

## Chapter 8: Legislative Alignment for Sustainable Urban Health Towards Entrenching Environmental Rights in Zimbabwe

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The present chapter explores in a critical fashion, the alignment of existing laws to the provisions of the constitutional environmental rights impact on environmental outcomes using available data from published reliable data. The legislative framework in Zimbabwe aims for a sustainable economic and environmental health system among the result factors of sudden changes in the climate caused by violation of environmental rights. The main argument is that the existing laws should be reviewed and aligned with the current climatic changes and proposed sustainable urban health to preserve environmental human rights. The study deploys a desktop research methodological approach that engaged review of available literature from relevant journal articles, google scholar, review of available legislative frameworks, published human rights and environmental reports drawing cases from developed countries. Results indicate that, there is a collaboration of agencies in protecting human rights norms that apply to environmental rights thus including the right to a safe, clean, healthy and sustainable urban health environment. The study concludes that constitutions do matter for beneficial environmental outcomes, implying that government should consider the incentives and limitations faced by polluters and resource users and those faced by politicians who originate, oversee, and enforce environmental regulations to archive sustainable urban health environment.

Environmental rights refer to any declaration of a human right to a certain level of environmental quality (Economist Intelligence Unit (EIU), 2019). Human rights and environmental protection are inextricably linked; human rights cannot be realised without a safe, clean, and healthy environment. It has been pointed out by ..... () that sustainable environmental governance cannot be achieved without establishing and respecting establishing and respecting human rights. Globally, the right to a healthy environment is inscribed in over national constitutions. Therefore, this link is becoming more widely acknowledged (Chirisa & Muzenda, 2013). There are several recognised environmental human rights. Environmental rights are made up of

substantive (or basic) rights and procedural (or procedural) rights (tools used to achieve substantial rights).

On the other hand, substantive environmental rights are those where the environment has a direct impact on the right's existence or enjoyment (Jeffords and Minkler. 2016). Civil and political rights, such as the right to life, freedom of association, and freedom from discrimination; economic and social rights, such as the right to health, food, and a decent standard of living; cultural rights, such as the right to visit religious sites; and collective rights, such as indigenous peoples' rights, are all examples of substantive rights. The right to a healthy environment has been recognised and protected by the Constitution in over 100 states, making it the strongest kind of legal protection available (Boyd, 2012; *ibid.*). A healthy environment is included in almost two-thirds of the constitutional rights; alternate formulations include rights to a clean, safe, favourable, wholesome, or ecologically balanced environment.

The chapter examines Zimbabwe's laws and policies relating to the recognition of indigenous peoples' and local communities' rights, including the legal and policy measures and mechanisms that are appropriate in each situation, and the impact of these rights on natural resource exploration and extraction, large-scale agricultural land use, and infrastructure and/or development projects. Its purpose is to assist the reader in comprehending how various legal and institutional structures either support or hinder environmental rights to have sustainable urban health system (WHO, 2018). It also looks at ways to encourage community engagement in resource management and the local and national development process.

The study significantly contributes to the understanding of urban health by highlighting the critical linkages between environmental rights and the well-being of urban populations. By examining the legal and policy frameworks that protect indigenous peoples' and local communities' rights, this research underscores the importance of environmental justice in ensuring sustainable urban health systems. It demonstrates how the recognition and enforcement of environmental rights can mitigate the adverse impacts of environmental degradation on human health, particularly in urban settings where pollution,

lack of access to clean water, and inadequate sanitation are prevalent (OHCHR, 2023).

The chapter is structured as follows: Background to the Study that provides an overview of the context and significance of environmental rights in urban health; Conceptual Framework that outlines the theoretical underpinnings of the study; Literature Review that synthesises existing research on environmental rights and urban health; Research Methodology that details the methods used to collect and analyse data; Results that presents the findings of the study; Discussion that interprets the results in the context of the broader literature; and Conclusion and Recommendations that summarises the key findings and suggests policy and practical implications.

Human rights legislation or regulations encourage or restrict local communities' access to natural resources. Various laws and regulations have been enacted in post-independence Zimbabwe to promote and recognise local community rights in natural resource governance. The goal to address the needs and interests of all Zimbabweans lies at the heart of the human rights framework (Boyd, 2012). Current laws and regulations can be examined at the international, regional, and national levels. The International Covenant on Economic, Social, and Cultural Rights (ICESCR) is the main international legal foundation influencing Zimbabwe's national legal system. It is an international treaty that establishes international norms for economic, social, and cultural rights worldwide (EIU, 2019). The international covenant on civil and political rights, the convention on the elimination of all forms of discrimination against women, the convention on the elimination of all forms of racial discrimination, and the convention on the rights of the child are among the international legal instruments that Zimbabwe has ratified.

The new Zimbabwean Constitution (2013) incorporates several clauses from various foreign treaties. Zimbabwe has ratified the African Charter on Human and Peoples' Rights, enacted in 1981. The African Charter guarantees the preservation of economic, social, and cultural rights while respecting freedom and identity and ensuring equitable access to humanity's collective heritage. Boyd (2012) emphasized that all peoples should have the freedom to manage their wealth and natural resources, ensuring this right is protected through

various environmental laws and regulations. Many laws and policies exist at the national level in Zimbabwe to promote and protect environmental human rights. The country's supreme law, the Constitution, defines citizens' fundamental environmental rights, including those related to natural resources and sustainable health. The new Constitution, that was adopted on May 22, 2013, provides for environmental rights and their judicial enforcement comparable to civil and political rights, and economic, social, and cultural rights (Mudzonga, 2021). In this aspect, the new Constitution marked a welcome break from the Lancaster House Constitution of 1979, that neither guaranteed these rights nor allowed for their enforcement by the courts.<sup>1</sup> Section 73 of the Constitution states that everyone has the right to a healthy and safe environment, and the right to have the environment protected for the benefit of current and future generations through reasonable legislative and other measures that prevent pollution and ecological degradation and promote conservation (Section 73(1)(a) and (b)(i)(ii)). This provision, in principle, provides compensation to communities that have been harmed by pollution and environmental damage that as affected the sustainability of the health provision. While the right is framed as an individual one, it can be argued that it also applies to groups, as pollution and environmental degradation affect not just one person, but the entire group or community.

The acknowledgment of the linkages between environmental rights and sustainable urban health has risen dramatically in recent years. International and domestic legislation, judicial rulings, and academic research on the link between environmental human rights and sustainable health systems are fast increasing in number and breadth. Sustainable urban health refers to the

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<sup>1</sup> The Lancaster House Constitution of 1979 refers to the constitutional agreement reached during the Lancaster House Conference held in London from September to December 1979. This conference, chaired by Lord Carrington, brought together representatives from the United Kingdom, the government of Zimbabwe Rhodesia, and the Patriotic Front (led by Robert Mugabe and Joshua Nkomo) to negotiate the terms of Zimbabwe's transition to independence. The agreement, signed on 21 December 1979, established a new constitution for Zimbabwe that included provisions for free elections, a ceasefire, and the temporary reversion of Zimbabwe Rhodesia to its former status as the colony of Southern Rhodesia under British authority. This constitution, often referred to as the 'Lancaster Constitution,' was enacted by Order in Council on 6 December 1979 and provided for a transitional period leading to Zimbabwe's independence on 18 April 1980.

integration of environmental sustainability and human health within urban settings, ensuring that cities are designed and managed to promote the well-being of their inhabitants while minimising harm to the environment (Corburn, 2009). This concept encompasses various factors, including access to clean air and water, safe transportation, nutritious food, affordable housing, and opportunities for physical activity, all of which are crucial for maintaining health and reducing health risks such as air pollution, traffic injuries, and noise stressors (Barton and Tsourou, 2000).

Compromising factors include inadequate urban planning, lack of intersectoral cooperation, and the persistence of siloed approaches to health and environmental policies that can lead to health inequities and unsustainable urban development (Northridge and Sclar, 2003). Enabling factors involve the adoption of a "Health in All Policies" (HiAP) approach that integrates health considerations into all urban policy decisions, fostering multidisciplinary collaboration across sectors and institutions to create healthier urban environments (Stahl *et al.*, 2006). This includes mapping health impacts, assessing economic benefits, and engaging stakeholders to support healthier development choices.

The human rights and the environment mandate, that was established by developed nations, have expanded, investigates human rights duties concerning a safe, clean, healthy, and sustainable environment (Allan, 2017). It also encourages excellent practices in applying human rights to environmental policy. Many states' constitutions now include a right to a healthy environment. However, many concerns concerning the link between human rights and the environment remain unsolved and need to be investigated further.

Human rights and the environment are inextricably linked: a safe, clean, healthy, and sustainable environment is necessary to enjoy our human rights, whereas polluted, dangerous, or otherwise unhealthy settings may infringe on our rights (Shelton, 1991). If we are to address environmental concerns, governments must safeguard and promote environmental rights, and corporations must respect those rights. Environmental rights are quantifiable,

conspicuous, and functioning parts of society and its ecosystem, not abstract, distant, and unimportant abstractions. More than a hundred nations have included environmental rights in their constitutions. When environmental rights are infringed, people's health and well-being suffer, as does the planet's.

The Environmental Management Act (Chapter 20:27) of 2002, as amended in 2006, is Zimbabwe's overall environmental law and regulatory framework. It creates the Environmental Management Agency (EMA), that has as its goals the sustainable management of natural resources and environmental protection, the prevention of pollution and environmental degradation, and the preparation of a National Environment Plan and other plans for environmental management and protection. As observed by Section 3 of the EMA, the EMA takes precedence over other laws that are in conflict or inconsistent with it. Environmental rights and environmental management principles are protected under Section 4(1) of the EMA. These rights encompass the right to a healthy and clean environment, access to environmental information, protection of the environment for current and future generations, and participation in the implementation of legislation and policies that prevent pollution and environmental degradation. They also ensure ecologically sustainable management and use of natural resources, while promoting justifiable economic and social development (Allan, 2017). These rights support the acknowledgment of community rights and their engagement in the conservation and management of natural resources.

Unlike other Southern African countries, Zimbabwe has a comprehensive collection of environmental legislation that addresses all of the most pressing issues. Important environmental legislation dates back to the early 1940s (UNFCCC, 2018). Until 2002, environmental regulation was fragmented, consisting of more than eighteen statutes overseen by eight distinct ministries. Until the Environmental Management Act was passed, this plethora of rules resulted in redundancy and overlap (Maome *et al.*, 2012). The Environmental Management, Compliance, and Monitoring Act of 2002 harmonises all environmental management, compliance, and monitoring problems. It also improves environmental impact assessment rules (Chirisa and Muzenda, 2013).

In 1994, Zimbabwe was the first country to enact an environmental impact assessment policy. While reviewing the implementation of its policy for the first time in 2014, the government expressed concern about the high cost of compliance caused by excessively high consultant fees charged to private investors (Machaka, 2014). Zimbabwe places such importance on environmental conservation that the most important aspects of environmental stewardship have been included in the country's primary legal framework. The new Zimbabwean Constitution enacted in 2013 has a clause named "Environmental Rights." In the first phrase, "Every individual has the right to an environment that is safe for their health and well-being, one may argue that a human-centred approach was used. The next clauses discuss sustainable development and the need to protect the environment for future generations, stating that ecologically sustainable development and exploitation of natural resources while fostering economic and social growth" must be ensured. National lawmakers recognise the problem of striking a balance between economic and social growth on the one hand and environmental stewardship on the other. The final phrase of this section requests that the State adopt appropriate legislative and other measures to achieve the realisation of the rights set out in this section." (Section 73 of Zimbabwe's Parliamentary Act, 2013).

The environmental rights provision was originally included in the Environmental Management Act of 2002. It should be recognised that environmental rights include not just access to and control over natural resources, but also stewardship with a responsibility to maintain the environment. Sound environmental management necessitates a worldwide effort including many parties with particular priorities. As a result, environmental rights necessitate participatory initiatives including local residents, environmental stakeholders, the corporate sector, and government agencies (Chirisa and Muzenda, 2013).

The 2002 Environmental Management Act created an Environmental Management Agency to carry out the bill's requirements. Regrettably, the organisation does not obtain sufficient money. Furthermore, the 2002 Act charged the Environmental Management Agency with enforcing all existing environmental laws, despite the fact that several government ministries were

still in responsible of enforcing environmental laws. As a result, there are now overlaps in responsibilities and alternative fine structures for the same infraction (Maome *et al.*, 2012).

Other factors contributing to the poor implementation of the 2002 act include a lack of definitions of roles and responsibilities among different sectoral ministries, a lack of stakeholder participation from the public, a lack of data to monitor implementation and impact, weak enforcement with some private companies polluting without being sanctioned, a lack of political will, institutional overlaps in the enforcement of environmental law, and ignorance of the law by farming, communal, and governmental entities. Another fascinating factor for the Environmental Management Act's poor implementation is the lack of dependence on traditional chiefs as stewards of environmental legislation. Traditional chiefs had complete authority over natural resources and were responsible for supervising their usage before to colonization. Environmental resources were put to good use in a long-term manner (Jeffords and Minkler, 2016). Traditional chiefs believe that, as in the past, natural resource management and monitoring should take place within their jurisdiction, with technical assistance from existing institutions. Environmental committees should instead monitor the environment for local governments in their jurisdiction, as observed by the 2002 Act.

Traditional chiefs and leaders are given environmental protection powers under the Traditional Leaders Act [Chapter 29:17], that was passed in 1998 and amended in 2001. 'that the land and its natural resources are used and exploited in accordance with the law,' a traditional chief must ensure. A traditional chief is in charge of preventing abuses such as overgrazing and over cultivation, and negative activities including the loss of flora and fauna, and any degradation, abuse, or exploitation of land and natural resources in his territory. He also assists development committees in putting local development plans into action (Parliament of Zimbabwe, 1998). Environmental protection is clearly the duty of both local governments and traditional leaders, that sometimes leads to confrontations between state institutions and traditional leaders (Chigwata, 2016).



Zimbabwe's government also uses a variety of economic incentives to encourage people to follow environmental standards. These incentives are primarily intended to help indigenous peoples who would otherwise be unable to adopt appropriate environmental policies due to a lack of resources. Most statutes also require the regulated community to report relevant information to the competent authorities. 85 Compliance with such standards, on the other hand, has been intermittent, and is typically not enforced until after an environmental problem has arisen. In Zimbabwe, the notion of environmental impact assessment has only received a semblance of acceptance. Most agencies and commissions, for example, will examine a range of environmental factors when making decisions, but there is no legislative need that a specific procedure be followed. Furthermore, citizen enforcement measures are uncommon in Zimbabwean law. Several observers have indicated that if Zimbabwe wants to address indigenous peoples' issues in national policies, citizen suit rules might help.

The goal of this desktop research is to examine the most important relevant acts or instruments that focus on structural and systemic concerns rather than specific individual/family needs. This information were used to help construct a sustainable urban environmental health polices and analysis tools. The study contains a summary of existing tools, concepts, and methods, and their strengths, flaws, and inadequacies. The desk review is not intended to be a comprehensive survey of the literature on urban environments or a context analysis. Rather, the study is intended to be a compilation of the current knowledge base on context analysis and its explanatory capacity for understanding urban forced-displacement situations and suggesting intervention entry sites. As a result, where feasible, the review focuses on synthesis reports, literature reviews, and case-study reports, and has relied on the published research works that are relevant to the study.

We focus on the recognition and growing support for environmental rights as fundamental human rights, particularly the right to a clean, healthy, and sustainable environment. It introduces key themes such as the international acknowledgment of this right, its connection to other human rights, and the role of global and local entities in advocating for its inclusion in legal

frameworks. The section also discusses the legal and societal implications of the resolution, emphasising the importance of environmental health for urban populations and the influence of global organisations and local actors in promoting these rights.

The present chapter provides evidence of the resolution acknowledges the right to a clean, healthy, and sustainable environment as a fundamental right essential to the enjoyment of human rights. This formulation incorporates the many terms used to refer to this privilege, as discussed below. It also states that it is "connected to other rights that comply with current international law," rather than being a stand-alone right. The text also invites states to take action by strengthening capacities and establishing policies that make this human right a reality. Aside from the wording of the text, the approval of this resolution demonstrates that support for environmental rights is growing the aspect or urban health is of great importance. While it does not have legal force, its symbol were enough to persuade reluctant nations to include the right to a healthy environment in domestic legislation. Furthermore, the momentum behind the right may lead to its stronger implementation in nations where it currently exists and also it has the potential to accelerate the acknowledgment of the right in an international, legally enforceable document.

Human and environmental rights have begun informal conversations about the right to a safe, clean, healthy, and sustainable environment being recognised internationally. In March 2021, 69 countries, including previously hesitant countries like Germany, unanimously adopted a declaration advocating for the acceptance of this right (Jeffords, 2016). The initiative of the Core Group received overwhelming support. More than a thousand non-governmental organisations (NGOs), including well-known groups like Birdlife International, Greenpeace, and Amnesty International, and specialised groups like the Centre for International Environmental Law and the Global Pact Coalition, rallied behind their rallying cry (Brown *et al.*, 2012). In addition, fifteen UN agencies signed a statement affirming the acknowledgment of the right. Much of the credit for this massive mobilisation

goes to UN Special Rapporteur on Human Rights and the Environment David R. Boyd and his predecessor John Knox.

The Human Rights Council adopted Resolution 48/13 on October 8, 2021, by a vote of 43 in favour, none against, and four abstentions, following a year of intensive agitation (China, India, Japan, Russia). Despite these abstentions and the absence of the United States from the Council, the passage of this resolution demonstrates near-unanimous support for the right to a healthy environment among the international community (Mudzonga, 2021). Various formulations allude to the right to a healthy environment, depending on the legal instrument. The right 'to a healthy environment' or the right 'to live' in a healthy environment is frequently mentioned in international texts. Despite this, there is rivalry over the descriptor 'healthy.' Some may advocate for the preservation of an 'ecologically sound' environment a life of dignity and well-being", "sufficient to his or her health and well-being" and "respecting biodiversity" in this regard. The right to an environment capable of sustaining human society and the full enjoyment of human rights was defined by Brown *et al.* (2012) as "the right to an environment capable of supporting human society and the full enjoyment of human rights."

Similarly, a 'healthy environment' is mentioned in about two-thirds of national constitutions that recognise the right. Alternative terms, such as the rights to a clean, safe, favourable' wholesome or ecologically balanced' environment, could be used. The many designations may allude to various types of protection (Fisher *et al.*, 2017). For example, the right to a "safe" environment will emphasize environmental protection as a non-harmful environment for humans. This is particularly notable because, as observed by the World Health Organisation (WHO), the environment is responsible for 24 percent of all global fatalities. On another level, the right to a "healthy" environment frequently refers to the protection of the ecosystem's health.

Regardless of denomination, the essential content of the right to a healthy environment is largely same throughout all of these national, regional, and international documents. The basic relationship between environmental conservation and successful human rights preservation lies at the heart of each of these concepts. Part of this is due to the status of the right to a healthy

environment as a claim right. Unlike liberty rights, claim rights imply a positive obligation on the part of third parties to the right-holder and several jurisdictions have lately reinforced this uniqueness. For example, both the judgments and verdicts of Courts bind individual rights to a state responsibility and the state is a frequent violator of the right to a healthy environment. Other entities, such as private corporations, can, nonetheless, carry duties under the right to a healthy environment. With the individual as the primary right-holder, the right to a healthy environment has been criticised for its anthropocentric nature (Chigwata, 2016). It is undeniable that the notion that humans have a right to a healthy environment is heavily influenced by the western conception of human rights, that places humans at the centre of the universe. This viewpoint should be matched with an eco-centric viewpoint that prioritises nature. The African Charter on Human and Peoples' Rights (1981) takes a step in this direction by recognising the right of all "peoples" to a suitable environment. Some countries have taken it a step farther by recognising natural and environmental rights.

The Environmental Management Act of 2002 simplified all environmental management, monitoring, and compliance concerns, and tightened requirements for all existing and new projects requiring Environmental Impact Assessments (EIAs) (Chigwata, 2016). Furthermore, the statute guarantees that everyone has the right to live in a clean environment. Furthermore, it ensures that individuals have access to environmental information. It further states that they have a mission and function to conserve the environment for the benefit of current and future generations, assist in the execution of pollution control legislation and policies, and fight environmental deterioration caused by deforestation and erosion. As a result, the locals are expected to utilise natural resources properly (Mudzonga, 2021). The National Environmental Policy aims primarily to control irreversible environmental damage, maintain important environmental processes, conserve a wide range of biological variety, and improve Zimbabweans' level of living (Boyle, 2007).

In connection to their environmental interests, a variety of players, including the state and civic organisations, have lobbied for environmental rights to be incorporated into the new constitution. Because environmental concerns are a

worldwide concern, various international institutions, including several United Nations environmental organisations, have been involved in the battle for environmental rights. These outside influences supported the idea of residents being empowered to regulate their local environment in a sustainable manner. The South African Constitution allows for environmental justice on a regional level. This notion has already been integrated into Zimbabwe's Environmental Management Act. This demonstrates the extent to that external factors may affect the formulation of laws, constitutions, and national policies. Outside parties have been working as watchdogs in the environmental rights advocacy platform, monitoring openness and equality of participation in contrast to worldwide norm. Local participation in debates and fora has been assisted, at least from the standpoint of modern institutions, by members of parliament, state officials, and councillors (Jeffords and Minkler. 2016). As grassroots entities, Village Development Committees and Ward Development Committees organised their communities to participate in the constitution making process, that resulted in the inclusion of environmental rights. In terms of traditional institutions, traditional leadership village heads, headmen, and chiefs have played an important role, particularly in rural regions. Ideally, chiefs control resource management at the local level.

Legally, the right to a healthy environment has both procedural and substantive consequences. Using national authorities' implementation of the right to a healthy environment as a model, a majority of States have passed laws specifying procedural and substantive aspects necessary for effective implementation of this right (Jeffords and Minkler. 2016). On the one hand, recognising a right to a healthy environment frequently means respecting procedural rights such as the right to receive information, participate in environmental decision-making, and have access to the health legal system. The Philippines, for example, has implemented particular environmental lawsuit regulations to support the preservation of the right to a healthy environment.

One of the most important techniques for regulating migration in the country, and particularly the emigration of health professionals, is an economic turnaround. The major reason for health professionals' departure is economic

hardship, that has affected individuals, institutions, sectors, and countries. Respondents cited competitive salary and non-financial advantages comparable to regional levels such as South Africa and Namibia as a retention strategy (Mudzonga, 2021). However, this can only be accomplished in a more functioning economy than Zimbabwe's. Incentives, such as automobile and home mortgages, have been shown to improve health professionals' morale. It might therefore be difficult to offer these incentives due to the government's fiscal state and economic hardships facing the country.

Furthermore, there is a scarcity and inaccessibility of fundamental requirements such as tap water, power, and even gasoline, therefore offering incentives with a scarcity of necessary services would be ineffective since professionals would seek alternate methods and ways to obtain such services. As a result, to give such incentives, the government must work on the economy and turn it around. Non-monetary incentives such as training and study leave have been suggested to incentivise health care employees to stay working in public health services (Stilwell *et al.*, 2004), since one of the reasons for intention to emigrate in the study was to enhance one's education.

In addition to procedural rights, the right to a healthy environment has a substantive component. The right to a healthy environment, regardless of its specific articulation, preserves the natural environment aspects that permit a decent living. It includes the protection of fundamental human rights such as the right to life, clean water, food, and so on. The French Environmental Code, for example, protects the "right of people to breathe air that is not hazardous to their health." Similarly, the South African Constitution provides that "everyone has the right: (a) to an environment that is not damaging to their health or well-being." This substantive component has enabled national and regional courts to impose responsibilities on States to properly execute the right to a healthy environment. The Inter-American Court of Human Rights ruled in a historic judgement in 2020 that Argentina had infringed the right of the indigenous communities to a healthy environment owing to a lack of adequate measures to avoid damaging activities (Report of the Special, 2018). As a result, courts have acknowledged that states were required to prevent violations of the right to a healthy environment.

Nonetheless, due to significant hurdles, implementation of this right remains spotty. Only regional conventions and soft law instruments acknowledge it at the international level. In other words, it has yet to be acknowledged in a worldwide and legally binding convention analogous to the 1966 international covenants on human rights (Bonnet *et al*, 2019). Such a convention would face substantial challenges since major international powers, such as the United States and China, are still unwilling to accept the existence of environmental rights. Recognition of the right to a healthy environment at the national level should result in the development of "implementation legislation." However, those that acknowledge this right in their constitutions or through regional accords do not always put it into law. The right to a healthy environment cannot be realised to its full extent unless it is effectively integrated into national laws and practices (Boyd, 2012). Many states continue to fail to fulfil their commitments in a way that effectively respects, defends, and fulfils the right to a healthy environment.

Controlling the execution of this right is also a difficult task. So date, no formal international system has been established to oversee its implementation. One may argue that an international implementation control mechanism could fill this need. This mechanism might, at a minimum, take the form of a compliance committee, but its referral should be available not only to States, but also to people and non-governmental organisations (NGOs), following the model of the Aarhus Convention. Even better, an international jurisdictional entity were established with the goal of ensuring that states respect the right to a healthy environment. In the absence of such international institutions, the national judge is the first line of defence. Internal courts should be the first to ensure that the right to a healthy environment is respected, taking into consideration the extraterritorial impact of a state's activities, including those conducted outside its boundaries. In other words, the national judge must ensure that the State respects not just the right of its own people to a healthy environment, but also the right of all living things on the globe (Jefford, 2016). Regardless, the statistics from decades of application is encouraging. Recognising the right to a healthy environment often encourages governments to tighten environmental laws and regulations, and to allow for more public participation. A wide range of studies have indicated that include

constitutional environmental rights is positively associated to improved environmental performance.

In this report (WHO, 2018), it is pointed out that, the greening of well-established human rights, including the rights to life, health, food, water, housing, culture, development, property and home, and private life, has contributed to improvements in the health and well-being of people worldwide. However, more work needs to be done to further clarify and, more importantly, implement and fulfil the human rights obligations relating to a safe, clean, healthy and sustainable environment. The UN to formally recognise the human right to a healthy environment. Legal recognition of this right would acknowledge that this right must be universally protected, and would fill a glaring gap in the architecture of international human rights (Report of the Special, 2018). Further, it would be consistent with, and reinforce, the actions that many States and regions are already taking, resulting in benefits such as:

- Stronger environmental laws and policies;
- Improved implementation and enforcement;
- Greater public participation in environmental decision-making;
- Reduced environmental injustices;
- A level playing field with social and economic rights;
- And better environmental performance.

Finally, the aspects of environmental rights and sustainable urban health have a significant step on the potential to have far-reaching ramifications for human rights and the environment. The resolutions by the United Nations General Assembly, might pave the way for even more global international recognition, and possibly even an international covenant, on the right to a healthy environment. Environmental law does exist in Zimbabwe, and it is rather thorough when compared to other African countries. However, the majority believes that environmental regulation is not well implemented and enforced to ensure sustainable urban health system. In terms of impressions of the business community's attitude, attitudes are generally favourable; as the results revealed that, the environmental concerns are of concern to the business sector and are sufficiently or at least partially handled.



Environmental concerns are of importance to the society and yet they are not sufficiently handled by the corporate community.

The business sector has numerous alternatives for improving the current situation and deepening its commitment to environmental integrity. In section 6.4, eight particular metrics have been selected and described. Sustainable firms can take actions in the areas of training, institutional discussion, new technology, monitoring systems, and tools to improve their environmentally sustainable health systems. Their massive and growing presence in developing countries, particularly Zimbabwe, raises concerns about the outdated and highly polluting technology that is affecting the enforcement and monitoring hence the need to raise standards for urban health systems. There is room to investigate how to reverse this dangerous trend so that development can become more sustainable, meeting both social and environmental international standards.

In final analysis, environmental rights have been included not just to remedy colonial and historical wrongs, but also to address the present regime's lack of involvement and care of natural resources and health systems. Environmental management is crucial in ensuring that the needs of local people are prioritised. This is a part of environmental governance whose goal is democratic environmental management, in which everyone has the opportunity to obtain the information, skills, and abilities to contribute to environmental soundness while responsibly utilizing the environment's resources. This necessitates adequate environmental education and the exchange of information and expertise. While environmental rights are critical for environmental governance, the essay has underlined the need for environmental rights to be strengthened beyond constitutionalism. This entails advocating for more equity, representation, and engagement in environmental management.

Using credible available data, the present chapter has critically examined how current laws relate to the environmental rights provisions of the constitution and how they affect environmental consequences. A sustainable economic and environmental health system has been the goal of Zimbabwe's legislative framework, especially in light of climate change brought on by abuses of

environmental rights. The primary contention has been that to protect environmental human rights, current laws ought to be examined and brought into line with suggested sustainable urban health measures and current climatic changes. A desktop research methodological approach has been used, which involves reviewing pertinent literature from a variety of developed-nation sources. Findings show that authorities have worked together to defend environmental rights that are covered by human rights standards, such as the right to a clean, safe, healthy, and sustainable urban environment. To achieve positive environmental outcomes, constitutional provisions are important. To create a sustainable urban health environment, the government should take into account the incentives and constraints faced by resource users, polluters, and legislators in charge of monitoring and implementing environmental laws.