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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Centre international de droit comparé de l'environnement, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 February 2017]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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

The International Center of Comparative Environmental Law (CIDCE), an international NGO of environmental law experts, has United Nations Economic and Social Council Special Consultative Status and is honored to present its respects to the President of the Council of Human Rights and to submit to the 34th session of the Council of Human Rights this written statement so that consideration of the Draft International Covenant on the Right of Human Beings to the Environment shall be included in the agenda.

The CIDCE would also like to request that this report be submitted for consideration at the 60th Session of the Committee on Economic, Social and Cultural Rights and the 18th Session of the Advisory Committee.

I. Why a 3rd International Covenant?

Fifty-one years after the adoption of two international covenants, one on civil and political rights and the other on economic, social and cultural rights, now, at the beginning of the twenty-first century it is imperative to enshrine the right of human beings to the environment in a third international covenant. The environment is a common concern of all humankind.

This International Covenant on the Right of Human Beings to the Environment is even more relevant as poverty, globalization, sustainable development, environmental degradation and climate change affect human rights on a daily basis.

The United Nations General Assembly stressed these issues in several resolutions on globalization and its impact on the full enjoyment of human rights (69/73), on human rights and extreme poverty (69/183) and on the strengthening of international cooperation in the field of human rights (70/153). The 2030 Sustainable Development Program is clearly based on human rights (resolution 70/1§10).

John H. Knox, Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, considers that "Virtually all of the suggested methods of implementing human rights norms relating to the environment would also support achievement of the Sustainable Development Goals." (A/HRC/31/53, §11).

Humankind is concerned with the dangers faced by human beings and nature due to the adverse effects of climate change, accelerated loss of biodiversity, natural and technological disasters, land, forest and ocean degradation. These upheavals are all violations of fundamental rights and represent serious threats to present and future generations.

Environmental damage is often accompanied by direct or indirect violations of human rights, particularly the rights to life, health, drinking water and sanitation, food, to unpolluted air, to the respect of privacy, family and household life, freedom of opinion and expression affecting more people and vulnerable communities. Indigenous and local communities are more highly victims of these abuses because of their close relationship of dependence of nature. Conversely, certain violations of human rights are accompanied by environmental destruction.

II. Legal Foundations for a 3rd International Covenant

In 1948, the Universal Declaration of Human Rights recognized that everyone has the right to a standard of living that is adequate for the health and well-being of himself and his family (art. 25-1). In turn, the International Covenant on Economic, Social and Cultural Rights recognizes the right for everyone to enjoy the highest attainable standard of physical and mental well-being by improving all aspects of the environment (Art. 12-2- b).

Forty-five years later, the human right to the environment has become an almost customary requirement in international law because of its extensive national and international recognition.

Since the signing of the declaration adopted by the United Nations Conference on Environment in Stockholm in 1972, there has been an international consensus that man has a fundamental right to "adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being, and he bears a solemn responsibility to protect and improve the environment for present and future generations." (Principle 1). This international recognition was reiterated at the highest level by UN conferences and summits on the Environment and Development in Rio in 1992, in Johannesburg in 2002, Rio+20 in 2012, and in New York in 2015 (2030 program).

Five regional conventions on human rights have legally enshrined the human right to the environment, as does a universal convention on the environment (Aarhus Convention of 1998).

Since 1988, the resolutions and reports of the Commission on Human Rights and the Council of Human Rights have repeatedly dealt with the human right to the environment from various angles.

Many regional court decisions on human rights have also referred to the human right to the environment.

Along with these various forms of international recognition, over 150 national constitutions have incorporated the environment as a societal goal and nearly a hundred have enshrined the right to the environment as a new fundamental constitutional right.

Conclusion:

The recognition of the Human Right to a healthy environment at the universal level, enshrined in an International Covenant dedicated to this right, can only strengthen the requirements connected with peace, security, the rule of law, democracy, political stability and good governance. This recognition, expected by most States and civil society, can only contribute to achieving sustainable development for present and future generations because environmental protection is inseparable from the establishment of a new international economic order.

In 21st century, the full enjoyment of civil and political rights, and economic, social and cultural rights is not possible without the recognition of the human right to the environment.

These three families of highly interdependent human rights are universal and indivisible logically. States, individuals and other public and private entities must recognize, protect and promote them.

For these reasons, the Draft of the 3rd Covenant draws heavily from the first two and is based on their monitoring and enforcement mechanisms.

The CIDCE is an international scientific civil society NGO. It is represented in over 50 countries and proposes that the Draft International Covenant on the Right of Human Beings to the Environment be inscribed on the agenda of United Nations bodies.

In doing so, the CIDCE contributes to the implementation of United Nations General Assembly Resolution 53/144 calling for the promotion of new ideas and principles in the field of human rights.

The CIDCE and its legal experts are available to the Council of Human Rights to discuss and complete the draft Covenant.

The draft Covenant is available in English, Spanish and French on the CIDCE website: www.cidce.org

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