



Right to a Healthy Environment

Backgrounder

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Out of the successes of the human rights movement emerged the idea to apply a rights-based approach to confront global environmental devastation. This idea has since become manifested in certain international law documents. The Stockholm Conference in 1972 created the groundbreaking context for explicitly recognising the right to a healthy environment and is articulated in Principle 1 of the Stockholm Declaration. Twenty years later, in 1992, the UN Conference on Environment and Development in Rio de Janeiro reiterated the link between human rights and environmental protection in the Rio Declaration. Principle 1 of the Rio Declaration states that: "Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature." The Stockholm Declaration and the Rio Declaration were bold steps to embrace a rights approach which is still a relatively new concept in international environmental law.

Neither the Stockholm nor the Rio Declaration is intended to create legally binding rights, but they build the basis for a discussion about the right to a healthy environment.¹ Apart

¹ Apart from regional or national approaches (see African Charter of Human and Peoples' Rights (Nairobi 1981): Article 24: "all peoples shall have the right to a general satisfactory environment favourable to their development"; American Convention on Human Rights Article, 11-1 of the Additional Protocol adopted in San Salvador on 17.11.1998: "Everyone shall have the right to live in a healthy environment and have access to basic public services").

from these two principles, there are many other international² and European³ conventions, declarations and resolutions which provide different norms aimed at the protection of specific human rights, such as the right to life and the right to a standard of living adequate for health and well-being. These specific human rights always contain a component that is linked to the right to a healthy environment, since the right to life can be infringed if a human being has to live without access to clean water. These specific human rights are actionable giving them more force.

WECF calls for the broad use of existing human rights in the context of environmental protection and the protection of human health. Furthermore, WECF calls upon governments as well as international and non-governmental organizations, to work towards the establishment of a right to a healthy environment itself. In this context, WECF pleads for the fair treatment and meaningful involvement of all people regardless of gender, race, colour, national origin, or income with respect to the development, implementation, and enforcement of environmental laws (environmental justice).

² See e.g. articles 3 and 25 of the Universal Declaration of Human Rights, articles 6(1) and 24 of the UN Convention of the Rights of the Child.

³ See e.g. articles 1 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.