climate change effects gives rise to an urgent need for new forms of state and non-state accountability and liability,

THE FOLLOWING PRINCIPLES ARE DECLARED:

I:

1. Human rights and a profound commitment to climate justice are interdependent and indivisible.
2. All human beings have the right to a secure, healthy and ecologically sound Earth system and to fairness, equity and justice in the provision of climate resilience, adaptation and mitigation.
3. All human beings have the right to a planetary climate suitable to meet equitably the needs of present generations without impairing the rights of future generations to meet equitably their needs.

4. All human beings have the right to information about and participation in decision-making related to alterations to the physical environments they rely upon for their health and survival.
5. All human beings have the right to the highest attainable standard of health free from environmental pollution, degradation and the emissions of environmental toxins and to be free from dangerous anthropogenic interference with the climate system such that rising global temperatures are kept well below the tipping point of two degrees centigrade above preindustrial levels.

II:

6. All human beings have the right to investments in adaptation and mitigation to prevent the deleterious consequences of anthropogenic climate change, and to timely assistance in the event of climate change driven catastrophes.
7. All human beings have the right to information concerning the climate. The information shall be timely, clear, understandable and available without undue financial burden to the applicant.
8. All human beings have the right to hold and express opinions and to disseminate ideas and information regarding the climate.
9. All human beings have the right to climate and human rights education. This education includes the right to learn from multiple perspectives and to understand non-human natural modes of behavior and the requirements of flourishing planetary ecosystems.
10. All human beings have the right to active, free, and meaningful participation in planning and decision-making activities and processes that may have an impact on the climate. This includes the right to a prior assessment of the climate and human rights consequences of proposed actions. This includes the right to equality of hearing and the right for processes to be free of domination by powerful economic actors.
11. All human beings have the right to associate freely and peacefully with others for purposes of protecting the climate or the rights of persons, whether human or non-human natural persons, affected by climate harm.
12. All human beings have the right to effective remedies and redress in administrative or judicial proceedings for climate harm or the threat or risk of such harm, including modes of compensation, monetary or otherwise.

III:

13. All persons, individually and in association with others, have a duty to protect the climate from damaging emissions.
14. All States shall respect and ensure the right to a secure, healthy and ecologically sound environment and to a stable climate, and ensure the rights outlined in Parts I—III of this Declaration. Accordingly, they shall adopt the administrative, legislative and other measures necessary to effectively implement the rights in this Declaration.
15. All States shall ensure international cooperation with other States and international organizations and agencies for the purpose of respecting the rights outlined in Parts I-III of this Declaration. All States shall observe the rights and duties in this Declaration.
16. All international organizations and agencies shall observe the rights and duties in this Declaration.