

INTERNATIONAL COURT OF JUSTICE

ADVISORY PROCEEDINGS CONCERNING
OBLIGATIONS OF STATES IN RESPECT OF CLIMATE CHANGE

**REPLIES BY THE PRINCIPALITY OF LIECHTENSTEIN TO THE QUESTION
PUT BY JUDGE AURESCU**

20 DECEMBER 2024

Question put by Judge Aurescu

“Some participants have argued, during the written and/or oral stages of the proceedings, that there exists the right to a clean, healthy and sustainable environment in international law. Could you please develop what is, in your view, the legal content of this and its relation with the human rights which you consider relevant for this advisory opinion?”¹

Replies by the Principality of Liechtenstein

1. As Liechtenstein elaborated in its written submission and in its statement during the oral proceedings, there is a clear interlinkage between the combat against continued global warming and human rights, whereas a clean, healthy and sustainable environment is key for the full enjoyment of other codified human rights.
2. Liechtenstein was a cosponsor of UN General Assembly Resolution 76/300, recognising the Right to a Clean, Healthy and Sustainable Environment as a Human Right, with the understanding that this resolution generates legal obligations for States only in connection with legally defined human rights, as applicable, and that the right is related to other rights and existing international law. In Liechtenstein’s opinion, the recognition of the Right to a Clean, Healthy and Sustainable Environment reflects a joint political commitment of the international community, without generating immediate legal obligations for States.
3. The content and the scope of the Right to a Clean, Healthy and Sustainable Environment are subject to ongoing discussions in various fora, including legal proceedings in various courts. Due to the current lack of codification within a legally binding instrument, this right cannot at the present time be regarded as a standalone individual human right that is justiciable in court proceedings. Intergovernmental processes are currently taking place to better understand and potentially define the content and scope of this right as well as its relation to already codified human rights. In this regard, Liechtenstein refers to the Council of Europe, where such a process is currently taking place on the basis of the Reykjavik Declaration of May 2023. The European Court of Human Rights has already interpreted the right to a Clean, Healthy and Sustainable Environment under the existing rights as defined in the European Convention for Human Rights, which is of relevance for interpretation by national Courts and for State practice. Its jurisprudence might be influenced by the way the

¹ See Letter by Registrar Mr. Philippe Gautier, dated 13 December 2024.

discussion of Council of Europe member States concerning a potential standalone Right to a Clean, Healthy and Sustainable Environment evolves.

4. The Right to a Clean, Healthy and Sustainable Environment is often linked to clean air, safe and sufficient water, healthy and sustainably produced food, a safe climate, healthy ecosystems and biodiversity as well as toxic-free environments where people can live, work, study and play.² Liechtenstein is of the view that the legal obligations under international human rights law stemming from this link have not yet been sufficiently clarified and need further codification.
5. Nonetheless, the Right to a Clean, Healthy and Sustainable Environment is linked to a number of established human rights that contain legal obligations, inter alia but not exhaustively listed in the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR).
6. It is Liechtenstein's firm understanding that states have an obligation to respect and ensure respect for the human rights related to the Right to a Clean, Healthy and Sustainable Environment in a non-discriminatory manner and to protect those who are particularly vulnerable, including women, children and Indigenous Peoples. Furthermore, States should respect the rights and protections of defenders of human rights connected to the effects of climate change and environmental degradation in a broader sense, as set out in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration of Human Rights Defenders).

² See reports of the United Nations Special Rapporteur on the human right to a clean, healthy and sustainable environment and her predecessors.