



Human Rights Council, 55th session
Interactive Dialogue with the Special Rapporteur on the issue of human rights obligations
relating to the enjoyment of a safe, clean, healthy, and sustainable environment

6 March 2024

The Center for International Environmental Law welcomes the Special Rapporteur's report on Business, planetary boundaries, and the right to a clean, healthy, and sustainable environment.

As the report powerfully states, business as usual is a recipe for climate chaos. States have the human rights obligation to effectively regulate corporate actors, and to ensure that the latter comply with internationally recognized human rights. In this context, we welcome the report's recommendations to States to enact mandatory human rights and environmental due diligence legislation for corporate actors' operations, subsidiaries, and value chains, as well as to strengthen public access to information, public participation — including Free and Prior Consent of Indigenous Peoples — and access to justice and to effective remedy.

As the report clearly states — in line with the recent joint statement on fossil fuels by six mandate holders — oil, gas, and coal are the key drivers of the triple planetary crisis. States must counter misinformation, lobbying, and greenwashing by corporate actors, phase out fossil fuels and related subsidies, and discard dangerous and unproven technologies and approaches in the just transition towards renewable energy systems.

Additionally, the investor-state dispute settlement (ISDS) embedded in international investment agreements and investment contracts is a substantial obstacle to effective climate and environmental action. We echo the report's call to eliminate such mechanisms from international trade and investment treaties, as the Special Rapporteur's previous report on ISDS comprehensively explains and details.

Finally, we echo the report's point on the centrality of the right to a clean, healthy, and sustainable environment, which should be incorporated in national legislation as well as in existing relevant international human rights and environmental processes, including the proposed legally binding instrument on business and human rights.

Thank you.