

Human Rights in relation to Environmental Protection

(A Global Issue)

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Abstract

Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided. Human rights and environmental law have in common that they are both seen as a challenge to, or limitation on, the traditional understanding of state sovereignty as independence and autonomy. Despite their separate initial stages, it has become more and more acknowledged over the years that human rights and the environment are inherently interlinked. The present paper discusses about the correlation of human rights with environmental harms, climatic phenomena, environmental change etc. It finally concludes with supporting remedies for propounding human rights towards sustainable environmental growth.

Keywords: *Environmental values, Human Rights, Climatic phenomena, EIA, Pollutants, Right to Environment.*

Introduction:

The 1972 United Nations Conference on the Human Environment declared that "man's environment, the natural and the man-made, are essential to his well-being and to the enjoyment of basic human rights even the right to life itself." Faced with the results of polluting and destructive actions, many international treaties and local laws and regulations on environmental protection have been introduced in the second half of the 20th century. These at first did not mention human rights in relation to environmental protection.

But since the 1970's, links between human rights and the environment have progressively been recognised.

People more and more started to see that a clean and healthy environment is essential to the realisation of fundamental human rights such as right to life, personal integrity, family life, health and development because each human being depends on protecting the environment as the resource base for all life where it started with mere linking acknowledged human rights to cases of environmental disruption, like the Bhopal and Chernobyl disasters, it has become more acknowledged over the years that human rights and the environment are so inherently interlinked that a clean and healthy environment is a Human Right. It has been established that a foundation for linking human rights and environmental protection declaring man has a fundamental right to freedom, equality and adequate conditions of life in an environment of a quality that permits a life of dignity and well-being. Many organisations announced the responsibility of each person to protect and improve the environment for present and future generations.

Human Rights and Environmental Harms

Right to Life: The right to life has extensive environmental links. It could be linked to any environmental disruption that directly contributed to the loss of lives - including to the mentioned air pollution causing 2.4 million deaths per year.

Right to Health: This right, closely linked to the right to life, is often violated in cases of pollution of air, land or water.

Right to Water: Although not specifically codified in an international treaty, (access to) water is more frequently invoked and accepted as a human right. It's obviously linked to life and health.

Right to Food: Due to the environmental disruption, the right to physical and economic access to adequate food is progressively under pressure.

Right to Development: Sustainable development recognises that environmentally destructive economic progress does not produce long-term societal progress.

Right to Property: With sea levels rising, more and more people living on islands and in coastal areas, have and will be deprived of (parts of) their property.

Right to Shelter and Housing: When environmental degradation displaces individuals and communities or compels them to live in unhealthy, hazardous conditions.

Right to Information and Right to Participate: These rights have elements of obtaining government-held information and government's duty to apprise the people.

Right to Work: Along with environmental disruption often comes deprivation of the right to work. An example would be industrial overfishing putting small local fishermen out of work.

Right to Culture, Family life and Rights of Indigenous People: The UN Declaration on the Rights of Indigenous Peoples, for the first time recognises the conservation and protection of the environment and resources as a human right.

Rights and Equity, non-discrimination: Where they have least contributed to the problems, impacts of climate change and other environmental harms are expected to be bigger on the poorer parts than in the more wealthier parts of the world.

Women and Children's Rights: Women and children are even more impacted by environmental disruption than men and because their immune systems have not fully been developed, children are vulnerable to toxics, bacterial and viral contamination.

These examples only provide a sampling of many connections between human rights and environmental protection. Other substantive areas that combine human rights and environmental considerations include humanitarian law, environmental refugee's issues and the effects of development projects funded by development banks.

Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.

The Stockholm Declaration of 1972 formulated several principles, including that "Man have 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, and he bears a solemn responsibility to protect and improve the environment for present and future generations." Human rights and environmental law have in common that they are both seen as a challenge to, or limitation on, the traditional understanding of state sovereignty as independence and autonomy. Despite their separate initial stages, it has become more and more acknowledged over the years that human rights and the environment are inherently interlinked. To give a clear example; the right to life, personal integrity, family life, health

and development of each human being depends on protecting the environment as the resource base for all life.

Furthermore, in the more specific context of environment and development, the need for new forms of participation has emerged. This includes the need of individuals, groups, and organisations to participate in environmental impact assessment procedures and to know about and participate in decisions, particularly those that potentially affect the communities in which they live and work. Individuals, groups and organisations should have access to information relevant to environment and development held by national authorities, including information on products and activities that have or are likely to have a significant impact on the environment, and information on environmental protection measures.

Human Right and Climatic Phenomena

It had been long debated whether it existed and whether rising temperatures globally were due to natural occurrences or were triggered by human activity. Human caused climate change today is accepted as such in science and thus is reality. Today, our world is hotter than it has been in two thousand years. Till the end of the century if current trends continue the global temperature will likely climb higher than at any time in the past two million years. There is a broad scientific consensus that humanity is in large part responsible for this change, and that choices we make today will decide the climate of the future. Climate change is already having an impact on the number of environmental refugees. According to a report, there are already an estimated 25 million environmental refugees resulting from changing rain patterns, floods, storms and rising tides and this figure is likely to rise significantly. Developing nations will be particularly affected. It is clear that many of the world's poorest people are likely to suffer the most from climate change according to the IPCC reports.

Human Right's Impact on Environmental Change

Changing sea levels and temperatures: Rising sea levels would swamp some small, low-lying island states and put millions of people in all low-lying areas at risk of flooding.

Extreme weather: Floods, droughts and tropical storms, etc will become more frequent and more violent.

Plants and animals: If global temperatures rise by two degrees Celsius, 30 per cent of all land-living species will be threatened by an increased risk of extinction.

Food and water: As temperatures increase and rainfall patterns change, crop yields are expected to drop significantly in Africa, the Middle East and India. Less water will be available. Salt-water intrusion from rising sea levels resulting to more droughts and water shortages.

Disease: With rising temperatures, diseases such as malaria, West Nile disease, dengue fever and river blindness will shift to different areas.

Rainforests: Reductions in rainfall in these areas on top of the forest already being cut down or burned to clear land for agriculture will lead to even greater reduction of these forests.

Vulnerable areas: Damaged areas such as overgrazed rangeland, deforested mountainsides, and denuded agricultural soils will be more vulnerable than previously to changes in climate.

Developing countries: The effects of climate change are expected to be greatest in developing countries in terms of loss of life and relative effects on investment and economy. Livelihoods built for generations on particular patterns of farming may quickly become impossible. Similarly, the world's vast human population, much of it poor, is vulnerable to climate stress. Millions live in dangerous place on floodplains or in shantytowns on exposed hillsides around the enormous cities of the developing world. Often there is nowhere else for them to go. In the distant past, man and his ancestors migrated in response to changes in habitat. There will be much less room for migration this time around.

Human Rights and Environmental Problems

Human activities cause serious environmental problems all over the globe and, in turn, often these result in grave harm to human beings. Some examples that have a clear impact on human rights are as follows-

- **Air:** According to the WHO 2.4 million people die each year from causes directly attributable to air pollution. This boils down to thousands of deaths per year per country by outdoor air pollution alone. Often, adding up to four times more fatalities than in traffic. Mainly due to particulate matter or fine particles produced by traffic and industry.
- **Water:** According to UNEP, overexploitation of many of the surface water resources and great aquifers upon which irrigated agriculture (takes about 70 per cent of available water) and domestic supplies depend has resulted in more and more countries facing water stress or scarcity. Water quality is declining too, polluted by microbial pathogens and excessive nutrients. Globally, contaminated water remains the greatest single cause of human disease

and death. About 1.2 billion people still lack access to clean drinking water, 80 % of which are the rural poor.

- **Development impacts:** According to UNEP over 70 per cent of the Earth's land surface could be affected by the impacts of roads, mining, cities and other infrastructure developments in the next 30 years unless urgent action is taken.
- **Marine:** Overfishing and other marine life being overexploited, marine ecosystems being destroyed to the extent that it outweighs nature's ability to maintain it.
- **Forests:** Deforestation and ancient forests being in crisis due to human destruction such as pollution and hunting (bush-meat). Many of the animals and (medicinal) plants that live in these forests face extinction. And many of the people and cultures who depend on these forests for their way of life are also under threat.
- **Toxics:** Toxic chemicals in our environment threaten our rivers and lakes, our air, land, and oceans and all live on and in it ultimately, ourselves and our future. Environmental exposure causes almost a quarter of all diseases.
- **Reducing pollution:** In developed countries it has been at the expense of the developing world, where industrial production and its impacts are now being exported.
- **The Earth's biological diversity:** It is under increasing threat. The extinction rate of species is accelerating. Habitat destruction and/or modification are the main cause of biodiversity loss but invasive species are the second most important pressure.

The individuals, groups and organizations should have access to information relevant to the environment and development, held by national authorities, including information on products and activities that have or are likely to have a significant impact on the environment, and information on environmental protection matters. There is also the identification of major groups whose participation is needed: women, youth, indigenous and local populations, non-governmental organizations, local authorities, workers, businessman and industry, scientists, and farmers. It also calls for public participation in environmental impact assessment procedures and in decisions, particularly those that potentially affect the communities in which individuals and identified groups live and work. It also encourages governments to create policies that facilitate a direct exchange of information between the government and the public in environmental issues, suggesting the EIA process as a potential mechanism for participation.

Human Rights and Environmental Solutions:

What we can do is:

- To tell how we think this right should be formulated;
 - To tell what we think we should do;
 - Use our talents for the good and help us improve this site;
 - Spread the word;
 - Support us financially;
 - Show governments and corporations (CSR) their obligations and ask them to comply;
- and
- Be the change. Live life as if we and all others have this Right to Environment. Realise and live as a part of it; rather rule over nature.

What NGO's can do?

We see that many Green, Human Rights and other NGOs (including development and aid) tend to look the other way when it comes to environment to be a human right. We understand why - in the past - we almost had to say this is an issue of others because; we had to focus on our own issues, campaign goals and stakeholders. But we no longer can, as it's an overarching and essential issue. All the sorts NGOs mentioned should join hands and Stand Up as one because a human rights approach to environmental issues would benefit and protect both the environment and (lives and health of) millions of people every year.

What Corporate, (non) profit and Other Organisations can do:

Corporations and other (non) profit organisations are important actors when it comes to human rights issues even more when it comes to environmental issues. It has been progressively recognised in International Law that Human Rights have also become business as a general accountability issue but also from a Corporate Social Responsibility (CSR) perspective. I therefore, appeal all sorts of organisations, including commercial corporations, to quest for having environment accepted and respected as a human right globally. In relation to the Right to Environment, in practice it would mean that some organisation should fully run on renewable energy and compensate CO2 emissions, should not use toxic materials in products, recycle, use resources from sustainable origins (such as FSC wood), should ensure

the whole chain of suppliers is compliant too, etc. We can also report on how some organisation - in practise - respects the Right to Environment.

We know that nowadays many organisations aim to respect and sometimes even to improve the environment. We will, however, not let this crucial issue be used for so-called “Greenwashing”. Organisations that do not practice what they preach will be avoided and shamed. It’s up to us to really choose for the good.

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