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Safeguarding Human Health through Health in all Policies Approach to Sustainability

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Abstract

As part of safeguarding both human and environmental health, the international environmental law framework requires States to collaborate in a spirit of global partnership to conserve, maintain, and restore the health and integrity of the earth's environment. States are also obligated to work together effectively to deter or prohibit the relocation and transfer of any activities or chemicals that seriously degrade the environment or are determined to be detrimental to human health. This paper makes a case for human health considerations while making policies in all sectors of the economy through adoption of the Health in All Policies approach to sustainability. The author argues that this approach will go a long way in incorporating human health considerations in decision-making processes across all sectors as a step towards achieving sustainability. Notably, this is part of the human rights considerations in approaches towards achieving sustainability.

1. Introduction

An approach to public policy known as Health in All Policies (HiAP) tries to promote population health and health equity by systematically considering the health consequences of policies, pursuing synergies, and avoiding negative health impacts. In the context of urban policies to support public health interventions targeted at reaching SDG objectives, HiAP is essential for local decision-making processes. HiAPs largely rely on the utilisation of scientific data and assessment instruments like health impact assessments (HIAs). In order to inform the incorporation of health recommendations in urban policy, HIAs may incorporate city-level

quantitative burden of illness evaluations, health economic analyses, and citizen and other stakeholders' engagement.[1]

HiAP acknowledges that a variety of factors outside of healthcare and frequently outside the purview of conventional public health activities contribute to health, and the strategy may also be successful in finding evidence gaps and promoting health equity.[2]

This paper makes a case for human health considerations while making policies in all sectors of economy through adoption of the Health in All Policies approach to sustainability. The author argues that this approach will go a long way in incorporating human health considerations in decision-making processes across all sectors as a step towards achieving sustainability. Notably, this is part of the human rights considerations in approaches towards achieving sustainability.

2. Elements of Health in All Policies (HiAP) Approach

The World Health Organization notes that the Health in All Policies (HiAP) initiative acknowledges that population health is significantly influenced by policies that direct behaviours outside of the health

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[1] Ramirez-Rubio, O., Daher, C., Fanjul, G., Gascon, M., Mueller, N., Pajín, L., Plasencia, A., Rojas-Rueda, D., Thondoo, M. and Nieuwenhuijsen, M.J., 'Urban Health: An Example of a "Health in All Policies" Approach in the Context of SDGs Implementation' (2019) 15 Globalization and Health 87.

[2] 'Health in All Policies | AD for Policy and Strategy | CDC' (18 June 2019) *<https://www.cdc.gov/policy/hiap/index.html>* accessed 16 April 2023.

sector, rather than only being a byproduct of health sector programmes. Health and health inequality might possibly be impacted by policy in every area of government. Using a HiAP strategy tries to address policies that have an impact on things like transportation, housing and urban planning, the environment, education, agriculture, finance, taxes, and economic development in order to make them more supportive of overall health and health equality.[3]

The Pan American Health Organization (PAHO) notes that many of the social, environmental, and economic factors that influence health have causes other than the medical industry and government health policy. The influence on health must thus be taken into account across all industries and levels of administration. In addition, PAHO notes that the HiAP strategy emphasizes participation, sustainability, accountability, transparency, access to information, and cross-sectoral cooperation.[4]

As a WHO member, Kenya has pledged to embrace HiAP, which is outlined in the country's health policy for the years 2014 to 2030.[5] The budgeting procedure and planning for the Sustainable Development Goals(SDGs) have reportedly been identified as possible windows of

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[3] 'Promoting Health in All Policies and Intersectoral Action Capacities' <*https://www.who.int/activities/promoting-health-in-all-policies-and-intersectoral-action-capacities*> accessed 16 April 2023.

[4] User S and *https://www.facebook.com/pahowho*, 'PAHO/WHO | About Health in All Policies' (*Pan American Health Organization / World Health Organization*, 6 March 2014) <*https://www3.paho.org/hq/index.php?option=com_content&view=article&id=93 60:2014-about-health-all-policies&Itemid=0&lang=en#gsc.tab=0*> accessed 16 April 2023.

[5] Mauti, J., Gautier, L., De Neve, J.W., Beiersmann, C., Tosun, J. and Jahn, A., 'Kenya's Health in All Policies Strategy: A Policy Analysis Using Kingdon's Multiple Streams' (2019) 17 Health Research Policy and Systems 15.

opportunity for the mainstreaming of the HiAP approach in all sectors with health promotion as a clear goal.[6]

As a method for tackling the many elements that affect health and equality, often known as the social determinants of health, which include educational attainment, housing, transport alternatives, and neighbourhood safety, APHA recommends a "health in all policies" approach.[7]

Every government agency has a responsibility to play in creating a vibrant, just community. The concept underlying Health in All Policies is this: HiAP is fundamentally about bringing together government departments to establish shared objectives, make the most of available resources, coordinate efforts, and engage in large-scale, multifaceted solutions. Public organisations can employ this strategy in collaboration with the communities they serve to address their biggest social and environmental problems.[8] In order to reduce health disparities and achieve health equity, HiAP is an essential technique. Decision-makers may best serve their communities by applying a HiAP strategy across sectors and policy areas since no one government agency has complete control over the laws and policies that have an impact on the basic causes of inequality.[9]

Designing a conceptual framework with the SDGs, urban and transportation planning, environmental exposures, behaviour, and

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[6] Ibid.

[7] 'Health in All Policies' <*https://www.apha.org/topics-and-issues/health-in-all-policies*> accessed 16 April 2023.

[8] 'Health in All Policies | ChangeLab Solutions'
 <*https://www.changelabsolutions.org/health-all-policies*> accessed 16 April 2023.

[9] Ibid.

health outcomes in mind is possible. The HiAP approach's potential to transfer knowledge into SDG implementation depends on a number of key factors, including data accessibility, consideration of equity concerns, strengthening communication between experts, decision-makers, and people, and participation of all significant stakeholders.[10]

3. Human Rights Based Approach to Sustainable Development

Since 1945, when the United Nations Charter was adopted, human rights have been a keystone of the organization's activities.[11] The Universal Declaration of Human Rights, issued by the UN General Assembly in 1948, states that the equal and inalienable rights of every human being serve as the cornerstone for freedom, justice, and peace in the world.[12]

Since the United Nations Environmental Agency suggested a new rights-based agenda for sustainable development in the report "Transforming Our World: The 2030 Agenda for Sustainable Development," (UN, 2015), a rights-based approach to environmental concerns has gained support.[13]

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[10] Ramirez-Rubio, O., Daher, C., Fanjul, G., Gascon, M., Mueller, N., Pajín, L., Plasencia, A., Rojas-Rueda, D., Thondoo, M. and Nieuwenhuijsen, M.J., 'Urban Health: An Example of a "Health in All Policies" Approach in the Context of SDGs Implementation' (2019) 15 Globalization and Health 87.

[11] 'UNSDG | Human Rights-Based Approach' <*https://unsdg.un.org/2030-agenda/universal-values/human-rights-based-approach, https://unsdg.un.org/2030-agenda/universal-values/human-rights-based-approach*> accessed 19 April 2023.

[12] 'The Human Rights-Based Approach' (*United Nations Population Fund*) <*https://www.unfpa.org/human-rights-based-approach*> accessed 19 April 2023.

[13] Choondassery Y, 'Rights-Based Approach: The Hub of Sustainable Development' (2017) 8 Discourse and Communication for Sustainable Education 17.

A conceptual framework for the process of human development, the Human Rights-Based Approach (HRBA) is operationally focused on advancing and defending human rights while normatively basing itself on international human rights norms. It aims to address unfair power dynamics and discriminatory behaviours that inhibit development and frequently leave some groups of people behind. These issues are at the core of development discourse, and it strives to analyse and address them.[14] The human rights-based strategy puts the spotlight on those who are the most disadvantaged, excluded, or subjected to discrimination. In order to make sure that interventions reach the most vulnerable sections of the community, it is frequently necessary to analyse gender norms, various types of discrimination, and power disparities.[15]

According to the HRBA, all civil, cultural, economic, political, and social rights as well as the right to development are based in a system of rights and associated duties created by international law. The HRBA mandates that the United Nations development cooperation adhere to the human rights principles of universality, indivisibility, equality, and non-discrimination, participation, and accountability, and place special emphasis on building the capacities of both "duty-bearers" to fulfil their duties and "rights-holders" to assert their rights.[16] A rights-based strategy helps duty-bearers become more

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[14] 'UNSDG | Human Rights-Based Approach' <*https://unsdg.un.org/2030-agenda/universal-values/human-rights-based-approach, https://unsdg.un.org/2030-agenda/universal-values/human-rights-based-approach*> accessed 19 April 2023.

[15] 'The Human Rights-Based Approach' (*United Nations Population Fund*) <*https://www.unfpa.org/human-rights-based-approach*> accessed 19 April 2023.

[16] 'UNSDG | Human Rights-Based Approach' <*https://unsdg.un.org/2030-agenda/universal-values/human-rights-based-approach, https://unsdg.un.org/2030-agenda/universal-values/human-rights-based-approach*> accessed 19 April 2023.

capable of carrying out their responsibilities and motivates right holders to exercise their rights. Governments are required to respect, safeguard, and uphold all rights on three different levels: Respecting a right entails not interfering with how that right is used. To defend a right is to stop other parties from obstructing it from being exercised. In order to ensure that individuals may exercise their rights, laws, regulations, institutions, and procedures must be put in place. This includes allocating resources.[17]

The Human Rights system and the SDGs complement each other in that the former ensures the binding stamp and, most importantly, monitoring and accountability mechanisms, while the latter also integrates "people, planet, prosperity, peace, and partnership" for the achievement of sustainable development.[18] Several of the SDGs' aims are changed from a goal or aspiration into immediate rights when examined through the prisms of current human rights legislation. In this regard, the implementation of the SDGs can be much more successful if it is influenced by a human rights-approach and takes into account the findings and suggestions of international and regional treaty-based bodies as well as National Human Rights Institutions (NHRIs).[19]

In fact, local, regional, and international human rights organisations can be used to ensure that national policies and programmes for the implementation, monitoring, and reporting of the SDGs are based on

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[17] 'The Human Rights-Based Approach' (*United Nations Population Fund*) <*https://www.unfpa.org/human-rights-based-approach*> accessed 19 April 2023.
[18] 'Intersessional Meeting on Human Rights and the 2030 Agenda (16 January 2019)' (*OHCHR*)
< *https://www.ohchr.org/en/hr-bodies/hrc/intersessional-meeting2030-agenda* > accessed 19 April 2023.
[19] Ibid.

a human rights-based approach. The various human rights mechanisms can provide useful and occasionally disaggregated data to feed decision-making and reporting processes, and the institutions overseeing human rights processes can be a useful bridge between governments and various vulnerable groups.[20]

A human rights-based approach (HRBA) to development seeks to achieve outcomes that are relevant to human rights standards, such as the right to adequate housing, through the adoption of procedures that uphold the human rights principles of equality and non-discrimination, inclusion and participation, accountability, and the rule of law.[21] Indigenous peoples and local communities' ways of life and territorial boundaries are important components of the solution to our global crises, and they must be recognised and supported throughout the framework, including through the recognition of rights over lands, territories, and resources, in area-based policies, in customary sustainable use, in traditional knowledge, and in fully and effectively participating in decision-making processes.[22]

It has been argued that although the concepts of a rights-based approach to development are consistent with the 2030 Agenda in some areas, more work has to be done in the implementation, monitoring, and assessment of the SDGs to guarantee that the full

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[20] Ibid.

[21] 'A Rights-Based Approach to Urban Development - Urban Jonsson, the Owls | UN-Habitat' <*https://unhabitat.org/a-rights-based-approach-to-urban-development-urban-jonsson-the-owls*> accessed 19 April 2023.

[22] 'Implementing a Human Rights-Based Approach to Biodiversity Conservation - Paper 3 | FPP' <*https://www.forestpeoples.org/en/report/2022/implementing-human-rights-BA*> accessed 19 April 2023.

range of benefits offered by a rights-based approach may be realized.[23]

According to the Swedish International Development Cooperation Agency, the following are key questions to ask when applying the HRBA:[24]

a) **P**articipation: Do all relevant stakeholders engage actively, in a way which allows rights holders to contribute meaningfully and influence outcomes?

b) **L**ink to human rights obligations: How are relevant human rights standards and recommendations from international and regional human rights mechanisms identified and used in formulating objectives and to advance processes and outcomes?

c) **A**ccountability: Who are the duty bearers at different levels, and do they have sufficient capacity and interest to be accountable to rights holders? Are there mechanisms for participation and complaints in place for rights holders, civil society and other stakeholders to hold the duty bearers to account?

d) **N**on-discrimination and equality: Are rights holders and the root causes of the non-realisation of their human rights identified and taken into account, particularly those most subject to discrimination and marginalisation?

e) **E**mpowerment and capacity development: How does the intervention contribute to the empowerment of rights holders

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[23] de Man A, 'The Sustainable Development Goals and the Rights-Based Approach to Development: Compatible or Missing the Point?' (2019) 19 African Human Rights Law Journal 445.

[24] *Human Rights Based Approach | Sida. https://www.sida.se/en/for-partners/methods-materials/human-rights-based-approach* (accessed 2023-05-22).

to claim their rights, as well as capacity development of duty bearers to uphold their responsibilities, and of other relevant stakeholders to contribute to positive outcomes?

f) **T**ransparency: What measures are put in place to ensure that all stakeholders are able to access relevant information and knowledge regarding the intervention?[25]

4. Biodiversity and health

The relationship between biodiversity and health is one that has been recognised internationally.[26] One Health is an integrated, unifying strategy with the goal of optimising the wellbeing of humans, animals, and ecosystems in a sustainable manner. It acknowledges the interconnectedness and interdependence of human health, that of domestic and wild animals, plants, and the larger environment (including ecosystems).[27]

COP 15 encouraged Parties and their subnational and local governments, and invited other Governments, in accordance with national circumstances and priorities, where appropriate, and relevant stakeholders: (a) to take steps towards a long-term and inclusive recovery from the COVID-19 pandemic that support biodiversity preservation and sustainable usage, hence reducing the danger of zoonotic illnesses in the future, while also taking the One Health concept into consideration, among other holistic methods;[28] (b) to assist the implementation of the Kunming-Montreal Global

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[25] *Human Rights Based Approach | Sida. https://www.sida.se/en/for-partners/methods-materials/human-rights-based-approach* (accessed 2023-05-22).
[26] Unit, B. *Biodiversity and Health. https://www.cbd.int/health/* (accessed 2023-05-22).
[27] 'One Health' <*https://www.who.int/health-topics/one-health*> accessed 17 February 2023.
[28] 15/29. Biodiversity and health, CBD/COP/DEC/15/29, 19 December 2022, para. 1(a).

Biodiversity Framework by further integrating the One Health approach—among other holistic approaches—into their national biodiversity policies and action plans, as well as national health programmes, if necessary;[29] (c) to further support capacity-building and development for mainstreaming biodiversity and health linkages into the implementation of the Kunming-Montreal Global Biodiversity Framework;[30] and (d) to strengthen compliance with international and national provisions on access and benefit-sharing, in order to enhance the fair and equitable sharing of benefits arising from the utilization of genetic resources, as well as the fair and equitable sharing of benefits arising from the use of digital sequence information on genetic resources, in the relevant health sectors.[31]

COP 15 also invited the Quadripartite for One Health, the One Health High-Level Expert Panel, and other relevant expert groups and initiatives:[32] (a) to consider in their work the connections between health and biodiversity, the need for the One Health approach, among other holistic approaches, in accordance with decisions XIII/6 and 14/4, as well as equity and solidarity, and social determinants of health and socioeconomic inequalities between developing and developed countries; [33] (b) to contribute with guidance, interdisciplinary education and training, to the implementation of health-related elements and the application of the One Health approach, among other holistic approaches, in the Kunming-Montreal Global Biodiversity Framework;[34] (c) To contribute to the

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[29] Ibid, para. 1(b).
[30] Ibid, para. 1(c).
[31] Ibid 1(d).
[32] 15/29. Biodiversity and health, CBD/COP/DEC/15/29, 19 December 2022, para. 2.
[33] Ibid, 2(a).
[34] Ibid (2(b).

development of, and reporting on, health-related indicators of the monitoring framework for the Kunming-Montreal Global Biodiversity Framework;[35] and (d) to collaborate with the Executive Secretary in providing Parties with capacity-building, technology transfer, and resource mobilization opportunities for mainstreaming biodiversity and health linkages.[36]

The COP 15 further invited the Global Environment Facility, in accordance with its mandate, as appropriate, to consider providing technical and financial support for mainstreaming biodiversity and health linkages.[37] It also invited Parties, other Governments, and all relevant donors and funding organizations in a position to do so, to consider providing technical support and mobilizing resources for mainstreaming biodiversity and health linkages.[38]

COP 15 further requested the Executive Secretary, subject to the availability of resources, in consultation with the Bureau of the Subsidiary Body on Scientific, Technical and Technological Advice, and in collaboration with the World Health Organization and the Quadripartite for One Health, to complete the work pursuant to decision 14/4, paragraph 13 (b) and (c) on targeted messages and a draft global action plan, drawing on the deliberations of the resumed session of the twenty-fourth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice, as follows: (a) to produce an updated version of the draft global action plan and targeted messages based on the inputs received from Parties, other Governments, indigenous peoples and local communities, women, youth, and other relevant stakeholders, recognizing the issues of

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[35] Ibid 2(c).
[36] Ibid, 2(d).
[37] Ibid, para. 3.
[38] Ibid, para. 4.

equity, including through the fair and equitable sharing of benefits arising from the utilization of genetic resources as well as the fair and equitable sharing of benefits arising from the use of digital sequence information on genetic resources and traditional knowledge associated with genetic resources; (b) to invite Parties, other Governments, indigenous peoples and local communities, women, youth, and other relevant stakeholders to review the updated version of the draft global action plan; (c) to make the outcomes of this work available for consideration by the Subsidiary Body on Scientific, Technical and Technological Advice at a future meeting, with a view to making recommendations to the Conference of the Parties at its sixteenth meeting.[39]

5. Conclusion

Article 42 (a) of the 2010 Constitution of Kenya guarantees that: "every person has the right to a clean and healthy environment, which includes the right to have the environment protected for the benefit of present and future generations through legislative and other measures." There are various sectors of the economy that have adverse effects on human health and thus pose a risk to the realisation of Article 42 of the Constitution of Kenya on the right to Clean and Healthy Environment for all. As a result, it is important that all stakeholders join hands in addressing the menace for the sake of all, and promoting public health. It is not the time to point fingers and watch as the general populace suffers; both levels of government should intentionally act towards achieving better human health as a step towards sustainability.

Safeguarding human health through Health in all Policies Approach to sustainability is a viable

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[39] Ibid, para. 5.

ideal worth pursuing.

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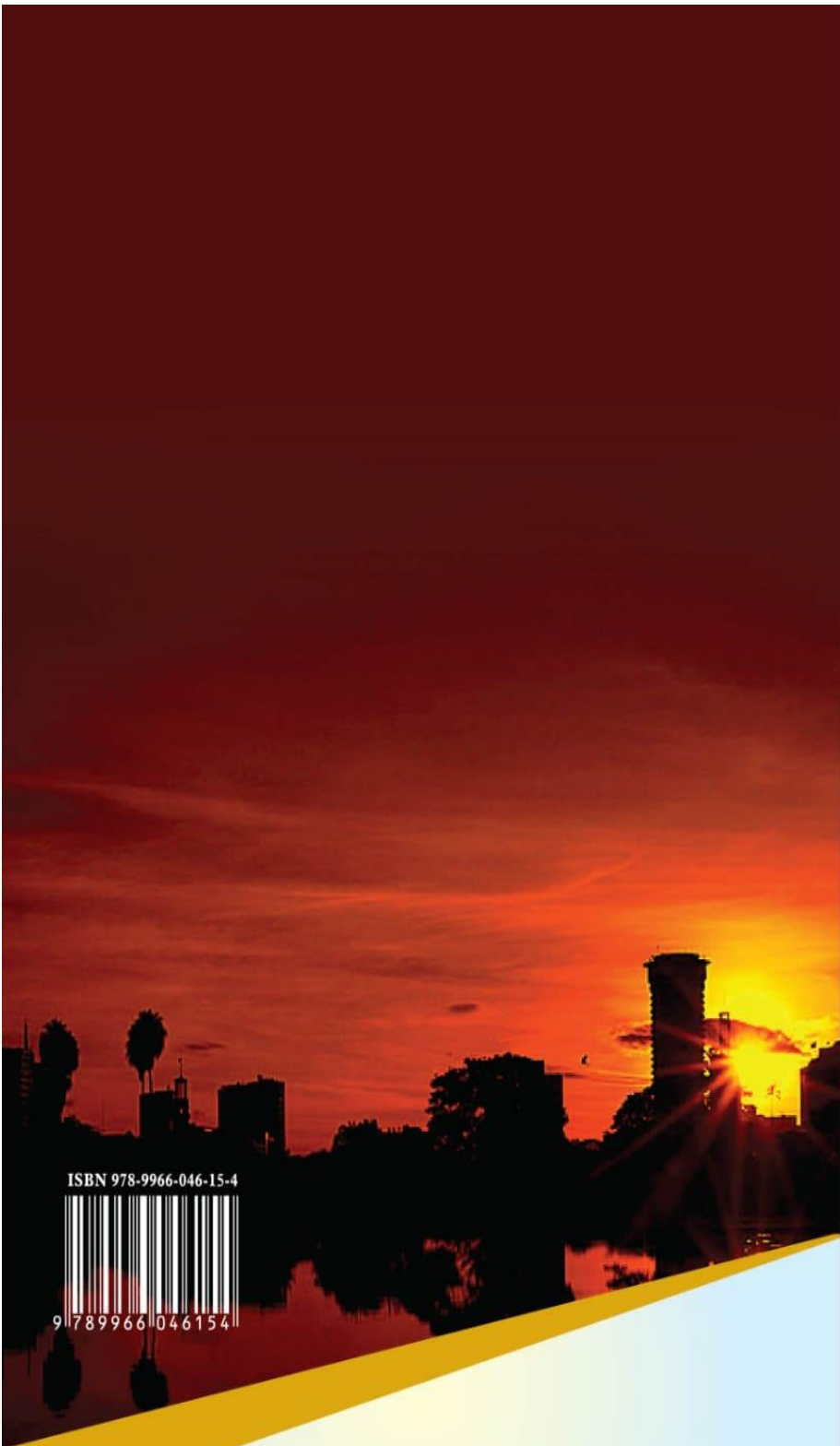
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