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**Introduction**

Good afternoon, esteemed members of the Committee of the Permanent Correspondents of the EUR-OPA Major Hazards Agreement, distinguished experts, and fellow attendees. Many thanks for the invitation, I am Emma Pagliarusco, Advocacy Coordinator at Youth and Environment Europe. As a youth representative, today, I address the urgent need to promote the right to living in a clean, healthy, and sustainable environment for both current and future generations.

The challenges posed by the triple planetary crisis of climate change, biodiversity loss and pollution exacerbate inequalities. Social justice, climate justice and environmental justice are intrinsically linked. Human rights, including people's right to health are interlinked and interdependent with the existence of a clean, healthy and sustainable environment.

Pollution, contaminated water sources, and poor air quality are major contributors to health problems, including respiratory diseases, cardiovascular disorders, and even cancer. As reported by former UN rapporteur Boyd, over 40 million people have died of air pollution since 2018 and more than 300.000 premature deaths occur annually in Europe due to air pollution. By safeguarding the environment, we can protect human health and prevent unnecessary suffering. Access to clean air, safe drinking water, and healthy food are the main ingredients of social justice and should not be privileges reserved for few; they are basic rights that should be available to all individuals, regardless of their socioeconomic status or geographic location. By addressing environmental inequalities, we can create a more equitable and just society for all.

David Boyd, UN Special Rapporteur on Human Rights and the Environment, has observed that:

*"[a]ll human beings depend on the environment in which we live. A safe, clean, healthy and sustainable environment is integral to the full enjoyment of a wide range of human rights, including the rights to life, health, food, water and sanitation. Without a healthy environment, we are unable to fulfil our aspirations. We may not have access to even the minimum standards of human dignity."*

In this context, the right to a healthy environment is crucial to preventing and remediating the impacts of the escalating triple planetary crisis which affects the lives and rights of individuals and communities worldwide. It provides comprehensive protection against a range of environmental harms. That includes ensuring every individual has the right to clean air and water, a safe climate, healthy ecosystems, healthy and sustainably produced food as well as non-toxic living, working and learning environments. In addition, it guarantees some other procedural elements like access to environmental education and justice with effective remedies as well as public participation in decision-making.

Therefore, the environment is not merely a backdrop to our lives: it is the very foundation upon which our existence depends. Our health, well-being, and prosperity are intricately linked to the health of our planet. Therefore, ensuring that all individuals have access to a clean, healthy, and sustainable environment is not just a matter of choice, but a fundamental human right.

### **Intergenerational Justice**

The challenges explained above are also disproportionately affecting the youngest generations and the future ones. The cumulative effects of the crisis pose significant risks and challenges for future generations, impacting their health, well-being, and quality of life. Addressing these challenges requires urgent and concerted action at all levels of society to mitigate greenhouse gas emissions, adapt to unavoidable impacts, and build resilience for a more sustainable future.

The right to a healthy environment is therefore a matter of intergenerational justice. Intergenerational justice refers to the ethical principle that current generations have a responsibility to ensure that the needs and interests of future generations are met and that they inherit a world that is sustainable, equitable, and just. It acknowledges that the actions and decisions made by present-day societies have profound and long-lasting impacts on the well-being and opportunities of future generations and they are not serving short term interests that would harm them.

**UNFCCC, art.3:** *The Parties should protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities. Accordingly, the developed country Parties should take the lead in combating climate change and the adverse effects thereof.*

### **Maastricht principles on the rights of future generations**

#### **Art.8:**

- a) Humanity is of the Earth, wholly dependent upon it, and interdependent with it. Every generation lives on the Earth and has an interlinked relationship with Nature and its biodiverse ecosystems. During their time on Earth, each generation must act as trustees of the Earth for future generations. This trusteeship must be carried out in harmony with all living beings and Nature.*
- b) Each generation has the duty to protect and sustain the Earth's natural and cultural heritage for future generations.*
- c) The principle of trusteeship and intergenerational duties includes the decisions each generation makes about the near-Earth environment and the Moon.*

Intergenerational justice is closely connected with the recognition that the consequences of climate change will disproportionately affect future generations, who have contributed the least to the problem. This principle underscores the urgency of taking action to mitigate and adapt to climate change to minimise the burden on future generations.

*Klimaseniorinnen - example of development*

In the recent *Klimaseniorinnen* decision, the Court stated that 'it is clear that future generations are likely to bear an increasingly severe burden of the consequences of present failures and omissions to combat climate change and that, at the same time, they have no possibility of participating in the relevant current decision-making processes.

The Court noted that in the specific context of climate change, 'intergenerational burden-sharing assumes particular importance both in regard to the different generations of those currently living and in regard to future generations' - par.419.

545. Accordingly, the State's obligation under article 8 is to do its part to ensure such protection. In this context, the **State's primary duty is to adopt, and to effectively apply in practice, regulations and measures capable of mitigating the existing and potentially irreversible, future effects of climate change**. This obligation flows from **the causal relationship between climate change and the enjoyment of Convention rights**,..., and the fact that the object and purpose of the Convention, as an instrument for the protection of human rights, requires that its provisions must be interpreted and applied such as to guarantee rights that are practical and effective, not theoretical and illusory.

549. Moreover, in order for this to be genuinely feasible, and to avoid a disproportionate burden on future generations, **immediate action needs to be taken** and adequate intermediate reduction goals must be set for the period leading to net neutrality. Such measures should, in the first place, be incorporated into a binding regulatory framework at the national level, followed by adequate implementation. The relevant targets and timelines must form an integral part of the domestic regulatory framework, as a basis for general and sectoral mitigation measures. Accordingly, and reiterating the position taken above, namely that the margin of appreciation to be afforded to States is reduced as regards the setting of the requisite aims and objectives, whereas in respect of the choice of means to pursue those aims and objectives it remains wide, the Court finds it appropriate to outline the States' positive obligations.

Here are a few examples of how the triple planetary crisis particularly affects the future generations.

1. Long-Term impacts: the crisis is a long-term global challenge with far-reaching consequences that will be felt for generations to come. Rising temperatures, extreme weather events, sea-level rise, and disruptions to ecosystems will affect the health, livelihoods, and quality of life of future generations.
2. Greenhouse gas emissions released into the atmosphere today have a cumulative effect, contributing to the warming of the planet over time. Future generations will inherit the legacy of past and present emissions, even though they had no say in the decisions that led to climate change.
3. Continued environmental and biodiversity degradation and resource depletion jeopardise the ability of future generations to meet their basic needs, such as access to clean air, water, and food. Climate change exacerbates existing inequalities and poses significant challenges to sustainable development.
4. Under a moral point of view, it is an obligation to act in the best interests of future generations. Failing to address climate change not only perpetuates intergenerational injustice but also undermines the principles of equity, fairness, and solidarity.

Addressing climate change through mitigation efforts, adaptation measures, and international cooperation is essential to uphold intergenerational justice and ensure a sustainable future for all. By taking decisive action now, we can mitigate the worst impacts of climate change and leave a positive legacy for generations to come.

However, while taking climate action, human rights protection shall not be left aside.

### **Recognition of the right to a healthy environment by the Council of Europe**

The preventive nature of the right to a clean, healthy and sustainable environment is a key aspect of its added value. By preventing pollution and environmental degradation, a wide array of human rights violations will be prevented, such as negative impacts on the rights to life, health, food, water, culture, housing, property, and a healthy environment. These benefits are particularly important for those who are most at risk from environmental harm, including women, children, young people, indigenous peoples and local communities, persons living in poverty, persons with disabilities, older persons, migrants, displaced people, and other potentially vulnerable communities.

The right to a healthy environment is a key instrument for the youngests and future generations to be equipped with the instruments to address the triple planetary crisis:

1. **Because intergenerational equity** relies on protecting the right to a healthy environment: it's critical to make sure that children and young people of today have *all* the instruments tomorrow to claim and protect their rights. The right to a healthy environment is not limited to the present generation; it encompasses the rights of future generations as well, and we have the responsibility to leave a healthy ecological legacy for future generations. Children and young people being the closest to future generations understand this more than others.
2. **Because** when the right to a healthy environment is enshrined in law, it provides a strong **legal foundation** for young activists to demand environmental protection and guarantees legal certainty. It would therefore support young activists in their advocacy and efforts to make the world a better place.
3. **Because** the recognition of the right to a healthy environment facilitates **access to justice** as awareness of environmental injustices grows. Environmental cases are on the rise, including at the initiative of children and youth, and the Council of Europe must give *all* its citizens the tools to approach those questions.
4. **Because** an explicit recognition of the right to a healthy environment clarifies what constitutes a healthy environment and what rights citizens, including children and young people, have in relation to it. This **clarity** allows children and youth activists to articulate their demands more precisely and effectively.
5. **Because**, knowing that they have a recognized legal right to a healthy environment at European level as well, children and youth activists will feel more empowered and legitimised to engage in advocacy. This empowerment can motivate greater participation and persistence in environmental activism.

**Over 155 nations** worldwide have enacted environmental legislation recognizing the right to a healthy environment. Notably, the right to a clean, healthy, and sustainable environment has been recognised by the UN Human Rights Council in resolution 48/13 of 2021. It has also been enshrined in several regional human rights treaties; Association of Southeast Asian Nations Human Rights Declaration, 18 November 2012, art 28), and ratified by 120 countries. **Yet, neither the European Social Charter nor the European Convention on**

**Human Rights currently provide a clear recognition** and legal framework for the right to a healthy environment.

The Council of Europe recognizes the European Court of Human Rights as a **living instrument** adaptable to contemporary circumstances. In the face of the climate emergency and ecological crisis, urgent action is needed, particularly given the Council's pivotal role in human rights advocacy.

An effective strategy to address this is the creation of a binding legal instrument within the framework of the European Convention on Human Rights, establishing the right to a healthy environment. This protocol would catalyse practical, accountable measures, essential for rapid, systemic, and transformative environmental protection to ensure habitability for present and future generations.

Establishing a clear European framework for the right to a healthy environment would gather political consensus and empower policy-makers to address environmental issues effectively. It would also lead to the enactment of stronger environmental laws, enhanced protections for European citizens, and improved ecological sustainability.

The Council of Europe, with 42 of its 46 member states already safeguarding the right to a healthy environment domestically or through international agreements, faces increasing pressure from civil society to formalise this right. [Over 400 civil society organisations](#), including Amnesty International, Greenpeace, CIEL and Human Rights Watch, advocate for its legal recognition.

Effectively protecting the right to a healthy environment is paramount for driving stringent environmental policies, ambitious climate action, and consistent legal enforcement, [as noted by experts like Nikki Reisch](#), Director of the Climate and Energy program at the Centre for International Environmental Law.

### **EUR-OPA and its role on the right to a healthy environment and future generations**

The EUR-OPA Major Hazards Agreement can play a crucial role in promoting the right to a healthy environment for both current and future generations through its focus on disaster risk reduction, preparedness, and response. While its primary mandate is to strengthen cooperation among European countries in the field of disaster risk reduction, its activities and initiatives can contribute to creating safer and more resilient communities, which are essential components of a healthy environment.

The EUR-OPA Major Hazards Agreement potentially promotes the right to a healthy environment for current and future generations by enhancing disaster risk reduction, climate change adaptation, capacity building, public awareness, and international cooperation. Through its activities and initiatives, the Agreement contributes to creating safer, more resilient, and sustainable communities, which are essential prerequisites for a healthy environment and the well-being of all. This agreement is of paramount importance to ensure that the CoE prioritises a vision towards the future generations.

### **Conclusions**

Also based on the recent *Klimaseniorinnen* decision, States have a **forward-looking obligation** to mitigate existing and potentially irreversible future effects and to take immediate actions to avoid disproportionate burden on future generations. **Could the right to a healthy environment recognition fall into this forward-looking obligation?**