The adoption of twin resolutions by the Human Rights Council (resolution 48/13, adopted on 8 October 2021) and the General Assembly (GA) (resolution 76/300, adopted on 28 July 2022) recognising the universal right of everyone, everywhere, to live in a clean, healthy, and sustainable environment, historic in themselves, also marked a new ‘high-water mark’ in international understanding and affirmation of the close inter-relationship between the enjoyment of human rights and the effective protection of the environment and climate. Put simply, a healthy environment is necessary for the full enjoyment of many fundamental human rights (e.g., rights to life, health, food, water, development); environmental harm and climate change have clear and immediate negative implications for the full enjoyment of human rights; and – one the other hand - the assertion and enjoyment of human rights (e.g., access to information, access to decision-making) make a critical contribution to the development and implementation of effective and sustainable environmental/climate laws and policies.
The notion that the right to a healthy environment includes procedural environmental rights has almost universal acceptance. As stated in the UN Special Rapporteur on human rights and the environment’s Framework Principles on Human Rights and the Environment, these rights include, inter alia, free access to information, meaningful participation in decision-making, and access to effective remedies in environmental matters. In short, an environmental rights legal framework helps ensure that decisions, processes, and practices impacting on the environment and climate are structured and organised in a manner that address citizens’ interests.

At the regional-level, the Aarhus Convention in Europe was the first to guarantee these aforementioned rights (and thereby ‘environmental democracy’). The Convention, which entered into force in 2001, guarantees access to information, public participation, and access to justice in environmental matters. Latin America followed suit in 2018 with the adoption of the Escazú Agreement (the treaty entered into force in 2021). Escazú guarantees the right of every person to live in a healthy environment; guarantees access to information, participation, and access to justice; promotes a gender dimension to these procedural rights; and explicitly mentions and provides protection for those working to protect the environment (i.e., environmental human rights defenders).

There are now important signs that Africa may be on the path to joining this ‘environmental democracy’ wave. Importantly, the push for a legally binding environmental rights treaty in Africa is being led by an African coalition of over 40 civil society organisations and other stakeholders, cooperating under the umbrella of ‘Environmental Rights Africa’ (ERA).

Africa has long been at the forefront of international work on human rights and environment. The right to a healthy environment is included in the African Convention on Human and Peoples Rights, and more than 35 African States currently recognise the right to a healthy environment in national constitutions. Moreover, virtually all countries in the region have national environmental laws and policies that include provisions on environmental rights.

There is already, therefore, a strong basis for environmental democracy in Africa, and the campaign for a new environmental rights treaty, led by the ERA, will look to build from these solid foundations.

In addition to meeting with civil society actors involved in the Escazú process (to learn lessons) and publishing a report on challenges to implementation in West Africa, as part of the campaign ERA members have published a case study report covering four African countries, which revealed overwhelming support for a legally binding environmental agreement for Africa. The latter publication also presented recommendations for steps to be taken both to strengthen the implementation of existing environmental rights provisions in Africa and to catalyse broader dialogue and agreement on a path towards more ambitious and comprehensive commitments (through a new treaty).
HRC52 side event

Against this backdrop, the Permanent Missions of the Kingdom of Morocco and Uruguay to the United Nations in Geneva, Green Advocates, Katiba Institute, and the Universal Rights Group will convene, on the margins of the 52nd session of the Human Rights Council, a side event on environmental democracy and the enjoyment of environmental rights, especially women’s rights, in Africa. This will take place on 8 March 2023 at 14:00 CET.

The event will provide an opportunity for participants to share information on moves to secure an environmental democracy convention for Africa; share lessons learnt from experiences in Europe and Latin America and the Caribbean, including in the context of promoting and protecting women's environmental rights and supporting women environmental human rights defenders; and generate wider support in Africa and elsewhere for the ERA campaign.

Confirmed speakers

- Marc Limon, Executive Director, Universal Rights Group – Chair
- David Boyd, UN Special Rapporteur on human rights and the environment
- Representative of the Permanent Mission of Morocco (TBC)
- Valentina Sierra, Second Secretary, Permanent Mission of Uruguay to the UN
- Emily Kinama, Research and Litigation Associate, Katiba Institute
- Zeïnabou Baby, Programme Associate, Green Advocates/MRU CSO Platform