

## Inter-Relationship among Environmental Protection, Health, Sustainable Development and Human Rights: A Review

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### Abstract

This review article examines the theoretical background of a right to environmental protection and health to achieve sustainable development by observing inter-relationship among them. This article is aimed at policy level discussions, as well as an aid to civil society to push for necessary changes to take Indian economy, society, and policy towards the goal of human well-being with environmentally sustainable development. Until recently, environmental protection, public health and human rights were viewed as distinct areas of public policy by government institutions and non-government organizations alike at both the national and international levels. With increasing globalization of trade and commerce in the past few decades, the environmental and public health impacts of rapid industrialization and urbanization in different regions of the world are now being recognized as having major human rights implications by many policy makers. Human rights in the context of environment and sustainable development recognize that for human communities to survive, they must have an adequate and secure standard of living; they must be protected from harmful substances and unsafe products; they must learn to conserve and equitably share natural resources. The purpose of this article is to identify the key links between globalization and environment, environment and human rights, human rights and sustainable development. Globalization is the process by which all peoples and communities come to experience an increasingly common economic, social and cultural environment. The article strives to enhance the complementary relationship between promoting and protecting human rights; conserving, protecting and rehabilitating the environment; and achieving sustainable human development. In short, the more integrated environmental and trade policies are, the more sustainable economic growth will be and the more globalization can be harnessed for the benefit of the environment.

**Keywords** - *Environment, Globalization, Public Health, Human Rights, Sustainable Development*

### Introduction

Environmental protection and human rights are two of the main concerns of modern international law. After the establishment of the UN the main focus of the international community was on the protection and promotion of human rights. It was only in 1972 when the voice about environmental protection rose at the domestic level became the global political agenda. The movement started from Stockholm conference and is still continuing by international conferences in which governments recognized the ecological interdependence of the world and acknowledged an urgent need to take action for the protection of the environment. The Stockholm Declaration of 1972, World Charter for Nature 1980, Nairobi Declaration of 1982, Earth Summit of 1992, Johannesburg Conference on Sustainable Development 2002 and UN Conference on Sustainable Development 2012 are some of

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the outcomes of the worrying state of the world community. The central point of all these conferences is that ignoring the environment in the short run may leave long term bad effects on the humanity and the violation of human rights<sup>1</sup>. Although environmental protection and human rights are often treated as separate legal topics, there are many situations where the two fields intersect, for example, with respect to the rights of indigenous people. First, many governments and international bodies have recognized the right of citizens to live in a clean and healthful environment. Second, environmental and natural resources policies may disproportionately affect poor and minority communities<sup>2</sup>. The United Nations Declaration on Human Right provides that Economic, Social and Cultural Rights includes the Right to Health, including healthy living conditions available, accessible and acceptable quality health services. Human Rights are broadly of two kinds – negative and positive. Negative rights are those that prohibit actions that are harmful to the physical, mental or emotional aspects of a human being. Positive rights are usually political and economic right, like the right to food, education and so on<sup>3</sup>. A fundamentally different framework of development, as indicated by the outcome document of the United Nations Conference on Sustainable Development (Rio+20) of 2012, ecological sustainability has to be a major basis for such a framework, then a new set of global goals could include, among other things, equitable access to nature and natural resources to all peoples and communities, including the conservation and resilience of ecosystems, ecological cycles and functions, and biodiversity; access to adequate and safe food, water, energy, and settlements/habitat; access to conditions of good health, learning/education; and, in all these, meeting the special needs of women and children<sup>4</sup>. Environmental issues have become more important in modern economic policies. At the same time, struggle for human rights have become more complex and challenging in the era of globalization. Many problems resulted in this area of discussion, with regard to the intricate linkages between globalization, human rights, and environmental protection. So the author discusses the inter relationship between environment and human rights and also points out the challenges to protect equitable human rights in the era of globalization in such a way that it promotes sustainable environmental development through eco-friendly trade policies. In short, by adopting the more integrated environmental policies, more sustainable economic growth will be done and globalization can be harnessed for the benefit of the environment<sup>5</sup>. Human rights in the context of environment and sustainable development recognize that for human communities to survive, they must have an adequate and secure standard of living; they must be protected from harmful substances and unsafe products; they must learn to conserve and equitably share natural resources. Without these environmental and public health policies in place, human rights for respect, dignity, equality, non-discrimination and the ability for the public to participate in decisions that affect their lives cannot be achieved. This article evaluates the human rights dimensions of significant environmental and public health issues by showing linkages between environment, health and human rights within the context of sustainable development, Outlining and assessing environmental and public health problems in various regions of the globe and examining relevant scientific and technical documents, regulatory standards/guidelines, and international treaties and conventions<sup>6</sup>.

### **Developments in Human Rights Provisions on Health, Environment and Sustainable Development**

Most human rights treaties were drafted and adopted before environmental protection became a matter of international concern. As a result, there are few references to environmental matters in international human rights instruments, although the rights to life and to health are certainly included and some formulations of the latter right make reference to environmental issues. The

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International Covenant on Economic, Social and Cultural Rights (16 Dec. 1966), guarantees the right to safe and healthy working conditions (art. 7 b) and the rights of children and young person's to be free from work harmful to their health (art. 10-3). The Convention on the Rights of the Child (New York, November 20, 1989) refers to aspects of environmental protection in respect to the child's right to health. ILO Convention No. 169 concerning indigenous and tribal peoples in independent countries (Geneva, June 27, 1989) contains numerous references to the lands, resources, and environment of indigenous peoples (e.g., arts. 2, 6, 7, 15). Part II of the Convention addresses land issues, including the rights of the peoples concerned to the natural resources pertaining to their lands. The African Charter on Human and Peoples Rights, (Banjul June 26, 1991) contains both a right to health and a right to environment. It states that "All peoples shall have the right to a general satisfactory environment favourable to their development". The additional protocol to the American Convention on Human Rights in the area of Economic, Social and Cultural Rights also contains both a right to health and a right to environment, drafted in more detail than in other human rights instruments. The preamble of European Community directive states their aim as being to protect human health and the environment. Similarly, the Basel Convention on the Control of Trans boundary Movements of Hazardous Wastes and Their Disposal begins its preamble to aware of the risk of damage to human health and the growing threat to human health posed by hazardous waste. The Stockholm Declaration concern about growing evidence of man-made harm in many regions of the earth. Article 1 of the Legal Principles for Environmental Protection and Sustainable Development, adopted by the expert group of the Brundtland Commission. 1992 Rio Conference on Environment and Development, is entirely devoted to protecting and promoting human health conditions, while the Rio Declaration itself proclaims that human beings are entitled to a healthy and productive life in harmony with nature. Several dozen international treaties adopted since the Stockholm Conference call upon states to take specific measures to ensure that the public is adequately informed about environmental risks, including health risks, posed by specific activities. In addition to the right to information, the public is also given broad rights of participation in decision-making and access to remedies for environmental harm. Convention on Access to Information, Public Participation and Access to Justice in Environmental Matters, (Aarhus, June 25, 1998), signed by thirty-five Sates and the European Community, takes a comprehensive approach. The Protocol on Water and Health to the Helsinki Watercourses Convention adopted in London on June 17, 1999 contains the most extensive treaty provisions. The objective of that Protocol is to promote the protection of human health and well-being at all appropriate levels, nationally as well as in trans boundary and international contexts<sup>7</sup>. UN 2002 World Summit on Sustainable Development, held in Johannesburg reaffirmed that human beings are at the centre of concerns for sustainable development and that they are entitled to a healthy and productive life in harmony with nature<sup>8</sup>. The 2012 United Nations Conference on Sustainable Development emphasized that every state has the responsibility "to respect, protect and promote human rights," and that "democracy, good governance and the rule of law are essential for sustainable development" in each of its three dimensions: economic growth, social development, and environmental protection<sup>9</sup>.

### **Inter-Relationship between Health, Environment, Sustainable Development and Human Rights**

The term sustainable human development may be defined as the capacity of all human communities, including the most deprived, to meet their fundamental needs for accommodation, drinking water, food, satisfactory conditions of health and hygiene, participation in decision-making, social cohesion, a social fabric, cultural and spiritual expression, etc. Such an approach makes sustainable human development a multifaceted process. It seeks a balance between the ecological, economic and social

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spheres, while also taking account of political (participation and democratization), ethical (responsibility, solidarity, social justice and sufficiency) and cultural (local diversity and artistic expression) considerations. Sustainable human development also calls for a fundamental re-evaluation of our basic principles and lifestyles, and of the way our societies function, particularly regarding production and consumption. This implies significant changes in attitudes and behaviour, in which an awareness of living in a common space, individual responsibility for actions, and learning to identify long-term perspectives and partnership between players in different regions of the world, including governments, international institutions, business and civil society, take precedence over material factors.

The 1995 human development report point out the four essential components of human development paradigm, namely-Productivity, Equity, Sustainability and Empowerment<sup>10</sup>.The inter-relationship between development and human rights has a long history, both in concept and in practice. This relationship itself reflects when we look into the generations of human rights: The first-generation (human) rights refer to traditional civil and political liberties prominent in western liberal democracies, such as freedom of speech, religion, and the press, as well as freedom from torture, which presuppose a duty of non-interference on the part of government towards individuals. Second-generation rights have generally been considered as rights which require affirmative government action for their realization. Second-generation rights are often styled as group rights or collective rights, in that they pertain to the wellbeing of whole societies. Third-generation or 'solidarity' rights are the most recently recognized category of human rights. These include the right to development, the right to peace, the right to a healthy environment, and the right to intergenerational equity<sup>11</sup>. The relationship between a safe and healthy environment and human rights has been on the global agenda since the preparations for the 1972 Stockholm Conference on the Human Environment. This idea was reflected in principle 1 of the 1972 Stockholm Declaration, which states that man's natural and self-made environment is essential to his well-being and to the enjoyment of basic human rights and the right to life itself<sup>12</sup>. The link between human rights and the environment has developed in a fragmented manner across national, regional and international levels in case law, regulations and international agreements. As a result, much of the linkage between human rights and environmental law has been highlighted through decisions of national courts and regional human rights bodies. This has resulted in rapid development of jurisprudence, but the piecemeal development has lacked a comprehensive framework linking human rights and the environment. A draft declaration on Principles on Human Rights and the Environment was prepared in 1994 by a group of experts, and it was presented before the UN Commission on Human Rights in 1995. This declaration proposed a substantive right to 'a secure, healthy, and ecologically sound environment' and included the concept of intergenerational equity. The interrelationship between human rights and environmental protection has three main dimensions:

- The environment as a pre-requisite for the enjoyment of human rights,
- Certain human rights, especially access to information, participation in decision-making, and access to justice in environmental matters, as essential to good environmental decision-making,
- The right to a safe, healthy and ecologically-balanced environment as a human right in itself.

Environmental health and human rights are inextricably linked. According to the Universal Declaration of Human Rights, Article 3, "Everyone has the right to life, liberty, and security of person." Given that the earth is the source of the basic necessities of human life, any discussion about health

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and human rights must be attentive to its inherent environmental aspects<sup>13</sup>. On 10th December 2004, the General Assembly of the United Nations proclaimed the World Programme for Human Rights Education (2005-ongoing) to advance the implementation of human rights education programmes in all sectors<sup>14</sup>.

### **Impact Due To Globalization**

At global level reality is that environmental policies are implemented and enforced through a complex mix of command and control regulations, community regulation, corporate and industry self-regulation and economic instruments. Some of the criteria guiding policy makers in finding the optimal mix include efficiency, cost-effectiveness, permitted flexibility of industry response, predictability, creating a level playing field for competitors and transparency of compliance<sup>15</sup>. There is however no denial that the emergence of global atmospheric challenges call for a reassessment of the current structure of international law<sup>16</sup>. Globally, multiple institutions operate under environmental mandates, an analogous but distinct set of international institutions is charged with realizing human rights. These institutions grew out of very different legal traditions. To over-generalize, human rights are rooted in the natural law tradition in international law, while environmental law is the product of a much more state-centered positive law tradition. Unlike human rights law, environmental law does not necessarily have protecting human beings individuals at its core, indeed environmental law's most distinctive feature may be its focus on the natural environment. By contrast, even when invoked in the environmental context, human rights focus on protecting the human beings rather than on protecting the environment itself<sup>17</sup>. Globalization is a growing legal and institutional framework within which the regimes of contemporary international trade, finance and investment are being conducted. Another form of globalization has its effects on environmental and human rights struggles, Human rights movement has long laid claim to a universalizing mission. This is evident in the assertion that the regime of rights and freedoms established through the Universal Declaration of Human Rights and the numerous other instruments that have since been promulgated in the same spirit extend beyond the arena of purely national concern.

### **Conclusion**

This article described the links between human rights, health, environmental protection, and the modification in the operation of environmental human rights. The article noted the link and evolution of adoption of the human rights for environment and its incorporation into the constitution of the various countries. Whatever perspective one adopts regarding the link between human rights and the environment, it is clear that failure to preserve a healthy environment has a clear and even increasing effect on the enjoyment of human rights. The linkage of human rights to the environment not only helpful to protect the environment but at the same time the human rights system would be strengthened by the incorporation of environmental concerns, enabling the expansion of the scope of human rights protection in the area of environment. Nearly all global and regional human rights bodies have recognized and accepted that there is a close link between environmental protection and human rights. There is need to create awareness about the promotion and protection of human rights and healthy environment. This can be done through education; strategies should be made for creating mass awareness. With the above discussions, the author concludes that an important issue confronting policy makers today is the complex challenge of preserving the natural environment while simultaneously promoting development to meet the basic needs of humanity. With the adoption of globalization trade policies were liberalized, which caused further environmental

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destruction. Many problems resulted in this area of discussion, with regard to the intricate linkages between human rights and environmental decay. In fact human right and environment go hand by hand because the degradation of the environment violates numerous well-recognized human rights. Besides, environmental protection and development are both a necessary condition and outcome of the realization of other human rights and integrated strategies have to be devised, whether the protection of the environment is framed in human rights terms or not. It is then not surprising to see so much controversy over the recognition of a right to environment given the pervasive and significant economic implications resulting from the formal acceptance of this right. In sum, the links between human rights, health, and environmental protection are today well established in international law, accepted by states in agreements and implemented in practice. Further attention to the links and to the potential conflicts between the goals of the three subject areas will be of benefit to all concerned.

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