

Eighth Glion Human Rights Dialogue (Glion VIII), 16-17 May 2022, Le Mirador, Chardonne

The right to a clean, healthy, and sustainable environment - what does it mean for States, for rights-holders and for nature?

Concept paper

The Glion Human Rights Dialogue is a high-level event bringing together around 65 human rights practitioners and thinkers. It is designed to provide an informal space for open exchange, as well as new and innovative thinking. The meeting is held under the 'Chatham House rule.'

The eighth Glion Human Rights Dialogue (Glion VIII) will be organised by the Governments of Switzerland and Liechtenstein, supported by the Universal Rights Group, and in partnership with the Permanent Missions of the Republic of Fiji, Iceland, the Republic of the Marshall Islands, Mexico, and Thailand.¹ The Glion VIII retreat (16-17 May 2022) was preceded by three preparatory policy dialogues held during the months of February and April in Geneva.

The theme of Glion VIII

The theme of the 2022 (the 50th anniversary of the adoption of the Stockholm Declaration on the Human Environment²) Glion Human Rights Dialogue will be:

The right to a clean, healthy, and sustainable environment - what does it mean for States, for rights-holders and for nature?

'Our war on nature has left the planet broken,' said UN Secretary-General Antonio Guterres in December 2020, at the launch of a new UN Environment Programme (UNEP) report laying out a programme to address the three 'interwoven' crises of climate, pollution and biodiversity loss. In particular, the report 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 and a carbon-neutral world by 2050, 'while bending the curve on biodiversity loss and curbing pollution and waste [...]

¹ The substantive content of this paper, nor of the background papers for the preparatory policy dialogues and the Glion VIII retreat, should in no way be understood as an indication of the organisers' position regarding the right to a clean, healthy, and sustainable environment.

² Declaration of the United Nations Conference on the Human Environment, Stockholm, 16 June 1972

Taking that path means innovation and investment only in activities that **protect both people and nature**. Success will include restored ecosystems and healthier lives as well as a stable climate.'

Recognition of the close inter-relationship between human life, dignity, and rights, and the environmental, biodiversity and climate crises, and a determination to address all these things in an integrated manner, are also central to the Secretary-General's 2020 'Call to Action' on human rights, and his recent report presenting 'Our Common Agenda.' Regarding the former, the 'Call to Action' recognises that 'the climate emergency threatens the rights and dignity not only of millions of people worldwide but also of people not yet born,' speaks to the importance of empowering environmental human rights defenders (EHRDs), and urges States to protect rights by promoting 'a clean, healthy and sustainable environment.' In his report setting out 'Our Common Agenda,' the Secretary-General likewise argued that the great challenges facing humankind today, notably the COVID-19 pandemic, a changing climate, biodiversity loss and pollution, widening inequalities, and 'poverty, discrimination, violence and exclusion,' which are denying millions of people their basic rights, 'are interconnected, across borders and all other divides.' Thus, they can 'only be addressed by an equally interconnected response.'

The human right to a clean, healthy, and sustainable environment

On 8 October 2021, the Human Rights Council adopted resolution 48/13 on 'The human right to a clean, healthy and sustainable environment' by registered vote, with 43 in favour and 4 abstentions. With resolution 48/13, which was co-sponsored by 78 UN member States, the Council:

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.'

Recognition of the human right to a clean, healthy, and sustainable environment followed a global campaign calling on the Council to take this step, involving UN member States, over 1,100 civil society, child, youth and indigenous people's organisations from all regions of the world, and the heads 15 UN agencies and programmes.

During negotiations on the draft resolution, delegations raised several important questions. These included: what is the scope and content of such a new right, what does it mean for States at international and national levels, should new rights be recognised first by the Council or by the General Assembly,

and how could a right to a healthy environment be claimed by rights-holders around the world?

The proclamation of the right to a clean, healthy, and sustainable environment follows more than ten years of Council deliberations about the interplay between human rights and the environment. That has included, *inter alia*, the adoption (since 2011) of regular consensual resolutions, the establishment, in 2012, of a Special Procedures mandate on human rights and the environment (first as an Independent Expert and then, from 2015, as a Special Rapporteur), and normative work by the Special Rapporteur to clarify the relationship between human rights and the environment.

Notwithstanding this work, and recognition by the Council of the right to a clean, healthy, and sustainable environment, many questions around the scope and content of the right, as well as its implementation, remain to be clarified. The nature of the Glion Human Rights Dialogue as an open space for informal exchange offers an ideal platform to consider those questions in a neutral and inclusive way.

Proposed structure of Glion VIII

Glion VIII and its preparatory policy dialogues will seek to provide an informal and neutral 'Chatham House' space for all key stakeholders (including governments, UN officials, independent experts, EHRDs, and civil society) to consider several important themes/sub-themes:

1. What is the right to a clean, healthy, and sustainable environment?
 - a. What is the scope and content of the right to a clean, healthy, and sustainable environment?
 - b. What is the international legal meaning of a right to a clean, healthy, and sustainable environment?
 - c. Which parts/aspects of the right to a healthy environment are included in existing, legally binding human rights guarantees?

2. What has the right to a clean, healthy, and sustainable environment meant where it is already recognised, at national and/or regional levels?
 - a. What has existing recognition of this right meant for domestic environmental/climate laws and policies, and for securing environmental justice?
 - b. What has existing recognition of this right meant for environmental and climate jurisprudence?
 - c. What has it meant for the protection and empowerment of EHRDs?

3. What are the implications of UN recognition of the right to a clean, healthy, and sustainable environment, both nationally and internationally?
 - a. What are the implications of UN recognition for member States at the national level?
 - b. What are the implications of recognition for domestic civil society, especially for environmental human rights defenders?
 - c. What are the implications of recognition for business (for example, how does the universal right to a healthy environment intersect with the UN Guiding Principles on Business and Human Rights?)
 - d. What are the implications of recognition for the UN Country Teams, including in the context of delivering on the Secretary-General's 'Our Common Agenda' and his 'Call to Action' on human rights?
 - e. What are the implications for the international and regional human rights instruments and mechanisms (including the Treaty Bodies and the UPR)?