

# The Right to a Healthy Environment in the Democratic Republic of Congo: An Anthropocentric Conception

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## Abstract

## Review Article

For several decades now, the destruction of the environment has been at the root of major human health problems. With the holding of two major United Nations conferences around the 1970s, the issue became alarming. It was realised that human beings could only live in a healthy environment. The inclusion of the environment of goods that can be protected has over time preoccupied States. The issue has been a success, and today there is no longer any controversy over the need to protect the environment. The intention of the decision-makers was not to protect the environment, but rather man through his environment. This policy is an anthropocentric emanation. As this was not enough, the United Nations went a step further by recognising that for the sake of human life man has the right to live in a healthy environment devoid of any risk to his health. The Democratic Republic of Congo has endorsed this option by constitutionalising this right. This constitutionalisation allows us to question its effects and its animus. It is around this question that we will focus on.

**Keywords:** Anthropocentrism, constitutionalisation, healthy environment, human rights.

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## INTRODUCTION

At present, *"the inability (impotence) of environmental ethics to provide solutions to environmental problems and to counter humanity's destructive instincts with regard to species, ecosystems and, by extension, the totality of conditions for the survival of the human species, is a priority for committed environmental philosophers"*<sup>1</sup>. Anthropocentrism<sup>2</sup> has

gradually been introduced to regulate problems linked to climate crises. Its aim is to apply modern ethical

<sup>1</sup> Julien Delord, "La recherche écologique à l'épreuve de la philosophie de l'environnement", *Labyrinthe* [En ligne], 30 | 2008 (2), online since 27 May 2008, accessed 12 January 2022. URL: <http://journals.openedition.org/labyrinthe/3773>; DOI: <https://doi.org/10.4000/labyrinthe.3773>

<sup>2</sup> It is considered to be a philosophical trend according to which man is at the centre of the universe. It places human beings above all other species, and the rest of the world must seek to satisfy their needs. In our opinion, this is the most important characteristic of humanism. Although much criticised, its theorisation was proposed by Freud in a famous text called the *Introduction to Psychoanalysis*. According to critics of the doctrine,

*"scientific evolution has inflicted bitter disillusionment on man's pride; it begins with Copernicus, whose heliocentrism led man to the understanding that the Earth, and hence humanity, is not the centre of the universe, around which all the other stars would revolve. Finally, psychoanalysis (Freud had the modesty not to mention his own name) reveals that man is not a rational intellect, but is governed by an unconscious that surrenders him to the impulses he would like to escape, and hide: The ego is not even master in its own house"*. For a better understanding, see "Critique de l'anthropocentrisme: Nietzsche et Freud", accessed on 9 November 2023, <https://www.axiologie.org/nihilisme-definition/valeur-subjective/proposition-9/Page-9.html>.

theories<sup>3</sup>, Kantian or utilitarian deontological theories<sup>4</sup> to the ecological and environmental problems posed by the destructive techniques of the 21<sup>ST</sup> CENTURION<sup>5</sup>. The holding of the two conferences<sup>6</sup> and the Johannesburg Summit in 2002 awakened humanity's awareness of the boundless dangers posed to the environment by human activity and natural disasters. These meetings led to environmental concerns being considered in national policies. In the DRC, this is reflected in the constitutional recognition of the right to a healthy environment<sup>7</sup>. This constitutionalization follows an anthropocentric approach, which may lead us to question its characteristics (I). We will also consider whether, despite this constitutionalisation, the right to a healthy environment based on anthropocentrism is a justiciable right in the DRC. The answer to this question is that "man can only live in an environment of a certain quality"<sup>8</sup>. Such a condition is reminiscent of the question of the survival of the species<sup>9</sup>. As Pope Francis states,

<sup>3</sup> A theory according to which ethics no longer takes account only of relations between individuals or between individuals and society, but goes beyond this by also governing relations between man and the earth or the environment. Around the 1970s, when questioning the resources of traditional ethics, the New Zealand philosopher Richard Routley, in response to the ecological crisis, came to the conclusion that a new ethics was required. For moral consideration, nature seems to require the development of new concepts. The doctrine believes that this involves classical moral principles, affirming the ability to respond to the need to protect the environment. For a better understanding, see. HESS Gérald, " Chapitre III - Les théories éthiques ", in :, *Éthiques de la nature*. sous la direction de HESS Gérald. Paris cedex 14, Presses Universitaires de France, "Éthique et philosophie morale", 2013, p. 85-110. URL : <https://www.cairn.info/ethiques-de-la-nature--9782130591863-page-85.htm>

<sup>4</sup> *In moral philosophy, the term "deontology" has a much broader and more fundamental meaning: it designates one of the major possible methods in morality, based on the idea of "duties". Etymologically, the word itself means "science of duties".* See also BILLIER Jean-Cassien, "II - La perspective déontologique", in:, *Introduction à l'éthique*. sous la direction de BILLIER Jean-Cassien. Paris cedex 14, Presses Universitaires de France, "Quadriga", 2014, p. 165-173. URL : <https://www.cairn.info/introduction-a-l-ethique--9782130632610-page-165.htm>

<sup>5</sup> Julien Delord, "La recherche écologique à l'épreuve de la philosophie de l'environnement", *Labyrinthe* [En ligne], 30 | 2008 (2), online since 27 May 2008, accessed 12 January 2022. URL: <http://journals.openedition.org/labyrinthe/3773>; DOI: <https://doi.org/10.4000/labyrinthe.3773>

<sup>6</sup> The United Nations Conference on the Human Environment, held in Stockholm in 1972; The United Nations Conference on Environment and Development

protecting the living environment is a human duty<sup>10</sup>. The degradation and protection of the environment also make us responsible for future generations<sup>11</sup>. "The quality of the environment is a rising value in social concerns and, as a result, the status of the living environment is rising in the hierarchy of interests protected by law. The highest level of these interests is constituted by the body of human rights, subjective rights recognized as belonging to the individual"<sup>12</sup>: the right to a healthy environment. Its constitutionalisation places it on the menu of justiciable rights in the DRC<sup>13</sup>. This raises the question of its justiciability (II), and how it can be made effective in the DRC (III).

## I. What are the characteristics of anthropocentrism?

At present, the right to a healthy environment is interpreted anthropocentrically, simply because its protection is limited to man, considering his health, life

(UNCED), also known as the Earth Summit or Rio Conference, from 3 to 14 June 1992.

<sup>7</sup> Article 53 of the 2006 Constitution, amended in 2011, states: "Everyone has the right to a healthy environment conducive to their full development. They have a duty to defend it. The State shall ensure the protection of the environment and the health of the population."

<sup>8</sup> See Michel Pâques, "L'ENVIRONNEMENT, UN CERTAIN DROIT DE L'HOMME". Michel Pâques, "L'ENVIRONNEMENT, UN CERTAIN DROIT DE L'HOMME", *ADMINISTRATION PUBLIQUE*, s. d., 1.

<sup>9</sup> *Ibidem*

<sup>10</sup> "XXIIIrd World Day of Peace 1990, Peace with God the Creator, Peace with all Creation, John Paul II, accessed on 3 January 2024, [https://www.vatican.va/content/john-paul-ii/fr/messages/peace/documents/hf\\_jp-ii\\_mes\\_19891208\\_xxiii-world-day-for-peace.html](https://www.vatican.va/content/john-paul-ii/fr/messages/peace/documents/hf_jp-ii_mes_19891208_xxiii-world-day-for-peace.html).

<sup>11</sup> Xavier. THUNIS, Fonctions et fondements de la responsabilité en matière environnementale, in *Les responsabilités environnementales dans l'espace européen*, Point de vue franco-belge, G. VINEY and B. DUBUISSON eds. DUBUISSON, Brussels, Bruylant, Paris, L.G.D.J. and Schultess, 2006, pp. 25 et seq., sp. p. 26. Online "Revue de l'Union européenne - 667", consulted on 17 November 2023, <https://dalozknd-pvgpsla6-daloz-revues-fr.ezproxy.u-paris.fr/fr/pvPageH5B.asp?puc=006183&nu=667&pa=10&search=migration%20environnementale&word=383.438.489.522.541.605.660.1273.1542.1559.1578.1778.1921.2328#16>.

<sup>12</sup> Michel paque, op cit.

<sup>13</sup> Gabriel Ajabu Mastaki and Anaclet Nzohabonayo, "Recognition and Constitutional Guarantee of the Right to the Environment in the Democratic Republic of the Congo", *Beijing Law Review* 14, no. 04 (12 October 2023): 2012-27, <https://doi.org/10.4236/blr.2023.144111>.

and/or dignity. This interpretation, which places people at the center, implies at the very least the right not to be subjected to harmful pollution. The existence of the elements essential to human life is also the basis of the link between a healthy environment and human rights<sup>14</sup>. This link is rooted in the first principle of the 1972 Stockholm Declaration<sup>15</sup> which states that "*Man has a fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being*"<sup>16</sup>. This is a clear recognition of the fact that, to benefit from human rights, the natural environment is essential, even if the wording does not refer to a healthy or clean environment<sup>17</sup>. The right to a healthy and enabling environment "*encompasses the right to a healthy environment, including the absence of environmental conditions that are directly prejudicial to human health, as well as an environment that enables human beings to attain "the highest possible level of health"*"<sup>18</sup>.<sup>19</sup>. As Professor Michel Paque points out, the anthropocentric movement wants to protect the environment because it is useful to man<sup>20</sup>. The healthy environment thus establishes a link with health, individual rights and the close environment<sup>21</sup>. In the Democratic Republic of Congo, the healthy environment is enshrined in the constitution, in Article 53 of the 2011 constitution<sup>22</sup>. Health has long been

protected, and this has led to the inclusion of the healthy environment as a human right. The right to a healthy environment encompasses a wide range of substantive elements which, if inadequately protected, can have a negative impact on human health. The healthy environment resulting from the anthropocentric conception becomes an important condition leading to the enjoyment of the right to health, and indeed of *all other human rights*<sup>23</sup>. These basic elements are water without health risks (the right to water and sanitation recognized as a human right, essential to the full enjoyment of life and the exercise of all human rights<sup>24</sup>. It can be interpreted as a right of resistance. The right to life is a right that the State cannot derogate from, let alone restrict. This is set out in Article 61 of the Constitution<sup>25</sup>); clean air; a safe climate; adequate sanitation services; healthy food produced using sustainable methods; non-toxic environments in which everyone can live, work, study and play, as well as biodiversity and healthy ecosystems<sup>26</sup>. This right therefore implies obligations on States to use their best endeavors, which may in some cases be obligations of result. These obligations are: "*obligation to protect, obligation to respect involving actions, obligation to achieve*"<sup>27</sup>.

<sup>14</sup> Henri Smets, "Le droit de chacun à l'eau", *Revue Européenne de Droit de l'Environnement* 6, n°2 (2002): 129-70, <https://doi.org/10.3406/reden.2002.1482>.

<sup>15</sup> C.W. BACKES, A.B. BLOMBERG, M.P. JONGMA, F.C.M.A. MICHIELS, H.F.M. W. VAN RIJSWICK, Hoofdlijnen milieubestuurrecht, Den Haag, Boom Juridische uitgevers, 2004, p. 34; M. DÉJEANT-PONS, M. PALLEMAERTS. PALLEMAERTS, Droits de l'homme et environnement : recueil d'instruments internationaux concernant les droits individuels et collectifs en matière d'environnement dans le cadre international et européen, Strasbourg, Ed. du Conseil de l'Europe, 2002, p. 9.

<sup>16</sup> M. PRIEUR, Droit de l'environnement, droit durable, Brussels, Bruylant, 2014, p. 298; J. -F. NEURAY, Droit de l'environnement, Bruylant, 2001, p. 36; E. BROWN WEISS, "Global environmental change and international law: the introductory framework", in Environmental change and international law, United Nations University Press, Tokyo, 1992, p. 7, Floriane Peltier, L'appréhension de la santé par le droit de l'environnement au travers de l'article 8 de la Convention européenne des Droits de l'Homme, dir. Francis Haumont, uclouvain, 2015. consulted on 3 January 2024, p.15, note 50.

<sup>17</sup> Floriane Peltier, op cit, p.15.

<sup>18</sup> Art. 1 of the WHO Constitution, International Health Conference, New York, 22 July 1946.

<sup>19</sup>"view.pdf", accessed on 3 January 2024, [https://dial.uclouvain.be/memoire/ucl/fr/object/thesis:3560/datastream/PDF\\_01/view](https://dial.uclouvain.be/memoire/ucl/fr/object/thesis:3560/datastream/PDF_01/view).

<sup>20</sup>Michel PÂQUES, L'environnement un certain droit de l'homme, online

<https://orbi.uliege.be/bitstream/2268/8275/1/157.pdf>

<sup>21</sup> Idem, p.18

<sup>22</sup> Ajabu Mastaki Gabriel & Nzohabonayo Anaclet, *Le droit à un environnement sain en République démocratique du Congo : un droit à l'efficacité ambiguë*, Cross Current Int peer-reviewed J Human Soc Sci, Nov, 2023 ; Available from: [https://www.researchgate.net/publication/375471262\\_The\\_Right\\_to\\_a\\_Healthy\\_Environment\\_in\\_the\\_Democratic\\_Republic\\_of\\_Congo\\_A\\_Right\\_of\\_Ambiguous\\_Effectiveness](https://www.researchgate.net/publication/375471262_The_Right_to_a_Healthy_Environment_in_the_Democratic_Republic_of_Congo_A_Right_of_Ambiguous_Effectiveness) [accessed Jan 03 2024].

<sup>23</sup> 16<sup>e</sup> recital of the United Nations Resolution on the right to a healthy environment. A/76/L.75

<sup>24</sup> United Nations, The human right to water and sanitation, Resolution A/RES/64/292, adopted by the General Assembly on 28 July 2010.

<sup>25</sup> According to this provision, in no case, and even when a state of siege or a state of emergency has been proclaimed in accordance with Articles 85 and 86 of this Constitution, may derogation be made from the fundamental rights and principles listed below: 1. the right to life [...]

*1.1. 26 For an in-depth reading, see A/HRC/43/53: Right to a healthy environment: good practices - Report of the Special Rapporteur on the issue of human rights obligations relating to the means of enjoying a safe, clean, healthy and sustainable environment, of 30 December 2019.*

<sup>27</sup> Gabriel Ajabu Mastaki, "La consécration du droit à un environnement sain en République Démocratique du

## II. How justiciable is the human right to a healthy environment?

Justiciability can be defined as all the mechanisms that enable a judge to give reasons for his decision based on a standard and enable an individual to invoke a standard in a dispute<sup>28</sup>. In other words, it is the ability to obtain from a competent court the respect/protection/fulfilment of a right, by means of recognition and/or constraint, when the obliged actor (generally a State, but possibly a private actor) fails to provide it.<sup>29</sup>

In this respect, the justiciability of the right to an environment constitutes a basis on which the victim can bring his or her claims before the courts<sup>30</sup>. The question then arises as to whether the right to an environment confers subjective rights on citizens. Since 8 October 2021, the right to a clean, healthy and sustainable environment has been recognized by the United Nations Human Rights Council (UNHRC) as a human right essential to the exercise of other rights<sup>31</sup>. Its constitutionalisation in the DRC makes it justiciable.

According to Article 150 of the Constitution, Congolese judges have a constitutional mandate to guarantee fundamental rights and freedoms in the DRC<sup>32</sup>. It is important to emphasize that "*the law in general, and constitutional law in particular, is only of interest and ultimately fulfils its function when it produces normative effects, when it allows, constrains, demands, sanctions or protects, when it is given the means to do so effectively*"<sup>33</sup>. The unfortunate fact is that all these texts enshrining the justiciability of the right to an

Congo" (2023), <https://doi.org/10.13140/RG.2.2.31162.36806>.

<sup>28</sup> Romainville, Céline. L'essor du droit à l'environnement sain en droit belge et ses défis. In: Bräen, André (ed.), *Droits fondamentaux et environnement*. Proceedings of the conference "Regards croisés sur les rapports entre les droits fondamentaux et l'environnement : Perspectives de la Belgique, du Canada et de la France" held at the Civil Law Section of the University of Ottawa, January 25, 2013, Wilson & Lafleur: Montréal, 2013, pp. 79-106.

<sup>29</sup> Monitorant of the Human Rights Protection System, Catholic University of Louvain, Saint-Louis, 2023

<sup>30</sup> Ajabu Mastaki Gabriel, op cit, p.12.

<sup>31</sup> On this subject, see resolution 48/13 available at : <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session48/Pages/ResDecStat.aspx>. The text of the draft resolution A/HRC/48/L.23/Rev.1 without the oral amendments is available at: <https://documents-dds-ny.un.org/doc/UNDOC/LTD/G21/270/16/PDF/G2127016.pdf?OpenElement> See the note by Annalisa SAVARESI, "The UN HRC recognizes the right to a healthy environment and appoints a new Special Rapporteur on Human Rights and Climate Change. What does it all mean?", *Ejil :Talk !*, 12 October 2021,

environment and compensation for ecological damage in the Democratic Republic of Congo are silent on the competent jurisdiction and the conditions for bringing cases before it, which makes this right almost theoretical. "*This is where the problem is likely to be felt, because we are already hearing, and still hearing, the critics of the political and legal action taken in this area: a lot of fine declarations, a lot of fine intentions, a lot of blah-blah in fact, but little concrete action, or at least effective large-scale action, and little hope in the final analysis*"<sup>34</sup>. The east of the DRC has been ransacked by the M23s, who are wickedly destroying the ecosystem and the flora and fauna, destroying protected areas such as Virunga National Park, and causing millions of displaced people with a negative impact on the environment, But nothing is being done to seriously counteract these abuses, which are ruining the course of sustainable development by combining the needs of human society for material and economic progress with the protection of the natural environment, which in reality does not always have a sufficient say in the matter. "*Such a view is undoubtedly harsh, because reading the national reports and the discussions of the speakers at the Round Table showed that the environment had most of the time made its grand entrance into the constitutional corpus and that the effects of this introduction were in many respects tangible, concrete, observable, if only by sparking and legitimizing the sometimes quite impressive legislative endeavour to find ways of countering the damaging effects of human activity on the environment and repairing, as best we can, the damage done to it*"<sup>35</sup>.

available at: <https://www.ejiltalk.org/the-un-hrc-recognizes-the-right-to-a-healthy-environment-andappoints-a-new-special-rapporteur-on-human-rights-and-climate-change-what-does-it-allmean>

<sup>32</sup> Article 150 of the DRC Constitution as amended by Law no. 11/002 of 20 January 2011 revising certain articles of the Constitution of the Democratic Republic of Congo of 18 February 2006 provides that: "The judiciary is the guarantor of individual freedoms and the fundamental rights of citizens. In the exercise of their functions, judges are subject only to the authority of the law. An organic law sets the status of magistrates". Quoted by Kennedy KIHANGI BINDU, note7.

<sup>33</sup> Lecucq Olivier. Second workshop Constitution and environment: conditions of justiciability. In: *International Yearbook of Constitutional Justice*, 35-2019, 2020. Constitution et environnement - La justice prédictive. Pp. 567-574; doi : <https://doi.org/10.3406/aijc.2020.2783> [https://www.persee.fr/doc/aijc\\_09953817\\_2020\\_num\\_35\\_2019\\_2783](https://www.persee.fr/doc/aijc_09953817_2020_num_35_2019_2783)

<sup>34</sup> Ibidem

<sup>35</sup> Ibidem

It is true that Congolese environmental legislation provides for environmental liability, but unfortunately it does not define any mechanisms for repairing environmental damage. The judge is left to pioneer an assessment system which, unfortunately, may not reflect the reality of the damage suffered.<sup>36</sup>

To remedy this shortcoming, it is time for Congolese lawmakers to incorporate environmental concerns into the Civil Code. This would enable litigants to know to which judge they should apply directly in the event of a violation of their right to a healthy environment.

### III. The need to strengthen environmental education: an anthropocentric appeal?

Just as the human right to an environment recognized in article 53 of the Constitution is interpreted in anthropocentric terms, so too is environmental education. "Environmental education deals with the relationship between man and his environment. It addresses the causes of human activity and its effects on nature and society. This includes, for example, the consequences of overexploitation of resources, climate change, loss of biodiversity and damage to ecosystems"<sup>37</sup>. On this basis, like the human right to the environment, environmental education places people at the center. The ethical dimension of human rights education was also discussed at the 1993 Vienna conference<sup>38</sup>. According to the second recital of the declaration, "all human rights derive from the inherent dignity and worth of the human person, that the human person is the subject of human rights and fundamental freedoms and must therefore be the primary beneficiary and an active participant in their realization"<sup>39</sup>.

In the Democratic Republic of Congo, despite the growth in environmental protection legislation, human activities are still having a negative impact on the environment. This is proof of the ineffectiveness of these texts. The right to a healthy environment is a new right that Congolese citizens are unaware of and less familiar

with. This is linked to the problem of understanding and acceptance. The high illiteracy rate in the DRC can also lead to ignorance of the guiding principles of the right to the environment. Environmental education is therefore essential to remedy this situation. Being a human right, to be known and accepted, it is concerned by the qualifier "Human Rights Education", synonymous with human rights education. Human rights education refers to "training and information activities designed to foster a universal culture of human rights by imparting knowledge, skills and attitudes that: (a) strengthen respect for human rights and fundamental freedoms; (b) ensure the full development of the human personality and the sense of its dignity; [...]"<sup>40</sup>. According to a statement by the United Nations, "Not all human rights violations are the result of shortcomings in the law, administrative injustices or flagrant failures by the State to fulfil its obligations. Violations of economic, social and cultural rights can also be perpetrated by private bodies or individuals and occur in the workplace, in the local community or in the family, often hidden from view"<sup>41</sup>.

It is important to draw the attention of all members of society to their personal rights and duties under international and domestic law, and to point out to them that they harbor both risks of violation and means of protecting and promoting human rights, and that they have a certain number of duties towards others<sup>42</sup>. A first concrete action that could contribute to the effectiveness of the right to a healthy environment in the DRC concerns the education and/or training of citizens. Local institutions should bear the burden of informing citizens of the environmental hazards of their activities. It will therefore be important to use this education to encourage each citizen to take responsibility for the management of this common good, the environment. Citizens will then be able to take legal action if their right to a healthy environment is violated. This is justified by the fact that they are more sensitive to the environment as a global

<sup>36</sup> Sabin, Mande M., *Droit Congolais des infractions environnementales*, Write On Publishing, Cape Town, South Africa, 2021

<sup>37</sup> Education for sustainable development at <https://www.education21.ch/fr/edd/approches/education-a-l-environnement>

<sup>38</sup> World Conference on Human Rights from 14 to 25 June 1993 in Vienna. Declaration and action programme attached here.

<sup>39</sup> Second recital of the Vienna Declaration and Programme of Action, Michel Bastien "Education: an essential dimension of human rights", Centre d'Action Laïque de la Province de Liège, accessed on 3 January 2024, <https://www.calliege.be/salut-fraternite/100/leducation-une-dimension-essentielle-des-droits-de-lhomme/>.

<sup>40</sup> Report of the United Nations High Commissioner for Human Rights on the implementation of the Plan of Action for the United Nations Decade for Human Rights Education (19 952 004) - A/51/506/Add.1 - 12 December 1996; reproduced in the Teachers' Guide to Human Rights Education in the French-speaking World, Paris, 2009.

<sup>41</sup> Office of the United Nations High Commissioner for Human Rights, *Economic, Social and Cultural Rights. Handbook for National Human Rights Institutions*, UNITED NATIONS, New York and Geneva, 2004, p. 93.

<sup>42</sup> United Nations, *Manual on the establishment and strengthening of national institutions for the promotion and protection of human rights*, para. 141.

public good when they have been educated and made aware of environmental issues.<sup>43</sup>

To this end, *"For citizens to accept and naturally apply the rules of environmental law, it is not enough for them to be enacted and published. They must also be understood and accepted by the public. To achieve this, it is essential not only to inform, train and raise the awareness of citizens, but also to promote environmental citizenship among them, so that citizens, especially the youngest, are familiar with the content of environmental law"*<sup>44</sup>.

A second category to educate is judges. It is almost impossible for a judge with no expertise in environmental law to apply or interpret environmental standards clearly. This is why judges also need to be educated and trained to ensure that the right to a healthy environment is effective.

It is also necessary to reinforce the jurisdictional and institutional mechanism for the effectiveness of the right to a healthy environment. Finally, if the right to a healthy environment is to be effective across the generations, it is important that it is included among the concepts that should be taught from primary school onwards, along with civics. In this way, children can grow up with an understanding of this right, which is just as important for the fulfilment of other rights.

## CONCLUSION

Finally, it is worth remembering that anthropocentrism is a philosophical trend that places man at the center of the universe. It places human beings above all other species, and the rest of the world must seek to satisfy their needs. The right to a healthy environment is an inevitable condition for the existence of all human life on earth. It is based on an anthropocentric interpretation in that it aims to ensure human well-being. It considers human health, human life and human dignity. This interpretation, which places people at the center, implies at the very least that they have the right not to be subjected to harmful pollution. This goes back to the 1970s, with the two major United Nations conferences on the environment (Rio and Stockholm). It was concluded that anthropogenic activities have a negative impact on the environment and could lead to the disruption of human rights. Inspired by anthropocentrism, States committed themselves to protecting human beings through their environment. The

<sup>43</sup> Gérard Roland, "Éducation à l'environnement vers un Développement durable. Réseau et mouvement", *Le Sociographe*, 2009/2 (no. 29), p. 27-37. DOI : 10.3917/graph.029.0027. URL: <https://www.cairn.info/revue-lesociographe-2009-2-page-27.htm>

<sup>44</sup> Vincent Zakane, "Problématique de l'effectivité du droit de l'environnement en Afrique : l'exemple du

right to a healthy environment has been recognized internationally as a human right vital to the realization of other rights. In the Democratic Republic of Congo, this commitment has been materialized by the constitutionalisation of this right in Article 53 of the Constitution. The enshrinement of this right in the Constitution bears witness to the importance of protecting people downstream, via their environment upstream. The enshrinement of such a right in the highest norm of the State calls for its justiciability. The justiciability of the right to a healthy environment is thus the possibility for citizens to take their case to court whenever they feel oppressed by the degradation of their environment. Constitutionalisation thus recognizes that citizens have not only the right to live in a healthy environment, but also the duty to protect the environment against any degradation. It is a double-edged sword. As far as the State is concerned, it feels obliged to protect human lives from any harm. It has an obligation to regulate human activities, especially as humans are both the victims of environmental degradation and the perpetrators of it. To achieve this, the State also has an obligation to provide its citizens with environmental education. It is for this reason that the United Nations calls for education to ensure the effectiveness and/or improvement of economic, social and cultural rights. A healthy environment, as recognized in the Constitution, is a new right that Congolese citizens are unaware of and less familiar with. It is thus linked to the problem of understanding and acceptance, which implies a need for education and/or training of citizens. Local institutions should therefore bear the burden of informing the public of the danger posed to the environment by their activities. It will therefore be important to use this education to encourage each citizen to take responsibility for the management of this common good, the environment. Citizens will then be able to take legal action if their right to a healthy environment is violated.

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