



# The UN & You

BY TERESA KOTTURAN SCN – SEPTEMBER 2022

## A historic win for people and planet

As we witness a continual erosion of human rights and destruction of human rights systems around the world, there is still some reason to rejoice. On Oct. 8, 2021, the United Nations Human Rights Council (UNHRC) adopted a resolution recognizing, for the first time, the human right to a clean, healthy and sustainable environment. This decisive step will assist UN human rights institutions to address threats to the enjoyment of human rights, through its integration into international law and implementation at national levels.

In a second resolution, the council also established a special rapporteur to monitor human rights in the context of climate emergency to increase accountability for rights abuses and guide governments on how to uphold their obligations to address climate change.

Inger Andersen, executive director of the United Nations Environment Program (UNEP) called the adoption of the resolution “a breakthrough moment for environmental justice,” and urged the member states to produce a similar resolution at the UN General Assembly. The resolution had also invited UN General Assembly (UNGA) to consider the matter.

### The Road to the Resolution

The first mention of the right to a healthy environment was during in the [1972 Stockholm Declaration](#): “Man has the fundamental right to freedom, equality, and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being.” The [1992 Rio Declaration](#) affirmed that “human beings



are at the center of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature.”

According to David Boyd, UN special rapporteur on human rights and environment, the right to a healthy environment “is included in regional human

rights treaties and environmental treaties binding more than 120 states. It enjoys constitutional protection in more than 100 states and is incorporated into the environmental legislation of more than 100 states. In total, 155 states have already established legal recognition of the right to a healthy and sustainable environment.” Nevertheless, it lacked universal recognition.

In September 2020, a global coalition of more than 1,300 NGOs (including the Sisters of Charity Federation) from 75 countries called the UNHRC to “recognize without delay the human right of all to a safe, clean, healthy and sustainable environment.” The council also received petitions signed by 120,000 individuals and 140,000 children, young people and allies around world, along with 50 UN special rapporteurs, 15 UN entities and other intergovernmental bodies.

The UNHRC resolution is the culmination of over 40 years of advocacy efforts from civil society movements and organizations engaged in human rights, environment, gender equality, youth, as well as, trade unions, local communities and indigenous peoples.

Energized with this success, in January 2022, the NGOs submitted the Joint Civil Society and Indigenous Peoples Letter to the UN General Assembly for the universal recognition of the right to a clean,

healthy and sustainable environment. During the UNGA president's briefing on Jan. 19, Costa Rica, Maldives, Morocco, Slovenia and Switzerland introduced a resolution. They contended that a universal recognition of the human right to a clean, healthy and sustainable environment would provide transformative changes in societies. It would also contribute to enhancing the UN response to the triple environmental crisis and support member states to fulfill their human rights obligations more coherently and effectively.

[The General Assembly adopted a landmark Resolution](#) (161 votes in favor, eight abstentions) recognizing the human right to a clean, healthy and sustainable environment on July 28, 2022.

The resolution recognizes the negative implications of unsustainable management and use of natural resources, pollution of air, land and water, unsound management of chemicals and waste, loss of biodiversity and destruction of ecosystems have on the enjoyment of a clean, healthy and sustainable environment.

Although the human rights implications of environmental damage are felt by all around the world, the consequences are felt most acutely by women and girls and segments of the population that are already in vulnerable situations, including indigenous peoples, children, older persons and persons with disabilities. It also recognizes importance of gender equality, gender-responsive action plans to address climate change and environmental degradation.

The resolution:

1. Recognizes the right to a clean, healthy and sustainable environment as a human right;
2. Notes that the right to a clean, healthy and sustainable environment is related to other rights and existing international law;
3. Affirms that the promotion of the human right to a clean, healthy and sustainable environment requires the full implementation of the multilateral environmental agreements under the principles of international environmental law;
4. Calls upon States international organizations, business enterprises and other relevant stakeholders to adopt policies, to enhance international cooperation, strengthen capacity building and continue to share good practices in order to scale up efforts to ensure a clean healthy and sustainable environment for all.

This resolution is not legally binding; countries can show support to a declaration of rights while not actually supporting those rights in practice. The language is also vague, leaving to interpretation just what a clean,

healthy and sustainable environment is. In addition, the enforcement of this resolution will not be easy in the absence of international mechanism to monitor its application.

Though not legally binding, the resolution has the capacity to lay the foundation for effective treaties and national laws. The [UN special rapporteur on human rights and the environment](#) believes it is a “catalyst for change.” He highlighted the 2010 resolution on the human right to water and sanitation, and how it led to constitutional and legal changes in countries like Costa Rica, Fiji, Mexico, Slovenia, Colombia and France. He thinks this resolution has “life-changing potential,” and “will spark constitutional changes and stronger environmental laws, with positive implications for air quality, safe and sufficient water, healthy soil, sustainably produced food, green energy, climate change, biodiversity and the regulation of toxic substances.”

UN Secretary General Antonio Guterres called the resolution “an important tool for accountability and climate justice.”

This resolution has come at a time of triple planetary crisis: climate change, biodiversity loss and pollution and waste which affect the enjoyment of human rights. We are currently witnessing huge wildfires destroying ecosystems, homes and livelihoods; heat waves killing people, millions of people facing hunger from ongoing droughts; once in thousand years floods; rising sea temperatures leading to coral bleaching, loss of marine biodiversity; and pollution responsible for nine million premature deaths a year.

The former UN high commissioner for human rights, Michelle Bachelet, called the resolution a “historic moment, but simply affirming our right to a healthy environment is not enough... States must implement their international commitments and scale up their efforts to realize it. We will all suffer much worse effects from environmental crises; if we do not work together to collectively avert them now.” She also stressed, “To survive and thrive, we must invest in environmental and social protection centered human rights; hold governments and businesses duly to account for environmental harms; empower all people to act as agents of change for a healthy environment; and recognize and uphold the rights of those most affected by environmental degradation.”

UN declarations of human rights are aspirational norms that seek to ensure a more just and equitable world. The resolution is a vital tool we can use to pressure governments and businesses to protect or improve human well-being.