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President: Ms. Khan(Fiji)

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The meeting was called to order at 12.25 p.m.

Agenda item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development (*continued*)
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Draft resolution [A/HRC/48/L.18](#): The right to development

1. **Mr. Hajiye** (Observer for Azerbaijan), introducing the draft resolution on behalf of the Movement of Non-Aligned Countries, said that the right to development was a priority of the Movement, as had been reaffirmed at its eighteenth Summit of Heads of State and Government, held in 2019. In draft resolution [A/HRC/48/L.18](#), several changes had been made with respect to Council resolution 45/6 on the right to development, including the addition of language relating to access to coronavirus disease (COVID-19) vaccines, the work of the Working Group on the Right to Development and the biennial panel discussion on the right to development, the next edition of which would be held at the Council's fifty-first session. He called on the Council members to support the draft resolution.
2. **The President** announced that one State had joined the sponsors of the draft resolution, which had programme budget implications amounting to \$368,200.
3. **Mr. Constant Rosales** (Bolivarian Republic of Venezuela), making a general statement before the voting, said that Venezuela, as a member of the Non-Aligned Movement Troika, supported the draft resolution. The realization of the right to development was a prerequisite for the full enjoyment of other human rights. Given the importance of adopting a legally binding instrument on the right to development, he welcomed the discussions held on that subject at the twenty-first session of the Working Group on the Right to Development. He hoped that all members of the Council would support the draft resolution.
4. **Mr. Badhe** (India), making a general statement before the voting, said that States had the primary responsibility to adopt policies and allocate resources for the realization of the right to development. Transparent, participatory governance, an equitable global economic order and international cooperation contributed to the realization of that right. The draft resolution addressed States' responsibilities and supported the ongoing dialogue with all relevant stakeholders, including on the incorporation of the right to development into international cooperation and on the drafting of a legally binding instrument on the right to development.

Statements made in explanation of vote before the voting

5. **Mr. Lanwi** (Marshall Islands) said that a lack of development progress could not justify the violation of core human rights, and the right to development could not be unrestricted. Greenhouse gases emitted in the name of development adversely affected the environment and climate. The Marshall Islands, a vulnerable small island developing State, was committed to a sustainable form of development that would protect the human rights of its population and facilitate climate resilience. It would therefore abstain from voting on the draft resolution.
6. **Ms. Tichy-Fisslberger** (Austria), speaking on behalf of the States members of the European Union that were members of the Council, said that the obligation to ensure the right to development was one that States owed to their citizens. Human rights, democracy, the rule of law and good governance were preconditions for inclusive and sustainable development. Regrettably, not all of those elements were reflected in the draft resolution. In addition, the European Union opposed the elaboration of any legally binding instrument on the right to development and the allocation of additional resources to support the work of experts on such an instrument. Given the ample opportunities that existed to discuss the right to development in the Council, a biennial panel discussion and subsequent report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) could not be justified. The States members of the European Union that were members of the Council would therefore vote against the draft resolution.

7. **Mr. Hovhannisyan** (Armenia) said that, both during the informal consultations on the draft resolution and on other occasions, Armenia had expressed its strong opposition to the language of the eighth preambular paragraph, whereby the Council would welcome the final outcome document adopted at the Eighteenth Summit of Heads of State and Government of the Movement of Non-Aligned Countries, as that document contained highly biased references to Armenia. A proposal made by his delegation to limit the scope of that reference to only those parts of the outcome document that related to the topic of the draft resolution had been ignored by Azerbaijan, which currently chaired the Movement. Armenia would therefore abstain from voting and dissociated itself from the eighth preambular paragraph.

8. **Ms. Martínez Liévano** (Mexico) said that her delegation would abstain from voting on the draft resolution. The utility of negotiating a legally binding instrument on the right to development was questionable, as there was no specific legal right that would be protected by such an instrument. The Charter of the United Nations and the 2030 Agenda for Sustainable Development already provided a suitable framework for the promotion of development. States could best ensure the right to development by observing internationally recognized human rights and complying with their obligations under the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. The cost-effectiveness of the various structures devoted to the right to development should be objectively assessed.

9. **Ms. Costa Prieto** (Uruguay) said that the right to development was intrinsically linked to the rights already protected under the two International Covenants. In addition, the Declaration on the Right to Development was a more appropriate means of addressing the right to development than a legally binding instrument. States' efforts should focus on implementing their commitments under the 2030 Agenda for Sustainable Development. As on previous occasions, her delegation would abstain from voting on the draft resolution.

10. **Ms. French** (United Kingdom) said that, although the United Kingdom recognized the right to development, it could not support the draft resolution and was deeply concerned about the inclusion of language implying that development was a prerequisite for the enjoyment of human rights. States had the primary responsibility for ensuring the realization of the right to development, and a lack of development could never justify a failure by States to meet their human rights obligations. The United Kingdom was also not in favour of the elaboration of a legally binding instrument on the right to development. Further, the draft resolution referred to the work of the Expert Mechanism on the Right to Development, whose creation had not been supported by her delegation. The legitimate concerns of all parties must be recognized in the international debate on the right to development, and deliberations should be aimed at achieving consensus. For those reasons, the United Kingdom called for a vote on the draft resolution. Her delegation would vote against it and encouraged other members of the Council to do the same.

11. **Mr. Froment** (France) said that France regretted that the draft resolution was not in line with the 2030 Agenda or the Sustainable Development Goals, which called for a human rights-based approach to inclusive and sustainable economic development. Unlike the sponsors of the draft resolution, France took the view that the fulfilment of human rights was not only an aim of sustainable development, but also a means of attaining it. None of the European Union's proposals for achieving a more balanced text had been accepted. His delegation would therefore vote against the draft resolution.

12. *At the request of the representative of the United Kingdom, a recorded vote was taken.*

In favour:

Argentina, Bahamas, Bahrain, Bangladesh, Bolivia (Plurinational State of), Burkina Faso, Cameroon, China, Côte d'Ivoire, Cuba, Eritrea, Fiji, Gabon, India, Indonesia, Libya, Malawi, Mauritania, Namibia, Nepal, Pakistan, Philippines, Russian Federation, Senegal, Somalia, Sudan, Togo, Uzbekistan, Venezuela (Bolivarian Republic of).

Against:

Austria, Bulgaria, Czechia, Denmark, France, Germany, Italy, Japan, Netherlands, Poland, Republic of Korea, Ukraine, United Kingdom of Great Britain and Northern Ireland.

Abstaining:

Armenia, Brazil, Marshall Islands, Mexico, Uruguay.

13. Draft resolution [A/HRC/48/L.18](#) was adopted by 29 votes to 13, with 5 abstentions.

Draft resolution A/HRC/48/L.22: Human rights and indigenous peoples

14. **Ms. Rodríguez Mancía** (Observer for Guatemala), introducing the draft resolution on behalf of the main sponsors, namely Mexico and her own delegation, said that its primary aim was to strengthen the recognition, promotion and protection of indigenous peoples' human rights and that resolutions on the topic had been adopted annually by the Council. The focus of the current draft was on continuing the dialogue on enhancing indigenous peoples' participation in the Council's work, including through an expert workshop, which would generate recommendations on the way forward and would be in furtherance of articles 18 and 41 of the United Nations Declaration on the Rights of Indigenous Peoples.

15. **Ms. Martínez Liévano** (Mexico), continuing the introduction of the draft resolution, said that the draft reflected the principal developments in efforts to increase the participation of indigenous peoples in multilateral forums. Given the disproportionate impact of the COVID-19 pandemic on the health and well-being of indigenous peoples, it was proposed that, at the Council's fifty-first session, the annual panel discussion should address the social and economic impact of COVID-19 recovery plans on indigenous peoples. She hoped that the draft resolution would be adopted by consensus.

16. **The President** announced that 12 States had joined the sponsors of the draft resolution, which had programme budget implications amounting to \$370,100.

17. **Mr. Taihito** (Indonesia), making a general statement before the decision, said that the sub-ethnic communities of Indonesia, known as customary law communities, were not indigenous peoples within the meaning of the United Nations Declaration on the Rights of Indigenous Peoples, as the country's multi-ethnic demographic composition had remained the same since the time before it had been colonized. However, Indonesian law mandated the protection of those communities' collective rights. His delegation would thus have preferred more inclusive language that recognized the rights of local communities. It nonetheless reaffirmed its support for the Council's efforts to promote the rights of indigenous peoples and would join the consensus on the draft resolution.

18. **Ms. Pua-Diezmos** (Philippines), making a general statement before the decision, said that the Philippines supported all efforts to enhance the participation of indigenous peoples in human rights bodies and accordingly supported the draft resolution. However, States, OHCHR and the Council must put in place due diligence measures to ensure that civic forums that were meant for dialogue with the legitimate representatives of indigenous peoples were not used for non-peaceful or exploitative purposes by non-State actors with violent agendas. Such use had been made of those forums in the Philippines, and similar situations might have arisen in other countries as well. She asked the Council to acknowledge that phenomenon as it sought to provide enabling environments for engagement with indigenous peoples.

19. **Ms. Filipenko** (Ukraine), making a general statement before the decision, said that the protection of indigenous peoples was high on her Government's agenda. The need for robust human rights policy in that area was heightened by the fact that the Crimean Tatar community, which was the largest indigenous community in Ukraine, was suffering severely under the foreign occupation of the Autonomous Republic of Crimea and the city of Sevastopol. In 2021, Ukraine had taken a landmark step in protecting the human rights of three indigenous communities – the Crimean Tatars, Karaites and Krymchaks – by enacting a law on indigenous peoples, in line with universal standards and the United Nations Declaration on the Rights of Indigenous Peoples. Ukraine would continue to actively and constructively participate in international efforts aimed at the protection of indigenous peoples. The draft resolution set out a constructive and comprehensive approach to

addressing key challenges and should serve as a blueprint for further action. As a proud traditional sponsor of the Council's resolutions on human rights and indigenous peoples, Ukraine supported the draft resolution and called on members of the Council to adopt it by consensus.

Statements made in explanation of position before the decision

20. **Ms. Khusanova** (Russian Federation) said that her delegation had made constructive proposals to bring the text of the draft resolution into line with existing mandates. Unfortunately, the sponsors of the draft had set the objective of holding a four-day expert workshop on the broader participation of indigenous peoples in the United Nations and had not been open to proposals for the joint development of acceptable modalities and timelines for such discussions. That approach was unduly hasty, as earlier efforts, including in the context of the Expert Mechanism on the Rights of Indigenous Peoples, had shown that numerous technical and procedural issues needed to be resolved before realistic recommendations could be formulated. The expert workshop mentioned in paragraphs 15 and 16 of the text should not be considered part of the consultative process called for in General Assembly resolution 71/321 on enhancing the participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them. Her delegation also had concerns about the sponsors' interpretation of article 28 of the International Labour Organization's Indigenous and Tribal Peoples Convention, 1989 (No. 169) and about the references to indigenous languages in paragraph 9 of the draft resolution. It regretted that, in paragraph 20 of the draft, "girls" were not differentiated from "young persons", in contravention of article 1 of the Convention on the Rights of the Child. Lastly, her delegation continued to interpret paragraphs 31 and 32 of the text in accordance with the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by General Assembly resolution 53/144.

21. **Ms. French** (United Kingdom) said that the United Kingdom would continue to work overseas and through multilateral institutions to improve the situation of indigenous people around the world and would continue to provide political and financial support for their economic, social and political development. The United Kingdom recognized that indigenous individuals were entitled to the full protection of their human rights and fundamental freedoms on an equal basis with all other individuals. Since equality and universality were the fundamental principles underpinning human rights, the United Kingdom did not agree that some groups in society should benefit from human rights that were not available to others. With the exception of the right to self-determination, it did not accept the concept of collective human rights in international law. The long-standing position of the United Kingdom was that individuals within groups should not be left vulnerable or unprotected by measures to allow the rights of the group to supersede the rights of the individual. That position was without prejudice to the recognition that the Governments of many States with indigenous populations had granted them various collective rights in their constitutions and national laws. The United Kingdom therefore understood any internationally agreed reference to the rights of indigenous peoples, including those in the United Nations Declaration on the Rights of Indigenous Peoples, to refer to those rights bestowed at the national level by Governments.

22. **Mr. García Andueza** (Bolivarian Republic of Venezuela) said that his delegation supported the draft resolution and was committed to the active participation of indigenous peoples' representatives and institutions in meetings of the Council and its mechanisms, in particular on issues affecting them. An open, constructive dialogue must be maintained in the framework of the delicate consensus achieved in the institution-building package adopted by Council resolution 5/1. More than ever, it was important to provide differentiated support to indigenous peoples and communities, respect their cultural diversity and address the deep-rooted causes of the persistent violations of their human rights, as well as problems that had been exacerbated by the COVID-19 pandemic, such as poverty, food insecurity, insufficient access to health care, and challenges related to climate change. Despite the brutal economic embargo, the Venezuelan State would continue to strengthen its social policies to guarantee respect for the rights of its indigenous peoples and communities. It regretted the shamelessness of certain States that presented amendments allegedly aimed at protecting the

rights of indigenous peoples while at the same time imposing illegal unilateral coercive measures in order to appropriate Venezuelan resources, making them unavailable to the country's indigenous communities. His Government would continue to support all initiatives calling for the lifting of the illegal unilateral coercive measures, which hindered support for the most vulnerable groups, including indigenous peoples and communities.

23. *Draft resolution A/HRC/48/L.22 was adopted.*

Draft resolution A/HRC/48/L.26/Rev.1: Human rights implications of the COVID-19 pandemic on young people

24. **Mr. Maza Martelli** (Observer for El Salvador), introducing the draft resolution on behalf of the main sponsors, namely Côte d'Ivoire, Egypt, Greece, Italy, Morocco, the Philippines, Portugal, the Republic of Moldova, Tunisia, Uzbekistan and his own delegation, said that the text emphasized the importance of the topic and of continued efforts by the Council to ensure respect for the human rights of young people. He trusted that the draft resolution, which took account of all the effects of the COVID-19 pandemic on young people globally, would be adopted by consensus.

25. **Mr. Lapasov** (Uzbekistan), making a general statement before the decision, said that the safety measures taken in response to the pandemic had exacerbated young people's vulnerabilities in terms of access to their human rights. The draft resolution reaffirmed the need to develop and implement strategies that gave all young people real opportunities to participate actively and meaningfully in society. Special attention was paid to the rights of women and girls. The draft contained a request to the United Nations High Commissioner for Human Rights to conduct a study on ways to mitigate the impact of the global pandemic on human rights with regard to young people, including the identification of cases of discrimination against young people in the exercise of their human rights, in particular young women and girls, and highlighting the contribution of young people to the realization of human rights in society during the pandemic.

26. **The President** announced that 19 States had joined the sponsors of the draft resolution, which had programme budget implications amounting to \$121,700.

Statements made in explanation of position before the decision

27. **Ms. Khusanova** (Russian Federation) said that her delegation considered the draft resolution one of the most important at the current session, as young people around the world were in crisis because of the restrictions imposed in response to the pandemic. Her delegation noted with satisfaction that most of the proposals it had made during the informal consultations had been taken into account by the sponsors. Nonetheless, it was still concerned about a number of problematic points. The reference to young people's exercise of their human rights was insufficiently clear, as "young people" included minors, who were covered by the special regime of protection established under the Convention on the Rights of the Child. Giving minors increased rights would in turn lead to an expansion of their obligations, which was not acceptable in the light of the principle of the best interests of the child. Accordingly, her delegation must dissociate itself from the consensus on paragraph 4 of the draft resolution. It was also concerned at the reference to a number of documents that did not enjoy general support and the use of certain terms on which there was no consensus. Russia reserved the right to interpret the provisions of the draft resolution on the basis of its own legislation and international legal obligations.

28. *Draft resolution A/HRC/48/L.26/Rev.1 was adopted.*

29. **The President** announced that draft resolution A/HRC/48/L.14 had been withdrawn by the sponsor.

Draft resolution A/HRC/48/L.23/Rev.1, as orally revised: The human right to a clean, healthy and sustainable environment

30. **Ms. Davandas Aguilar** (Observer for Costa Rica), introducing the draft resolution on behalf of the main sponsors, namely Maldives, Morocco, Slovenia, Switzerland and her own delegation, as well as 46 additional sponsors, said that a clean, healthy and sustainable

environment supported the enjoyment of human rights and vice versa. In order to protect the planet, States must recognize that the current environmental crises were also human rights crises. Most States had formally recognized that interdependent relationship in their national laws and regional treaties, and more than one hundred States had recognized the right to a healthy and sustainable environment in their constitutions. That right had also been recognized by treaty in virtually every region of the world.

31. The draft resolution set forth that right as a common standard of achievement for all States and for every person. It made clear that all persons, everywhere, were entitled to an environment that enabled them to live a life of dignity, equality and freedom. If adopted, it would help to catalyse the effective implementation of strong environmental standards. It would send a powerful message to communities around the world that were struggling with environmental hardship and injustice that they were not alone. It would tell the world that the environmental defenders facing threats, harassment and violence deserved protection as human rights defenders. It would assure young people that their voices and their concerns about the future were being heard.

32. The Council's careful consideration of the issue, the calls by more than 1,300 civil society organizations, the statements by 15 United Nations entities and, most of all, the interlocking environmental crises besetting the world all indicated that the time was right for the Human Rights Council to recognize the human right to a clean, healthy and sustainable environment.

33. The sponsors had introduced oral revisions to the draft resolution to take account of the views expressed during the negotiation process. The adjective "safe" had been deleted to provide greater clarity as to the content of the right, references to the Declaration of the United Nations Conference on the Human Environment (Stockholm Declaration) and the Rio Declaration on Environment and Development had been added to the second preambular paragraph, a new preambular paragraph on the importance of international cooperation had been inserted, paragraph 2 had been amended and a new operative paragraph had been added on multilateral environmental agreements. She urged all States to join in adopting the draft resolution by consensus.

34. **The President** said that two proposed amendments to the draft resolution ([A/HRC/48/L.29](#) and [A/HRC/48/L.30](#)) had been withdrawn.

35. **Mr. Eremin** (Russian Federation), introducing 10 proposed amendments to the draft resolution ([A/HRC/48/L.33](#), [A/HRC/48/L.34](#), [A/HRC/48/L.35](#), [A/HRC/48/L.36](#), [A/HRC/48/L.37](#), [A/HRC/48/L.38](#), [A/HRC/48/L.39](#), [A/HRC/48/L.40](#), [A/HRC/48/L.41](#) and [A/HRC/48/L.42](#)), said that Russia attached great importance to issues related to environmental protection and took an active part in discussions in specialized international forums. However, it was troubled by the negative trend towards watering down the mandate of the United Nations Environment Programme and other environmental forums. His Government was concerned about ongoing attempts to move discussions of environmental issues to non-specialized forums, including the arbitrary decision to extend the mandate of the Human Rights Council and OHCHR to cover environmental and climate issues. The draft resolution implied that the Council had a leading role to play in combating climate change, even though it had neither the mandate nor the competence to fulfil that role.

36. There was no clear definition in international law of what was meant by a "clean, healthy and sustainable environment". Individual elements of that concept were present in national legislation and a number of non-binding instruments. He did not see how the Council could recognize a right for which there was no definition and no legal basis. With that in mind, the Russian delegation proposed that the words "the right to" before "a clean, healthy and sustainable environment" should be deleted from the title and from paragraphs 1, 2 and 3 (a) and (c). It also disagreed that the right to a clean, healthy and sustainable environment should be linked to the right to life, and had thus proposed changes to the relevant preambular paragraphs. The Russian Federation also did not support the references, in the eighteenth preambular paragraph, to the joint statement by United Nations entities and to the letter from civil society organizations, which expressed a subjective viewpoint that was not supported by States or backed up by international law. Lastly, his delegation proposed the deletion of

paragraph 4, as new rights could be accepted only through international treaties prepared by specialists in the field and approved by States.

37. **Ms. Costa Prieto** (Uruguay), speaking on behalf of the sponsors, said that three rounds of informal consultations and multiple bilateral meetings had been held on the draft resolution, which was a sound, balanced text that reflected the views of the international community and constituted a milestone in multilateralism and the promotion of human rights. The proposed amendments undermined the chief objective of the draft resolution, namely to recognize the right to a clean, healthy and sustainable environment. The proposed change in the title of the draft resolution was obviously unacceptable, as the title would then appear to refer to the same subject matter as Council resolution 46/7 on human rights and the environment. The purpose of draft resolution [A/HRC/48/L.23/Rev.1](#), as orally revised, was to recognize a right, not to duplicate earlier efforts. As to the proposed deletion of the reference to the right to life, there was unequivocal evidence, including reports of the World Health Organization, the Intergovernmental Panel on Climate Change and the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, that environmental degradation and climate change threatened that right. The Human Rights Committee had confirmed the importance of environmental protection in its general comment No. 36 (2018) on the right to life. For those reasons, the sponsors requested that all of the proposed amendments should be put to a vote. She urged all members of the Council to vote against them.

38. **The President** said that 19 States had joined the sponsors of the draft resolution. She invited members of the Council to make general statements on the draft resolution, as orally revised, and on the 10 proposed amendments.

39. **Ms. Yu Jin Nam** (Republic of Korea) said that a clean, healthy and sustainable environment was integral to the full enjoyment of human rights. In the report entitled *Our Common Agenda*, the Secretary-General explicitly called for recognition of the right to a healthy environment. In her Government's view, it was time for the Council to respond to that call. Like many other countries, the Republic of Korea had adopted laws recognizing the right to a healthy and pleasant environment. The recognition of that right at the global level would help States to tackle environmental threats more effectively and ensure that responses to those threats were based on human rights. The draft resolution, if adopted, would promote a coherent and coordinated approach to the protection of human rights and the environment.

40. **Mr. Schröder** (Germany) said that the right to a clean, healthy and sustainable environment was established in existing international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Germany fully supported the draft resolution, although it regretted that the wording of paragraph 2 had been watered down. The world was facing a triple environmental crisis of climate change, biodiversity loss and pollution, and it was necessary for the Council to address the human rights implications of that crisis. Recognition of the right to a clean, healthy and sustainable environment in a Human Rights Council resolution would promote discussions with a human rights focus, raise awareness of the issues at stake and encourage the allocation of more funding for environmental and human rights protection. For those reasons, his Government hoped that the draft resolution would be adopted by consensus.

41. **Ms. Imene-Chanduru** (Namibia) said that the importance of recognizing the right to a clean, healthy and sustainable environment could not be overstated. Namibia was a strong proponent of that right because it played an important role in the promotion and protection of all human rights. The right to a healthy and sustainable environment was not new for Namibia, as it was enshrined in the country's Constitution and in the African Charter on Human and Peoples' Rights. The recognition of that right by the Council would strengthen the implementation of environmental laws and policies, enhance public participation in environmental decision-making and facilitate access to information on the environment.

42. The international community would not be able to achieve the Sustainable Development Goals if the environment became inhospitable. In her delegation's view, the proposal of amendments designed to weaken the draft resolution by removing its core element, which was to establish recognition of the right to a clean, healthy and sustainable

environment, was regrettable. Namibia would vote against the proposed amendments and called on other delegations to do the same.

43. **Mr. Leweniqila** (Fiji) said that the draft resolution highlighted the fact that the enjoyment of human rights was impossible without a clean, healthy and sustainable environment. If action was not taken to recognize and safeguard that right, future generations would face even more perilous environmental threats. Fiji welcomed the draft resolution and called on the Council to adopt it by consensus.

44. **Mr. Cornado** (Italy) said that his Government wished to affirm its support for the draft resolution. The Council had adopted a series of resolutions in which it recognized that human rights and environmental concerns were interdependent. The call for the recognition of the right to a clean environment had been supported by many United Nations institutions and mandate holders, including the Special Rapporteur on human rights and the environment, who had affirmed that protecting the environment contributed to safeguarding human rights and vice versa. In the report *The Highest Aspiration: A Call to Action for Human Rights*, the Secretary-General had identified the need for a human rights-based approach to climate action and sustainable development. Furthermore, at the start of the Council's current session, the United Nations High Commissioner for Human Rights had highlighted the fact that the interlinked crises of pollution, climate change and biodiversity loss constituted the single greatest contemporary challenge to human rights. For the sake of current and future generations, his delegation urged all members to support the draft resolution.

45. **Ms. Pua-Diezmos** (Philippines) said that the Special Rapporteur on human rights and the environment had acknowledged that the Philippines had a long-standing tradition of environmental and climate stewardship. The Philippines had granted constitutional and legal recognition to the right to a clean and healthy environment, and landmark case law ensured that citizens were able to operationalize that right. The Philippines had established a special judicial remedy, known as the writ of *kalikasan* ("nature"), for petitioners in environmental cases. Another legal remedy, the writ of continuing mandamus, allowed courts to instruct government agencies to take a series of actions until justice was fully satisfied. Litigants' legal fees could be waived in environmental cases and national courts could issue environmental protection orders and apply the precautionary principle. Her delegation welcomed the draft resolution's focus on capacity-building, enhanced multi-stakeholder cooperation, greater sharing of good practices and greater integration of environmental rights into the implementation of the Sustainable Development Goals. It supported the draft resolution and called on all delegations to do likewise.

46. **The President** invited the Council to take action on the proposed amendments contained in documents [A/HRC/48/L.33](#) as orally revised, [A/HRC/48/L.34](#), [A/HRC/48/L.35](#), [A/HRC/48/L.36](#) as orally revised, [A/HRC/48/L.37](#) as orally revised, [A/HRC/48/L.38](#) as orally revised, [A/HRC/48/L.39](#) as orally revised, [A/HRC/48/L.40](#) as orally revised, [A/HRC/48/L.41](#) as orally revised and [A/HRC/48/L.42](#) as orally revised.

47. **Mr. Schröder** (Germany), speaking in explanation of vote before the voting, said that the main sponsors of the draft resolution had already incorporated a number of proposed amendments into the text and had made several more changes in an oral revision. The proposed amendments currently before the Council would, if adopted, considerably alter the balance of the draft resolution.

48. Germany believed that action must be taken to mitigate the human rights impacts of climate change and environmental degradation. With regard to the proposal to delete paragraph 4 of the draft resolution, General Assembly resolution 60/251 explicitly established that it was fully within the Council's mandate to make recommendations to the General Assembly for the further development of international law in the field of human rights. The proposed amendments were not supported by any of the delegations that had taken part in the informal consultations on the draft resolution. His delegation would therefore vote against all 10 of the proposed amendments.

49. *At the request of the representative of Uruguay, a recorded vote was taken on the proposed amendment contained in document [A/HRC/48/L.33](#), as orally revised.*

In favour:

China, Eritrea, Russian Federation.

Against:

Argentina, Armenia, Austria, Bahamas, Bulgaria, Czechia, Denmark, Fiji, France, Germany, Italy, Libya, Malawi, Marshall Islands, Mauritania, Mexico, Namibia, Nepal, Netherlands, Philippines, Poland, Republic of Korea, Somalia, Sudan, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

Abstaining:

Bahrain, Bangladesh, Brazil, Burkina Faso, Cameroon, Côte d'Ivoire, Gabon, India, Indonesia, Japan, Pakistan, Senegal, Togo.

50. *The proposed amendment contained in document [A/HRC/48/L.33](#), as orally revised, was rejected by 27 votes to 3, with 13 abstentions.*

51. *At the request of the representative of Uruguay, a recorded vote was taken on the proposed amendment contained in document [A/HRC/48/L.34](#).*

In favour:

Brazil, China, Eritrea, Russian Federation.

Against:

Argentina, Armenia, Austria, Bahamas, Bangladesh, Bulgaria, Czechia, Denmark, Fiji, France, Germany, Italy, Libya, Malawi, Marshall Islands, Mauritania, Mexico, Namibia, Nepal, Netherlands, Pakistan, Philippines, Poland, Republic of Korea, Somalia, Sudan, Togo, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

Abstaining:

Bahrain, Burkina Faso, Cameroon, Côte d'Ivoire, Gabon, India, Indonesia, Japan, Senegal.

52. *The proposed amendment contained in document [A/HRC/48/L.34](#) was rejected by 30 votes to 4, with 9 abstentions.*

53. *At the request of the representative of Uruguay, a recorded vote was taken on the proposed amendment contained in document [A/HRC/48/L.35](#).*

In favour:

China, Eritrea, Russian Federation.

Against:

Argentina, Armenia, Austria, Bahamas, Bangladesh, Bulgaria, Czechia, Denmark, Fiji, France, Germany, Italy, Libya, Malawi, Marshall Islands, Mauritania, Mexico, Namibia, Nepal, Netherlands, Pakistan, Philippines, Poland, Republic of Korea, Somalia, Sudan, Togo, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

Abstaining:

Bahrain, Brazil, Burkina Faso, Cameroon, Côte d'Ivoire, Gabon, India, Indonesia, Japan, Senegal.

54. *The proposed amendment contained in document [A/HRC/48/L.35](#) was rejected by 30 votes to 3, with 10 abstentions.*

55. *At the request of the representative of Uruguay, a recorded vote was taken on the proposed amendment contained in document [A/HRC/48/L.36](#), as orally revised.*

In favour:

Brazil, China, Eritrea, Russian Federation.

Against:

Argentina, Austria, Bahamas, Bulgaria, Czechia, Denmark, Fiji, France, Germany, Italy, Libya, Malawi, Marshall Islands, Mauritania, Mexico, Namibia, Nepal, Netherlands, Philippines, Poland, Republic of Korea, Somalia, Sudan, Togo, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

Abstaining:

Armenia, Bahrain, Bangladesh, Burkina Faso, Cameroon, Côte d'Ivoire, Gabon, India, Indonesia, Japan, Pakistan, Senegal.

56. *The proposed amendment contained in document [A/HRC/48/L.36](#), as orally revised, was rejected by 27 votes to 4, with 12 abstentions.*

57. *At the request of the representative of Uruguay, a recorded vote was taken on the proposed amendment contained in document [A/HRC/48/L.37](#), as orally revised.*

In favour:

China, Eritrea, Russian Federation.

Against:

Argentina, Austria, Bahamas, Bulgaria, Czechia, Denmark, Fiji, France, Germany, Italy, Libya, Malawi, Marshall Islands, Mauritania, Mexico, Namibia, Nepal, Netherlands, Philippines, Poland, Republic of Korea, Somalia, Sudan, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

Abstaining:

Armenia, Bahrain, Bangladesh, Brazil, Burkina Faso, Cameroon, Côte d'Ivoire, Gabon, India, Indonesia, Japan, Pakistan, Senegal, Togo.

58. *The proposed amendment contained in document [A/HRC/48/L.37](#), as orally revised, was rejected by 26 votes to 3, with 14 abstentions.*

59. *At the request of the representative of Uruguay, a recorded vote was taken on the proposed amendment contained in document [A/HRC/48/L.38](#), as orally revised.*

In favour:

China, Eritrea, Russian Federation.

Against:

Argentina, Armenia, Austria, Bahamas, Bangladesh, Bulgaria, Czechia, Denmark, Fiji, France, Germany, Italy, Libya, Malawi, Marshall Islands, Mauritania, Mexico, Namibia, Nepal, Netherlands, Pakistan, Philippines, Poland, Republic of Korea, Somalia, Sudan, Togo, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

Abstaining:

Bahrain, Brazil, Burkina Faso, Cameroon, Côte d'Ivoire, Gabon, India, Indonesia, Japan, Senegal.

60. *The proposed amendment contained in document [A/HRC/48/L.38](#), as orally revised, was rejected by 30 votes to 3, with 10 abstentions.*

61. *At the request of the representative of Uruguay, a recorded vote was taken on the proposed amendment contained in document [A/HRC/48/L.39](#), as orally revised.*

In favour:

China, Eritrea, Russian Federation.

Against:

Argentina, Armenia, Austria, Bahamas, Bangladesh, Bulgaria, Czechia, Denmark, Fiji, France, Germany, Italy, Libya, Malawi, Marshall Islands, Mauritania, Mexico, Namibia, Nepal, Netherlands, Pakistan, Philippines, Poland, Republic of Korea, Somalia, Sudan, Togo, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

Abstaining:

Bahrain, Brazil, Burkina Faso, Cameroon, Côte d'Ivoire, Gabon, India, Indonesia, Japan, Senegal.

62. *The proposed amendment contained in document [A/HRC/48/L.39](#), as orally revised, was rejected by 30 votes to 3, with 10 abstentions.*

63. *At the request of the representative of Uruguay, a recorded vote was taken on the proposed amendment contained in document [A/HRC/48/L.40](#), as orally revised.*

In favour:

China, Eritrea, Indonesia, Russian Federation.

Against:

Argentina, Armenia, Austria, Bahamas, Bulgaria, Czechia, Denmark, Fiji, France, Germany, Italy, Libya, Malawi, Marshall Islands, Mexico, Namibia, Nepal, Netherlands, Philippines, Poland, Republic of Korea, Somalia, Sudan, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

Abstaining:

Bahrain, Bangladesh, Brazil, Burkina Faso, Cameroon, Côte d'Ivoire, Gabon, India, Japan, Mauritania, Pakistan, Senegal, Togo.

64. *The proposed amendment contained in document [A/HRC/48/L.40](#), as orally revised, was rejected by 26 votes to 4, with 13 abstentions.*

65. *At the request of the representative of Uruguay, a recorded vote was taken on the proposed amendment contained in document [A/HRC/48/L.41](#), as orally revised.*

In favour:

China, Eritrea, Russian Federation.

Against:

Argentina, Armenia, Austria, Bahamas, Bulgaria, Czechia, Denmark, Fiji, France, Germany, Italy, Libya, Malawi, Marshall Islands, Mauritania, Mexico, Namibia, Nepal, Netherlands, Philippines, Poland, Republic of Korea, Somalia, Sudan, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

Abstaining:

Bahrain, Bangladesh, Brazil, Burkina Faso, Cameroon, Côte d'Ivoire, Gabon, India, Indonesia, Japan, Pakistan, Senegal, Togo.

66. *The proposed amendment contained in document [A/HRC/48/L.41](#), as orally revised, was rejected by 27 votes to 3, with 13 abstentions.*

67. *At the request of the representative of Uruguay, a recorded vote was taken on the proposed amendment contained in document [A/HRC/48/L.42](#), as orally revised.*

In favour:

China, Eritrea, Russian Federation.

Against:

Argentina, Austria, Bahamas, Bangladesh, Bulgaria, Czechia, Denmark, Fiji, France, Germany, Italy, Libya, Malawi, Marshall Islands, Mauritania, Mexico, Namibia, Nepal, Netherlands, Pakistan, Philippines, Poland, Republic of Korea, Somalia, Sudan, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

Abstaining:

Armenia, Bahrain, Brazil, Burkina Faso, Cameroon, Côte d'Ivoire, Gabon, India, Indonesia, Japan, Senegal, Togo.

68. *The proposed amendment contained in document [A/HRC/48/L.42](#), as orally revised, was rejected by 28 votes to 3, with 12 abstentions.*

69. **The President** invited the Council to take action on draft resolution [A/HRC/48/L.23/Rev.1](#), as orally revised.

Statements made in explanation of vote before the voting

70. **Mr. Da Silva Nunes** (Brazil) said that Brazil supported universal recognition of the right to a clean, healthy and sustainable environment, which had been enshrined in the country's Constitution since 1988. That right was deeply bound up with the environmental, social and economic dimensions of sustainable development. In order for its recognition to strengthen the existing international legislative framework on the environment, it must be carefully aligned with the content of the relevant international conventions and declarations, including the related financial commitments, and should be closely connected to the social and economic aspects of sustainable development, with a view to eradicating extreme poverty. The main sponsors of the draft resolution had worked constructively, accommodating some of his delegation's concerns, but unfortunately no consensus had been reached on the inclusion of means of implementation or a clear reaffirmation of the principle of permanent sovereignty over natural resources. Brazil remained steadfast in its determination to ensure that the lofty goals of the draft resolution were not misrepresented by ambiguous interpretations or biased results with the potential to weaken international environmental law, hamper sustainable development policies and deepen social inequalities and extreme poverty in the world.

71. **Mr. Eremin** (Russian Federation) said that, although the main sponsors of the draft resolution had adopted an open and constructive approach, the initiative went completely against his Government's view that the division of labour within the United Nations system, whereby each organization or agency conducted work in a specific area, should be respected. The inclusion of environmental issues on the Council's agenda encroached on the mandate of the United Nations Environment Programme. The draft resolution dealt with matters at the interface between international human rights law and environmental law. The concepts to which it referred were not recognized in international law; they should be further developed by the organizations with competence in environmental issues, supported by international legal experts. As there was no single interpretation of the right to a healthy environment in international law, it was not possible to recognize a universal minimum standard.

72. However, in view of the importance of the topic as a whole, the Russian Federation would not vote against the draft resolution, but would abstain. It nevertheless reserved the right in the future to consider as invalid those provisions of the resolution that went beyond the mandate of the Council and were in contradiction with international environmental and international human rights law.

73. **The President** announced that Mexico had withdrawn its sponsorship of the draft resolution.

74. **Ms. Martínez Liévano** (Mexico) said that a healthy environment was essential to life, dignity and the enjoyment of human rights. The critical state of the environment was unequivocally attributable to human influence, as the Intergovernmental Panel on Climate Change had recognized in its recent report. The Human Rights Committee, in its general comment No. 36 (2018) on the right to life, had recognized environmental degradation, climate change and non-sustainable development as some of the most pressing and serious threats to the ability of current and future generations to enjoy the right to life. Persons living in extreme poverty and indigenous peoples were particularly affected by those threats. The shared responsibility of States in that regard included recognition of the right of all people to a clean, healthy and sustainable environment. Membership of the Council implied a commitment to the progressive development of human rights, including the recognition of new rights or expansion of the scope of existing rights. Mexico, like more than three fourths of the international community, had already recognized the right to a healthy environment; that right had also been interpreted and applied by the main regional human rights tribunals in their rulings. The next step was to recognize the right to a clean, healthy and sustainable environment as a human right. Mexico would therefore vote in favour of the draft resolution.

75. **Mr. Hashmi** (Pakistan) said he hoped that political affirmation of the right to a clean, healthy and sustainable environment would galvanize the international community's collective efforts to address environmental degradation and its effects on human rights. The discussions had highlighted two points: first, that any new human right could only be legally recognized through the negotiation of an international convention and that even a decision to

politically affirm such a right would best be taken by the General Assembly, given its universal membership; and second, that there was a lack of clarity in respect of the substance of the right in question. In politically affirming the right to a healthy environment, the Council should not lose sight of the international and developmental aspects of environmental degradation, its scientifically proven linkages with climate change and the need to assist developing countries in that domain on the basis of principles enshrined in international law. Although the draft resolution was weak in some respects, including with regard to the links between the right and its enjoyment, especially in developing countries, Pakistan would vote in favour of it.

76. **Mr. Taguchi** (Japan) said that Japan considered that environmental rights were ambiguous as a legal concept and not universally recognized; that was particularly true of the right to a clean, healthy and sustainable environment, which was potentially extremely broad and so needed to be properly defined. It could not, therefore, be regarded as an established right in international human rights law. Japan was therefore unable to support the draft resolution and would abstain from voting.

77. **Mr. Czech** (Poland) said that Poland recognized the impact of the right to a clean, healthy and sustainable environment on the enjoyment of human rights. While some aspects of the issue were already protected in international law, the right to a healthy environment was not reflected in any key human rights instrument. The draft resolution had raised concerns, some of which remained unaddressed, in respect of its potential legal implications and material scope. Furthermore, there had been insufficient time for consultations on the oral revision, notably the new paragraph 3. However, as the protection and promotion of human rights, including those related to the environment, was a priority for Poland, it would vote in favour of the draft resolution, which it understood to be a statement of political support for efforts to ensure a healthy environment for every person, pending the full definition and legally binding recognition of that right.

78. **The President** announced that the Marshall Islands had withdrawn its sponsorship of the draft resolution.

79. **Mr. Lanwi** (Marshall Islands) said that several small island developing States already recognized the right to a healthy environment in their constitutions or legislation, and many had endorsed it in the 2007 Malé Declaration on the Human Dimension of Global Climate Change. Having contributed the least to the environmental crisis, they were the most vulnerable to its effects and called for international action to address it. While the Constitution of the Marshall Islands did not mention the right to a healthy environment, that right was nevertheless recognized as being essential to the country's existence. There was unequivocal evidence that the environment affected many other human rights, including the right to life; the right referred to in the draft resolution was already articulated in six regional human rights instruments and in the laws of more than 155 States Members of the United Nations. The Marshall Islands therefore called on the Council to move beyond rhetoric into action and to vote in favour of the draft resolution.

80. **Mr. Taihitu** (Indonesia) said that Indonesia was consistent in upholding its responsibilities in respect of both human rights and the environment, through its legal system and initiatives such as the introduction of sustainable forestry and the transition to biofuels. However, it also recognized the need to maintain a balance with economic interests, as described in the 2030 Agenda for Sustainable Development. It called on all members of the international community, especially the developed States, to meet their commitments, respecting the principle of common but differentiated responsibilities and respective capabilities. His delegation would vote in favour of the draft resolution.

81. **Mr. Jiang Duan** (China) said that China had always attached great importance to environmental protection, including it in the Constitution, the master plan for developing socialism with Chinese characteristics and the Human Rights Action Plan (2021–2025). China had contributed one quarter of the world's new green areas and one fifth of the land restored through integrated land management. It had played an active part in the informal consultations on the draft resolution and recognized the main sponsors' effort to raise the environmental awareness of the international community.

82. However, his delegation was of the view that parts of the draft resolution were open to question, including the definition of the right to a healthy environment and its interplay with other human rights, as well as the issue of whether the Council had a mandate to establish such a right. China would continue to work to improve environmental governance in the world, but would abstain from voting on the draft resolution.

83. **Ms. French** (United Kingdom) said that the United Kingdom had a strong record of addressing the link between human rights and climate change; it had supported previous Council resolutions on the topic and the 2015 Geneva Pledge for Human Rights in Climate Action. Climate change and environmental degradation could have implications for the full enjoyment of human rights, representing threats to individuals and communities and disproportionately affecting women, girls, those living in poverty and indigenous people. However, the right to a clean, healthy and sustainable environment was not a customary right, nor had it been agreed in any human rights treaty. Recognition of rights without a common understanding of what they entailed would create ambiguity. As human rights resolutions were not legally binding instruments, the recognition of the right to a healthy environment in a Council resolution was not binding on States. The United Kingdom was resolute in its commitment to tackling climate change and was proud to be hosting the upcoming twenty-sixth Conference of the Parties to the United Nations Framework Convention on Climate Change. It would vote in favour of the draft resolution, but without prejudice to any legal position it might take in the future.

84. *At the request of the representative of the Russian Federation, a recorded vote was taken.*

In favour:

Argentina, Armenia, Austria, Bahamas, Bahrain, Bangladesh, Bolivia (Plurinational State of), Brazil, Bulgaria, Burkina Faso, Cameroon, Côte d'Ivoire, Cuba, Czechia, Denmark, Eritrea, Fiji, France, Gabon, Germany, Indonesia, Italy, Libya, Malawi, Marshall Islands, Mauritania, Mexico, Namibia, Nepal, Netherlands, Pakistan, Philippines, Poland, Republic of Korea, Senegal, Somalia, Sudan, Togo, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of).

Against:

None.

Abstaining:

China, India, Japan, Russian Federation.

85. *Draft resolution [A/HRC/48/L.23/Rev.1](#), as orally revised, was adopted by 43 votes to none, with 4 abstentions.*

The meeting rose at 3.10 p.m.