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Sustainable Development and Human Rights

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ABSTRACT

Environmental Issues that we face today have three areas i.e population, natural resources and pollution. For understanding the problem and solution require broad multidisciplinary approach. We cannot solve complex environmental issues that we face today through science and technology. There is need to develop new approach and understand, address the human element and human rights also.

A lot of conflicting information about the environment and its issues are there in India. Traditional solutions and a new brand of responses could help us to find lasting solutions to pressing problems. These are part of new strategy known sustainability. All across the world change is underway. It's not ordinary change either. It is profound change in the ways societies conduct their everyday affairs ways that are leading to a new wave of environmental protection with lasting impacts.

As we know the world is witnessing global crises of environmental degradation. The future of earth is intimately linked with sustainable development which is ostensible goal of environmental policy and law as enunciated in Agenda 21 of Earth Summit, 1992. For that policies and legislations should be made more stringent and absolute, as well as gentle towards human rights. The aim of this paper is to discuss the challenges and issues associated with human rights and sustainability.

Keywords: *environmental issues, human rights, sustainability, global crises.*

I. INTRODUCTION

A problem well stated is a problem half solved.

~Charles Kettering

Sustainability is the strategy which is needed for development and protection of environment. Environment problems that we face today have three areas i.e population, natural resources and pollution. Many of the serious issues of environment are covered under environmental science i.e a branch of science that seeks to understand the many ways that we affect our environment and the many ways that we can address these issues. A lot of conflicting information about the environment and environmental issues are there in India.

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All across the world change is underway. It's not ordinary change either. It is profound change in the ways societies conduct their everyday affairs way that are leading to a new wave of environmental protection with lasting impacts. Melting of ice bergs , rise in sea levels, and drastic changes in the weather patterns attributable to climate change increasingly affect life of all living organisms on planet earth. When the environment suffers, people suffer. Climate change increasingly interferes with the realization of fundamental, internationally recognized human rights- including the right to life, to health, to culture, to food, to self-determination, to property, and to development. The poorest and most vulnerable will suffer first, and perhaps most, but ultimately the crisis will reach all of us.

Environmental consequences of industrialization and economic development and the pollution of air, water and soil on which our life depends is the or dear cost which man has to pay for economic progress.²While in developed countries environmental problems are as a result of industrial growth in poor or underdeveloped nations these problem are due to less development. As described poor countries feel that the greatest source of population is poverty.³

Development of the nations and Environmental problems are invariably related to each other. Even the developing countries cannot afford to ignore the environmental consequences of the process of development. The question lies how we will be able to maintain harmony between development and environment.

Thus the future of the developing countries greatly depends on better international understanding of the right of development because it will further dependent on other human rights. Economic development and Human Rights are thus intimately connected with each other.⁴The study of environmental issues and their solutions also draws heavily on the subjects such as economics, politics, law and sociology.Traditional solutions and a new brand or responses could help us to find lasting solutions to problem of sustainable development.

As we know the world is witnessing global crises of environmental degradation. The future of earth is intimately linked with sustainable development which is ostensible goal of environmental policy and law as enunciated in Agenda 21 of Earth Summit, 1992.The human threat is equally seriously to air, water and land. The population explosion and technology are the two major threats to environment and ecology.

The right to the use of natural resources that the environment holds is an essential component

²20 R.P.ANAND, DEVELOPMENT AND ENVIRONMENT 1-2 (I.J.I.L.), (1980).

³20 R.P.ANAND, DEVELOPMENT AND ENVIRONMENT 9 (I.J.I.L.), (1980).

⁴Article 55 of U.N. Charter.

of human rights. It is related to disparities in the amount of resources available to different sectors of society.

The question arises as to how long the exploitation of nature and natural resources would continue. Now the world started realizing the emergence of transnational ecology in the world economy. The policies in respect of protection and preservation of environment have to be formulated in the existing realities. It can be said that protection of ecology is intractably linked with human beings survival and which needs international as well as national attention.

The environmental threat necessitated the shaping of the face of international diplomacy for the development of cooperative efforts at the international law because right to a pollution free environment is not just limited to particular country and it is a universal human right violation of which calls for penalties.

If we want to relate the sustainability with human rights then firstly we have to see what exactly human rights are. Human rights are possessed by all human beings irrespective of their race, caste, nationality, sex, language etc simply because they are human beings. Human rights are sometimes called fundamental rights or basic rights or natural rights. As the name suggests these are fundamental or basic rights they are those which must not be taken away by any legislature or any act of government and which are often set out in a Constitution of different countries. As natural rights they are seen belonging to men and women by their very nature.

At International level the importance has been accepted by all the States. What is less well-accepted is the proposition that we, as humans, possess rights to the environment beyond what is necessary to support our basic requirements. It is argued that human rights law can make a positive contribution to environmental protection, but the precise nature of the connection between the environment and human rights warrants more critical analysis.

According to International Court of Justice there is a need to reconcile economic development with protection of environment.⁵

The relationship between human rights and the environment was first recognized by the United Nation General Assembly. In 1972, the direct relationship between the environment and the right to life was recognized by the United Nations Conference on the Human Environment. The Preamble stated that Man is both creature and moulder of his environment, which gives him physical sustenance and affords him the opportunity for intellectual, moral, social and spiritual growth. The Stockholm Declaration, which contained 26 principles, placed environmental

⁵Case Concerning the Gabcikovo - Nagymaros Project (Hung v. Slov).

issues at the forefront of international concerns and marked the start of a dialogue between industrialized and developing countries on the link between economic growth, the pollution of the air, water, and oceans and the well-being of people around the world. One of the major results of the Stockholm conference was the creation of the United Nations Environment Programme (UNEP). Twenty years later, at the historic Earth Summit in Rio de Janeiro, Brazil in 1992, the United Nations sought to help Governments rethink economic development and find ways to stop polluting the planet and depleting its natural resources. Three years later, in 2000, the Millennium Summit established the eight Millennium Development Goals.

In 2002, the World Summit on Sustainable Development. In 2005, 2008, and 2010 the Millennium Development Goals were reviewed at high level meetings in New York. In 2013, two years before the deadline which had been set to meet the Millennium Development Goals, a Special Event was held in New York, at which Member States agreed to convene a High-level Summit in September 2015 to adopt a new set of goals which would build on the foundations laid by the Millennium Development Goals. Two years later, in 2015, the United Nations Summit on Sustainable Development gave birth to Agenda 2030 and its seventeen sustainable development goals.

All human beings depend on the environment in which we live. A safe, clean, healthy and sustainable environment is integral to the full enjoyment of a wide range of human rights, including the rights to life, health, food, water and sanitation. Without a healthy environment, we are unable to fulfil our aspirations. We may not have access to even the minimum standards of human dignity.⁶

In recent years, the recognition of the links between human rights and the environment has greatly increased. The number and scope of international and domestic laws, judicial decisions, and academic studies on the relationship between human rights and the environment are growing rapidly.

The human rights and the environment mandate, created in March 2012 and extended in 2018, examines the human rights obligations as they relate to a safe, clean, healthy and sustainable environment. It also promotes best practices relating to the use of human rights in environmental policy making. Many States now incorporate a right to a healthy environment in their constitutions.

The Sustainable Development Goals (SDGs) are the blueprint to achieve a better and more sustainable future for all. They address the global challenges we face, including poverty,

⁶ERACH BHARUCHA, TEXTBOOK ON ENVIRONMENT STUDIES 9 (Universities Press.)(2008).

inequality, climate change, environmental degradation, peace and justice.

The increasing debt burden faced by the most indebted developing countries presents one of the greatest obstacles to sustainable development and eradicating poverty. For many developing countries, debt servicing has limited their ability to create the conditions for realizing economic, social and cultural rights.

The complex impacts of globalization have increased the influence of international markets, with new pressures on natural resources and Eco-systems, and unsustainable levels of consumption. There has been little attempt at an international level to address the long-term costs of this process on sustainable human development. While the desire to open new markets for those currently excluded may be an acceptable aim, there have been a number of cases where trade liberalization has cut across moves to improve environmental quality. This has been a factor in generating much of the opposition to globalization.

One way to ensure that globalization is controlled is to strengthen international organizations and agreements. If these are to have real powers they must be rooted in international human and environmental law. Adoption of global environmental rights should be part of the process of ensuring that globalization is controlled so that it leads to sustainability.

Several environmental issues are closely linked to human rights. These include the equitable distribution of environmental resources , the utilization of resources and Intellectual Property Rights, conflicts between people and wildlife, resettlement issues around development projects such as dams and mines and access to health to prevent environment related diseases. One of the primary concern should be how the energy is distributed in a community. In the developing country like India there are enormous economic inequalities. This require an ethic in which an equitable distribution becomes a part of everyone's thinking.

Good governance is the process by which public institutions conduct public affairs, manage public resources and guarantee the realization of human rights in a manner free of abuse and corruption, and with due regard for the rule of law. Corruption undermines institutions and processes, the rule of law and ultimately the State itself. Lastly the public needs to be aware of the procedures for participation in environmental decision making through frequent public involvement and full access to information.
