

Environmental Human Rights: A New Approach to Sustainable Development

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Abstract: Human rights are essential to the flourishing of all human beings regardless of their nationality or another status. Despite existence of the numerous documents and mechanisms created to protect human rights internationally, the full protection is far from being achieved. Linking human rights to environmental justice has been an arduous task, but contemporary environmental ethicists argue that giving a human face to the environment that nurtures and sustains us is a precondition for sustainable development. Violation of peace, pollution or exhaustion of the environmental resources jeopardizes the development not only of people, who have suffered from these violations directly but also that of future generations. The concept of sustainability addresses the issue of economic growth at present and how this impacts future generations. The three global values – peace, a healthy environment and sustainable development – are the principles of international cooperation. The understanding of the interdependence between these values and people marks the beginning of the search for a legal definition of ways to protect the physical existence and rights of individual human beings and humanity. In this article, the environmental human right to sustainable development is discussed as one of the human rights. It also discussed the lack of success of many of the Rio initiatives makes that make it appropriate to consider new approaches and that such approaches should be rooted in recognition of an inalienable right to a safe and healthy environment.

Keywords: Human Rights, Human Environmental Rights, Environment, Development, Sustainable Development,

Introduction

Protecting human rights and safeguarding the environment, along with achieving peace and security, are fundamental values of modern international society. The many linkages between protection of human rights and protection of the environment have long been recognized. It is beyond doubt that in today's world, the quality of the environment in which a human being is living can influence their well-being. Poor quality of the environment may diminish the ability to take advantage of other human rights, including even the right to life and the right to live in conditions which would be safe for health.

Human rights and environment protection are very strongly correlated with one and other. It shall be remembered that only in a clean and sustainable environment a human being may fully take advantage of his human rights. On the other hand the effective enjoyment of all human rights, including the right to education and the rights of assembly and freedom of expression as well as full enjoyment of economic, social and cultural rights, could foster better environmental protection by creating conditions conducive to modification of behavior patterns that lead to environmental degradation.¹

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”.² This was the first time when a link between human rights and the environment was established.

¹ MaciejNyka, “Human Rights and the Environment”, https://www.researchgate.net/publication/235724007_Human_Rights_and_the_Environment, dated. 10.09.2020

² S. Shanthakumar, “Introduction to Environmental Law”, Second Edition (reprint), LexisNexis Butterworths Wadhwa Nagpur, 2010, p.393.

The idea of ‘Environmental Human Rights’ or the human right to a safe and healthy environment is not a new one. Many international agreements since the 1972 UN Stockholm Conference have talked about it. The principles of human rights, the right to life and the right to development cannot be realized in the absence of the right to a healthy environment. Some 60 nations have constitutions or legislation intended to ensure this right. Despite existence of the numerous documents and mechanisms created to protect human rights internationally, the full protection is far from being achieved. Human rights are essential to the flourishing of all human beings regardless of their nationality or another status. Linking human rights to environmental justice has been an arduous task, but contemporary environmental ethicists argue that giving a human face to the environment that nurtures and sustains us is a precondition for sustainable development. Violation of peace, pollution or exhaustion of the environmental resources jeopardizes the development not only of people, who have suffered from these violations directly, but also that of future generations. The concept of sustainability addresses the issue of economic growth at present and how this impacts the future generations. The three global values – peace, healthy environment and sustainable development – are the principles of international cooperation. The understanding of the interdependence between these values and people marks the beginning of the search for a legal definition of ways to protect physical existence and rights of individual human beings.³

A Brief Overview of Human Rights and the Environment

The first international attempt to promote a unified code for human rights was the creation of the United Nations Commission of Human Rights, the Universal Declaration of Human Rights (UDHR) in 1948. Yet within the 30 articles of the UDHR, none mentions the relationship humans have with their environment. For millennia, the human progression of political order and advent of civilization has hinged on the conquering of the natural world whether that be during the age of colonization, or space exploration. Rather than focusing on environmental issues, the beginning years of the UN were focused on remedying the failures of the League of Nations. There was an emphasis on deterring aggression between states and improving economic conditions in war-torn Europe.

At the same time, a greater consciousness was emerging regarding the deterioration of the environment and the human consequences associated with environmental degradation. During the 1960s, countries in North America and Europe saw an explosion in environmental activism and legislation. The increasing environmental activism on the national level helped create momentum for an international conference on environmental issues. The UN hosted the first international environmental conference in Stockholm in 1972. Realizing the deepening environmental crisis, the UN established the World Commission on Environment and Development (WCED) in 1983 to focus on sustainable development.⁴

Environmental rights are an extension of the basic human rights that mankind requires and deserves. Environmental rights means any proclamation of a human right to environmental conditions of a specified quality. Human rights and the environment are intertwined; human rights cannot be enjoyed without a safe, clean and healthy environment; and sustainable environmental governance cannot exist without the establishment of and respect for human rights. This relationship is increasingly recognized, as the right to a healthy environment is enshrined in over 100 constitutions.⁵

There are several established human rights related to the environment. Environmental rights are composed of substantive rights (fundamental rights) and procedural rights (tools used to achieve substantial rights).

Substantive Rights are those in which the environment has a direct effect on the existence or the enjoyment of the right itself. Substantive rights comprise of: *civil and political rights*, such as the rights to life, freedom of association and freedom from discrimination; *economic and social rights* such as rights to health, food and an adequate standard of living; *cultural rights* such as rights to access religious sites; and *collective rights* affected by environmental

³ Iryna Ivankiv, “Right to Sustainable Development as one of the Rights Of Humanity”, https://www.luc.edu/media/lucedu/prolaw/documents/volume5/iivankiv_right_to_sustainable_development_a_s_one.pdf, dated. 06.09.2020

⁴ Will Cullen, “The Importance of Environmental Human Rights”, <https://www.cmc.edu/sites/default/files/humanrights/Will-Cullen-EnvironmentalHumanRights.pdf>, dated. 11.09.2020.

⁵ <https://www.unenvironment.org/explore-topics/environmental-rights-and-governance/what-we-do/advancing-environmental-rights/what> dated. 11.09.2020.

degradation, such as the rights of indigenous peoples. It makes perfect sense to link human rights to sustainable development: the right to life cannot be realized without basic rights to safe water, air and land. A human rights approach allows the quality of life of all people to be a central part of decision making. **Procedural Rights** prescribe formal steps to be taken in enforcing legal rights. Procedural rights include 3 fundamental access rights: access to information, public participation, and access to justice.⁶

By studying this it can be said that, there are two main approaches to human rights and the environment:

- the use of existing human rights, and
- the need for new human rights for a safe and clean environment.

Existing rights are usually distinguished as civil and political, economic, social and cultural. Civil rights provide for moral and political order, include the right to life, equality, political participation and association and are based on the Universal Declaration of Human Rights (UDHR), 1948 and International Covenant on Civil and Political Rights (1966). When realized civil and political rights are fundamental to guaranteeing a political order supportive of sustainable development. They can protect civil mobilization around environmental protection and equity.⁷

Economic, social and cultural rights are often referred to as 'second generation' rights. These provide substantive standards for an individual's wellbeing. The International Covenant on Economic, Social and Cultural Rights (1966) provides an example. The Covenant provides, amongst others, the right to health which recognizes the need for environmental improvement. It also provides for self-determination including the right of all peoples to manage their own natural resources. These second-generation rights often have a direct bearing on the human and environmental condition.⁸

Although existing first and second-generation rights can provide for a degree of global and environmental protection if effectively mobilized, they are indirect environmental rights. They therefore suffer from a lack of clarity and precision on environmental protection and equity. What is required to strengthen the use of universal human rights are direct policy, legislation and institutional changes which recognize a specific right to a healthy environment and which takes into account both substantive and procedural issues.⁹

What are Environmental Human Rights and why there is Need for Environmental Rights?

"Earth provides enough to satisfy every man's needs, but not every man's greed."

- Mahatma Gandhi

Environmental rights are human rights, as people's livelihoods, their health, and sometimes their very existence depend upon the quality of and their access to the surrounding environment as well as the recognition of their rights to information, participation, security and redress.

The exact meaning of the right to environment is not ascertainable. "Different terminologies such as decent, viable, healthy, sustainable environment are commonly used when referring the right to environment". For example, K. Solo defines the right to environment to broadly mean:

The right, whether of individuals or a group, to a decent environment; and more Specifically, such rights as the right to be free from excessive pollution of the land water or air, or pollution, from noise, the right to enjoy an unspoilt nature, and the right to enjoy biological diversity.¹⁰

⁶*Ibid*

⁷https://www.iatp.org/sites/default/files/Environment_and_Human_Rights_A_New_Approach_to.htm

⁸ Environment and Human Rights: A New Approach to Sustainable Development, International Institute for Environment and Development, <https://pubs.iied.org/pdfs/11016IIED.pdf>, dated 11.09.2020

⁹*Ibid*

¹⁰Haile Andargie Wondalem, "The Right to Environment under African Charter on Human and Peoples' Right", International Journal of International Law: Volume 2 Issue 1, <http://www.ijoil.com/wp-content/uploads/2015/08/9.pdf>, dated. 13.09.2020.

Environmental human rights must encompass three areas of work:

- The right to a clean and safe environment
- The right to act to protect the environment
- The right to information participate in decision-making

The Right to a Clean and Safe Environment

These are ‘substantive’ rights. They are the most basic rights, and the hardest to define. The right to a clean environment is not a purely individual right. Rather, it has a collective facet, belonging equally to such groups as future generations and indigenous peoples whose cultures depend on the environment for their existence and perpetuation. Many organizations would support the idea that “clean water and food security” are “basic human rights”. More than 100 constitutions throughout the world guarantee a right to a clean and healthy environment, impose a duty on the state to prevent environmental harm, or mention the protection of the environment or natural resources. Over half of these constitutions explicitly recognize the right to a clean and healthy environment, including nearly all constitutions adopted since 1992.¹¹

The Right to Act to Protect the Environment

This right is inherent in the UN Declaration and associated Conventions, through the right to organize and to free assembly. This right is under threat in many nations.

The Right to Information Participate in Decision-Making

The rights of everyone to take part in the government of their country and in the conduct of public affairs are recognized in the Universal Declaration of Human Rights (art. 21) and the International Covenant on Civil and Political Rights (art. 25). The right of participation is also critical to the exercise of other rights. As the United Nations Special Rapporteur on toxic wastes has said, the right of information and the right of participation in decision-making are ‘both rights in themselves and essential tools for the exercise of other rights, such as the right to life, the right to the highest attainable standard of health, the right to adequate housing and others.’¹²

These rights can provide a platform for environmental and sustainable improvements are likely to benefit the most marginalized people, the poor, women, and minorities. The human rights perspective facilitates policies that have a strong impact on poverty and exclusion for reasons of gender or race. The right to information, justice and participation within the sustainable development context includes rather than excludes people who have felt excluded from the traditional green movement agendas. Environmental human rights support a bottom up approach. Active involvement and shared control, by the people and states most affected by a degraded environment is fundamental at local, national and global levels.¹³

Need for Environmental Rights

It is nearly forty five years since the UN Stockholm Conference in 1972 put environmental issues on the international agenda. Since then there has been much effort taken to protect and improve the environment globally, nationally and locally. There has been much progress, but it is clear that in all parts of the world our environment is under threat and that many problems are becoming more serious. The Rio summit recognized these problems and sought to resolve them through Agenda 21 and the various UNCED Conventions. While implementing these conventions it is revealed that it failed in many ways. That is,

- Failed to place constraints on national strategies that may lead to unsustainable growth.
- Failed to ensure the implementation of national framework laws and enforcement strategies such as National Environmental Action Plans (NEAP).
- Failed to control perverse state resource use and damaged intergenerational equity.

¹¹ Human Rights, Health and Environmental Protection: Linkages in Law and Practice, https://www.who.int/hhr/information/Human_Rights_Health_and_Environmental_Protection.pdf, dated. 12.09.2020.

¹² The right to participate in environmental decision-making, <https://www.universal-rights.org/wp-content/uploads/2015/02/EHRD-portal-Right-to-participation.pdf>, dated. 13.09.2020.

¹³ *Supra Note 9*

- Increasingly revealed the inadequacies of funding by those agencies which fund strictly environmental work that does not consider socio-economic factors.¹⁴

As a result of this there was an increasing pressure resulting from globalization. This led to calls for a new approach to sustainable development. It is clear that soft-law documents are an inadequate basis for ensuring effective control of these processes. There are a few key international rights, but substantive rights to a safe environment the rights are still largely implied rather than explicit. In theory, existing human rights legislation should protect our environment but this does not happen in practice. Many groups have tried to use Human Rights legislation to protect the environment, such as the 'Right to Life' defined by Article 2 of the European Convention on Human Rights, which states that "*everyone has a right to life protected by law*". Most attempts to do this have been unsuccessful, although some successful cases exist. This is an inadequate way to provide for our rights.

Human Right to Sustainable Development in Soft-Law Documents, (International Instruments), National and Regional Instruments

Sustainable development is difficult to describe or define clearly, because its modern understanding is extremely broad. The complex discourse of international development is reflected in a large number of declarations, conventions, as well as legal and economic studies. In human rights context, sustainable development includes commensurable development opportunities for different peoples, groups, individuals, human race as a whole, as well as future generations. The concept of sustainable development can be considered in three areas: environmental, economic and social.

International Instruments

There is no explicit right to environmental quality in the core international human rights instruments i.e. UDHR, ICCPR and ICESCR. However, ICESCR mentioned the issue of the environment in relation to hygiene (Article 7 of the ICESCR). Under Convention on the Rights of the Child (CRC) the issue of environment discussed in terms of prevention of disease and malnutrition. Article 24, paragraph 2 (c) of CRC requires States to pursue the full realization of the right of the child to the enjoyment of the highest attainable standard of health taking into consideration the dangers and risks of environmental pollution. These references relating to the environment attached to a particular issue and do not recognize the human right to a quality environment.¹⁵

Principle 1 of the Stockholm Declaration established a foundation for linking human rights and environmental protection. It declares that, *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*. It also announced the responsibility of each person to protect and improve the environment for present and future generations.¹⁶

The Brundtland Report of the World Commission on Environment and Development "Our Common Future" issued in 1987 added intergenerational angle to understanding of the sustainable development: "Humanity has the ability to make development sustainable to ensure that it meets the needs of the present without compromising the ability of future generations to meet their own needs". This document refers to the interdependence of the environment and opportunities for sustainable development, which has only intensified since then.¹⁷ This report contains within it two key concepts they are the concept of 'needs', in particular the essential needs of the world's poor, to which overriding priority should be given; and the idea of limitations imposed by the state of technology and social organization on the environment's ability to meet present and future needs."

The 1992 Conference of Rio de Janeiro on Environment and Development mentions briefly in Principle 1 that human beings are "entitled to a healthy and productive life in harmony with nature". The Rio de Janeiro documents formulated the procedural link between human rights and environmental protection. In addition to Principle 10, the Declaration includes provisions on the participation of different components of the population: women (Principle 20), youth (Principle 21), and indigenous peoples and local communities (Principle 22). These two above mentioned

¹⁴*Ibid*

¹⁵Pathak, Puneet, Human Rights Approach to Environmental Protection (February 17, 2014). OIDA International Journal of Sustainable Development, Vol. 07, No. 01, pp. 17-24.

¹⁶*Supra Note 2.*

¹⁷*Supra Note 4.*

acts formed a conceptual base for future works on linkages between human rights and the environment. They also constructed the most common division of human rights to the environment – material and procedural rights.¹⁸

The 1998 Aarhus Convention, which recognizes the linkage between human right and environment. “The preamble of Aarhus convention envisioned that adequate protection of the environment is essential for human wellbeing and the enjoyment of basic human rights, including the right to life itself.”¹⁹ This agreement represents probably the most important step yet taken towards human right to environment: it establishes rights—to information, to participation in decision making, and to access to justice in environmental matters—which it expressly affirms are aimed at securing the right to a healthy environment.

The Aarhus convention further establishes a conceptual link between substantive and procedural environmental rights by stating that: citizens must have the right access to environmental information, be entitled to participate in decision-making and have access to justice in environmental matters” in order “to be able to assert” their right to live in an environment adequate to their health and well-being, as well as to “observe” their concomitant duty “to protect and improve the environment for the benefit of present and future generations.”²⁰

Regional Instruments

Regional human right instruments are better in recognizing human right to environment.

African Charter on human and peoples’ right connotes the right to environment as peoples’ right. The relevant provision of the charter reads as follows: “All peoples shall have the right to a general satisfactory environment favorable to their development.”²¹ It should be noted at this juncture that this provision does not actually recognize the right to environment as an individual human right, rather it recognizes as a collective right vested in peoples.

The Inter American Human Right Convention has recognized the right to a healthy environment as an independent human right. A more detailed formulation of the right was included in the Additional Protocol to the American Human Rights Convention on Economic and Social Rights, adopted in San Salvador, El Salvador, on November 17 1988. The protocol is straightforward in its formulation of the right to environment. It does explicitly recognize an individual right to environment, as it stipulates that “[e]very one shall have the right to live in a healthy environment and to have access to basic public services”. Here it is vivid fact that, the protocol went on beyond mere recognizing the link between environmental protections and human right as it grants independent human right to environment.²²

In Europe, in 2005 the Council of Europe adopted a “Manual on Human Rights and the Environment, in which it was stated that although there is no express right to a clean environment, certain Articles of European human right convention may give rise to environmental claims, such as the right to life.” Based on this way of interpretation, state has an obligation to regulate and control environmental problems where they impair the exercise of right guaranteed in convention. “In addition to this, state has an obligation to make available information concerning serious environmental risks and to make provision for participation in environmental decision-making and access to justice in environmental cases”.²³

The World Summit on Sustainable Development in Johannesburg, 2002 focused on the concept of sustainable development was affirmed in the Johannesburg Declaration. The final outcome document of the Rio+20 Summit also reaffirmed the importance of the human rights, particularly the rights to health, food and safe drinking water. While most international human rights treaties do not make a specific reference to the environment, healthy environmental conditions is regarded as one of the necessary prerequisites for the enjoyment of human rights especially the rights to life (Article 3 of UDHR; Article 6(1) ICCPR; Article 6 CRC) and health (Article 25(1) of UDHR; Article 12(1) ICESCR; Article 24 CRC and Article 12 CEDAW).²⁴

¹⁸*Supra Note 2.*

¹⁹Convention on Access to Information, Public Participation in Decision-Making and Access To Justice in Environmental Matters done at Aarhus, Denmark, on 25 June (1998), par.1

²⁰*Supra Note 11.*

²¹African charter on human and peoples’ right, adopted 27 June 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force 21 October 1986) at Article 24.

²²*Supra Note 11.*

²³*Ibid*

²⁴*Supra Note 16.*

The Constitution of India is one of the very few Constitutions in the world that responds to the problem of environment. By the 42nd Constitutional Amendment happened in 1976 and judicial interpretation down the years the law of the constitution developed the environmental jurisprudence in India. The India judiciary played a remarkable job to put the issue of environmental degradation in the framework of fundamental rights to provide remedies to the victim of environmental harm. In 1976, provisions were inserted into the Constitution that imposed responsibilities on both the state and citizens to protect the environment. Under Article 21 of the Constitution, though it guarantees right to life and personal liberty,²⁵ does not directly confer right to clean, unpolluted and healthy environment. But various judicial pronouncements on various occasions have expanded the right to life and personal liberty to include this right by recognizing various ‘unarticulated liberties’ as recognized implicitly by Article 21.²⁶

The Supreme Court of India gave a wider interpretation to right to life and declared that ‘right to environment is a fundamental right.’²⁷ The Supreme Court has declared that ‘the adherence to sustainable development is a *sine qua non* for maintenance of symbiotic balance between the right to development and development’. This concept is “an integral part of life under article 21 of the Constitution”.²⁸

It is relevant to mention here that though the regional human rights instruments recognized the right to a healthy environment and the states’ obligation to protect, to preserve and improve the environment, it does not allow individual to file a petition in case the state is not fulfilling its obligations. In regard to the right to a healthy environment the role of regional human rights institutions and domestic courts is quite commendable. The right to a quality environment has been given content by regional human rights tribunals and national courts through the incorporation of environmental jurisprudence, law, principles and standards. Such bodies increasingly utilize environmental standards to adjudicate human rights claims related to the environment and to judge whether or not states have complied with their legal obligations.²⁹

The Role of Human Rights Systems in the Agenda 2030 for Sustainable Development

The Agenda 2030 for Sustainable Development has been widely acknowledged as the most participatory process ever in the history of the United Nations. As a direct consequence of the inclusive process adopted for its conception, it became one of the most comprehensive and powerful instruments for sustainable development. Differing from the Millennium Development Goals (MDGs), the Sustainable Development Goals (SDGs) which are the “world’s to-do list to end poverty, reduce inequalities and tackle climate change” in the Agenda 2030 incorporates a wide range of human rights principles and standards throughout its targets. In this document, the United Nations Office of the High Commissioner for Human Rights (OHCHR) did a remarkable work in demonstrating how the SDGs cover all aspects of human rights, “including economic, civil, cultural, political, social rights and the right to development”. The significance of understanding the relationship between the SDGs and human rights is not just illustrative it is rather a way of strengthening States’ accountability vis-à-vis their commitments to a human rights-based approach to development and to the SDGs themselves.

Though the Agenda 2030 is not a legally binding instrument, the regional and international human rights Conventions and Covenants are, in fact, binding instruments of international law. On one hand, these core human rights conventions are monitored at the global level by their respective committee of independent experts, within the framework of the so-called “human rights treaty body system”. On the other hand, in most cases these instruments can also be legally claimed at the national level and are used as powerful tools for people’s human rights.³⁰

²⁵Article 21, of the Indian Constitution “No person shall be deprived of his life and personal liberty except according to procedure established by law”.

²⁶S.C. Shastri, “Environmental Law”, Eastern Book Company Lucknow, 2011, P. 46.

²⁷N.D. Jayal v. Union of India, (2003) 6 Supreme 573.

²⁸N. D. Jayal v. Union of India (2004) 9 SCC 362.

²⁹*Supra Note 16.*

³⁰A Human-Rights Based Approach to the SDGs,

https://www.ohchr.org/Documents/Issues/SDGS/2030/Dianova_International_Human_Rights.pdf, dated. 13.09.2020.10

Conclusions

Present environmental issues require new approaches. Although we have passed over forty five years since the development of the idea of sustainable development, the socio-cultural, economic and environmental issues have not changed much. People continue to live in poverty, the gap between the rich and the emerging nations and people are widening, ecological degradation and exploitation continue to exist. In this context, a new strategy or approach, giving a human face to the environment and considering the ecological issues as direct violations of the right to life.

Environmental rights are considered as primary requirements for all to function well. Whatever perspective one adopts regarding the link between human rights and the environment. By establishing a conceptual link between human rights and environmental justice, the moral framework of environmental justice becomes not only a human-centered ethics but also an eco-centered ethics. Conservation of environment will not be successful without human development.

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 also 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. Hence a range of diverse actions are required at both national and international level, with inalienable human rights providing the basis for such action. To support that such an approach requires a new focus on governance and accountability, and provides the underlying principles. The links between human welfare and resource exploitation are strong which needs to be openly addressed to provide a common base under international law for all future action on sustainable development. Even if there is not agreement on these key issues it is important that a public debate takes place at the highest level so that all those interested can see where the agreements and disagreements exist.

In order to make use of the human rights framework for the better protection of the environment, following are some of the suggestions:

1. As the issue of environmental pollution does not recognize the political boundary, the world's poor are forced to pay the price for the selfishness of others. The human rights approach can stop this happening. By focusing on equality and respect for individual dignity, an insistence on attention to human rights has the effect of forcing all decision-makers to look outside their own circle, to see the human as well as the global consequences of their actions.
2. The linkage between human rights and environment, regional human rights bodies and domestic court are working well. The right to healthy environment should be included in the hard law. It is not appropriate to leave such an important and vital right to judicial interpretation because it has its limitation.
3. The right to a healthy environment can be contributed by scientists providing data regarding the impact of environmental degradation on human health and the environment as a whole.
4. Linking human rights to environmental harm allows individuals to use global and regional human rights complaint procedures when states violate human right by allowing substantial environmental degradation.
5. Human rights protection will be strengthened with the incorporation of environmental protection because it extends human rights protection to an area previously overlooked.

References

1. MaciejNyka, "Human Rights and the Environment", https://www.researchgate.net/publication/235724007_Human_Rights_and_the_Environment, dated. 10.09.2020
2. Shanthakumar S., "Introduction to Environmental Law", Second Edition (reprint), LexisNexis Butterworths Wadhwa Nagpur, 2010, p.393.
3. IrynaIvankiv, "Right to Sustainable Development as one of the Rights Of Humanity", https://www.luc.edu/media/lucedu/prolaw/documents/volume5/iivankiv_right_to_sustainable_development_as_one.pdf, dated. 06.09.2020
4. Will Cullen, "The Importance of Environmental Human Rights", <https://www.cmc.edu/sites/default/files/humanrights/Will-Cullen-EnvironmentalHumanRights.pdf>, dated. 11.09.2020.
5. <https://www.unenvironment.org/explore-topics/environmental-rights-and-governance/what-we-do/advancing-environmental-rights/what> dated. 11.09.2020.

6. https://www.iatp.org/sites/default/files/Environment_and_Human_Rights_A_New_Approach_to.htm
7. Environment and Human Rights: A New Approach to Sustainable Development, International Institute for Environment and Development, <https://pubs.iied.org/pdfs/11016IIED.pdf>, dated 11.09.2020.
8. Haile Andargie Wondalem, "The Right to Environment under African Charter on Human and Peoples' Right", International Journal of International Law: Volume 2 Issue 1, <http://www.ijoil.com/wp-content/uploads/2015/08/9.pdf>, dated. 13.09.2020.
9. Human Rights, Health and Environmental Protection: Linkages in Law and Practice, https://www.who.int/hhr/information/Human_Rights_Health_and_Environmental_Protection.pdf, dated. 12.09.2020.
10. The right to participate in environmental decision-making, <https://www.universal-rights.org/wp-content/uploads/2015/02/EHRD-portal-Right-to-participation.pdf>, dated. 13.09.2020.
11. Pathak, Puneet, Human Rights Approach to Environmental Protection (February 17, 2014). OIDA International Journal of Sustainable Development, Vol. 07, No. 01, pp. 17-24.
12. Convention on Access to Information, Public Participation in Decision-Making and Access To Justice in Environmental Matters done at Aarhus, Denmark, on 25 June (1998), par.1
13. African charter on human and peoples' right, adopted 27 June 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force 21 October 1986) at Article 24.
14. Article 21, of the Indian Constitution "No person shall be deprived of his life and personal liberty except according to procedure established by law".
15. S.C. Shastri, "Environmental Law", Eastern Book Company Lucknow, 2011, P. 46.
16. N.D. Jayal v. Union of India, (2003) 6 Supreme 573.
17. N.D. Jayal v. Union of India (2004) 9 SCC 362.
18. A Human-Rights Based Approach to the SDGs, https://www.ohchr.org/Documents/Issues/SDGS/2030/Dianova_International_Human_Rights.pdf, dated. 13.09.2020.10

