

# New article argues that human right to the environment must be recognized in order to restore our planet

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A [new article](#) by environmental lawyer Prof. Nicholas A. Robinson sees the recognition of the Human Right to the Environment (HRE) as a first

step in a long process of restoring a healthy environment for people and the planet.

Professor Robinson's article is published in a special issue of the *Journal of Environmental Policy and Law* on The Human Right to Sustainable Environment. In the preface, Editor-in-Chief Bharat H. Desai, Ph.D., Jawaharlal Nehru University, Centre for International Legal Studies, stresses the essentiality of the human right to a clean, healthy and sustainable environment, the importance of which is increasingly evident in the wake of the [Political Declaration adopted at the SDG Summit \(New York: September 18-19, 2023\)](#).

"The progressive attainment of Sustainable Development Goals will require investments of time and effort beyond the target date of 2030, but momentum has begun and can be sustained," according to Prof. Robinson, JD, Executive Governor, International Council of Environmental Law, Kerlin Professor of Environmental Law Emeritus, at the Elisabeth Haub School of Law of Pace University.

Prof. Robinson continues, "These past 50 years, virtually all states have neglected to enforce their environmental statutes. Scientific studies confirm that harm to public health and natural systems has escalated during this time. The right to the environment will breathe rigor into the governmental enforcement of environmental protection norms. This will not be easy, as business as usual and inertia retard change. It is past time for making peace with nature."

When the United Nations General Assembly adopted its landmark Resolution A/76/300 on July 28, 2022, titled "The human right to a clean, healthy and sustainable environment," a new human rights framework was launched. The UN Environment Program described environmental crises of climate change, biological diversity loss, and escalating pollution of the planet as the triple threat to human

civilization, calling upon all states to "make peace with nature."

The human right "to a clean, healthy, and sustainable environment" is already being implemented. The UN General Assembly has recognized that this right is related to other rights and [international law](#), and that the vast majority of states have already incorporated the right to a clean, healthy, and sustainable environment into their national laws.

However, in most countries this basic right is not yet being enforced in courts. The UN General Assembly urged [international organizations](#), commercial enterprises, and all relevant stakeholders to share [best practices](#) and further build capacity "to share good practices in order to scale up efforts to ensure a clean, healthy, and sustainable environment for all."

The article in *Environmental Policy and Law* highlights one such example of international collaboration: the Global Judicial Institute on the Environment (GJIE), which is an independent association of judges launched in 2016 with the assistance of the World Commission on Environmental Law of the International Union for the Conservation of Nature and the UN Environment Program.

Not all countries have judicial institutions to provide continuing judicial education of judges and court personnel. There is no inter-governmental international service to assist courts. GJIE is a network by judges for judges, filling this gap in international cooperation.

The addition of the "Green Amendment" to the New York Bill of Rights and its implications are also highlighted in the article. New York's Constitutional Bill of Rights now guarantees the liberty that "each person shall have a right to clean air and water and a healthful [environment](#)." In the first year under the new Bill of Rights provision, there are now four lawsuits pending in New York courts.

Prof. Robinson elaborates, "Campaigning to secure adoption of the 'Green Amendment' in New York took more than 15 years. Inertia is a powerful force, and governmental frameworks tend to perpetuate past arrangements. Business as usual is not the status quo, it is regression. Failure across any and all sectors to adapt and embrace the Human Right to the Environment places the life, liberty, and property of each person in jeopardy.

"Slow reforms themselves are insufficient, in light of the destruction of wildfires, floods, droughts, and heat waves on land and under ocean waters. 'Scaling up' requires systemic and profound change. Notwithstanding all their problems, courts are the one authority that can oblige the public and private sectors alike to respect the right to life."

**More information:** Nicholas A. Robinson, *The Judiciary: Breathing Life into the Human Right to Life*, *Environmental Policy and Law* (2023). [DOI: 10.3233/EPL-219058](https://doi.org/10.3233/EPL-219058)

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