

*Draft of the International Covenant on the
Human Right to the Environment*

Exposition of Motives

1. Human rights and fundamental freedoms being indivisible, the full realization of civil and political rights without the enjoyment of economic, social and cultural rights is impossible.¹
2. The human right to the environment, which takes part of economic, social, and cultural rights, have come to complement and reinforce civil and political rights and economic, social, and cultural rights.
3. Sixty-nine years after the Universal Declaration of Human Rights and fifty-one years after the two international covenants for social, economic, and cultural rights, and for civil and political rights adopted and opened for signature, and for ratification and accession by the General Assembly of the United Nations in its Resolution 2200 A (XXXI) of 16 December 1966, the time has come to devote a third International Covenant to the human right to the environment.
4. A third International Covenant for the right to the environment is even more indispensable as globalization and poverty challenge human rights and require enhanced consideration of the environment. The General Assembly of the United Nations has specifically insisted on this evolution in its Resolution 69/173 of 18 December 2004 on Globalization and its impact on the full enjoyment of all human rights, 69/183 of 18 December 2014 on Human rights and extreme poverty and 70/153 of 17 December 2015 on the Enhancement of international cooperation in the field of human rights.
5. The economic, social, and cultural effects of environmental damage on human rights can sometimes have greater impact on vulnerable

¹ Tehran Proclamation of 1968 (UN doc A/CONF 32/41), para. 13 ; Vienna Declaration of 1993 (A/CONF.157/23), para. 5.

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persons and communities. Autochthonous and local communities are most victimized by environmental damage because of their greater dependence on nature.²

6. Multiple threats to the environment, resulting from all forms of pollution, climate change, and loss of biodiversity, require an increased resilience of humanity. This resilience is based in particular on international human rights law and international humanitarian law which are now indivisible with the human right to the environment.
7. The human right to the environment has become in 45 years a quasi-customary obligation of international law, given its international and national recognition.
8. All of the international United Nations conferences on the environment and development have admitted by consensus the importance of the human right to a healthy and ecologically balanced environment permitting people to live with dignity and well-being: Stockholm Declaration of 1972, Rio Declaration of 1992, Johannesburg Declaration of 2002, the Rio Declaration of 2012.
9. Among the universal Goals of the 2030 Agenda for Sustainable Development adopted by the General Assembly of the United Nations in 2015 is the environmental dimension of sustainable development.³ The Special Rapporteur for Human Rights and the Environment has emphasized the importance of new Sustainable Development Goals (SDG) for human rights and the environment.⁴
10. The General Assembly of the United Nations has adopted resolutions in particular on the right to water in 2010 and 2015,⁵ on the right to food in 2014,⁶ on living in harmony with nature,⁷ and on access to

² Resolutions of the Human Rights Council A/HRC/Res/16/11 of 24 March 2011 and A/HRC/Res/28/11 of 26 March 2015 ; Report of John H. Knox, Special Rapporteur on Human Rights and the Environment, A/HRC/31/52 §81 of February 1, 2016; Declaration of the United Nations on the Rights of Indigenous Peoples, 2007, RES 61/295, art. 25, 28, 29 ; Special Rapporteur on the rights of indigenous peoples A/HRC/18/35, § 26.

³ Resolution 70/1 of 25 September 2015.

⁴ Report of John H. Knox, 28 December 2015, A/HRC/31/53, §11.

⁵ Resolutions 64/292 of 28 July 2010 and 70/169 of 17 December 2015.

⁶ Resolution 69/177 of 18 December 2014.

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reliable and modern energy services.⁸ It has also adopted in 1982 the World Charter for Nature.⁹ Nature and the environment being indivisible, some jurisdictions recognize the rights of nature, giving it juridical personality. The right to the environment complements the rights of nature,¹⁰ as was suggested in the Rio Declaration on the Environment and Development, Principle 1: human beings are "entitled to a healthy and productive life in harmony with nature."

11. Several international and regional conventions for the environment have created a judicially recognized a new human right to the environment,¹¹ as well as a convention with universal jurisdiction.¹²

12. Resolutions and reports of the Commission on Human Rights and later the Human Rights Council have on several occasions addressed the human right to the environment in its diverse aspects since 1988.¹³

13. The place of the human right to the environment at the heart of human rights was again reinforced with the nomination in 2012, by the Human Rights Council, of an independent expert, who became Special Rapporteur on the Issue of Human Rights Obligations

⁷ Resolutions 64/196 of 21 December 2009, 65/164 of 2010, 66/204 of 2011, 67/214 of 2012, 68/216 of 2013, 69/224 of 19 December 2014 and 70/208 of 23 December 2015.

⁸ SDG 7-1 on sustainable development, Resolution of the General Assembly of the United Nation of 25 September 2015, A/70/1.

⁹ Resolution 37/7.

¹⁰ Articles 17 and 71 of the Constitution of Ecuador; in New Zealand, the River Whanganui (Ruruku Whakatupua, The Whanganui Iwi Deed of Settlement 2014), Te Urewera forest (section 11, Te Urewera Act 2014).

¹¹ African Charter on Human and People's Rights of 1981; Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights ("San Salvador Protocol") of 1988; Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa ("Maputo Protocol") of 2003; African Convention on the Conservation of Nature and Natural Resources ("Maputo Convention") of 2003; Arab Charter on Human Rights of 2004.

¹² Aarhus [Convention of 1988 on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters](#) ("Aarhus Convention").

¹³ Since 1988 the work of the Human Rights Commission (Resolution 1988/26) and the Ksentini Report of 1994/14 and 2005/60 ("Ksentini Report"); Since 2010, Resolutions of the Human Rights Council on the environment 16/11 of 2010, 19/10 of 2012, 25/21 of 2014, 28/11 of 2015, 31/8 of 2016 ; on climate change 7/23 of 2008, 10/4 of 2009, 18/12 of 2011, 26/27 of 2014, 29/15 of 2015, 32/33 of 2016.

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Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment.¹⁴

14. The International Court of Justice, in its advisory opinion of 8 July 1996 on the legality of the threat or use of nuclear weapons, found 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."¹⁵
15. In parallel with these diverse forms of recognition of international human rights, more than 150 national constitutions have included the environment as a social obligation. Among them, more than 95 have recognized the human right to the environment as a new fundamental constitutional right.¹⁶ In the absence of constitutional provisions, several constitutional courts or supreme courts have also recognized a right to the environment.
16. The recognition of the human right to a healthy environment at the international level will reinforce the obligations relating to peace, security, rule of law, political stability, and democracy and will reinforce the rights of humanity.¹⁷ Moreover, the right to development in the context of the establishment of a new international economic order is indissoluble with protection for the environment.¹⁸
17. Several initiatives have been taken toward establishing a 3d international covenant on human rights. Among those that have had

¹⁴ Reports of John H. Knox A/HRC/31/53 of 28 December 2015 and A/HRC/31/52 of 1 February 2016.

¹⁵ Advisory opinion, I.C.J. Reports 1996, p.226 paragraph 29.

¹⁶ David R. Boyd, *The Environmental Rights Revolution*, UBC Press, 2012; James R. May and Erin Daly, *Global Environmental Constitutionalism*, Cambridge University Press, 2015.

¹⁷ Preamble of the Inter-American Democratic Charter, approved by the General Assembly of the Organization of American States on 11 September 2001; the African Charter on Democracy, Elections, and Governance of 2007 mandates the political and strategic protection for the environment within a framework of sustainable development for the benefit of present and future generations (Art. 42).

¹⁸ Resolutions of the United Nations General Assembly on the Right to Development 41/128 of 9 December 1986 and on the establishment of a new international economic order 3201 (S-VI) of 1 May 1974, 63/224 of 19 December 2008, 64/209 of 21 December 2009, 65/167 of 20 December 2010 et 67/217 of 21 December 2012.

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formal recognition,¹⁹ the proposal of Mme. Ksentini, the Special Rapporteur for the United Nations on the human right to the environment deserves special attention. At the time of its publication in 1994, attention was only beginning to be paid to the relationship between the environment and human rights. Twenty-three years later, the time has come to adopt a 3d International Covenant dedicated to the environment, recognized as a fundamental human right.²⁰

18. Taking into account the invitation of the United Nations to promote new ideas and principles in the area of human rights to protect and make more effective environmental rights, and pursuant to United Nations General Assembly Resolution 53/144, the International Center for Comparative Environmental Law, as an organ of civil society, proposes the following International Covenant.²¹

Preamble

The State Parties to the present Covenant,

1. Considering that in accordance with the Charter of the United Nations, peoples are determined to promote social progress and better standards of life in larger freedom²² and to promote universal respect for and observance of human rights and fundamental freedoms,²³
2. Reaffirming that all human rights and fundamental freedoms, including the right to environment, are universal, indivisible and interdependent and that

¹⁹ See the earlier draft of the Third International Covenant on Solidarity Rights and the Hammer Projet, drafted in Aix-en-Provence in 1981 and published in Annex II of the *Mélanges Hector Gros Espiell*, « Personne humaine et droit international », Bruylant 1997, vol. 2, p. 1673.

²⁰ Ksentini Report, E/CN.4/Sub.2/1994/9, 26 July 1994, Annex 1.

²¹ Resolution 53/144 of 9 December 1998 ("Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms").

²² United Nations Charter, Preamble § 4

²³ United Nations Charter, Art. 55 and Universal Declaration of Human Rights, United Nations General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III) ("UDHR"), Preamble.

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it is the responsibility of the States, individuals, and other public and private entities to protect and promote these rights,²⁴

3. Convinced that peace, the rule of law, respect for human rights, sustainable development, the right to development, and environmental protection are indivisible,²⁵
4. Recognizing that, in accordance with the Universal Declaration of Human Rights, everyone has the right to a standard of living adequate for his health and well-being and that of his family,²⁶
5. Recalling that States must take measures to achieve the most efficient development and utilization of natural resources²⁷ and improve all aspects of the environment,²⁸ in accordance with the International Covenant on Economic, Social, and Cultural Rights,
6. Considering that the environment is understood in all its dimensions: earth, maritime, atmospheric and super-atmospheric, and that the right to a healthy environment applies to all public, private, and customary resources as well as to common goods,
7. Deeply troubled by the risks facing humanity and nature, in particular by the adverse effects of climate change, the accelerated loss of biodiversity, natural and technological disasters, degradation of lands and oceans, all of which give rise to violations of fundamental human rights and represent a vital threat to present and future generations,²⁹
8. Finding that environmental damage, which necessarily affects all humanity, is often accompanied by direct or indirect violations of human rights,

²⁴ United Nations General Assembly Resolution 32/130 of 16 December 1977 and 41/117 of 4 December 1986.

²⁵ Rio Declaration on Environment and Development (A/CONF.151/26, vol. I) and Agenda 21 (A/CONF.151/26, vol. II), adopted by the United Nations Conference on Environment and Development on 14 June 1992, ("Rio Declaration"), Principle 25; on the right to development, Resolution AG NU 70/155 of 2015.

²⁶ UDHR, Art 25-1

²⁷ United Nations General Assembly, International Covenant on Economic, Social and Cultural Rights, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3, ("ICESCR"), Art. 11-2-a.

²⁸ Dans la version française du Pacte, l'article 12-2-b fait référence à « l'hygiène du milieu et [de] l'hygiène industrielle ». Dans les versions anglaises et espagnoles du Pacte, le terme « environnement » est employé en lieu et place de « hygiène du milieu »

²⁹ Draft Declaration of Humankind Rights, Preamble, para. 7, presented by F. Hollande, President of the French Republic to the Secretary General of the United Nations, 28 April 2016.

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particularly the right to life, the right to health, the right to water, the right to food, the right to respect for private life, family and the home, and the right to freedom of opinion and expression,

9. Noting also, reciprocally, that some human rights abuses are accompanied by destruction of the environment,
10. Considering that human rights are a form of resilience in the face of environmental degradation,³⁰
11. Recalling the international consensus existing since the first principle of the Declaration adopted by the United Nations Conference on the Human Environment in Stockholm, of 16 June 1972, according to which each person has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being,
12. Finding that the human right to a quality environment is recognized by several international conventions, and by the constitutions of the majority of member states of the United Nations,
13. Considering that freedom of association recognized by article 22 of the International Covenant of Civil and Political Rights constitutes an important means of promoting and safeguarding respect for the rights included in the present Covenant;
14. Considering that it is nonetheless necessary to establish, in a universal convention, international rules for the human right to a healthy environment, binding on states, individuals, and other public and private entities, and enforceable by them,

The following articles are hereby agreed:

First part: The right to the environment and the rights and duties that pertain to its realization.

³⁰ Conseil de l'Europe, EUROPA, Ethical principles on disaster risk reduction and people's resilience, Strasbourg, 2011.

Article 1 -- The right to a healthy environment

1. Everyone, including future generations, has the right to live in an ecologically balanced environment capable of assuring his or her health, security, and wellbeing.³¹
2. To that end, every person has the obligation to protect the environment and to contribute to its improvement.
3. The State Parties undertake to effectively implement the rights and duties in the present Covenant. They adopt all measures necessary to this end.

Article 2 -- The right to a heightened level of protection and to non-retrogression.

1. Everyone has the right to a heightened level of protection of the environment and to non-retrogression in the levels already attained.
2. The State Parties adopt measures necessary to effectively combat threats to the environment.
3. These measures should be adapted to the state of the environment and ensure a heightened level of protection.³²
4. These measures may not result, directly or indirectly, in the relation or transfer to other States of any activities and substances that cause severe environmental degradation or are found to be harmful to human health.³³
5. These measures must contribute to enhanced protection for the environment and health. They must not lead to a reduction in the level of environmental protection already attained.³⁴

Article 3 - Right to precautionary measures

³¹ Stockholm Declaration, Principle 1; Rio Declaration, Principle 1; Aarhus Convention, art. 1.

³² Rio Declaration, Principle 11.

³³ Rio Declaration, Principle 14; Proposal of the IUCN Covenant 2015 ("IUCN Proposal"), Article 18.

³⁴ Rio+ 20 Declaration, 2012, para. 20. Reports of John H. Knox A/HRC/25/53, 30 December 2013, para. 55 ; A/HRC/ 31/52, 1 February 2016, paras. 67, 68, 75 ; Resolutions IUCN 5.128 of the World Congress of jeje in 2012 and 0.82 of the World Congress in Hawaii in 2016; European Parliament resolution of 29 September 2011 on developing a common EU position ahead of the United Nations Conference on Sustainable Development (Rio+20), para. 97; IUCN Proposal, art. 10.

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1. Everyone has a right to proportional precautionary measures in case of risk of serious or irreversible damage and in the absence of scientific certainty regarding the effects of a legal act or activity on the environment.
2. To this end, everyone has a duty to take necessary precautionary measures.³⁵

Article 4 - Right to prevention

1. Everyone has a right to have preventive measures taken.
2. To this end, every person has a duty to prevent damage he or she is likely to cause to the environment.
3. The costs of prevention, pollution reduction, and the fight against pollution, as well as the costs of repairing environmental damage, must be borne by the polluter³⁶.
4. Everyone, including States within the limits of their jurisdictions, must ensure that their activities and those activities under their control, do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.³⁷

Article 5 - Right to environmental assessment

1. Projects, plans or programs must undergo an assessment of their impact on the environment.
2. This evaluation must also include transboundary impacts. In this context, States must notify concerned States of their projects and hold consultations promptly and in good faith.³⁸

Article 6 -- Right to reparation of environmental damage

³⁵ Principle 15 of Rio 1992; Article 6 of the 2015 IUCN Covenant; Article 5 of the 2005 French Charter on the Environment.

³⁶ Rio Declaration, Principle 16; on the internalization of costs of prevention and pollution controls well as the costs of environmental damage, recommendation of the OECD C (90) 177 (final) of 1991.

³⁷ Stockholm Declaration 1972, Principle 21; Rio Declaration Principle 2.

³⁸ Rio Declaration, Principle 17 and 19; Report of John H. Knox A/HRC/25/53, 30 December 2013, para. 30 ; Espoo Convention and the Kiev Protocol; International Court of Justice, *Papeletras*, 20 April 2010.

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Everyone who is responsible for damage to the environment is obligated to restore to its original state. This obligation exists within and between States.³⁹

Article 7 -- The right to education

1. Everyone has the right to education and to lifelong environmental education.⁴⁰
2. Environmental education emphasizes the acquisition of knowledge relating to balanced environmental uses and on different modes of management respectful of the natural environment.

Article 8 - Freedom of opinion and expression

1. Everyone has the right to have and to express his or her opinion and to communicate ideas and information about the environment.
2. Environmental defenders must not be arbitrarily defamed, prosecuted, arrested, detained or exiled.⁴¹
3. States shall take all necessary measures to protect the exercise of fundamental rights by any individual or group working to promote environmental protection.⁴²

Article 9 - Right to information

1. Everyone has the right, without having to prove an individual interest, to access to information on the environment, including information about hazardous materials and activities, and to obtain and disseminate it.

³⁹ Art. 1386-19 of the French Civil Code.

⁴⁰ ICESCR, Art. 13; IUCN Proposal 2015 Art. 54

⁴¹ UDHR, Article 9; United Nations General Assembly, Special Rapporteur on the situation of human rights defenders, see *Environnement* p. 16 (A/70/217, 30 July 2015); United Nations General Assembly Resolution A/ RES/ 70/161, 17 December 2015 on human rights defenders and the Declaration on the right and responsibility of individuals, groups, and civil society organizations to promote and protect universally recognized fundamental human rights and freedoms.

⁴² Special Rapporteur on human rights defenders: environmental rights defenders, A/71/281 of 3 August 2016; Human Rights Council, Resolution 31/8 (A/HRC/RES/31/8) of 22 April 2016; Resolution 31/32 (A/HRC/31/32) of 20 April 2016 defenders of economic, social, and cultural rights; Special Rapporteur on human rights and the environment John H. Knox (A/HRC/28/61), 18 February 2015, p. 12; Inter-American Court of Human Rights, *Kawas v. Honduras*, 3 April 2009.

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2. Such information must be disclosed in a way that is pertinent, comprehensible, and available at a reasonable cost.

Article 10 - Right to participation

1. Everyone has the right to participate effectively in decision-making in environmental matters, from the beginning of the process.
2. The right to participation in particular must apply to the planning, usage, and management for the protection of the environment.⁴³
3. Results of public participation shall be taken into consideration.⁴⁴

Article 11 -- Right to Recourse

Everyone has the right to effective recourse before competent judicial or any impartial and independent administrative bodies in order to challenge acts or omissions of public or private persons who violate national or international environmental law.⁴⁵

Article 12 - Right to water

Everyone has the right to safe drinking water and sanitation.⁴⁶

Article 13 - Right to food

Everyone has the right to healthy and nutritious food in sufficient quantity.⁴⁷

⁴³ Protocol relating to the rights of women of the African Charter of Human and Peoples' Rights, Art. 18.

⁴⁴ Aarhus Convention, Articles 6-8 and 8.

⁴⁵ United Nations General Assembly Resolution 60/147 of 16 December 2005 on "Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law"; Rio Declaration, Principle 10; Aarhus Convention; IUCN Proposal, art. 15.

⁴⁶ This right is exercised as an element of the right to adequate standard of living, as much as a human right necessary for the full enjoyment of life and of the exercise of all other rights. (United Nations General Assembly Resolutions 64/292 and 70/169). This right is inextricably related to the right to the highest attainable standard of physical and mental health, as well as to the right to life and human dignity. (United Nations General Assembly Resolution A/C.3/70/55 of 18 November 2015). The links of water and health are especially pronounced in the London Protocol of 1999 on water and health to the 1992 Convention on international water courses and lakes.

⁴⁷ United Nations General Assembly, Resolutions 69/177 of 2014 and 70/154 of 2015.

Article 14 - Rights of indigenous peoples

1. Indigenous, autochthonous, and local communities, as distinct populations, and because of their traditions and customs, have the right to protection of their environment, their lands, territories and resources,⁴⁸ taking into account their indigenous legal order.
2. They have access to natural resources essential to their subsistence and their culture and they have a right to share in the benefits associated with the exploitation of natural resources, including genetic resources, within their territories.
3. They have the right, in the case of forced displacement, to return to a place that permits their use of natural resources consistent with their life style.

Article 15 -- Rights of persons in disaster situations

State parties undertake to ensure that all human rights provided under international law are guaranteed to those who are vulnerable to natural or industrial disasters. They have a right, in particular, to prior detailed information on the present and future consequences of environmental accidents on their health and to the environment, and to information about previous losses as well as to an emergency alert system.⁴⁹

Article 16 -- Rights of environmental refugees and internally displaced persons

1. All civil, political, social, economic, cultural, and environmental rights are guaranteed to persons displaced whether voluntarily or by force, as a result of sudden or insidious changes to their environment.

⁴⁸ Rio Declaration, Principle 22; IUCN Proposal, art 16; United Nations General Assembly Declaration on the rights of indigenous peoples 61/295 of 13 September 2007 A/RES/61/295.

⁴⁹ Rio Declaration, Principle 18; International Law Commission Proposal for articles on the protection of persons in the event of disasters, 2016 ("ILC Proposal"), art. 9-2 ; IUCN Proposal, art 19 ; European Court of Human Rights, *Tatar v Roumania*, 27 January 2009, para. 122.

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2. Internally and internationally displaced persons have a right to special juridical status to ensure their right of "regular stay" and their fundamental rights.⁵⁰

Article 17 -- Fairness and solidarity

1. States Parties undertake to ensure that the rights and duties contained in the present Covenant shall be exercised with fairness and solidarity for the benefit of present and future generations

2. They fulfill their obligations by taking into account their common but differentiated responsibilities.

Article 18 -- Non-discrimination

States Parties undertake to guarantee that the rights contained in the present Covenant shall be exercised without discrimination whatsoever based on race, gender, age, language, religion, political or other opinion, national or social origin, property, birth or other status⁵¹.

Article 19 – Sustainable protection

So that the rights contained in the present Covenant are protected for present and future generations, State Parties shall ensure that all public policies and all development processes integrate environmental sustainability.

Second Part: International Cooperation

Article 20 -- Cooperation

All States, international organizations, and all peoples shall cooperate in a spirit of global partnership to oversee, assess, conserve, protect and restore the health and integrity of the Earth's land and marine ecosystems, taking into

⁵⁰ Proposal for the Convention of Limoges on the juridical status of environmentally displaced persons (www.cidce.org) ; Report of John H. Knox A/HRC/31/52, 1 February 2016, paras. 24 and 61.

⁵¹ ICESCR, Art. 2-2.

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account especially the needs of the most vulnerable populations, in particular in the least developed countries and small island developing States.⁵²

Article 21 -- Assistance

To assure the progressive realization of the rights recognized in the present Covenant, each State Party undertakes to take steps to the maximum of its available resources, by its own efforts and through assistance through technology transfer and international cooperation, particularly on the scientific, economic, legal, and technical matters.⁵³

Article 22 – Disaster Notification

States Parties shall notify the other States of any risk of disaster that may affect the environment. They must assist one another and ensure respect for human rights in rescue and relief operations⁵⁴.

Article 23 -- Framework for limitations of rights

The States Parties to the present Covenant recognize that, in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.⁵⁵

Article 24 -- Interpretation of the Covenant

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized

⁵² Paris Climate Agreement of 12 December 2015, Art 9 (9) and 11 (1); Rio Declaration Principles 5, 6, and 7.

⁵³ ICESCR, Art 2-1.

⁵⁴ Rio Declaration, Principle 18; ILC Proposal, arts. 11, 12.

⁵⁵ ICESCR, Art. 4; Protocol of San Salvador, Art. 5; European Convention of Human Rights, Art. 8.

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herein, or at their limitation to a greater extent than is provided for in the present Covenant.⁵⁶

2. This Covenant may not be interpreted as limiting the rights of nature or of any parts thereof when they are recognized by a State.⁵⁷

Part Three: Monitoring the Enforcement of the Covenant

Article 25 -- Enforcement Body

The Committee on Economic, Social and Cultural Rights established by resolution 1985/17 of 28 May 1985 (hereinafter referred to as the "Committee") is responsible for monitoring and controlling compliance with obligations under the present Covenant.

Article 26 -- Reports to the Committee

1. The States Parties to the present Covenant undertake to submit every four years reports on the measures they will have adopted and on the progress made to ensure respect for rights and duties contained in the present Covenant.⁵⁸

2. Reports may describe the difficulties that states face in fulfillment of obligations under the present Covenant.

3. All reports are submitted to the Secretary General of the United Nations who shall transmit copies to the Economic and Social Council and the Committee.

4. The Secretary General of the United Nations may, after consultation with the Committee, transmit to the specialized agencies concerned copies of such parts of the reports as may fall within their field of competence.⁵⁹

5. The Committee is responsible for reviewing these reports and making recommendations to the Economic and Social Council.

⁵⁶ ICESCR, Art. 5-1.

⁵⁷ ICESCR, Art. 5-2; with particular regard to the rights of nature protected in Bolivia and Ecuador.

⁵⁸ ICESCR, Art. 16.

⁵⁹ International Covenant of Civil and Political Rights, Art. 40 §3.

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6. The States Parties may submit to the Economic and Social Council comments on any recommendation made under § 5 above or any mention of a recommendation contained in a Committee report.

Article 27 -- Interstate Communications

Any State Party to the present Covenant may decide to any time that it recognizes the competence of the Committee to receive and consider communications in which a State Party claims that another State Party has not fulfilled its obligations under the present Covenant.

Article 28 -- Individual communications

1. Under the present Covenant, the Committee is responsible for receiving and considering communications from individuals, or groups of individuals, or on behalf of individuals, or groups of individuals, subject to the jurisdiction of a State party, who claim to be victims of a violation by that State Party of one of the rights or obligations relating to the environment set forth in the present Covenant.

2. A communication may only be submitted on behalf of individuals or groups of individuals with their consent, unless the author can justify acting on their behalf without such consent.

Article 29 -- Procedure

The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights adopted on 10 December 2008 by resolution A/RES/63/117 of the United Nations General Assembly⁶⁰ shall apply *mutatis mutandis* to the implementation of the present Covenant to receive and consider communications presented pursuant to Articles 27 and 28 of this Covenant.

Article 30 -- Annual Report of the Committee

⁶⁰ Entered into force on 5 May 2013.

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In its annual report, the Committee will include a summary of its activities under the present Covenant.⁶¹

Fourth Part: Final Provisions

Article 31 -- Signature, Ratification, Accession

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, and to any other State invited by the National Assembly of the United Nations to become a party to the present Covenant.
2. The present Covenant is subject to ratification and the instruments of ratification shall be deposited with the Secretary General of the United Nations.
3. The present Covenant shall be open for accession by any State referred to in paragraph 1 of this Article.
4. Accession shall be by deposit of an instrument of accession with the Secretary General of the United Nations.
5. The Secretary General of the United Nations shall inform all States which have signed this Covenant, which have ratified it, or which have acceded to the deposit of each instrument of ratification or accession.

Article 32 – Entry Into Force

1. The present Covenant shall enter into force three months after the date of deposit with the Secretary General of the United Nations of the thirty-fifth instrument of ratification or accession.
2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or accession, the present Covenant shall enter into force three months after the date of the deposit of its instrument of ratification or accession.

⁶¹ ICESCR, Optional Protocol, Art. 21.

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Article 33 -- Reservations

No reservation to the provisions of the present Covenant shall be accepted.

Article 34 -- Amendments

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary General of the United Nations. The Secretary General shall thereupon communicate any proposed amendments to States Parties to the present Covenant, asking them to indicate whether they favor convening a conference of States Parties to examine them and vote. If at least one third of the States are in favor of this conference, the Secretary General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States present and voting at the conference shall be submitted for approval to the United Nations General Assembly.

2. Amendments come into force when approved by the United Nations General Assembly and accepted in accordance with their respective constitutional processes, by two thirds of States Parties to the present Covenant.

3. When amendments come into force, they are mandatory for States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

Article 35 - Notification by the Secretary General

Irrespective of the notifications provided for in paragraph 5 of article 31, the Secretary General of the United Nations shall inform all States referred to in paragraph 1 of Article 31 of:

a) the signatures to the present Covenant and the instruments of ratification and accessions deposited under Article 31;

b) the date on which the present Covenant shall enter into force in accordance with Article 32 and the date for the entry into force of any amendments under article 34.

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Article 36 – Official Languages

1. The present Covenant, of which the English, Arabic, Chinese, Spanish, French, and Russian texts are equally authentic, shall be deposited with the United Nations archives.
2. The Secretary General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in Article 31.⁶²

Draft Covenant prepared by the Center for International Comparative Environmental Law (CIDCE), an INGO with special consultative status as a UN ECOSOC INGO, and a group led by Professor Michel Prieur and consisting of Julien Bétaille, Marie-Anne Cohendet, Hubert Delzangles, Jessica Makowiak and Pascale Steichen (co-authors of "Right to the Environment" (Daloz 7th edition 2016).

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Thanks for the English translation by Erin Daly, professor of law, Delaware law school, USA

⁶² Except for minor adjustments, the final provisions of the fourth part are entirely borrowed from Arts. 26-31 of the ICESCR.