

Draft International Covenant on Environmental Rights

Introductory Note

The Draft International Covenant on Environmental Rights (ICER) complements and updates the two International Covenants on Civil and Political Rights, and on Economic, Social and Cultural Rights. It derives, like its predecessors, from the Universal Declaration of Human Rights. These foundational elements of the modern human rights regime have been in force for nearly 50 years but make no mention of the environment or climate change.

The ICER is crucial at this moment in human history, when the triple planetary crisis of climate change, biodiversity loss, pollution and waste, are here, now, and intensifying. A binding, globally ratified human rights instrument is essential to clarify the indivisible, inter-related and inter-dependent rights whose synergy is necessary for present and future generations to live with dignity on earth.

The draft ICER builds on Resolution 48/13 of 2021 by the Human Rights Council and Resolution 76/300 of 2022 by the General Assembly of the United Nations, which formally recognize the human right to a clean, healthy and sustainable environment.

The draft ICER is comprised of the following:

- A preamble asserting, *inter alia*, the environment is understood in all its dimensions, including land, water, oceans, atmosphere and outer space, and notes the right of every person to live with dignity in harmony with nature.
- Part I setting forth a series of rights and duties. First, it establishes the right to a clean, healthy, and sustainable environment and identifies the principal environment-related human rights, including health, water, food and housing. Second, it establishes substantive environmental rights, including rights to a heightened level of environmental protection and non-retrogression, as well as procedural rights to environmental democracy. Third, it confirms rights to gender equality and specifically protects the rights of children and youth and other especially vulnerable populations.
- Part II establishing a general duty of international cooperation, including the duty of assistance and cooperation in case of disasters and emergencies.
- Part III providing for implementation.
- Part IV establishing a Committee on Environmental Rights to monitor and control compliance.
- Part V containing final provisions regarding in particular entry into force.
- An Annex relating to Communications Procedure.

The draft ICER was produced by the International Centre for Comparative Environmental Law (CIDCE), under the leadership of Professor Michel Prieur, and with the support of a Working Group composed of 28 people from 15 countries in Africa, Central, North and South America, Europe and the Middle East. It is partly based on a previous version from 2017 entitled “Draft International Covenant on the Human Right to the Environment”, also developed by CIDCE, which it enriches and renovates. Initially drawn up in English, the draft ICER was subsequently translated into several languages.

Following the practice of the earlier International Covenants, CIDCE will seek State sponsors to promote adoption of the ICER in the Human Rights Council and by the General Assembly of the United Nations, and to support its ratification by States.

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