

Explanation of vote on resolution on the right to a clean, healthy and sustainable environment

Mr President.

We have welcomed the opportunity to discuss this resolution and make our national position clear in negotiations.

The United Kingdom has a strong commitment on taking ambitious action to tackle climate change, biodiversity loss and environmental degradation. We were proud to host COP26 in Glasgow, where all 197 Parties agreed to the Glasgow Climate Pact. At COP26, nature also moved from the margins of the debate on climate change to the heart of it. We will continue strong UK leadership and engagement on climate change and on nature to make sure that promises are kept and delivered to the highest standards, working with all partners to maintain momentum.

The United Kingdom is concerned environmental degradation can have implications for the full enjoyment of human rights. In some circumstances, it can pose a risk to the lives and wellbeing of individuals and communities. We continue to call on States to promote their human rights obligations while taking action to combat climate change and biodiversity loss, and environmental degradation.

However, the recognition of the right in this resolution is without due regard to the usual formation of international human rights law – and without prejudice to the UK's legal position. There is no international consensus on the legal basis of the human right to a clean, healthy and sustainable environment and we do not consider that it has yet emerged as a customary right.

Recognising rights without due consideration and a common understanding at an international level of what those rights comprise creates ambiguity: individuals cannot know what they can legitimately claim from the State, and the State has no clear understanding of the protection it is obliged to afford to the individual.

We regret that, despite our constructive approach to negotiations, this resolution has no reference to important, related issues. In particular, it fails to acknowledge the role of human rights defenders working on environmental issues or the need for a deeper discussion on this right.

Nonetheless, we want to make three points on our vote today:

- First, General Assembly resolutions are not legally-binding.

- Second, as such, the recognition of the right in this resolution does not legally bind States to its terms.
- And third, our understanding is that the right to a clean, healthy and sustainable environment derives from existing international economic and social rights law – as a component of the right to an adequate standard of living, or the right to the enjoyment of the highest attainable standard of physical and mental health. As this resolution states in OP2, this right is “related to other rights and existing international law”.

The UK acknowledges this is an issue of deep concern to all of us and it is on this basis that we voted yes today.