

## 4.2 The right to a healthy and safe environment

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### **1.1 What, in brief, is the solution?**

The solution is the global recognition and implementation of the human right to live in a safe, clean, healthy and sustainable environment. This right has the potential to serve as a catalyst for the implementation of effective and equitable solutions to the systemic unsustainability of today's industrial food systems.

### **1.2 What problem is it trying to address within food systems?**

Food systems are major contributors to the global environmental crisis, producing 33% of the greenhouse gas emissions that fuel the climate emergency, enormous volumes of toxic emissions and effluent that pollute air, water and soil, and activities that are the leading cause of the catastrophic decline in the abundance and diversity of life on Earth. Industrial agriculture, the illegal wildlife trade, and intensive livestock operations are also significant contributors to the increasing risk of emerging infectious diseases of zoonotic origin, such as COVID—19. These enormous environmental impacts have catastrophic consequences for human rights, including the rights to life, health, food, water, and a healthy environment, as well as Indigenous rights and the rights of the child.

### **1.3 How can this solution address that problem?**

The right to a healthy environment has evolved over close to five decades and is now understood to include the following substantive elements: healthy and sustainable food, clean air, safe and sufficient water, a safe climate, healthy ecosystems and biodiversity, and non-toxic environments where people can live work, study, and play. Collectively these elements can address all of the adverse environmental and human rights impacts being inflicted by today's industrial food systems. All actors have roles to play in implementing this vital right, but it is particularly important for populations that are often vulnerable or marginalized. These populations, including women and youth, can use the related procedural rights of access to information, participation in decision-making and access to justice to advance their roles and their substantive rights.

### **1.4 Why does this solution align to the definition and criteria for a 'game changing solution' developed by the Summit?**

By serving as a catalyst for stronger environmental laws and policies, improved implementation and enforcement of those laws and policies, increased public participation and better environmental outcomes, the right to a healthy environment can contribute to the urgently needed transformations of how we produce and consume food. For example, in France this right has contributed to new laws promoting agroecology, prohibiting the use of bee-killing neonicotinoid pesticides, and banning the export of pesticides not permitted for use in France. In Costa Rica, this right has contributed to reversing deforestation and enabling payment for ecosystem service programs that support Indigenous people and farmers. The right to a healthy environment supports equitable and sustainable livelihoods by sparking the transition to agroecology, agroforestry, regenerative and restorative agriculture, climate-smart agriculture, pastoralists, and small-scale fisheries. The rights-based approach provides multiple means of accountability, through mechanisms such as national human rights institutions, specialized environmental tribunals and courts. The right to a healthy environment is an enduring solution that is also strongly aligned with the other Food

System Summit Action Tracks and more broadly across the full spectrum of Sustainable Development Goals.

**1.5 What is the existing evidence supporting the argument that this solution will work, or at least that it will achieve the initial outcomes described above?**

Evidence demonstrates that the implementation of this right has positive implications for deforestation, agrochemical use, intensive livestock operations, water pollution and other environmental problems caused by certain types of industrial agriculture, fishing and aquaculture. The body of evidence is described in detail in a series of UN reports available [here](#), as well as in a number of academic research publications.<sup>1</sup>

**1.6 What is the current and/or likely political support for this idea?**

The right to a healthy environment already enjoys legal recognition in 156 UN member states through constitutions, legislation and regional human rights treaties ([A/HRC/43/53](#)). Additional States, primarily Small Island Developing States, also support global recognition of this right. A proposed UN Human Rights Council resolution on this right is supported by more than 1,100 civil society [organizations](#) and 15 UN [agencies](#).

**1.7 Are there certain contexts for which this solution is particularly well suited, or, conversely, contexts for which it is not well-suited at all?**

The recognition and implementation of the right to a healthy environment is unlikely to have significant effects in States where the rule of law is weak, whether this weakness is due to ongoing conflict, authoritarian government, extreme poverty or other factors. However, this is likely to be true for most if not all proposed solutions due to corruption, weak institutions, lack of capacity and other factors.

**1.8 Who are the key stakeholders to be further involved in the process of developing and refining the solution idea?**

The beauty of focusing on the right to a healthy environment is three-fold. One, it emphasizes that everyone has a stake in food systems that produce healthy and sustainable food. Two, it empowers everyone through the associated procedural rights of access to information, participation in decision-making and access to justice with effective remedies. Three, it clarifies State obligations and business responsibilities and provides mechanisms to ensure accountability. The United Nations needs to recognize this right in formal resolutions from the Human Rights Council and the General Assembly, as it did with the rights to water and sanitation in 2010. These resolutions serve as a catalyst for all nations to strengthen constitutions, laws, regulations, budgets and policies to diminish the adverse environmental and human rights impacts of today's food systems. Eleven years of evidence with the resolutions on the right to water demonstrate that this is precisely what happens—constitutional changes to recognize this right (e.g. Costa Rica, Fiji, Mexico and Slovenia),

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<sup>1</sup> C. Jeffords, 2021, "On the relationship between constitutional environmental rights and sustainable development outcomes," *Ecological Economics*, <https://doi.org/10.1016/j.ecolecon.2021.107049>. See also D.R. Boyd. 2012. *The Environmental Rights Revolution: Constitutions, Human Rights and the Environment*. University of British Columbia Press. J.R. May and E. Daly. 2015. *Global Environmental Constitutionalism*. Cambridge University Press. J.H. Knox and R. Pejan, eds. 2018. *The Human Right to a Healthy Environment*. Cambridge University Press.

legislative improvements (e.g. France), policy changes (e.g. Canada and Colombia), and most importantly, on the ground [progress](#).

