
Human Rights and Environment in the United Nations System: what principles for climate justice?

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Résumé

In international treaties, the right to a healthy environment usually does not appear explicitly, but is usually the result of substantive rights, which are closely associated with human rights, such as "life, food, health, housing, development and self-determination." The Paris Accord, which sets a new climate agreement in 2015, is the exception. The text calls on the Parties to promote their respective obligations in terms of human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, people with disabilities and people in situations of vulnerability and the right to development, as well as equality gender, women's empowerment and intergenerational equity.

Experts have noted that many "losses and harms" - such as restrictions on rights - should reach more dramatically vulnerable populations of underdeveloped regions in Africa, Asia and Latin America. This contrasts with the fact that the richest 10% of the world's population, taking advantage of the benefits of "petroprosperity", account for half of global emissions, while the poorest half accounts for no more than 10% of emissions. Sad coincidence: it is precisely the peoples and regions that historically have benefited little from the fossil-intensive patterns of development, the patterns that are at the root of climate change.

In this paper, we explore emissions indicators and other data that enable us to sustain the argument that today's global climate governance, which go beyond the negotiations between countries in successive Conferences of the Parties on the subject, involving cities, compact companies, city networks, NGOs and other non-governmental actors, has to do with conflicts on Global Carbon Budget appropriation. This is kind of "global common resource," which accounts for the amount of atmosphere that can still receive greenhouse gases without taking our civilization beyond the disastrous 2oC of global warming by the end of this century. In addition to the various out of negotiation, this feature is, as you read this matter, continuing and unequally appropriate. Companies, cement companies and oil companies at the top of the list that emit these gases; countries that promote and benefit from fossil-intensive investments; by the energy-intensive consumption of affluent populations, in rich countries and by the elites of unequal countries.

Official emissions accounting does not track or make explicit the corporate origin of such emissions, but a recent report by the Climate Accountability Institute identified only 100 companies that were the source of more than 70% since 1988.

In 2015, OHCHR sent to the Secretariat of the Convention a "key messages" document on Human Rights and Climate Change, alerting, among other things, the need to emphasize obligations and essential responsibilities not only of States, but of other "duty bearers",

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including corporations. Not unreasonably: corporations have been absent from any international arenas in which mandatory measures for tackling climate change are discussed, especially in terms of adaptation measures and compensation for losses and harms of vulnerable populations.

References

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Mots-Clés: Climate Rights, Climate Justice, Global Commons, International Political Economy of the Environment, United Nations System