

ECO-JUSTICE BEGINS WITH HUMAN RIGHTS

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Abstract

Environmental protection and human rights are deeply intertwined, each reinforcing the other in their shared goal of promoting human well-being. A clean, safe, and healthy environment forms the essential foundation for the realization of fundamental human rights. This intrinsic connection is increasingly acknowledged through global and regional legal frameworks, United Nations resolutions, international declarations, and landmark judicial rulings. Yet, despite this evident overlap, these two spheres have often been addressed in isolation by governments, institutions, and even academic discourse. Environmentalists have traditionally focused on conserving natural resources, often neglecting the direct human consequences of environmental harm. Rapid industrialization, urban sprawl, and the unchecked exploitation of natural resources have caused significant ecological damage, manifesting in phenomena such as climate change, floods, droughts, health crises, and displacement. These consequences are not just environmental, they are inherently social, political, and economic as well. Addressing them requires a unified, holistic strategy that integrates both environmental and human rights perspectives. Treating them separately has left many victims of environmental degradation without access to adequate legal recourse or protection under human rights law. Adopting a rights-based approach to environmental protection places affected individuals at the core of legal and policy frameworks, enabling them to seek justice through national and international mechanisms. In India, the judiciary has played a pioneering role in integrating human rights principles into environmental law, providing effective remedies for those impacted by ecological harm. This alignment illustrates the potential of the human rights framework to safeguard both nature and humanity. Moreover, the concept of sustainable development, which encompasses environmental, economic, and social dimensions offers a robust foundation for linking these two critical domains. This study explores the synergy between human rights and environmental protection by examining key legal instruments, institutional initiatives, and judicial interventions. It further assesses the effectiveness of human rights mechanisms in addressing environmental harm and strengthening global environmental governance.

Key Words: *Human Rights, Environmental Protection, Sustainable Development, Judicial Remedies, Climate Justice*

INTRODUCTION

In modern international law, two key priorities have emerged: the protection of human rights and the environment. After the formation of the United Nations, the global focus initially centered on promoting and safeguarding human rights. However, environmental issues began receiving serious international attention only in 1972. That year marked a turning point with the Stockholm Conference, which brought environmental concerns to the forefront of global political discussions. Since then, various international conferences have emphasized the world's ecological interdependence and the urgent need for collective action to protect the environment.

Notable milestones in this journey include the Stockholm Declaration (1972), Nairobi Declaration (1982), World Charter for Nature (1980), Earth Summit (1992), Johannesburg Conference on Sustainable Development (2002), and the UN Conference on Sustainable Development (2012). All these efforts underline a shared understanding: neglecting environmental concerns may have serious long-term consequences for humanity and may even result in human rights violations (*Lal, 1995*). Although environmental protection emerged later than human rights on the international agenda, both are deeply connected and support each other. They aim to enhance human well-being. Living in a clean and healthy environment is now recognized as a basic human right. Just as human rights are essential for personal growth and material well-being, a healthy environment is necessary to support such development (*Lal, 1995*).

Rights like access to healthcare, safe working conditions, clean housing, and sufficient food are central to human dignity. However, current development trends such as the construction of large dams, rapid industrialization, tourism expansion, and mining ignore local communities' social and cultural realities. These activities frequently displace people and lead to environmental damage, which in turn threatens fundamental human rights, including the right to life. Pollution of air and water, noise, and the loss of biodiversity are common consequences of such unsustainable practices.

Improper handling of hazardous waste, the careless use of industrial chemicals, and excessive pesticide application in agriculture further harm the environment and public health. Traditional international environmental laws usually regulate state responsibilities but provide little support for individuals directly affected by environmental harm. Often, the people most affected are from marginalized groups such as indigenous communities or ethnic minorities. These groups are frequently excluded from both national decision-making and legal protection (*Lal, 1995*).

Linking environmental concerns with human rights introduces a rights-based approach to environmental protection. This approach centers the needs and experiences of those most harmed by environmental degradation. By framing environmental issues in terms of human rights, it becomes possible to seek justice both internationally and within national legal systems. A strong example of this is the Indian judiciary, which has actively applied human rights principles to protect the environment and offer remedies to those harmed. This

demonstrates how human rights frameworks can support the conservation of biodiversity and the protection of human life itself.

CONNECTION BETWEEN ENVIRONMENTAL DEGRADATION AND HUMAN RIGHTS

Traditionally, human rights and environmental law were treated as separate fields with little overlap. However, by the late 20th century, experts began to realize that linking environmental protection with human rights could strengthen efforts in both areas. Human rights had already gained strong international legal recognition, so integrating environmental issues into that framework seemed like a logical step forward (*Sabharwal, 2005*).

There are three main ways scholars have looked at the relationship between human rights and environmental protection. The first view is that protecting the environment helps achieve human rights. For example, a clean environment supports the right to health and life. The second approach flips this idea: it argues that existing human rights laws can be used to improve environmental conditions. Here, the focus is on using already established human rights to protect the environment. The third perspective denies that there is any need for a separate environmental human right. Supporters of this idea believe that since environmental law has grown significantly since the 1972 Stockholm

Conference, it can now stand on its own without being linked to human rights. However, many disagree with this opinion. Critics argue that bringing environmental issues under the umbrella of human rights helps solve problems such as limited legal access or "standing," which often prevent individuals and communities from challenging environmental harm in court (*Boyle & Anderson, 1996*).

While there can be some conflict between human rights and environmental protection—for instance, development projects that benefit one group may harm another environmentally—framing environmental protection as a human rights issue has moral and rhetorical advantages (*Merieux, 2001*). Scholars like Shelton (as cited in *Paula, 2010*) argue that human rights and environmental protection share common goals. Similarly, *Boyle (2012)* notes that when we consider environmental aspects within human rights treaties, we are effectively “greening” human rights law rather than inventing new rights.

Quiroz (2010) supports this idea, suggesting that taking a human rights-based approach can make environmental efforts more effective by improving risk management and promoting better development outcomes. *Cullet (1995)* also believes that both environmental and human rights law aim for the same goal: better living conditions on Earth. He emphasizes that protecting the environment is essential for enjoying basic rights such as health, food, and life itself.

Therefore, it makes sense to treat the right to a healthy environment as a core human right. The ultimate purpose of human rights is to support the full development of individuals, and a healthy environment is essential to that process. The strict separation between environmental and human rights law can actually limit progress, as both areas are deeply interconnected.

Nijhwan (2013) points out that environmental law still lacks strong legal enforcement, especially when it comes to dealing with new environmental challenges. *Spieler (2010)* also acknowledges that while international environmental standards have become stricter, there are still gaps in enforcing these laws. Individuals often have no way to hold states accountable for environmental harm. At the same time, there has been a rise in legal claims involving both human rights and environmental issues, showing the growing recognition of how much human well-being depends on a healthy environment.

In conclusion, both human rights and environmental protection share common foundations. They address fundamental social concerns and are now firmly part of international law. The increasing overlap between these two areas highlights the need for cooperation and integration to ensure a better future for people and the planet.

INTERNATIONAL INSTRUMENTS LINKING ENVIRONMENT AND HUMAN RIGHTS

The connection between human rights and the environment can be explored in two ways: by examining how international human rights law addresses environmental concerns, or by identifying human rights elements within environmental law. Although major international human rights documents like the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR) do not directly mention the right to a clean environment, some references do exist. For example, **Article 7** of ICESCR touches on hygiene in the workplace, and the Convention on the Rights of the Child (CRC) discusses environmental factors related to health and nutrition. In **Article 24(2)(c)**, the CRC emphasizes the importance of addressing environmental pollution to protect children's health.

Despite these mentions, none of the core human rights treaties explicitly grant a general right to a healthy environment. However, regional human rights instruments take a more direct approach. For instance, **Article 24** of the African Charter on Human and Peoples' Rights states that every person has the right to a "satisfactory environment favorable to their development" (**African Charter, 1981**). Likewise, **Article 11** of the San Salvador Protocol (under the American Convention on Human Rights) declares that everyone has the right to live in a healthy environment and that states must promote its protection and improvement (**OAS, 1988**).

Over time, international bodies have interpreted existing rights (like the right to life and health) to include environmental aspects. Much of international environmental law, however, still falls under the category of soft law, guidelines and declarations that are not legally binding. Yet, awareness of how environmental issues impact human rights has grown steadily, especially between the 1972 Stockholm Conference and the 1992 Earth Summit in Rio.

The 1972 Stockholm Declaration was among the first global statements recognizing the human right to live in an environment that supports dignity and well-being (*UN, 1972*). **Diego Quiroz (2010)** notes that the connection between human rights and environmental protection has been inconsistent since then. The World Commission on Environment and Development (1987) introduced the idea of sustainable development, defined as meeting present needs without compromising future generations' ability to meet theirs. The 1992 Rio Declaration echoed this idea, stating that humans are at the heart of sustainable development and are entitled to a healthy life in harmony with nature (*UN, 1992*).

Later conferences, such as the 2002 Johannesburg Summit and the 2012 Rio+20 Summit, reinforced the significance of sustainable development and human rights. The final documents from these conferences emphasized rights to health, food, and clean water basic elements that depend on a healthy environment.

Several UN bodies and agencies have also supported the connection between environmental protection and human rights. In 1990, the UN General Assembly recognized environmental protection as essential for enjoying human rights (*UNGA, 1990*). A few years later, a Special Rapporteur proposed a specific environmental right: “the right to a secure, healthy, and ecologically sound environment” (*UN Sub-Commission, 1994*). A joint seminar in 2002 by the UN Human Rights Commission and UNEP concluded that both national and global policies are increasingly integrating human rights and environmental concerns (*OHCHR, 2002*). The 2005 UN Secretary-General's report further confirmed the growing acknowledgment of this relationship (*UN, 2005*).

Climate change has brought human rights into even sharper focus. Key declarations like the Malé Declaration (2007) and the Cancún Agreements (2010) recognized the human impacts of climate change. The UN Human Rights Council issued several resolutions (7/23, 10/4, and 18/22) highlighting how climate change threatens basic rights (*UNHRC, 2008; 2009*). The Office of the High Commissioner for Human Rights (OHCHR) stated in a 2009 report that states have human rights obligations related to climate change and must cooperate internationally to address these risks (*OHCHR, 2009*).

While regional treaties like the African Charter and San Salvador Protocol recognize environmental rights, they generally do not allow individuals to bring direct claims for environmental harm unless the harm results in a serious human rights violation. In such cases, domestic courts and regional human rights institutions have played a vital role in shaping environmental jurisprudence.

For example, in the 1994 case of *Lopez-Ostra v. Spain*, the European Court of Human Rights ruled that government inaction over pollution from a waste plant violated the right to private and family life under Article 8 of the European Convention on Human Rights. The court emphasized that states have a duty to regulate and protect individuals from environmental harm (*ECHR, 1994*). Similarly, in the *Diego Cali & Figli* case, the European Court of Justice noted that pollution prevention benefits both current and future generations, referencing the Rio Declaration and the World Commission on Environment and Development (*Giorgetta, 2010*).

As these cases show, linking environmental protection with human rights not only strengthens legal arguments but also emphasizes the need for justice for those most affected by environmental harm.

INDIAN PERSPECTIVE ON ENVIRONMENTAL PROTECTION AND HUMAN RIGHTS

In India, environmental degradation has increased due to human-centered activities such as rapid industrialization, urban growth, and overuse of natural resources. These actions have led to serious issues like global warming, droughts, floods, health problems, environmental displacement, and ozone layer damage. The need to support a growing population through development has led to excessive exploitation of natural resources. However, the lack of strong laws and poor implementation has worsened the situation. A country once rich in natural resources is now facing threats to its air, water, forests, and biodiversity (*Kothari, 2013*).

Large-scale projects, such as mega dams, industrial zones, and infrastructure developments, have displaced millions of people. These projects often ignore the social, economic, and cultural impacts on affected communities. As a result, many have lost their homes, jobs, and cultural identity and have been forced to live in degraded environments. The government's development approach has mostly excluded the voices of affected people, which has led to growing resistance movements. Public awareness and support from grassroots organizations have amplified these protests. Movements such as the Narmada Bachao Andolan, Anti-Tehri Dam Protest, Silent Valley Movement, Bhopal Gas Tragedy, Plachimada Coca-Cola Issue, and Koodankulam Nuclear Plant Protests are significant examples of communities fighting for environmental justice and human rights.

India can balance development with environmental protection by adopting sustainable and alternative development models. Such approaches allow progress without harming nature or human dignity.

The Indian judiciary has played a key role in connecting environmental protection with fundamental human rights. In 1976, the 42nd Constitutional Amendment added duties for both the state and citizens to protect the environment (*Rosencranz and Jackson, 2013*). Indian courts, especially the Supreme Court, have acknowledged that sustainable development is essential for balancing economic growth and environmental preservation.

Through a liberal interpretation of the Constitution, the judiciary has ensured access to basic life essentials—clean air, safe water, and a healthy environment, as part of the right to life under **Article 21**. This right was broadly defined in the Menaka Gandhi case (1978) to include dignity and quality of life. In the Rural Litigation and Entitlement **Kendra v. State of U.P. (1985)** case, the Supreme Court addressed environmental concerns directly. Similarly, the **Francis Coralie case (1981)** highlighted the state's duty to ensure a healthy life for its citizens.

In the **Charan Lal Sahu case (1990)** and **Subash Kumar case (1991)**, the court confirmed that the right to pollution-free air and water is a fundamental part of the right to life. In a later judgment, **N.D. Jayal v. Union of India (2004)**, the Supreme Court stated that sustainable development is essential for maintaining a balance between growth and the environment, making it an essential part of **Article 21**.

Over time, many judgments have reinforced the link between environmental health and human rights. The courts, especially through Public Interest Litigations (PILs), have interpreted constitutional and environmental laws by aligning them with international standards. The liberalization of the locus standi rule has allowed concerned citizens to approach the courts even if they are not directly affected, making justice more accessible.

Overall, the Indian judiciary has significantly contributed to developing environmental law by using a rights-based approach. This approach ensures that environmental protection is not seen separately from human rights but as an essential part of them.

CONCLUSION AND RECOMMENDATIONS

No matter how one looks at it, it is clear that environmental damage has a growing and serious impact on the enjoyment of human rights. A polluted or damaged environment makes it harder for people to live healthy, dignified lives. When we connect environmental protection with human rights, we not only make environmental laws stronger but also expand the reach and impact of human rights protections. This connection helps create a more just and sustainable world (*Lal, 1995*).

To better use the human rights system for protecting the environment, the following practical suggestions can be considered:

1. Recognize the Connection Between Human Well-being and the Environment: The enjoyment of basic human rights depends on a healthy environment. The unsustainable and luxury-driven lifestyles of wealthier nations contribute heavily to environmental damage, while the world's poorest communities suffer the most—even though they contribute the least to the problem. Because pollution and climate issues ignore national borders, a rights-based approach can ensure fairness by focusing on equality and human dignity. This approach encourages decision-makers to consider the broader human and global impacts of their choices.

2. Protect the Rights of Indigenous Peoples: Indigenous communities are often the most affected by environmental harm but are rarely included in decisions about their land and resources. Any environmental policy or development plan must involve these communities and respect their rights and cultural connection to nature.

3. Use Science to Strengthen the Right to a Healthy Environment: Scientists can play a key role in providing evidence about how environmental degradation affects human health and ecosystems. This data can support the legal and moral case for treating the right to a clean and healthy environment as a fundamental human right.

4. Strengthen Legal Protections in India: In the Indian context, the right to a healthy environment should be clearly included in Part III of the Indian Constitution, as recommended by the National Commission to Review the Working of the Constitution (2002). This would give the right stronger legal standing and ensure better protection.

5. Move Beyond Judicial Interpretation: While courts—especially in countries like India—have made important contributions to environmental protection by interpreting existing rights, it is not ideal to rely only on judges. There should be formal, written laws that guarantee environmental rights, so they are not left to changing court opinions.

6. Use Human Rights Forums for Justice: When governments fail to prevent serious environmental harm that affects people’s rights, individuals should be able to bring complaints to international and regional human rights bodies. This access to justice is crucial for those harmed by pollution, deforestation, and other environmental issues.

In conclusion, linking environmental protection with human rights makes it possible to give more people the legal tools they need to protect their health, homes, and communities. It ensures that environmental justice becomes a part of the broader struggle for human rights and dignity (Lal, 1995).

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