



The Sabah Declaration on Climate Justice

Borneo Rainforest Law Conference
Kota Kinabalu, Sabah, Malaysia
February 2024

Preamble:

We, the participants of the Borneo Rainforest Law Conference held in Kota Kinabalu, Malaysia (26-28 February 2024):

Affirm that climate justice centres responses to the climate crisis on human rights, justice, equity and sustainable development;

Recognise that rule of law is a cornerstone of stability and prosperity and is a fundamental underpinning of the social, economic and political changes that are required for transformative action to address the climate crisis;

Iterate that the climate emergency is an existential threat to all life on earth and exceeding 1.5°C global warming will result in catastrophic harm and irreversible impacts on biodiversity, human systems and the rule of law;

Recognise that on the current trajectory the world is set to breach the Paris Agreement on Climate Change's global warming limit of 1.5°C;

Acknowledge the disproportionate impact of climate change on small island states, coastal communities, Indigenous peoples, and regions with fragile ecosystems, exacerbating existing vulnerabilities and threatening their very existence;

Recognise that it is a deep injustice and cause of growing inequality that the most climate vulnerable countries have contributed the least greenhouse gas emissions that cause climate change, yet endure the very worst of its impacts;

Emphasise the importance of Indigenous knowledge and culture in sustainable land management, conservation efforts, climate mitigation and adaptation strategies, and the need to respect and integrate these practices into legal frameworks and decision-making processes;

Recall international commitments including the UN General Assembly resolution recognizing a clean, healthy, sustainable environment as a human right and the common heritage of humankind (July 2022), the UN Committee on the Rights of the Child's General Comment 26 recognizing children's rights to a clean, healthy and sustainable environment, the UN Guiding Principles on Business and Human Rights, the UN Declaration on the Rights of Indigenous

Peoples and the principles of sustainable development including the precautionary principle, intergenerational equity and polluter pays principles;

Acknowledge the commitment of the international community to climate finance, climate resilient development, transparency of reporting and a swift, just and equitable transition to renewable energy sources;

Recognise the pressing need to confront climate-induced loss and damage, and recognise the imperative of implementing resilient compensation mechanisms;

Recognise that Sustainable Development Goal 16 promotes peaceful and inclusive societies for sustainable development and encourages provision of access to justice for all and the building of effective, accountable and inclusive institutions at all levels;

Recognise that the Commonwealth Charter places the utmost importance on protecting the environment, the need for multilateral cooperation, sustained commitment and collective action on climate change guided by the rule of law;

Affirm the Langkawi Declaration on the Environment (1989), Commonwealth Blue Charter (2021), Commonwealth Living Lands Charter – A Call to Action on Living Lands (CALL) (2022), Commonwealth Declaration on Sustainable Urbanisation (2022) and the Commonwealth Sustainable Energy Transition (CSET) Agenda.

Declarations:

1. Climate action must be founded on robust legal frameworks, aligning with the best available science, protection of human rights, adherence to the rule of law, and promotion of sustainable development and the intrinsic rights of nature.
2. Freedom of expression and the right to peacefully protest in support of climate action must be protected.
3. Climate-vulnerable groups, particularly children and youth, women and girls and Indigenous peoples, must be empowered to assert their rights and participate actively and effectively in decision-making processes that shape climate action.
4. Climate justice requires legal frameworks that seamlessly integrate international obligations into domestic law while ensuring fairness, accountability, just outcomes and accessible justice institutions (both formal and informal).
5. Climate action by Governments must be based upon the best available science, justice and the rule of law, and must be integrated across priority policy areas including health, education, gender equality, food safety, energy and economic development.

6. Climate finance initiatives must adhere to the principles of the rule of law, good governance and respect for human rights while promoting the value of green economies to facilitate the transition to a low-carbon future.
7. Just and inclusive governance of natural resources is vital to protect human rights, foster peace and economic stability and prevent conflicts exacerbated by environmental degradation and resource scarcity.
8. Nations must transition towards renewable resource use and nature-based solutions while developing plans to reduce greenhouse gas emissions across their economies as a matter of urgency in a manner that protects human rights and respects rule of law.
9. Business enterprises must respect human rights and transition within defined time frames to sustainable business practices consistent with the right to a clean, healthy and sustainable environment.
10. Individual lawyers should act urgently to do all they can to address the causes and consequences of the climate and ecological crises and to advance a just transition to a low emissions future.

Resolutions:

We advocate for universal support of Vanuatu's initiative at the International Court of Justice to clarify international obligations regarding climate change and human rights, aiming to enhance global climate action.

As climate solutions can be realized through transformative leadership and action, we hereby resolve that the above-stated declarations be adopted by the Commonwealth Lawyers Association in order to achieve climate justice founded on human rights and the rule of law.

Dated: 28 February 2024

END