

Human Rights and Environmental Changes: A New Approach to Sustainable Development

Randeep Dhoot (Assistant Prof.),

Deptt. of Political Science,

S.D. Arya Mahila College, Dinanagar.

Distt. Gurdaspur, Punjab.

Abstract

The world is gripped in the embrace of multiple crisis including those of climate, energy, food, water, finance and economy. These are all intensified by the reign of speculation on a path of on ending growth based on the unspoken supposition that planetary space resources are elastic and inexhaustible. This vision of the world is built on the premise of profit before people and on the creed that nature must be commodified in order to have value and stand a chance of being protected and defended. There is an urgent call for actions in line with the realisation that planet earth is populated by interdependent beings and cycles. Massive contamination has already hit the environment. It is time for a global rejection of current energy consumption where environmental costs and social liabilities are externalised and rather invest in and build the eco-logic model where ecology, sovereignty and good living define relationships of production and consumption. We need to rebuild our collective environmental and social consciousness, moving away from a system that destroys society and nature through the destruction of knowledge and positive productive forces. We need a system with conscience. After decades of inaction to address the pains of the people, leaders now have to be led by the people. Governance structures require reinventing. Individuals and groups not only have the right to an adequate environment but also the duty to protect and improve the environment. This responsibility is not only towards other individuals or the community in which they live but towards mankind as a whole and even future generations.

Keywords: Climate Change, Environment, Human rights, Sustainable development, United Nations.

Introduction

Human rights in the milieu of environmental development identifies that for human communities to survive they must have a sufficient and secure standard of living. They must be sheltered from injurious substances and hazardous products and be trained to preserve and allocate natural resources. Human rights for respect, dignity, equality, non-discrimination, participatory governance and life itself cannot be achieved without these in place. The question of the relationship between the protection of the environment and the need for economic development is another factor underpinning the evolution of environmental law. States that are currently attempting to industrialize face the problem that to do so in an environmentally safe way is very expensive and the resources that can be devoted to this are extremely limited. The correct balance between development and environmental protection is now one of the main challenges facing the international community. It reflects the competing interests posed by the principle of state sovereignty on the one hand and the need for international co-operation on the other. It also raises the issue as to how far one takes into account the legacy for future generations of activities conducted at the present time or currently planned.

Environment, Development and Human Rights

Recent years have seen an appreciable growth in the level of understanding of the dangers facing the international environment. Various environmental problems have now become the subject of serious international concern. These include atmospheric pollution, marine pollution, global warming and ozone depletion, the dangers of nuclear and other extra-hazardous substances and threatened wildlife species. The environmental threats can be aroused from within a particular state which has a serious impact upon other countries. Environmental problems cannot be resolved by states acting individually. So the co-operation between the polluting and the polluted state is necessitated. Development and environment are invariably related to each other. Even the developing countries cannot afford to ignore the environmental consequences of the process of development. Hence an essential and grave problem is to maintain harmony between development and environment. The future of the developing countries greatly depends on better international understanding of the right of development because this right depends on several other human rights. Article 55 of the UN Charter describes economic development and respect for human rights as the twin foundations of friendly and peaceful relations among nations. Economic development and human rights are thus intimately connected with each other. Development is linked with human rights through the clear acceptance of social and economic rights as well as established human rights.

Right to Development

There is great confusion over the right to development. Although the controversy is mainly among international jurists, its implications run deep for the future of UN System as well as mankind. Right to development is crystallising as a rule of international law and is the outcome of the declaration on the right to development adopted by the General Assembly on 4th December, 1986. It is mentioned in the Article 1 of the declaration that the right to development is an inalienable human right by virtue of which every human person and all people are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized. According to Article 3, states have the primary responsibility for the creation of national and international policies with a view to facilitating the full realization of the right to development. States have the duty to take steps, individually and collectively, to formulate international development policies with a view to facilitating the full realization of the right to development. Steps should be taken to ensure the full exercise and progressive enhancement of the right to development, including the formulation, adoption and implementation of policy, legislative and other measures at the national and international levels.

UN Resolutions on Human Rights and the Environmental Challenges

The United Nations General Assembly has adopted a number of resolutions concerning the environment. The correlation between the expansion of science and technology and human rights has already been on the program of diverse United Nations bodies for decades. The central foundation of the modern notion of human rights is the 1948 Universal Declaration of Human Rights and the many human rights documents and treaties that have followed it. According to the Stockholm proclamation – “Humans 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 a solemn responsibility to protect and improve the environment for present and future generations”. There is close relationship between development and conservation of environment. This relationship was acknowledged in 1972 Stockholm conference on Human Environment. This has proved a particularly important forum in the evolution of conventions and instruments in the field of environmental protection. In 1979, the General Assembly, with a view to formulate the right of development had stated a

resolution that right to development is a human right that nations have the same right of equality of opportunity and as people have within the nation.

In August-September 1980 in the General Assembly in its international development strategy for the decade 1981-1990, it has been stated that in the developing countries rapid development will enhance their capacity for improving the environment. Environmental implications of mutual relations of poverty and less development and populations and resources should be kept in mind. It is essential to ensure that the process of economic development be such that it must be environmentally sustainable for a long time. Efforts should be made to prevent deforestation, soil erosion, degradation of land and spread of deserts.

Sustainable development is now the basis for the United Nations environmental philosophy and is already giving a sharper edge to global environmental action. The present law relating to development is institutional. On 22nd December 1990, the general assembly suggested for vast national and international means for rapid development of developing countries. The advantages of development can be enjoyed in true sense only when it does not cause adverse impact on environment. The concept of sustainable development should be emphasized and should form the basis of all programmes of U.N. system and all agencies and institutions connected with development and environment. The states responsible for causing adverse impact on environment should be compelled to make reparation and the funds thus received should be invested for improving the environment. An inter-agency committee on sustainable development was set up in 1992 to improve co-operation between the various UN bodies concerned with environmental issues. As pointed out by Starke, "The international law of development has not yet reached the stage where it can be set down as a substantial body of binding rules, conferring specific rights upon developing states and imposing duties on developed countries." But this cannot be denied that the right to development is constantly developing.

Population explosion increased urbanisation and unprecedented expansion of science and technology may be said to be the basic causes responsible for the deterioration of the environment. Over much of the world, environmental problems are still those associated with poverty, such as poor housing, bad public health, malnutrition and inadequate employment. Such problems can only be solved through development which is environmentally wise. The greatest challenge is to design development so that it satisfies basic needs beginning with the eradication of poverty. The environmental equalities in the world are paralleled by economic ones which are major obstacles to satisfy basic human needs, especially in developing countries, and a barrier to the harmonious development of mankind. Technological development has brought enormous number of chemicals into every life. They have brought immense benefit to the society-increased food production, improved health care, eradicated health diseases and bestowed longer life expectancy and a better standard of living. But they have also brought new dangers, largely through the wastes generated in their manufacture.

The United Nations Conference on Environment and Development, the Earth Summit, held in Rio de Janeiro ended on June 14, 1992, after adopting the 27 principles of the Rio Declaration. Principle 1 of the declaration declares that human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature. Agenda 21 of the 1992 Earth Summit stated that "integration of environment and development concerns and greater attention to them will lead to the fulfillment of basic needs, improved living standards for all, better protected and managed ecosystem and a safer, more prosperous future."

At the United Nations World Summit on Sustainable Development (WSSD) Conference held in Johannesburg, South Africa in August/September 2002, the meeting agreed to place human rights and ethical considerations within the purview of environmental protection and sustainable development in the WSSD Plan of

Implementation. The summit brought together thousands of participants, including heads of State and Government, national delegates and leaders from non-governmental organizations (NGOs), businesses and other major groups to focus the world's attention and direct action toward meeting difficult challenges, including improving people's lives and conserving our natural resources in a world that is growing in population, with ever-increasing demands for food, water, shelter, sanitation, energy, health services and economic security.

The Kyoto Protocol is an international Green House Gases (GHGs) emissions reduction treaty linked to the United Nations Framework Convention on Climate Change (UNFCCC). It commits its Parties by setting internationally binding GHGs emission reduction targets. It was adopted in Kyoto, Japan, in December 1997 and entered into force in February 2005. The protocol is based on principle of equity and Common but differentiated responsibilities and respective capabilities (CBDR). It places obligations on developed nations to undertake mitigation targets to reduce emissions and provide financial resources and technology to developing nations. Developing countries like India have no mandatory mitigation obligations or targets under the Kyoto Protocol. The first commitment period under the Kyoto Protocol was from 2008-2012. The second commitment period of the Kyoto Protocol or Doha Amendment for 2013-2020 period was adopted in 2012. The amendment includes new commitments for parties to the Protocol who agreed to take on commitments in a second commitment period and a revised list of GHGs to be reported on by Parties.

In a series of resolutions, the former United Nations Commission on Human Rights and the United Nations Human Rights Council have drawn attention to the relationship between a safe and healthy environment and the enjoyment of human rights. Most recently, the Human Rights Council in its resolution of March 2008 and resolution of March 2009 focused specifically on human rights and climate change, noting that climate change-related effects have a range of direct and indirect implications for the effective enjoyment of human rights. These resolutions have raised awareness of how fundamental the environment is as a prerequisite to the enjoyment of human rights.

Climate change threatens human rights in many ways. Deaths, injuries and displacement of persons from climate-related disasters, such as tropical cyclones, increases, as will mortality from heat waves, drought, disease and malnutrition. The Fifth Assessment Report of the Intergovernmental Panel on Climate Change (IPCC) states that the foreseeable consequences of even a 2°C rise include an increasing probability of “declining work productivity, morbidity (e.g., dehydration, heat stroke, and heat exhaustion), and mortality from exposure to heat waves. Particularly at risk are agricultural and construction workers as well as children, homeless people, the elderly, and women who have to walk long hours to collect water.” Climate change effects existing stresses on water resources and compound the problem of access to safe drinking water, currently denied to an estimated 1.1 billion people globally and a major cause of morbidity and disease. It is estimated that about 8% of the global population will see a severe reduction in water resources with a 1°C rise in global mean temperature, rising to 14% at 2°C². Climate change is already affecting the ability of some communities to feed themselves, and the number affected will grow as temperatures rise. As the IPCC report states, “all aspects of food security are potentially affected by climate change, including food access, utilization, and price stability.”

Climate changes affect most severely the lives of those who already struggle to enjoy their human rights, including women, children, the elderly and the poor. In the words of the Fifth Assessment report, “People who are socially, economically, culturally, politically, institutionally or otherwise marginalized are especially vulnerable to climate change and also to some adaptation and mitigation responses.” The report states that “future impacts of climate change, extending from the near term to the long term, mostly expecting 2°C

scenarios, will slow down economic growth and poverty reduction, further erode food security, and trigger new poverty traps, the latter particularly in urban areas and emerging hotspots of hunger.” Poverty becomes a particular vulnerability factor for children to fall victims of sexual abuse and exploitation. Some people are forced to migrate. However, because the ability to migrate often depends on mobility and resources, migration opportunities may be least available to those who are most vulnerable to climate change, resulting in people becoming trapped in locations vulnerable to environmental hazards, further exacerbating their suffering. Moreover, where climate-change induced migration is forced, people may be migrating in an irregular situation and therefore may be more vulnerable to human rights violations through the migration process.

Climate change also devastates the other forms of life that share this planet with us. As temperatures increase more than 2°C, studies predict increasingly disastrous consequences for biodiversity. For example, one study found that 20-30% of the assessed plant and animal species are likely to be at increasingly high risk of extinction as global mean temperatures exceed a warming of 2 to 3°C⁶. These consequences will be felt by humans as well with respect to the right to health. The fifth assessment report explains that biodiversity loss can lead to an increase in the transmission of infectious diseases.

Bringing a human rights perspective to climate change not only clarifies what is at stake; it also helps to ensure that responses are coherent, effective and responsive to the concerns of those most affected. As the Human Rights Council affirmed in its Resolution, “human rights obligations and commitments have the potential to inform and strengthen international and national policy making in the area of climate change, promoting policy coherence, legitimacy and sustainable outcomes.” Citing that resolution, the State Parties to the UNFCCC have already agreed, in the 2010 outcome document adopted by COP16 in Cancun, Mexico, “that Parties should, in all climate change-related actions, fully respect human rights.” Respecting human rights in the formulation and implementation of climate policy requires, among other things, that the State Parties meet their duties to provide access to information in accessible formats and technologies appropriate to all, and facilitate informed public participation in decision making, especially the participation of those most affected by climate change and by the actions taken to address it. Human rights are at the core of climate change governance. The Geneva Pledge for Human Rights in Climate Action, through which many countries have already voluntarily committed themselves to facilitate the sharing of best practices and information among human rights and climate experts at a national level.

The impact of an unhealthy environment on the enjoyment of human rights can be huge. The UN has noted that annually more than 2 million deaths and billions of cases of diseases can be attributed to pollution alone. In the Bangladeshi city of Chittangong, for example, the ship-breaking industry, while disassembling ships into pieces, releases toxic products to the environment, impacting on the health of local communities. Gas exploration in the Argentinian province of Neuquen has reportedly negative impacts on drinking water for the local population that depends on it.

The 2018 Framework Principles on Human Rights and the Environment bring together for the first time in one document human rights obligations relating to the environment drawn from a range of treaties and binding decisions, as well as statements of human rights bodies that have the authority to interpret human rights law but not necessarily to issue binding decisions.

Environmental rights are enshrined in over 100 constitutions and most countries around the world have legislation in relation to environmental impact assessment (EIA) of proposed projects and policies that may have a negative consequence to the environment. Human rights and the environment cannot be discussed

without a particular focus on climate change. Climate change is one of the greatest threats to human rights of our generation, posing a serious risk to the fundamental rights to life, health, food and an adequate standard of living of individuals and communities across the world. The effects of climate change impacts disproportionately to the poorest and most vulnerable. The 2030 Agenda for Sustainable Development has a number of goals tied directly to the environment and includes Goal 13 on Climate Action.

The Environmental and Sustainable Business Commission, a two-year initiative drew upon the expertise of global private sector and civil society leaders, that was created to make the business case for the Sustainable Development Goals, stated in 2016 that: “the faster a critical mass of company leaders decide to line up their business objectives with the Global Goals and make their sectors more sustainable, the more business there will be for everyone in a more predictable, prosperous, peaceful world. Reduced environmental stress will reduce political uncertainty, lowering business risks and multiplying returns on investment. If environmental indicators don’t improve in the next 5-15 years, what’s most likely is a strengthening popular backlash against business and increasingly drastic regulatory responses from governments.”

In July 2018, the UN Special Rapporteur on human rights and the environment, John Knox, developed Framework Principles on Human Rights and the Environment which state that: “businesses should comply with all applicable environmental laws, issue clear policy commitments to meet their responsibility to respect human rights through environmental protection, implement human rights due diligence processes (including human rights impact assessments) to identify, prevent, mitigate and account for how they address their environmental impacts on human rights, and enable the remediation of any adverse environmental human rights impacts they cause or to which they contribute”. Climate change is one of the greatest human rights challenges of our generation, and it is our generation that must meet it. Indeed, the heads of governments and their climate negotiators represent the very last generation that can prevent catastrophic environmental harm to a vast array of human rights. In 2018 the United Nations (UN) Special Rapporteur on human rights and the environment helped to produce the Framework Principles on Human Rights and the Environment, where he states that: “our human rights are intertwined with the environment in which we live. Environmental harm interferes with the enjoyment of human rights, and the exercise of human rights helps to protect the environment and to promote sustainable development.”

For a number of years the UN Human Rights Council has adopted an annual resolution on Human Rights and Climate Change. Several UN agencies are calling upon the private sector to move beyond a culture of basic compliance to one where the business community champions the rights of everyone to a clean and healthy environment. The United Nations Environment Programme in particular has committed to assist businesses to better understand what their environmental rights obligations are and provide guidance on how to transition from compliance to championing environmental rights. Various measures have been approved at different forums in order to tackle environmental protection and to develop systems to manage the environment.

SDGs and Environmental Human Rights

The SDGs already mirror much of the human rights framework. Each sustainable development goal, whether aimed at eradicating hunger, preventing disease, providing clean water or climate action, or focused on securing peace or decent work—all are simultaneously a claim about human rights. Development is not just about changing the material conditions that prevent a person from reaching these goals. It is also about empowering people with voice and agency to be active participants in designing their own solutions and shaping development policy. It is about transforming laws, policy, practice, social norms and power relations such that everyone can flourish in equal dignity and freedom.

This is recognized in the 2030 Agenda commitment to create “a world of universal respect for equality and non-discrimination”, by ensuring “targets are met for all nationals and peoples and for all segments of society” and that the “SDGs realize human rights for all”. At its heart, the Agenda 2030 promise of ‘leaving no one behind’ is a reaffirmation that human rights and sustainable development are mutually reinforcing. Development is a powerful tool, but it can also be a tool of the powerful unless human rights for all, without discrimination, is part of its design. Human rights can help to guide and navigate tough choices, resolve social conflict, prevent backsliding, provide for progressive realization and build resilience in a world that otherwise risks remaining unequal, unstable and unsustainable.

At High-Level Political Forum, governments reviewed progress in achieving empowerment, inclusion and equality for all. They are assessing progress in achieving the SDGs that are dedicated to these objectives; goals on ending discrimination and combating inequality (SDG 10), strengthening democratic governance, inclusive participation, global partnerships, rule of law, access to justice and personal security (SDG 16) and creating an enabling international environment (SDG 17). The goals also include the ways in which the theme relates to more inclusive quality education (SDG 4), decent work for all (SDG 8) and equitable climate action (SDG 13). While significant progress has been made, there remain many gaps. As far as the SDG implementation is concerned, governments are under pressure to accelerate their efforts significantly.

The 2019 theme is a reminder that the transformational promise of the 2030 Agenda can only be achieved with the respect, protection and fulfillment of human rights. Empowerment is not meaningful unless it is grounded in enabling people to claim their rights. Inclusion must focus not only on including everyone, but on targeting structural patterns of discrimination. Furthermore, achieving equality for all will require taking account not only differences and historical discrimination but addressing the emerging inequalities that would otherwise undermine the path towards more sustainable development. With the most pivotal decade of SDG implementation ahead of us, building greater integration and coherence between the development and human rights agendas will be the key concern. Human rights are not only a guide on the right way to achieve SDG implementation, but the smart way to accelerate more sustainable and equitable development. This year and every year, the promotion and protection of human rights, empowers people to stand up for themselves and for each other, for equality, and for inclusive societies. This is how the power of human rights can foster and accelerate a transformative development agenda.

Climate change is not only an environmental issue, but one of the greatest human rights challenge facing our generation. Rising seas threaten the residents of small island nations. South American and Himalayan communities are losing their only sources of freshwater as mountain glaciers melt, while intruding seas contaminate groundwater in coastal communities. Millions of people in low-lying areas are the victims of increasingly severe floods and storms. Melting snow and ice threaten the food and security of Arctic peoples. These and other effects are destroying the culture of indigenous and other communities around the world.

Just as climate change has serious impacts on human rights, the responses taken to address climate change have direct and indirect implications for the full and effective enjoyment of human rights.

The UN Framework Convention on Climate Change (UNFCCC), UN Human Rights Council, and others have recognized that climate change is not only an environmental but also a human rights issue for the millions of people and communities around the world experiencing these adverse impacts.

It is evident that environmental and human rights are closely related. The development of the relationship between human rights and the environment would facilitate the merging of human rights principles within an

environmental scale. The human rights would be strengthened by the amalgamation of environmental concerns providing victims of environmental dilapidation the opportunity of access to justice and enabling the expansion of the scope of human rights protection and generation of concrete solutions for cases of degradation.

Connecting human rights and the environment brings victims of environmental degradation nearer to the mechanisms of protection that are provided for by human rights. As we increasingly recognize the serious impact of a degraded environment on human health and well being, we are better placed to adjust our policies and cultural practices to reflect our enhanced understanding. As a result, we should be able to protect human rights and human dignity within its broader social, economic and cultural context by drawing from and contributing to those who are actively engaged in the environmental and public health arenas. This should also facilitate those who are working in the environmental and conservation fields to develop a better working relationship with those in the human rights arena. This will eventually lead to the articulation of a more integrated approach to dealing with socio-economic and environmental problems, encouraging the development of a sustainable model for the preservation of biological resources and natural ecosystems, for the use and enjoyment of both present and future generations.

Conclusion

The demands for a safe pollution – free and healthy environment, as coming within the scope of human rights, have to a large extent been propagated by the developing countries of the south against the culture of industrialized countries of the North, a culture directed at economic growth based on mass production, mass consumption and mass disposal of waste materials, all of which amount to a clear breach of the fundamental rights of the poorer countries. One of the most important consequences of incorporating human rights principles within an environmental scope is to provide victims of environmental degradation the possibility of access to all round justice. Given the occasional helplessness suffered by victims of environmental degradation, linking human rights and the environment brings such victims closer to the mechanisms of protection that are provided by human rights law. As we increasingly recognize the impact of a polluted and degraded environment on human health and well-being, we are better placed to adjust our policies and cultural practices to reflect our enhanced understanding. Consequently, we should be able to protect human rights and human dignity within its broader social, economic and cultural context by drawing from and contributing to those who are actively engaged in the environmental and public health arenas. Eventually this will lead to the articulation of a more integrated approach to deal with socio-economic and environmental problems, encouraging the development of a sustainable model for the preservation of biological resources and natural ecosystems, for the use and enjoyment of both present and generations yet unborn. It is clear from above discussion that protection and preservation of environment are necessarily related to development. The topic of interrelationship between environment and development is now supported by both developed and developing countries. In the end it can be said that for economic development use of energy is indispensable. But increasing use of energy adversely affects nature's balance. Therefore, we should take a global view of the energy problem based on ecological considerations.

References

1. Climate Liability News, Philippines Climate Case Could Find Fossil Fuel Companies Violate Human Rights, 2017
2. Office for the High Commissioner of Human Rights, United Nations Human Rights Special Procedures, Framework Principles on Human Rights and the Environment, 2018

3. United Nations Environmental Programme, Towards a pollution-free planet, Report of the Executive Director, 2017.
4. Business and Sustainable Development Commission, Better Business, Better World, 2016
5. IPIECA, Biodiversity and ecosystem services fundamentals. Guidance document for the oil and gas industry, 2016
6. Environmental Protection Agency, Global Emissions by Economic Sector, 2014
7. International Finance Corporation, Performance Standard 1, Assessment and Management of Environmental and Social Risks and Impacts, 2012.
8. UN, Declaration of the UN Conference on Human Development, Stockholm Declaration, 1972, Geneva Pledge for Human Rights on Climate Action: <http://climaterights.org/our-work/unfccc/geneva-pledge/>
9. United Nations Office of the High Commissioner for Human Rights, Key Message on Human Rights and Climate Change
10. Intergovernmental Panel on Climate Change (2001b), Climate Change 2001: Impacts, Adaptation, and Vulnerability, New York: Cambridge University Press.
11. Johansson, Thomas B. and José Goldemberg eds. (2002), Energy for Sustainable Development: A Policy Agenda, New York: United Nations Development Programme
12. United Nations Development Programme (1990-2002), Human Development Report, New York: Oxford University Press.
13. United Nations Development Programme, United Nations Environment Programme, World Bank, and World Resources Institute (2000), World Resources 2000-2001: People and Ecosystems: The Fraying Web of Life, Washington, D.C.: World Resources Institute.
14. United Nations Environmental Programme (2000), Global Environmental Outlook 2000: UNEP's Millennium Report on the Environment, London: Earthscan Publications, 1999.
15. United Nations Environmental Programme (2002), Global Environmental Outlook 3: Past, Present and Future Perspectives, London: Earthscan Publications, 2002.
16. World Commission on Environment and Development (1987), Our Common Future, New York: Oxford University Press, 1987.
17. IPCC Working Group II, Climate Change 2014: Impacts, Adaptation, and Vulnerability, Summary for Policymakers, p. 6.
18. IPCC Working Group II, Climate Change 2014: Impacts, Adaptation, and Vulnerability, p. 796.
19. UN General Assembly, Transforming Our World: The 2030 Agenda for Sustainable Development (New York: UN,2015)
20. Reflection Group on the 2030 Agenda for Sustainable Development, Spotlight on Sustainable Development.