

## Preface (Volume 53, Issue 2-3, 2023)

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# The Essentiality of Human Rights for the Sustainable Environment

The global environmental scene witnessed a flurry of global conferences during the year 2022. As a global journal, it became natural for the EPL to take the lead in highlighting the historical significance of commemorating the 50<sup>th</sup> anniversary of 1972 UN Conference on the Human Environment (Stockholm+50; June 2-3, 2022) as well as the 30<sup>th</sup> anniversary of 1992 UN Framework Convention on Climate Change (June 04, 2022) and the COP27 meeting of the UNFCCC in Sharm el-Shaikh (November 6-20, 2022). It led to back-to-back two EPL ideational processes published in (i) Vol. 52, Issue 3-4 (Stockholm+50) and (ii) Vol. 52, Issue 5-6 (UNFCCC@30).

The United Nations General Assembly (UNGA) also adopted a landmark resolution 76/300 on July 28, 2022 on the *human right to a clean, healthy and sustainable environment*. It has emphatically declared that “all human rights are universal, indivisible, interdependent and interrelated”. The UNGA has raised the bar while “Recognizing that sustainable development, in its three dimensions (social, economic and environmental), and the protection of the environment” as well as recalled “all Human Rights Council resolutions on human rights and the environment” including the identical resolution 48/13 of October 08, 2021 and 50/9 of July 07, 2022 (human rights and climate change).

As a corollary, the EPL/IOS Press organized two webinars on December 10, 2022 (Part – II) and September 20, 2022 (Part – I) to make sense of the global significance of the advent of this normative development. Both the discourses with a panel of eminent scholars and practitioners sought to: (i) explain the context and significance for rejoicing the UNGA’s (and the HRC) emphatic recognition of the human right to (clean, healthy and sustainable) environment for the Sustainable Development Goals 2030 as well as “related to other rights and existing international law” (ii) normative value of the UNGA resolution for the *universality* of the environmental human rights (iii) impact of the human right to the sustainable environment on treaty-based international environmental and human rights obligations, observance of human rights of the individuals and inanimate objects as well as domestic policies, legislations and litigations.

It is in this backdrop that this EPL special issue covers articles in two parts: PART - I: *The Human Right to Sustainable Environment: The Conceptual Framework*: (i) The Judiciary: Breathing Life into the Human Right to Life (Nicholas A. Robinson); (ii) The Need for a New Covenant on the Right to a Healthy Environment (Yann Aguila et al.); (iii) The Human Right to Public Participation in Environmental Decision-making: Some Legal Reflections (Oliver C. Ruppel et al.); (iv) Biosphere Defenders Leveraging the Human Right to Healthy Environment for Transformative Change (Claudia Ituarte-Lima); (v) The Rights of the Indigenous People and the Amazon: A Road Ahead (Paulo de Bessa Antunes). PART - II: *The Human Right to Sustainable Environment: Emerging Trends*: (vi) The End-of-Waste for the Transition to Circular Economy: A Legal Review of the European Union Waste Framework Directive (Oskar Johansson); (vii) Environmentally Sound Technologies for Climate Change Mitigation in BRICS Countries: A Comparative Policy and Legal Perspective (Niharika S. Bhattacharya et al.); (viii) The Inaction in Climate Change Adaptation and Mitigation in Sub-Saharan Africa: Some Policy and Legal Issues (B. E. Kooffreh et al.); (ix) The Environmental Fund Management Model in Indonesia: Some Lessons in Legal Regulation and Practice (Lastuti Abubakar et al.).

The abovementioned scholarly churning, within the limits of time and space, provides noteworthy representative ideas and issues reflecting upon the larger mosaic of human right to sustainable environment. The conceptual framework in Part I encapsulates role of the judiciary, need for a possible new legal instrument, public participation, biosphere defenders and the rights of the indigenous peoples in the Amazon. They constitute a small part of the large number of similar issues that call for an urgent global attention. Such UNGA recognition, through a norm-setting resolution, provides a framework to address the larger global challenge of translating the essentiality of human rights dimension into the paradigm of sustainable environment. In the same vein, the emerging trends covered in Part II reflect upon some of the tools, techniques and mechanisms that can be employed to realize the human right to sustainable environment. They also provide select examples that could be replicable in different jurisdictions across continents.

We can only hope that the UNGA's emphatic normative recognition of the human right to sustainable environment would provide a big push in the realms of policy, law and institutional frameworks both globally as well as within domestic jurisdiction of the states. It presents an ideational and implementation challenge for the scholars as well as the decision-makers to realize the essentiality of the human right to a clean, healthy and sustainable environment.

**- Bharat H. Desai**