

From the right to a healthy planet to the planetary right to health



The rich potential of legal rights in advancing planetary health is no longer untapped.¹ In July, 2022, the [UN General Assembly adopted Resolution A/76/L.75](https://documents-dds-ny.un.org/doc/UNDOC/LTD/N22/436/72/PDF/N2243672.pdf?OpenElement), which recognised “the right to a clean, healthy and sustainable environment as a human right”, by a landslide of 161 votes. This historic resolution stands on the shoulders of a long line of UN initiatives, such as the [Human Rights Council’s Resolution 48/13](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/289/50/PDF/G2128950.pdf?OpenElement), which was enacted in October, 2021, and recognised the right to a healthy environment as “important for the enjoyment of human rights”. This occurred 6 months after UN Environment, WHO, and 13 other UN entities issued a statement that described the failure to recognise the right to a healthy environment as detrimental to the attainment of the UN Sustainable Development Goals. Earlier, the Stockholm Declaration on the Human Environment 1972 affirmed that humans have “the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being”. Two decades later, the Rio Declaration on Environment and Development 1992 demanded that states “conserve, protect and restore the health and integrity of the Earth’s ecosystem”.

The basic human needs of breathable air, drinkable water, and edible food firmly anchor the health of humans to the health of the planet and its ecosystems.² The right to a healthy environment cannot be found in the texts of important environmental treaties, such as the UN Framework Convention on Climate Change and the Paris Agreement. Nevertheless, this right has been enshrined in the constitutions of over 100 nations, located mostly in Africa, Europe, and Latin America, and in regional treaties ratified by at least 130 countries.³ Such widespread recognition constitutes evidence that this right is becoming part of customary international law.⁴ The right to a healthy environment should evolve into the right to a healthy planet, a step that would guard against excessive anthropocentrism predicated on an untenable chasm between humans—metaphorically considered to be the centre of the world—and their environmental surroundings as well as the assumption that the planet is, in whole or in part, an objectified human property that could legitimately be destroyed by people at will.⁵

However, some interpretations of the right to a healthy planet could still be problematic. The planet’s ecosystems consist of communities of life forms, of which humanity is but one member, that interact with each other and their landscapes.⁶ The Rio Declaration’s reference to the positioning of humans “at the centre of concerns for sustainable development” could no longer be defended. It is impossible to protect the well-being of the planet if humans persist in pursuing endless, albeit narrowly defined, growth with an aura of species superiority.⁷ The right of humans to a healthy planet can and should encompass the right of the planet’s multifarious ecological and social systems to stay healthy.⁸

What are known as rights of nature—and could be understood collectively as a planetary right to health—have been developing in parallel with the right to a healthy environment over the past four decades. The UN World Charter for Nature 1982 obligates humanity to comply with the rule that “nature shall be respected and its essential processes shall not be impaired”. The [12th Harmony with Nature Resolution 75/220](https://documents-dds-ny.un.org/doc/UNDOC/GEN/NL7/300/05/IMG/NL730005.pdf?OpenElement) contains four references to rights of nature or rights of Mother Earth. This resolution, which was adopted by the UN General Assembly in December, 2020, calls for “efforts to restore the health and integrity of the Earth’s ecosystems”. Rights of nature are protected by the legal systems of jurisdictions, such as Bangladesh, Bolivia, Colombia, Ecuador, India, New Zealand, and Uganda. Furthermore, such rights are recognised in local legislation in Argentina, Brazil, Colombia, France’s Loyalty Islands, India, Italy, Mexico, the Netherlands, and the USA.⁹ In their current form, rights of nature are enforceable rights attributed to natural entities of Earth, such as ecosystems; these rights—mainly the rights to exist, flourish, and restoration¹⁰—underscore the core planetary health insight that humanity is part of, and not apart from, an interconnected planet. Practically speaking, the right to a healthy environment and the planetary right to health converge on the same obligation on the part of humanity to protect the planetary community. There does not seem to be any irreconcilable conflict between these two mutually

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For more on the **Stockholm Declaration on the Human Environment 1972** see <https://documents-dds-ny.un.org/doc/UNDOC/GEN/NL7/300/05/IMG/NL730005.pdf?OpenElement>

For more on the **Rio Declaration on Environment and Development 1992** see https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_CONF.151_26_Vol.I_Declaration.pdf

For more on the **UN World Charter for Nature 1982** see <http://www.un-documents.net/a37r7.htm>

For more on the **12th Harmony with Nature Resolution 75/220** see <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N20/379/55/PDF/N2037955.pdf?OpenElement>

reinforcing rights. Humans have an intrinsic right to flourish; however, that is impossible if they treat the natural foundations of life with disrespect.

I declare no competing interests.

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Eric C Ip
ericcip@hku.hk

Centre for Medical Ethics and Law, The University of Hong Kong, Central and Western District, Hong Kong Special Administrative Region, China

Editorial note: The Lancet Group takes a neutral position with respect to territorial claims.

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