

University of Groningen

The human right to a healthy environment—time for the public health community to take urgent action

Buse, Kent; Hesselman, Marlies; Meier, Benjamin Mason

Published in:
BMJ

DOI:
[10.1136/bmj.o2313](https://doi.org/10.1136/bmj.o2313)

IMPORTANT NOTE: You are advised to consult the publisher's version (publisher's PDF) if you wish to cite from it. Please check the document version below.

Document Version
Publisher's PDF, also known as Version of record

Publication date:
2022

[Link to publication in University of Groningen/UMCG research database](#)

Citation for published version (APA):

Buse, K., Hesselman, M., & Meier, B. M. (2022). The human right to a healthy environment—time for the public health community to take urgent action. *BMJ*, 378, 1-2. [o2313]. <https://doi.org/10.1136/bmj.o2313>

Copyright

Other than for strictly personal use, it is not permitted to download or to forward/distribute the text or part of it without the consent of the author(s) and/or copyright holder(s), unless the work is under an open content license (like Creative Commons).

The publication may also be distributed here under the terms of Article 25fa of the Dutch Copyright Act, indicated by the "Taverne" license. More information can be found on the University of Groningen website: <https://www.rug.nl/library/open-access/self-archiving-pure/taverne-amendment>.

Take-down policy

If you believe that this document breaches copyright please contact us providing details, and we will remove access to the work immediately and investigate your claim.

Downloaded from the University of Groningen/UMCG research database (Pure): <http://www.rug.nl/research/portal>. For technical reasons the number of authors shown on this cover page is limited to 10 maximum.



¹ Healthier Societies Program, The George Institute for Global Health, Imperial College London, UK

² Department of Transboundary Legal Studies, Groningen Centre for Health Law, Faculty of Law, University of Groningen, Netherlands

³ Gillings School of Global Public Health, University of North Carolina at Chapel Hill, USA

Cite this as: *BMJ* 2022;378:o2313
<http://dx.doi.org/10.1136/bmj.o2313>

Published: 26 September 2022

The human right to a healthy environment—time for the public health community to take urgent action

The public health community should urgently leverage the human right to a healthy environment to protect planetary health, argue Kent Buse and colleagues

Kent Buse,¹ Marlies Hesselman,² Benjamin Mason Meier³

With growing recognition of the extent to which human activities are imperilling planetary health, it is critical to understand how international law can uphold a healthy environment. Drawing from 50 years of dedicated diplomacy, the United Nations General Assembly has recognised the right to a clean, healthy, and sustainable environment under international law.¹ The July 2022 resolution responds to the urgent dangers posed by climate change, environmental degradation, and bio-diversity loss. The public health community should seize the opportunity to implement this new right to promote planetary health.

The past five decades have seen sweeping advances to recognise human rights in environmental health. The 1972 UN Conference on the Human Environment provided an early conceptualisation of these rights and launched an international movement to protect the environment. The resulting Stockholm Declaration on the Human Environment recognised that “*man [sic] 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.*”²

Over the next two decades, international experts sought to clarify the content of this right and examine the links between the environment and human rights obligations, eventually leading to the 1994 Draft Declaration of Human Rights and the Environment. This framed the “right to a secure, healthy, and ecologically sound environment” and the “right to the highest attainable standard of health free from environmental harm.”³ Although these principles were presented before the UN Commission on Human Rights, states declined to take up the call to declare the human right to a healthy environment, seeing human rights and the environment as distinct areas of international law.⁴

But advocates continued to press the UN human rights system to recognise the importance of the right to a healthy environment. They sought to conceptualise human dependence on the natural world and provide redress for those who have suffered from environmental harm. Responding to repeated studies from the UN Office of the High Commissioner of Human Rights—detailing relationships between human rights, climate change and the environment—the UN Human Rights Council in 2012 appointed a UN Special Rapporteur on human rights and the environment to study obligations related to a “safe, clean, healthy, and sustainable environment.”⁵

In February 2021, the current and former Special Rapporteurs on human rights and the environment published a joint report, “The Time is Now,” calling on states to recognise this right under international law.⁶ The Human Rights Council took up this call in October 2021, unanimously recognising a right to a safe and healthy environment as essential for human life and dignity.⁷ The resulting July 2022 General Assembly resolution recognises this right is “related to other rights and existing international law,” affirming that its promotion “requires the full implementation of...international environmental law.” It calls upon all stakeholders “to adopt policies, to enhance international cooperation, strengthen capacity-building, and continue to share good practices.”⁸

Although this resolution is not legally binding, it is potentially transformative, giving *moral force* in international relations to support urgent actions. Without action, current approaches to governing the ecosystem’s resources will lead to disastrous public health consequences, with disproportionate impacts on marginalised populations.⁹ This resolution provides a foundation to strengthen environmental health systems to promote environmental protection and public health. As seen following the UN General Assembly’s 2010 declaration of a “human right to water and sanitation”—which catalysed wide-ranging reforms in global water governance and national water policy—this General Assembly resolution can exert *soft legal force* and spur progress.¹⁰

In facilitating accountability under law, this resolution shifts the protection of the natural environment and stable climate from a discretionary political claim to an international legal entitlement—that cannot be taken away.¹¹ The right to a healthy environment has already been codified under a wide range of regional treaties and over 100 national constitutions.¹² Yet national laws are not always implemented, and when such laws are violated, individuals have struggled to hold governments and companies to account. This resolution can enable people to draw on international support to challenge governments and demand accountability for destructive public policies and corporate practices.¹³

The right to a healthy environment provides a foundation to realise a raft of other human rights, including the rights to health, water and sanitation, and energy. In so doing, it seeks to ensure that the environments in which people live, work, study, and play are conducive to health and wellbeing, and

provides a basis to frame policies across underlying environmental determinants of health. The right has to be implemented through legislative reforms, civil society advocacy, and international monitoring mechanisms.

Yet despite this landmark agreement, the resolution cannot be seen as the end of the fight for environmental health. It must be implemented by national governments. In supporting urgent action by governments, it is imperative that the public health community join with the human rights community on a common five-point agenda.

First, they can encourage governments to give meaning to this right by incorporating provisions into their legal systems, including national constitutions and legislation, and to implement those laws in strengthening environmental health systems.

Second, they can support the public to know about these rights and demand accountability for government action. It is widely anticipated that the new right to a healthy environment will bolster rights-based activism and litigation on climate change and other environmental health threats, looking to successful human rights litigation and advocacy across countries as a foundation for public health benefits.¹⁴

Third, they can work with human rights experts to ensure that public health concerns affecting the right to a healthy environment are addressed with governments through suitable human rights review and monitoring mechanisms at national and international levels.

Fourth, they can call for the implementation of this new right across multilateral health institutions, in accordance with the human rights principles underlying the Sustainable Development Goals, and pressure public officials to advance international legal standards that adequately limit sources of pollution that are harmful to human health, taking into account WHO health standards.

Fifth, they can seek opportunities to link efforts to advance human rights for a healthy environment with stronger climate action, recognising the co-benefits of climate change mitigation on air quality, environmental health, bio-diversity loss and health equity. They can join international planetary health demands to shift rapidly from fossil fuels, ensure a fairer allocation of the remaining carbon budget, and promote global solidarity through international assistance and justice-based environment taxes.

Although this UN General Assembly resolution has its weaknesses, for example failing to explicitly commit to the protection of environmental human rights defenders, it serves as a beacon for environmental justice, and this World Environmental Health Day should galvanise the public health community to support environmental health through human rights.

Competing interests: none declared.

Provenance and peer review: not commissioned, not peer reviewed.

- 1 United Nations General Assembly. The human right to a clean, healthy and sustainable environment. 26 July 2022. Accessed on 18/09/2022 at <https://digitalibrary.un.org/record/3982508?ln=en>
- 2 UN General Assembly. United Nations Conference on the Human Environment; UN General Assembly: New York, USA, 1973; Available online: <https://undocs.org/en/A/CONF.48/14/Rev.1>.
- 3 UN Commission on Human Rights. Human rights and the environment; UN Commission on Human Rights: Geneva, Switzerland, 1995; Available online: <https://undocs.org/E/CN.4/Sub.2/1994/9>.
- 4 Limon M. United Nations recognition of the universal right to a clean, healthy and sustainable environment: An eyewitness account. *RECIEL* 2022;31:70. doi: 10.1111/reel.12444.
- 5 UN Human Rights Council. 2012. Report of the Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, John H. Knox, UN Doc. No. A/HRC/22/43.

- 6 Boyd D, Know J, Limon M. 2021. “#The time is now – The case for universal recognition of the right to a safe, clean, healthy and sustainable environment.” Universal Rights Group. https://www.universal-rights.org/wp-content/uploads/2021/02/2021_URG_R2HE_TIME_REPORT_MM.pdf
- 7 Buse K, Societies H, Gruskin S. The right to a healthy environment: making it matter. *BMJ* 2021;375. doi: 10.1136/bmj.n3076. pmid: 34906963
- 8 UN General Assembly. 2022. The human right to a clean, healthy and sustainable environment. A/76/L.75.
- 9 IPCC. 2022. IPCC Sixth Assessment Report: Impacts, Adaptation and Vulnerability. Report of the Intergovernmental Panel on Climate Change. Accessed on 20/09/2022 at <https://www.ipcc.ch/report/ar6/wg2/>
- 10 Meier BM, Kayser GL, Amjad UQ, Bartram J. Implementing an evolving human right through water and sanitation policy. *Water Policy* 2013;15:33. doi: 10.2166/wp.2012.198 pmid: 32038095
- 11 Patterson DW, Harvey R, Matkovic V, Hesselman M, Tahzib F. Post COP26: legal action now part of public health's environment and climate change toolbox. *Eur J Public Health* 2022;32:20. doi: 10.1093/eurpub/ckac057. pmid: 35641111
- 12 Boyd D. The Right to a Healthy and Sustainable Environment. In: Aguilera Y, Vinuales JE, eds. *A Global Pact for the Environment—Legal Foundations*. University of Cambridge, 2019.
- 13 Hunt P. Configuring the UN Human Rights System in the ‘Era of Implementation’: Mainland and Archipelago. *Hum Rights Q* 2017;39:538. doi: 10.1353/hrq.2017.0031.
- 14 Setzer J, Higham C. 2022. Global trends in climate change litigation: 2022 Snapshot. Accessed on 20/09/2022 at <https://www.lse.ac.uk/granthaminstitute/wp-content/uploads/2022/08/Global-trends-in-climate-change-litigation-2022-snapshot.pdf>