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AN OUTLOOK ON THE RIGHTS OF THE ENVIRONMENT FROM SUSTAINABLE DEVELOPMENT PERSPECTIVE

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ABSTRACT

In this modern world, environment and environmental threats have turned into an important issue for human beings which have lowered the quality of our lives as well. Recently, international efforts have been made to support the environment as well as suggesting the concept of human rights in the realm of environmental rights and the concept of having the right of living in a healthy environment as one of the original rights of human beings. This issue has also strengthened the international environmental laws. The expansion of this importance was to the extent that the concept of having rights on environment has created a very firm relationship between the international environmental laws and human rights. In order for the society to meet environmental justice and sustainable development, some factors should be met including Environment, Population and resources, Economics, and Culture and society.

The absence of each above mentioned factors hinders achieving the sustainable development as well as the environmental justice. Among them, environment as an important factor of sustainable development is playing a key role in human lives which has turned into a means for achieving sustainable development based on the existed profitable views in the current world.

Keyword: *Environment, Rights on Environment, Sustainable Development, Healthy Environment*

INTRODUCTION

Environment, the place we live, grow up and breathe in, is the first issue which comes to mind while talking about a safe place for the generation survival. Human beings based on their instinct do not build his house in a perilous area, he usually opts the area which is simple and it is free from danger. Although we did not come to this understanding that how important the environment is, through science development human beings who they were part of the environment begin to control and abuse environment daily.

After industrial revolution and its negative consequences on environment, environment came to be the center of the attention. Issues such as the destruction of environment, ecological balances, plant and animal's extinction, chemical disposal, storing of radioactive substances, the use of atomic energy, atomic garbage, atomic wars, air pollution and etc... were paid attention to.

Environmental Crisis and Sustainable Development Paradigm

The sustainable development paradigm is not only limited to protect natural environment and wild life but also it encompasses concepts like city, village, energy, social justice, fair spread of wealth, and people's attendance in planning and decision making. In fact it includes all aspects of the current and future generation. According to Algin (1999), sustainable development is a lot more important than protecting the environment and need for equality, equality in a generation in order to supply weak people's needs and equality in a generation in order to supply future generation's needs Berton (2004).

In order for the sustainable development to enter political discussions, there is no event more important than the international community of environment and development report (1987), which is usually known as Brantland community. This report which was distributed in large extent declares our common future which is now designed in a booklet by the title of sustainable development (development which supplies the current needs of future generations without future generations' capabilities).

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Environment's Relationships and International Rights

Although talking about environment and environmental rights is of an internal issue, due to vast development in industry and technology which has caused environmental issues as well as different pollutions, it has turned into an international problem. That is why environment and protecting the environment is being a new issue in a realm of international laws. Issues and environmental problems have made it necessary to set environmental laws in an international level as well, it was from this time on that the perception and treatment toward environment has changed and local pressure has changed into an international one. Environment was known as community and in internal level, laws were approved to protect environment. From the other hand governments, established administrative institutions in order to oppose pollution, international institutions showed suitable reactions and opened a new chapter in this regard.

Right on an Environment

The role of united nation in setting and developing environmental international rights was very unique and to the extents which most of the effective documents related to environment were set under its supervision. Today, most of the international rights are set within dependent institutions to the united nation. Besides, the educational environmental right courses are being held by the education and research center of united nation by the aim of training expert forces. Within very short period of time, a great amount of international laws related to protection of environment and planet earth were set and environmental international laws met an eye-catching development. Contracts which include environmental international laws are said to be more than 700 and 250 of which are purely about protection of environment at least. While other contracts are somewhat related to environment, including one or two items only. In an introduction of human rights declaration approved on 10th, 1948 it is claimed that "Overall recognition of the members of human family, equal rights not their movement is the basis of freedom, justice and peace in the world."

On the other hand, in article 1 of Stockholm declaration, human beings have the basic rights of having freedom, equality, and suitable situation of life in an environment which lets him to live prosperously. He is officially responsible to protect and improve environment for this generation as well as future ones. Stockholm declaration which is part of international environmental rights and laws abides a relationship between human rights and protection of the environment. It also declares that an international support of environment is ulterior than direct /indirect benefits of governments as human right concept till all human beings could use a healthy environment in an equal way. Nowadays environment is viewed within human rights frame, beside Stockholm declaration in Europe convention reforms of human rights sees the issue of environment as a right and as a damage to environment and a damage to a right. The French President of human rights Committee says in this regard that "the rights that ecologists are trying to protect are inseparable section of human rights. "Numerous resources confirmed and approved rights on environment.

Theories and Approaches about Rights on Environment

The right of the environment reflects the transcendent values the same as the right to life and the basic right to health, the right of living a standard life with which the needs of the continuation of the current and the future generation like sustainable development are having close and organic relationship. Maintaining human life and the continuation of the human race in a safe environment, free from war and violence are issues and goals of United Nations. Supporting the improvement of the environment can be directly led to the protection of vital needs of human beings in order to supply the quality and its conditions to ensure unavoidable prerequisite for the maintenance of human dignity and human character development. Degrading the quality of the environment is a serious threat to the survival of human beings, so it is in direct relationship with respect to human rights and the protection of the environment as human life, its continuation and the quality of his life is subject to his health and the health of the environment. Since human beings are in an unhealthy environment exposed to contaminated substances and are in danger of extinction hence for the survival of the human race the environment must be supported.

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In an article entitled "environment and human rights", two physicians in a scientific study and on the basis of statistics and graphs have defended that the quality of the natural environment of human beings must be favorable to such an extent for serving the industrial and farming activities and to be a source for the human happiness in present and the future. This approach effects on how human use energy as well as policies of Governments. The article points out that strengthening the scientific solutions and use of knowledge for the protection of the environment is essential but not enough. We should change our relationship and the way we look at nature and we should also direct community facilities, human capabilities and technology toward protection of natural environment". Framers of the article have defended promoting the living standards in developing countries as much as developed countries. They have also defended the unity of North and South in supporting environment. The relationship between human rights and the right to a healthy environment has drawn the attention of many scientists. According to Fits Moris there are three major schools of thoughts in this case, one view supports that without having the right to the protection of environment, there are no human rights. In other view the emergence of this right is highly controversial and questionable, and finally the third view believes that the right to a healthy environment is part of human rights, such as right to life, the right to health, and the right to information.

International Documents observing the Right to a Healthy Environment

World Commission of environment and development in its famous report entitled "our common future" has paid attention to human rights within the framework of sustainable development. In this report, sustainable development is introduced as providing the needs of current generation without overwhelming next generation rights. According to experts of ecology group, development commission and the environment has identified a list of legal principles, including the right to the environment as a fundamental human right. It is declared in article 1 of the report that: "it is the fundamental right of every human beings to live in healthy and happy environment". In 1989, the right to live with dignity in a viable environment was stated in the Hague Declaration, respectively. In 1999, in Pishkak declaration it was explicitly stated that "every individual has the right to benefit the healthy environment. The Universal Declaration of human rights, approves the Covenant on Civil and political rights and the Covenant on economic social and cultural rights as well as right to a healthy environment. In fact, in the framework of these documents, some of the existing human rights such as the right to life have been paid attention to, and on the basis of the right to life and the environment international concerns were raised. Various materials on the Covenant of civil and political rights as well as article 27 and article 6... have been cited that in the next section, we will try to examine these cases. At the level of the African Charter of human rights and regional people, it is the first international document in which the right to a healthy environment has been emphasized.

In the American system of human rights, Protocol to the right of a healthy environment is taken into consideration. San Salvador Protocol also approves the emergence of human rights such as freedom, right to work, right to a health, and right to food. It has introduced the right to a healthy environment as a special aspect of the right to life in article 11 as well. The European Convention on human rights, at the European level, does not mention anything related to environment. The European Court of human rights, however, confirms right to respect people's private life, family life and home, etc... as well as the right to a healthy environment, considering article 8, and 6 of the Convention. Special reporter of human rights and the environments submitted his report in 1993 in the form of "Sub Commission of discrimination and protection of minorities". He introduces environmental rights, as an aspect of human rights. There is nothing related to the right of a healthy environment in the Rio Declaration though, but a number of experts through interpreting the sustainable development, has mined the right to a healthy environment, from Rio Declaration.

The Charter of the United Nations

On the basis of the UN Charter, the United Nations was created on June 26, 1945. In this field some rights related to the human rights are included. Human rights are emphasized in the introduction, paragraph 3 of article 1, paragraphs 55 and 56, and articles 1, 2 and 62. Article 68 and 76 include information in this regard as well.

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The International Human Rights Charter

The International Charter of human rights includes the universal declaration of human rights, International Covenant of economic, social and cultural rights, the International Covenant on Civil and political rights and the attached protocol. These documents are the main documents in the field of human rights. The Universal Declaration of human rights was approved in 1948, due to the resolution number 217A of the United Nations General Assembly *, but because this was not a legally binding document, therefore in the year 1966 the General Assembly through a resolution A2200 approved three other documents including binding International Covenant of economic, social and cultural rights, the International Covenant civil and political rights and the protocol attached to the political Covenant civil rights.

The Concept of Sustainable Development

The concept of sustainable development observes this undeniable reality that ecological considerations must be used in economic activities. The considerations include the creation of logical environment in which a claim of development for promoting quality of all aspects of life is challenged.

There are several definitions about sustainable development as follows:

Sustainable development means combining economic, social and environmental objectives to multiply welfare of the current human beings without injuring the needs of the future generation. The World Commission of environment and development, which for the first time used this phrase, had defined sustainable development as development of the current generation without creating obstacle in capabilities of future generation in meeting their needs.

Why do we need to teach Environmental Laws?

The right to live in a healthy environment, needs protection of the environment. The principle of the protection of the environment was raised in the Stockholm Declaration of 1972 which in the first principle of the Stockholm Declaration was paid attention to. From that day on, this right is being considered as one of the greatest law of countries and in basic law of each country principle or principles are seen in order for human to benefit a healthy environment. The enjoyment of this right was expanded in the Declaration of Rio and Agenda 21 in order to raise awareness of people to their right to environmental information and participation in decision making in order to revise and improve the environment. In Chapter 23, part 21 the role of major groups and governmental organizations to access environmental information will be taken into consideration. It means people should have access to the environmental information that authorities have access to. This information includes data and activities which may have important impact on environment and the same information on environmental protection issues should be available to people. Though protection of the environment in Islamic Republic Constitution is a public duty but as how to apply this duty there is insufficient regulation. One of the necessities that people can act to achieve this important task is for people to have access to environmental information as well as their participation in decisions making and supervision of the activities of the State and the private sector that can contribute to important actions in the optimal utilization and planning of technology. The right of people's awareness can be limited to freedom of having access to information or can either be the right to receive this information, in between the role of major groups and popular organizations is all clear to everyone and this is possible for major groups if they are equipped with their own rights for environmental protection. In the case of knowing environmental regulations and being equipped with a variety of human rights in relation to the environment around itself, there can be a collaborative work regarding environment. Therefore, a right in active participation in the decision making which is provided for the organizations since 1990s in Rio Declaration, Iran's program, includes the rules of the third program and article 105 and on forth program.

CONCLUSION

The most important issue which is considered in human rights is right to life. Right to life is prior to any other right for all human beings. That is why laws should defend human beings right to life. Human rights in a national and international level are here to support mankind in sufferings, hardships, pains, obstacles and etc. As rights which are adhered by international laws root in inherent dignity of mankind, it

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is not limited to anytime and place. Although it was united nation which in its human rights declaration approved on 10th December 1948 supported human rights in an international level. Unfortunately, after current technological advances and industrial revolution, it was human beings who encountered themselves with a big issue called “environmental crisis”. Solving environmental issues needed enough knowledge about it which encountered problems paved the way for international environmental laws to be approved. Taking the right to environment for granted is taking human rights for granted as human beings have the right of living in a healthy and clean environment. On the other hand, human being has the right of using environment for the benefit of himself which might seem contradictory with above mentioned view. The way out of this situation is in defining the concept of sustainable development. The development which is based on current and future generations’ ecological expansion of a right to environment as a common inheritance.

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