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Recent United Nations Resolution Declaring Access to Clean and Healthy Environment a Universal Human Right

- On 28th July, the United Nations General Assembly declared access to clean and healthy environment, a universal human right. One hundred sixty-one member countries voted in favor, while 8 countries abstained.
- The resolution calls upon states, international organizations and business enterprises to scale up efforts to ensure a healthy environment for all.
- Environment health and human health are interrelated.
- "A safe, clean, healthy and sustainable environment is integral to the full enjoyment of a wide range of human rights, including the rights to life, health, food, water and sanitation" (ohchr.org).
- This landmark decision will help in the collective fight against the triple planetary crisis of climate change, biodiversity loss and pollution, which together account for the death of around 9 million people every year.
- It will help reduce environmental injustices, close protection gaps and empower people. "This resolution sends a message that nobody can take nature, clean air and water, or a stable climate away from us – at least, not without a fight," said Inger Andersen, Executive Director of the UN Environment Programme (UNEP).
- This resolution has been passed after 50 years. It is not binding; it is only suggestive. But it will encourage countries to incorporate the right to a healthy environment in national constitutions and regional treaties.
- Other human rights are interlinked to this right.
- Climate change and environmental degradation are the most critical threats awaiting humanity in the future.
- The declaration sheds light on almost all the rights connected to the health of our environment.
- A healthy environment allows an individual to lead a life of dignity and well-being.
- "Every person, everywhere, has the right to eat, breathe and drink without poisoning their bodies", said UN High Commissioner for Human Rights, Michelle Bachelet.
- The subject of environment came to the forefront for the first time at the United Nations Conference on the Environment in Stockholm in 1972.
- In 2010, the UN General Assembly recognized the right to water and sanitation and said that clean drinking water and sanitation "are essential to the realization of all human rights". This led to change in the laws and regulations related to water and sanitation in many countries.

- However, we have still not been able to define what is "clean", "healthy" and "sustainable".
- However, this is not a landmark decision for India as the Indian Constitution has already defined the right to environment.
- India was the first country to safeguard environment through an amendment in the constitution.
- Article 21 in The Constitution of India on "Protection of life and personal liberty" says that "No person shall be deprived of his life or personal liberty except according to procedure established by law".
- While interpreting the right to life, the Supreme Court of India has already said that right to clean and healthy environment is a fundamental right.
- Under Article 39, Directive Principles of State Policy, it is the duty of the government to maintain a clean and healthy environment.
- As per Article 48A, states have a duty "to protect and improve the environment and to safeguard the forests and wild life of the country".
- Article 51-A (g) says that "It shall be duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures".
- There are many laws but the problem lies in their implementation. It is a challenging task.
- To save the environment, we have to also talk about accountability and responsibility and not just right.
- In MC Mehta vs. Union of India, the Supreme Court considered the right to good environment as a part of the right to life under Article 21 of the Constitution. This is a very clear and explicit enunciation of the law.
- Institutional set up is very fragmented and duplicated. There is a need to reform the institutional set up. Only then enforcement and implementation will come up.
- There is also lack of awareness about the subject and the related laws.
- Environment is being neglected in favor of development whereas the purpose of development is to improve the living environment. Any development should take into consideration the living environment.
- Under the Environment Protection Act, environmental impact assessment (EIA) has been made compulsory for all development projects. This statement describes the impact of the project on the environment. The Ministry of Environment and Forests has to very carefully review the EIA to see if the project is improving the environment of the people. The new UN resolution may strengthen this and improve the quality of EIA. The number of conditions to be implemented needs to be reduced so that they can be properly monitored. There has to be a penalty. Until this happens, EIA is of little value.

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