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### **Endorsement of the Strasbourg Principles of International Environmental Human Rights Law**

Human rights are at an important, significant point in their history. However imperfect it may be, the metaphor of generations of human rights conveys well the idea of the gradual recognition and development of human rights over time. It enables us to grasp the advent of the third generation of human rights that can be glimpsed on the horizon, human rights founded on solidarity and a horizon that is drawing near. Environmental damage is at the source and leads to a chain of direct and indirect threats for many other essential human rights: the right to life, the right to health, the right to food and water, the right to education, the prohibition of discrimination, etc.; examples of violations of these “common goods” are manifold. Indeed, human rights are linked increasingly to the environmental challenges that are faced worldwide and of which climate change is the most violent expression. As David Van Reybroeck puts it, “no democracy in the world has ever had to cope with such a huge challenge”. I think that human rights are changing the future of environment and climate change just as climate change and environment is changing the future of human rights.

The environment is a universal, existential matter that calls for a new approach, a “new alliance” amongst politicians, citizens, scientists, and artists as well. Within this context, the idea of using the levers (*leviers*) of the rule of law and to advocate for the right to avail oneself of the law and the courts, has gradually taken root. Of course, “no court can solve the problem of climate change by itself, but that does not absolve any court from intervening where it can within the limits of its jurisdiction, in order to do its part”.

Today in the Netherlands, France, Germany, Belgium, and elsewhere, we are seeing an “explosion” of climate and environmental trials based on human rights, often in the highest domestic and international courts. As the European Court of Human Rights is concerned, currently, the legal foundations are mainly Articles 2 and 8 of the European Convention on Human Rights, but in future other provisions are likely to come into play (Articles 3, 6, 13, & 14). It should not be forgotten that environment damage and climate injustice strike hardest those who are in situations of poverty, instability, and/or vulnerability, migrants and refugees, people with disabilities, the young and the elderly, women as well.

Human rights have taken up their place in climate change and this movement is

irreversible, even if this reality upsets the way the law is interpreted and tests its limits”.

Against this background, the force of the Strasbourg Principles is to provide judges and legal professionals with a robust analysis on the main points of discussion in European and International litigation of environmental matters, notably the notion of victim, the cause-and-effect link of the States’ failure to act, the resulting harm, the burden of proof, the exhaustion of domestic remedies, the extraterritorial jurisdiction, the human rights obligations including redress. It is a unique document which builds the foundation of a new “edifice”. Deeply attached as we are to the European Convention on Human Rights, we all know that its most beautiful pages were often written in the margins. The time has come to write more of them.

Françoise Tulkens, June 2023