



## Parliamentary One Pager

UN House Scotland recently supported a moot environmental court to discuss on whether the issue of air pollution could be considered as a human rights violation. For the purposes of debate, it was accepted that the cause of death of the petitioners' child was air pollution. The question remained as to whether a local authority could be held responsible for this death under human rights law in these circumstances. It was found that the arguments made were insufficient to demonstrate that the local authority, either through specific action or inaction, had caused the death of a child in this case. Given the severity of the risks posed by environmental degradation, it seems foolish to remove a key plank in the platform of our grounds for challenging it. Indeed, recent cases in France and Pakistan in which public authorities were found responsible give us pause for thought. The idea of using Human Rights as a vehicle to mitigate against environmental degradation has taken us so far and needs further development. However, the limits of this approach are clear and we must therefore consider other legal options, including considering the applicability of human rights claims vis-à-vis non-state actors, recognising the rights of communities and possibly even recognising the rights of the environment itself.



### The Dilemma at a Glance:

- Air pollution is recognised by the World Health Organisation to cause human health affectation, but there remains a challenge in presenting its direct link to death.
- Sectors in need for better social and technocratic practices → Transportation & Energy
  - o Currently expel the most air pollution in the UK

### Theoretical Issues the Court Implicitly Raised:

- How serious is the *risk* posed by air pollution and are the public authorities' response to that risk proportionate?
- The accredited medical document presented resulted as insufficient evidence, but received acknowledgement → Are efforts to prove the direct causal link between air pollution and mortality the *only* way of framing of the issue?
- Are the financial implications of some proposed measures a legitimate barrier to action?



### Moving Forward:

- As a representative of the civil society, we recognise, that human and environmental rights are not yet complementing each other in impelling authorities to solve air pollution. The Court's power is limited and constrained by other actors, however the court is not without its own power to counter environmental degradation. Hence, validating air pollution as an anthropogenic violation benignly raises a red flagging, but more drastically speaks for needed systemic changes facilitated by structural power.
- In the increasingly maddening context of climate change, mitigation strategies should encompass a human and ecological rights-based approach; as the health of the planet and its inhabitants can only harness a sustainable interdependence when not placed at odds.

