**[Clean environment](https://www.dawn.com/news/1691881/clean-environment)**

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THE UN Human Rights Council recogni­sed a clean environment as an independent hum­an right in October 2021. The intersection between human rights and env­i­r­o­n­­m­ental protection had long remained unackno­wledged. The Universal Declaration of Human Rights in 1948 did not touch upon environmental rights because the priority then was to protect human dignity and development after the devastation of World War II. The environmental movement was still in a nascent stage.

The UN Conference on Human Environ­ment in Stockholm in 1972 first acknowled­ged this link: “Man has the fundamental rig­ht to freedom, equality and adequate con­d­­­­i­t­ions of life, in an environment of a quality that permits a life of dignity and well-being.”

Thereafter, the UN, governments, jurists, and academia strengthened the discourse by clearly outlining that environmental degradation and climate change infringed on human rights, particularly those of the poor and society’s most vulnerable segments. Recourse to a rights-based approach to the environment and sustainable development was mainstreamed.

Subsequently, the Human Rights Council adopted several resolutions on different aspects of the links, while regional human rights treaties and national legislation were approved to protect the environment and environmental rights.

Unpolluted air and water are a human right.

So far, 156 countries have granted legal recognition to a healthy and sustainable environment. One hundred countries have enshrined the right to a healthy environment in their constitutions — 84 of them in explicit terms.

In the developed world, governments and judicial processes have ensured adherence to legal, constitutional and multilateral obligations. In developing nations, despite structural constraints, courts have handled scores of petitions involving a human rights-based approach to clean air and water. Asghar Leg­hari vs Federation of Pakistan is a landmark case involving a farmer who challenged the government for not acting to combat climate change and argued that the inaction of the aut­horities was against the fundamental rig­hts of life provided by the Constitution, beca­use climate change posed a serious threat to water, food, and energy security in Pakistan. The court directed the government to take imm­ediate climate action for protecting the fundamental rights of its citizens. The Pes­h­awar High Court ruled against illegal logging and the Lahore High Court against unregulated construction in Kahuta and Murree.

In the Philippines, a group litigation case of 43 children made headlines in the 1990s when activist and lawyer Antonio Oposa successfully pleaded before the supreme court that deforestation harmed the fundamental rights of children.

Similar verdicts in other places raised hop­es for urgent action on a larger scale. Unf­o­rtunately, in developing nations, where nat­ure loss is upending development, weak imp­­l­e­me­ntation, obsolete administrative str­­­­u­­­c­tures, and ineffective redressal mechanisms have pro­ved to be among the main hurdles to enf­orcing environmental laws. To add­ress these issues, UNEP and the Office of the Spe­cial Rapporteur on Human Rights and the Env­ironment have collaborated to enhance the capacity of state and non-state actors to be­tter understand and operationalise the links between human rights protection and the sustainable management of natural resources.

As we endure growing environmental degradation and global warming, the recognition of environment as a human right will amplify the voices of poor and marginalised communities — who have no means of defending themselves against environmental harm — and strengthen their call for environmental justice.

The judiciary’s role is key in environmental constitutionalism. But adjudicating env­i­r­o­n­mental issues is complex and faces several structural obstacles in developing countries like Pakis­tan. For prompt enforcement of statutes and regulations, it will be necessary to revamp the legal architecture by incorporating the environmental dimension in all aspects of legal actions. With surging litigation on environm­ent and climate, the legal community will also need to be equipped with appropriate tools and awareness about environmental matters.

All countries, especially developing nations like Pakistan, will have to take a systemic approach to ensuring the implementation of their national and multilateral obligations. To harness the power of youth, educational curricula will have to be tailored to inculcate a sense of responsibility towards environmental conservation.

The implications of the Human Right Council’s decision will go beyond national boundaries. While promoting the human rights agenda, it will support international environmental governance and policymaking, and spur collaboration for a clean and healthy environment at a time when pollution, biodiversity loss and climate change are threatening life on planet earth.

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