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Analysis of Five Proposed Foundational Rights

Right to Bodily Autonomy

Ethical Foundations and Philosophical Traditions: The right to bodily autonomy is rooted in the enlightenment ideals of individual liberty and human dignity. Enlightenment philosophers like **Immanuel Kant** and **John Stuart Mill** provide foundational justifications. Kant's deontological ethics emphasize that each person must be treated as an end in themselves, never merely as a means; this implies an inviolability of the person's body and will [1] [2]. Mill's **harm principle** likewise asserts the sovereign freedom of individuals over their own body and mind, barring state interference unless one's actions harm others [3]. This principle underpins modern liberal thought on personal autonomy. Feminist theory and human rights ethics have further expanded these ideas, framing bodily autonomy as essential to human agency and equality. For example, contemporary human rights discourse views bodily autonomy not only as freedom from external coercion, but as **positive empowerment** – requiring conditions that enable informed choice and self-determination [4]. In sum, centuries of moral philosophy (from natural rights notions of self-ownership to modern ideals of personal liberty) converge on the notion that ethical governance must respect an individual's control over their own body.

Legal Precedents and International Frameworks: *Bodily autonomy* finds implicit and explicit protection across international human rights law. The **Universal Declaration of Human Rights (UDHR)** enshrines a general right to "life, liberty and security of person" [5], which has been interpreted to encompass bodily integrity. More explicitly, the **International Covenant on Civil and Political Rights (ICCPR)** prohibits torture and non-consensual medical experimentation (Article 7) and guarantees security of person (Article 9), reinforcing that individuals cannot be subjected to bodily harm or interference without consent. Regional human rights instruments go further: the **American Convention on Human Rights** requires respect for every person's "physical, mental, and moral integrity" [6], while the **African Charter on Human and Peoples' Rights** proclaims that human beings are inviolable and entitled to respect for "the integrity of [their] person" [5]. Modern treaties addressing specific groups also incorporate bodily autonomy: for instance, the **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)** upholds women's right to freely decide matters of reproduction, and the **Convention on the Rights of Persons with Disabilities (CRPD)** guarantees respect for physical and mental integrity on an equal basis. At the national level, numerous constitutions explicitly protect bodily autonomy or integrity. For example, **South Africa's Constitution** guarantees "the right to bodily and psychological integrity," including the right to make reproductive decisions and to security in and control over one's body [7]. Similarly, the **German Basic Law** (Grundgesetz) safeguards the right to life and physical integrity (Article 2(2)), and many other constitutions – from Colombia to Finland – contain clauses protecting individuals from bodily harm by the state or others. Even where not spelled out, courts have often read bodily autonomy into rights to privacy or liberty; for instance, U.S. jurisprudence (e.g. *Griswold v. Connecticut* (1965), *Roe v. Wade* (1973)) long held bodily decisions like contraception and abortion to be protected by constitutional liberty and privacy [8] [9] (though this remains a contested arena after recent reversals). Overall, a robust body of international and comparative law recognizes bodily autonomy as foundational, either as an aspect of the right to dignity, privacy, or as a stand-alone principle of bodily integrity.

Practical Implications for Law, Governance, and Institutional Design: Enshrining a right to bodily autonomy has wide-ranging implications for legal systems and governance. It requires states to criminalize violations of bodily integrity (such as assault, rape, torture, and harmful traditional practices like female genital mutilation) and to enforce those laws effectively. It also limits the state's own power: governments must justify any intrusion on an individual's body – from medical procedures to searches or detentions – as necessary and proportionate to a legitimate aim. In the realm of healthcare and bioethics, respect for bodily autonomy underpins the doctrine of **informed consent**, meaning individuals have the right to make decisions about medical treatments and to refuse treatment absent overriding circumstances. Laws and institutions thus must empower individuals in decision-making: for example, hospitals implement consent protocols and ethics boards to safeguard patient autonomy, and guardianship laws increasingly seek less restrictive means so that even persons with disabilities can exercise autonomy to the greatest extent possible. Additionally, recognizing this right influences reproductive and gender policies: governments are expected to ensure access to family planning, safe maternity care, and to refrain from coercive practices like forced sterilizations or contraceptive mandates [10] [11]. In governance, a commitment to bodily autonomy might entail establishing independent human rights bodies or ombudspersons to monitor bodily rights (such as agencies overseeing prisons to prevent abuse, or child protection systems to prevent bodily harm to minors). It also informs education and law enforcement – for instance, police and security forces require training in de-escalation and restraint techniques that minimize bodily harm, and laws must clearly circumscribe when force can be used. The presumption in democratic societies is that the **state bears a heavy burden to justify any encroachment on personal bodily sovereignty**, fostering a legal culture where personal consent and bodily choice are paramount.

Contemporary Relevance – Digital and AI Contexts: In the digital era, new questions arise about bodily autonomy as technology mediates the human experience. One area is **biometric data and surveillance** – as governments and companies collect fingerprints, DNA, facial images, or even track individuals' movements, concerns emerge that such practices can violate bodily privacy. Upholding bodily autonomy today thus overlaps with data privacy and the right to keep one's bodily information (like genetic data or health metrics) under one's control. Another emerging frontier is **neurotechnology and AI-driven interventions**. For example, brain-computer interfaces and neuroimaging could potentially read or influence mental states, raising calls for "neurorights" (sometimes framed as a right to cognitive liberty) as an extension of bodily autonomy into the mind. Ensuring that individuals retain agency over their neural processes and are free from unwanted manipulation by AI will likely become an aspect of this right. In more immediate terms, the proliferation of **online harassment and image-based abuse** connects to bodily autonomy as well. The United Nations has noted that the right to live free from violence extends to online spaces as a matter of personal autonomy – for instance, non-consensual sharing of intimate images ("revenge porn") or deepfake pornography is viewed as a violation of one's bodily autonomy and dignity [12]. Protecting bodily autonomy in the digital realm thus demands legal remedies against such abuses and technical measures (like content takedown mechanisms) to give people control over how their bodies are portrayed or used online. Finally, as **AI-powered robotics** become involved in healthcare and law enforcement, ensuring those systems respect consent is crucial (e.g. a medical AI robot must obtain a patient's informed consent via a human practitioner). In summary, while digital technology presents novel challenges, the core of bodily autonomy – the right to control one's own body and personal data – remains highly salient. Societies are beginning to respond by updating privacy laws, crafting neuro-specific rights, and emphasizing **"my body, my data"** as a new slogan for autonomy in an AI-mediated world.

Examples from Existing Legal Regimes: Many jurisdictions provide instructive models of how bodily autonomy is protected in practice. In **South Asia**, for instance, the Supreme Court of India has repeatedly

affirmed bodily integrity as part of the fundamental right to life with dignity (Article 21 of the Indian Constitution). This was evident in cases outlawing forced **public** sterilization drives and in the recognition of a constitutional right to refuse life-sustaining medical treatment. In **Europe**, the constitutions of countries like **Germany** and **Italy** enshrine personal liberty that has been interpreted to bar forced medical interventions and protect personal choices in healthcare. Germany's law specifically guarantees inviolability of the body, and Italy's Constitution states that no one may be obligated to undergo health treatment except by law (and then not in violation of human dignity) [13]. In **Colombia**, the Constitutional Court has grounded women's reproductive rights in bodily autonomy, leading to the liberalization of abortion laws and strong jurisprudence on informed consent for medical procedures. Perhaps the most comprehensive constitutional text is that of **South Africa**: its Bill of Rights explicitly lists components of bodily autonomy – the right to make decisions about reproduction, to security in and control over one's body, and to not be subjected to medical experiments without consent [7]. This provision has been invoked in diverse contexts, from rejecting forced sterilization of HIV-positive women to affirming individuals' rights to refuse vaccines or other treatments (subject to limitations during public health emergencies) [14] [15]. South African courts have balanced this right against public interests, at times allowing compulsory medical measures (such as treatment for highly infectious disease) only under strict justification [16]. Such examples illustrate how a formal right to bodily autonomy operates: it gives individuals a powerful claim against both private and public actors who would forcefully invade their bodies, while still permitting the state to regulate in narrow cases to prevent harm. As these varied regimes show, the right to bodily autonomy has become a cornerstone of modern constitutional and human rights law, reflecting a broad consensus that individual freedom begins quite literally with control over one's own body.

Right to Peace and Prosperity

Ethical Foundations and Philosophical Traditions: The pairing of *peace and prosperity* as a foundational right draws from a rich vein of political philosophy that sees human well-being as twofold: freedom from violence ("peace") and freedom from want ("prosperity"). Enlightenment thinkers like **Immanuel Kant** argued that a perpetual peace is the ultimate goal of a lawful world order, envisioning a federation of republics that renounce war in order to secure freedom and happiness for their citizens. Kant's 1795 essay *Perpetual Peace* reflects an ethical belief that peace is a prerequisite for all other moral and social goods. In a similar spirit, **Thomas Hobbes** earlier asserted that in the state of nature life is "solitary, poor, nasty, brutish, and short" due to constant fear of violent death, suggesting that peace (achieved by a social contract) is the first condition of a good life. Meanwhile, prosperity as an ethical aim can be traced to Aristotelian ideas of **eudaimonia** (human flourishing) and later to Enlightenment concepts of progress and welfare. The **Utilitarians** like Jeremy Bentham and John Stuart Mill held that society should aim for "the greatest happiness of the greatest number," implicating material well-being and economic security as part of the moral calculus. In the 20th century, **Franklin D. Roosevelt** famously articulated "Four Freedoms" (1941) that included *Freedom from Fear* (peace) and *Freedom from Want* (prosperity) as fundamental goals for humanity. These were explicitly framed as complementary: a world in which no one lives in fear of violence and no one suffers from dire poverty is one where human dignity can thrive [17]. The ethical foundation of a right to peace and prosperity thus merges *human security* (a term coined in the 1990s to describe the intersection of personal safety and economic well-being) with longstanding ideals of social justice. It posits that every individual is morally entitled not only to live in a society free from war and large-scale violence, but also to have the means for a decent life. Philosophical traditions as disparate as **Christian just-war theory** (which sees peace as the norm and war as a last resort), **Marxist theory** (which envisions an end to class conflict and equitable distribution of goods), and **liberal egalitarianism** (e.g. John

Rawls' vision of a society that secures basic needs as well as basic liberties) all feed into the notion that peace and material well-being are foundational components of a just social order.

Legal Precedents and International Frameworks: In international law and constitutional practice, the *right to peace* and *right to prosperity* (often expressed as the right to development or economic well-being) have gradually gained recognition, though not without controversy. The **United Nations Charter (1945)** set the stage by declaring the UN's primary purpose as maintaining international peace and security and promoting social progress. Subsequently, the **Universal Declaration of Human Rights (UDHR, 1948)**, while not explicitly mentioning "peace," invokes the aspiration of a world free from fear and want – its preamble proclaims that freedom from fear (peace) and freedom from want (prosperity) are "the highest aspiration of the common people" [17]. The UDHR also enshrines the right to an adequate standard of living, including food, healthcare, and social security (Article 25), and the right to work and fair remuneration (Article 23), which form the bedrock of a life in prosperity. Perhaps most directly, UDHR Article 28 states that "everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized," implicitly calling for a peaceful world order as a precondition for all rights [18].

At the regional level, some human rights instruments explicitly recognize peace. The **African Charter on Human and Peoples' Rights (1981)** declares that "All peoples shall have the right to national and international peace and security" [19], linking it to principles of friendly relations among states. Similarly, the **Constitution of Colombia (1991)** notably codifies peace as both a right and a duty: "Peace is a right and a duty of mandatory compliance" (Article 22) [20]. This provision has been interpreted by Colombia's Constitutional Court to mean that every person has a right to live in peace, which the state must actively advance – a powerful example of a domestic legal system embracing peace as a justiciable right. In 2016, the international community took a symbolic step with the **UN General Assembly Declaration on the Right to Peace**, which in Article 1 proclaims that "Everyone has the right to enjoy peace such that all human rights are promoted and protected and development is fully realized" [21]. Although this declaration is soft law (and was divisive, with many Western states abstaining or objecting [22]), it reflects a growing sentiment that peace is not just a policy goal between nations but a human right of individuals and peoples.

As for **prosperity**, international law frames it in terms of the **right to development** and economic and social rights. A landmark was the **UN Declaration on the Right to Development (1986)**, which asserts that "the right to development is an inalienable human right" by which "every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development" [23]. This declaration, supported by an overwhelming majority of states, links prosperity to human dignity and self-determination. It places an obligation on states to create conditions for fair development and to cooperate internationally to remove obstacles such as poverty, inequality, and colonialism. Economic components of prosperity are further detailed in the **International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966)**, a binding treaty that guarantees rights to work, social security, an adequate standard of living, education, and the highest attainable standard of health – all key ingredients of human prosperity. Additionally, newer global frameworks like the **Sustainable Development Goals (SDGs)** (adopted by the UN in 2015) integrate peace and prosperity: SDG 16 calls for peace, justice, and strong institutions, while SDGs 1 through 10 address poverty, hunger, health, education, and inequality (prosperity goals). The SDG agenda explicitly recognizes that "there can be no sustainable development without peace and no peace without sustainable development," reinforcing their interdependence.

National constitutions also sometimes incorporate these principles. **Japan's Constitution (1947)** famously renounces war in Article 9, reflecting a national commitment to peace (though it frames it as a state policy

rather than an individual right). The **Constitution of Bolivia (2009)** goes further: it declares Bolivia a "pacifist state" and in Article 10 enshrines the promotion of a culture of peace, effectively writing a duty of peace into the nation's fundamental law [24]. Some constitutions guarantee components of prosperity explicitly, such as the **Constitution of South Korea**, which includes a right to human dignity realized through minimum standards of life (Article 34) and directives for the state to promote social welfare and economic democratization. Even where not labeled "prosperity," many constitutions in Europe, Latin America, and Africa list social rights (to housing, health care, education, etc.) that collectively aim at ensuring a life of material dignity and opportunity. These can be seen as the building blocks of a right to prosperity.

Importantly, international law also links the two concepts: the **1984 UN Declaration on the Right of Peoples to Peace** emphasized that life without war is essential for "material well-being, development and progress of countries" [25]. Conversely, the **1986 Declaration on the Right to Development** stressed that international peace and security are "essential elements for the realization of the right to development" [26]. Thus, legal frameworks increasingly affirm that peace and development (prosperity) are mutually reinforcing rights – a view crystallized in the idea of "human security" adopted by the UN, which covers both safety from violence and freedom from want.

Practical Implications for Law, Governance, and Institutional Design: Recognizing a composite right to peace and prosperity would significantly influence governance priorities and institutional arrangements. On the peace front, it would impose a duty on states to proactively prevent conflict, promote justice, and ensure public security. In practice, this could mean constitutional or statutory constraints on executive war-making powers (for example, requiring legislative approval for the use of force, as many democracies do), robust mechanisms for peaceful dispute resolution (such as well-supported court systems and alternative dispute resolution forums), and investment in peace education and a culture of non-violence. A "right to peace" might also require states to control the spread of weapons and to work towards disarmament, since disarmament is frequently cited as conducive to peace [27] [26]. For instance, a government could be seen as violating its people's right to peace if it recklessly contributes to armed conflict or fails to protect citizens from large-scale violence. Consequently, parliaments and courts might gain greater oversight over national security decisions in order to ensure they align with the right to peace.

Institutionally, one might imagine **ministries or departments of peace** (as have occasionally been proposed or established in some countries) focused on domestic violence prevention, conflict mediation, and promotion of tolerance. Human rights commissions could be mandated to monitor not only civil liberties but also indicators of societal peace (such as hate crime levels or conflict hotspots). The right to peace might also invigorate the role of international organizations: governments could be expected to support the United Nations and regional peacekeeping efforts as a matter of fulfilling their citizens' right to a peaceful world.

On the prosperity side, a legal commitment to a right to peace and prosperity would strengthen the mandate for social welfare policies and equitable economic development. Governments would be obliged to strive for conditions in which all citizens can attain a decent standard of living. This has implications for budgeting and policy: a certain portion of state resources must be directed to healthcare, education, housing, and social safety nets. Courts in countries with enforceable social rights have sometimes ordered governments to take action on poverty or inequality, such as directing the state to provide life-saving healthcare or basic shelter as part of the right to human dignity or life. We could expect similar

jurisprudence under a right to prosperity, pushing officials to create jobs, ensure living wages, and regulate the economy in the public interest.

Furthermore, a right to prosperity would shape economic governance – it might necessitate institutions like a *national human development council* or require that independent bodies (central banks, development banks) consider employment and poverty rates in their decision-making. It could also justify land reforms or anti-monopoly regulations to broaden economic participation. In essence, governance would be guided by a principle that economic policy is not merely about growth in the abstract, but about actualizing each person's capability to live with dignity and economic security. This might invite constitutional or legal provisions for **progressive realization** of economic rights (as in the ICESCR), meaning the state must continually strive to improve prosperity outcomes and can be held to account if it regresses or neglects core obligations (like failing to address extreme hunger or unemployment).

Integrating peace and prosperity together, one practical design is the notion of **"human security budgets"** – reallocating military expenditure towards social programs when possible, under the rationale that reducing poverty and inequality also stabilizes society and prevents conflict (thus serving peace). Some countries emerging from conflict – e.g. in Latin America or Africa – have adopted language about redirecting resources "from arms to development." A right to peace and prosperity would bolster such approaches by framing them as a legal imperative rather than a policy choice. The net effect on institutions is a more holistic governance approach: ministries of defense, for instance, might need to coordinate with ministries of social development, recognizing that internal peace is fostered by social justice and vice versa. The **Open Government** and **anti-corruption** institutions also tie in: transparency and good governance are essential both to avoid grievances that lead to conflict and to ensure prosperity measures reach their targets, so a state honoring this composite right would invest in accountable, inclusive institutions (echoing SDG 16's emphasis on peace, justice, and strong institutions). In summary, enshrining peace and prosperity as twin pillars would push governments to orient all branches of policy – foreign, security, economic, social – toward the overarching aim of a tranquil society where basic needs are met and people have the opportunity to thrive.

Contemporary Relevance, Including Digital and AI-Mediated Contexts: In the 21st century, the quest for peace and prosperity faces new dimensions shaped by digital technology and artificial intelligence. Regarding *peace*, one contemporary challenge is the rise of cyber warfare and information warfare. The right to peace in a digital context would entail protecting populations from aggression not just in the physical world but also in cyberspace. This could translate into international norms against cyberattacks on civilian infrastructure and efforts to combat online incitement of violence or hatred that can destabilize societies. Social media platforms and AI-driven recommendation algorithms have come under scrutiny for sometimes amplifying extremism or disinformation that leads to real-world violence. Ensuring the "peace" aspect of this right today may require states to work with tech companies to curb the spread of content that glorifies terrorism or ethnic hatred, all while respecting free expression. Another AI-related aspect is the development of **autonomous weapons systems**. Many civil society groups argue that fully autonomous weapons (so-called "killer robots") pose a threat to the right to peace and should be banned to preserve meaningful human control over the use of force. Thus, a state committed to the right to peace might champion international regulation or prohibition of such AI weapons, treating it as analogous to disarmament for the digital age.

On the prosperity side, the digital revolution has created enormous wealth but also new inequalities and uncertainties. The **digital economy** offers opportunities for prosperity through innovation and access to

information, but it also risks leaving segments of society behind (the digital divide) or displacing jobs via automation. Applying the right to prosperity in an AI-mediated context means actively managing these transitions to ensure inclusive growth. For instance, as AI and automation threaten certain industries, governments might need to guarantee retraining programs, robust education in digital skills, or even explore ideas like **universal basic income** to maintain a decent standard of living for all citizens. The concept of **economic agency** (addressed more in the next section) intersects here: individuals must be empowered to benefit from digital technologies, not just be passive subjects of economic change. Moreover, digital connectivity itself could be seen as part of prosperity – some jurists argue that access to the internet is becoming a prerequisite for full participation in economic and social life, and thus could be considered a right. Ensuring widespread, affordable internet access might then be viewed as a component of the right to prosperity in the modern era.

AI and big data also impact economic fairness. Large tech companies accumulate vast wealth from data-driven services; a state concerned with broad prosperity might adopt policies so that this wealth generation benefits the many. This could include stronger taxation of digital giants to fund public goods, or recognition of data as a resource that individuals should share in (for example, through data dividends or collective data trusts). From a rights perspective, one might interpret the right to prosperity as supporting claims that workers deserve a fair share of productivity gains that AI brings. Contemporary debates about gig workers and algorithmic management highlight that without regulation, technology can undermine job security and wages. Therefore, fulfilling the right to prosperity today entails updating labor laws to protect workers in platform-based jobs, requiring algorithmic transparency and fairness in how, say, a ride-sharing app distributes work and pay.

Finally, the **sustainable development** aspect is crucial: prosperity must be achieved in an environmentally sustainable way to be lasting (tying into the right to a healthy environment in the next section). Climate change and ecological degradation threaten both peace (by provoking resource conflicts, refugee flows) and prosperity (by damaging livelihoods and infrastructure). Thus, the right to peace and prosperity in the age of climate crisis could imply a duty for states to pursue climate action vigorously. A peaceful and prosperous society of the future is one that has successfully transitioned to renewable energy, for instance, avoiding climate wars and ensuring new green jobs. In sum, the digital and AI-mediated context doesn't change the core meaning of peace and prosperity but adds new layers: cybersecurity as part of peace, digital inclusion as part of prosperity, algorithmic governance as a field where both peace (social stability) and prosperity (equitable growth) must be safeguarded. States and international bodies are increasingly aware of these links – evidenced by forums on "digital peace" and by the emphasis on "inclusive growth" in bodies like the G20 – reflecting an attempt to adapt the timeless ideals of peace and prosperity to our rapidly evolving technological world.

Examples from Existing National or Subnational Regimes: Many jurisdictions illustrate elements of the right to peace and prosperity, even if not labeled exactly as such. On the peace side, **Colombia** stands out: its 1991 Constitution's recognition of peace as a fundamental right gave rise to a body of jurisprudence supporting peace processes and victim's rights. The Colombian Constitutional Court has invoked the right to peace to uphold laws implementing a peace accord and even argued that the right to peace, being fundamental, cannot be put to a referendum to be denied by majority vote [28]. Another example is **Japan** – while the Japanese Constitution does not grant citizens a justiciable right to peace, its famous Article 9 (renunciation of war) has been interpreted as creating a "peace clause" ethos in Japan, influencing its pacifist foreign policy for decades. **Costa Rica** similarly abolished its army in 1949 and invested in health and education, a policy environment sometimes cited as prioritizing peace and prosperity; Costa Rica's

stable democracy and high human development indices are pointed to as a peace-dividend success. In Europe, the **European Union** project itself was premised on peace through economic integration – the idea that prosperity shared between former adversaries (via trade and common markets) would cement peace. The EU's Charter of Fundamental Rights doesn't enumerate a right to peace, but the EU has been awarded the Nobel Peace Prize for advancing peace on the continent, and it actively funds programs for social cohesion and regional development that reflect a peace-and-prosperity philosophy.

Regarding prosperity, countless national constitutions enshrine social and economic rights. **Nordic countries** (like Sweden, Finland) have constitutional or statutory guarantees of education, health care, and social security, and their welfare-state models are often seen as fulfilling citizens' rights to prosperity (albeit without using that exact term). In **Latin America**, constitutions such as that of **Ecuador (2008)** incorporate the concept of "Buen Vivir" (good living), recognizing rights to health, water, food, and even a right to development in harmony with nature – a holistic vision of prosperity. Some countries have been innovative in law: **Brazil's Constitution (1988)** includes a "social rights" chapter that guarantees minimum material entitlements (e.g. education, housing, leisure, security, social welfare) and Brazil's courts have enforced certain aspects (like ordering the government to provide medications for free as part of the right to health). **South Africa** as well has robust social rights in its Constitution (rights to housing, health care, food, water, and social assistance) which courts have enforced through seminal cases (for instance, requiring the state to devise a plan to prevent homelessness, or to extend anti-retroviral drugs to prevent mother-to-child HIV transmission as a matter of right). These cases illustrate how a right to prosperity can be made concrete through judicial oversight of government policy, ensuring progressive realization of socio-economic goods.

At a subnational level, the idea is also present. For example, some U.S. states have constitutional language about the "security and happiness" of the people as the aim of government (New Hampshire's constitution declares the inherent right of people to reform government to ensure their "prosperity and happiness"). While largely aspirational, such clauses reflect the ethos of prosperity as a goal of governance. **Indian states** under the federal structure implement numerous right-to-development programs (like employment guarantee schemes, food distribution programs) in line with the Indian Directive Principles of State Policy, which, though non-justiciable, urge the government to secure a social order for the promotion of welfare of the people. On the peace front at subnational levels, initiatives like **"sanctuary cities"** or local peace commissions attempt to foster community harmony and protect individuals from violence (for instance, some U.S. cities limiting cooperation with federal immigration raids in the interest of community trust and peace, or local violence interruption programs treating peace as a community right).

In the international sphere, while no country singularly embodies the full "right to peace and prosperity," the evolution of global norms – from Roosevelt's Four Freedoms to the SDGs – shows a trajectory: moving these concepts from aspirational ideals to concrete commitments. The newly recognized **human right to a clean, healthy and sustainable environment** (discussed below) also ties in, since environmental well-being is increasingly seen as integral to both peace (avoiding "resource wars") and prosperity (sustaining livelihoods). In conclusion, examples around the world demonstrate partial implementations: peace clauses, social welfare rights, and development strategies that, together, point toward an emerging consensus that governments exist not only to protect liberties but also to **secure peace and deliver prosperity** for their people. The challenge remains to integrate these facets into a unified legal right and to balance them (for instance, ensuring that in pursuing prosperity, states do not undermine peace through inequality or exclusion, and vice versa). The trend in constitutional law and international human rights suggests a gradual convergence toward affirming that a life of peace and a life of material dignity are fundamental expectations that every person can rightfully demand from their society [25] [23] .

Right to a Presumption of Government Transparency

Ethical Foundations and Philosophical Traditions: The idea that government should be transparent by default – effectively presumed to be open in its dealings – is grounded in democratic philosophy and social contract theory. Enlightenment thinkers like **John Locke** argued that governmental authority arises from the consent of the governed; implicit in that notion is that citizens must have knowledge of government actions to give or withhold consent meaningfully. **James Madison**, one of the framers of the U.S. Constitution, famously wrote that "a popular Government, without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy." This encapsulates the ethic that transparency is the lifeblood of a true democracy. Similarly, British philosopher **Jeremy Bentham** championed publicity in government as a means to prevent abuses, coining the adage that "publicity is the very soul of justice… it keeps the judge, while trying, under trial." Here Bentham was extolling open judicial proceedings, but the principle extends to all public officials: transparency acts as a check on power. The **philosophy of open government** also draws from republican traditions – thinkers like **Montesquieu** and **Rousseau** valued civic virtue and accountability, implying that the republic's workings should be visible to its citizens to ensure officials remain virtuous and true to the general will. Kant too, in his essay on Perpetual Peace, included a preliminary article that the "civil constitution of every state shall be republican," often interpreted as requiring public debate and transparency (Kant noted that if the decision to go to war were made by citizens, aware of the costs, they would rarely choose war – an argument for transparent, accountable governance). In modern times, the **principle of maximum disclosure** has become an ethical standard: it posits that all information held by public bodies should be open except for a narrow set of exceptions (like national security or personal privacy), and the burden is on authorities to justify secrecy. This flips the historical practice of government secrecy on its head, establishing openness as the default – an idea reflected in the title of laws like the **Freedom of Information Act**. Ethically, transparency is linked to **trust** and **legitimacy**: a government that operates in sunlight is thought to respect the autonomy of citizens (by treating them as partners in governance rather than subjects) and to foster an informed electorate capable of self-rule. It is also grounded in anti-corruption ethics – the notion that "sunlight is the best disinfectant" (U.S. Justice Louis Brandeis) suggests that making information public is a moral strategy to prevent the rot of corruption and ensure officials act for the public good. All these threads – democratic consent, enlightenment rationalism, anti-corruption, and accountability – weave together to form the ethical impetus for a presumptive right to government transparency.

Legal Precedents and International Frameworks: The right to access government information has increasingly been recognized in law, both internationally and domestically. While the early international human rights instruments did not explicitly articulate a "right to know," they laid the groundwork. **Article 19 of the UDHR (1948)** and its counterpart in the **ICCPR (1966)** guarantee freedom of expression and the right to seek, receive, and impart information [29]. This has been interpreted by UN bodies (like the Human Rights Committee in its General Comment No. 34) to include a general right of access to information held by public authorities, since receiving information is explicitly part of the freedom. More directly, specialized treaties and declarations have appeared. The **Council of Europe's Convention on Access to Official Documents (2009)** – also known as the Tromsø Convention – is the first binding international treaty on the matter, affirming a right of the public to official documents held by government, subject to certain exceptions. Globally, **UNESCO** and the **United Nations Human Rights Council** have promoted access to information as part of the Sustainable Development Goals (SDG 16.10 specifically calls on states to "ensure public access to information and protect fundamental freedoms"). As of 2021, an overwhelming majority of countries have some legal guarantees for transparency: *at least 132 UN member states* have adopted constitutional

provisions, statutes, or policies ensuring public access to information [30]. This is a remarkable increase from just a few decades ago, marking a rapid diffusion of transparency norms worldwide.

Several national constitutions explicitly guarantee the right to information. For example, **Mexico's Constitution** (Article 6) was amended to enshrine the right of access to information and led to the creation of an independent transparency authority (INAI). **India's judiciary** recognized the right to information as implicit in the constitutional right to freedom of speech, which catalyzed the Right to Information Act of 2005. **South Africa's Constitution (1996)** is exemplary: Section 32 provides that "everyone has the right of access to any information held by the state, and any information held by another person that is required for the exercise or protection of any rights" [31]. This broad provision not only mandates government openness but also access to information from private bodies when needed for rights – a progressive step – and it was implemented by the Promotion of Access to Information Act (PAIA). Likewise, constitutions of countries such as **Brazil, Nigeria, Indonesia, and many in Eastern Europe** (e.g., Poland, which in Article 61 guarantees citizens' right to information on the activities of public authorities) have similar clauses.

On the international plane, soft-law declarations bolster the normative framework: the **1990 UNESCO Sofia Declaration** and the **1999 UN Resolution on the Freedom of Information** both support the idea of transparency as a fundamental freedom. **Anti-corruption treaties** like the UN Convention Against Corruption (2003) also obligate states to enhance transparency in public administration (Article 10) and ensure the public has effective access to information. Regionally, the **Inter-American Court of Human Rights** in 2006 (Claude Reyes vs. Chile) recognized access to state-held information as a human right under Article 13 of the American Convention (freedom of expression), setting a precedent in the Americas. In Europe, the European Court of Human Rights has slowly moved in a similar direction, acknowledging in certain cases that Article 10 of the European Convention (freedom of expression) can imply a right to receive information from the government, especially where the information is needed for public debate.

Crucially, the principle of a **"presumption" of transparency means that secrecy must be the exception**. Many Freedom of Information (FOI) laws explicitly state this principle. For instance, the **U.S. Freedom of Information Act (FOIA) 1966** and its amendments instruct agencies to release information unless it falls under specific exemptions (like national security, personal privacy, etc.), and even then, to release any segregable non-exempt portions. President Obama's 2009 memorandum on FOIA underscored a "presumption of disclosure" as the guiding norm. Similarly, the **UK's Freedom of Information Act 2000** and **India's RTI Act** embrace the idea that information is public by default. The Tromsø Convention (which came into force in 2020) codifies in Article 3 a general right of everyone to request official documents and requires authorities to respond promptly, again reflecting that openness is the rule. The increasing adoption of **open data portals** and proactive disclosure policies by governments (publishing budgets, contracting data, environmental data without waiting for requests) is another facet of implementing this right. Overall, while enforcement varies, the legal trend is clear: transparency is moving from a discretionary good-government practice to an enforceable right.

Practical Implications for Law, Governance, and Institutional Design: A constitutional or legal right to government transparency (with a presumption of openness) fundamentally transforms how a government operates. Practically, it requires establishing mechanisms for the public to request information and for the state to respond. This usually means creating **Freedom of Information units or officers** in each agency, as well as oversight bodies such as an **Information Commissioner or Ombudsman** to handle appeals when information is denied. Many countries, upon enacting RTI laws, have set strict timelines (e.g., 15-30 days to respond) and narrow exemptions. A presumption of transparency also flips the mindset within bureaucracy:

records management and archiving become critically important because information can only be released if it is properly kept. Thus, civil service training and rules evolve to treat records as public assets.

The legislative framework typically enumerates allowable exceptions (national security, ongoing criminal investigations, personal data protection, etc.), but even these exceptions often must pass a **harm test** and a **public interest override** (meaning an authority must show that disclosure would cause a specific harm, and even then, if public interest in disclosure outweighs the harm, the information should be released). This balancing test is now common in FOI regimes. The effect is that secrecy can no longer be justified by default or out of convenience; the law places the onus on government to defend secrecy case by case.

Governance-wise, a presumption of transparency encourages **proactive disclosure**. Many regimes require that core information – budgets, procurement contracts, meeting minutes, agency decisions – be published proactively online. For example, **Ukraine's open data law** after 2014 led to a flood of government datasets being released, empowering journalists and citizens to monitor the use of public funds. Another implication is the integration of technology: governments invest in **electronic portals** to handle FOI requests, and to publish data sets in machine-readable formats.

Transparency also influences institutional design in terms of **checks and balances**. Legislatures may strengthen their oversight committees since they can rely on open information to scrutinize the executive. Courts play a key role by adjudicating disputes over classified information – often reviewing sensitive materials behind closed doors to decide if secrecy is justified, thus acting as a watchdog on secrecy. Importantly, a culture of transparency can change the citizen-government relationship: when citizens know they have a right to ask for any document – from local school budgets to high-level policy briefs – and actually obtain them, it empowers civil society, media, and academia to contribute to governance. This can lead to more informed public debate and evidence-based criticism or validation of government actions.

Of course, institutionalizing transparency brings challenges: governments must safeguard genuinely sensitive information (like defense secrets or personal data) even as they open up, which requires clear classification policies and sometimes independent review to prevent abuse of the "national security" exemption. The presence of an independent Information Commission (as in Canada, Mexico, India, and many others) is a way to ensure impartial umpiring of such matters. These commissions often have quasi-judicial power to order disclosure if an agency unjustifiably withholds information. In countries like **India**, the Right to Information has led to millions of requests annually, exposing issues from village-level corruption to nationwide scams, and as a result, public authorities have had to become more self-auditing and responsive.

Another practical aspect is how transparency interacts with other initiatives: **open government data** (a movement to freely release data for public reuse) and **open meetings laws** (to ensure government meetings are open to the public) complement the right to information. We see "sunshine laws" in U.S. states requiring meetings of government bodies to be noticed and open, with only narrow exceptions for closed sessions. Combined, these create an environment where secrecy is stigmatized unless truly necessary.

In summary, embedding a presumption of government transparency in law leads to concrete changes: formal procedures for information access, a likely reduction in corrupt or arbitrary decision-making (since officials know their actions might be exposed), and an empowered public that can hold institutions accountable using the information those institutions themselves generate. It effectively operationalizes the

principle that **government belongs to the people**, so the people have the right to know what it is doing with the authority and resources they have entrusted.

Contemporary Relevance – Digital and AI Contexts: In today's digital world, the right to government transparency faces new frontiers and opportunities. On one hand, technology makes it easier than ever to disseminate information (governments can livestream proceedings, publish datasets online, and use social media for real-time updates). On the other hand, the complexity of **algorithms** and **big data** poses challenges for transparency. A critical contemporary issue is **algorithmic transparency in governance**: as public agencies increasingly use AI systems for decisions (be it in welfare eligibility, predictive policing, or visa processing), there is a demand that these algorithms be transparent and explainable. Citizens have begun to assert a right to know the criteria and data behind automated decisions that affect them. This is leading to new legislative developments – for example, the **EU's proposed AI Act** will likely require assessments and disclosures for public-sector AI, and some jurisdictions are considering **"Algorithmic Accountability Acts."** Government transparency in the AI context means not only releasing documents but also providing insight into the logic of software used for governance. This is a novel expansion of the concept of transparency: beyond human-readable documents to also the **source code or at least decision rules** of government-deployed AI.

Another digital aspect is **open data**: many governments now release large databases (from transportation schedules to budget expenditures) in open formats. The contemporary view of the right to information increasingly encompasses open data, as it enables citizens and entrepreneurs to create useful applications and analyses, driving both accountability and economic innovation. The **Open Government Partnership (OGP)**, a multinational initiative launched in 2011, has seen member countries commit to action plans for transparency that frequently include digitization of records, open data portals, and e-governance tools that let citizens monitor service delivery (like tracking how public funds are spent in real time). These digital transparency measures reflect the presumption that not only should information be available on request, but much of it should not even require a request – it should be automatically accessible.

Digital platforms also allow **crowdsourcing oversight**: for instance, citizens can collectively scrutinize volumes of disclosed information (such as spending data or politicians' expense reports). We have seen instances like "budget transparency portals" in Brazil or participatory budgeting platforms that let citizens delve into and influence public finance. This amplifies the effect of transparency, turning it into direct civic engagement.

However, technology poses challenges: one is **information overload**. Simply dumping huge datasets or hundreds of PDFs of scanned documents can obscure as much as reveal. Thus, the right to transparency today is pushing toward not just access, but *usable* access – requiring governments to publish information in user-friendly ways. For example, rather than scanning a report, providing it in a searchable text format, or summarizing key points in plain language alongside raw data.

Another challenge is **cybersecurity and privacy**. As more information is open, sensitive data breaches can occur if not handled carefully. This means transparency regimes must be designed with clear redactions of personal identifiers and careful balancing so that openness does not infringe on individuals' privacy rights (a classic tension, for example, in publishing asset declarations of officials – which enhances accountability but also reveals personal data).

AI can also help transparency: tools like natural language processing can be used by governments to auto-redact exempt information and speed up responses to FOI requests, or to digitize archives for public search. Conversely, AI can be used by citizens to analyze large troves of disclosed data (for example, using machine learning to detect patterns of fraud in public procurement data). Thus, the interplay of transparency and AI is double-edged: AI can obscure decision-making if used opaquely, but it can also illuminate governance if harnessed for analysis of information.

In sum, the digital age raises the bar for what government transparency means. The public now expects **real-time transparency** (like dashboards showing COVID-19 spending or live maps of pollution data), and expects to be able to interact with information (APIs for government datasets). The concept of a "presumption of transparency" thus expands to a presumption of *digital openness* – governments should design systems that are open by default, rather than retrofitting openness onto closed systems. The ethos of initiatives like **"open source governance"** – making even the code of government websites or tools open source – exemplifies this push.

Finally, transparency is seen as a remedy to the distrust and misinformation rampant in the digital era. With rumors and fake news swirling online, an authoritative source of factual information – provided transparently by governments – is crucial. When governments openly share data (for example, on vaccine efficacy and side effects during the pandemic), it can counteract disinformation and build trust. If they hold back information, it often creates a vacuum that gets filled by speculation. Thus, the presumption of transparency is, in a sense, a response to the post-truth challenge: by being proactively honest and open, governments can inoculate society against falsehoods and polarization that secrecy or spin can aggravate.

Examples from Existing National or Subnational Regimes: The global adoption of transparency laws provides many instructive examples. **Sweden** is often hailed as the pioneer: as far back as 1766, Sweden enacted the Freedom of the Press Act which included the right of public access to official documents – a remarkable early embodiment of transparency. This tradition persists; in Sweden today, almost all government documents are open unless specifically secret, and even the correspondence of public officials is often accessible, creating a deeply ingrained culture of openness. **United States** at the federal level has FOIA since 1966, which has been used by journalists and NGOs to uncover government actions (from the Pentagon Papers to recent records on environmental and public health issues). Each U.S. state also has its own sunshine laws. For instance, **Florida** has famously broad "Government in the Sunshine" laws that not only guarantee access to records but also mandate open meetings for virtually all government bodies; as a result, Floridians can request everything from police body-cam footage to the governor's travel expenses with relative ease.

India provides a powerful story: after the RTI Act 2005 was passed, villagers in Rajasthan and other states used it to demand records of local public works. In many cases, reading out loud the muster rolls and bills of a public project in a community audit meeting exposed ghost employees or inflated costs, directly combating corruption. India now sees around 6 million information requests every year, and the law is credited with shifting power to citizens on issues like ration distribution and infrastructure quality. The Indian experience also underscored challenges: some officials resisted, and RTI activists have faced harassment, showing that changing the culture can be hard when vested interests are threatened. Yet, the law stands as one of the most used transparency laws in the world, illustrating how a legal right can become a daily tool of citizenship.

In **Latin America**, **Mexico** revolutionized its transparency regime in the early 2000s, enshrining the right to information constitutionally and creating a well-resourced independent institute (INAI) to order releases. Mexicans have used it to get information on everything from the president's travel costs to environmental impact assessments. Similarly, **Brazil's Access to Information Law (2011)** has been leveraged to reveal salaries of public servants and details of federal spending. At a more local scale, participatory budgeting in places like **Porto Alegre** (Brazil) allowed citizens to directly access and influence budget information, embodying transparency in fiscal governance.

A notable subnational example is **New York City's Open Data Law (2012)** – it requires all city agencies to publish their datasets on a centralized portal by default. This has opened up information on everything from taxi trips to school performance, enabling civic tech communities to create applications and analyses (like apps for navigating public transit or watchdog tools to monitor city services).

Another example is **Estonia**, a small country that has embraced e-governance wholeheartedly. Estonia's government operates almost entirely digitally, and citizens have secure digital IDs to access services. With that comes a high degree of transparency: Estonians can see much of their personal data held by government and even see which officials have accessed it (enhancing accountability). The nation's e-cabinet system (where government meetings are run digitally) and online legislative tracking make governance processes visible in real time.

Open contracting is yet another arena: countries like **Ukraine** with its ProZorro e-procurement system have made all government tender processes open to the public, drastically reducing corruption in contracting. ProZorro's motto, "Everyone sees everything," encapsulates the transparency principle, and it has won international awards for improving governance.

Even in traditionally secretive systems, change is happening. **China**, for instance, introduced Open Government Information Regulations in 2008 that allow citizens to request some information (though with broad exceptions and varying enforcement). While far from a robust right, it shows the global reach of the transparency norm, that even non-democratic regimes feel the need to gesture towards it.

Finally, at the international organization level, institutions like the **World Bank** and **United Nations** have adopted their own transparency policies (the World Bank's Access to Information policy, for example, opens most documents unless a specific harm can be shown). This reflects that transparency is now considered good practice even beyond national governments, reinforcing the norm.

In conclusion, the movement toward government transparency has been one of the most widespread governance trends of the last 50 years. Real-world examples show its transformative potential: from Sweden's centuries-old practice to cutting-edge digital transparency in cities, the presumption of openness empowers citizens, deters malfeasance, and can even improve efficiency (since agencies that know their work will be scrutinized tend to keep better records and justify decisions more rigorously). Challenges remain – such as ensuring compliance, preventing unjustified secrecy under national security claims, and protecting whistleblowers – but the trajectory is clear and largely positive. Countries continue to strengthen transparency: as of now, more than 125 nations have FOI laws [32], and numerous constitutions protect the principle, making the "right to know" a staple of modern governance and a key component of accountable, participatory democracy.

Fig.: Growth in adoption of Freedom of Information (FOI) laws worldwide. Before 1940, only a single country (Sweden) had a formal access to information law. By 1990, this number grew modestly to around 14 countries. The post-Cold War era saw a transparency boom: roughly 39 countries by 2000, then accelerating to 85 by 2010. As of 2021, 132 countries have implemented constitutional, statutory, or policy guarantees for public access to information [30]. This chart underscores the rapid global embrace of the principle that government information should be open by default, with secrecy as the exception.

Right to a Healthy, Sustainable Planetary Ecosystem

Ethical Foundations and Philosophical Traditions: The assertion of a right to a healthy, sustainable planetary ecosystem emerges from a convergence of ethical perspectives about humanity's relationship with nature. Traditional human rights philosophy focused on relations among humans, but over the past half-century, there's been a growing recognition that human dignity and survival are inextricably linked to the natural environment. Ethically, this right draws on **Stewardship concepts** found in many religious and cultural traditions – for example, Judeo-Christian thought speaks of humans as stewards of God's creation, and many Indigenous worldviews regard humans as part of the earth, bearing responsibilities to maintain harmony with nature. These ideas infuse the notion that it is morally wrong to so degrade the environment that future generations or other species suffer. Philosophers like **John Passmore** and **Arne Næss** (founder of Deep Ecology) in the 1970s argued for an ethical duty to respect the intrinsic value of nature and to limit human exploitation of ecosystems. The principle of **intergenerational justice** – articulated by thinkers such as **Hans Jonas** in *The Imperative of Responsibility (1979)* – underpins the right to a sustainable environment: we must act so that the freedom and welfare of future generations are not compromised by our environmental degradation. Jonas argued that our power over nature imposes on us a new ethical duty to ensure the survival of life on earth. This aligns with indigenous concepts like the Iroquois' "seven generations" principle (considering the impacts of decisions on the seventh generation to come).

Another ethical foundation is **the idea of rights of nature itself**. Pioneering voices like legal scholar **Christopher Stone** (in *Should Trees Have Standing?*, 1972) and various Indigenous movements have argued that nature – rivers, forests, the Earth as a whole – should have rights, much as corporations or other non-human entities have legal standing. This radical shift suggests that a "planetary ecosystem" isn't just an object for human use, but a community of life that has its own entitlements. While the right in question here is framed as a human right *to* a healthy environment, its philosophical underpinning is intertwined with acknowledging nature's inherent worth and the dependence of human rights on ecological wellbeing.

The concept of **sustainability** adds another layer of ethical thought: it emerged strongly in the 1980s with the Brundtland Commission's definition of sustainable development ("meeting the needs of the present without compromising the ability of future generations to meet their own needs"). This concept introduced a duty to balance economic and social progress with environmental protection. It effectively posits an ethical constraint on development: prosperity today should not come at the cost of ecological ruin tomorrow. Thus, the right to a sustainable ecosystem is bolstered by a near-universal ethical intuition that we must not fouling our own nest – humanity's "nest" being the planet. Environmental ethics, a field that blossomed in the late 20th century (with contributors like **Aldo Leopold** who spoke of a "land ethic" whereby humans are "plain members and citizens" of the biotic community), gives the right its philosophical depth: it is about respect, care, and prudence toward the natural systems that nurture life.

Legal Precedents and International Frameworks: Over recent decades, the right to a healthy environment has rapidly moved from a fringe idea to a broadly endorsed principle in international and

constitutional law. Notably, in July 2022 the **United Nations General Assembly** adopted a landmark resolution formally recognizing "the right to a clean, healthy and sustainable environment" as a human right [33]. This followed a similar recognition by the UN Human Rights Council in 2021. While these resolutions are not binding, they reflect a strong consensus (the GA vote was 161 in favor, 0 against) and call on states to scale up efforts to protect the environment for human well-being [34] [35]. The resolution explicitly ties this right to existing international law and the need to implement multilateral environmental agreements [36].

The seeds of this development were planted in the **1972 Stockholm Declaration on the Human Environment**, which was the first major international statement linking environment and human rights. Principle 1 of the Stockholm Declaration proclaimed that "Man has the 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" [37]. This was a bold assertion at the time and set the tone for environmental protection as a prerequisite for human dignity. Subsequently, the **1992 Rio Declaration on Environment and Development** (Principle 1) stated that human beings are "entitled to a healthy and productive life in harmony with nature," again underscoring an entitlement to environmental quality.

Regionally, legally binding treaties have recognized environmental rights. The **African Charter on Human and Peoples' Rights (1981)** includes Article 24: "All peoples shall have the right to a general satisfactory environment favorable to their development" [38]. This provision has been used by the African Commission and national courts (e.g., Nigeria's courts in the SERAC case regarding oil pollution in the Niger Delta) to hold governments accountable for environmental harm. Similarly, the **Additional Protocol to the American Convention on Human Rights in the area of Economic, Social and Cultural Rights (Protocol of San Salvador, 1988)** explicitly recognizes the right to a healthy environment (Article 11: "Everyone shall have the right to live in a healthy environment and to have access to basic public services" and obligates states to promote environmental protection) [39]. Although the European Convention on Human Rights does not list an environmental right, the European Court of Human Rights has adjudicated many cases where severe environmental pollution was found to violate the right to private and family life (Article 8) or even the right to life (Article 2). Moreover, the **European Union's Charter of Fundamental Rights** in Article 37 commits to environmental protection, albeit in more principle terms than directly justiciable ones ("a high level of environmental protection and the improvement of the quality of the environment must be integrated into the policies…").

Most vividly, **national constitutions** around the world have embraced this right. According to the UN and environmental groups, more than 100 countries' constitutions now include some form of the right to a healthy environment [40]. These range from older examples like **Portugal (1976)** and **Spain (1978)**, which recognized environment in their texts after the fall of authoritarianism, to newer ones such as **Ecuador (2008)** and **Tunisia (2014)**. Some constitutions detail the substance of the right. For instance, **South Africa's Constitution (1996)** in its Bill of Rights states that everyone has the right "(a) to an environment that is not harmful to their health or well-being; and (b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures" for prevention of pollution, promotion of conservation, and securing ecologically sustainable development [41] [42]. This language combines the elements of health, intergenerational equity, and sustainable use directly into the supreme law. **France** amended its constitution in 2005 to include the *Charter for the Environment*, granting rights to a healthy environment and making environmental protection a duty of citizens and the state. **Ecuador's Constitution (2008)** went even further: it recognized rights of nature (Pacha Mama), making it the first country to confer legal rights on ecosystems themselves, alongside affirming human environmental rights.

Bolivia followed with laws on the "Rights of Mother Earth." These innovations illustrate a legal paradigm shift – nature is starting to be seen as a subject of rights, not just an object of regulation, reinforcing the importance of sustaining the planetary ecosystem.

International environmental agreements, while typically not framed in human rights language, support the substance of the right. The **Paris Agreement (2015)** on climate change, for example, aims to hold global warming to well below 2°C, effectively to protect ecosystems and human societies. One can argue that failure to address climate change would violate the right to a healthy environment for future generations, a line of argument now being tested in courts (e.g., the Urgenda case in the Netherlands, where the court found the government had a duty to cut greenhouse emissions in line with human rights obligations). The concept of a "planetary ecosystem" being healthy and sustainable also resonates with scientific frameworks like **Planetary Boundaries** (which identify critical Earth system thresholds that we should not cross). These scientific insights increasingly inform law and policy, as seen when several national courts (such as Germany's Constitutional Court in 2021) invoked climate science and intergenerational justice to strike down inadequate climate laws as unconstitutional for jeopardizing future fundamental rights.

In summary, legal frameworks at all levels have been converging on the recognition that people have a right to an environment that can support human life and dignity. What was once a declaratory principle in Stockholm 1972 is now embedded in many constitutions and acknowledged by the UN General Assembly. The inclusion of the word "sustainable" in the framing highlights that it is not just any environment (one could have a temporarily clean environment that is being irreversibly depleted), but one managed in a way that it can sustain itself and thus human societies over time.

Practical Implications for Law, Governance, and Institutional Design: Establishing a right to a healthy, sustainable environment in law fundamentally changes governance by elevating environmental protection from a policy choice to a legal obligation. In practice, this means governments must integrate environmental considerations into all decision-making – a concept known as **environmental mainstreaming**. Laws often require tools like **Environmental Impact Assessments (EIAs)** for projects that could affect the environment, giving effect to the principle that development cannot proceed without evaluating and mitigating environmental harm. A constitutional environmental right allows courts to review government actions or inactions: for instance, if a government permits industrial pollution that makes communities sick, affected persons could sue on grounds that their environmental rights (and thereby health rights) are violated, potentially forcing cleanup or stricter regulation. This has happened in countries like India (even without an explicit constitutional clause, the Supreme Court interpreted the right to life to include a right to a healthy environment) and Argentina (whose constitution recognizes environmental rights and whose courts have ordered multi-stakeholder cleanup of the Riachuelo river in a famous case).

Governance structures have adapted by creating specialized bodies: **environmental protection agencies** with independence to enforce laws, **sustainable development councils** to advise on policy coherence, and **ombudspersons or commissioners for future generations** (as seen in countries like Wales and Hungary) who specifically champion long-term environmental interests in policymaking. Another implication is stronger **participatory rights** – many environmental rights regimes include procedural guarantees: the rights to access environmental information, to participate in environmental decision-making, and to access justice in environmental matters (these three pillars are codified in instruments like the Aarhus Convention of 1998 in Europe). Thus, institutional design must ensure that citizens can get information (e.g., pollution data) and voice their views (e.g., public hearings on new mines or infrastructure projects). In Latin America, the **Escazú Agreement (2018)** similarly bolsters these procedural rights and also includes protections for

environmental defenders, recognizing that safeguarding the environmental right often depends on activists who face risks.

On a substantive level, governments need to set and enforce **environmental quality standards** (for air, water, soil) that align with health and ecological sustainability benchmarks. Many constitutions, like South Africa's, not only state the right but also specify that the state must take "reasonable legislative and other measures" to fulfill it [41] . This creates a duty to constantly improve environmental laws and not regress on protections. For example, a government rolling back pollution controls could be challenged for violating the environmental right (as a regression from previously achieved protection). In some jurisdictions, environmental rights have led to the recognition of specific derivative rights, like the right to water or the right to sanitation, because these are essential to a healthy environment for individuals.

Another important practical impact is in **urban and land-use planning**. A right to a healthy ecosystem doesn't only apply to pristine wilderness; it also applies to living conditions in cities and villages. Authorities may need to ensure green spaces, control urban pollution, and consider cumulative environmental impacts on communities (especially marginalized ones, tying into environmental justice). The idea of a "planetary" ecosystem means local actions are globally connected. So governance now must think globally: local industries emitting greenhouse gases implicate the global climate, so even if local air quality is fine, the sustainability dimension triggers obligations to reduce carbon footprints. This is precisely the argument youth and activists are making in climate litigation: that their rights to a sustainable future environment mean governments must take stronger climate action now. Courts in some countries (the Netherlands, Germany, Colombia) have been receptive to such claims, effectively ordering more ambitious climate policies under constitutional or human rights law.

Institutionally, some countries have constitutionalized concepts like **"ecologically sustainable development"** as an objective of the state (e.g., Norway's Constitution Article 112 states that natural resources shall be managed on the basis of comprehensive long-term considerations which will safeguard this right for future generations, and it gives citizens the right to be informed on environmental matters and to seek legal remedy). This creates a governance mandate: every ministry, not just the environment ministry, must incorporate sustainability – be it energy, agriculture, transport, finance (for green budgeting).

Also, a recognized right can embolden **civil society and indigenous groups** to be co-guardians of the environment. For example, in New Zealand, while not phrased as a human right, an arrangement recognizing the Whanganui River as a legal person with guardians (including Maori representatives) has parallels with the rights-of-nature movement. In the context of a human right to a healthy environment, involving local communities and especially indigenous peoples (who often hold traditional ecological knowledge and have a stake in ecosystem health) becomes not just good practice but arguably required for effective realization of the right.

In summary, the right to a healthy, sustainable environment compels governments to pursue robust environmental laws, enforce them equitably, involve the public, and continually adapt to new challenges (like climate change, biodiversity loss). It shifts environmental protection from the whims of politics to an imperative rooted in justice. Polluters can be held accountable not only for regulatory breaches but for rights violations. Development plans must internalize environmental costs (think of requiring renewable energy transition to uphold this right). The concept of "planetary" also implies international cooperation duties: one nation's pollution can violate another's citizens' environmental rights (acid rain, transboundary

haze, etc.), so nations may need to work together, guided by this right as a common value. Indeed, the UN GA resolution calls on states, businesses, and international organizations to scale up efforts for a clean, healthy environment for all [34], hinting at multi-level responsibility.

Contemporary Relevance, Including Digital and AI Contexts: As environmental crises like climate change and biodiversity loss intensify, the right to a healthy, sustainable environment is extremely timely. The scientific consensus on climate change paints a stark picture: failing to maintain a stable climate will undermine a vast array of human rights (to life, health, food, water, housing). Thus, the environmental right is serving as a bridge in advocacy and litigation to demand climate action. For example, youth activists in the **Juliana v. United States** case argued that the U.S. government's inadequate climate policy violated their constitutional rights (to life, liberty, property) by jeopardizing the climate system on which those rights depend. While that particular case faced procedural hurdles, other cases globally have succeeded, and courts increasingly acknowledge climate stability as part of the environmental right. In 2018, the **Inter-American Court of Human Rights**, in an advisory opinion, recognized that environmental damage, including climate change, can infringe human rights, and affirmed a right to a healthy environment as fundamental to existence of humanity [43] [44].

The "planetary" aspect highlights how this right transcends borders. Issues like plastic pollution in oceans, ozone layer depletion (successfully addressed by the Montreal Protocol), or pandemics originating from wildlife trade all show that protecting the planetary ecosystem is a collective task. Thus, contemporary relevance includes pushing for stronger international environmental law (e.g., a possible Global Pact for the Environment, or new treaties on plastics, etc.) by using human rights language to add urgency and moral weight.

In the digital context, one might not immediately see a connection, but there are several. First, the **environmental footprint of digital tech**: data centers, blockchain mining, mass production of devices – all consume energy and resources. A government with an environmental rights obligation should ensure the ICT sector moves toward renewable energy and circular economy practices (recycling e-waste, etc.). Second, digital tools are crucial for monitoring and enforcing the environmental right. Satellite imagery, AI-driven analysis of deforestation or pollution, and open environmental data can help identify violations (such as illegal logging or factories breaching emission limits). For instance, AI is being used to listen for gunshots or chainsaws in rainforests to catch poachers and illegal loggers in real time. Empowering citizens and authorities with these tools can make the right more enforceable.

Conversely, the environmental right imposes a sort of responsibility on tech development: technologies should align with sustainability. The concept of **"Data for Good"** and **"AI for Earth"** are emerging, where tech companies and researchers apply AI to climate modeling, species identification, precision agriculture to reduce chemical use, etc. The synergy of digital and environmental spheres means that achieving a sustainable planetary ecosystem will heavily rely on advanced technology – but directed by the values of conservation and equity. For instance, smart grids and IoT can optimize energy use and integrate renewables, helping fulfill the right to a clean environment by reducing pollution.

There's also the narrative that environmental information should be transparent (as noted, a derivative of the right to information). Many countries now have **pollutant release and transfer registries (PRTRs)** or air quality monitoring networks accessible via apps, which is critical for communities to claim their rights (e.g., knowing real-time air quality can enable people to demand action if levels exceed safe limits).

Additionally, environmental activism in the digital age has global reach. When the Amazon was burning in 2019, people worldwide took notice through satellite images and social media, pressuring Brazil's government. This global awareness and solidarity reinforce the planetary nature of the right – people increasingly see environmental harm anywhere as of common concern. **Greta Thunberg's Fridays for Future** movement, propelled by social media, exemplifies how digital connectivity mobilizes youth around the world to insist on their right to a livable future.

Finally, AI might raise novel environmental concerns: the resource intensity of training massive AI models or the ecological impact of new tech industries. The principle of sustainability could be used to evaluate such developments. For example, if cryptocurrency mining in a country is causing significant carbon emissions, citizens might challenge policies that allow it by invoking their environmental rights, pushing the state to regulate or mitigate those emissions.

Examples from Existing National or Subnational Legal Regimes: Many countries offer instructive case studies of this right in action. **Costa Rica** amended its constitution in 1994 to acknowledge the right to a healthy environment, and its Supreme Court subsequently annulled logging permits and ordered environmental education in schools under this provision. Costa Rica's famed success in reforestation and renewable energy usage can be partially attributed to this strong legal commitment. **Kenya's Constitution (2010)** provides for the right to a clean and healthy environment and allows any citizen to apply to court for redress of a violation of that right without having to show they have personally been harmed (a broad locus standi), enabling public interest litigation. Kenyan courts have since stopped projects that would harm national parks or water sources, citing the constitutional environmental right.

Pakistan's judiciary has creatively interpreted the right to life in its constitution to encompass a right to a healthy environment, leading to orders against industrial pollution and degradation of Lahore's air quality. In one case, a Pakistani court appointed a climate change commission to ensure government implementation of climate policies, treating climate as a facet of the right to life and dignity.

In **Colombia**, the Supreme Court in 2018 recognized the Colombian Amazon as an "entity subject of rights" and ordered the government to formulate plans to combat deforestation, in response to a lawsuit brought by 25 young people invoking their rights to a healthy environment and future. The court explicitly cited the need to protect the rights of future generations and the interconnectedness of the Amazon ecosystem with global climate regulation.

At the state or provincial level, some U.S. states have "Green Amendments." For example, **Pennsylvania's Constitution** (Article I, Section 27) since 1971 declares: "the people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment." After lying dormant for decades, this clause was reinvigorated by the Pennsylvania Supreme Court in 2013 (*Robinson Township v. Commonwealth*), which used it to strike down portions of a law that permitted fracking operations overriding local zoning – the court recognized the state's duty as trustee of public natural resources for current and future generations [41] [42]. Following this, Pennsylvania courts have required royalties from oil and gas on state lands to be used for conservation purposes, not general budget, since the state holds those resources in trust.

Likewise, **Montana's Constitution** has a strong environmental right (Article II, Section 3 and Article IX), which was used by a state court in 2020 to halt a proposed mine that could have polluted the famous Smith River. **Hawaii** and **Illinois** also enumerate environmental rights.

Perhaps one of the most forward-looking is **New York State**, which in 2021 added an Environmental Rights Amendment to its constitution: "Each person shall have a right to clean air and water, and a healthful environment." Though very recent, it opens the door for New Yorkers to legally challenge projects or policies that threaten those basic environmental conditions.

In Europe, **France's Constitutional Council** has begun referencing the Charter for the Environment to review laws (e.g., upholding a ban on certain pesticides partly due to environmental rights considerations). **The Netherlands** has seen courts, via human rights norms, compel stronger climate action (the Urgenda case under the ECHR's right to life and family life), showing that even absent an explicit constitutional clause, general human rights can be interpreted to include environmental dimensions.

At the local level, cities are adopting "rights of nature" ordinances (e.g., Toledo, Ohio, attempted to grant Lake Erie its own rights in 2019 as a response to toxic algal blooms affecting water supply). While that particular ordinance faced legal challenges, it reflects a grassroots impulse to use law innovatively to protect ecosystems.

Finally, **indigenous jurisdictions** in countries like Canada and New Zealand, through treaty settlements or self-government, have sometimes instituted robust environmental protections grounded in traditional stewardship. The Maori concept of **kaitiakitanga** (guardianship) for the environment, for instance, has influenced how laws are shaped to manage forests and rivers.

These examples illustrate a common trajectory: recognition of the right leads to stronger environmental governance and often, through litigation or advocacy, to remedial action where previously the environment might have been sacrificed for short-term gains. The right to a healthy, sustainable environment positions environmental protection not as a luxury or solely a policy preference, but as an urgent matter of justice and rights – changing the conversation from "Can we afford to protect the environment?" to "We are obliged to, in order to respect human rights and the continuity of life." As the UN Environment Programme summarized, over 100 states giving constitutional status to this right provides "the strongest form of legal protection available" for environmental health [40], and this trend is likely to continue as environmental crises deepen and the public demands more accountability for ecological stewardship.

Right to Economic Agency

Ethical Foundations and Philosophical Traditions: The notion of a right to economic agency centers on the idea that individuals should have the freedom, capability, and security to participate in economic life – to shape their own economic destiny through work, entrepreneurship, property, and exchange. Its ethical roots can be traced to classical liberal philosophy, particularly **John Locke's** theory of property and labor. Locke argued that individuals have a natural right to the fruits of their labor and to appropriate property from the commons through their work (provided enough and as good is left for others), essentially framing people as self-directing economic actors. This introduced the concept of **self-ownership** and personal enterprise as natural rights. The **American Declaration of Independence (1776)** reflects a similar ethos, proclaiming the right to "life, liberty and the pursuit of happiness," which in context included the pursuit of economic betterment and ownership of property as core liberties.

Enlightenment and post-Enlightenment economists/philosophers like **Adam Smith** further championed economic agency through the idea of free markets driven by individuals' choices and initiative. Smith's notion of the "invisible hand" presupposes that when individuals are free to pursue their economic self-

interest, it leads to collective prosperity. This aligns with a moral view that individual freedom in production and exchange is not only efficient but respects human dignity by allowing personal autonomy in economic matters. **John Stuart Mill** also advocated liberty of "tastes and pursuits" including one's chosen work or economic dealings, as long as no harm is done to others.

However, the concept of economic agency is not solely about negative freedom (freedom from interference); it has a positive dimension championed by thinkers like **Amartya Sen** and **Martha Nussbaum** in the capabilities approach. They argue true freedom (or agency) requires certain capacities: education, health, and basic resources to make meaningful choices. Sen, in *Development as Freedom*, posits that development should be evaluated by the expansion of people's freedoms, including economic opportunities and security. This bridges liberal and egalitarian thought: it's not enough to formally permit someone to start a business or seek a job; one must also consider whether they have the education, credit, or non-discrimination needed to actually exercise that freedom. Thus, the right to economic agency is underpinned by ethical views that combine **freedom** with **fair opportunity**.

The socialist tradition contributes as well: **Karl Marx** critiqued how workers under capitalism were alienated and lacked agency, being forced to sell their labor and having no control over the production process or distribution of its fruits. Marx's vision of a society where producers collectively own and manage production aimed to maximize the agency of workers (no longer being cogs at the mercy of capital, but decision-makers in the economy). While Marxist states historically did not realize this ideal and often curtailed individual economic freedom, the critique enriches the concept: full economic agency implies not being subject to exploitation or domination in economic relationships.

Modern social democracies incorporate these insights: for example, **John Rawls** in *A Theory of Justice* doesn't explicitly list a right to economic agency, but his principles (equal basic liberties, and fair equality of opportunity alongside the difference principle) create a framework where people from any class should have genuine opportunities to attain positions and benefit from economic growth. We can see the right to economic agency as aligning with **Rawls' second principle** (fair equality of opportunity): individuals should not be stymied by birth or systemic barriers from pursuing economic paths of their choosing.

Furthermore, **personalist philosophy** (like that of Pope John Paul II in the context of Catholic social teaching) emphasizes the importance of work to human dignity and the idea that economic life should be organized to allow each person to be an active subject, not a passive object. This supports rights like the right to work, to just conditions, and to form associations (unions) – all elements that enable individuals to exert agency in the economic realm rather than be at the complete mercy of impersonal market forces or authoritarian state planning.

In summary, the ethical foundation of a right to economic agency combines **liberty** (freedom to choose one's economic activities and use one's talents), **equality of opportunity** (ensuring background conditions allow real choice), and **dignity** (treating people as ends in themselves in economic arrangements, not as mere means or commodities). It is the moral response to both feudal or caste-like restrictions of the past (which tied people to certain economic roles with no freedom) and to modern issues like exploitation or systemic poverty (which rob people of meaningful economic choice).

Legal Precedents and International Frameworks: Elements of a right to economic agency are embedded across numerous human rights instruments and constitutional provisions, though often in piecemeal form (e.g., rights to work, to property, to form unions, etc., rather than a single codified "right to economic

agency"). The **Universal Declaration of Human Rights (UDHR, 1948)** lays the groundwork: Article 17 declares the right to own property and that no one shall be arbitrarily deprived of property. Article 23 guarantees the right to work, free choice of employment, just and favorable conditions of work, protection against unemployment, equal pay for equal work, and the right to form and join trade unions. Article 22 affirms the right to social security and the realization of economic rights "indispensable for dignity" through national effort. Article 25 adds the right to an adequate standard of living (covering food, housing, medical care) which ties into economic agency by providing baseline security. Together, these UDHR rights sketch an outline: individuals should be able to freely engage in work and enterprise, have security against destitution, and hold property – essentially components of economic agency.

These UDHR principles were made legally binding for many states through the **International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966)**. The ICESCR explicitly protects: the right to work (Article 6) including the right "to gain [one's] living by work which [one] freely chooses or accepts," the right to just and favorable work conditions (Article 7), the right to form trade unions (Article 8), the right to social security (Article 9), and the right to an adequate standard of living (Article 11). It also upholds the right to education (Article 13) which is crucial for real economic agency. While the ICESCR is subject to progressive realization, it firmly establishes that states have an obligation to ensure people can freely pursue economic livelihoods and be protected from conditions that negate that freedom (like unemployment with no safety net, or exploitative labor).

Civil and political rights instruments also contribute: the **International Covenant on Civil and Political Rights (ICCPR)** guarantees freedom of association (Article 22), encompassing trade union freedom beyond the purely economic context – important for collective economic agency. The ICCPR's nondiscrimination provisions (Article 2 and 26) mean that one's economic agency cannot be curtailed on arbitrary grounds like race, gender, etc. For instance, gender equality in economic life is addressed by **CEDAW (1979)**, which obliges ending discrimination in employment, credit, property, and other economic rights for women.

Regionally, *economic agency rights* appear in instruments like the **European Social Charter** and the **Additional Protocol of San Salvador** (for the Americas). The European Social Charter (revised 1996) ensures rights such as the right to work, to vocational guidance and training, to engage in an occupation, to organize and bargain collectively, and protection of economic rights for vulnerable groups, reflecting a view that these are necessary for individuals to function as agents in society. The San Salvador Protocol (1988) in the Inter-American system includes rights to work, to fair wages, to social security, and specifically a right to form trade unions and strike (Article 8), reinforcing workers' agency.

At the national level, many constitutions enshrine key facets of economic agency. **Property rights** are near-universal in constitutions, often with clauses allowing expropriation only with compensation and public purpose. For instance, the **German Basic Law** (Article 14) guarantees property and inheritance, while also saying property has a social obligation. **Freedom of occupation** is also common: Germany's Basic Law Article 12 protects the freedom to choose one's occupation or profession, a direct legal basis for economic agency [45]. The **Italian Constitution** Article 41 states "Private economic enterprise is free" but must not harm social welfare or security [45] [46] – balancing individual initiative with social constraints. It also calls for the state to direct and coordinate economic activity for social purposes [47], acknowledging both agency and the need to prevent abuses. **Japan's Constitution** Article 22 says every citizen has the freedom to choose and change occupations (and to move freely, which includes where to earn a livelihood). **South Korea's Constitution** Article 15 similarly: "All citizens shall enjoy freedom of occupation." Many Eastern European constitutions (post-1990) explicitly list the right to free enterprise or free economic activity (for

example, **Poland's Constitution** Article 20 establishes a social market economy based on economic freedom, and Article 22 says limitations on this freedom can only be by law for important public reasons).

Labor rights that empower workers – such as the right to unionize, bargain, and strike – are often constitutionalized (e.g., **Spain's Constitution** Article 28, **Brazil's** Article 9). These ensure individuals can exert collective agency in the economic sphere to balance the power of employers or the state.

Another aspect is consumer and investor rights: while not typically framed as fundamental rights, some constitutions include rights to **enterprise** or to engage in commerce. The **EU Charter of Fundamental Rights** Article 16 explicitly recognizes "the freedom to conduct a business in accordance with Union law and national laws and practices" [48] . This is a modern affirmation at the supranational level of individuals' (and entities') right to engage in economic activities.

The right to economic agency also resonates with **rights to development** and **data/property rights** emerging. For example, **African Charter's Article 22** (as mentioned, right to development [49]) and **UN's Right to Development Declaration** both imply that individuals (and peoples) should be active participants and beneficiaries of economic progress – a collective dimension of economic agency.

Intellectual property rights, while sometimes controversial, can be seen as supporting economic agency by giving creators control over the fruits of their intellect and enabling them to monetize them – many constitutions and treaties protect IP rights which encourage individual innovation and enterprise. Yet, the right to economic agency is broader than any single category: it is the umbrella under which these specific rights (to work, to own property, to start a business, to bargain collectively, to receive education/training, etc.) coalesce.

Practical Implications for Law, Governance, and Institutional Design: If a legal system robustly protects the right to economic agency, it must create an environment where individuals have both **freedom and capacity** to engage in economic endeavors. Practically, this has several prongs:

1. **Removing Unjust Barriers:** Governments should eliminate laws or practices that arbitrarily restrict people's economic choices. This means no caste- or ethnicity-based job restrictions, dismantling gender barriers in employment, and ensuring freedom of movement (so people can seek opportunities). Many countries had, for example, laws requiring internal passports or limiting where certain groups could live and work (think apartheid's pass laws, or feudal tie of peasants to land) – a regime honoring economic agency abolishes those. Also, it streamlines business licensing processes to not deter entrepreneurship, and fights corruption which can act as an informal barrier to market entry.

2. **Ensuring Fair Competition:** Economic agency can be stifled by monopolies or cronyism. Thus, robust competition law, anti-trust enforcement, and anti-corruption measures are implicated. If only a few elites or state-favored companies control all sectors, ordinary people's ability to start enterprises or bargain for better terms is curtailed. So, institutionally, having independent competition authorities, transparent procurement and market regulations align with upholding widespread economic agency.

3. **Education and Skill-building:** To have real agency, people need education and training. So, states need strong public education systems, vocational training programs, and perhaps lifelong learning

initiatives, especially as technology evolves and workers must adapt. This is where economic agency overlaps with social rights: e.g., the right to education, which almost all constitutions guarantee at least at primary level, is a foundation for later economic self-determination. Likewise, eliminating discrimination in education (ensuring girls, minorities, rural populations have equal access) is crucial, because otherwise whole groups would lack the capabilities for economic agency.

4. **Labor Market Protections and Empowerment:** Freedoms like unionization and striking give workers collective agency. Thus, governments must allow and even facilitate worker organization (e.g., through laws that prevent union-busting, require collective bargaining in large enterprises or sectors, and include workers in corporate governance as some models do). Some countries incorporate workers' co-determination or profit-sharing in law (e.g., the Italian Constitution encourages worker co-management in Article 46 [50]). Ensuring minimum wage and safe conditions also means individuals are not forced to accept exploitative terms just to survive – in effect it raises the floor so economic choices are made under decent conditions.

5. **Social Safety Nets:** Social security (unemployment insurance, sickness benefits, pensions, possibly universal basic income) all contribute to economic agency by protecting people from destitution that would rob them of any meaningful choice. When someone is desperate, their "choice" to take a dangerous job is not really free. So welfare systems that cushion life's risks allow people to take reasonable risks (like changing jobs or starting a business knowing they won't starve) and to hold out for better opportunities rather than being forced into the first available exploitative situation. This fosters a more dynamic and equitable economy.

6. **Access to Capital and Property:** People need access to credit, capital, and land to exercise entrepreneurial agency. Thus, equitable credit policies (microfinance, anti-discrimination in lending, support for small and medium enterprises) and land reform or property rights for marginalized groups become important. For instance, recognizing women's equal rights to inheritance and property (a big issue in many societies) significantly increases their economic agency. Some legal systems, like Tanzania's Land Act, have tackled this by ensuring co-ownership of marital property, etc.

7. **Institutions for Skill Matching and Innovation:** Governments often create institutions like employment agencies, incubators for startups, and research and development support to allow citizens to realize their economic ideas. The right to economic agency could be interpreted as requiring the state to facilitate an enabling environment – e.g., job placement services, or affordable internet access so people can tap into the digital economy.

8. **Taxation and Redistribution:** While perhaps less obvious, fair taxation plays a role. If wealth and opportunity concentrate too much, the majority have less agency. Progressive taxation that funds public goods (education, infrastructure) and prevents oligarchic dominance is in service of broad economic agency. For example, extreme inequality might allow the very rich to effectively control markets and politics, undermining the fair field needed for others to succeed on merit.

In governance design, one might incorporate representation of economic stakeholders: e.g., tripartite bodies (state, employers, unions) that shape labor policies (common in Europe via economic and social councils). Also, monitoring bodies like human rights commissions might have mandates to track realization

of economic rights (some countries have commissioners for entrepreneurship or small business to monitor the bureaucratic burdens, etc.).

Judiciaries also have a role – courts often adjudicate disputes regarding property, enforcement of contracts, labor rights, etc. A judiciary that upholds rule of law and contracts fairly is crucial for individuals to have confidence to start businesses or invest (they know their property and agreements will be respected). Without rule of law, economic agency is at the mercy of might or favor.

Contemporary Relevance – Digital and AI Contexts: The digital age presents new avenues and challenges for economic agency. On one hand, technology has lowered barriers: anyone with an internet connection can potentially learn skills, start an online business, or freelance globally. The gig economy and remote work platforms offer flexibility and entry points that didn't exist before. On the other hand, **digital monopolies** and **platform power** can threaten individual agency. For instance, gig workers often depend on algorithms of companies like Uber or Deliveroo, which can be opaque and unilateral – affecting their incomes and working conditions without negotiation. Ensuring economic agency now means grappling with algorithmic transparency and fairness (so that, say, a driver isn't suddenly deactivated by an algorithm with no explanation or recourse, depriving them of livelihood). It also means updating labor laws: are gig workers employees with rights or independent contractors? Many jurisdictions are debating or litigating this, recognizing that without basic rights, gig workers lack real agency vis-à-vis the platforms.

Another relevant aspect is **data ownership and privacy**. In the digital economy, individuals generate valuable data – some argue they should have rights to control or even monetize their data (as a form of personal property or labor). The right to economic agency could extend to a right to one's data, enabling people to decide how it's used or to be compensated when companies profit from it. Laws like the EU's GDPR give data subjects rights that can be seen as empowering individuals in the digital marketplace.

Automation and AI also raise the issue of job displacement. Economic agency includes not being rendered obsolete without support. This suggests contemporary policies for continuous up-skilling, job transition assistance, or even rethinking social contracts (UBI or reduced working hours, etc.) so that humans remain in control of their economic lives even as AI takes over certain tasks. If a right to economic agency is recognized, governments may be obligated to respond to technological unemployment proactively, ensuring citizens can find new roles or livelihoods (for instance, via free training programs for jobs in emerging sectors, etc.).

Globalization is another context: while it has increased opportunities for many, it has also led to deindustrialization in some areas, limiting agency for those left without jobs. A rights perspective might require states to assist communities in adapting to global economic changes (through regional development funds or similar). Also, migration could be seen through this lens: does the right to economic agency imply people should be free to move to seek better opportunities? Migration rights are limited in current law, but human rights treaties protect migrant workers' rights and freedom of movement within countries. Some argue for more open immigration as a boost to economic agency for would-be migrants, balanced against host countries' interests.

Examples from Existing National or Subnational Regimes: Many countries illustrate facets of economic agency in practice. **Germany** historically is interesting: its model of co-determination (Mitbestimmung) legally requires that workers have representation on company boards for large companies, giving employees a direct voice in corporate decisions – a powerful structural guarantee of worker agency.

Additionally, Germany's robust apprenticeship system ensures most youth gain marketable skills, an institutionalized support for personal economic agency.

Singapore and **South Korea** are examples where governments heavily invested in education and training, and in creating an enterprise-friendly climate, lifting large populations into skilled employment or business ownership within a generation – demonstrating the role of state policy in enabling widespread economic agency (even if those states did not frame it as a "right" explicitly).

Post-socialist countries had to institute legal frameworks for private economic activity nearly from scratch in the 1990s. For instance, **Poland's "Wilczek law" of 1988** (even before the communist fall) declared that anything not forbidden was allowed in business – unleashing private enterprise. Many Eastern European constitutions protect entrepreneurship; the challenge has been building rule of law to support it. Some succeeded, others struggled with oligarchic capture, showing that formal rights must be backed by governance quality.

In some Latin American countries, **informal economy** dominates. Efforts there, like in **Peru with Hernando de Soto's reforms**, focused on formalizing property rights (e.g., giving squatters title to their land, registering informal businesses) so that the poor could use assets as capital – the theory being this unlocks their economic agency. Peru did title millions of properties, reflecting a strategy to empower individuals economically by drawing them into the formal legal fold.

Microcredit and social entrepreneurship are other trends: Bangladesh's Grameen Bank (microfinance) enabled many, especially women, to start small businesses. This bottom-up approach effectively operationalized economic agency for those who lacked collateral for traditional loans. Some constitutions (like **Kenya 2010**) include rights to access government procurement for marginalized groups and support for small enterprises, showing awareness that special measures may be needed to level the playing field.

Another example: **Indian constitutional directive principles** (non-justiciable guidelines) talk about securing "a living wage" and allowing workers to have a decent standard of life and leisure (Article 43), and even encourage worker participation in management (Article 43A). While not enforceable directly, these have guided labor legislation like profit-sharing schemes or laws for contract labor. India also has strong affirmative action in education and public jobs (reservations for lower castes and others) – arguably a way to ensure those historically excluded can exercise economic agency today by getting access to professions and economic power.

Cooperative movements in places like **Mondragón in Spain** or **Kibbutzim in Israel** provide alternative models where workers are owners, maximizing economic agency within enterprises. Some countries support cooperatives via law (Italy's constitution explicitly promotes cooperatives for their social function [51]).

On subnational/regional level, **states in the US** have varied labor laws that affect economic agency (e.g., right-to-work laws vs. union-friendly laws; some states enforce non-compete clauses strictly, others restrict them to ensure workers can change jobs freely). These variations show policy choices that enhance or restrict individuals' leverage in the job market.

In the modern gig economy context, **California** passed Assembly Bill 5 in 2019 seeking to classify many gig workers as employees (to grant them benefits and bargaining rights) – a contentious but illustrative

example of grappling with how to preserve worker agency in new forms of work. Although parts were rolled back by a ballot measure (Prop 22) after massive tech company lobbying, the conversation continues worldwide (like in the EU considering similar protections for platform workers).

Finally, **environmental and consumer considerations** are mixing with economic agency: the concept of "just transition" in climate policy aims to ensure that workers and communities shifting away from fossil fuel industries have support to retrain and find new livelihoods, which is essentially protecting their agency during economic change.

In conclusion, while not always labeled under one term, the right to economic agency permeates legal systems in the form of multiple reinforcing rights and policies: from property and contract rights securing freedom to invest and trade, to labor rights ensuring one's agency isn't crushed by more powerful market actors, to social policies building the capabilities and security needed to genuinely exercise economic freedom. The true test of this right is in outcomes: a society upholding economic agency is one with high social mobility, broad-based entrepreneurship, low unemployment (or strong support if unemployed), and inclusive prosperity where individuals feel they have control over their economic lives rather than being helpless. Achieving that remains an ongoing endeavor, especially as the digital revolution and globalization continuously reshape economic landscapes, requiring adaptive policies to keep the individual at the center of economic activity rather than at its mercy.

Sources:

1. Kanem, Natalia. *Bodily autonomy: A fundamental right*. UNFPA Speech (16 March 2022) [52] [11].
2. Medium (Mark King). *Bodily Autonomy: Individual Rights versus The State's Authority* (2025) [1] [3].
3. Stanford Encyclopedia of Philosophy. *Autonomy in Moral and Political Philosophy* [2].
4. African Commission on Human and Peoples' Rights. *African Charter on Human and Peoples' Rights*, Art. 4 [5]; Art. 23 [19]; Art. 24 [38].
5. Organization of American States. *American Convention on Human Rights*, Art. 5(1) [6].
6. HHR Journal (T. Calitz). *South Africa: Mandatory COVID-19 Vaccination and Constitutional Rights* (2021) [7].
7. UNESCO. *Public Access to Information – SDG 16.10.2 Report* (2021), noting 132 countries with access guarantees [30].
8. Article 19 (NGO). *Accountability and UDHR Article 19* [29].
9. SDG Knowledge Hub. *UNGA Recognizes Human Right to Healthy Environment* (2022) [33] [37].
10. Miller Thomson (C. McLeod). *The right to a healthy environment gains traction* (2022) – citing South African Constitution sec. 24 [41] [42].
11. Constitute Project. *Italy's Constitution*, Art. 41 (economic initiative is free) [45], Art. 42 (property's social function) [53], Art. 46 (workers' management participation) [50].
12. FRA. *EU Charter of Fundamental Rights*, Art. 3 (integrity) [54]; Art. 16 (conduct a business) [48].
13. Wikipedia. *Right to Development*, quoting the 1986 UN Declaration Article 1 [23].
14. International Law Blog (L. Vanhullebusch). *UDHR at 70: Right to Peace* (2018) [25] [26].
15. Constitute Project. *South Africa's Constitution*, Section 32 (access to information) [31].
16. OAS. *Protocol of San Salvador*, Art. 11 (right to healthy environment) [39].
17. United Nations. *UDHR*, Arts. 17, 23, 25 [29] [55].
18. International Labour Organization. *ICESCR*, Arts. 6-8, 11 (rights to work, unions, adequate living) [23].
19. Poland Constitution (1997), Arts. 20 & 22 – economic freedom and its limits [56] (through Constitute).
20. European Commission. *Freedom to conduct a business – EU Charter Art. 16* [48].

1 3 4 8 9 Bodily Autonomy. Individual Rights versus The State's... | by Mark King | Medium
https://medium.com/@mking2k/bodily-autonomy-cc7438af06d3

2 Autonomy in Moral and Political Philosophy (Stanford Encyclopedia of Philosophy)
https://plato.stanford.edu/entries/autonomy-moral/

5 19 38 49 PART I: RIGHTS AND DUTIES (Articles 1-26) | African Commission on Human and Peoples' Rights
https://achpr.au.int/en/node/641

6 American Convention on Human Rights (ACHR) | Global Health & Human Rights Database
https://www.globalhealthrights.org/instrument/american-convention-on-human-rights-achr/

7 14 15 16 Constitutional Rights in South Africa Protect Against Mandatory COVID-19 Vaccination – HHR Journal
https://www.hhrjournal.org/2021/04/21/constitutional-rights-in-south-africa-protect-against-mandatory-covid-19-vaccination/

10 11 12 52 Bodily autonomy: A fundamental right | The United Nations sexual and reproductive health agency
https://www.unfpa.org/press/bodily-autonomy-fundamental-right

13 45 46 47 50 51 53 56 Italy 1947 (rev. 2020) Constitution - Constitute
https://www.constituteproject.org/constitution/Italy_2020

17 18 25 26 27 The Universal Declaration of Human Rights at 70: Reflecting on the Human Right to Peace – International Law Blog
https://internationallaw.blog/2018/12/17/the-universal-declaration-of-human-rights-at-70-reflecting-on-the-human-right-to-peace/

20 Colombia 1991 (rev. 2005) - Constitute Project
https://www.constituteproject.org/constitution/Colombia_2005

21 [PDF] A/HRC/RES/32/28 General Assembly - the United Nations
https://docs.un.org/en/A/HRC/RES/32/28

22 24 UN Charter, right to peace, and right to live in peace, Jun Sasamoto | International Association of Democratic Lawyers
https://iadllaw.org/2022/06/un-charter-right-to-peace-and-right-to-live-in-peace-jun-sasamoto/

23 Right to development - Wikipedia
https://en.wikipedia.org/wiki/Right_to_development

28 [PDF] The No to the peace deal in Colombia: what now? Natalia Caicedo ...
https://idpbarcelona.net/docs/blog/peace_colombia.pdf

29 Accountability - ARTICLE 19
https://www.article19.org/accountability/

30 Adoption of ATI laws | UNESCO 2021 Report on Public Access to Information (SDG 16.10.2)
https://www.unesco.org/reports/access-to-information/2021/en/ati-adoption

31 SAHA - FOIP – Legislation - South Africa
https://foip.saha.org.za/static/legal-context

32 Right to know
https://www.oic-ci.gc.ca/en/right-know

33 34 35 36 37 UNGA Recognizes Human Right to Clean, Healthy, and Sustainable Environment – SDG Knowledge Hub
https://sdg.iisd.org/news/unga-recognizes-human-right-to-clean-healthy-and-sustainable-environment/

39 [PDF] Additional Protocol to the American Convention on Human Rights in ...
https://www.oas.org/en/iachr/mandate/Basics/protocol-San-Salvador-economic-social-cultural-rights.pdf

40 What are your environmental rights? | UNEP - UN Environment Programme
https://www.unep.org/explore-topics/environmental-rights-and-governance/what-we-do/advancing-environmental-rights/what-0

41 42 The right to a healthy environment gains global (and some Canadian) traction | Miller Thomson
https://www.millerthomson.com/en/insights/environmental/right-to-healthy-environment-global-canada/

43 Inter-American Court of Human Rights Recognizes the Right to a ...
https://www.asil.org/insights/volume/24/issue/14/inter-american-court-human-rights-recognizes-right-healthy-environment

44 Clean and Healthy Environment, Right to, International Protection
https://opil.ouplaw.com/display/10.1093/law-epil/9780199231690/law-9780199231690-e2257

48 The Evolution of the Freedom to Conduct a Business as a ...
https://academic.oup.com/book/58854/chapter/491396021

54 Article 3 - Right to integrity of the person | European Union Agency for Fundamental Rights
https://fra.europa.eu/en/eu-charter/article/3-right-integrity-person?page=1

55 Article 23 - Universal Declaration of Human Rights - Woven Teaching
https://www.woventeaching.org/udhr/article-23