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MUNICIPAL ENVIRONMENTAL GOVERNANCE AND HUMAN RIGHTS: LOCAL AUTHORITIES AS KEY ACTORS IN SUSTAINABLE DEVELOPMENT¹

Problem statement and its connection with important scientific or practical tasks. Environmental governance at the local level has become a critical issue in the context of global sustainability challenges, in particular climate change, pollution and biodiversity loss. Local authorities play a key role in implementing environmental policies, ensuring compliance with environmental standards, and protecting human rights related to a clean and healthy environment. While international frameworks such as the Sustainable Development Goals (SDGs) and the European Green Deal emphasise sustainability at all levels of governance, there is a growing need to examine how local governments contribute to environmental justice and sustainable development. Despite their crucial role, local governments often face regulatory, financial and administrative barriers that limit their ability to implement effective environmental policies.

Analysis of recent research and publications, which initiated the solution of this problem and on which the author relies, highlighting previously unresolved parts of the overall problem to which the article is devoted. The doctrinal sources are practically absent, when it comes about such a branch of law, as constitutional law. Mostly the authors analyze the execution of the 'ecological' ECtHR judgements, don't mention the deeper issues (see [1–6], for example). This article, therefore, exclusively relies on the international organisations' documents and good European practices.

The aim of the article is to look at the Ukrainian experience on how do local and regional authorities contribute to environmental governance while ensuring the protection of human rights, and what legal and institutional mechanisms can enhance their effectiveness in achieving sustainability goals? This study aims to explore the role of local and regional authorities in environmental governance from a human rights perspective. It analyses international frameworks, policy instruments and good practices that enable local authorities to address environmental challenges while ensuring the protection of fundamental rights. The research also identify obstacles faced by local authorities and propose recommendations to strengthen their capacity for sustainable environmental governance.

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Main part of the study. The Intersection of Human Rights and Environmental Protection. The right to a healthy environment is increasingly recognised as a fundamental human right, essential to the enjoyment of life, health and well-being. This right is rooted in international human rights and environmental law, which recognises that environmental degradation has a direct impact on human dignity and fundamental freedoms. In recent decades, global institutions and courts have strengthened legal frameworks that position environmental protection as an obligation of states and local governments.

The United Nations General Assembly formally recognised the right to a clean, healthy and sustainable environment as a universal human right in Resolution 76/300 (2022). This milestone underscores the obligation of states to protect environmental rights through national policies, legislation and governance mechanisms. A similar interpretation of environmental issues through the lens of existing human rights, including the right to life (Article 2) and the right to private and family life (Article 8) under the European Convention on Human Rights (ECHR), has been adopted by the European Court of Human Rights (ECtHR). A substantial corpus of jurisprudence has emerged from the ECtHR, establishing that states must proactively prevent environmental damage that could endanger human health and well-being.

At the regional level, the Aarhus Convention (1998), adopted under the chairmanship of the United Nations Economic Commission for Europe (UNECE), strengthens the procedural dimension of environmental rights by guaranteeing public access to environmental information, public participation in decision-making and access to justice in environmental matters. These provisions give individuals and communities the power to hold local authorities accountable for environmental management and ensure greater transparency in environmental policies.

In practice, local and regional authorities play a crucial role in implementing the right to a healthy environment. Communities are responsible for urban planning, waste management, air quality control and climate adaptation strategies, all of which have a direct impact on human health. However, challenges exist, particularly in countries undergoing decentralisation reforms, where the balance of responsibilities between national and local levels of government is still evolving. Insufficient funding, a lack of expertise and political obstacles can prevent effective environmental governance at the local level.

In the context of the ongoing challenges posed by climate change and environmental damage to human rights, it is crucial to strengthen the legal recognition and enforcement of the right to a healthy environment. Strengthening the capacity of local self-government, integrating human rights considerations into environmental policies and ensuring strong legal mechanisms for accountability are key steps towards making this right a visible reality for all people.

Local self-government plays a crucial role in safeguarding environmental rights, as it operates at the closest level to citizens and directly influences policies affecting their daily lives. While national and international legal frameworks establish environmental standards, local authorities are primarily

responsible for implementing and enforcing them. The scope of their responsibilities encompasses a wide range of areas, including urban planning, waste management, air and water quality monitoring, biodiversity conservation, and climate change adaptation.

The European Charter of Local Self-Government (1985), adopted by the Council of Europe, emphasises the autonomy of local authorities in decision-making, including environmental decision-making. This corresponds to the Aarhus Convention (1998), which requires public participation in environmental decision-making and guarantees access to environmental justice. Consequently, local authorities are legally and ethically responsible for ensuring that communities are actively involved in the development of environmental policy and that their concerns are addressed in a transparent manner.

One of the core responsibilities of municipalities is to implement sustainable urban and rural development policies that protect natural resources while meeting the needs of growing populations. This includes enforcing land use regulations, preventing industrial pollution and promoting green infrastructure. Furthermore, the management of waste and the implementation of recycling programmes are also within the remit of municipalities, placing them directly accountable for ensuring proper disposal and the minimisation of environmental risks.

In the context of climate change, local and regional authorities are also at the forefront of climate adaptation and mitigation efforts. Numerous municipalities have adopted local climate action plans aimed at reducing greenhouse gas emissions, improving energy efficiency and implementing sustainable public transport systems. However, the success of these initiatives is highly dependent on the availability of financial and technical resources. In many countries, including Ukraine, decentralization reforms have granted municipalities greater autonomy; however, insufficient funding and administrative capacity continue to act as barriers to effective environmental governance.

A further key aspect of local self-government's responsibility is to ensure environmental justice, particularly for vulnerable groups. Environmental risks such as air pollution, contaminated water and deforestation often disproportionately affect marginalised communities. To address these issues, local authorities have to implement stricter environmental protection regulations, regulate industrial activities and ensure that all citizens have access to clean air, water and green spaces.

Finally, local authorities are the link between national policy and implementation at the community level. The role of local authorities in protecting environmental rights is not only a legal obligation, but also a critical factor in promoting public health, economic sustainability and social well-being. It is essential to strengthen local environmental governance through capacity building, increased funding and greater citizen engagement to ensure that environmental rights are upheld and integrated into broader human rights protection.

The role of local authorities in environmental protection has been shaped by numerous legal precedents and court rulings, both nationally and internationally. There has been an increasing recognition by courts of the duty of

local authorities to protect environmental rights and to impose legal obligations on local authorities to ensure compliance with environmental legislation. These rulings serve to reinforce the principle that environmental protection is not only a policy goal, but also a legal obligation directly connected to fundamental human rights.

At the international level, the ECtHR has established an important jurisprudence that links environmental degradation with human rights violations. In cases such as *Lopez Ostra v. Spain* (1994) and *Fadeyeva v. Russia* (2005), the ECtHR ruled that severe environmental pollution can violate Article 8 of the European Convention on Human Rights (ECHR), which protects the right to private and family life. These cases have underscored the responsibility of local authorities in preventing industrial pollution and ensuring a safe and healthy environment for residents. It has been established by judicial bodies that the failure to act against environmental harm, even when caused by private entities, can result in state liability, including at the local level.

In the case of *Tătar v. Romania* (2009), the ECtHR further reinforced the obligation of public authorities, including local authorities, to take preventive measures against environmental risks. The court emphasised that local authorities have a duty to ensure public participation in environmental decision-making and to inform citizens about potential risks related to pollution and dangerous activities. This aligns with the principles set out in the Aarhus Convention (1998), which establishes procedural environmental rights, including access to justice in environmental matters.

At the national level, constitutional and administrative courts have also played a critical role in defining communal environmental obligations. In Germany, for instance, the Federal Constitutional Court ruled in 2021 on climate protection, determining that inadequate environmental policies, including those at the local level, can constitute a violation of the fundamental rights of future generations. This ruling established a precedent for strengthened local climate policies and reinforced the idea that local authorities have to take proactive action to prevent environmental degradation.

In France, the Conseil d'État issued a landmark ruling in 2020 (*Commune de Grande-Synthe* case), holding the French government accountable for failing to take adequate climate action. The decision underlined the responsibility of local authorities to implement sustainable urban planning and reduce greenhouse gas emissions. The ruling also demonstrated that municipalities have standing in environmental litigation, allowing them to challenge higher authorities when national policies fail to address environmental concerns.

These precedents highlight a growing judicial recognition of the environmental responsibilities of local authorities. Courts are increasingly viewing local authorities as key actors in the enforcement of environmental rights, with obligations that go beyond compliance to active prevention and removal of environmental damage. Failure to fulfil these obligations can result in legal consequences, including litigation, fines and orders to take appropriate remedial action.

Developing case law underlines the need for local authorities to integrate legal accountability mechanisms into their environmental management strat-

egies. Local authorities are required to ensure that their policies are consistent with national and international environmental standards, promote public participation, and take proactive measures to protect environmental rights. Strengthening local legal frameworks and improving coordination between local, national and international bodies can improve the effectiveness of local environmental governance and protect communities from environmental degradation.

Local Implementation of Sustainable Development Goals (SDGs).

Local authorities play a crucial role in the implementation of the UN Sustainable Development Goals (SDGs), particularly those related to environmental protection and sustainability. While the SDGs are set at the global level, their success largely depends on local action, as local authorities are directly responsible for policies that affect urban development, resource management, climate resilience and public well-being. Of the 17 SDGs, several intersect directly with local government, including SDG 7 (affordable and clean energy), SDG 11 (sustainable cities and communities) and SDG 13 (climate action).

How local authorities contribute to the SDGs? Below are 3 main directions.

1. Promote clean energy (SDG 7). Local authorities contribute to affordable and clean energy by promoting renewable energy projects, improving energy efficiency, and developing local policies that encourage sustainable practices. Many cities around the world have introduced programmes to incentivise the adoption of solar and wind energy, offering grants, tax breaks or subsidies to residents and businesses that switch to green energy solutions.

In Germany, for example, the city of Freiburg is recognised as a leader in municipal sustainability, with a policy that actively promotes the use of solar energy in public and private buildings. Similarly, Copenhagen, Denmark, has set ambitious targets to become carbon neutral by 2025, largely through investments in wind energy, district heating and sustainable public transport.

2. Building sustainable cities (SDG 11). Sustainable urban development is a core responsibility of local authorities, as they regulate land use, public transport, waste management and infrastructure development. Achieving SDG 11 requires local authorities to implement green policies that enhance urban resilience and promote inclusive, safe and sustainable communities.

One of the key strategies is the development of green infrastructure, including urban parks, pedestrian areas and green transport networks. For example, Paris, France, has implemented a '15-minute city' concept, which aims to ensure that residents can access essential services (jobs, schools, healthcare and shops) within a 15-minute walk or bike ride from their homes. This initiative significantly reduces carbon emissions by reducing dependency on cars.

Local authorities also contribute to sustainable cities by improving waste management. Cities such as Stockholm have adopted zero-waste policies, setting up extensive recycling programmes and waste-to-energy initiatives to minimise the use of waste in landfills.

In many regions, cities also need to adapt to climate change and disaster risks, ensuring that urban planning takes into account flood prevention, heat resilience and sustainable water management. Rotterdam, the Netherlands,

has implemented climate-adaptive infrastructure, including floating buildings, water plazas and green roofs, to counter rising sea levels and flood risks.

3. Strengthen climate action (SDG 13). Cities are at the leading frontier of climate action, implementing local climate policies in line with national and international commitments. Many cities have developed climate action plans that set targets for carbon neutrality, renewable energy deployment and emissions reductions.

Oslo, Norway, for example, has introduced a climate budget that treats carbon emissions as a financial resource to be 'spent' responsibly. This innovative approach ensures that all local authority decisions are aligned with climate targets and that sustainability is considered in every sector, from construction to public transport.

In addition, local authorities play an important role in education and awareness raising. Many cities have launched public campaigns to encourage citizens to adopt green behaviours, such as using public transport, reducing plastic consumption and supporting sustainable businesses.

Conclusions. Local authorities are key actors in translating the global SDG agenda into concrete action at the community level. Through policy innovation, institutional mechanisms and public participation, local authorities play a critical role in promoting clean energy, developing sustainable cities and leading climate action.

By aligning local decision-making with environmental priorities, local authorities can build resilience, protect ecosystems and improve the quality of life for future generations. Strengthening cooperation between local authorities, citizens and international organisations is essential to achieving a sustainable and climate-friendly future.

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Summary

Mishyna N. V. Municipal environmental governance and human rights: local authorities as key actors in sustainable development. – Article.

Environmental governance at the local level has become a critical issue in the context of global sustainability challenges, in particular climate change, pollution and biodiversity loss.

While international frameworks such as the Sustainable Development Goals (SDGs) and the European Green Deal emphasise sustainability at all levels of governance, there is a growing need to examine how local governments contribute to environmental justice and sustainable development. Despite their crucial role, local governments often face regulatory, financial and administrative barriers that limit their ability to implement effective environmental policies.

Local authorities play a crucial role in the implementation of the UN Sustainable Development Goals (SDGs), particularly those related to environmental protection and sustainability. While the SDGs are set at the global level, their success largely depends on local action, as local authorities are directly responsible for policies that affect urban development, resource management, climate resilience and public well-being. Of the 17 SDGs, several intersect directly with local government, including SDG 7 (affordable and clean energy), SDG 11 (sustainable cities and communities) and SDG 13 (climate action).

The author concludes that local authorities are key actors in translating the global SDG agenda into concrete action at the community level. Through policy innovation, institutional mechanisms and public participation, local authorities play a critical role in promoting clean energy, developing sustainable cities and leading climate action. By aligning local decision-making with environmental priorities, local authorities can build resilience, protect ecosystems and improve the quality of life for future generations. Strengthening cooperation between local authorities, citizens and international organisations is essential to achieving a sustainable and climate-friendly future.

Key words: local self-government, local and regional authorities, human rights, grassroots approach, municipalization of human rights, SDG, ecological rights, ecological policy at the local level.

Анотація

Мишина Н. В. Місцеве екологічне управління та права людини: органи місцевого самоврядування як ключові суб'єкти сталого розвитку. – Стаття.

Екологічне управління на місцевому рівні стало критично важливим питанням у контексті глобальних проблем сталого розвитку, зокрема зміни клімату, забруднення та втрати біорізноманіття. У той час як міжнародні документи, такі як Цілі сталого розвитку (ЦСР) та Європейський зелений курс, наголошують на сталому розвитку на всіх рівнях управління, зростає потреба у дослідженні того, як органи місцевого самоврядування сприяють екологічній справедливості та сталому розвитку. Незважаючи на свою важливу роль, органи місцевого самоврядування часто стикаються з регуляторними, фінансовими та адміністративними бар'єрами, які обмежують їхню здатність впроваджувати ефективну екологічну політику.

Органи місцевого самоврядування відіграють вирішальну роль у впровадженні Цілей сталого розвитку ООН (ЦСР), особливо тих, що стосуються захисту довкілля та сталого розвитку. Хоча ЦСР визначені на глобальному рівні, їхній успіх значною мірою залежить від дій на місцевому рівні, оскільки органи місцевого самоврядування несуть безпосередню відповідальність за політику, яка впливає на розвиток населених пунктів, управління ресурсами, стійкість до зміни клімату та добробут населення. З 17 ЦСР кілька безпосередньо стосуються місцевого самоврядування, зокрема ЦСР 7 (доступна та чиста енергія), ЦСР 11 (сталі розвиток міст і громад) та ЦСР 13 (кліматичні дії).

Автор доходить висновку, що органи місцевого самоврядування є ключовими суб'єктами у перетворенні глобального порядку денного ЦСР у конкретні дії на рівні громад. Завдяки політичним інноваціям, інституційним механізмам та участі громадськості органи місцевого самоврядування відіграють вирішальну роль у популяризації чистої енергії, розбудові сталих міст та реалізації кліматичних дій. Узгоджуючи процес прийняття рішень на місцевому рівні з екологічними пріоритетами, органи місцевого самоврядування можуть підвищити стійкість, захистити екосистеми та покращити якість життя для майбутніх поколінь. Посилення співпраці між органами місцевого самоврядування, громадянами та міжнародними організаціями має важливе значення для досягнення сталого та сприятливого для клімату майбутнього.

Ключові слова: місцеве самоврядування, права людини, низовий підхід, муніципалізація прав людини, ЦСР, екологічні права, екологічна політика на місцевому рівні.