

Members of the core group (ambassador-level)  
on human rights and the environment\*

14<sup>th</sup> September 2020, Geneva

Excellencies,

We, the undersigned, are pleased to address this letter to you in your capacity as a member of the Human Rights Council core group on human rights and the environment.

We have been delighted, over recent months, to take note of the growing international momentum behind universal recognition of the right to a safe, clean, healthy and sustainable environment (R2E).

R2E does not appear in the Universal Declaration of Human Rights (and therefore the two Covenants) because it was drafted before the advent of the modern environmental movement in the 1960s and 70s. However, as you are aware, over recent years there has been a growing interest and movement, at national, regional and international levels, to secure universal recognition of the right. Over one hundred national constitutions now recognise the right, as do several regional human rights agreements. At UN-level, the first UN Special Rapporteur for human rights and environment and signatory to this letter, John Knox, ended his term by calling for States to recognise the right to the environment at the international level. The current mandate-holder and also a signatory to this letter, David Boyd, has renewed this call and shown how legal recognition of R2E helps empower rights-holders, supports the work and protects the rights of environmental human rights defenders, and helps safeguard the environment and climate. Likewise, civil society leaders have drawn attention to the fact that legal recognition of R2E supports the realisation of other fundamental human rights.

Over the past six months, senior UN figures (e.g. the Secretary-General, the High Commissioner for Human Rights, the Executive Director of UNICEF and the Executive Director of UNEP) have joined a growing chorus of support for universal recognition. During the 44<sup>th</sup> session of the Human Rights Council, for example, the High Commissioner, Michelle Bachelet, said:

*“It is time for global recognition of the human right to a healthy environment – recognition that can lead to stronger policies, at all levels, to protect our planet and our children. The right to a healthy environment is grounded in measures to ensure a safe and stable climate; a toxic-free environment; clean air and water; and safe and nutritious food. It encompasses the right to an education with respect for nature; to participation; to information; and to access to justice [...] In recent years, many children and young people have joined and strengthened the worldwide struggle for protection of the environment and realisation of climate justice. I am*

*very glad that we will be able to hear from some of these young environmental human rights defenders today.”*

We would like to take this opportunity to commend the core group on human rights and environment for the leadership it has shown over the years in clarifying and leveraging the mutually reinforcing relationship between human rights and the environment. The success of those efforts is self-evident in the global momentum described above. We would also like to thank the core group for the openness it has consistently shown to civil society, enabling fruitful dialogue and exchange.

As a result, we, a group of UN independent experts, civil society leaders and academics, believe an important window of opportunity now exists to make a final push to secure universal recognition, via a Council resolution followed by a resolution at the General Assembly. We believe the growing support for such a move amongst the UN’s leadership reflects widespread support amongst States (over 150 of which now recognise the right in domestic law) and civil society. We also believe the COVID-19 pandemic, in particular the understanding that the crisis was partly caused by humankind’s failure to protect and conserve the natural environment, as well as a widespread determination to place human rights, the environment and climate at the centre of global efforts to ‘build back better,’ only adds to the sense that now is the time for that final push. Finally, our sense of urgency is fed by the simple and unavoidable fact that the growing climate, environment and biodiversity crisis facing the world, and its impacts on the enjoyment of human rights (including millions of preventable deaths caused by air pollution), requires of us to use every tool at our disposal to push back.

While we understand the importance of broad consultations and consensus, we nonetheless believe that the aforementioned momentum, coupled with the already large number of countries that have recognised the R2E, and the greater public awareness of the crucial inter-relationship between human rights and the environment that has emerged due to the COVID-19 pandemic, together mean ‘there is no time like the present.’ We therefore urge the core group to use to seize the historic opportunity now before us and publicly commit to tabling the necessary resolutions before both the Council and the General Assembly by the end of 2021 – in time for the 50<sup>th</sup> anniversary of the Stockholm Conference on the Human Environment in 2022. This public commitment could be extended, for example, via a joint statement during the present 45<sup>th</sup> session of the Council (e.g. under agenda items 3 or 8) or press statement shortly after its conclusion, and a joint statement during the upcoming meeting of the Third Committee of the General Assembly (75<sup>th</sup> session).

We of course pledge our full support to you in this crucial endeavour – crucial for people and planet.

In the meantime, please accept, Excellency, the assurances of our highest consideration.

Signed:

David Boyd, UN Special Rapporteur on human rights and the environment

John Knox, former UN Special Rapporteur on human rights and the environment

Astrid Puentes Riaño, co-Executive Director, *Asociación Interamericana para la Defensa del Ambiente* (AIDA)

Ashfaq Khalfan, Director, Law and Policy, Amnesty International

Matthew McKinnon, Executive Director, Aroha

Dan Magraw, President Emeritus, Center for International Environmental Law (CIEL)

Carroll Muffett, President and CEO, Center for International Environmental Law (CIEL)

Children's Environmental Rights Initiative (global coalition)

Martin Wagner, Managing Attorney, International Program, Earthjustice

Daniel Wilkinson, Acting Director, Environment and Human Rights, Human Rights Watch

Joni Pegram, Director, Project Dryad

Akihiko Morita, Shokei Gakuin University, Japan

Marc Limon, Executive Director, Universal Rights Group (URG)

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\* Members of the Human Rights Council core group on human rights and the environment are Costa Rica, Maldives, Morocco, Slovenia and Switzerland. Personalised versions of this letter were sent to the Permanent Representatives (to the UN Office in Geneva) of each of these States on 16<sup>th</sup> September 2020.