

# The Universal Declaration of the Rights of Humankind: Big Words, Small Effect

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The text of a Universal Declaration of the Rights of Humankind was presented on Monday before the french Economic, Social and Environmental Council. France will introduce the declaration in December at the [21st United Nations Climate Change Conference](#) in Paris, where 50,000 participants (representatives of State governments, intergovernmental organizations, UN agencies, NGOs and the civil society) will assemble. The ambition is for the United Nations General Assembly to adopt it in 2016. As it is, the draft proclaims [four principles, six rights and six duties of humankind](#), including the right to a healthy and ecologically sustainable environment. This new generation of rights sets to prevent excessive reduction of vital resources.

## Whose concern?

The redactors of the declaration, the former french Minister for the Environment Corinne Lepage and her team of publicists, opted for a global scope in the drafting: humankind includes all human individuals and organizations, and contains the past, present and future generations; the text refers to the demands of the "human family" and to the "principle of intragenerational and intergenerational responsibility". This particular semantics apparently taps into the language of the [Universal Declaration of Human Rights](#) (1948), and it does so for a very specific task: that of ensuring the transmission of humankind's common heritage to future generations.

The semantic correspondence is however the only true point of contact between human rights and the alleged "rights of humankind". There is no reason to believe, other than the [assertion made in the introduction](#) that fundamental rights and the preservation of nature are interdependent, that human rights will come out reinforced of this innovation. This will simply add to the corpus of soft law from which the justiciable can draw. The latter will no doubt seize them with alacrity, considering that humankind is a larger and thus more attractive notion than humanity. But is it a more effective one?

## Humankind as opposed to whom?

Once implemented, the declaration seeks to make us, the so-called "present generations", creditors of our children and grandchildren. In return, it conveys duties not only to us, the 2015 present generations, but also to the generations who will come to take our place and be the creditors of their children. Few texts have encompassed so many people – in fact, all there are, have been and ever will be – , which by itself should raise a red flag.

As a declaration, the rights and duties of humankind will not be legally binding on the Parties, i.e. the States, which limits their value in itself. One could argue though that the Universal Declaration of Human Rights, in its turn, is also a non-binding document, and that courts nonetheless use it every day in their judgments. Besides, we could count on the NGOs to make the most of this new set of rights while they build their case for actual changes. From that point of view, the declaration merely prepares the ground for actual changes further down the road. At most, it anticipates the mechanisms of an effective implementation of these rights with the States' duty of effectiveness mentioned in [article 16 of the declaration](#), and lets us foresee the prelude of an international criminal court for environment.

Until then, it is just a petition designed to assert the role of leadership that France assumes in hosting the event... And to prepare for the eventual failure of the negotiations. Indeed, the declaration may look unremarkable at present. But if the States cannot find a common ground in December, we should expect them to put it forward as a substantial accomplishment. We'd better not fall for it.

SUGGESTED CITATION Guenfoud, Ibtissem: *The Universal Declaration of the Rights of Humankind: Big Words, Small Effect*, *VerfBlog*, 2015/11/06, <http://verfassungsblog.de/the-universal-declaration-of-the-rights-of-humankind-big-words-small-effect/>.

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