

In 2014, I was here to address

- the Secretary General of the United Nations,
- all heads of State and Government,
- all people in charge of public or private institutions,
- all human beings

to ask them to give due consideration to the Proposal for a Universal Declaration of Rights of Mother Earth adopted on 22 April 2010 at the World People's Conference on Climate Change and the Rights of Mother Earth held at Cochabamba, Bolivia.

Michèle PERRIN-TAILLAT 2016

Licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International License.

In 2015, I was here, asking the question:

How can Human rights and Earth rights
be articulated to face the challenges of
the 21st century?

As an attempt to answer this question, I have written a
**Project for a Universal Emergency Declaration
on Rights and Duties of Human Beings**

Why should the planet be declared in a state of emergency:

- **not only because of climate change, with more and more places becoming uninhabitable and people being forced to leave their land, creating more and more tension and conflict**

but also

- **because of massive pollution of air, water, soil and food, leading to immense loss of biodiversity, and human health problems we are only just starting to fully assess.**

If we do not take action NOW, too many habitats will be lost, including habitats suitable for human beings.

The project I have written is not a panacea.

It is here

- **to stimulate all levels of human society to take responsible action,**
- **to ensure that those responsible for loss of life and well-being are prosecuted and made accountable by strong institutions (and not simply challenged by some individuals or NGOs that operate at the edge of the Law, at the risk of exposing themselves to unjust prosecution)**

Human Rights are guaranteed by

- the French Declaration of Human and Civic Rights of 1789
- the Universal Declaration of Human rights of 1948
- the Declaration of Rights of Mother Earth of 2010
(5th paragraph of the preamble: “*to guarantee human rights it is necessary to recognize and defend the rights of Mother Earth*”)

all three declarations explicitly declare that **rights are limited by the rights of others:**

- the French Declaration of Human and Civic Rights of 1789 (art. 4)
- the Universal Declaration of Human rights of 1948 (art. 29 (2))
- the Declaration of Rights of Mother Earth of 2010 (art 1 (7))

Yet

- only the 1789 French Declaration proposes instruments to enforce the Law (and succinctly so);
- only the 2010 Declaration Proposal emphasises human obligations towards all beings, which is a means of setting limits to rights in order to respect rights (Article 3: **Obligations of human beings to Mother Earth**);
- the 1948 Declaration does neither.

In 1789 and 1948 environmental issues / harm done to Nature were not in the mind's eye of the legislator.

TO FACE 21st CENTURY CHALLENGES

HUMAN RIGHTS and NEW NATURE RIGHTS HAVE TO
BE CONSOLIDATED

NEW INSTRUMENTS NEED TO BE CREATED TO MAKE
SURE THAT RIGHTS BECOME A REALITY

My Project for a Universal Emergency Declaration on Rights and Duties of Human Beings

- emphasises human obligations towards all beings (PART II: Duties of Human Beings);

It is therefore a
DUTY TO CARE AND PROTECT DECLARATION

- proposes instruments to enforce the Law (PART III: Instruments).

PART I: Rights of Human Beings

- **Article 1** recognises the rights set forth in the Universal Declaration of Human Rights of 1948, subject to Articles 2 and 4 below.
- **Article 2 specifies the meaning of the notion of property:** it states in the last paragraph:
"Ownership should first and foremost be understood as a particular type of guardianship, as human beings must act as guardians of Nature and mankind, whose duty it is to preserve the Earth and its treasures for future generations." (paragraph 2.4.)
- **Article 3: indigenous people and local populations.** They
"must be properly informed and consulted on matters that may affect their way of life. Their right to life and well-being, whether in terms of housing (habitat), health or livelihood, must be respected."
- **Article 4: accountability:**
"Any natural person (human being) has the right to ask any legal person (national or international banks, corporations or businesses, associations, public institutions) for an accounting of their administration."

PART II: Duties of Human Beings

- **Article 5: human beings must protect other human beings**
"In order to guarantee security of person, all human beings have a duty to care."

More details over paragraphs 5.1.to 5.4.

Paragraph 5.2. introduce the notion of *amicus curiae*.

- **Article 6: human beings must protect Nature**
"This is the fundamental principal of all human institutions. It will prevail over any other."

More details over paragraphs 6.1.to 6.7.

Paragraph 6.2. takes up the notion of *amicus curiae* to represent the interest of any living being or ecosystem.

PART III: Instruments

- **Article 7: introduction**

- **Article 8: legal instruments**

"Local, regional, national, supranational such as EU Law, or international legal systems must comply with the duty to care for Nature principle. Laws and agreements at all levels that are in disagreement with the duty to care for Nature principle must be accordingly annulled or amended. The totality of Earth, including its seas and oceans in their entirety and the shielding space around Earth, must be protected by Law."

More details over paragraphs 8.1.to 8.7.

PART III: Instruments

- **Article 9: public force instruments**

"New public force instruments must be created to enforce the Law and the decisions made by the courts. »

More details over paragraphs 9.1.to 9.3.

- **Article 10: financial instruments**

Paragraph 10.1.: *"Market instruments must not be disconnected from the real value of the products they are supposed to represent. They must in particular take into account the social, environmental and public health costs of these products... »*

Paragraph 10.2.: **Impact assessments** must be carried out on market products by independent experts.

Paragraph 10.3.: about **conflicts of interest**.

Paragraph 10.4.: **fiscal measures (natural persons)**.

Paragraph 10.5.: **fiscal measures (legal persons)**.

Dr Michèle PERRIN-TAILLAT
declhumanat@gmail.com