


# Brief Introduction To Human Rights And The Environment

The relationship between human rights and the environment was first recognized by the UN General Assembly in the late 1960s. 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. . . . Both aspects of man’s environment, the natural and the manmade, are essential to his well-being and to the enjoyment of basic human rights –even the right to life itself.” Principle 1 of the Stockholm Declaration established a further foundation for linking human rights and environmental protection, declaring that “Man has 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.” In 1982 the World Charter for Nature acknowledged that “Mankind is a part of nature and life depends on the uninterrupted functioning of natural systems which ensure the supply of energy and nutrients.” In 1992, the United Nations Conference on Environment and Development (also known as the Earth Summit) stated that “Human beings are part of the environment.”

and Development (also known as the Earth Summit) stated 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.” The Declaration also provided for the right of access to environmental information and of public participation in environmental decision making. In 2002, the World Summit on Sustainable Development merely acknowledged the position that there exists a possible relationship between environment and human rights.

In addition, the UN Human Rights Commission adopted several resolutions linking human rights and the environment, such as Res. 2005/60 entitled Human rights and the environment as part of sustainable development. The resolution called on states “to take all necessary measures to protect the legitimate exercise of everyone’s human rights when promoting environmental protection and sustainable development and reaffirmed, in this context, that everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.” The resolution emphasized the needs of the vulnerable members of society and also encouraged rts towards the implementation of the Rio Declaration on

needs of the vulnerable members of society and also encouraged efforts towards the implementation of the Rio Declaration on Environment and Development.

The human rights that are directly affected by the state of the environment consist but are not limited to the following: The right to life, the right to an adequate standard of living and the right to health. Also, procedural human rights such as access to information and participation in decision making are connected to the right of citizens and communities to partake in the formulation of environmental policies.

The Right to Life: On several occasions, environmental destruction would ultimately result in the curtailment of this right.

The Right to Health: Article 12 of the International Covenant on Economic, Social and Cultural Rights states that “The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.” Article 2(b) therein provides that “The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the improvement of all aspects of environmental and industrial hygiene.”

The right to health includes an array of factors that contribute to a healthy life. The Committee on Economic, Social and Cultural Rights, the body responsible for monitoring the International Covenant on Economic, Social and Cultural Rights refers to these as the “underlying determinants of health”. They include, amongst others healthy environmental conditions.

The Rights of the Child (Right to Health):

Article 24 of the Convention on the Rights of the Child provides that:

States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health.” Article 24(c) provides that States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures to combat disease and malnutrition..., taking into consideration the dangers and risks of environmental pollution.”

In addition, The Committee on Economic, Social and Cultural Rights has underlined that States must protect against pollution or contamination by private companies and assess their impact on the environment.