

UN recognition of the right to a clean, healthy, and sustainable environment: past developments and future prospects

Expert seminar

Concept note and agenda

Date: 12 April 2022 (08:30-12:00)

Place: New York University (Furman Hall Room 212; 245 Sullivan St, New York, NY 10012)

Organisers: UN Special Rapporteur on human rights and environment, UNEP, URG, NYU

Register [here](#) (*prior registration is required to access NYU)

Format: in-person (* Participants not able to attend in person will be able to follow the live stream of the event. The relevant link to connect to the Zoom meeting will be sent to registered participants the day before the start of the event.)

Concept note

Human rights and environment at the UN

Building on earlier work by the Commission on Human Rights, the UN Human Rights Council has been actively engaged on the topic of human rights and the environment for over a decade. Its work has included mandating an analytical study on the relationship between human rights and the environment, establishing a Special Procedures mandate (initially an Independent Expert, now a Special Rapporteur), and adopting resolutions covering different aspects of the issue. Through these and other steps (including numerous seminars organised by the Special Rapporteur, as well as academic conferences, papers, and books¹), the Council and its mechanisms, together with the wider international community, have made enormous progress in clarifying and setting down the human rights normative framework as it relates to the environment and to environmental protection. In particular, they have demonstrated that environmental harm (including that caused by climate change) has enormous negative implications for the enjoyment of human rights, especially for the most vulnerable in society, and that, conversely, human rights obligations and principles can help guide better environmental policymaking at international- and national-level. In parallel, the Council and its mechanisms have also drawn increasing attention to individuals working at the interface of human rights and environmental protection: environmental human rights defenders (EHRDs).

This progress led the first Special Rapporteur on human rights and the environment, John Knox, to use his last speech to the Council as mandate-holder to urge the international community to consider the next logical step in this process: formal UN recognition of the universal right to a clean, healthy, and sustainable environment. John Knox's successor, David Boyd, has emphasized the importance of UN recognition from

¹ <https://www.cambridge.org/core/books/human-right-to-a-healthy-environment/4C9CA4D9C85E738DA524EFAC5D37D3A5>

the very beginning of his mandate. He has also conducted extensive work highlighting the benefits of the right to a healthy environment where it is already recognised (at national or regional levels) for the rights and dignity of people, for the natural environment, and for the climate.

From early 2020, senior UN officials, including the High Commissioner for Human Rights, and the Executive Directors of UNEP and UNICEF, have echoed this call for UN recognition. Global civil society has also mobilised. In early 2021, the Universal Rights Group, working with John Knox and David Boyd, published a policy report entitled ‘#TheTimelsNow’ which provided the history and background of the push for UN recognition of the right to a healthy environment, set out current thinking on the scope and content of this right, and explained how the right, where it is already recognised, has made a real difference to people’s lives and to environmental/climate outcomes. Under the same title (#TheTimelsNow), during 2020 and 2021, a civil society campaign involving around 1,350 NGOs, as well as environmental human rights defenders and tens of thousands of young people, called for the UN to recognise the right to a healthy environment as a matter of urgency.

This bottom-up movement led to immediate consequences at the UN. For example, in December 2020, at the launch of a UNEP report entitled ‘Making Peace with Nature’ (laying out a programme to address the three ‘interwoven’ crises of climate, pollution and biodiversity loss), Secretary-General Antonio Guterres argued that the ‘piecemeal’ approaches of the past have not worked, because they have ignored the multiple links between environmental, development and human rights challenges. Instead, as the world recovers and rebuilds from the pandemic, science and policymakers should ‘open a pathway’ that seeks to promote and protect human rights, and achieve the SDGs by 2030.

The close inter-relationship between human life, dignity, and rights, the environmental, biodiversity and climate crises, and sustainable development, and a determination to address all these things in an integrated manner, is also evident in the Secretary-General’s 2020 ‘Call to Action’ on human rights, and his ‘We are all in this together’ blueprint for responding to, and recovering from, the COVID-19 pandemic. For example, the ‘Call to Action’ recognises that the climate and environmental crises ‘threaten the rights and dignity not only of millions of people worldwide but also of people not yet born,’ urges States to protect rights by promoting ‘a safe, clean, healthy and sustainable environment,’ and speaks to the importance of human rights in empowering environmental human rights defenders.

Recognition of the right to a healthy environment by the UN Human Rights Council

In October 2021 these pathbreaking shifts in political rhetoric and positions culminated in an important milestone for the UN, for human rights, and for the environment: the recognition by the Human Rights Council of the human right to a clean, healthy, and sustainable environment. Resolution 48/13 was adopted with 43 votes in favour and 4 abstentions – leading to a rare round of applause in the Council chamber. With resolution 48/13, which was cosponsored by 78 UN member States, the Council:

1. *Recognize[d] the right to a clean, healthy, and sustainable environment as a human right that is important for the enjoyment of human rights.*

The resolution also ‘invite[d] the General Assembly to consider the matter’ – i.e., to also consider and adopt a resolution recognising the right to a clean, healthy, and sustainable environment. This would mean that the full membership of the United Nations would join the Human Rights Council and the more than

150 individual countries that have already recognized this human right in their national constitutions or regional treaties.

In a statement after adoption, the High Commissioner for Human Rights, Michelle Bachelet, warmly welcomed the Council vote. ‘Having long called for such a step,’ she said, she was ‘gratified that the Council had moved to ‘clearly recognise environmental degradation and climate change as interconnected human rights crises.’ Resolution 48/13 should, she said, ‘serve as a springboard to push for transformative economic, social and environmental policies that will protect people and nature.’

The Executive Director of UNEP, Inger Andersen, meanwhile, said: ‘The decision, taken today in Geneva, is a shield for individuals and communities against a plethora of risks to their health and livelihoods. The recognition of the right to a healthy environment is a historic landmark in our ongoing work for social and environmental justice. It is a message to one billion children at extremely high risk of the impacts of a changed climate: a healthy environment is your right. No one can take away nature, clean air and water, or a stable climate from you. The UN Environment Programme considers this an important step in building the planet as a safe and fair home to all.’

These sentiments were also echoed by the Secretary-General in his report on ‘Our Common Agenda,’ action point 2 of which, *inter alia*, calls on UN member States to declare the right to a healthy environment (a call welcomed by State delegations); while in March 2022 States at the UN Environment Assembly adopted the UNEP@50 Political Declaration which took note of Council resolution 48/13, and recognised ‘the importance of a clean, healthy, and sustainable environment for the enjoyment of human rights.’

Objectives of the expert seminar

To encourage further discussions at UN headquarters about the human right to a clean, healthy, and sustainable environment, including its merits for people and planet, and to take forward the Council’s invitation that ‘the General Assembly [...] consider the matter’, on 12 April UNEP, the Universal Rights Group, the UN Special Rapporteur on human rights and environment, New York University, and others, will convene an expert seminar to consider developments to-date, discuss key issues and questions (including legal questions) related to the right to a healthy environment (including those posed during negotiations over resolution 48/13), look ahead to possible GA recognition and what it would mean, and reflect on the benefits of recognition for individual rights-holders around the world, including EHRDs, as well as for the natural environment (including addressing the three interwoven crises of biodiversity loss, pollution, and climate change).

Agenda

08:00 – 08:30 Coffee

08:30 – 9:00 Welcome and keynote speeches

- Welcome by moderators: Marc Limon, URG Executive Director, and Daniel Magraw, President Emeritus CIEL
- Keynote speeches
 - o H.E. Ligia Noronha, UN Assistant Secretary-General and Head of New York Office, UNEP
 - o H.E. Ilze Brands Kehris, UN Assistant Secretary-General for Human Rights, OHCHR
 - o Senior official from the Executive Office of the Secretary-General (TBC)

09:00 – 10:15 Roundtable discussion 1: UN recognition of the right to a clean, healthy, and sustainable environment: past developments and future prospects

Moderator: Marc Limon, URG

Discussants:

- The right to a clean, healthy, and sustainable environment around the world – where are we today, what does it mean, and what is the value-added for people and communities? David Boyd, Special Rapporteur on human rights and environment
- Key legal questions from Human Rights Council negotiations – John Knox, Wake Forest University
- The benefits of a right to a clean, healthy, and sustainable environment at regional and national levels: a case study – Ms. Maria Antonia Tigre, Director of Latin America for the Global Network for the Study of Human Rights and the Environment

Discussion

10:15 – 10:30 Coffee break

10:30-11:45 Roundtable discussion 2: UN recognition of the right to a clean, healthy, and sustainable environment: past developments and future prospects

Moderator: Daniel Magraw, CIEL

Discussants:

- Generating a 'normative cascade' – Mr. Cesar Rodriguez-Garavito, New York University
- #TheTimelsNow - what would full UN recognition mean for people and planet? – Ms. Marya Farah, Franciscan International
- #TheTimelsNow - what would full UN recognition mean for people and planet? – Ms. Samia Shell, Youth climate activist

Discussion

11:45-12:00 Closing remarks

- H.E. Rodrigo Alberto Carazo Zeledón, Permanent Representative of Costa Rica
- Additional state representatives (TBC)



The expert seminar is co-sponsored by:

