

Health as a Human Right: Exploring Strategies to attain a Clean, Healthy and Sustainable Environment in Africa

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Table of Contents

Abstract.....	3
1.0 Introduction	3
2.0 The Human Right to a Clean, Healthy and Sustainable Environment and its place in Africa.....	5
3.0 Attaining a Clean, Healthy and Sustainable Environment in Africa	9
4.0 Conclusion	12
References	13

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Abstract

This paper critically examines how a clean, healthy and sustainable environment can be attained in Africa. The paper conceptualises a clean, healthy and sustainable environment. It argues that a clean, healthy and sustainable environment is a core human right both globally and in Africa and a prerequisite for attaining good health and well-being. Despite being a key ideal in the quest towards Sustainable Development and good health and wellbeing, the paper argues that Africa is yet to attain the right to a clean, healthy and sustainable environment. It discusses some of the factors undermining the right to a clean, healthy and sustainable environment in Africa. In light of these challenges, the paper explores strategies towards attaining a clean, healthy and sustainable environment in Africa for Sustainable Development and human health.

1.0 Introduction

Health has been defined as a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity¹. It has been argued that the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition². Further, it has been pointed out that the right to health extends beyond access to health care and includes a wide range of factors that can help everyone to lead a healthy life³. These include safe drinking water and adequate sanitation, safe food, adequate nutrition

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¹ Constitution of the World Health Organization., Available at

<https://apps.who.int/gb/bd/PDF/bd47/EN/constitution-en.pdf> (Accessed on 15/09/2025)

² Ibid

³ Office of the United Nations High Commissioner for Human Rights., 'The Right to Health.' Available at <https://www.ohchr.org/sites/default/files/Documents/Publications/Factsheet31.pdf> (Accessed on 15/09/2025)

Health as a Human Right: Exploring Strategies to attain a Clean, Healthy and Sustainable Environment in Africa

and housing, healthy working and environmental conditions, health related education and information, and gender equality⁴. Health is therefore a fundamental human right. It has been argued that health is both a basic human right in itself and an essential means for the realisation of other fundamental human rights⁵. Respecting, protecting and fulfilling the human right to health has been identified as one of the cornerstones for the enhancement and improvement of overall wellbeing and human development since it enables human beings to undertake social, economic and cultural activities as well partake in civil and political activities⁶.

The environment is a key determinant of good health and well-being. It has been argued that the environment can directly and indirectly impact human health and wellbeing⁷. According to the World Health Organization (WHO), healthier environments can prevent almost one quarter of the global burden of disease⁸. WHO asserts that clean air, stable climate, adequate water, sanitation and hygiene, safe use of chemicals, protection from radiation, healthy and safe workplaces, sound agricultural practices, health-supportive cities and built environments, and a preserved nature are key environmental factors that determine good health and well-being⁹. Nurturing clean, healthy and sustainable environments is therefore key towards attaining the human right to health.

This paper critically examines how a clean, healthy and sustainable environment can be attained in Africa. The paper conceptualises a clean, healthy and sustainable environment. It argues that a clean, healthy and sustainable environment is a core human right both globally and in Africa and a prerequisite for attaining good health and well-

⁴ Ibid

⁵ Nampewo. Z., Mike. J., & Wolff. J., 'Respecting, Protecting and Fulfilling the Human Right to Health.' *International Journal of Equity in Health*, Volume 21, No. 36 (2022)

⁶ Ibid

⁷ What is Environmental Health., Available at <https://www.ehinz.ac.nz/indicators/overview/what-is-environmental-health/> (Accessed on 15/09/2025)

⁸ World Health Organization., 'Environmental Health' Available at https://www.who.int/health-topics/environmental-health#tab=tab_1 (Accessed on 15/09/2025)

⁹ Ibid

Health as a Human Right: Exploring Strategies to attain a Clean, Healthy and Sustainable Environment in Africa

being. Despite being a key ideal in the quest towards Sustainable Development and good health and wellbeing, the paper argues that Africa is yet to attain the right to a clean, healthy and sustainable environment. It discusses some of the factors undermining the right to a clean, healthy and sustainable environment in Africa. In light of these challenges, the paper explores strategies towards attaining a clean, healthy and sustainable environment in Africa for Sustainable Development and human health.

2.0 The Human Right to a Clean, Healthy and Sustainable Environment and its place in Africa

It has been argued that every person has the right to a clean, healthy and sustainable environment¹⁰. Since human rights and the environment are interdependent, a clean, healthy and sustainable environment is necessary for the full enjoyment of a wide range of human rights, such as the rights to life, health, food, water and sanitation and development, among others¹¹. In addition, it has been argued that the human right to a clean, healthy and sustainable environment is linked to other rights existing under international human rights law¹². This is due to the fact that human rights are considered interrelated, inter-dependent and mutually reinforcing¹³. Realizing a clean, healthy and sustainable environment is therefore vital in achieving other human rights including the right to health.

The right to a clean, healthy and sustainable environment encompasses various elements. These include clean and balanced ecosystems, rich biodiversity, clean air, and a stable climate¹⁴. Further, it has been argued that a clean, healthy and sustainable environment

¹⁰ United Nations Development Programme., 'What is the Right to a Healthy Environment?' Available at <https://www.undp.org/sites/g/files/zskgke326/files/2023-01/UNDP-UNEP-UNHCHR-What-is-the-Right-to-a-Healthy-Environment.pdf> (Accessed on 16/09/2025)

¹¹ Ibid

¹² International Labour Organization., 'UN General Assembly recognizes human right to a clean, healthy, and sustainable environment' Available at <https://www.ilo.org/resource/article/un-general-assembly-recognizes-human-right-clean-healthy-and-sustainable> (Accessed on 16/09/2025)

¹³ Ibid

¹⁴ Zimmer K, 'The Human Right That Benefits Nature' <https://www.bbc.com/future/article/20210316-how-the-human-right-to-a-healthy-environment-helps-nature> (Accessed on 16/09/2025)

Health as a Human Right: Exploring Strategies to attain a Clean, Healthy and Sustainable Environment in Africa

comprises several factors such a safe and stable climate, healthy ecosystems, non-toxic environments, and justice and inclusion for all people in environmental decision making processes¹⁵. The right to a clean, healthy and sustainable environment encompasses both substantive and procedural elements. The substantive elements under this right include clean air; a safe and stable climate; access to safe and clean water and adequate sanitation services; healthy and sustainably produced food; non-toxic environments in which to live, work, study and play; and healthy and rich biodiversity and ecosystems¹⁶. In addition, the procedural elements under the right to a clean, healthy and sustainable environment include access to environmental information, participation in environmental decision-making processes for all people, and access to environmental justice include through effective remedies¹⁷.

Attaining the right to a clean, healthy and sustainable environment is vital for both people and planet. Since the environment contains virtually all ingredients required to sustain human beings, a threat to the right to a clean, healthy and sustainable environment could potentially hinder attainment of other rights such as the right to food, water, energy, health and sanitation among others¹⁸. This right therefore recognises that nature is a keystone of a dignified human existence¹⁹. People depend on nature and thriving ecosystems for vital services including food, clean water and air, energy and climate regulation²⁰. As a result, it has been argued that without a clean, healthy and sustainable environment, human beings are unable to fulfill their aspirations²¹. Further, in the face of

¹⁵ Right to a Clean, Healthy and Sustainable Environment., Available at <https://youth4yes.com/youth-human-rights-basics/what-rights-do-young-people-have/rights-to-a-clean-healthy-and-sustainable-environment/> (Accessed on 16/09/2025)

¹⁶ United Nations Development Programme., 'What is the Right to a Healthy Environment?' Op Cit

¹⁷ Ibid

¹⁸ Muigua. K., 'Recognising a Human Right to Safe, Healthy and Sustainable Environment.' Available at <http://kmco.co.ke/wp-content/uploads/2021/04/Recognising-a-Human-Right-to-Safe-Healthy-and-Sustainable-Environment-Kariuki-Muigua-1st-April-2021.pdf> (Accessed on 16/09/2025)

¹⁹ Zimmer K, 'The Human Right That Benefits Nature' Op Cit

²⁰ Ibid

²¹ Office of the United Nations High Commissioner for Human Rights., 'About Human Rights and the Environment' Available at <https://www.ohchr.org/en/special-procedures/sr-environment/about->

Health as a Human Right: Exploring Strategies to attain a Clean, Healthy and Sustainable Environment in Africa

mounting environmental problems including the triple planetary crisis of climate change, pollution and biodiversity loss, attaining a clean, healthy and sustainable environment is vital in protecting nature, human life, well-being and dignity²². It has been argued that achieving a clean, healthy and sustainable environment is key towards limiting pollution, protecting plants and animals, and countering the impacts of climate change²³.

Achieving a clean, healthy and sustainable environment is a key ideal both globally and in Africa. For example, at the global level, this right is envisaged under the *International Covenant on Economic, Social and Cultural Rights*²⁴ which considers the environment as human right issue. The Covenant requires states parties to improve all aspects of environmental and industrial hygiene²⁵. In addition, the United Nations General Assembly has adopted a *Resolution*²⁶ declaring that everyone on the planet has a right to a clean, healthy, and sustainable environment²⁷. The resolution by the United Nations General Assembly affirms the importance of the right a clean, healthy and sustainable environment for the enjoyment of all human rights²⁸. It calls upon states, international organizations, business enterprises and other relevant stakeholders to adopt policies, to enhance international cooperation, strengthen capacity-building and continue to share

[human-rights-and-environment#:~:text=All%20human%20beings%20depend%20on,unable%20to%20fulfil%20our%20aspirations](#) (Accessed on 16/09/2025)

²² Office of the United Nations High Commissioner for Human Rights., 'The Right to a Healthy Environment: A User's Guide' Available at

<https://www.ohchr.org/sites/default/files/documents/issues/environment/srenvironment/activities/2024-04-22-stm-earth-day-sr-env.pdf> (Accessed on 16/09/2025)

²³ United Nations Environment Programme., 'In historic move, UN declares healthy environment a human right' Available at <https://www.unep.org/news-and-stories/story/historic-move-un-declares-healthy-environment-human-right> (Accessed on 16/09/2025)

²⁴ United Nations General Assembly, *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, United Nations, Treaty Series, vol. 993

²⁵ Ibid, Article 12 (2) (b)

²⁶ United Nations General Assembly (UNGA)., 'The Human Right to a Clean, Healthy and Sustainable Environment.' UNGA Resolution 'A/76/L.75.'. , Available at <https://docs.un.org/en/A/RES/76/300> (Accessed on 07/08/2025)

²⁷ Ibid

²⁸ Ibid

Health as a Human Right: Exploring Strategies to attain a Clean, Healthy and Sustainable Environment in Africa

good practices in order to scale up efforts to ensure a clean, healthy and sustainable environment for all²⁹.

In the African context, the *African Charter on Human and Peoples' Rights*³⁰ provides that all people shall have the right to a general satisfactory environment favourable to their development³¹. Further, at a national level, the *Constitution of Kenya*³² stipulates that every person has the right to a clean and healthy environment, which includes the right to have the environment protected for the benefit of present and future generations through legislative and other measures³³.

Attaining a clean, healthy and sustainable environment is therefore an imperative both globally and in Africa. However, Africa still faces significant barriers in actualising this right. For example, the continent is facing several environmental calamities in the form of the triple planetary crisis comprising of climate change, nature and biodiversity loss, and pollution and waste³⁴. It has been argued that environmental challenges facing Africa including deforestation, air pollution, water pollution, biodiversity loss and oil spills threaten the right to a clean, healthy and sustainable environment³⁵. According to the African Union, the unfolding phenomena of climate change, biodiversity depletion, desertification, land degradation and unsustainable use of finite natural resources remain

²⁹ Ibid

³⁰ Organization of African Unity (OAU), African Charter on Human and Peoples' Rights ("Banjul Charter"), 27 June 1981, CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982).

³¹ Ibid

³² Constitution of Kenya, 2010., Government Printer, Nairobi

³³ Ibid, article 42

³⁴ United Nations Environment Programme., 'Fostering Collaboration to Address Environmental Challenges in Africa.' Available at <https://www.unep.org/news-and-stories/speech/fostering-collaboration-address-environmental-challenges-africa> (Accessed on 16/09/2025)

³⁵ Nguyen. L., '5 Biggest Environmental Issues In Africa In 2023.' Available at <https://earth.org/environmental-issues-in-africa/> (Accessed on 16/09/2025)

Health as a Human Right: Exploring Strategies to attain a Clean, Healthy and Sustainable Environment in Africa

air, food, water and energy for their health and well-being⁴⁰. According to the United Nations Environment Programme (UNEP), fostering clean and healthy environments will lead to a sustainable future where people, animals and the planet can thrive together⁴¹. A clean, healthy and sustainable environment both globally and in Africa can ensure healthy ecosystems, clean and safe water, breathable air, non-toxic food, better management of interactions between humans and wild animals to avoid spread of disease and strengthened traditional knowledge for medicines⁴².

It is therefore vital to implement strategies towards actualising a clean, healthy and sustainable environment in Africa. This requires all African countries to recognise the right to a clean, healthy and sustainable environment as a fundamental right in their national constitutions⁴³. It has been argued that Constitutional recognition of the right to a clean, healthy and sustainable environment is an important safeguard towards enhancing its legal protection⁴⁴. It is also vital for all African countries to strengthen the enforcement and implementation of environmental laws and policies in order to attain the right to a clean, healthy and sustainable environment⁴⁵. Effective implementation and enforcement of environmental laws and policies is a key strategy towards actualising a clean, healthy and sustainable environment by tackling environmental threats and hazards such as pollution, biodiversity loss, deforestation, climate change and environmental degradation⁴⁶. It is therefore necessary for African countries to build

⁴⁰ United Nations Development Programme., 'What is the Right to a Healthy Environment?' Op Cit

⁴¹ United Nations Environment Programme., 'The environment is fundamental to human health. Here's why' Available at <https://www.unep.org/news-and-stories/story/environment-fundamental-human-health-heres-why> (Accessed on 16/09/2025)

⁴² Ibid

⁴³ United Nations Environment Programme., 'What are Environmental Rights?' Available at <https://www.unep.org/explore-topics/environmental-rights-and-governance/what-we-do/advancing-environmental-rights/what> (Accessed on 16/09/2025)

⁴⁴ Ibid

⁴⁵ The Access Initiative., 'The Road to Realizing Environmental Rights In Africa: Moving From Principles to Practice' Available at https://accessinitiative.org/wp-content/uploads/2022/10/22.01_rep_access_initiative_v583-4.pdf (Accessed on 16/09/2025)

⁴⁶ Ibid

Health as a Human Right: Exploring Strategies to attain a Clean, Healthy and Sustainable Environment in Africa

strong environmental institutions, invest adequate financial resources in environmental governance and employ effective strategies including the use of science and technology towards achieving a clean, healthy and sustainable environment.

There is also need to realise the procedural elements of the right to a clean, healthy and sustainable environment in Africa. This involves enhancing access to environmental information, public participation in environmental decision-making processes and ensuring access to justice in environmental matters⁴⁷. By realising these tenets, it is possible to ensure more informed environmental decision-making by governments, more responsible environmental actions by companies, more assistance in environmental management by the public, and more effective environmental law⁴⁸. States should therefore enhance access to environmental information to all citizens in order to foster awareness on the right to a clean, healthy and sustainable environment and empower citizens to take appropriate strategies towards fulfilling this right⁴⁹. Further, there is need to embrace the participation of every person in Africa including women, the youth, indigenous peoples and local communities in environmental governance since their contribution is key in achieving the right to a clean, healthy and sustainable environment⁵⁰. It is also imperative for African countries to enhance access to environmental justice through appropriate tools and strategies including court processes and Alternative Dispute Resolution (ADR) mechanisms in order to enable citizens to uphold the right to a clean, healthy and sustainable environment by holding perpetrators accountable and obtaining remedies for violation of this right⁵¹.

⁴⁷ United Nations Environment Programme., 'Environmental Rule of Law: First Global Report' Available at <https://www.unep.org/resources/assessment/environmental-rule-law-first-global-report> (Accessed on 16/09/2025)

⁴⁸ Ibid

⁴⁹ Ibid

⁵⁰ The Access Initiative., 'The Road to Realizing Environmental Rights In Africa: Moving From Principles to Practice' Op Cit

⁵¹ Muigua. K., 'Attaining Environmental Justice through Alternative Dispute Resolution' Available at <https://kmco.co.ke/wp-content/uploads/2023/07/Attaining-Environmental-Justice-through-Alternative-Dispute-Resolution.pdf> (Accessed on 16/09/2025)

Health as a Human Right: Exploring Strategies to attain a Clean, Healthy and Sustainable Environment in Africa

Through the foregoing strategies, it is possible to attain the right to a clean, healthy and sustainable environment both globally and in Africa.

4.0 Conclusion

Fostering a clean, healthy and sustainable environment in Africa is vital towards achieving the human right to health. It is therefore imperative to implement strategies towards actualising this right including through recognising the right to a clean, healthy and sustainable environment in national constitutions, enforcing and implementing environmental laws and policies, and fostering access to environmental information, public participation in environmental decision-making processes and access to environmental justice⁵². Attaining a clean, healthy and sustainable environment is therefore an achievable ideal towards realising health as a human right.

⁵² The Access Initiative., 'The Road to Realizing Environmental Rights In Africa: Moving From Principles to Practice' Op Cit

Health as a Human Right: Exploring Strategies to attain a Clean, Healthy and Sustainable Environment in Africa

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Health as a Human Right: Exploring Strategies to attain a Clean, Healthy and Sustainable Environment in Africa

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Health as a Human Right: Exploring Strategies to attain a Clean, Healthy and Sustainable Environment in Africa

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