**The Global Pact for the Environment: A Framework for the Consistent Realization of the Sustainable Development Goals**

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1. Introduction

Since the adoption of the Charter of the United Nations in 1945, one of the main purposes of this intergovernmental organization has been and is *“(t)o achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion”*.[[1]](#footnote-1) Thanks to the “sustainable development” concept, coined for the first time by the Club of Rome and the IUCN, and then, famously, in 1987, by the *Our Common Future* report of the UN World Commission on Environment and Development, the environment was added to the main concerns of the United Nations and, hence, to the international political discourse. Sustainability entails the integration of the environment in all development strategies and within all countries, not just the underdeveloped ones,[[2]](#footnote-2) to guarantee *“… the needs of the present without compromising the ability of future generations to meet their own needs”*.[[3]](#footnote-3)

This idea, present in the mentioned report, lies at the foundation of the Sustainable Development Goals (hereinafter, SDGs) agreed on September 25th, 2015, as part of the 2030 Agenda for Sustainable Development,[[4]](#footnote-4) “to end poverty, protect the planet and ensure prosperity for all”,[[5]](#footnote-5) and is also present in the most recent initiative to develop a Global Pact for the Environment (hereinafter, GPE), currently under negotiation[[6]](#footnote-6), as an obligation of the States to “ensure the promotion of public support policies, patterns of production and consumption both sustainable and respectful with the environment”.[[7]](#footnote-7) Thereby, the environment is an inherent element of the SDGs, and not just a corrective force.

The connection of the GPE with the UN human rights universal framework justifies its integration as an essential element of it. As a result of that, the States have the duty to incorporate the environment into their public policies, although their efficacy vary among them. Those public policies, geared towards the protection of the environment, are a precondition -as well as a requirement- for the effective realization of the right to a healthy environment, because the effectiveness of that individual right is not possible if it is not previously established in a collective way. Hence the importance of the dual content of the right, that works in two directions: an individual right to a healthy environment creates obligations for the States to define the necessary conditions for the effective realization of the former. But it also works the other way around: the duty of the States to set an objective policy to protect the environment, necessarily follows a protection of the individual right to a healthy environment. Without a public policy that establishes the objective conditions to guarantee the enjoyment of a healthy environment, the realization of the individual right is simply impossible.

The attempt to put into practice and successfully achieve any international agreement requires international cooperation.[[8]](#footnote-8) The 2030 Agenda and the SDGs contained in it, are a clear example in this respect, as they have received the unanimous support of the UN member states.[[9]](#footnote-9) However, the goals, with its 169 targets, need to be achieved at a national level, and that is still a challenge to be accomplished by 2030. On the other hand, the right to a healthy environment, constituent element of the SDGs and now cornerstone of the *in the making* GPE, is well consolidated at the domestic level in many countries[[10]](#footnote-10), but despite the success of global environmental governance over the years[[11]](#footnote-11), there is not yet an overall legal instrument that would codify a “globally accepted substantive human right to a good or clean and healthy environment”.[[12]](#footnote-12)

In this regard, the “relaunched” initiative of the GPE[[13]](#footnote-13) aims at unifying the existing environmental law and principles, reinforcing its efficacy by recognizing an individual right to a healthy environment, thereby, completing the existing international human rights governance. As stated by the Special Rapporteur on the issue of human rights obligation relating to the environment, Professor John Knox, “a safe, healthy and sustainable environment is necessary for the full enjoyment of a vast range of human rights, including the right to life, health, food, water and development. At the same time, the exercise of human rights, including the rights to information, participation and remedy, is vital to the protection of the environment”.[[14]](#footnote-14)

The international and the domestic levels of cooperation serve their own specific strategic elements, but they are necessarily interconnected[[15]](#footnote-15) given that “achieving goals at one level depends on enabling factors at the other”.[[16]](#footnote-16) Therefore, and given the natural connection between the SDGs and the right to a healthy environment as a constituent unit of the former, the conclusion of the GPE will contribute to the success in the SDGs implementation at the domestic level, while at the same time, those goals will help consolidate the right to a healthy environment at the international level. The GPE will provide with a tool that will help implement the SDGs with greater consistency.

In order to justify the previous, this paper will briefly explain i) what is currently available to protect the environment, at the national and international levels; ii) the link between the environment and the SDGs, and iii) what the GPE will contribute, as the case may be, to the implementation of the SDGs.

1. The existing legal protection of the right to a healthy environment

Since the adoption of the Universal Declaration of Human Rights in 1948, the United Nations has insisted in the protection of those rights by means of the rule of law. And one of those human rights obligations, affecting all aspects of people’s lives, is that of the enjoyment of a “safe, clean, healthy and sustainable environment”.[[17]](#footnote-17) Indeed, today, the link between human rights and the environment is clear, but it has not always been so evident, from a legal and academic perspective, despite the facts that unambiguously show it.[[18]](#footnote-18) This is because the environmental movement started after the adoption of the UN Declaration of Human Rights and the two international Covenants that recognized the protection of the economic, social and cultural rights, and the civil and political rights, respectively, both of 1966.[[19]](#footnote-19)

The current economic inequalities levels contribute to the rise of the world’s health and social problems, in both, rich and poor countries, with serious consequences for the protection of the environment.[[20]](#footnote-20) Conversely, the environmental degradation is associated with social and economic deprivation and with serious health challenges,[[21]](#footnote-21) perpetuating the economic and social inequalities. In this way, various reports from the Special Rapporteur on the matter, Professor John Knox, show that human rights and the environment are interdependent: a healthy environment is necessary for the enjoyment of a full life, and the exercise of human rights is inherent to a healthy environment.[[22]](#footnote-22)

As it will be hereinafter explained, while most countries and regional legal instruments have adopted some kind of legal instrument to recognize and protect the right to a health environment, the international legal system has fallen behind and has rushed to fill in the gaps with the human rights law, using already recognized human rights to protect the environment.[[23]](#footnote-23) In order to set obligation among States, the recognition of a right should be first established. And this is the real contribution of the GPE and the benefit it brings to the implementation of the SDGs.

1. *The evolution of the protection of the environment at the international level*

The evolution of the protection of the environment at the international level has been fragmented, deriving into a sectoral approach that, given the current state of the planet, can be described as insufficient or insufficiently ambitious.

The link between the environment and human rights goes back to 1972, with the Stockholm Declaration of the UN Conference on the Human Environment, and after that, with the Rio Declaration on Environment and Development, in 1992. In the Stockholm Declaration, the right to a healthy environment was formally acknowledged for the first time,[[24]](#footnote-24) conferring it universal value as a moral standard[[25]](#footnote-25) commonly accepted by all nations around the world[[26]](#footnote-26), which then led to the definition of the environmental legal framework that culminated in the Rio Declaration, in 1992 and that, since then, has evolved in a sectoral manner,[[27]](#footnote-27) failing to recognize a formally codified and “globally accepted substantive human right to a good or clean and healthy environment”.[[28]](#footnote-28)

Also, in 1989, the UN Commission on Human Rights started the approach to environmental issues with a series of resolution on related to toxic and dangerous products and waste.[[29]](#footnote-29) This led to the adoption of the first Resolution of the Commission on Human Rights and the Environment, in 1994, and marked the beginning of a series of subsequent Resolutions on the same subject. [[30]](#footnote-30) However, the UN Commission wasted an opportunity in 1995 to recognize the right to a healthy environment, and neither was it mentioned during the Sustainable Development Conferences in Johannesburg, in 2002, nor in Rio de Janeiro, in 2012. It was nevertheless linked to a sustainable development thanks to the World Summit on Sustainable Development, in the year 2002.[[31]](#footnote-31) The Office of the High Commissioner, created in 2006,[[32]](#footnote-32) conducted, in 2011, in a manner in line with this, a thorough study on the relationship between human rights and the environment, considering the views of the UN State Members, relevant international organizations and intergovernmental bodies, and concluded that a) a sustainable development and the protection of the environment can contribute to human well-being and the enjoyment of human rights; b) environmental damage can have negative implications, both direct and indirect, for the effective enjoyment of human rights; and that c) human rights obligations and commitments have the potential to inform and strengthen international, regional and national policymaking in the area of environmental protection[[33]](#footnote-33)

Building on those resolutions, the Human Rights Council created a mandate for an Independent Expert on Human Rights and the Environment, in March 2012,[[34]](#footnote-34) and extended it in 2015, for a period of three years.[[35]](#footnote-35) In his first report, of March 2013, the Special Rapporteur stressed the interdependence of human rights and the environment.[[36]](#footnote-36) For his following report, of March 2014, he conducted a research around the world to identify the different human rights obligations relating to the environment covered by regulatory bodies and jurisprudence around the world, and concluded that despite their diversity, the approach to the issue was very coherent.[[37]](#footnote-37) The Special Rapporteur also identified and described good practices in the use of obligations under human rights law to protect the environment, in the following report, presented in March 2015.[[38]](#footnote-38) After this mandate was renewed, he submitted various other reports on specific aspects of the relationship between human rights obligation and the enjoyment of a safe, clean, healthy and sustainable environment, specifically, on climate change and human rights, on biodiversity and human rights, and on children’s rights and the environment.[[39]](#footnote-39) More recently, in a report presented in March 2016, he included recommendations on the implementation of the human rights obligations with respect to the environment, identifying the main challenges and barriers to their full satisfaction, [[40]](#footnote-40) and in another one elaborated in October 2017, some draft guidelines to spread guidance on the main norms on the issue, which finally, led to the publication, in January 2018, of the Framework principles on human rights and the environment,[[41]](#footnote-41) which provides a detailed guidance for their implementation, and a foundation for their further development.

In this same sense, and building on previous attempts to codify a right to a healthy environment, the environmental commission of the French think tank *Le Club des Juristes,* chaired by Yann Aguila*,* proposed, in 2015, the adoption of a Global Pact for the Environment. This initiative gained a very important boost thanks to its support from former President of COP21 Laurent Fabius and President Macron. The text of the Pact proposed intends to give “greater coherence to international environmental laws, and set out clear obligations for states and individuals to protect the environment”[[42]](#footnote-42) by bringing the existing and already agreed environmental principles together in a single text that would complete the human rights legal system. This proposal includes 26 short articles with the aim to effectively tackle the environmental threats we face, including climate change and the loss of biodiversity, the eradication of poverty, the growth of inequalities and the situation of the most vulnerable, with a clear determination to promote a sustainable development that would allow each generation to fulfill their needs without compromising those of the following ones and respecting the balance and equilibrium of the Earth’s natural system.

However, the UN General Assembly has recently adopted Resolution A/RES/72/277[[43]](#footnote-43), of the 10th of May 2018, to start the negotiations towards the (desirable) adoption of a Global Pact for the Environment. As a first step, the Resolution has requested the Secretary-General “to submit to the General Assembly at its seventy-third session in 2018 a technical and evidence-based report that identifies and assesses possible gaps in international environmental law and environment-related instruments with a view to strengthening their implementation”. Therefore, a new draft will be elaborated and discussed during the next years, hopefully resulting in a new and agreed Global Pact for the Environment.

In short, after around 50 years of debate and considerations, the relationship between human rights and the environment is clear, but the international governance still lacks a legal instrument which recognizes the right to a healthy environment, leaving the human rights system uncomplete. The GPE represents a step forward to this respect.

1. *Recognition of a right to a healthy environment by regional and national jurisdictions*

As indicated before, the international environmental governance framework has developed through sectoral treaties on specific issues, creating different levels of environmental protection among countries. The rights-based approach proposed by the GPE initiative adds legal certainty while providing enough flexibility to the system allowing it to adjust to the evolution of the environmental challenges and of the solutions proposed by science -in accordance with the BAT principle[[44]](#footnote-44)-. By means of a rights-based approach to the environment[[45]](#footnote-45) all public and private institutions should be required to incorporate environmental rights considerations into plans, policies, and processes, based on the rights and obligations set by international law.[[46]](#footnote-46) The formal recognition of a right to a healthy environment would, therefore, strengthen the international protection of the environment, and would provide the necessary human rights language for the cohesive realization of the SDGs.[[47]](#footnote-47) The regional and national levels have accomplished greater success, but they are not up to standards compared to the protection of the first and second generation of human rights, the civil and political rights, and the economic, social and cultural rights, protected under two legally binding agreements, the two Covenants of 1966.

At the regional level, there are four treaties that explicitly enumerate a “right to a healthy environment”. Those are: i) The *African Charter on Human and People’s Rights,* 1981 (article 24);[[48]](#footnote-48) ii) the San Salvador Protocol, 1988 (article 11);[[49]](#footnote-49) iii) the Aarhus Convention, 2001 (Preamble);[[50]](#footnote-50) and iv) the Arab Charter on Humans Rights, 2004 (article 35).[[51]](#footnote-51) Surprisingly, in Europe, neither the *European Convention for the Protection of Human Rights and Fundamental Freedoms*[[52]](#footnote-52) nor the *European Social Charter*[[53]](#footnote-53) have any explicit reference to the protection of the environment.[[54]](#footnote-54) And perhaps even more striking, the *Charter of Fundamental Rights of the European Union* of the year 2000 (in force since 2009), only recognizes the duty of public authorities to integrate a “...high level of environmental protection” as well as an “...improvement of the quality of the environment” in public policies (article 37), without undertaking any evaluation of an individual right to a healthy environment.

Also, at the national level, as of the year 2012, 177 of the 193 UN member countries recognize the right to environmental quality through Constitution, legislation, judicial precedent, or international agreement,[[55]](#footnote-55) and the right is explicitly recognized in environmental legislation or Constitutions, in more than a hundred countries.[[56]](#footnote-56) To this respect it should also be noted that there is a clear trend towards the recognition of a right to a healthy environment in the national and regional courts: in the first case, the High Court of Ireland has recently recognized, in an unprecedented decision on November 21, 2017,[[57]](#footnote-57) “a personal constitutional right to an environment”[[58]](#footnote-58); and in the second, the Inter-American Court on Human Rights, issued an Advisory Opinion on November 15th, 2017 (publicly released on February 7th 2018) recognizingthe right to a healthy environment as fundamental to human existence.Both show the tendency towards the consideration of the right to a healthy environment as an individual human right that needs to be protected and enforced at the national and the international levels.

Additionally, following this trend in strengthening the protection of the environment, “the judgeswho administer water justice and adjudicate cases regarding the utilization, management and protection of all forms of freshwater resources; equitable access to water and sanitation services; the impact of human activities on water and the environment; and restoration of ecological services and functions”, have recently endorsed during the 8th World Water Forum 2018, the “Brasilia Declaration on Water Justice”, reaffirming the values and principles enshrined in all the previous environmental declarations, including, for the first time, those incorporated in the draft of the GPE.[[59]](#footnote-59)

1. Environmental mainstreaming across the Sustainable Development Goals

The SDGs are a “universal call to action to end poverty, protect the planet and ensure that all people enjoy peace and prosperity”[[60]](#footnote-60) as part of the 2030 Sustainable Development Agenda. Organized in 17 goals and 169 targets, they provide a guideline to promote human rights obligations among States to improve the lives of the people in a sustainable way, but experts have alleged that their main failure is that they avoid any rights-oriented language.[[61]](#footnote-61) The SDGs are, at any rate, a guide for governments in their policy development and, despite their flaws, they are of substantial importance to the achievement of a sustainable development in general, and to the improvement of the connection between human rights and the environment, in particular.[[62]](#footnote-62) They provide a solid foundation for the definition of the necessary policies for current world challenges, including the environmental ones.

States have substantive and procedural obligations to protect environmental damages. In the domestic sphere, the obligations stem from their own existing legislation and jurisprudence, and in the international one, from the implicit recognition of the right to a healthy environment derived from the protection of other human rights,[[63]](#footnote-63) with more uneven results. The procedural obligations refer to the access to environmental information and public participation in environmental decision-making processes, and the substantive, to the duty of States to adopt and implement legal frameworks to protect against environmental harm that may affect human rights, in particular, those of the most vulnerable. The level of substantive protection vary among States as this obligation must be tempered with their right to development.[[64]](#footnote-64) Therefore, despite the obligation of States to consider the international and national standards to avoid environmental harms and protect human rights in a non-regressive fashion, there is still an ample scope to strengthen the implementation of international environmental law. Particularly contentious are the transboundary environmental damages because they are not contemplated in most international human rights agreements or, the existing references, are rather inconsistent and, therefore, create legal uncertainty.

The eradication of poverty in all its forms and dimensions, and the increase in social, economic and environmental inequalities, is an indispensable requirement to achieve a sustainable development in its three dimensions (economic, social and environmental), building upon the unfinished business of the Millennium Development Goals.[[65]](#footnote-65)

After the UN Declaration on Human Rights, 1948, the Human Rights Commission was asked to create a human right body of law with legally binding force. The two international Covenants on human rights adopted by the UN General Assembly in 1966, corresponding to the so-called first and second generation of rights, respectively, gave response to that mandate. Back then, there was no political interest yet on the environmental matters, so the environmental rights were not included in the negotiations. Today, the GPE offers a framework for the that generation of rights, gathering all existing environmental principles in a single document that would serve as the cornerstone of the international environmental legal order. The GPE supplements the existing human rights legal system incorporating the environment to the three pillars of sustainability, the only element that, since 1966, was lacking in the human rights approach.

Consequently, the GPE completes the sustainability system by adding the environment to the economic and social spheres to the human rights protection legal order, giving more consistency to the SDGs and, hence, to the framework that would guide the action of the States towards a fairer and more sustainable world.

In short:

* The GPE is set in the UN human rights global framework of universal rights and global obligations for the States;
* Since the GPE falls within that context, it complements the right to a healthy environment with a dual content: obligations for the States to create the necessary conditions for the effective realization of an individual right to a healthy environment, and, conversely, the duty of the States to set an objective policy to protect the environment, necessarily follows a protection of the individual right to a healthy environment;
* The SDGs provide a guideline to promote human rights obligations among States to improve the lives of the people in a sustainable way;
* These responsibility of the States guarantees the effectiveness of the individual right to a healthy environment;
* Therefore, the GPE completes the SDGs framework, making it more robust and coherent in order to guide the public policies of the States towards a fairer and more sustainable (economic, social and environmental) world.

1. United Nations, “Charter of the United Nations and Statute of the International Court of Justice”, San Francisco, 1945. Available at: <https://treaties.un.org/doc/publication/ctc/uncharter.pdf> [↑](#footnote-ref-1)
2. Our Common Future, p. 38 [↑](#footnote-ref-2)
3. Our common Future, p. 41. [↑](#footnote-ref-3)
4. UN General Assembly. “Resolution adopted by the General Assembly on 25 September 2015. Transforming our world: the 2030 Agenda for Sustainable Development”, Seventieth Session. Agenda Items 15 and 116. A/RES/70/1, 21 October 2015. Available at: <http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E> (accessed February 7, 2018). [↑](#footnote-ref-4)
5. UN. Sustainable Development Goals. 17 Goals to transform our world. <http://www.un.org/sustainabledevelopment/sustainable-development-goals/> (accessed Feb 7, 2018). [↑](#footnote-ref-5)
6. Global Pact for the Environment update: <https://wedocs.unep.org/bitstream/handle/20.500.11822/22190/Global%20Pact%20for%20the%20Environment%20-%20Concept%20note%20%2813%20November%29.pdf?sequence=3&isAllowed=y> (accessed Feb 17, 2018). [↑](#footnote-ref-6)
7. Article 3 draft of the Global Pact for the Environment, as it was presented in Paris in June 2017. [↑](#footnote-ref-7)
8. Paulo, S. “International Cooperation and Development. A conceptual Overview”. Discussion Paper/Deutsches Institut für Entwicklungspolitik, Bonn 2014. [↑](#footnote-ref-8)
9. UN Sustainable Development Goals. 17 goals to transform our world. “Historic New Sustainable Development Agenda Unanimously Adopted by 193 UN Members”: <http://www.un.org/sustainabledevelopment/blog/2015/09/historic-new-sustainable-development-agenda-unanimously-adopted-by-193-un-members/> (accessed Feb 7, 2018). [↑](#footnote-ref-9)
10. Among the 192 nations that are UN members, the right to a healthy environment was explicitly recognized in the constitutions of ninety. Also, in at least twelve other countries, Supreme or Constitutional Courts have ruled in favor of an implicit constitutional right to environmental health. Boyd, David. “Constitutional Right to a Healthy Environment”. RECIEL 20 (2) 2011, pp. 171-179.

 Springer, J. “IUCN’s Rights-Based Approach: A Systematization of the Union’s Policy Instruments, Standards and Guidelines”, IUCN October 2016. Available at: <https://www.iucn.org/sites/dev/files/content/documents/iucn_rba_systematization_compiled.pdf> [↑](#footnote-ref-10)
11. For a complete analysis of the evolution of the protection of the environment, *vid.* Caradonna, J. *Sustainability. A History*, Oxford University Press, 2014. - [↑](#footnote-ref-11)
12. Turner, Stephen J. (2008) *A substantive environmental right: an examination of the legal obligations of decision-makers towards the environment.* Energy and Environmental Law and Policy Series . Kluwer Law International, Alphen aan den Rijn, Netherlands). [↑](#footnote-ref-12)
13. From the idea of Amadeo Postiglione, to the draft of the International Union for Conservation of Nature (IUCN), various have been the attempts to promote such a Pact (or similar), historically. For more information, vid. Turner, Stephen J. (2008) *A substantive environmental right: an examination of the legal obligations of decision-makers towards the environment.* Energy and Environmental Law and Policy Series . Kluwer Law International, Alphen aan den Rijn, Netherlands). [↑](#footnote-ref-13)
14. Knox, J. “Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment”, Humans Right Council, Thirty-seven Session, 26 February-23 March 2018 Agenda item 3, Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development, A/HRC/37/59, 24 January 2018, p. 2. [↑](#footnote-ref-14)
15. Paulo, S. “International Cooperation and Development. A conceptual Overview”. Discussion Paper/Deutsches Institut für Entwicklungspolitik, Bonn 2014, p. 1. [↑](#footnote-ref-15)
16. *Id*. p. 2. [↑](#footnote-ref-16)
17. Knox, J. “Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment”, Humans Right Council, Thirty-seven Session, 26 February-23 March 2018 Agenda item 3, Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development, A/HRC/37/59, 24 January 2018. [↑](#footnote-ref-17)
18. <http://web.unep.org/divisions/delc/human-rights-and-environment> (accessed Feb 5th, 2018). [↑](#footnote-ref-18)
19. A summary can be found at: <http://www.eycb.coe.int/compass/en/pdf/6_4.pdf>. [↑](#footnote-ref-19)
20. Chancel. L. *Insoutenables Inégalités. Pour Une Justice Sociale Et Envitonnementale.* Les Petits Matin,Institut Veblen, Paris, 2017, p. 175. [↑](#footnote-ref-20)
21. Gwangndi, Maryam Ishaku, Yahaya Abubakar Muhammad, and Sule Musa Tagi. "The Impact Of Environmental Degradation On Human Health And Its Relevance To The Right To Health Under International Law." *European Scientific Journal, ESJ* 12.10, 2016. [↑](#footnote-ref-21)
22. Knox, J. “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”, Human Rights Council, Twenty-second session Agenda item 3, Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development, A/HRC/22/43, 24 December 2012. The following reports stress this same point. All reports are available at: United Nations Human Rights. Office of the High Commissioner. Special Rapporteur on human rights and the environment (former Independent Expert on human rights and the environment)

<http://www.ohchr.org/EN/Issues/Environment/SREnvironment/Pages/SRenvironmentIndex.aspx> (accessed February 10, 2018). [↑](#footnote-ref-22)
23. Knox, J. & Pejan, R. “Introduction: The Human Right to a Healthy Environment”, included in Knox, J. & Pejan, R. Eds.), The Human Right to a Healthy Environment, forthcoming 2018, p. 3. [↑](#footnote-ref-23)
24. Boyd, David R. “Catalyst for Change: Evaluating Forty Years of Experience in Implementing the Right to a Healthy Environment”, included in Knox, J. & Pejan, R. Eds.), The Human Right to a Healthy Environment, forthcoming 2018, p. 1. [↑](#footnote-ref-24)
25. Garavito, César. “A Human Right to A Healthy Environment? Moral. Legal, and Empirical Consideration”, included in Knox, J. & Pejan, R. Eds.), The Human Right to a Healthy Environment, forthcoming 2018, p. 8. [↑](#footnote-ref-25)
26. United Nations. Universal Declaration of Human Rights: <http://www.un.org/en/universal-declaration-human-rights/> (December 2017). [↑](#footnote-ref-26)
27. Examples of those international sectoral agreements can be found here: Ocean and Law of the Sea. United Nations. Division for Ocean Affairs and Law of the Sea: <http://www.un.org/depts/los/convention_agreements/convention_overview_fish_stocks.htm>, accessed October 12, 2017; Convention in Biological Diversity: <https://www.cbd.int/convention/>, accessed October 12, 2017; International Maritime Organization. International Convention for the Prevention of Pollution fro Ships (MARPOL): [http://www.imo.org/en/about/conventions/listofconventions/pages/international-convention-for-the-prevention-of-pollution-from-ships-(marpol).aspx](http://www.imo.org/en/about/conventions/listofconventions/pages/international-convention-for-the-prevention-of-pollution-from-ships-%28marpol%29.aspx), accessed October 12, 2017; or the UNFCCC and the Paris Climate Change Agreement. United Framework Convention on Climate Change: <http://unfccc.int/2860.php>, accessed October 12, 2017. [↑](#footnote-ref-27)
28. Turner, Stephen J. (2008) *A substantive environmental right: an examination of the legal obligations of decision-makers towards the environment.* Energy and Environmental Law and Policy Series . Kluwer Law International, Alphen aan den Rijn, Netherlands). [↑](#footnote-ref-28)
29. Resolution 1989/42. [↑](#footnote-ref-29)
30. Resolution 1994/65, Resolution 1995/14, Resolution 1996/13. All of them available at: United Nations Human Rights. Office of the High Commissioner. Human Rights and the Environment. <http://www.ohchr.org/EN/Issues/Environment/HREnvironment/Pages/HRandEnvironmentIndex.aspx> (accessed February 10, 2018). [↑](#footnote-ref-30)
31. Resolution 2002/75, Resolution 2003/71, Resolution 2005/60. All of them available at: United Nations Human Rights. Office of the High Commissioner. Human Rights and the Environment. <http://www.ohchr.org/EN/Issues/Environment/HREnvironment/Pages/HRandEnvironmentIndex.aspx> (accessed February 10, 2018). [↑](#footnote-ref-31)
32. Resolution 60/251.  [↑](#footnote-ref-32)
33. UN General Assembly. Human Rights Council. “Analytical study on the relationship between human rights and the environment Report of the United Nations High Commissioner for Human Rights”. A/HRC/19/34, December 16th, 2011, p. 15 to 17. Available at: <http://srenvironment.org/wp-content/uploads/2013/05/Analytical-study-OHCHR-PDF.pdf> [↑](#footnote-ref-33)
34. Resolution 19/10. [↑](#footnote-ref-34)
35. Resolution 28/11. [↑](#footnote-ref-35)
36. A/HRC/22/43. [↑](#footnote-ref-36)
37. A/HRC/25/53. [↑](#footnote-ref-37)
38. A/HRC/28/61. [↑](#footnote-ref-38)
39. A/HRC/31/52, A/HRC/34/49, and A/HRC/37/58, respectively. [↑](#footnote-ref-39)
40. A/HRC/31/53. [↑](#footnote-ref-40)
41. A/HRC/37/59. [↑](#footnote-ref-41)
42. Antonio Benjamin: Environmental News Services-http://ens-newswire.com/2017/07/30/global-treaty-for-the-environment-taking-shape/ [↑](#footnote-ref-42)
43. The Resolution is available at: <http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/72/277> (June 2018). [↑](#footnote-ref-43)
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