

The Universal Declaration of Climate Rights

Conceptual artist Morgan O'Hara commissioned Leonard Alf to draft the UDCR for her Handwriting the Constitution event at the Estuary 2021 Festival on June 4th 2021. This document frames environmental rights from a non-human perspective, upholding the intrinsic value of landscapes, ecosystems, sentient and non-sentient species, and a greenhouse-gas-stable atmosphere, prior to considerations of their utilitarian worth to the human societies dependent upon them. Culminating in a section detailing the climate rights of human beings, it seeks to uphold human value as primary.

PREAMBLE

Acknowledging that recognition of the intrinsic value of the planet and of all living beings is fundamental to a wholesome and sustainable relationship between humankind and nature,

Concerned by the negligence and complacency towards climate change, which is ruining natural landscapes, compromising ecological systems, and producing social calamities of a barbarity outrageous to the conscience of humankind,

Noting that gradual atmospheric changes occur naturally, but that human beings are responsible for rapid and unprecedented carbon emissions, resource depletion, and environmental destruction,

Recognising that the most affluent nations are overwhelmingly responsible for climate change, but that climate change disproportionately impacts less economically developed countries and future generations,

Affirming that human beings alone impact the earth system in a significant way, and are likewise uniquely capable of sufficient and timely change to reverse past carbon emissions and environmental damage,

Acknowledging that, by recognising universal climate rights, humanity incurs a deep responsibility towards the planet and all living beings,

Recognising that man-made climate change, and its political and economic consequences, poses an unmistakable threat to universal human rights, human security, and human well-being,

Emphasising that individuals who are negligence or complacent towards climate change are complicit in its long-term ecological and social consequences,

Recognising that the rapid destabilisation of the climate system threatens the internal stability, peace, and cohesiveness of individual nations,

Further recognising that the rapid destabilisation of the climate system also threatens the peaceful continuation of international relations, and that nations with nuclear technologies are capable of irreversibly compromising the earth system,

Recognising the need for a fundamental extension of ethics to achieve a world in which living beings exist free from torment by a ravaged ecology and by those it pushes to desperation and savagery,

Supporting the Declaration of the Global Network for Human Rights and the Environment, which affirms the dignity of all lifeforms and the intrinsic value of the ecological systems sustaining them,

Upholding the decision of individual nations and indigenous peoples to declare the fundamental and intrinsic rights of nature to exist, persist, maintain, and regenerate, which advances the inherent dignity and worth of all living beings,

Recognising that a utilitarian ecological ethic, which measures the value of nature only by its usefulness to human societies, is deeply irreverent to natural landscapes, to all lifeforms, and to future generations,

Concerned that legislations will not enforce enough individual, national, and transnational fiduciary responsibilities towards the biosphere and climate system, thus tacitly permitting a legacy of environmental destruction, resource depletion, and existentially-threatening greenhouse gas emissions,

Convinced that a pronouncement of the intrinsic, equal, and unalienable climate rights of all nature and of all living beings is vitally important for the ample fulfillment of this Declaration,

The following principles are declared:

I. FOUNDATIONS OF THE UNIVERSAL DECLARATION OF CLIMATE RIGHTS

Article 1

- a. All living beings are equally entitled to the rights and freedoms set forth in this Declaration. Rights shall pertain to all human beings without distinctions of any kind. Furthermore, no distinction should be made between the entitlements of present and future generations: this Declaration adheres to a custodial principle of intergenerational equity.
- b. In cases of debate between parties representing intergenerational interests, juridical, administrative, and other decisional entities should give deference to a method of recourse which balances the collective good of present and future generations.

Article 2

All deliberations should consider the intrinsic *Rights of Nature* (articles 6 – 21) as equal in import to the human *Right to Nature* (articles 22 – 29). Any decisions compromising either class of rights are contrary to this Declaration.

Article 3

- a. In matters of adaptation to climate change and of policy both national and transnational, the best climate science available should be heeded. Furthermore, in cases of debate between two opposing views of equal scientific credibility, deference should be given to the view favouring the means of recourse least injurious to climate-system stability.
- b. Individuals found guilty of knowingly disseminating climate change denial and willfully obstructing decarbonisation for personal gain should be held to account for the violation of these universal rights and freedoms.

Article 4

- a. Every entity - individual, subnational, or national - is entitled to juridical recourse against any person or collectivity whose actions impinge upon any of the principles and freedoms set forth by this Declaration. Atmospheric, ecological, biological, and human climate rights should all be equally important in the eyes of the law, and none should be neglected for the sake of personal interest.
- b. In cases of debate between two parties with equally substantiated claims, all decisions should give preference to the means of recourse least injurious to climate-system stability, unless the benefits derived therefrom are greater than its negative impact. Even then, any deliberation should enforce immediate and complete ecological replenishment.

Article 5

All people, all subnational entities, and all nations, bear responsibility for their historic carbon emissions and environmental destruction, whether they were conscious or not of the future implications of their actions. However, none should avail themselves of a lack of historic guilt to justify present emissions or destruction. Responsibility for climate mitigation hinges on the ongoing abdication of fiduciary duties, not merely on historic guilt or a lack thereof.

II. NATURAL CLIMATE RIGHTS

Article 6

- a. All life forms have the right to a carbon-stable atmosphere. Man-made climate change threatens to utterly and irreversibly compromise the quality of life on earth. For the sake of natural beauty, biodiversity, and the rights of all living beings - including human lives both present and future - the stability of the climate system should be safe-guarded as a collective endowment.
- b. To this end, human societies are responsible for timely and effective decarbonisation, sequestration of man-made carbon emissions from the atmosphere, and adaptation to the climate change already underway.

Article 7

All natural landscapes and ecosystems have a right to exist and regenerate, unthreatened by human activity and man-made climate change.

Article 8

All national environments are entitled to be protected by their sovereign governments. Everyone citizen has the right to invoke this entitlement on behalf of all natural landscapes and ecosystems.

Article 9

- a. All natural landscapes and ecosystems have the right to restoration and conservation against man-made climate change, to the largest extent possible.
- b. Restorative duties shall fall upon the party or parties responsible for the initial damage. Duties towards climate-related restoration shall fall upon the party or parties responsible for carbon emissions, proportionally to their historic share in those emissions.

Article 10

All natural coastlines, low-level habitats, and ecosystems threatened by an increase in global sea levels are entitled to preservation. To this end, global glacial environments must be safeguarded, and the emissions responsible for the planetary heating melting them stopped.

Article 11

Glacial landscapes are entitled, in their own right - for their natural beauty and the local ecosystems they sustain - to remain unaltered to the largest extent possible. To this end, the climate conditions necessary for their stability must be preserved.

Article 12

Aquatic ecosystems are entitled to the preservation of biodiversity, stable acidity levels, and low levels of aquatic pollution, chemical or otherwise. All beings living in or around aquatic

environments have the right to exist and thrive tormented by overfishing, ocean acidification, and pollutants or refuse.

Article 13

- a. All remaining ancient forests and other natural habitats have the right to persist in their current form, unaltered by deforestation or human-related climate effects. Actions must be taken to ensure that destructive forest fires are contained, and that the climate system changes which aggravate them are halted.
- b. Any person or persons found guilty of substantial and intentional deforestation for their individual or collective gain should be subjected to a restorative obligation proportional to the damage produced.

Article 14

All non-human life is entitled to the opportunity to exist and thrive, undeterred by man-made climate change.

Article 15

All living beings have the right to protection from the forest fires aggravated by a changing climate.

Article 16

All living beings are entitled to live in a natural habitat uncompromised by the desertification or other ecosystem changes accelerated by climate change.

Article 17

All living beings are entitled to the continuation of their genetic lineage, within the constraints of their adaptation to their natural environment. To this end, all human beings have a fiduciary obligation to preserve those environments.

Article 18

All sentient life-forms have the right to exist free from any suffering brought about by man-made climate change.

III. HUMAN CLIMATE RIGHTS

Article 19

All human beings have a right to live unmolested by an altered environment, and with the greatest possible opportunities to live, develop, and thrive.

Article 20

Everyone is equally entitled to the climate rights set forth in this Declaration, independently of the international or jurisdictional status of the country to which they belong. Moreover, no

distinction shall be made on the basis of an individual's sex, religious orientation, and political or non-political affiliation.

Article 21

- a. Everyone is equally entitled to fulfill their primary needs, unimpeded by an altered climate and its direct and indirect consequences. This includes the rights to seek and enjoy healthy air, sufficient food and water, and adequate shelter.
- b. Any person or people whose ability to fulfil these rights is asymmetrically compromised by climate-related events is entitled to sufficient and timely aid.

Article 22

- a. Everyone has the right to exist and prosper in their nation of birth, unburdened by the social and environmental impacts of man-made climate change.
- b. Everyone for whom this right is asymmetrically violated is entitled to seek and receive asylum in other nations.

Article 23

Everyone has the right to a persisting social order, national and international, uncompromised by climate change and its consequences, in which the human climate rights set forth in the Declaration can be amply fulfilled.

Article 24

No one should have their livelihood compromised by climate-related events, natural, political, or otherwise. Everyone is entitled to sufficient and timely assistance if this right is compromised.

Article 25

No one should have their livelihood compromised by the decarbonisation of the economy. Workers whose livelihood is compromised by decarbonisation efforts have the right to sufficient and timely assistance, national or international.

Article 26

Climate adaptation is a human right. Everyone is entitled an equal share of whatever adaptation is undertaken to protect human societies from climate change's direct and indirect consequences. No person or people should disproportionately benefit or be excluded.

Article 27

Everyone has the right to enjoy humankind's collective patrimony, which includes historical monuments, plentiful resources, cultural heritage, wildlife biodiversity, and natural landscapes. Decisive and timely action should be taken to stop the man-made climate change which threatens these endowments, and to adapt to the changes already underway.

Article 28

No article or sub-article in this Declaration may be used by any person, subnational entity, or nation to justify any activity which violates the rights and freedoms set forth herein.

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