



The environment & Human rights

Dr. Pushpa Dewangan

Principal & Head, Department of Economics, K.P. College Bandhapali, Sarangarh, Chhattisgarh, India

Abstract

The constitution is the strongest legislation within a nation, limiting governmental authority and safeguarding human rights. It influences globalization and human rights, such as life, health, food, water, and sanitation, which depend on a safe, clean, healthy, and sustainable environment. The concept of a human right to a healthy environment was considered radical fifty years ago but is now universally acknowledged in international law. Over 100 countries have constitutions protecting environmental rights, with stronger regulations, improved enforcement, and the removal of pollution hotspots. Green constitutions have smaller ecological footprints and decreased air pollution up to 10 times faster than those without such clauses. The Human Rights Council created a mandate in 2012 to promote best practices related to environmental protection. Climate change poses direct and indirect dangers to these rights, including the right to life, adequate food, water, human security, and the rights of Indigenous Peoples. Decision-makers should assess climate change policies based on banned grounds of discrimination and mandate human rights compliance statements.

Keywords: Human rights, environment, globalization, constitution, governance, sustainability

Introduction

In actuality, the majority of actions to defend and uphold rights take place at the national level, even if international law is essential for setting standards and providing a court of last resort for human rights breaches. Since all laws, rules, and policies must be in accordance with the constitution, it is the supreme and strongest legislation inside a nation. A constitution limits governmental authority, lays out the state's responsibilities, and safeguards human rights. At a deeper level, a society's constitution reflects its most valued and strongly held ideals. The fast production, exchange, and consumption of material commodities in previously unheard-of amounts have been facilitated by globalization, which is somewhat associated with an increase in international trade. The ecological impact of human activity worldwide has been weighed as a result. It is crucial to emphasize that the environment influences not just the effects of globalization but also its direction, speed, and quality. This occurs because natural resources serve as the catalyst for economic globalization, and the environment in which globalization occurs is constrained and influenced by our social and governmental responses to environmental concerns across the world. Every human being is reliant on their surroundings. The full enjoyment of several human rights, including as the rights to life, health, food, water, and sanitation, depends on a safe, clean, healthy, and sustainable environment. We cannot achieve our goals or simply live up to the very minimum of human dignity if we do not live in a healthy environment. The environment is also protected when human rights are upheld. People may contribute to making sure that decisions that impact them respect their desire for a sustainable environment when they are able to learn about and participate in those decisions. The fast production, exchange, and consumption of material commodities in previously unheard-of amounts have been facilitated by globalization, which is somewhat associated with an increase in international trade. The ecological impact of human activity worldwide has been weighed as a result. The

effects of globalization on the environment are still hard to measure, although in certain places they are quite clear. Because time and space are getting smaller, non-state actors are becoming more involved, and inter-state relations are becoming more complicated, globalization puts a lot of strain on current patterns of global governance. Global environmental governance is necessary due to the global character of the environment, and as a result, a global network of international organizations and agreements has developed and is still expanding. However, the governance structures intended to address many of the current environmental issues have outgrown them. It is crucial to emphasize that the environment influences not just the effects of globalization but also its direction, speed, and quality. This occurs because natural resources serve as the catalyst for economic globalization, and the environment in which globalization occurs is constrained and influenced by our social and governmental responses to environmental concerns across the world. International law is the cornerstone of the contemporary human rights framework. The Universal Declaration of Human Rights (UDHR), which was ratified by the UN General Assembly on December 10, 1948, is its foundation and source. Subsequent human rights accords have further defined the rights guaranteed under the UDHR. The International Covenants on Civil and Political Rights (ICCPR) and Economic, Social, and Cultural Rights (ICESCR) are the most pertinent. The idea of a human right to a healthy environment was considered new, even radical, fifty years ago. Today, a vast majority of nations support it and it is universally acknowledged in international law. More significantly, environmental rights are protected by constitutions in more than 100 nations, even though they are relatively new. Stronger environmental regulations, improved enforcement of those laws, historic court rulings, the removal of pollution hotspots, and the supply of clean drinking water are just a few of the outstanding effects of these measures.

Stronger environmental legislation, improved enforcement of those laws, and increased public engagement in environmental governance are all facilitated by constitutional environmental rights and obligations, according to new data from throughout the world. Most significantly, constitutional provisions mandating environmental protection are strongly positively correlated with improved environmental performance. For instance, compared to countries without environmental provisions in their constitutions, those with green constitutions have smaller ecological footprints and have decreased certain forms of air pollution up to 10 times quicker. In the end, this indicates that people are living in better surroundings, breathing cleaner air, and drinking safer water. Stronger environmental legislation, improved enforcement of those laws, and more public involvement in environmental governance are all attributed to constitutional environmental rights and obligations, according to new data from around the world. Above all, there is a substantial positive association between environmental protection requirements in the constitution and outstanding environmental performance. Countries with green constitutions, for instance, have smaller ecological footprints and have lowered some forms of air pollution up to ten times more quickly than those without such clauses. As a result, people are ultimately living in better surroundings, breathing cleaner air, and drinking safer water. As a result, in March 2012, the Human Rights Council decided to create a mandate on human rights and the environment, which will conduct research on the application of human rights in environmental policymaking, among other things, and promote best practices related to the enjoyment of a safe, clean, healthy, and sustainable environment. Nowadays, a lot of states include the right to a healthy environment in their further analysis. The Stockholm Declaration, which established constitutions, was the first to formally acknowledge the right to a healthy environment. However, there are still many unanswered questions regarding the relationship between human rights and the environment, and he bears the grave responsibility of declaring at the historic global eco-summit in 1972 that "Man has the fundamental right to freedom, equality, and adequate environment," which quickly spread throughout the world. 177 of the 193 UN members worldwide uphold this right by preserving and enhancing the environment for both current and future generations. Globally, the right to a healthy environment has spread quickly since the Stockholm Declaration. Through their constitutions, environmental laws, court rulings, or adoption of an international agreement, 177 of the 193 UN members of the globe acknowledge this right. More than 130 countries in Europe, Asia, the Americas, the Caribbean, Africa, and the Middle East have ratified regional human rights accords that recognize the right to a healthy environment. In cases involving abuses of this right, rulings have been made by the European Court of Human Rights, the African Commission for Human and Peoples Rights, the Inter-American Commission on Human Rights, the Inter-American Court of Human Rights, and the European Committee on Social Rights. Do individuals have a right to a healthy environment, clean air, and safe drinking water? The idea of a human right to a healthy environment was considered new, even radical, fifty years ago. Today, a vast majority of nations support it and it is universally acknowledged in international law. More significantly, over

90 country constitutions have provisions pertaining to environmental rights, even if they are relatively new. Stronger environmental regulations, historic court rulings, the removal of pollution hotspots, and the supply of clean drinking water are only a few examples of the amazing effects of these measures.

A right to an environment of a particular quality

'A crucial aspect of modern human rights philosophy and a sine qua non for multiple human rights, such as the right to health and the right to life,' environmental protection is. Numerous human rights treaties exist that are pertinent to the plight of those whose way of life is threatened by climate change. Under these treaties, states are required to take steps to address the direct and indirect dangers to human rights that climate change poses.

The right to life

The UDHR protects the right to life. "Everyone has the right to life, liberty, and security of person," according to the UDHR. The legislation will safeguard this right. Nobody's life shall be taken from them without cause. Article 6 of the CRC also provides special protection for children's right to life. Human life may be impacted by climate change directly or indirectly. The impact might be rapid, as in the case of extreme weather brought on by climate change, or it could develop gradually as health deteriorates, access to safe drinking water is reduced, and disease susceptibility rises.

The right to adequate food

Several international agreements recognize the right to sufficient food. "Everyone has the right to a sufficient standard of living for himself and his family, which includes sufficient food, clothing, and housing, as well as the ongoing enhancement of living conditions," according to state parties. There is no question that the right to food would suffer greatly as a result of climate change. As a result of rising temperatures that accelerate grain sterility, changing rainfall patterns that render previously productive land infertile, increasing erosion and desertification and decreasing crop and livestock yields, rising sea levels that render coastal land unusable and force fish species to migrate, and an increase in the frequency of extreme weather events that disrupt agriculture, regional food production is expected to decline.

The right to water

The protection of several rights is closely linked to the right to water, which supports both the right to food in Article 11 and the right to health in Article 12. Access to clean drinking water and sanitary facilities will be hampered by heat waves and water shortages as the planet warms. In the tropical and sub-tropical regions of Asia and the Pacific, rainfall will be less frequent and less consistent. The Himalayan glaciers' retreat, which feeds into the Ganges, Indus, Brahmaputra, Salween, Mekong, Yangtze, and Yellow Rivers, will make this worse. Water-related violent conflicts are probably going to get worse and expand.

The right to health

"Everyone has the right to a standard adequate for the health and well-being of himself and his family," according to Article 25 of the UDHR. The right to health is under serious jeopardy due to climate change. According to a 2003 study

conducted in collaboration with the London School of Hygiene and Tropical Medicine, global warming may already be to blame for over 160,000 annual deaths from malnutrition and malaria, a figure that might quadruple by 2020. The effects of climate change on human health will be numerous. It will have an impact on the severity of a variety of illnesses, including respiratory, water-borne, and vector-borne illnesses. Controlling dengue disease will be more difficult in the Pacific due to variations in rainfall and temperature.

Human security

Climate change also has the potential to exacerbate existing threats to human rights in the region and around the globe. Rising global temperatures will jeopardise many people's livelihoods, increasing their vulnerability to poverty and social deprivation. This is particularly problematic in weak states with poorly performing institutions and systems of government that are unable to manage competition over diminishing resources. In these conditions climate change is likely to overwhelm local capacities to adapt, which will reinforce the trend towards general instability in these countries.

The rights of indigenous peoples

In contrast to society in the south-east (of Australia), Indigenous people do not perceive the land as separate from themselves. They experience mental worry if they believe that the habitat has altered. Indigenous people are entitled to maintain and revive their cultural institutions, traditions, and customs. Indigenous culture and land are inextricably linked.

Conclusion

The General Comments of the UN human rights treaty bodies, which offer one basis for defining the criteria for assessing conflicting demands on limited resources, should serve as a guide for decision-makers using a human rights-based approach. The substance of some of the most important human rights impacted by climate standards and the criteria to use when assessing whether a given policy satisfies its human rights obligations. The assumption that all attempts to mitigate the effects of climate change will be utilitarian and produce a net benefit that is distributed equally must be avoided by decision-makers. The principles of substantive equality and non-discrimination acknowledged in article 2 of the ICCPR and the ICESCR are also applied in a human rights-based manner. In order to determine how a proposed climate change policy will likely affect the most vulnerable or disadvantaged, decision-makers would first disaggregate data as much as feasible based on the banned grounds of discrimination, such as race, color, sex, or national origin. This might be accomplished by mandating that a human rights compliance statement be included with any new legislatively based measures pertaining to climate change adaptation. The statement must identify and explain the reasons for the insufficiency, and the policy should be revised, if the policy or supporting law does not fulfill recognized human rights norms, such as by disproportionately hurting indigenous people. International contacts make it easier to share best practices and environmental expertise. Environmental consciousness increases with emergence of global environmental networks and civil society movements. Globalization facilitates the

spread of existing technologies and the emergence of new technologies, often replacing existing technologies with more extractive alternatives; greener technologies may also be spurred.

References

1. Alan Dupont, Graeme Pearman. Heating up the Planet: climate change and security (Lowy Institute Paper 12, 2006).
2. Aminzadeh Sara. "A Moral Imperative: the human rights implications of climate change", 30 *Hastings International and Comparative Law Journal*, 2007, 231.
3. Australian Labor Party, *Our Drowning Neighbours* (Labor's policy discussion paper on climate change in the Pacific, January 2006).
4. Brown Oli, Crawford Alec, *Natural Disasters and Resource Rights - Building resilience, rebuilding lives* (International Institute for Sustainable Development Agency Survey, 2006).
5. Byrne Marc, Iljadica Marta. *there goes the neighbourhood* (Uniya Occasional Paper 12, May 2007).
6. Fidler David. "Disaster Relief and Governance after the Indian Ocean Tsunami: what role for International Law?" 6 *Melbourne Journal of International Law*, 2005, 458.
7. Norman Myers. "Environmental Refugees in a globally warmed world", *BioScience*, 1993;43(11):752.
8. McDonald Jan. "A risky climate for decision-making: the liability of development authorities for climate change impacts" *Environmental Planning Law Journal*, 2007:24:405.
9. Stern Nicholas, *et al.* *The Economics of Climate Change* (The Stern Review, 2006) Zagor, Matthew and Prest, James, *The Case for Environment Related Human Rights* (Submission to the ACT Attorney-General for consideration in 543, Review of Operation of the Human Rights Act 2004 (ACT), June 2005).