

Realising Environmental Rights for All

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Realising Environmental Rights for All

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Abstract

Achieving the ideal of environmental sustainability and the overall Sustainable Development agenda has become paramount in light of mounting environmental problems facing the planet including the triple planetary crisis of climate change, biodiversity loss, and pollution. Environmental conservation is at the heart of the 2030 Agenda for Sustainable Development. In order to achieve the ideal of environmental conservation, it is imperative to advance environmental rights. This paper critically examines the need to realise environmental rights for all. The paper posits that realising environmental rights for all is necessary in order to achieve Sustainable Development and human well-being. The paper defines environmental rights. In addition, it examines the progress made towards fostering environmental rights for all at the global, regional, and national levels. The paper further highlights some of the factors hindering the attainment of environmental rights and suggests measures towards realising environmental rights for all.

1.0 Introduction

The environment is key for human well-being¹. It is crucial for the survival of human beings since it contains all the ingredients that sustain life including air, water, soil, food, and energy among others². Healthy functioning of the environment and ecosystems provides services such as the provision of food, water, fuel and fibre, and climate regulation on which nations and people rely to earn income from agriculture, fishing,

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¹ Muigua. K., 'Realizing the Right to a Clean, Healthy and Sustainable Environment' Available at <https://kmco.co.ke/wp-content/uploads/2023/06/Realizing-the-Right-to-a-Clean-Healthy-and-Sustainable-Environment.pdf> (Accessed on 01/08/2024)

² Ibid

forestry, tourism and other activities³. The environment is also vital for human health⁴. According to the World Health Organization (WHO), 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 all prerequisites for good health⁵. Nature has been described as vital to our health and well-being – and a source of medicine, with more than 40 per cent of pharmaceutical formulations derived from natural sources⁶.

Despite the key role that the environment and natural resources play in human well-being, the natural environment is often susceptible to human action such overexploitation of natural resources including land, water, forests, minerals and energy⁷. Human activities are resulting in environmental challenges including pollution, environmental degradation, destruction of ecosystems and loss of biodiversity which threaten environmental sustainability⁸. In light of the mounting environmental problems facing the planet including the triple planetary crisis of climate change, biodiversity loss, and pollution, it has become imperative to forge a new relationship between people and the planet in order to achieve sustainability⁹. The sustainable use of the environment,

³ International Institute for Sustainable Development., 'Understanding the Contribution of the Environment to Human Well-Being: A Review of Literature' Available at https://www.iisd.org/system/files/publications/understanding_contribution_environment.pdf (Accessed on 01/08/2024)

⁴ World Health Organization., 'Environmental Health' Available at https://www.who.int/health-topics/environmental-health#tab=tab_1 (Accessed on 01/08/2024)

⁵ Ibid

⁶ World Economic Forum., 'This is How Biodiversity Loss Impacts Medicine and Human Health' Available at <https://www.weforum.org/agenda/2023/11/biodiversity-nature-loss-health-medicine/#:~:text=Nature%20is%20vital%20to%20our,formulations%20derived%20from%20natural%20sources.> (Accessed on 01/08/2024)

⁷ Muigua. K., 'Utilising Science and Technology for Environmental Management in Kenya.' Available at <http://kmco.co.ke/wp-content/uploads/2020/04/Utilising-Science-and-Technology-for-EnvironmentalManagement-in-Kenya.pdf> (Accessed on 01/08/2024)

⁸ Ibid

⁹ United Nations Environment Programme., 'The Triple Planetary Crisis: Forging a New Relationship Between People and the Earth' Available at <https://www.unep.org/news-andstories/speech/tripleplanetary-crisis-forging-new-relationship-between-people-and-earth> (Accessed on 01/08/2024)

natural resources and ecosystem services is increasingly recognized as a key factor in accelerating socio-economic development and improvement in human welfare, and as a necessary condition for achieving Sustainable Development¹⁰.

The United Nation's *2030 Agenda for Sustainable Development*¹¹ recognizes the centrality of the environment for human well-being. The Agenda sets out the commitment of all countries to protect the planet from degradation including through sustainable consumption and production, sustainably managing its natural resources, and taking urgent action to confront climate change so that the planet can support the needs of the present and future generations¹². Environmental conservation is therefore at the heart of the 2030 Agenda for Sustainable Development. In order to achieve the ideal of environmental conservation, it is imperative to advance environmental rights¹³.

This paper critically examines the need to realise environmental rights for all. The paper posits that realising environmental rights for all is necessary in order to achieve Sustainable Development and human well-being. The paper defines environmental rights. In addition, it examines the progress made towards fostering environmental rights for all at the global, regional, and national levels. The paper further highlights some of the factors hindering the attainment of environmental rights and suggests measures towards realising environmental rights for all.

¹⁰ International Institute for Sustainable Development., 'Understanding the Contribution of the Environment to Human Well-Being: A Review of Literature' Op Cit

¹¹ United Nations General Assembly., 'Transforming Our World: the 2030 Agenda for Sustainable Development.' 21 October 2015, A/RES/70/1., Available at <https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf> (Accessed on 01/08/2024)

¹² Ibid

¹³ United Nations Environment Programme., 'Advancing the Right to a Healthy Environment' Available at <https://www.unep.org/explore-topics/environmental-rights-and-governance/what-we-do/advancing-right-healthy-environment> (Accessed on 01/08/2024)

2.0 Defining Environmental Rights

Human rights and the environment are intertwined¹⁴. On one hand, human rights cannot be enjoyed without a safe, clean and healthy environment¹⁵. On the other hand, sustainable environmental governance cannot exist without the establishment of and respect for human rights¹⁶. Environmental sustainability and the respect, promotion, protection and fulfilment of human rights are complementary objectives at the core of the Sustainable Development agenda¹⁷. The environment, ecosystems and the services they provide directly contribute to the full enjoyment of a wide range of human rights¹⁸.

A safe, clean, healthy and sustainable environment is key to the full realization of a wide range of human rights, including the rights to life, health, food, energy, shelter, water, and sanitation¹⁹. It has been noted that without a healthy environment, human beings are unable to fulfil their aspirations²⁰. This vital connection between human rights and the environment makes the quest for sound environmental conservation an urgent priority²¹. It has correctly been asserted that without a clean and healthy environment, economic and social development cannot be sustained²².

¹⁴ 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 01/08/2024)

¹⁵ Ibid

¹⁶ Ibid

¹⁷ United Nations Sustainable Development Group., 'Human Rights and the Environment' Available at <https://unsdg.un.org/sites/default/files/2020-03/Human-Rights-and-the-Environment.pdf> (Accessed on 01/08/2024)

¹⁸ Ibid

¹⁹ Office of the United Nations High Commissioner for Human Rights., 'About Human Rights and the Environment' <https://www.ohchr.org/en/special-procedures/sr-environment/about-human-rights-and-environment> (Accessed on 01/08/2024)

²⁰ Ibid

²¹ United Nations Development Programme., 'The Critical Connection between Human Rights and our Natural World' Available at <https://www.undp.org/blog/critical-connection-between-human-rights-and-our-natural-world> (Accessed on 01/08/2024)

²² Ibid

The recognition of the relationship between human rights and the environment has led to the growth of environmental rights as embraced under the right to a clean, safe, healthy, and sustainable environment²³. According to the United Nations Environment Programme (UNEP), advancing human rights obligations related to the environment empowers individuals, peoples, and communities to combat environmental challenges including the triple planetary crisis of climate change, biodiversity loss and pollution²⁴. Access to a clean, safe, healthy, and sustainable environment is therefore a key human right.

The right to a clean, safe, healthy, and sustainable environment encompasses substantive rights (fundamental rights) and procedural rights (tools used to achieve substantive rights)²⁵. The substantive elements under this right include clean air; a safe and stable climate; access to safe water and adequate sanitation; healthy and sustainably produced food; non-toxic environments in which to live, work, study and play; and healthy biodiversity and ecosystems²⁶. Safeguarding these substantive rights for all people and communities benefits the planet and moves everyone towards a more just and sustainable future²⁷. The procedural elements related to the right to a clean, safe, healthy, and sustainable environment include access to information, the right to participate in environmental decision-making, access to justice and effective remedies, including the secure exercise of these rights free from reprisals and retaliation²⁸. Advancing these procedural rights by ensuring that everyone, everywhere, has the voice, power and information to steer environmental decision-making is also crucial in advancing sustainable, and equitable development²⁹.

²³ United Nations Environment Programme., 'Advancing the Right to a Healthy Environment' Op Cit

²⁴ Ibid

²⁵ United Nations Environment Programme., 'What are Environmental Rights?' Op Cit

²⁶ United Nations Development Programme., 'What is the Right to a Healthy Environment?' Available at <https://www.undp.org/publications/what-right-healthy-environment> (Accessed on 01/08/2024)

²⁷ World Resources Institute., 'Environmental Rights' Available at <https://www.wri.org/equitable-development/environmental-rights> (Accessed on 01/08/2024)

²⁸ United Nations Development Programme., 'What is the Right to a Healthy Environment?' Op Cit

²⁹ World Resources Institute., 'Environmental Rights' Op Cit

Environmental rights can therefore be understood as human rights related to the environment and natural resources³⁰. They include substantive rights such as the right to clean air and access to safe water, adequate sanitation, and clean, safe, healthy, and sustainable environment. The right to information, participation in and access to justice, and nondiscrimination in environmental matters and decision making are also critical environmental rights, commonly referred to as procedural rights³¹. There has been progress towards embracing environmental rights at the global, regional, and national levels.

3.0 Realising Environmental Rights: Progress and Setbacks

It has been observed that the field of human rights obligations related to a clean, safe, healthy and sustainable environment is expanding³². Similarly, the interdependency of human rights and the environment is rapidly growing in acceptance and understanding among governments³³. For example, over 150 countries have binding legal obligations to respect, protect and fulfil the right to a clean, safe, healthy environment and sustainable environment³⁴. Environmental rights are recognized in a number of international and regional human rights treaties, national constitutions, laws, and legal precedents³⁵.

At the global level, the *Convention on Biological Diversity*³⁶ seeks to foster environmental rights through the conservation of biological diversity and the sustainable use of its

³⁰ 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 01/08/2024)

³¹ Ibid

³² United Nations Environment Programme., 'Advancing the Right to a Healthy Environment' Op Cit

³³ Ibid

³⁴ Ibid

³⁵ The Access Initiative., 'The Road to Realizing Environmental Rights in Africa: Moving from Principles to Practice' Op Cit

³⁶ Convention on Biological Diversity., Available at <https://www.cbd.int/doc/legal/cbd-en.pdf> (Accessed on 02/08/2024)

components³⁷. The Convention requires states to ensure that activities within their jurisdiction or control do not cause damage to the environment of other states or of areas beyond the limits of national jurisdiction³⁸. It also embraces procedural elements including access to information, and public participation in the conservation of biological diversity³⁹. The *United Nations Convention on the Law of the Sea*⁴⁰ seeks to enhance environmental rights by promoting the peaceful uses of the seas and oceans, the equitable and efficient utilization of their resources, the conservation of their living resources, and the study, protection and preservation of the marine environment. Further, the *United Nations Framework Convention on Climate Change*⁴¹ seeks to promote environmental rights by achieving a safe and stable climate. The Convention seeks to achieve the stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system⁴². This Convention is complemented by the *Paris Agreement*⁴³ which aims to strengthen the global response to the threat of climate change, in the context of Sustainable Development and efforts to eradicate poverty. In addition, the *Ramsar Convention*⁴⁴ seeks to enhance environmental rights by fostering the conservation and wise use of all wetlands through local, regional and national actions and international cooperation, as a contribution towards achieving Sustainable Development throughout the world.

³⁷ Ibid

³⁸ Ibid

³⁹ Ibid

⁴⁰ United Nations Convention on the Law of the Sea., Available at https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf (Accessed on 02/08/2024)

⁴¹ United Nations Framework Convention on Climate Change., United Nations, 1992., Available at https://unfccc.int/files/essential_background/background_publications_htmlpdf/application/pdf/conveg.pdf (Accessed on 02/08/2024)

⁴² Ibid

⁴³ United Nations Framework Convention on Climate Change., 'Paris Agreement.' Available at https://unfccc.int/sites/default/files/english_paris_agreement.pdf (Accessed on 02/08/2024)

⁴⁴ Convention on Wetlands of International Importance especially as Waterfowl Habitat, 996 UNTS 245; TIAS 11084; 11 ILM 963 (1972)

In addition to the foregoing global environmental treaties, the United Nations Human Rights Council has adopted a landmark *Resolution*⁴⁵ recognizing that a clean, healthy and sustainable environment is a fundamental human right that is important for the enjoyment of other human rights. The Resolution urges states to build capacities for the efforts to protect the environment in order to fulfil their human rights obligations and commitments⁴⁶. It further urges states to adopt policies for the enjoyment of the right to a clean, healthy and sustainable environment as appropriate, including with respect to biodiversity and ecosystems⁴⁷. This Resolution has been described as a watershed moment in the fight against the triple planetary crises of climate change, biodiversity loss and pollution⁴⁸. It demonstrates the global acceptance of the right to a clean, healthy and sustainable environment as a human right and could stimulate global efforts towards attaining this right and strengthening environmental rule of law⁴⁹.

Realising environmental rights is also a key priority for Africa. By promoting environmental rights, Africa can achieve a framework for environmental and climate justice, protection of rights, and participatory and inclusive environmental decision-making in which the benefits and costs of using natural resources are equitably distributed in ways that address poverty, deprivation, and discrimination⁵⁰. Many countries in Africa recognize the right to a clean, safe, healthy, and sustainable environment in their national constitutions and have committed to the implementation of the Sustainable Development agenda⁵¹. Environmental rights in Africa are enshrined

⁴⁵ United Nations General Assembly., 'The Human Right to a Clean, Healthy and Sustainable Environment: Resolution Adopted by the Human Rights Council on 8 October 2021' A/HRC/RES/48/13

⁴⁶ Ibid

⁴⁷ Ibid

⁴⁸ United Nations Environment Programme., 'Advancing the Right to a Healthy Environment' Op Cit

⁴⁹ Muigua. K., 'Realizing the Right to a Clean, Healthy and Sustainable Environment.' Available at <http://kmco.co.ke/wp-content/uploads/2023/06/Realizing-the-Right-to-a-Clean-Healthy-andSustainable-Environment.pdf> (Accessed on 02/08/2024)

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

⁵¹ Ibid

under the *African Charter on Human and Peoples Rights*⁵² which provides that all people in Africa shall have the right to a general satisfactory environment favourable to their development⁵³. In addition, the *African Convention on the Conservation of Nature and Natural Resources*⁵⁴ aims to foster environmental rights in Africa by enhancing environmental conservation, fostering the conservation and sustainable use of natural resources, and harmonizing and coordinating policies in these fields⁵⁵. The Convention recognizes the right of all peoples to a satisfactory environment favourable to their development⁵⁶.

There has also been progress towards realising environmental rights in Kenya. The *Constitution of Kenya*⁵⁷ recognizes the right to a clean and healthy environment as a fundamental human right⁵⁸. The Constitution of Kenya further embraces procedural environmental rights including public participation in the management, protection and conservation of the environment, and access to justice in environmental matters⁵⁹. In addition, the *Environmental Management and Co-ordination Act*⁶⁰ of Kenya establishes the legal and institutional framework for the management of the environment in Kenya. The Act upholds the right of every Kenyan to a clean and healthy environment and sets out various measures towards upholding this right⁶¹. Implementing these legal provisions is key in realising environmental rights in Kenya.

⁵² African Charter on Human and Peoples' Rights., Available at https://au.int/sites/default/files/treaties/36390-treaty-0011_african_charter_on_human_and_peoples_rights_e.pdf (Accessed on 02/08/2024)

⁵³ Ibid, article 24

⁵⁴ The African Convention on the Conservation of Nature and Natural Resources., Available at https://au.int/sites/default/files/treaties/41550-treaty-Charter_ConservationNature_NaturalResources.pdf (Accessed on 02/08/2024)

⁵⁵ Ibid, article II

⁵⁶ Ibid, article III (1)

⁵⁷ Constitution of Kenya., 2010., Government Printer, Nairobi

⁵⁸ Ibid, article 42

⁵⁹ Ibid, article 69 (1) (d), & 70

⁶⁰ Environmental Management and Co-ordination Act., No. 8 of 1999, Government Printer, Nairobi

⁶¹ Ibid

Courts have also decided on the place of environmental rights in Kenya. For example, in *Peter K. Waweru v Republic*⁶², it was held that the right to a clean, safe, healthy, and sustainable environment is an essential human right that can equated to the right to life⁶³. The Court gave life a wider meaning including its attachment to the environment⁶⁴. It decided that a development that threatens life is not sustainable and therefore ought to be halted⁶⁵. Further, in *Adrian Kamotho Njenga v Council of Governors & 3 others*⁶⁶, the Court reiterated the importance of environmental rights in Kenya. The Court decided that unlike the other rights in the bill of rights which are guaranteed for enjoyment by individuals during their lifetime, the right to a clean and healthy environment is an entitlement of present and future generations and is to be enjoyed by every person with the obligation to conserve and protect the environment⁶⁷. The Court further decided that the right to a clean, safe, healthy, and sustainable environment in Kenya has three components; the right itself, the right to have unrestricted access to the courts to seek redress where a person alleges the right to a clean and healthy environment has been infringed or is threatened; and the right to have the court make any order or give any directions it considers appropriate to either prevent or discontinue the act harmful to the environment, or compel any public officer to take measures to prevent or discontinue the act that is harmful to the environment or award compensation to any victim of a violation of the right to a clean and healthy environment⁶⁸. Courts therefore play a key role in upholding environmental rights in Kenya.

Despite the progress made towards realising environmental rights at the global, regional, and national levels, several challenges are hindering the effective achievement of these rights. Some of the key challenges impeding the realisation of environmental rights

⁶² *Peter K. Waweru v Republic*, Misc. Civil Application No. 118 of 2004, (2006) eKLR

⁶³ *Ibid*

⁶⁴ *Ibid*

⁶⁵ *Ibid*

⁶⁶ *Adrian Kamotho Njenga v Council of Governors & 3 others* [2020] eKLR

⁶⁷ *Ibid*

⁶⁸ *Ibid*

include ineffective implementation of environmental laws, policies, and regulations⁶⁹; political preference for economic development over environmental conservation⁷⁰; limited access to information related to environmental rights and limited access to the appropriate decision-making forums, especially at the local levels⁷¹; inadequate community participation in environmental decision making processes⁷²; weaknesses in legal and regulatory frameworks which impedes effective recognition, protection, and enforcement of environmental rights⁷³; limited protection for environmental defenders⁷⁴; and inadequate human and financial capacity for effective implementation of environmental rights⁷⁵. It is imperative to address these challenges in order to realise environmental rights at the global, regional, and national levels.

4.0 Conclusion

Realising environmental rights is a key agenda globally, regionally, and nationally. A safe, clean, healthy and sustainable environment is key to the full realization of a wide range of human rights, including the rights to life, health, food, energy, shelter, water, and sanitation⁷⁶. This vital connection between human rights and the environment makes

⁶⁹ The Access Initiative., 'The Road to Realizing Environmental Rights in Africa: Moving from Principles to Practice' Op Cit

⁷⁰ Ibid

⁷¹ United Nations Environment Programme., 'Advancing the Right to a Healthy Environment' Op Cit

⁷² The Access Initiative., 'The Road to Realizing Environmental Rights in Africa: Moving from Principles to Practice' Op Cit

⁷³ Ibid

⁷⁴ Ibid

⁷⁵ Ibid

⁷⁶ Office of the United Nations High Commissioner for Human Rights., 'About Human Rights and the Environment' Op Cit

the quest for sound environmental conservation an urgent priority⁷⁷. Environmental rights are recognized in a number of international and regional human rights treaties, national constitutions, laws, and legal precedents⁷⁸. However, in light of several challenges hindering their achievement, it is imperative to enhance the realisation of environmental rights.

In order to attain this goal, it is imperative to strengthen environmental rule of law. Environmental rule of law is a framework that integrates environmental needs with the essential elements of the rule of law, and provides the basis for improving environmental governance⁷⁹. It offers a framework for addressing the gap between environmental laws as set out in text and in practice and is key to achieving the Sustainable Development Goals⁸⁰. According to UNEP, environmental rule of law prioritizes environmental sustainability by connecting it with fundamental rights and obligations⁸¹. This concept implicitly reflects universal moral values and ethical norms of behaviour, and provides a foundation for environmental rights and obligations⁸². Without environmental rule of law and the enforcement of legal rights and obligations, environmental governance may be arbitrary, that is, discretionary, subjective, and unpredictable⁸³. Strengthening

⁷⁷ United Nations Development Programme., 'The Critical Connection between Human Rights and our Natural World' Op Cit

⁷⁸ The Access Initiative., 'The Road to Realizing Environmental Rights in Africa: Moving from Principles to Practice' Op Cit

⁷⁹ United Nations Environment Programme., 'Environmental Rule of Law.' Available at <https://www.unep.org/explore-topics/environmental-rights-and-governance/what-we-do/promoting-environmental-rule-law> (Accessed on 03/08/2024)

⁸⁰ United Nations Environment Programme., 'Environmental Rule of Law: First Global Report.' Available at https://www.unep.org/news-and-stories/press-release/dramatic-growth-laws-protect-environment-widespread-failure-enforce?_ga=2.16775999.845015847.1694504989-17506007.1686563450 (Accessed on 03/08/2024)

⁸¹ Environmental Rule of Law., Available at <https://www.informea.org/en/terms/environmental-rule-of-law#:~:text=It%20prioritizes%20environmental%20sustainability%20by,for%20environmental%20rights%20and%20obligations.> (Accessed on 03/08/2024)

⁸² Ibid

⁸³ Ibid

environmental rule of law is therefore key in realising environmental rights. This concept offers a framework for effective implementation of environmental rights and obligations⁸⁴. Environmental rule of law can be strengthened through effective enforcement and implementation of environmental laws⁸⁵; strengthening the legal, policy, and institutional avenues on environmental governance⁸⁶; and fostering access to justice in environmental matters⁸⁷.

Further, in order to fully realise environmental rights, there is need to enhance public participation and access to information in environmental governance⁸⁸. The *Rio Declaration on Environment and Development*⁸⁹ acknowledges the role of public participation and access to information in environmental governance. It states that:

'Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided(Emphasis added)⁹⁰.'

Public participation and access to information contributes to better decisions because decision-makers have more complete information – in the form of additional facts, values,

⁸⁴ United Nations Environment Programme., 'Environmental Rule of Law: First Global Report.' Op Cit

⁸⁵ Muigua. K., 'Strengthening Environmental Rule of Law for Sustainability' Availability at <https://kmco.co.ke/wp-content/uploads/2023/09/Strengthening-Environmental-Rule-of-Law-for-Sustainability-.pdf> (Accessed on 03/08/2024)

⁸⁶ Ibid

⁸⁷ Ibid

⁸⁸ United Nations Environment Programme., 'Environmental Rule of Law: First Global Report.' Op Cit

⁸⁹ United Nations General Assembly., 'Report of the United Nations Conference on Environment and Development: Rio Declaration on Environment and Development.' A/CONF. 151/26 (Vol.1)

⁹⁰ Ibid, Principle 10

and perspectives obtained through public input⁹¹. It is also key in promoting environmental rights through the participation of indigenous peoples and communities who play an important role in managing the environment and natural resources through traditional ecological knowledge⁹². It is therefore necessary to enhance access to information and public participation in environmental governance in order to realise environmental rights.

It is also vital to give a bigger voice to environmental defenders⁹³. Environmental defenders are individuals and groups who, in their personal or professional capacity and in a peaceful manner, strive to protect and promote human rights relating to the environment⁹⁴. They play a key role in promoting environmental rights through advocacy, dissemination of environmental information, public interest litigation, empowering communities and protecting ecosystems⁹⁵. However, it has been noted that environmental defenders remain highly vulnerable and under attack across the globe and face increasing intimidation, harassment, stigmatization and criminalization⁹⁶. Protecting environmental defenders and giving them a bigger voice is thus necessary in view of the key role they play in promoting environmental rights⁹⁷.

⁹¹ United States Environmental Protection Agency., 'Public Participation Guide: Introduction to Public Participation' Available at <https://www.epa.gov/international-cooperation/public-participation-guide-introduction-public-participation> (Accessed on 03/08/2024)

⁹² United Nations., 'Indigenous People and the Environment.' Available at <https://www.un.org/development/desa/indigenouspeoples/mandatedareas1/environment.html#:~:text=The%20rights%20to%20lands%2C%20territories,of%20their%20traditional%20knowledge%20systems> (Accessed on 03/08/2024)

⁹³ United Nations Environment Programme., 'Give a Bigger Voice to Environmental Defenders' Available at https://www.unep.org/explore-topics/environmental-rights-and-governance/what-we-do/advancing-environmental-rights/give?_ga=2.153709752.1641719855.1722605172-1557451421.1722497822 (Accessed on 03/08/2024)

⁹⁴ United Nations Environment Programme., 'Who are Environmental Defenders?' Available at <https://www.unep.org/topics/environmental-law-and-governance/who-are-environmental-defenders> (Accessed on 03/08/2024)

⁹⁵ Ibid

⁹⁶ Ibid

⁹⁷ Ibid

Realising environmental rights for all is therefore a possible and achievable ideal. It is thus imperative to realise environmental rights for all at the global, regional, and national levels for sustainability.

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Peter K. Waweru v Republic, Misc. Civil Application No. 118 of 2004, (2006) eKLR

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