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## **Is COVID-19 frustrating or facilitating sustainability transformations? An assessment from a human rights law perspective**

By Claudia Ituarte-Lima

The COVID-19 pandemic has combined with the ongoing degradation of a healthy environment to prevent people from the full realization of human rights such as right to food and right to clean water and sanitation. The enjoyment of many of our human rights depend on a safe, clean, healthy and sustainable environment. We all rely on the environment and the living world for the air we breathe, the food we eat, the water we drink, and many other contributions that nature provides to people. Nature's contributions to people include regulating environmental processes that filter pollutants to provide clean air and potable water, and sequestering carbon which is important for a safe climate (IPBES 2019). At the same time, sustainable environmental governance and associated collective action require respect for human rights such as the right to freedom of peaceful assembly and association.

Hence, human rights and the environment are indivisible and interdependent. The standards and content of this interdependency principle in the environmental context has been clarified by former UN Special Rapporteur on Human Rights and the Environment, John Knox (2018), who presented the Framework principles on Human Rights and the Environment to the UN Human Rights Council. These principles included: "1. States should ensure a safe, clean, healthy and sustainable environment

in order to respect, protect and fulfil human rights. 2. States should respect, protect and fulfil human rights in order to ensure a safe, clean, healthy and sustainable environment.”

However, human rights are increasingly under threat by the compounded challenges of climate change, biodiversity loss and the rise of pandemics. While the climate change and healthy ecosystems crises consistently show how people, ecosystems and other living-beings around the world are intertwined, COVID-19 has made this connection even more obvious. The COVID-19 pandemic is the tip of the iceberg, signaling much deeper and systemic challenges.

In studying the impacts of COVID-19 in the Brazilian Amazon, Castro et al (2020) concluded that COVID-19 is a symptom of major structural problems such as climate change, environmental deterioration, social inequalities, displacement and migration, and consumer and production patterns. Degradation of the health of our planet is one of the root causes of zoonotic diseases (diseases originating from pathogens that transfer from animals to humans) such as COVID-19, SARS, yellow fever, and Avian influenza, with more likely to emerge in the future (WHO nd; Bonilla-Aldana et al 2020; IPBES 2020).

It is estimated that as many as 2.5 billion cases of human illness and 2.7 million deaths are due to zoonotic diseases each year (Gebreyes et al 2014).

The report of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES 2020) on biodiversity and pandemics highlights that disruption of natural host-pathogen dynamics increases the risks of pandemics. This disruption occurs by exponentially increasing anthropogenic change such as shifts in

land-use, agricultural expansion and intensification, wildlife trade and unsustainable consumption. Rather than blaming the animals, it is unsustainable human-generated changes that affect the contacts among wildlife, livestock, people, and their pathogens. This IPBES report also notes that climate change is one of the anthropogenic drivers triggering the movement of people and animals, generating new and increased contact among species of animals as well as between animals and humans, and causing the spread of pathogens.

To address the combined biodiversity, climate change and pandemic crises, people in all sectors of society are searching for solutions that move beyond business-as-usual. Accordingly, the concept of transformation towards sustainability has come to the forefront of scientific and policy initiatives. For example, through policy-relevant knowledge generation, the IPBES report on biodiversity and pandemics (2020), the IPBES global assessment (2019), the 2018 Intergovernmental Panel on Climate Change (IPCC) report on the impacts of global warming of 1.5 °C, all seek to understand and support societal transformations towards sustainability. The IPCC Special Report on Extreme Events (2012, p. 5) defines transformation as “the altering of fundamental attributes of a system (including value systems; regulatory, legislative, or bureaucratic regimes; financial institutions; and technological or biological systems)”. Both the United Nations 2030 Agenda for Sustainable Development and the parties to the Convention on Biological Diversity – in the negotiations of the post-2020 global biodiversity framework – have called for a transformative approach to address current sustainability challenges (see Ituarte-Lima 2017; Ituarte-Lima & Schultz eds. 2019; Bennett et al 2019).

Human rights have a track record of sparking transformative societal change (Boyd 2020). From the end of slavery and Apartheid to contributing to building world peace in turbulent times, human rights have played a powerful role in deep systemic and structural shifts challenging assumptions, values, government regimes, development paradigms, and power relations.

In 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights (UDHR) recognising the fundamental rights of all peoples, of all nations. In commemorating 72 years of the UDHR and reflecting on the critical challenges of COVID-19 and climate change, the Special Rapporteurs, Independent Experts and Working Groups that comprise the Special Procedures of the United Nations Human Rights Council, underscored the centrality of the UDHR as a guiding framework for humankind in uncertain times. They argued that “human rights are transformative, provide solutions, and speak directly to each and every individual, as reaffirmed in the Call to Action for Human Rights issued by the Secretary-General of the United Nations” (UN HRC 2020).

The research questions of this article are: how has COVID-19 reinforced or changed our understanding of the connections between human rights and a healthy environment? To what extent is COVID-19 frustrating or facilitating sustainability transformations? How might advances and innovations on the right to a healthy environment contribute to societal transformations to address COVID-19 and environmental crises?

To address these questions, I use the concepts of interdependency and indivisibility to frame the analysis of COVID-19, human rights and the environment. The interdependence of human rights recognizes that the enjoyment of one human right

often depends, entirely or in part, upon the realization of other human rights (UN Development Group 2003; Grant 2007). Although in theory this interdependency is widely acknowledged, the levers needed to operationalize it in practice in the environmental context are not well understood.

In this article, advances on a stand-alone right to a healthy environment will be used to provide insights in understanding the role of human rights in contributing to transformative approaches to the combined environmental and COVID-19 crises. The right to a safe, clean, healthy and sustainable environment – recognized in at least 155 UN Member States through their domestic laws, international agreements, or both – has substantive and procedural elements. Boyd describes the substantive elements of this right as: ‘a safe climate, clean air, clean water and adequate sanitation, healthy and sustainably produced food, non-toxic environments in which to live, work, study and play, and healthy biodiversity and ecosystems’ (2018, p. 13). Procedural elements include access to information, public participation in environmental decision making, and access to justice and effective remedies. Heightened obligations toward people in vulnerable situations are also part of duty-bearers’ obligations concerning a healthy environment.

The substantive and procedural human rights obligations concerning a healthy environment and other interconnected rights are indivisible and interdependent as highlighted in various studies ( Ituarte-Lima et al. 2017, 2019; Knox 2017; Ebbesson and Hey 2013). For example, Shelton (1991) argues that procedural access to information interpreted in the context of environmental decision-making can effectively protect a healthy environment only if coupled with substantive regulation.

Substantive regulations include human rights obligations concerning the right to life, right to health, and right to enjoy the benefits of scientific progress.

Section 1 below examines the impact of COVID-19 on the environment-related rights of people in vulnerable situations as well as the levers connected to the right to a healthy environment that might contribute to transformations towards sustainability. The section focuses on three substantive elements of the right to a healthy environment, specifically healthy ecosystems and biodiversity; clean air and clean water; and sanitation. Section 2 addresses the connections between building forward better, the rights of future generations and the sustainability transformations. A concluding section follows.

To address this article's research questions, a legal interpretation method and a systemic interpretation approach are used (McLachlan, 2005). As both Multilateral Environmental Agreements and human rights law include relatively open-ended provisions, resolutions of the Conference of the Parties to the Convention on Biological Diversity and UN Human Rights Council contribute to clarifying the interpretation of the provisions. I also build on the IBPES Conceptual Framework and IBPES and IPCC assessments and reports because they are helpful for the understanding of the state of biodiversity, ecosystems and climate.

## **1. The right to a healthy environment in midst of COVID-19 and systemic challenges**

### **1.1 Healthy ecosystems and biodiversity**

The UN Special Rapporteur on human rights and the environment acknowledges the global agreement that human rights norms apply to a broad range of environmental issues, including biodiversity, i.e., the full variety of life on Earth and healthy ecosystems which are the foundation upon which all life depends (Boyd 2020).

Prior to COVID-19, the international community had recognized the connections between healthy ecosystems, biodiversity, and human rights in international fora in the 2016 Cancun Declaration on Mainstreaming the Conservation and Sustainable Use of Biodiversity adopted at the thirteenth meeting of the Conference of the Parties to the Convention on Biological Diversity. The Human Rights Council also recognised the need for mainstreaming the conservation and sustainable use of biodiversity for well-being, explicitly referring to the Cancun Declaration (UN HRC 2020; Ituarte-Lima and Schultz 2019). Yet the urgent need to move from the recognition of rights to ensuring that these rights can be enjoyed in practice has become painfully evident in the midst of tragic events such as the COVID-19 pandemic.

COVID-19 has demonstrated that the biodiversity crises can have large-scale multiplying effects across all nations. The Secretary-General of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, Ivonne Higuero, highlights that degradation of healthy ecosystems removes vital buffer zones between people and wild fauna, making it more likely that animal pathogens come into contact with humans. This degradation also increases the contact between distinct wildlife species that were not previously in contact, increasing the risk of spread of zoonotic diseases. In cases of illegal trade, sanitary standards are less likely to be enforced,

increasing the risk of spread of diseases. Addressing these challenges cannot only be reactive, but must be preventive and systemic. We must raise, not lower, the quality and enforcement of healthy ecosystems and biodiversity standards and regulations which can help reduce the risks that led us to this global pandemic.

Paradoxically, instead of adopting a transformative approach to address COVID-19 and environmental unprecedented challenges, the opposite trend is emerging in various countries. The UN Special Rapporteur on human rights and the environment and the Special Rapporteur for Economic, Social, Cultural and Environmental Rights from the Inter-American Commission for Human Rights note that many countries have loosened environmental standards in the name of making it easier for businesses to operate in the context of COVID-19.

Lowering environmental standards due to COVID-19 can increase the risks to the already fragile state of the diversity of life on Earth, including damaging impacts on human well-being.

Contrary to the principle of non-retrogression in human rights and environment law, various countries are reducing environmental enforcement, placing a hold on environmental monitoring and limiting public participation, using COVID-19 as an excuse (Boyd 2020; Global Witness 2020). These measures result in significant negative impacts on a wide range of human rights from rights to life and health to rights to water, culture, food, as well as the right to live in a healthy environment.

The lowering of environmental standards as a result of COVID-19 affects significant ecosystem services that underpin the economy in ways that are often not appreciated or valued in economic terms (TEEB 2010) Yet, the economic impacts of COVID-19



are revealing the higher costs of a business-as-usual reactive approach rather than a transformative approach that would benefit the health of people and the planet.

Pandemics and zoonotic diseases (both existing and emerging) are likely to cause more than a trillion dollars in economic damage annually (IPBES 2020). Rather than reacting to pandemics, global strategies to prevent pandemics through reducing wildlife trade and land-use change and increasing One Health<sup>i</sup> approaches are estimated to cost from US \$22 to \$31.2 billion (IPBES 2020). This amount is reduced even more (US\$17.7 – \$26.9 billion) if benefits of reduced deforestation on carbon sequestration are considered (IPBES 2020). Instead of lowering environmental standards, a transformative initiative in line with the human rights-based and One Health approaches that questions unsustainable development paradigms and considers the interdependency of the health of people and ecosystems is needed.

COVID-19 has been used by some governments to roll-back environmental safeguards and fast track projects that indigenous peoples and local communities have long opposed. (FIAN 2020). Lowering environmental standards in favour of business interests with the excuse of COVID-19 is already affecting those in the most vulnerable situations. In relatively remote areas such as in the Amazon rainforest, people are especially at risk of COVID-19, not only as individuals but as people with specific cultural practices and ecological knowledge. In the early 17th century, some estimate that as many as 90 percent of the indigenous population in the Americas died of flu and measles, among other diseases, brought by Europeans (Koch et al 2020). Indigenous people such as the isolated indigenous groups in Brazil are highly vulnerable to these non-native diseases. In the Brazilian Amazon, environmental depletion is fast-paced and social inequalities are high; illegal loggers and miners pose

threats not only of environmental degradation but also of spreading COVID-19 among indigenous peoples and local communities.

While highly vulnerable to the effects of COVID-19, indigenous peoples and local communities are not passive victims. The Amazon is also a biologically rich and culturally diverse region where many indigenous peoples and local communities hold alternative views of nature and social relations, which can contribute to rethinking our present and reshaping our future (Castro et al 2020). Strategies used by certain indigenous peoples involve using the law together with other strategies to enact change that transform power relations and development paradigms. For example, Nemonte Nequimo, the first female leader of the Waorani Nation, and cofounder of the Ceibo Alliance (a confederation of Amazonian indigenous nations) led a legal action claiming a violation of Waorani's right to prior consultation. The case resulted in a court ruling protecting 500,000 acres of Amazonian biocultural diverse rainforest and Waorani territory from oil extraction. Nequimo also led an international campaign to petition to the Ecuadorian government in defense of indigenous rights.

COVID-19 has also provided a fertile ground to question assumptions regarding where sustainable and healthy food can be produced so that urban migrants can enjoy their right to a healthy environment. For countries in eastern Africa, COVID-19 is combined with already existing climate change and threats to healthy ecosystems. In 2019, abnormal rainfall and floods which destroyed crops, were followed by a locust outbreak which is predicted to come back stronger in future growing seasons. These social-ecological challenges have contributed to people's migration to urban and peri-urban areas. Supporting urban and peri-urban farming would help respond to the

devastating effects of COVID-19. With proper implementation, peri-urban and urban farming could be a major strategy to bridge some of the food gaps and accelerate much-needed employment creation, contributing to the enjoyment of the right to work including for the many women who completely or partially lost their jobs due to COVID-19. Questioning assumptions of food production and consumption patterns can provide food for thought for transformations- towards sustainability.

While home gardening is certainly not a new phenomenon, COVID-19 has contributed to make visible its value not only in terms of food production but also in terms of mental health. Hence, home gardening -- which has been in the rise since COVID-19 -- provides a renewed opportunity for strategies that produce healthy and sustainable food, a substantive element of the right to a healthy environment. Whether it is in an urban or rural setting, gardening can contribute to emotional wellbeing and mental health. For example, one study conducted in the the Twin-Cities region of Minnesota, USA, found that for low income women, practising gardening is associated with higher emotional well-being(Ambrose 2020). Thus, COVID-19 has both reinforced and made us rethink social norms regarding where food is produced and how it is shared and distributed. COVID-19 has also made more visible how the right to food, the right to work and the right to health, including mental health, are interconnected with the healthy biodiversity and ecosystems dimension of the right to a healthy environment.

From the local to the global, COVID-19 has challenged the way we view geographic scales and jurisdictional borders. Regulation and decisions that affect the health of the environment in one geographical location at one time can have impacts across many regions both now and into the future (IPBES 2019). We have known for long that

when there are significant impacts on air quality, they can be felt in other regions depending on air flows. Similarly, impacts on water quantity and quality can be felt downstream. Yet, the way COVID-19 affects these dynamics and thereby the enjoyment of human rights is not well understood. In the sections below, I focus on how COVID-19 has either reinforced or modified our understandings of the connections between human rights and healthy ecosystems by zooming-in on the clean air and clean water and sanitation elements of the right to a healthy environment.

## **1.2. Clean air**

For COVID-19 responses to be effective and long term, law and norms that protect a healthy environment need to be at the heart, not at the periphery. Whether in an urban or rural setting, vegetation is vital for the air we breath. Nature contributes to air quality by sequestering air pollutant emissions. Vegetation also has the potential to prevent air emissions by protecting soils and avoiding air dust emissions as well as by trapping air pollutants in plant parts, and retaining air pollutants on leafy surfaces. In particular, tropical forests are incredibly important for these ecosystems services (IPBES 2019).

Globally, air quality has declined due to the increase in pollutants in the air. It is well-established that deforestation, biomass burning, and intensive agriculture release air pollutants (IPBES 2019). The World Health Organization (2018) estimates that around seven million people die each year from exposure to PM2.5. This PM2.5 particle, caused largely from fuel combustion from cars, refineries, and power plants

pollutes the air causing diseases that span from stroke to lung cancer and respiratory infections (Rodríguez-Urrego, D. & Rodríguez-Urrego, L. 2020). Only about a tenth of the global population is estimated to breathe clean air, which causes an estimated 3.3 million premature deaths annually, particularly in Asia (IPBES 2019).

COVID-19 revived the need to strengthen existing air pollution regulations to protect human health both during and after social-ecological crisis and pandemics (Wu, et al 2020). People who enjoy a healthy environment are in a better position to be resilient to emerging threats such as COVID-19. Legal advances at national and regional levels on the right to a healthy environment can help support people's claims to support duty-bearers' action to safeguard clean air. For example, the Philippines recognises the right to a healthy environment and its Clean Air Act echoing this right recognises the right of citizens to breathe clean air (Boyd 2018). The ASEAN Declaration on Human Rights recognises the right to a safe, clean and sustainable environment and the ASEAN Socio-Cultural Community Blueprint covers clean air under its ambition to establish environmentally sustainable cities (Ituarte-Lima et al 2020).

Yet, COVID-19 not only confirmed what we already knew about the impacts of air pollution on the enjoyment of people's right to a healthy environment but also magnified the negative impacts of breathing polluted air. A study of nine cities in Asia by Gupta et al (2020)

showed that past exposures to high levels of air pollution over a long period correlates significantly with COVID-19 mortality. The cities in the study included three cities from China, one from Indonesia, two from Pakistan, and two from India. Furthermore, not everyone is affected in the same way by air pollution. Air pollution

disproportionately harms people living in conditions of poverty. Temporary settlements, refugee camps and low-quality housing coincide with areas severely affected by air pollution (Boyd 2020). The developing brains and bodies of girls and boys living in urban and rural areas are particularly vulnerable to the adverse impacts of poor air quality. Women in low-income countries and rural areas suffer from long exposure to poor air quality because many have a primary role in cooking (WHO 2016) and use biomass like fuelwood or animal dung to cook. Recent research from the World Bank has found that exposure to household air pollution is linked to higher Covid-19 mortality rates (Mani & Yamada 2020).

However, inequality in exposure to poor air quality is not only an issue in middle-income and low-income countries but also in high-income countries. In the US, as a result of COVID-19, disparities in the distribution of air pollution based on race and poverty became more visible (Mikati et al 2018). While the disproportionate impacts of pollution on minority groups have been discussed for many years in the US, debates concerning the connections between COVID-19, racism and air pollution are bringing the issue to the forefront. New scrutiny of suffocating patterns of discrimination and increased traction for the environmental justice demands of a broad range of people can contribute to transformative change and the enjoyment of human rights without discrimination.

Like advancing healthy ecosystems and biodiversity, legal tools relevant to make clean air an element of the right to a healthy environment can be part of the means to trigger transformative change. In Britain, a coroner's ruling for the first time directly linked a specific person's death to air pollution. The victim was Ella, a nine-year-old British girl who was Black. In his conclusion, the coroner recommended that people

living in highly polluted areas receive more information about the risks they face. The death shone a new spotlight on how pollution disproportionately affects minorities and families living in deprived conditions (Peltier 2020). The mayor of London, Sadiq Khan, has made air pollution a major fight of his tenure, and has included measures to provide more space to cyclists and pedestrians across London in an effort to encourage “green and sustainable travel” and prevent a spike in car use and pollution after the lockdown. Mayor Khan is one of the city leaders representing more than 750 million people who have published a “statement of principles”, making a commitment to place equality and climate resilience at the heart of their recovery plans (Taylor 2020).

As new dynamics emerge with COVID-19, the pandemic is challenging established social norms concerning working lifestyles. Long distance commuting -- using automobile transportation that generates significant air pollution -- to work in offices is no longer taken for granted. COVID-19 lockdowns and quarantines contributed to temporary automobile demobilization, reducing air pollution in various capitals. The fifty most polluted capital cities in the world benefited on average from a decrease of 12 percent of PM2.5 (Rodríguez-Urrego & Rodríguez-Urrego 2020). As a result of the dynamics generated by COVID-19, big businesses such as Facebook, Twitter and Shopify plan to let a significant number of their staff work from home permanently, even after the pandemic. Hence, city mayors and national level officials, business leaders and right-holders have an important role in re-shaping social norms in a way that contribute to the enjoyment of the clean air element of the right to a healthy environment.

### 1.3 Clean water and sanitation

Similar to air-related challenges, nature is our silent ally in tackling water-related challenges that prevent the enjoyment of human rights. All water we drink as well as the water we use to clean our hands to prevent the spread of COVID-19 comes from ecosystems. Nature's contributions to people also include water purification, which is essential for sanitation (Boyd 2020; IPBES 2019). Ecosystems such as wetlands can contribute to addressing the global water crisis because of their role within the hydrological cycle (Shine & Klem 1999). COVID-19 has highlighted for many the vitality of water in our lives.

According to OHCHR, around 884 million people do not have access to improved sources of drinking water while 2.5 billion people lack access to improved sanitation. Among the groups severely affected by lack of access to clean water and sanitation are women and girls in refugee camps. Research and legal advances concerning the right to water and sanitation have focused on access to water and appropriate sanitation facilities without discrimination. The importance of this access to water and sanitation has been reinforced with COVID-19. Lack of access to clean water and sanitation can multiply the negative effects on people's health by spread of COVID-19.

Complementary to State obligations to provide sufficient and affordable water leaving no one behind (see more in Chapter **XXX** in this volume), there are also other dynamics that COVID-19 has brought that are not as straightforward yet equally important. The clean water and sanitation element of the right to a healthy environment offers an insight to these dynamics focusing on the systemic issues



affecting clean water and sanitation: polluted water, water scarcity and too much water.

To properly understand the effects of COVID-19 on the clean water and sanitation element of the right to a healthy environment, this element needs to be placed in the context of its interdependency with healthy biodiversity and ecosystems. For example, water polluted by plastic waste and microplastics makes it more challenging for the State to provide access to clean water so people can wash their hands frequently to prevent the spread of COVID-19. Furthermore, water polluted by plastics has become a major health risk which criss-crosses national borders posing health risks to humans and non-human beings through food chains.

Various studies revealing the seriousness of plastic pollution and other types of water pollution were conducted prior to COVID-19. While these findings are still valid, policymakers need to also consider the effects of COVID-19 responses on consumption patterns and associated pollution impacts. COVID-19 has increased the use of single use plastic such as disposable cups. Moreover, COVID-19 has added new polluting plastic products used at a massive scale. Masks, globes and bottles of hand sanitiser are mixed in with the usual plastic and other litter threatening the health of people and non-human beings. Wild marine animals such as dolphins risk confusing “COVID-19 waste” with food. A French politician characterises “COVID-19 waste” as an ecological timebomb for the long-term consequences of their impact as masks have a lifespan of approximately 450 years (Kassam 2020) As water pollution has increased as a result of the COVID-19 response, environmental laws and policies need to adjust to these challenges.

A lever for transformative change relevant for the clean water and sanitation builds on legal advances of human rights not only within one State's national borders but also beyond. Water is not static; it flows across national borders. Sixty per cent of global freshwater flow comes from transboundary basins (UNECE n.d.) Challenges that have emerged concerning clean water and sanitation during the pandemic call for more multilateralism and solidarity. The State is the primary duty-bearer with the obligation to respect, protect and fulfil the right to safe drinking water and sanitation within its own borders. Yet, international human rights law also generates collective obligations addressed to all States that go beyond their respective borders with two main features. On the one hand, a State that finds itself unable to meet its obligations related to the human right to water and sanitation has a responsibility to seek help from other States. On the other hand, States that are able to support other States in fulfilling their duties have an obligation to do so.

## **2.-Where in “building forward better” is the right to a healthy environment of future generations**

The UN Special Rapporteur on the right to physical and mental health, the UN Special Rapporteur on the human rights to water and sanitation, the UN Special Rapporteur on human rights and environment, as well as other UN Special Rapporteurs and independent experts view COVID-19 as a serious international crisis and a “wake-up call for the revitalization of universal human rights principles.”.

The UN Secretary General António Guterres has reaffirmed that COVID-19 recovery demands strengthening human rights protection and addressing root causes of inequality, political instability and displacement. He has also made a Global Call for Action on Human Rights. Under the ‘rights of future generations’ theme, the UN

Secretary calls for universal recognition of ‘the right to a safe, clean, healthy and sustainable environment,’ and for increasing the focus on protecting the rights and supporting the work of environmental human rights defenders. This Global Call for action highlights that “Our enduring challenge is to transform the ambitions of the Universal Declaration into real- world change on the ground” and identifies “seven areas where concerted effort can achieve a quantum leap in progress or avert the risk of backsliding.”

For a thriving future, preventive action is needed. Human rights must be understood in the context of systemic social-ecological challenges with sudden shocks having possible long-term effects. Jamison Ervin from UNDP highlights the importance of preventive action and considering tipping points to address the COVID-19 and nature crises: “early actions have exponential benefits, late actions are exponentially more difficult, and actions beyond the point of no return may have little or no benefit at all” (Ervin 2020). This means that actions by the current generation may have exponential benefits for future generations, while the cost of inaction may be catastrophic not only for the current generation but also for future generations and other living beings.

Youth are often calling for a new relationship with the Earth for today and in the future which entails addressing the climate and biodiversity crises. Just as older people are disproportionately vulnerable to COVID-19, young people and future generations are disproportionately vulnerable to the effects of climate change, biodiversity loss and the degradation of ecosystems. Because the measures to address COVID-19 and safeguard nature are both vital, it is important to generate and share information about the interconnected ways these crises affect people’s human rights. Youth are often in the frontlines of environmental mobilizations, and the risks are

heightened by COVID-19. TFor example, in Colombia, death squads taking advantage of COVID-19 lockdown murdered three activists. Human Rights Watch has documented arrests of 17 critics for sharing information about COVID-19, including a 14-year-old girl who expressed fears about rumours of coronavirus cases at her school and in her province in social media. Environmental rights defenders need to cope with these challenges and the fact that media coverage is focusing on COVID-19 at the expense of other topics.

COVID is combined with other threats that range from violent conflict to climate related migration. Girls and boys displaced from their lands lose vital connections affecting their enjoyment of the healthy ecosystems and biodiversity element of the right to a healthy environment.

Youth are actively participating in environmental matters including with increased use of social media and on-line platforms since COVID-19. The concept of “building back better” and “building forward better” is being espoused by the United Nations and others for COVID-19 recovery; like UNESCO, I prefer using the latter. The concept of “building forward better” can be infused with inclusive meaning not least through children and youth exercising the public participation element of the right to a healthy environment. In multilateral environmental fora, young people are raising their voices, highlighting that no one is too young to make a difference. Children and youth are also active in the international Convention on Biological Diversity negotiations, notably through the Global Youth Biodiversity Network (GYBN), an international network of more than 300 youth organizations, from every region of the world, who share the common goal of preventing and halting the loss of biodiversity. In the UN Biodiversity Summit conducted virtually due to COVID-19,

the GYBN highlights the need of transformative action, intergenerational equity and the protection of environmental defenders.

Children and youth are often perceived as vulnerable groups, but many of them are also environmental human rights defenders, agents of change increasingly making their voices heard. Children and youth have a transformative role to play - not only as the future generation that will inherit an Earth in crisis, but also as today's agents of change that can help to build the future we want.

### **3.- Conclusions**

COVID-19 has in some ways reinforced and in others challenged our understanding of human rights and the environment. This pandemic is placing the spotlight on the healthy ecosystems and biodiversity element of the right to a healthy environment.

The healthy ecosystems and biodiversity element of the right to a healthy environment is possibly the least understood element of the right to a healthy environment. One of the reasons is a narrative that reduces biodiversity to its aesthetic aspects, only one among nature's contributions to people. While ecosystems' degradation can be progressive, the sudden negative effects that a pandemic can have on the enjoyment of the right to a healthy environment is just starting to be understood by human rights scholars and practitioners.

From being on the periphery of legal developments, COVID-19 is prompting us to view healthy ecosystems and biodiversity at the heart of this right. Healthy ecosystems and biodiversity is the foundation of life. Safeguarding nature can have multiplying positive effects in the enjoyment of human rights. Conversely, the ecosystems' degradation and biodiversity loss can have multiplying negative

consequences on other elements of this right as well as in a broad spectrum of other human rights. The interdependency is not only between human rights but also between human rights and healthy ecosystems. There is also interdependency between the distinct substantive and procedural elements of the right to a healthy environment. International fora such as the CBD and the World Charter for Nature also recognise the intrinsic values of nature. National legal instruments and jurisprudence in some countries have recognised the rights of nature, also recognizing the value of healthy ecosystems and biodiversity in their own right.

As debates on transformations towards sustainability and on building forward better intensify including in the post-2020 global biodiversity framework to be adopted in 2021, this article has revealed benefits that can derive from weaving together human rights and environmental law. While an increased call to connect human rights and environmental law is beneficial, it is the contention of this article that COVID-19 and social-ecological crises require the implementation of human rights principles informed by a deeper understanding of the principle of interdependence and indivisibility of human rights. Recognising and supporting the transformative agency of groups in vulnerable situations, rather than framing them as passive victims, is also at the core of human rights-nature solutions.

Only concerted multilateral action and solidarity in line with human rights will enable us to address these unprecedented challenges and to become more resilient for the benefit of present and future generations. This article has showed that solidarity is not only negotiated in high-level meetings by duty-bearers but it is also rooted and reinvigorated by right-holders including women, indigenous peoples, migrants, youth,

and children in vulnerable situations who even in times of the pandemic crises stand up for human rights and a healthy environment.

Just as the United Nations General Assembly was able to adopt the UDHR more than seven decades ago, humanity can come together to apply human rights to the biodiversity, climate, COVID-19 crises now that these threats and the possibilities of world collective action are becoming more tangible. When COVID-19 has passed, instead of continuing to reinforce patterns that destroy nature and a safe climate and frustrate sustainability transformations, let us learn from these turbulent period and transform our economic and legal systems in a way that ensures that today's and tomorrow's children, youth and other living beings can thrive.

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<sup>i</sup> One Health is a conceptual approach to public health that aims to integrate human health, animal health and environmental health.