



## **Media Statement:**

### **NELA's Response to the UN Resolution on the Right to a Healthy Environment<sup>1</sup>**

In an historic resolution, the United Nations General Assembly has declared that everyone on the planet has a right to a clean, healthy and sustainable environment. The resolution – passed last Thursday and received overwhelming support, with 161 votes in favour and eight abstentions.

NELA welcomes the resolution and recognises it as an important step in combating the rapid degradation of the natural world. Whilst the resolution ultimately is good news, it is important to recognise it is not legally binding and therefore does not directly change Australian law. However, it supports the growing argument that the right to a healthy environment is customary international law, which emerges from established international practices rather than a formal written source, and is legally binding.

Despite having immediate, practical effect, the resolution does clarify that the right to a healthy environment should be universally recognised and protected. Further, the resolution reinforces the fact that environmental issues are also human rights issues, and elevates the climate and biodiversity crises in global politics.

The resolution may also influence governments as they engage in environmental decision-making as well as Australia courts that rule on those decisions. Corporates should take note of the resolution and take more seriously the development and implementation of their net zero, ESG and climate risk mitigation strategies. Significantly, the resolution may act as a catalyst for new or revised environmental and human rights legislation, and policies that aim to recognise and implement this new right.

Whilst the resolution has the potential to increase political pressure and progress cultural change in Australia, law-makers still have much work to do. While over 150 countries now have the right to a healthy environment enshrined in their Constitutions or in other legal frameworks, Australia remains one of a few countries without this right in law.

Notably, Australia does not have a Bill of Rights at a federal level and only three of the Australia States of Territories – Victoria, Queensland and the Australian Capital Territory – have passed legislation formally recognising human rights. However, those Acts do not include a right to healthy environment or environmental rights more broadly.

In those Australian jurisdictions with existing human rights legislation, there is an opportunity – and arguably, a growing global imperative – to enshrine the right to a healthy environment with a legislative amendment. However, in the absence of human rights frameworks in other Australian jurisdictions, a greater change is needed to ensure national recognition and protection of the right. Whilst this latest UN resolution indicates that the right to a healthy environment is within the purview of parliaments, both human rights and environmental debates need significantly more attention in Australian politics for the resolution to gain traction here.

NELA recommends that jurisdictions around Australia integrate the right to a healthy environment into new or existing environmental and human rights laws, in order to better protect the fundamental ways that human health and security are dependent on healthy ecosystems and resilient environments.

Dr Katie Woolaston,



NELA Vice-President, on behalf of NELA

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<sup>i</sup> This statement was drafted by Rachel Simmonds and Kenneth Pennington (National Publications Officers) and Dr Katie Woolaston (Vice-President) on behalf of NELA.