

February 20, 2019



Amnesty International, Center for International Environmental Law, Earthjustice, and Human Rights Watch have the honor of presenting the following submission to the ad hoc open-ended working group, established by the United Nations General Assembly (UNGA) in its May 2018 resolution entitled “Towards a Global Pact for the Environment,” in response to the Working Group’s co-chairs’ request for submissions by February 20, 2019. The abovementioned organizations have ample experience in understanding and advocating for the relationship between the environment and human rights at the international, regional and national levels.

This submission encourages the ad hoc open-ended working group to recognize the right to a healthy and sustainable environment as a critical pillar of a Global Pact for the Environment.

The Global Pact for the Environment should recognize and enable enforcement of the right to a healthy and sustainable environment. This would increase recognition and appreciation of the work of environmental defenders and would give them a powerful tool to hold governments and corporations accountable for human rights violations and abuses and environmental harm. It would also amplify awareness of each generation’s responsibilities toward future generations by acknowledging that a healthy environment—including clean water, air, soil and a stable climate—is indispensable for a life of dignity and security.

International recognition and enforcement of the right to a healthy and sustainable environment would also increase awareness of the relationship between human rights and environmental protection and establish new legal mechanisms for protecting the environment. Raising the international status of environmental protection would put it on equal footing with other human rights principles and complement constitutional mandates in those countries that have already recognized the right in their internal legal order.

In approaching the right to a healthy and sustainable environment, the ad hoc open-ended working group may find guidance in the 2018 report to the UNGA from the Special Rapporteur on Human Rights and the Environment. The Special Rapporteur recommended that the General Assembly recognize the human right to a safe, clean, healthy and sustainable environment. Drawing on extensive study of the right at the national and regional level, he explained why the time has come for such recognition by the United

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Nations. The Special Rapporteur identified the Global Pact process as a possible vehicle for such recognition, concluding that “[a]n instrument resulting from this process certainly could and should include recognition of the human right to a healthy environment.”

The Special Rapporteur’s call for global recognition of the right to a healthy and sustainable environment also finds support in the 2018 report by the UN Secretary-General on “Gaps in international environmental law and environment-related instruments: towards a global pact for the environment.” The Secretary-General’s report notes there are at least 155 States that recognize a human right to a healthy environment in their constitutions or subconstitutional laws and regulations. It also notes that “[o]nly a few sector-specific binding international and regional conventions recognize the right.”

In conclusion, whichever direction negotiations on the Global Pact for the Environment will take, it should explicitly recognize the right to a healthy and sustainable environment as a critical and indispensable pillar of its architecture.

We also note the importance of the pact including strong language on the protection of environmental defenders, non-regression of human rights, and access to information, participation and justice, and will engage on these points in the course of the negotiations as required.