



INTERNATIONAL ENVIRONMENTAL LAW IN THE CONTEXT OF HUMAN RIGHTS

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Abstract

The paper attempts to explore the intricate correlation between international environmental law and human rights, stressing the need for a comprehensive theoretical examination by making a detailed analysis of its historical and philosophical underpinnings.

The central thesis of the research study is to investigate the human rights perspective of environmental law, by developing a symbiotic relationship between environment and human rights. In order to establish this conceptual connection, a review of historical evolution of environmental laws and concomitant philosophical theorizations has been undertaken. The historical perspective emphasizes the gradual recognition of environmental issues particularly on the international stage and their subsequent incorporation into the framework of international human rights.

Furthermore, the paper undertakes critical appraisal of environmental deterioration, extending from the atmosphere to marine ecosystems, adversely impacting human rights. It highlights the legal and constitutional implications of environmental degradation by discussing the infringement of different fundamental human rights relevant to ecological well-being, such as the right to life, health, food, water, and a healthy environment. Additionally, it underscores the anthropocentric and eco-centric approaches to environmental law including the concept of intergenerational equity, emphasizing the inherent moral obligation to conserve environmental resources for future generations. This idea substantially contributes to the human rights discourse.

Conversely, the study also briefly discusses how the regulated and positive exercise of human rights can actually contribute to environmental preservation, with special focus to recognition of the role of public participation and access to information in promoting sustainable practices. Besides appreciating the institutional role in harnessing environmental resources the research study has also analytically interpreted the judgments of International Tribunals in this regard.

In conclusion, the paper accords due recognition to the reciprocal relationship between international environmental law and human rights, by making detailed discussion on its historical and philosophical context. It also elucidates the implications of environmental



degradation on human rights and the role of human rights in fostering environmental protection, ultimately advocating for a holistic approach to global sustainability and justice.

Keywords: Intergenerational equity, eco-centrism, anthropocentrism, human rights, environmental conservation

Introduction

The correlation between environment and human rights needs a thorough understanding and analysis in its historical and philosophical contexts to theorize how the environment is directly proportional to human rights. It is indispensable to trace the historical evolution of environmental laws and philosophy to establish this relationship. In the proposed context, an appraisal of how the deterioration of the environment or ecology (atmosphere, lithosphere, and marine) adversely affects human rights and vice versa is paramount.

Conceptualization of Environment

Environment is a dynamic concept so an all-encompassing definition is difficult to formulate rather it has been defined and explained in various contexts depending on its need and applicability. Owing to its contextual flexibility, no treaty, declaration, or Convention has explicitly defined the term environment. Each treaty or declaration has been used or defined in different contexts, keeping in view its significance and necessity.

The term environment has its roots and is derived from a French word '*environment*', which means to surround or encircle (Leib, 2011). World Commission on Environment and Development (WCED) conceptualized the term that '*the environment is where we all live*' (WCED, 1987). Instead of defining the term, the Rio Conference of 1992 used it in various contexts such as environmental need, environmental protection, and environmental degradation while discussing the environment rather than attempting to define environment itself (Trombetta, 2008). Unlike Rio Conference, the European Commission convincingly defined the term environment to cover most of the aspects. The definition of environment presented by the United Nations Conference on the Human Environment (UNCHE) establishes an inseparable connection of environment with human rights. The declaration defined both aspects of environment, the natural and man-made, which are essential for human well-being and enjoyment of basic human rights.

Evolution of humanitarian aspect of International Environmental Law

The world is developing at an unprecedented pace, and so are the changes due to this development, leaving its impacts on the environment. Before discussing the development and growth of International environmental law, it is pertinent to understand the circumstances that led to its



development. Technological advancement, industrialization, and urbanization have brought comfort in human life on one hand and posed serious threats to the environment on the other hand. Climate change, global warming, acid rain, and other environmental factors necessitated the formulation of an environmental policy to preserve and safeguard the environment. The seriousness of repercussions arising from the deterioration of the environment due to human activities and its impacts on human lives. However, the impact on human lives has far exceeded the adverse consequences to environment. This has urged the international community to rethink and devise an environmental policy to mitigate and protect the environment from further damage and save humanitarian loss.

The following segment discuss growth and development of International Environmental Law, origination of debate regarding human right to a safe and healthy environment, and preservation and protection of environment hereunder.

Stockholm Conference on Human Environment 1972

Several environmental disasters encountered during the 1960s, such as the Torrey Canyon Tanker and *Aberfan, Wales*, coupled with many other incidents, sparked awareness and concern about the natural environment. The massive damage inflicted by industrialization and technological development alarmed the world and global leaders. It forced them to intensify their efforts for conservation, protection, and raising awareness regarding environmental protection. The first serious attempt to convene an inter-governmental conference to discuss environmental issues was the 1972 Stockholm Conference on Human Environment. The Conference led to the formulation of legally binding obligations of the United Nations concerning the protection of the environment. This Conference guided the international community to adopt new policies and regulations to protect the environment and resulted in the adoption of the Stockholm Declaration on Human Environment. The Conference played a vital role in forming the United Nations Environment Program (UNEP), which later became the focal point of international environmental policy. In the international context, Stockholm Declaration is considered as the first-ever authoritative document which recognizes the relationship between environmental protection and human rights (Peters, 2018). In recognition of a safe environment for the realization of human rights, the Stockholm Declaration enacted both aspects of the environment, the natural and man-made, which are essential for human well-being and for the enjoyment of fundamental human rights, particularly the right to life itself (Sands & Galizzi, 2004). Even though this declaration is recognized as a way forward in protecting the environment and incorporation of human rights in relation with the environment, it draws criticism due the absence of an implementation mechanism.

Rio Declaration of 1992

The earlier efforts to conserve the environment encouraged humans' sustainable use of environmental resources. In this regard, World Commission on Development and Environment (WCDE) published a report calling on the UN to develop an alternative approach to sustainable development (Winston



& Easaway, 2008). This report included recommendations to the United Nations for a plan of action on sustainable development, including its implementation and follow-up. The recommendations resulted in the Rio declaration of 1992, which recognizes the environment as a matter of human rights and describes the individuals' responsibilities for protecting the environment. This declaration is unique because it defines procedural environmental rights in clear and transparent terms (Banisar, Parmar, de Silva & Excell, 2011). The Rio Declaration consists of twenty-seven principles with great legal significance for environmental protection and sustainability. A complete action plan for protecting the environment, including climate change, deforestation, desertification, and the protection of oceans, was proposed under this declaration, which served as a foundation for further treaties.

World Summit on Sustainable Development, 2002

Another significant event in developing international environmental law was the UN Conference on Environment, also called Earth Summit, 2002. This Conference was called in Johannesburg in 2002, which led to the adoption of the Declaration on Sustainable Development and Plan of Implementation. The primary objective of the summit was to evaluate the post-progress of the Rio Declaration of 1992 and to develop an effective plan of action for achieving the required results of Rio Conference. The plan forwarded in this summit set specific targets and timelines in order to achieve the sustainable development goals and laid down extensive plan of action to preserve environment as a protective measure to ensure compliance with human rights standards.

Philosophical Approaches to Environmental Law

With the advent and emergence of the concept of contemporary environmentalism, discussions and debates on human association with the environment escalated manifolds. In order to comprehend and rationalize human rights in the context of the environment, the contemporary environmental philosophies can be broadly categorized into the following two notions: the Anthropocentrism and Eco-centrism.

Anthropocentrism: A Human-Centric Approach

Anthropocentrism, as a philosophical doctrine, which regards human beings as the center of the universe and source of all values, was first used in literary circles in 1970. The concept of Anthropocentrism revolves around the preferences and needs of natural beings and their ability to satisfy those needs with respect to the environment. For academic understanding, Anthropocentrism is further divided into the following two categories: strong and weak Anthropocentrism. The former focuses on non-living beings for their capability to convince the felt preferences, while the later explicates the ability of living beings to attain and satisfy both their considered and felt preferences concerning the environment. The proponents of Anthropocentrism extend and attach the idea of moral and ethical values to human beings and argue that humans to be the only beings to use logic and



reason while considering non-living beings devoid of rationality and language. Many writers opined that Anthropocentrism is inevitable and meant for environmental protection (Bassey, 2020). It is further argued that Anthropocentrism doesn't mean the ruthless exploitation of environment or abusive use of natural resources by human beings. Anthropocentrism can be said to be based on the principles of individualism and rational thinking (Bosselmann, 1995). It is also related to the concept of intergenerational equity, which says that environmental protection and resource conservation can be ensured if it is considered a moral duty on the existing generations to hold the resources in a fiduciary capacity for the future generations.

Ecocentrism

The term ecocentrism does not denote a single and unified concept rather, it is a mixture of scientific, spiritual, and metaphysical environmental trends, which form a complex of green theories. According to *Bosselmann*, 'ecocentrism is developed out of the criticism of anthropocentrism used today as a collective term for all systems of values that are not anthropocentric'. The exponents of ecocentrism give central importance to nature over human beings. Unlike Anthropocentrism, Ecocentrism detaches humanity from the center of the universe and replaces it with nature as the center (Weston, 2004). The concept of ecocentrism came to the fore in the pre-modern era as an environmental concept and Professor *Stan Rowe* designated ecocentrism as an assignment of highest values to ecosphere and ecosystem that it comprises of (Rowe, 1996). Likewise, another term biocentrism with a different philosophical base has been used as an alternative and synonym to ecocentrism, despite the fact some writers argue conversely and regarded it as a misconception (Repphun, 2010). Ecocentrism as a philosophical concept of environmentalism exists in modern and pre-modern forms: in its modern forms, ecocentrism is believed to exist as deep ecology, transpersonal ecology, and Gaia hypothesis while in its older and traditional forms, it existed as animal liberation and holism.

Role of International Courts and Tribunals

The international courts play a significant role in developing international environmental laws, for they not only decide cases involving the violation of the environment coupled with human rights cases but also give the liberal interpretation of the laws (Desgagne, 1995) thus contributing to the development of international environmental laws. International courts have played a significant role in the evolution of environmental laws. A substantial increase has been witnessed in the number of courts and tribunals wherein the number of institutions has been conferred with jurisdiction to decide matters pertaining to environmental protection and preservation of natural resources (Shelton, 2015). In order to encourage bilateral and multilateral agreement for the conservation of the environment and environmental disputes, the WCED presented a Report in 1987 wherein adjudication was urged as a last resort to overcome prolonged disputes and to avoid apprehension of environmental damage (Labonte, 2004). The Report also encouraged the provision of incentive for all parties reaching an agreement within a reasonable time on mutually agreed terms. In *Pulp Mills Case*, the Court stressed the interpretation of the statutes in the light of relevant rules of international law. The Court gave



significant assertions regarding the scope of negotiation and highlighted the necessity of conducting environmental impact appraisal.

In *Costa Rica v. Nicaragua*, awarding compensation, the ICJ awarded damages not only for harm to the state but also for damage to the environment. While calculating the damages in this case, the Court noted that the law is silent on the valuation of the damages, so it should take into account the given circumstances and nature of each case. The Court applied the liberal interpretation doctrine in expanding and protecting the rules of international environmental law. In the development of environmental law, the following two opinions of the ICJ are instrumental: the Court opined in *Nuclear Weapons Advisory* that in pursuit of legitimate military objectives, the states must take into account its environmental effects. Likewise, in *the Gabčíkovo-Nagymaros Project* case, the Court opined that severe environmental hazards creates ecological necessity. Generally speaking, the Court's primary function is to adjudicate the disputes brought before it by the contesting states (Hershkoff, 2000). In this capacity, the ICJ has been playing a responsible role in disposing of the cases related to environmental protection. Nevertheless, the ICJ had played a modest role in recent environmental law developments. Even though there is no concept of precedents in the ICJ, it gives regard to its own decisions and the scholarship it produces plays a significant role in progressive growth of international environmental law.

Consequences for Human Life

Environment degradation can render adverse impacts to human health and sustainability of human race as a whole. Following factors comprehensively elaborate the relationship between environmental degradation and human safety besides exploring the magnitude of such adversity.

Environmental Pollution

Environmental factors hold a significant impact on human's health and welfare. Contamination of the environment poses grievous threats to human life and health (Looi, Aris, Yusoff, Isa & Haris, 2019). The devastating effects of environmental Pollution on human life are multifold. Environmental Pollution has been considered as a global challenge, which is susceptible to adversely affect human's health (Manisalidis, Stavropoulou, Stavropoulos & Bazirtzoglou, 2020). The exponential boom of environmental Pollution and its devastating effects can be felt now more than ever (Rome, 2015). The fact that environmental Pollution threatens basic human rights was observed by the Executive Director of the UN Environmental programme, *Klaus Toepfer*, at 57th Human Rights Commission in Geneva and stressed upon the elimination of crimes against nature to enjoy the fundamental right to life which is threatened by exposure to toxic chemicals, hazardous waste, and contaminated drinking water.

The sharp increase in environmental Pollution, the major contributors towards environmental Pollution, and the effects of Air Pollution on humans collectively and the rights of individuals are



abundantly explored beneath.

Pollution is one of the most dangerous existential challenges to the 21st century which has jeopardized the entire ecosystem of the world, challenged the economic and social well-being of the people, and compromised health of billions (van Niekerk, 2020). Even though it is a matter of global concern, but developing countries are more likely to be suffered (Beadle, 2000). The susceptibility of developing countries to environmental Pollution is due to the absence of universal environmental law and its implementation, lack of environmental awareness, insufficiency of financial resources, and absence of political determination to tackle environmental challenges (Massoud, 2010). As per the European Commission, 'Pollution is the discharge by man, directly or indirectly, of substance or energy into the environment, the results of which are such as to cause hazards to human health, harm to living resources and to aquatic ecosystems, damage to amenities or interference with other legitimate uses of water'. According to Chesapeake Bay Research Program, 'pollution is introduction or redistribution of energy or materials through human activities that affects ecological processes which alters an ecosystem's outputs of goods and services from a defined reference state' (Champ, 1983). National Geographic defined *Pollution* as 'The introduction of harmful materials into the environment'. It is agreed that human activities directly or indirectly affect the environment adversely. These different activities have influenced the environment inversely (Flandroy et.al., 2018). Regarding human activities, the concept of Pollution is not novel; however, in the current century, the environmental concern has taken a severe turn. The extensive interaction between man and the environment has increased the complexity of environmental issues to an unprecedented proportion. Various Scholars argued that technological advancement has entrusted men with gigantic powers over nature, which resulted in its abuse, consequently intruding on nature. It is an undeniable fact that every human has the right to live and enjoy a clean and healthy environment, but with the escalation of human needs and the utilization of modern technology to achieve those needs had put the environment and natural resources at stake, and caused environmental degradation and Pollution (Falkenmark & Lundqvist, 1998).

Obafemi considers Pollution is the process whereby different dangerous elements are added to the environment through human and natural activities (Obafemi, Eludoyin & Akinbosola, 2012). The Fair Employment Practices Agencies (FEPA) refers pollution is a modification of chemical, physical or biological attributes of the environment beyond its acceptable bounds (Helmer & Hespagnol, 1997). The acceleration at which the environment is exploited to pace up with human needs and developments renders irreversible loss to the environment. Consequently, human right to life in a healthy, clean, and safe environment is compromised. Likewise, a pollutant is regarded as any substance introduced to the environment with an excessive amount endangering humanity or any environmental aspect (Fenner & Cernev, 2021). Hence, it can be inferred that the contamination of the environment can compromise the right to life, health, and clean and safe environment. Most scientists and environmentalists regarded urbanization, rapid and unmanaged technological advancement, unplanned deforestation, desertification, and boom in industrialization, among other things, are the leading causes of environmental degradation and Pollution (Clark, 2011). These causes



resulted in the deterioration of the environment in various ways: among the worst effects are acid rain, climate change, global warming, ozone depletion, etc. which are adversely affecting living beings both on earth and in water (Crutzen & Golitsyn, 1992).

Effects on Human Health

Health is one of the essential attributes of human life and is therefore considered one of the inalienable fundamental rights. Human rights are regarded as interdependent, indivisible, and interrelated (Sullivan, 1994). It implies that the violation of the right to health constitutes an infringement of many other human rights. According to an estimate by the WHO, 8.9 million casualties have been witnessed due to pollution (Landrigan & Fuller, 2016). Its impact on health is dependent on the exposure and absorption of pollutants and other attributes (Feng, Cheng, Sheng & Sun, 2019). The severity of respiratory diseases is due to prolonged exposure to air pollutants (Srinivasan, 2013). According to the United States Environment Protection Agency (US-EPA), chronic lung diseases result from air pollution. According to an estimate, an average of 871,500 annual deaths have been caused by childhood pneumonia (Niederberger et.al., 2004). Like human beings, air pollution has been adversely affecting animals and plants, which is correlated with human health; once consumed by humans can affect their health. Due to their infancy, children's tissues absorb toxic substances from the air, affecting their brain and endocrine system, which cannot be reversed and hence are considered the most vulnerable (Landrigan, 1998).

Air pollution affects human health: Particulate Matter (PM) is the combination of particles in the air that significantly contributes to air pollution. The size of this particulate matter ranges from 2.5 to 10 micro meters (PM_{2.5} to PM₁₀), leaving adverse effects on human health, particularly pulmonary and cardiac morbidity. The tiny particles are directly associated with lung and heart diseases for their capability of penetrating blood and the respiratory system, causing premature deaths, reduction in life expectancy, and other conditions such as wheezing, cough, dry mouth, and breathing difficulty (Guillam et.al., 2013).

Another contributor to air pollution is Ground-Level Ozone (O₃), which is produced by the chemical reaction of nitrogen oxides with Volatile Organic Compounds (VOCs). Being a noxious substance, different respiratory diseases, mainly asthma, can be caused due to exposure of humans to ground-level ozone (Gorai, Tchounwou & Tului, 2016). In severe cases, O₃ may cause DNA damage and may lead to cellular malfunctioning. The third attribute of air pollution is Carbon monoxide, which is produced by burning fossil fuels (Geddes, Murphy & Wang, 2009). It is responsible for causing many serious diseases, such as severe headaches, vomiting, dizziness, weakness, nausea, vomiting, and loss of consciousness (Ghorani-Azam, Riahi-Zanjani & Balali-Mood, 2016).

Likewise, Sulfur dioxide (SO₂) is another contributor and highly reactive gas. It is produced and added to the air by burning fossil fuels, volcanic eruptions, and industrial processes (Varshney & Garg, 1978). The SO₂ causes skin and lung diseases such as respiratory, damage to eyes, pulmonary



edema, pneumonitis, and cardiovascular are associated with its exposure. One of its dangerous effects is acid rain, causing acidification of soil (Singh & Agrawal, 1996). Its presence in water results in decreased oxygen levels and may leave adverse effects on marine species, including animals and plants (Chen et.al., 2007).

Another contributor to air pollution is Nitrogen Oxide, which may increase the risk of respiratory disorders. Motor vehicles, aircraft, and other modes of transportation are the primary source whereby nitrogen oxide is emitted. Coughing and wheezing are the most frequent and immediate effects of nitrogen oxide, but it may also cause skin problems, eye diseases, chest pain, fever, and irritations in the nose and throat (Hesterberg, 2009).

Another major contributor to air pollution is Lead (Pb), a highly toxic metal used in various industrial processes (BALALIMOUD, 2010). It is emitted to the air from motor vehicles and battery plants (Balali-Mood, Riahi-Zanjani, Yousefzadeh & Sadeghi, 2013). Studies concluded that fetuses and children are highly vulnerable to Pb (Farhat et.al., 2013). It can quickly accumulate in the blood, bone, and soft tissues. It may affect the kidneys, liver, nervous system, and other vital organs causing mental retardation, short-term memory, and hyperactivity in children (Farhat et.al., 2005). It can cause damage to many vital organs of the body, including the cardiovascular, renal, reproductive, and nervous systems (Kianoush et.al., 2013). It may also result in infertility, digestive dysfunction, high blood pressure, and muscular and joint pain in severe conditions (Kianoush et.al., 2012). A significant correlation exists between air and water pollution, for the air contaminants enter water subsequently and contribute to water pollution (Miller, 1994). Many scientists and environmentalists believe that air and water pollution are tightly integrated because the former help creates litter (Kugel et.al., 2009).

Marine Pollution & Consequences for human race – Case Study of Pakistan

Pakistan has been facing enormous challenges due to environmental degradation and climate change. The following segment examines the overall conditions of MP in Pakistan with particular reference to the MP in Karachi coastal areas. In coastal zones of Pakistan, there are plenty of contributors causing ecological issues, such as the disposal of wastes, untreated liquid and solid wastes, and untreated industrial effluent (Khan et.al., 2006). These pollutants contribute to the degradation of the coastal atmosphere, depletion of aquatic resources, and effects biodiversity leaving adverse impacts on human health. Another striking source of MP along the coastal areas of Karachi is the unregulated disposal of plastic which ends up in the marine environment (Siddiqua et.al., 2022). According to a study conducted in 2012, major marine pollutants that constitute marine debris in Karachi include plastic, glass, rubber, paper, and cigarette filters. Karachi harbor, with an area of 65 square kilometers, is contaminated with different pollutants from various sources in the metropolitan. These waste materials find their way to the marine environment through other trails (Khan et.al., 2018). According to an estimate, *Lyari* alone contributes 200 million gallons of dirty water, out of which only 75 million are treated, and the rest enters the marine environment untreated (Rahman, 1996). Further reports estimated that about 400 million untreated industrial wastes are discharged into the coastal



environment in Karachi.

Interpretation of Human Rights

The rights to life and health have been considered fundamental human rights. The Stockholm declaration of 1972 established an association between human rights and the environment. Article 1 of the declaration enunciates, 'Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and wellbeing, and he bears a solemn responsibility to protect and improve the environment for present and future generations' (Thorme, 1990). The Hague Declaration reinstated the principle of human environmental rights in its preamble: 'The right to live is the right from which all other rights stem'. Guaranteeing this right is the paramount duty of those in charge of the states worldwide. Today, the very conditions of life on our planet are threatened by the severe attacks to which the earth's atmosphere is subjected'. The UNGA on recommendation of the Commission on Human Rights endorsed that 'all individuals are entitled to live in an environment adequate for their health and wellbeing'. In 2009, the Office of the High Commission on Human Rights (OHCHR) reported the critical point, 'While the universal human rights treaties do not refer to a specific right to a safe and healthy environment, the UN human rights treaty bodies all recognize the intrinsic link between the environment and the realization of a range of human rights, such as right to life, to health, to food, to water, and housing'. In 2011, they UNHRC initiated a study on the relationship between human rights and the environment. In 2017, the UN special rapporteur *John Knox* analyzed human rights in its association with the environment and biodiversity submitted to the UNGA. The Report explained that the full enjoyment of human rights, including the right to life, health, and food, is subject to the services provided to the ecosystem, which in turn depends on biodiversity.

The reports implied that human rights and the environment are correlated and interdependent. Disturbing the ecosystem impacts biodiversity, impacting the human right to life, health, food, and water. In recognition of the human right to health, the WHO, in its constitutional preamble, states, 'The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political association, and economic or social conditions (Langlois, 2005). The WHO provides evidence supporting the right to health and the presence of a healthy environment. Given the interrelationship between the environment, environmental contamination, and human rights, Justice *Weeramantry* of ICJ in *Gabcikovo-Nagymaros* that 'The protection of the environment is like a vital part of contemporary human rights doctrine for it is sine qua non for numerous human rights such as the right to health and 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 (Weeramantry, 1997).

Additionally, the draft principles of sustainable development appended to the Report contain a provision on human rights, which provides that 'all human beings have the fundamental right to an



environment adequate for their health and wellbeing'. Considering the deteriorating conditions of the environment, Hague Declaration mandated a global response to protect the environment. They were aiming at pursuing the right to health and a healthy environment. The GA, accepting the decision of the Commission on Human Rights and the sub-commission on Prevention of Discrimination and Protection of Minorities to study the problems of the environment and its relation to human rights, explicitly endorses that 'all individuals are entitled to live in an environment adequate for their health and wellbeing' (Assembly, 1990). Moreover, it emphasizes that 'environmental degradation can endanger the very basis of human life'. Through these provisions, the General Assembly endorses and supports that a clean, healthy, and safe environment is necessary for the human right to life and health. A further development in creating a link between the human right to health and the environment by providing safeguards for a clean environment is enacted in 1st principle of the Rio Declaration.

Courts play a significant role in protecting and enforcing human rights, including rights to the environment. In addition to the international commitments to human rights to life and a healthy environment, the regional institutions' contribution to protecting these rights can barely be overlooked. India provided constitutional protection to the environment, and the Supreme Court of India gave a liberal interpretation of the right to life (Nimushakavi, 2006). The Court has pointed out that the right to life does not mean the right to any life. Instead, it includes the right to live in a healthy environment. In *Subash Kumar v. State of Bihar*, the Indian Supreme Court stated that Article 21 of the Constitution guarantees the right to life, including the right to enjoy pollution-free water and air. The citizens may recourse to Article 32 of the Constitution if anything hampers their quality of life. With its liberal interpretation, the Supreme Court of India formulated the ground for a healthy environment as a fundamental necessity for the full enjoyment of life and health and that anything done to endanger or pollute the environment is considered a violation of the human right to life and health.

In the context of Pakistan, the Supreme Court of Pakistan dealt with the issue of human rights and the environment in *Ms. Shehla Zia and Others v. WAPDA*, wherein the Court explained that the word 'life' in the constitution does not mean only a vegetative or animal life rather a wider meaning should be given to it to enable a man not only to sustain life, but also to enjoy it (Lau, 1996). The Court observed that where the life of citizens is degraded, the quality of life is adversely affected. Health hazards are created involving a large number of people. The Supreme Court, in the exercise of jurisdiction under article 184(3) of the Constitution of Pakistan, may grant relief to the extent of stopping such activities from creating pollution and environmental degradation.

Another critical approach to the human right to health and a healthy environment can be traced to the Arab Charter of Human Rights. Article 38 of this Charter states: 'every person has the right to an adequate standard of living for himself and his family, which ensures their wellbeing and a decent life, including food, clothing, housing, services and the right to a healthy environment. The states parties shall take the necessary measures commensurate with their resources to guarantee these



rights'. Understanding the viability and coexistence of the environment and the human right to life, health, and a clean environment has given different international commitments. UNs legislation, resolutions, and regional efforts are unequivocally clear. The next chapter examined the relevancy of the marine environment, the development of maritime laws, and the legal framework for regulating the marine environment.

Conclusion

Environmental pollution and its degradation is not a new issue. However, more ecological challenges have emerged with modern industrialization, urbanization, and technological advancement. Environmental pollution is not a national or regional issue but a global challenge. In the recent past, the struggle for the protection of human rights augmented included the contribution of NGOs, human rights activists, scholars, and human rights bodies. The right to health and the right to a safe and healthy environment has remained a frequently debated topic on international platforms. After exhaustive efforts, the UN accepted the right to life and health as fundamental rights. The contamination of the environment (land, air, and water) by human activities or otherwise poses grievous threats not only to the environment and the social and economic fabric of the world but also to human life and health at large. The undeniable impacts of environmental pollution can be seen in the form of climate change characterized by ozone-layer depletion, greenhouse gas emissions, wildfires, acid rain, and rising ocean levels. Millions die worldwide as a result of contamination of air and water.

To counter this global threat, the international community has to act immediately and mitigate the causes of environmental degradation. The need for global action in the form of a legal framework was realized, which in turn formulated and implemented worldwide environmental policies. The UN, the highest international body of nations, played an instrumental and significant role in this regard. The UN's main organs, regional institutions, and agencies were mandated with the formulation of policies, convening conferences and encouraging multilateral agreements for safeguarding the environment at national, regional and internal levels. In this regard, a key role was played by UNEP, which was mandated to propose recommendations and codification policies for protecting the environment. These efforts resulted in the contribution of legal instruments with the underlying objective of protecting the environment as a haven for all living beings.

Along with the international and regional bodies, the US and the EU helped the development of environmental policies and encouraged other countries in their pursuit. As a part of the implementation mechanism, the ICJ and other countries' role has been promoted. Despite the previous efforts and contributions, a robust implementation mechanism is still needed. These efforts should yield adequate frameworks to recognize a clean and healthy environment as a human right and obligate every state to provide sufficient conditions for its protection. Its violation should constitute legal consequences.



Most importantly, pollution in the marine environment has increased to unprecedented levels in recent years as many toxic, and hazardous substances, solid waste, and chemicals are directly or indirectly added to the aquatic environment. This contamination of the marine environment puts the life and health of living beings at stake, which has been considered a violation of the rights to life, health, and a clean environment.



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