

THE GLOBAL DEMAND FOR CLIMATE JUSTICE

International Association of Democratic Lawyers
Seminar A of the Monique and Roland Weyl
People's Academy of International Law

The Human Right to a Clean, Healthy and Sustainable Environment

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THE RIGHT TO A CLEAN, HEALTHY AND SUSTAINABLE ENVIRONMENT

- 1948: Universal Declaration of Human Rights
- 1976: Right of Peoples to Self-Determination (ICCPR / ICESCR)
- 1989: Intergovernmental Panel on Climate Change (IPCC) established
- 1992: Rio Declaration On Environment And Development
- 2009: Human Rights Council recognizes that Climate Change threatens Human Rights
- 2015: *Urgenda v Netherlands* District Court ruling (confirmed by NL Supreme Court 2019)
- 2016: The Paris Declaration becomes a Legally Binding International Treaty
- 2018: UN Special Rapporteur asks UN General Assembly to recognize Human Right to a Clean, Healthy and Sustainable Environment
- 2018-19: Pacific Island Students Fighting Climate Change begin ICJ campaign
- 2020: WY4CJ & CSOs Campaign for Human Right to a Healthy Environment
- 2021: UN Human Rights Council recognition: A/HRC/RES/48/13
- 2022: UN General Assembly recognition: A/RES/76/300
- 2023: ITLOS; IACtHR; ECtHR; ICJ

2024: THE *RIGHTS* PLACE AT THE *RIGHTS* TIME

INTERNATIONAL LEGAL ADVISORY OPINIONS

Law of the Sea: ITLOS – 2022 Request by COSIS to clarify States' obligations:

1. To prevent, reduce and control pollution of the marine environment caused by anthropogenic GHG emissions
2. To protect and preserve the marine environment in relation to climate change impacts, including ocean warming and sea level rise, and ocean acidification?

IACtHR - 2023 Request by Chile and Colombia to clarify States' obligations

1. To respond to the climate emergency within the framework of international human rights law,
2. Paying special attention to the differentiated impacts on individuals from diverse regions and population groups, as well as on nature and on human survival on our planet.

ICJ – 2023 Request by UN General Assembly for opinion on the obligations of States:

1. To ensure the protection of the climate system and other parts of the environment from anthropogenic emissions of greenhouse gases for States and for present and future generations?
2. Legal consequences for States where they, by their acts and omissions, have caused significant harm to the climate system and other parts of the environment, with respect to:
 - (i) States, including, in particular, small island developing States, which due to their geographical circumstances and level of development, are injured or specially affected by or are particularly vulnerable to the adverse effects of climate change?
 - (ii) Peoples and individuals of the present and future generations affected by the adverse effects of climate change?"

ECtHR: KLIMASENIORINNEN VS SWITZERLAND

“If the Climate Crisis had been a Bank, Switzerland would have bailed it out” *



Dennis van Berkel, Jessica Simor, Martin Looser, Cordelia Bähr, Marc Willers, Raphaël Mahaim, Richard Harvey, Lou Fournier.



7:00 am, 29 March 2023, European Court of Human Rights, Strasbourg, France

ECtHR 3 Grand Chamber cases heard – 7 more cases pending

- ❖ 2016 – 2020 Case refused by every Swiss Court up to the Federal Supreme Court
- ❖ March 2023 Hearings on *KlimaSeniorinnen v Switzerland* and *Carême v France*
- ❖ Sept 2023 Hearing on *Agostinho v Portugal & 31 COE States*
- ❖ Decision expected 2024

* Anne Mahrer, co-president KlimaSeniorinnen Schweiz

Business, planetary boundaries, and the right to a clean, healthy and sustainable environment



Dr. David Boyd, UN Special Rapporteur on Human Rights & the Environment 2024 Report A/HRC/55/43

The current economic and business paradigms are based on exploiting people and nature. *Fundamental Flaws*

- **Belief in limitless growth,**
- **Short-term thinking,**
- **Narrow focus on maximizing profits for shareholders, and**
- **Externalizing social, health & environmental costs onto society.**

Humanity's impacts now exceed at least six planetary boundaries (**climate change, biodiversity loss / species extinction, fresh water disturbance, deforestation, excessive fertilizer use, synthetic chemical contamination**) and are close to exceeding a seventh (**ocean acidification**).

In 2022, fossil fuel companies made hundreds of billions of dollars in profits while their products killed millions of people and exacerbated the climate emergency. Multinational food businesses enjoyed record profits while food prices, hunger and malnutrition spiked upwards.

Business as usual is a recipe for climate chaos, millions of premature deaths, forced migration, ecosystem collapse and human rights violations on an unprecedented scale

WHAT DO WE DEMAND FROM INTERNATIONAL TRIBUNALS?

1. Recognize that Climate Harms are Human Rights Harms
2. Declare that States' Duties must be based on BAS - Best Available Science
3. Hold States accountable based on International Law Principles
 1. No harm principle – including duty not to contribute to extinction of other States
 2. Precautionary principle
 3. Duty of cooperation and solidarity
 4. Equity, fairness and differentiated responsibility in light of respective capabilities
4. Ruling that States have Binding Obligations in relation to climate impacts on Human Rights:
 1. Mitigation, Adaptation and Compensation for loss and damage
 2. To regulate business enterprises, including State-owned enterprises
 3. To protect the climate system for present and future generations
5. Confirm Rights of Peoples & Individuals for access to justice, not just States

CLIMATE JUSTICE FOR PRESENT AND FUTURE GENERATIONS



For peoples of present and future generations, these international tribunals need a deafening chorus from Civil Society, from Indigenous Peoples and climate-impacted communities throughout the world to ensure that the message is heard both outside and inside the halls of justice.

WHAT DO YOU THINK? WHAT ARE YOU PREPARED TO DO?

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