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Protecting the Environment with Human Rights: Mechanism Rooted in Anthropocentric Approach

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ABSTRACT

Keywords

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Human rights
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Anthropocentric and eco-centric are the two existing philosophical views on protecting the environment. The latter emphasises environmental protection for its intrinsic value, while the former is human-centred. This paper explores the relationship between promoting human rights and protecting the environment by arguing that the anthropocentric approach, which places humanity at its centre and is grounded in utilitarianism theory, can be valuable in bridging these two areas. According to utilitarianism, achieving all fundamental human rights will contribute to raising environmental standards. Hitherto, the anthropocentric approach has been regarded as only advantageous to humans, mutually reinforcing the effect on both the environment and humans. Humans will naturally turn their attention to environmental protection after they obtain all rights to meet a standard life. In the pursuit of environmental justice, humans will endeavour to improve their surroundings sustainably while upholding their fundamental rights. Through this relationship, a rights-based approach and environmental protection mechanisms are established, allowing individuals to seek redress for any kind of environmental harm as a distinct category of human rights. In conclusion, by establishing a distinct environmental-human right and tying it to human rights, environmental protection can be realised more practically.

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1. Introduction

The interplay of protecting the environment and promoting human rights has become a general public concern ([Cima, 2022](#); [Knox & Tronolone, 2023](#); [Shelton, 2021](#); [Tang & Spijkers, 2022](#)). The relationship between these two concepts suggests that having a decent physical environment is essential for living with dignity ([Townsend, 2017](#)). Since the enjoyment of fundamental human rights—the right to life, water, food, sanitation, and health—requires a standard and breathing atmosphere, recognising the right to a healthy environment as a fundamental human right advances other human rights ([Chalabi, 2023](#); [Knox, 2020](#)). To some



extent, if a corporate entity releases excessive amounts of ozone-depleting substances into the environment, the ozone layer in the atmosphere will become thinner. It will have a detrimental effect on the physical environment of the atmosphere and also lead to various health problems for humans due to the thinning of the ozone layer ([Umar & Tasduq, 2022](#)). Here, ozone-depleting compounds adversely affect the physical environment (the right to enjoy a healthy environment) and human health (the right to good health). Therefore, all fundamental human rights cannot be fully exercised without a suitable environment. It is unrealistic to anticipate that people will prioritise protecting the environment if basic human needs are unmet. In a nutshell, these two arenas help to protect and grow one another in many ways.

Through ‘substantive environmental rights’ and ‘procedural environmental rights’, the connection between environmental protection and the fundamental rights of human beings has been codified. Substantive environmental rights were the first to concede that individuals can claim the right to the environment as part of human rights ([Shelton, 2021](#)). Substantive environmental rights guarantee the separate human right to seek a safe and decent environment ([Barritt, 2024](#); [Najicha et al., 2020](#); [Shelton, 2010a](#)). Eighty-four United Nations member states have recognised this important environmental right by enshrining it in their national constitution ([May, 2021](#)). The incorporation of procedural environmental rights, such as “the right to information, the right to public involvement and the right to access to (environmental) justice”, in numerous international environmental instruments is the second route for the development of environmental human rights ([Shelton, 2021](#)).

There are abundant laws protecting the environment and human rights separately. Still, no comprehensive law recognises a distinct human right to the environment where individuals can live in a secure, wholesome, and sustainable environment ([Cullet, 1995](#); [Heinämäki, 2023, 2024](#); [Knox, 2015](#)). Several countries have attempted to include this right in their constitutions; however, these efforts have not been successful, as the right cannot be imposed through independent judicial or quasi-judicial mechanisms ([Adebawale, Church, Kairie, & Vasylykivsky, 2001](#)). The link between achieving human rights and ensuring environmental rights is universally acknowledged, but the existing laws must adequately concede this relationship ([Pepper & Hobbs, 2020](#)).

Previous scholarships on this subject centre on environmental legislation and endeavour to safeguard and preserve the environment by enforcing such regulations ([Alhendi, 2022](#); [Brandi et al., 2019](#); [Huang et al., 2023](#); [Lo et al., 2020](#); [Scotford, 2021](#)). However, more attention should have been given to the intersection of environmental and human rights, which is crucial for safeguarding and preserving the environment to uphold human rights. As no dedicated human rights framework exclusively aimed at protecting the environment, this paper attempts to demonstrate that the most effective way to preserve the environment is by recognising and implementing the right to the environment. I have proposed establishing a distinct legal framework that integrates environmental and human rights principles to achieve this objective. This framework aims to safeguard the human rights of individuals to enjoy a livable and high-quality environment.

The objective of this paper is twofold. The first is to adopt a distinct right to the environment that promotes a sustainable future and explore the interplay of environmental protection and human rights promotion based on an anthropocentric approach and human participation in nature conservation. The second demonstrates how adopting a rights-based approach may effectively guarantee environmental justice.



2. Research Methods

This paper employed a doctrinal and theoretical research method where most sources are secondary ([Nur, 2022](#); [Listiningrum, 2019](#)). As part of the doctrinal research, various existing human rights mechanisms (UDHR 1948, ICCPR 1966, ICESCR 1966 Convention on the Rights of the Child 1989, ILO Conventions, the African Charter on Human and Peoples' Rights 1981, the San Salvador Protocol, the Arab Charter on Human Rights 2004 etc.), legal instruments on environmental protection (Stockholm Declaration 1972, World Charter for Nature 1980, Rio Declaration 1992, Aarhus Convention 1998, Escaz Agreement 2018 etc.), and principles of human rights and environment protection have been analysed to conduct this research work. This article also used a correlational research method where the interrelationship between theories on the environment and human rights was shown, and it tried to conclude at a common point where both arenas would be connected ([Richardson & Monfort, 2001](#)).

3. Discussion

3.1. Conceptualising The Need for Environmental Rights

An environmental right can be defined as “declaring or ensuring a quality environment for human beings as a basic human right” ([Faouque, 2017](#)). Environmental rights comprise substantive (basic environmental rights) and procedural environmental rights (means by which substantive rights can be acquired). Substantive rights mandate the conservation of all environmental elements to uphold environmental rights ([Morrow, 2021](#)). Conversely, procedural rights outline the process for upholding such substantive rights. Three fundamental access rights—“access to information, public engagement, and access to justice”—comprise procedural rights ([Gellers & Jeffords, 2018](#); [Peters, 2018](#); [Vanhala, 2018](#)).

Now, the question is why it is necessary to have an environmental right that an individual can seek as a human right, called an 'environmental-human right'. The right to the environment is required to safeguard all human rights from environmental harm. Any particular right as a separate human rights branch will be the best option to preserve the environment ([Anderson, 1996](#)). Environmental-human rights are necessary for the safe survival of human beings on Earth. Hitherto, environmental rights have not been established as part of human rights. If this right is established, people can seek remedy at the human rights forum. In addition, it will be easier to seek justice without any legal barriers. When environmental rights are inserted in the highest legal framework of the country, they will impose responsibility on the state authority ([Shelton, 2021](#)). Because of this responsibility, the state can restrict various anti-environmental activities, ensuring a balanced environment and human rights ([Alves et al., 2023](#); [Grinlinton, 2023](#); [Shelton, 2012](#)). Besides, the state will also be able to implement various environmental-related policies, plans, and programmes to conserve the environment and maintain ecological balance, which will be binding and ensure compliance mechanisms ([Nickel, 1993](#)).

Some scholars, such as Boyle, Downs, and Merrills, have pointed out that declaring environmental rights would elevate the right to the equivalent position of other recognised human rights to the equivalent position and as an outcome, this right will be able to cope with other potentially competing rights ([Boyle, 2012](#)). Kiss and Shelton have also emphasised using human rights to protect the environment, saying that the basic rights of human beings are conserved and respected in every well-maintained society and the right to the environment is considered an integral part of enjoying all other basic rights ([Kiss & Shelton, 2007](#)). Most of the academics (Alan Boyle, Dinah Shelton, Barbara Rose Johnston, Christian Roschmann, etc.) who talk about and analyse human rights agree that the environment has a considerable impact on the fulfilment of all other human rights; a suitable environment



supports and promotes human rights, whereas a poor environment makes it more difficult to exercise those rights ([Atapattu & Schapper, 2019](#); [Boyle, 2018](#); [Ruppel & Roschmann, 2013](#); [Shelton, 2010b](#)). According to McClymonds, recognising environmental protection as a human right would create responsibility and accountability for governments to work together and allow people to take legal action against duty-bearers (typically the state) who violate their rights ([McClymonds, 1992](#)). It would also acknowledge that protecting the environment is a global issue. The legal tools available for implementation and enforcement are related to the practical usefulness of recognising the environmental right. According to Downs, articulating 'environmental human rights' will create a new legal status with distinct benefits ([Downs, 1993](#)). The UN Sub-commission also mandated the creation of an independent environmental right ('the right to a decent and healthy environment'), which would ultimately improve environmental quality, advance fundamental human rights and welfare and enhance primary living conditions. The right to live in a decent environment and enjoy economic development are closely related, according to the UN Sub-commission's report, and it also strengthens the interconnectedness and indivisibility of all human rights ([Boyle, 2007](#)).

3.2. Anthropocentric Approach to Conserve Environment

Anthropocentric theory to protect the environment, also known as the human rights-based theory, aims to preserve the environment for the welfare of the human race ([Faouque, 2017](#)). This theory is based on utilitarianism, where the maximum benefit of human beings is targeted, and human beings protect the environment as they are the primary beneficiaries of a healthy environment ([Shastri, 2013](#)). As per the anthropocentric view, human beings are an integral part of nature, and nature should be protected by human beings so that nature can shield all the basic rights (interests) of human beings ([De Lucia, 2017](#); [Kopnina et al., 2018](#); [Oksanen, 2020](#)). The anthropocentric view motivates individuals to safeguard nature for their own sake, as environmental amenities positively impact human life ([Droz, 2022](#); [Kotzé & French, 2018](#)). Anthropocentric philosophy is based on the theory of utilitarianism; Jeremy Bentham, the founder of this theory, argues that any environmental protection mechanism devoid of human necessity or welfare is stilted. ([Lewis B. M., 2014](#)). This theory does not make any inconsistency between human welfare and abundant natural resources. Instead, it harmonises human relationships with natural resources ([Gillespie, 2014](#)). This view, along with protecting the rights of human beings, preserves the rights of other species in a sense that, for the survival of humankind, dependency on other creatures is apparent. For example, a balanced ecosystem is mandatory for a healthy environment, and an ecosystem is necessary for human beings and other species, which will ultimately protect all the components of the environment ([Kopnina, 2018](#)). This article has tried to establish that an anthropocentric approach, alongside protecting and conserving environmental quality, can also upgrade the rights of human beings to seek environmental justice.

Human rights philosophy focuses on preserving the environment from the viewpoint of the 'right to life' and 'right to live in a healthy environment'. Humans have the right to demand a habitable environment as a fundamental right and to speak up in favour of environmental protection under universal, inalienable, unconditional and equal rights. The majority of environmental law principles, such as "the principle of intergenerational equity, the polluter pays principle, the precautionary principle, and the idea of common but differentiated responsibility", incorporate environmental right or right to seek an undisturbed environment from the perspective of human rights ([Emmenegger & Tschentscher, 1994](#)). The reasoning behind the argument that the anthropocentric approach can serve the environment in the best possible way is that human beings are at the centre of this approach and will preserve the environment for their well-being. There is no necessity



for moral backing (eco-centric approach) to protect the environment. When humans understand the necessity of environmental balance for survival, they will preserve it independently without creating moral pressure. As we know, basic human rights are imperative for human survival, and sound environmental balance is also necessary to enjoy those rights undisturbedly. Therefore, for their existence, human beings will conserve the environmental balance, the core theme of anthropocentric philosophy.

Sustainable development is currently a topic of discussion throughout the globe. To remove the conflict between anthropocentric and ecocentric philosophies to protect the environment, the concept of sustainable development can play a significant role. The notion of sustainable development necessitates preserving the environment's inherent ability to regenerate while simultaneously pursuing economic expansion ([Caldwell, 1990](#)). As we know, sustainable development promotes human development (through various economic and structural developments) without compromising the quality of nature, sacredness of nature and inherent ecological value of nature. This concept ensures the well-being of the present and future generations and simultaneously tries to conserve a quality environment for human existence. Thus, Sustainable development is the concept that connects the well-being of individuals with the health of the natural environment ([Faouque, 2017](#)). Sustainable development is embodied in “the Rio Declaration, Stockholm Declaration, World Conservation Strategy, World Commission on Environment and Development Report (Brundtland Report) and Agenda 21”. To protect, preserve and improve the environment (natural resource on earth that includes air, land, flora, fauna, water and ecosystems), we as humans must place ourselves amid sustainable development and nourish and defend the environment for both present and future generations ([Principle 2 of Stockholm Declaration](#)).

Scholars have advocated recognising ‘environmental rights’ as constitutional rights (rights guaranteed to the human being) ([May, 2021](#)). By bringing the notion of environmental protection within the umbrella of a constitutional regime, the ‘right to life’ and ‘right to the environment’ will be connected. Without connecting environmental rights with other rights of human beings, it will be difficult to conceptualise the enforcement mechanism of environmental rights ([Ghosh, 2012](#)). The linkage will enhance the protection mechanism by introducing new interpretative elements within the aspect of the constitution. The environment is recognised as an integral component of life that can uphold human rights standards by constitutionalising environmental rights within the scope of the right to life (as the right to life encompasses many more fundamental rights of humans) ([May, 2021](#)). The phrase “right to an adequate and healthy environment” has been inserted in the constitutions of many nations, reflecting an anthropocentric perspective on environmental protection.

3.3. Environmental Instruments Focusing on Recognising Environmental Rights as Human Rights

Existing legal instruments regarding International environmental law inflict little light on separate or direct environmental rights for a healthy environment. Environmental instruments refer to international rules, regulations, conventions, agreements, and protocols that protect the environment and interpret environmental protection mechanisms to invoke human rights. United Nations Stockholm Conference first emphasised environmental issues in 1972. After that, various national and international bodies expressed concern and addressed the issue. As a result of such concern, “Nairobi Declaration of 1982, Stockholm Declaration of 1972, Earth Summit of 1992, World Charter for Nature 1980, Johannesburg Conference on Sustainable Development 2002 and UN Conference on Sustainable Development 2012” have been introduced ([Adebowale, Church, Kairie, & Vasylykivsky, 2001](#)). The focal concern of all such instruments is that taking excessive advantage of the



environment will have a terrible impact on humanity, which, as a result, will violate the large-scale rights of human beings ([Pathak, 2014](#)).

Paragraph 3 of the Stockholm Declaration proclaims that polluting the basic components of the environment (air, water, earth, living beings), creating an imbalance to the ecological biospheric values and depleting invaluable natural resources inflict harmful impact on the physio-social condition and mental health of the human being. Therefore, the Stockholm Declaration urged all states “to take all possible steps to prevent pollution by substances that are liable to create hazards to human health” (principle 7). Legal Principles for Environmental Protection and Sustainable Development, in article 1, explicitly declares that “All human beings can have the fundamental right to an environment adequate for their health and well-being.” In the same vein, Principle 1 of the Rio Declaration establishes that every individual “has a right to a healthy and productive life in harmony with nature” and mandates “states to work together to effectively discourage one another from engaging in activities that are harmful to human health”. Directives from the European Community incorporated “to protect human health and the environment” as their primary goal in their preambles. Similarly, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, in its Preamble, emphasises creating consciousness about the dangers of environmental harm to the health of human beings.

All the above-stated environmental rights-related legal mechanisms are substantive. Environmental procedural rights are mandatory to ensure or implement substantive environmental rights. The UN Economic Commission for Europe enacted the “Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters,” often known as the Aarhus Convention, 1998, about procedural rights in environmental matters. In Article 1, the Aarhus Convention urges that all parties shall guarantee for their present and future generations all those procedural rights necessary for obtaining a healthy and adequate environment. These procedural rights include “access to information, public participation, and rights to remedies”. A few procedural rights for persons, groups, and organisations about environmental protection were also made clear during the Conference on Security and Co-operation in Europe (CSCE) on the environment in Sofia in 1989. The conference strongly emphasises protecting the right to information access, decision-making involvement, organising a gathering, freely expressing views on different issues and forming an association. All these procedural rights will ensure proper decision-making, transparency and accountability in environmental issues.

Furthermore, in a transboundary setting, the Convention on Environmental Impact Assessment called for the “establishment of an environmental impact assessment procedure that permits public participation” in initiatives related to the environment in 1991. The Escaz Agreement, also known as the Regional Agreement on Access to Information, Public Participation, and Justice in Environmental Matters, was adopted by the Caribbean and Latin American countries in 2018. Article 1 of that regional agreement states that “everyone, including members of future generations, has the right to sustainable development and a healthy environment” ([Knox & Morgera, 2022](#)).

3.4. Human Rights Instruments Focusing on Environmental Protection

Since, as per human rights theory, all the rights belonging to every human being are protected, we can expect that this theory will also cover the agenda of protecting the environment. However, the reality is quite different (World Summit on Sustainable Development, Environment and Human Rights: A New Approach to Sustainable Development). The primary instruments on international human rights, i.e., UDHR, ICCPR, and ICESCR, need to mention the standard level of environmental conditions. The reason behind such avoidance is that while adopting all those human rights instruments,



environmental issues need to gain the required attention of international human rights scholars. However, ICESCR introduced some environmental rights, ensuring a hygienic environment, safe and healthy working conditions, and protecting children from any work that deteriorates their health. This covenant also requires all member states to adopt initiatives regarding “the improvement of all aspects of environmental and industrial hygiene”. The Convention on the Rights of the Child (CRC) works to remove disease and malnutrition to accelerate the environmental condition. To realise this objective, the convention in its article 24, paragraph 2(c) directs “all the state members to ensure the rights of children about their standard health condition” (pure drinking water and adequate nutritious food) “taking into consideration the dangers and risks of environmental pollution.” The fundamental document on human rights, the Universal Declaration of Human Rights, addresses “the rights to life, liberty, health and the security of the individual” in articles 3 and 25, respectively. ILO Convention No 169 concerning Indigenous and Tribal Peoples in Independent Countries also emphasises using traditional lands, resources and natural environment. All these references regarding environmental human rights focus on any single or particular issue or component of the environment rather than recognising a separate category of human rights for ensuring an environment of standard quality.

However, several human rights documents established regionally reference environmental protection directly or indirectly ([Birnie, Boyle, & Redgwell, 2002](#)). “African Charter on Human and Peoples’ Rights and the Additional Protocol to the American Convention on Human Rights in Economic, Social, and Cultural Rights” are two examples of such instruments. African Charter (The African Charter on Human and Peoples’ Rights) is also one of such regional agreements, which was the first to address environmental rights for advancing human health (Articles 16 & 24 of the African Charter on Human and Peoples’ Rights). The San Salvador Protocol, commonly known as the Additional Protocol to the American Convention on Human Rights, likewise supports a comfortable atmosphere for an individual in Article 11. Later, ‘the right to a healthy or safe, clean, and sustainable environment’ was inserted as a requirement for a standard of living in “the Arab Charter on Human Rights (Arab Charter) in 2004 and the Human Rights Declaration of the Association of South East Asian Nations (ASEAN) countries (ASEAN Declaration) in 2012” (Article 38 and Principle 28(f) respectively) ([Knox & Morgera, 2022](#)) Though regional environmental instruments recognise environmental rights, the interpretation of their respective instruments is based on their environmental dimensions (not taking into consideration the global environmental aspect).

By interpreting the environmental rights within the forum of peoples’ fundamental rights, it becomes easy to implement the right within national and international mechanisms. By recognising environmental rights as a basic right for an individual (as a result, a fundamental right), a right-based approach to claiming environmental protection can be established (including in the constitution, giving a broad interpretation of the right to life, fulfilling fundamental principles of state policy to attain fundamental rights) and thus environment can be protected within the human rights framework ([Pathak, 2014](#)).

3.5. The Interplay of Environmental Rights and Human Rights

International law currently strongly emphasises safeguarding human rights and protecting the environment. Since both share the exact origins and a common aim to promote human welfare, human rights and environmental law concerns are the same. Human rights academics agree that having a decent environment for the peaceful enjoyment of all human rights is essential; a deteriorated environment makes it difficult to exercise other rights. Therefore, a healthy environment makes it easier to exercise all of an individual’s fundamental rights, and realising all those basic rights opens the door to protecting the



environment. As a result, many methods have been developed to integrate the two disciplines ([Sabharwal, 2005](#)).

The first approach shows the environment as essential for fulfilling all human rights. In this approach, the destination is human rights, and the path is environmental law. Here, the environment is at the centre of the concern. The other approach shows human rights to achieve a standard environment. In this approach, the destination is a healthy environment, and the path fulfils other human rights. Here, the focus is on existing human rights ([Pathak, 2014](#)).

Numerous regional, national, and international institutions, conferences, and legal rulings have acknowledged the connection between these two methods. Nearly every mechanism demonstrates the need to secure and uphold human rights so that the environment can be protected and conserved. United Nations General Assembly was the first to acknowledge the link between a healthy environment and fundamental human rights. As per the United Nations Environment Programme (UNEP), the right to a healthy environment has been recognised by around 150 nations through formulating domestic law and regional agreements. In its preamble, the 1972 United Nations Conference on the Human Environment 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” ([May, 2021](#)). This conference addressed the connection between the environment and the right to life. Several resolutions relating to environment and human rights were issued by the UN Human Rights Commission, including Res. 2005/60, which acknowledged their importance to sustainable development. The potential connection between the environment and human rights has also been recognised in 2002 by the World Summit on Sustainable Development ([May, 2021](#)).

Linking human rights with the environment creates a ‘rights-based approach’ to protecting the environment, placing the people harmed by environmental degradation at its centre ([Pathak, 2014](#)). Several multilateral environmental agreements (MEAs) recognise the linkages between human rights and the environment. The linkages between human rights and the environment have also been addressed by global bodies, such as “the Human Rights Council (HRC), the International Court of Justice, and the World Bank Inspection Panel”, as well as the regional human rights bodies, including “the Inter-American Commission and Court of Human Rights, the African Commission on Human and Peoples’ Rights and the European Court of Human Rights”. For instance, the HRC resolution on the environment and human rights that has been passed recently motivates states “to consider further, among other aspects, respect for and promotion of human rights within the framework of the UNFCCC,” direct states “to respect, protect and fulfil human rights, including in all actions undertaken to address environmental challenges” and acknowledges that “environmental damage can have negative implications, both direct and indirect, for the effective enjoyment of all human rights”. The Paris Agreement also proclaimed that “climate change posed a threat to everyone and urged states to uphold, advance, and take into account human rights when implementing climate change measures”. Last but not least, the Sustainable Development Agenda of 2030 formally recognises the connections between human rights, development and environmental protection, including climate change and biological variety.

3.6. The Rationale of Linking Environmental Rights with Human Rights

Connecting the environment with human rights will ensure humanity's ultimate well-being. All the basic rights of human beings and the environment are interlinked, as in a safe and healthy environment, we can enjoy our basic human rights, and if environmental rights are ensured, they will facilitate other human rights. If we enjoy standard human rights, we can concentrate on protecting the environment. Environmental damage directly impacts the

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peaceful exercise of all basic human rights, such as the right to life, health, and living conditions ([Ksentini, 1994](#)). As human rights ensure the bodily integrity of a human being, this natural right ensures a livable environment for all human beings. It creates a rights-based approach where individuals can speak against any pollution seriously affecting their health. The Declaration of Human Rights also support this kind of rights-based approach, which is reflected in Article 25, stating every individual has the right to a standard of living adequate for the health and well-being of themselves and their family” ([Emmenegger & Tschentscher, 1994](#)).

The two most crucial parts of human rights theory are the right to life and the freedom to live in a healthy environment ([Wicks, 2012](#)). As per this theory, people can demand specific environmental amenities simply because they are human beings. These rights can serve as a foundation for sustainable human growth without environmental degradation, likely benefiting the most vulnerable populations, including women, minor groups and the underprivileged. United Nations charter-based authorities like the UN Human Rights Commission and Sub-Commission and other UN human rights treaty bodies have discussed the relationship between environmental protection and the enjoyment of all other human rights in economic, social, and cultural conditions ([Knox, 2018](#)). The recognition that human survival depends upon a safe and healthy environment places the claim of a right to the environment fully on the human rights agenda. Being a shared issue of both agendas, human health is the most critical link between human rights and environmental protection. The purpose of human rights is to promote, safeguard, and advance all human interests. That is a prerequisite for primary health conditions, which the state must preserve and improve regarding environmental quality ([Shelton, 2006](#)). The human right to a healthy environment and various other facets of the relationship between human rights and the environment were covered in an advisory opinion on human rights and the environment by the Inter-American Court of Human Rights (IACtHR). The Court stated:

“The right to a healthy environment has been understood as a right with both individual and collective connotations. In its collective dimension, the right to a healthy environment constitutes a universal value for both present and future generations. That said, the right to a healthy environment also has an individual dimension insofar as its violation may have a direct and an indirect impact on the individual owing to its connectivity to other rights, such as the rights to health, personal integrity, and life. Environmental degradation may cause irreparable harm to human beings; thus, a healthy environment is a fundamental right for the existence of humankind (IACtHR, para. 59).”

The human right to a decent and satisfactory environment would benefit an individual victim and society ([Birnie, Boyle, & Redgwell, 2002](#)). Litigants can invoke public interest litigation, and NGOs can take action against environmental harm and unsustainable development. Recognising environmental human rights can contribute to qualitative improvements, such as claiming access to environmental information as of proper and public participation in environment-related decision-making processes. The 'Right to Life' can also be used to establish environmental jurisprudence. The legal systems of many nations have made efforts to preserve the environment by protecting human health and safety. Various decisions of courts have also declared the inter-dependency of human rights and environmental quality, holding that “the right to life includes the right to live with human dignity and all that goes along with it,” including the right to live in a “healthy environment with minimal disturbance of [the] ecological balance” ([Mullin v Union Territory of Delhi, 1981](#)).



To advance human dignity and welfare and to ensure the fulfilment of other human rights, such as “the right to life, the right to health, the right to a family and a private life, the right to culture, and other human rights”, autonomous environmental rights must be recognised as a fundamental condition of life ([Shelton, 2006](#)). As Judge Weeremantry of the International Court of Justice expressed it:

“The protection of the environment is a vital part of contemporary human rights doctrine, for it is a sine qua non for numerous human rights such as the right to health and the right to life itself. It is scarcely necessary to elaborate on this, as damage to the environment can impair and undermine all the human rights spoken of in the Universal Declaration and other human rights instruments” ([Hungary v. Slovakia, 1997](#)).

In essence, intertwining environmental rights with broader human rights frameworks underscores the critical importance of safeguarding our planet's ecosystems and resources. Recognising the inherent value of a healthy environment protects individual well-being and ensures the sustainability of societies for generations to come. By upholding environmental rights as fundamental to human dignity and welfare, we honour our obligation to current populations and preserve the planet's integrity for future inhabitants. Through legal mechanisms, public advocacy, and global cooperation, we can strive towards a harmonious balance between human flourishing and ecological preservation, fulfilling the promise of a truly just and sustainable world.

3.7. Environmental Justice: The Component for Ensuring Human Rights

Environmental justice means fair and equitable dissemination of all environmental amenities and burdens ([Brinkley & Wagner, 2024](#)). It ensures the meaningful participation of all stakeholders in matters concerning the environment ([Kojola & Pellow, 2021](#); [Menton et al., 2020](#)). Environmental injustice will render human rights violations as environmental harm hinders the ability to enjoy fundamental rights, including self-determination for individuals and communities ([Listiningrum et al., 2023](#); [Prihandono et al., 2023](#)). Environmental harm will accelerate violating other basic rights, including “access to justice, participation in the democratic process of government and all other civil rights”. To ensure environmental justice, intra- and inter-generational justice must be ensured ([Lewis, 2012](#)). As Brown Weiss pointed out: “without ensuring intra-generational justice, inter-generational justice cannot be attained”. Because to address the needs of the future generation, justice must be ensured for the present generation ([Lewis, 2012](#)). Human rights principles can contribute to removing environmental injustice by protecting and fulfilling human rights for all, building capacities to engage in sustainable development practices and creating an environmental legacy for future generations. The human rights framework can contribute to addressing environmental injustice in various ways ([Gonzalez, 2015](#)). First, a rights-based approach to environmental governance focuses on the impact of environmental degradation on humans and provides rules to evaluate environmental harm. Second, enjoyment of all basic human rights will enhance the capacity for sustainable development. Finally, the human rights mechanism provides proper direction to seek redress against environmental injustice ([Lewis, 2012](#)). The state must protect, respect, and fulfil environmental human rights to achieve environmental justice. For example, the 2018 Framework Principles on Human Rights and the Environment, developed by the former Special Rapporteur on Human Rights and the Environment, in its Principles 1 and 2 declares that “States should ensure a safe, clean, healthy and sustainable environment to respect, protect, and fulfil human rights” while at the same time “States should respect, protect and fulfil human rights to ensure a safe, clean, healthy and sustainable environment” ([Atapattu, Gonzalez, & Seck, 2021](#)).

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When the condition of the environment deteriorates, people's standard of living also deteriorates. Environmental degradation interferes with realising fundamental and internationally recognised human rights- including the right to life, food, health, culture, property, development and, most importantly, self-determination. The suffering of impoverished people will increase due to the fall of environmental standards, and the worst impact will ultimately fall upon all of us ([Gonzalez, 2015](#)). The importance of the environment to the realisation of human rights is also acknowledged by international law. Humankind's need for the healthy operation of natural systems to secure an adequate supply of energy and nutrients was admitted in the World Charter for Nature of 1982. According to the 1992 United Nations Conference on Environment and Development (commonly known as the Earth Summit), human beings are the focus of concerns for sustainable development. In addition to recognising the need for environmental betterment and self-determination, which includes the right of all peoples to manage their natural resources, the International Covenant on Economic, Social, and Cultural Rights (1966) also includes the right to health. ([Gonzalez, 2015](#)).

The human rights framework provides a legal basis and moral rationale for immediate and urgent action to conserve the environment for the benefit of all people (Human Rights and the Environment). States have a strong commitment under human rights law to stop environmental deterioration from impairing the exercise of human rights. Additionally, promoting environmental sustainability can only be successful if it occurs within the purview of supportive legal frameworks that uphold human rights such as “the rights to information, participation, and access to justice”. Environmental rights place equal emphasis on procedural rights, such as “access to environmental information, access to the legal system, and involvement in environmental decision-making”, in addition to the improvement of environmental quality ([Zillman, Lucas, & Pring, 2022](#)). Promoting participatory rights is motivated by the belief that these rights will ensure government transparency, accountability, and genuine civic engagement, advance environmental justice, balance the needs of the present with those of future generations, incorporate environmental concerns into policymaking, and implement and uphold current environmental standards. In this regard, Principle 10 of the Rio Declaration provides:

“Environmental issues are best handled with the participation of all concerned citizens at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment held by public authorities, including information on hazardous materials and activities in their communities and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.”

Integrating human rights principles into environmental conservation ensures the protection of fundamental freedoms and fosters a more inclusive and sustainable approach to governance. By recognising the interconnectedness of environmental health and human well-being, societies can strive towards a future where both present and future generations can thrive in harmony with their natural surroundings. Encapsulated in Principle 10 of the Rio Declaration, this holistic approach underscores the imperative of active citizen participation, transparent decision-making processes, and accessible legal avenues for redress. Thus, it is incumbent upon states and international bodies to uphold these principles and forge ahead with collective action towards a more just and environmentally resilient world.



4. Conclusion

Creating a distinct legal framework for “environmental-human rights” would enhance the efficiency and accessibility of environmental justice. Till now, initiatives for the preservation of the environment have been undertaken in light of the right to life, health, property, and other rights. However, due to a lack of government will and other economic reasons, environmental problems were suppressed under other strongly recognised rights. Business conglomerates are often responsible for environmental degradation, although due to their significant contributions to the state economy, they usually evade legal accountability. However, once environmental rights are recognised, the government will be legally obligated to provide redress for all forms of environmental degradation. Suppose the linkage between environmental and human rights is established and a distinct 'environmental-human right' is recognised. In that case, the subject of environmental protection will gain a more prominent role in society and be given a comparable priority to other rights. Conversely, there must be a distinct recognition of the intersection between environment and human rights. In that case, environmental concerns will be disregarded, and other rights will be given precedence in the event of any conflicts.

In summary, environmental protection can be made more practicable when it is seen through the lens of human rights. If the degradation of environmental conditions is considered a violation of a fundamental human entitlement, then each person might claim that safeguarding the environment is their inherent prerogative. Individuals will instinctively preserve the environment if the freedom to access a standard environment is interconnected with other fundamental human rights. Consequently, their other basic rights will be ensured automatically. The restoration of a deteriorated environment can occur when individuals can pursue legal recourse against actions that cause harm to the environment. In this regard, utilising a 'rights-based approach' can be the most effective means of achieving environmental justice. Individuals and the entire society would benefit from a righteous approach to environmental protection. It would allow litigants and NGOs to object to ecologically harmful or unsustainable development based on public interest. In contrast to other rights, it would give environmental concerns more weight. The recognition that human development is essential for successful environmental preservation is achieved by connecting environmental protection to environmental priorities by implementing human rights instruments or establishing a distinct environmental-human right. If access to a standard environment can be interlinked with other basic human rights, people will conserve the environment subconsciously. Consequently, their other fundamental rights will be ensured automatically.

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