

The Importance of the Human Right to a Clean Environment and the Role of International Cooperation in Climate Action

Dr. Ait Chellal Nabil¹ , Dr. Yaici Lamia²

Faculty of Law and Political Science, Sétif 2

Email: n.aitchalal@univ-setif2.dz

Email: l.yaici@univ-setif2.dz

Received: 06/02/2026

Accepted: 14/06/2026

Published: 07/09/2026

Abstract:

The right to a healthy and clean environment is one of the fundamental human rights guaranteed by international instruments and the majority of national constitutions, particularly since a healthy environment is of objective importance to human beings in light of technological development, which has been accompanied by environmental pollution that has affected and continues to affect human beings in terms of health, social, and economic aspects.

Although the right to a healthy, clean, suitable, and pollution-free environment is an individual human right as, according to modern trends, individuals have acquired a personal interest in claiming it it is also considered a collective right, as states and groups may claim and uphold it. It is also considered a universal right stipulated in the majority of instruments relating to the protection and promotion of human rights.

Furthermore, the human right to live in a suitable and healthy environment is considered both a right and a duty at the same time, because whoever has the right to a healthy environment has, in return, the duty to protect it and prevent it from all types of pollutants.

Keywords: Healthy environment, human rights, international cooperation, climate change.

Introduction:

Climate change and its resulting negative effects have affected humanity and, in turn, have had repercussions on international law and positive constitutions. As a result, a new right emerged and became recognized as one of the fundamental human rights, namely the right to a healthy environment. Its recognition at the international level was affirmed and was reflected in the domestic policies of states through their fundamental legislation, namely their constitutions.

The relationship between the issue of human rights and the environmental issue lies in the fact that human rights are not established solely with regard to human beings as individuals, but also through their relationship with the environment and the society in which they live. Current concern is focused on the third generation of human rights, known as collective rights, among the most important of which is the human right to a healthy environment.

Adopting a human rights-based approach to climate-related measures, relying on the human right to a clean and healthy environment, requires states to progressively take all necessary steps, whether individually or in cooperation with other states, to establish appropriate frameworks for providing the essential conditions for a healthy and sound environment, and to work toward implementing these frameworks through means of participation and access to

information, as well as cooperation to address the transboundary effects resulting from environmental conditions and climate change.

Therefore, based on the foregoing, we raise the following research problem: What is the importance of realizing the human right to live in a healthy and sound environment in light of climate change? And what is the role of international cooperation in climate action in enshrining this right?

Accordingly, in the first section, we will address the concept of the right to a healthy environment and the importance of this right, particularly in light of climate change. In the second section, we will devote our study to examining the role of international cooperation in climate action.

Section One: The Importance of the Human Right to a Clean Environment in the Context of Climate Change

The right to a clean environment is a fundamental human right linked to health, life, dignity, and a decent life. Joint international action is necessary to reduce emissions, protect vulnerable groups, and finance a just energy transition. This also applies to our country, Algeria, where the risks of heat and air pollution are increasing.

Subsection One: The Concept of the Human Right to a Clean Environment

Enjoyment of a clean environment is one of the well-established natural rights that cannot be disputed. It is also one of the rights inherent to the person, as it is established for an individual upon birth and continues until death. It is therefore a right that accompanies a person throughout life and cannot be taken away from them in any way.

¹

First Branch: Definition of the Human Right to a Healthy Environment

We encounter difficulties in determining the content of the right to a clean environment due to the difficulty of defining the concept of the environment (with its various elements), as well as the difficulty of determining the concept of the quality of the environment that is to be protected. This raises the question of whether the content of this right is directed toward human beings, whether as individuals or groups, which constitutes the subjective aspect of the right, or whether it is directed toward the environment and the living and non-living organisms and materials it contains as a value in itself, which constitutes the objective aspect of the right.²

First: Legislative Definition

The legal definition of the right to a clean environment is not clearly established. Therefore, if the organic or formal criterion is adopted, the content of this right consists in recognizing that the environment and its resources have intrinsic value. It also falls within the territorial sovereignty of a particular state, and the environment and its resources are considered a common heritage. The state, its institutions, and individuals are responsible for working to protect the environment and preserve its resources for present and future generations.

As for the human right to a healthy environment according to an objective criterion, it relates to the humanitarian purpose of protecting the human right to a healthy environment that enables individuals to lead a dignified life free from pollution. This criterion focuses on the primary beneficiary of environmental preservation, namely the protection of human beings themselves, thereby disregarding other interests relating to the various species of living organisms.³

Second: Jurisprudential Definition

Due to the ambiguity surrounding this right, most researchers in the field of the environment have refrained from providing a definition of the right to a clean environment. Among the most prominent definitions are the following:

This right has been defined as: “the liberation of nature as well as human beings from the various environmental hazards resulting from pollution, which have negative effects on human security and life.” It has also been stated that the right to a clean environment “is a claim to coexist with the environment if we want it to remain capable of meeting the requirements of our lives and the lives of the generations that come after us.” It has also been defined as “the authority of every human being to live in a healthy and sound biological or environmental setting, and to enjoy and benefit from natural resources in a manner that ensures a decent life and the comprehensive development of their personality, without prejudice to their duty to preserve the environment and its resources, and to work toward their improvement and development, as well as to combat the sources of their degradation and pollution.”⁴

Second Branch: Characteristics of the Right to a Clean Environment

The right to a clean environment is characterized by the following characteristics:

First: A New Right (of Recent Origin)

The right to a clean environment came to light when the first international conference on the human environment was held in Stockholm, Sweden, in 1972. This right received considerable attention at both the international and national levels in order to appropriately promote and support it.⁵

Second: An Individual Right as well as a Collective Right

It is considered an individual right because it protects human health and life and grants individuals the ability to enjoy a clean environment. At the same time, it is a collective right, as it concerns elements that are considered common to humankind.⁶

Third: A Right Belonging to the Third Generation

This right belongs to the third generation of human rights, which are rights of a new nature, also known as “solidarity rights.” These are rights granted to groups of people, as they require concerted efforts and solidarity among members of humanity at the international and national levels in order to protect and exercise these rights in a manner that ensures the reduction of harm caused to the environment.⁷

Fourth: A Right of Generations

That is, it is a right belonging to all generations, as both the current generation and future generations have the right to enjoy a clean environment. Since environmental resources are considered the common heritage of humankind, the current generation is obligated to protect and preserve the environment and not deplete it for its own benefit or at the expense of future generations.⁸

Third Branch: The Importance of the Human Right to a Clean Environment

This right is of great importance for the following considerations:⁹

The close connection with fundamental rights: The environment cannot be separated from human rights; living in a healthy and sustainable environment is essential to ensuring the rights to health, food, water, and development.

United Nations recognition: The adoption by the United Nations General Assembly, in July 2022, of a historic resolution recognizing that everyone on the planet has the right to a healthy environment represents a pivotal step toward protecting individuals and communities.

Protection of future generations: Ensuring the sustainability of natural resources and reducing pollution guarantees the rights of future generations to live on a safe planet with adequate resources.

Climate justice: Focusing on this right ensures fairness for the groups and communities most affected by climate change, which have contributed the least to global emissions.

Subsection Two: The Impact of Recognition of the Right to a Clean Environment on Climate Action

The majority of states have come to recognize the right to a safe, clean, healthy, and sustainable environment. This is reflected in their constitutions or legislation, or through their ratification of regional human rights treaties.

A safe climate is one of the main substantive elements of the right to a safe, clean, healthy, and sustainable environment, in addition to numerous other matters, such as enjoying a non-toxic environment, clean air, clean water, safe and adequate food, and ecosystems. These essential elements are of paramount importance for human survival.¹⁰

In reports concerning human rights and the environment, particularly those of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, emphasis has been placed on the importance of the recognition of this right by the majority of countries, stressing the advantages of incorporating it into national constitutions. According to the Special Rapporteur, constitutional recognition of the right to a healthy environment has highlighted the protection of the environment and its importance, laid the foundation for the enactment of stronger environmental laws, and increased awareness that environmental protection is required by human rights standards, particularly those related to the environment in a consistent and integrated manner.¹¹

The most important conclusion reached by researchers is that recognition of the right to a healthy environment plays a role in achieving better outcomes in the field of human rights by improving environmental performance, including reducing greenhouse gas emissions and making the air cleaner.

The Committee on Economic, Social and Cultural Rights stated that “climate change is already affecting, in particular, the rights to health, food, water and sanitation, and this impact will continue at an increasing pace in the future.” In the same context, the Human Rights Committee affirmed in 2018 that the ability of present and future generations to enjoy the right to life is threatened by environmental degradation, climate change, and unsustainable development. The Convention on the Rights of the Child also affirmed the obligation of States Parties to “recognize the right of the child to the enjoyment of the highest attainable standard of health ... taking into consideration the dangers and risks of environmental pollution.” The Committee on the Rights of the Child also clarified that “States should take measures to address the dangers of pollution.”¹²

Chapter Two: The Role of International Cooperation in Climate Action

The global nature of climate change has made it the primary concern of the international community, which has worked to place it on the international policy agenda and make it a

priority among the concerns of states and organizations, by emphasizing the need for cooperation by all countries and their participation in an effective international response to address this phenomenon.¹³

Section One: The Shared Responsibilities of States Regarding Climate Change

The principle of the shared responsibilities of states, despite the differences among them and in the capacities of each state, represents one of the pillars of the system for addressing climate change. It affirms that the shared responsibilities for environmental protection rest upon all states, although they bear different burdens depending on their contributions to environmental degradation and disparities in their financial and technological capacities. The United Nations Framework Convention on Climate Change calls upon states to protect future generations and take action on climate change based on the principle of equity, in accordance with the shared responsibilities of states, although differentiated, and their respective capabilities, since climate change causes harm to people everywhere, while those who contribute the least to greenhouse gas emissions are the most affected by them.¹⁴

Although the least developed countries bear the smallest share of historical responsibility for climate change, they are on the front lines of the climate crisis. Over the past fifty years, 69 percent of recorded deaths worldwide resulting from climate-related disasters have occurred in the least developed countries.¹⁵

The International Conference on Climate Change and Human Rights in 2023, in its general recommendations, called upon states and stakeholders to work together to ensure that human rights law, principles, and standards constitute the cornerstone of governmental efforts related to mitigating and adapting to the effects of climate change, in order to reduce loss and damage. The conference's general recommendations emphasized the integration of human rights, including the right to a clean, healthy, and sustainable environment, into the outcomes of climate negotiations under the United Nations Framework Convention on Climate Change, as well as into regional, national, and local climate governance and key policy instruments, such as nationally determined contributions and national adaptation plans.¹⁶

His Excellency Mr. Sultan bin Hassan Al Jamali, Secretary-General of the National Human Rights Committee, stated, while delivering the statement of the 2023 International Conference on Climate Change and Human Rights and its final recommendations, that the International Conference aimed to highlight the importance of rights-based climate action and identify promising practices for the State of Qatar and other actors and partners, including governments, the United Nations, national human rights institutions, civil society organizations, and companies. He further revealed that recommendations had been developed to strengthen cooperation in support of rights-based climate action throughout the world, particularly in the context of the Middle East and North Africa. He noted that the general recommendations of the conference called for the promotion of environmental justice, particularly for disproportionately affected persons and groups, including strengthening judicial and legal systems and frameworks, ensuring access to human-centered justice, and supporting rights-holders and duty-bearers in upholding the right to a clean, healthy, and sustainable environment.¹⁷

Section Two: The Duty of International Cooperation to Address Climate Change

In response to the challenges posed by the problem of climate change and the repercussions it has caused for various ecosystems, the international community developed a tendency to

address this issue through the organization of numerous conferences. The first of these was the World Climate Conference, held in Geneva in 1949, along with the agreements and treaties that resulted from it, which called for confronting this phenomenon in order to ensure a sustainable future.¹⁸ Among the most prominent were: the Rio de Janeiro Earth Summit in 1992, the Copenhagen Conference in 2009, the Paris Climate Change Summit in 2015, and the Conference of the Parties held in the United Arab Emirates in 2023.

The United Nations Charter, the International Covenant on Economic, Social and Cultural Rights, and other human rights instruments also impose upon states a duty to cooperate to ensure the realization of all human rights. In accordance with the principles of international cooperation and solidarity, states should share the resources, knowledge, and technology necessary to address climate change, particularly with states most affected by it. This would contribute to reducing emissions and enhancing resilience.

In her 2020 report on international cooperation, the High Commissioner for Human Rights highlighted that ensuring equity in measures related to climate change, including international cooperation, requires that efforts to mitigate and adapt to climate change benefit the peoples of small island developing states and other developing countries, indigenous peoples, and other peoples living in vulnerable conditions.¹⁹

International cooperation based on the principles of equity and shared responsibilities is a fundamental factor in addressing the effects of climate change on human rights. Collective efforts to address climate change and its effects on human rights represent the only way to effectively address the global climate crisis. Such cooperation in the areas of technology transfer and climate finance constitutes a legal obligation related to human survival, and those affected by climate change must have equitable means of holding responsible states accountable before rights-holders for their contribution to climate change.²⁰

Among the outcomes of the general recommendations of the 2023 International Conference on Climate Change and Human Rights was a call for increased ambition, represented by the rapid mitigation of pollution through reducing emissions in order to limit climate change to the greatest extent possible, to no more than 1.5 degrees Celsius above pre-industrial levels. The recommendations also emphasized the importance of strengthening international cooperation, guided by the principles of equity, common but differentiated responsibilities, and respective capabilities, to mobilize resources, support technology transfer, and build capacities for rights-based and people-centered climate change mitigation, adaptation, and measures to address loss and damage.²¹

During the closing session of the conference, His Excellency Mr. Sultan bin Hassan Al Jamali, Secretary-General of the National Human Rights Committee, presented the practical proposals and recommendations of the International Conference on Climate Change and Human Rights, noting that the conference decided to explore opportunities to present its outcomes at the 53rd session of the Human Rights Council and the 58th meeting of the subsidiary bodies of the United Nations Framework Convention on Climate Change, and to consider organizing future meetings on this topic, including facilitating the exchange of good practices for rights-based climate action. He continued by stating: “The Arab Network for National Human Rights Institutions should work to strengthen and support the capacity-building of stakeholders and

members in partnership with regional and international actors, including the League of Arab States.”²²

Mr. Sultan bin Hassan Al Jamali also noted that the conference decided to establish a committee to follow up on its recommendations and develop a five-year implementation plan. This committee will work with governments, regional actors, and relevant stakeholders to promote rights-based climate action in accordance with the conference’s recommendations.

The conference participants also stressed the need for society as a whole, through all means of participation, including the United Nations Framework Convention on Climate Change, the Human Rights Council, international and regional United Nations forums, and other policy platforms, to work together to prevent, reduce, and address the human rights impacts resulting from the ongoing climate crisis. The participants highlighted that the effects of climate change on human rights are immense and unjust and are steadily worsening, pointing out that the climate crisis is already a human rights crisis unfolding throughout the world. They called for immediate rights-based climate action to prevent its deterioration and address its most severe effects.²³

Conclusion:

The right to live in a clean environment has become a human right, which means that human beings must live in a healthy and sound environment that enables them to think properly, engage in productive work, and enjoy life. It is closely linked to the other human rights, and this connection is what gives the other human rights their full meaning and provides them with the genuine capacity for interaction and influence. Therefore, it is necessary to adopt a form of human rights-based climate action that is expected to be capable of bringing about transformation and protecting peoples and the planet from the ravages of climate change in the coming years.

This right is not limited to the current generation but also extends to and is connected with future generations. Therefore, nature must be preserved for the benefit of future generations, which gives this right a future dimension. The recognition of the human right to a safe, clean, healthy, and sustainable environment includes the right to a safe and stable climate.

In order to preserve and protect the right to a clean and healthy environment, the following recommendations must be implemented:

- Adopting a human rights-based approach to climate-related measures, relying on the human right to a healthy environment, requires considerable efforts, as merely reducing global greenhouse gas emissions is not sufficient to reduce the harmful effects of climate change on human rights.
- There is a need for participation, access to information, access to justice, and the adoption of measures to protect the most vulnerable groups. Global recognition of the human right to a clean and healthy environment is important, as it facilitates and supports the aforementioned elements.
- Support improved access to climate finance for individuals, groups, and peoples living in vulnerable situations, in addition to establishing strong accountability frameworks for the impacts of climate change on human rights, so that companies respect human rights

and persons affected by climate change can have access to effective remedies for the harm they suffer.

- Ensure the free, meaningful, effective, and informed participation of all people, particularly those most affected by climate change, in climate decision-making, and ensure the protection of the rights of environmental human rights defenders.
- It is necessary to ensure that efforts to address climate change respect, protect, and implement human rights, as a result of participatory, inclusive, and informed processes, so that they are effectively monitored for potential impacts on human rights and have mechanisms to ensure effective remedies in cases where human rights are harmed.
- The need to integrate women's rights and gender equality into climate action, guided by the best available science, including the findings of the Intergovernmental Panel on Climate Change, and to work with influencers, thought leaders, and the media to raise awareness of climate change and its impacts on human rights.
- Ensure that all climate measures affecting the rights of indigenous peoples are implemented with their free, prior, and informed consent; ensure education that respects nature for all; develop curricula for rights-based climate action; and empower people, including children and young people, as agents of change.
- It is necessary to monitor the impacts of climate change on human rights and the measures taken to address climate change and make the results available to the public, collect disaggregated data, and enhance the participation of groups that may be particularly vulnerable to climate change, including women and girls, older persons, persons with disabilities, and indigenous peoples.
- Finally, it is confirmed that protecting the right to a clean environment requires linking climate policies to human rights, strengthening international cooperation based on justice and historical responsibility, and directing financing toward fair local solutions. Implementing these principles will improve public health, reduce climate risks, and promote social justice, while providing economic opportunities through the creation of green jobs and sustainable infrastructure.

List of Footnotes and References

¹ Badr Abdel Mohsen Azzouz, *The Human Right to a Clean Environment: A Comparative Study*, PhD Dissertation, Specialization in Law, Ain Shams University, Egypt, 2009, p. 164.

² Sheikha Ahmed Al-Alaiwi, "The Human Right to a Healthy Environment in the Bahraini Constitutional System," *Bahrain Institute for Political Development, Studies Series*, Bahrain, 2017, pp. 30–31.

³ *Ibid.*, p. 31.

⁴ Sadi Omar, "The Human Right to Live in a Sound and Healthy Environment (The Third Generation of Human Rights)," *African Journal of Legal and Political Studies*, Vol. 04, No. 01, Ahmed Draia University, Adrar, Algeria, 2020, p. 12.

⁵ Badr Abdel Mohsen Azzouz, *op. cit.*, p. 164.

⁶ *Ibid.*, p. 165.

⁷ Sadi Omar, *op. cit.*, p. 13.

⁸ Badr Abdel Mohsen Azzouz, *op. cit.*, p. 165.

⁹ Geneva Environment Network, Human Rights and the Environment, <https://www.genevaenvironmentnetwork.org/fr/ressources/nouvelles/human-rights-and-the-environment>, 20/07/2026.

¹⁰ United Nations Report, “Frequently Asked Questions on Human Rights and Climate Change,” Fact Sheet No. 38, United Nations Human Rights, Geneva and New York, 2022, p. 56.

¹¹ United Nations Report No. 38, *ibid.*, p. 56.

¹² United Nations Report No. 38, *op. cit.*, p. 57.

¹³ Mona Tawahria, “Climate Change and the Stakes of International Environmental Policy,” *Journal of North African Economics*, Vol. 16, No. 22, Algeria, 2020, p. 354.

¹⁴ United Nations Report No. 38, *op. cit.*, pp. 58–59.

¹⁵ United Nations Report, “The Transition to a Low-Carbon Economy and Its Severe Implications for Structural Transformation,” *The Least Developed Countries Report 2022*, United Nations Conference on Trade and Development, Geneva, Switzerland, 2022, p. 1.

¹⁶ Conference of the Parties 28 (COP28), “The Intersection of Climate Justice and Human Rights,” held in the United Arab Emirates from November 30 to December 13, 2023.

¹⁷ Conference of the Parties 28 (COP28), *op. cit.*

¹⁸ Mona Tawahria, *op. cit.*, p. 355.

¹⁹ United Nations Report No. 38, *op. cit.*, p. 59.

²⁰ United Nations Report No. 38, *op. cit.*, p. 60.

²¹ Conference of the Parties 28 (COP28), *op. cit.*

²² Conference of the Parties 28 (COP28), *op. cit.*

²³ Conference of the Parties 28 (COP28), *op. cit.*