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“ENVIRONMENTAL JUSTICE AS A HUMAN RIGHTS ISSUE”

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Abstract:

This study paper looks at the link between environmental justice and human rights in order to make sure that environmental rights and responsibilities are shared fairly on a global, national, and regional level. Disparities in who is responsible for what in the environment, being left out of decisions, and not getting enough money to fix problems caused by unfair affects are what environmental justice problems are all about. We show in this study that taking natural resources without permission can be a violation of basic human rights and that environmental unfairness often happens at the same time as human rights violations. Through a thorough analysis of the literature, the study looks at the legal and policy points of view, as well as the socio-economic impacts, stakeholder points of view, problems, and successful grassroots movements for environmental justice. The water disaster in Flint, Michigan, and the protests against the Standing Rock Pipeline are both examples of environmental injustices that hurt people's rights. The last part of the study suggests taking action to make environmental justice a human right. Some of these actions are getting people in the community involved, making laws better, and working together with other countries. To fix systemic inequality, push for fair resource sharing, and fight for policies that protect everyone's and every community's health, the study stresses how important it is to understand the connection between environmental justice and human rights

Keywords: Human Rights, Equity, Environmental Justice, Legal Frameworks, Socioeconomic Impacts, Stakeholder Perspectives, Grassroots Movements, Case Studies, International Cooperation, Policy Recommendations

1. Introduction:

Environmental justice means making sure that everyone on a global, national, and regional level shares environmental benefits and duties in a fair and equal way. It further aims to guarantee that individuals most impacted by environmental changes can participate effectively in decision-making processes and to provide sufficient compensation or other remedies to those who are badly

impacted (Gonzalez,2015). Environmental injustice is indicated by inequitable or unjust distribution of environmental burdens, removal from procedures which decide how the delivery will be made, or inadequate reparation for uneven distribution. This could include differences between rich and poor countries as well as differences between the present and the future.

Environmental injustice and infringement of human rights are not unrelated; there is a strong link between the two. It is against human rights to take natural resources in a way that makes it harder for people to practice their basic rights, such as the right to health care, a fair standard of living, and the right to choose for themselves. Getting justice, free speech, and fair government are just a few of the rights that are being abused in places where the environment is getting worse (Harris et al., 2015). This article talks about unfair treatment of the environment and how human rights ideas, rules, and methods can be used to find and fix them. The idea is that human rights law gives environmental management a moral framework that can protect weak groups from environmental abuse and also make their health better. Along with that, it means that the tools that international law sets up to protect human rights could be used to strengthen the case for more fair environmental policy.

Objectives:

- To investigate how environmental justice and human rights are connected.
- To conduct an in-depth analysis of the available literature.

To understand the many issues that poor groups face, it is important to know the important link between environmental justice and human rights. By looking into this point, we find the link between the environment and people's and groups' rights. Understanding this is important for addressing structural inequality, promoting resource fairness, and pushing for policies that protect everyone's worth and well-being, no matter where they live or their socioeconomic position. Environmental justice is a complex human rights issue, and as we explore it, we will find injustices and revolutionary solutions that uphold fairness, equality, and human dignity.

2.1 Literature review:

2.2 Environmental Considerations within the Context of Human Rights Law:

Environmental protection is now widely recognised in global human rights law as essential to ensuring that all people can exercise their rights. Judge Weeramantry's ruling in the Gabcikovo-Nagymaros case (Daly & May, 2019) emphasises the position of environmental protection in modern human rights theory. This is because many human rights, including health and life, depend on it. Environmental degradation weakens and erodes the human rights enshrined in the UN Declaration of Human Rights and other treaties.

According to human rights law, certain rights cannot be advanced or enjoyed without a safe and healthy environment (Levy & Patz, 2015). There are two levels of environmentalism in human

rights: direct and indirect. A poor environment immediately affects a person or group's right to a guaranteed right. Poor environments might indirectly impair an individual or group's ability to realise their human rights or the government's ability to defend and fulfil them. Protecting the environment may be required for people to fully exercise their human rights. Environmental degradation may violate human rights, according to this opinion. This section will discuss various international human rights and the role of the environment in fulfilling and protecting them. The paper's following section explores how human rights implementation might encourage environmental justice.

2.3 Human Rights and Environmental Capacity Building:

As mentioned above, environmental destruction can influence many human rights and has even been considered a violated right when forests are cut down, natural resources are exploited, or climate change happens. Environmental variables affect a state's capability to protect and achieve human rights, as well as individual rights. Expanded human rights are crucial to environmental protection (Figueroa, 2022). Many ways exist to view these symbiotic interactions. When facing environmental degradation challenges like erosion, drought, climate change, or agricultural error, a state may struggle to protect human rights. Governments may favour certain initiatives above others, putting economic, social, and cultural rights like healthcare and education at risk. In extreme instances, states may restrict civil and political liberties to tackle environmental concerns. Environmental degradation will affect human rights directly and indirectly by eroding support and knowledge of many fundamental rights. States with a healthy environment that can sustain their population will have more resources to address other human rights issues (de Oliveira Finger & Zorzi, 2013).

States with robust human rights protections usually have environmental protection measures. States with effective access to justice, strong democratic processes, and independent media are better at tackling environmental challenges and natural resource exploitation. That doesn't mean states with high human rights records don't have environmental difficulties; it only means that environmental protection and human rights seem to link, thus enhancing human rights may improve environmental protection (Hiskes, 2017).

Given the complexity and interdependence of the environment and human rights, human rights values may be used as a framework for policy formation and decision-making, leading to more fair outcomes. Environmental justice is examined in the next part to demonstrate how human rights might help solve problems.

3.1 Environmental Justice Case Studies:

3.2 Bhopal Gas Tragedy (India):

In India, a chemical plant leaked deadly gas into the air. It was one of the worst accidents in

the history of industry. Failures in the right to life, health, and access to information were made clear by what happened next. This showed that no one was responsible and the victims did not get justice.

3.3 Minamata Disease (Japan):

People in the area had major health problems because of the Minamata disease, which was caused by mercury in industrial waste water. Fixing the problem as soon as possible is important because this case shows how the right to health was violated and how long it took to accept and fix the problem.

Each of these case studies could teach you a lot about how human rights and environmental issues are linked. Looking at these cases in more depth can help us understand the problem better because they show the various situations and problems that people face when they are affected by environmental injustice.

4. Legal and Policy Perspectives:

When looking at environmental justice from a law and policy point of view, it is very important to know how human rights are affected by national and international laws. State regulations frequently address environmental protection and environmental justice. Two U.S. laws may be examined from the perspective of environmental justice. These are the National Environmental Policy Act (NEPA) and the Civil Rights Act.

Among others, the Paris Agreement and the Aarhus Convention have a significant impact on environmental policy worldwide. In order to engage the public in environmental decision-making, the Aarhus Convention emphasises the significance of public knowledge, active participation, and access to justice. Climate change represents the most catastrophic consequence for vulnerable individuals (Mehta et al., 2014). This is what the Paris Agreement seeks to rectify.

By analysing the impact of these laws on specific groups, their effectiveness in enforcement, and their implementation process, one can ascertain the extent to which they address human rights issues. For instance, do these regulations ensure equitable access to natural resources, safeguard marginalised groups, and administer just punishments to lawbreakers? Real-life case studies and examples of the application of these legal systems can assist you in comprehending their advantages and disadvantages (Wilson, 2010). We can also find out more about how international groups like the UN and its agencies work to support and keep an eye on environmental justice and protect human rights when it comes to environmental risks.

Policies and laws are only useful if you know how they work, how they are put into place, and how well they deal with the complicated and always-changing problems of environmental justice.

5. Socioeconomic Impacts:

The social and financial costs that unfair environmental policies have on poor communities

show that damage to the environment is connected to poverty and unfair treatment of people. Damage to the environment hurts the economies, health, and quality of life of disadvantaged groups more than it hurts other groups (McGregor et al., 2020). Environmental crimes, such as polluting businesses and dangerous dumps in poor areas, make economic inequality worse. Poverty gets worse in these places when land values, job opportunities, and local businesses are damaged.

Some of the problems that people on the edges of society face are natural and make health gaps worse. It is possible for pollution and toxins to make lung conditions, cancer, and other health problems worse. As people don't work as hard, health care costs rise, making families pay more. People might have to move when dangerous facilities are built without taking the surroundings into account (Martin et al., 2020). This uprooting could speed up the process of gentrification in low-income areas, which would force people to leave.

Sometimes, people who are outside can't get clean water, food, or other things they need. These assets have an impact on jobs, schooling, and the growth of society and the economy. The costs and benefits to the environment are often not equal when choices are made unfairly. Because some groups aren't represented, environmental policy may help rich groups more than less fortunate groups.

When many environmental problems or loss happen at the same time, this is called an environmental injustice. Because of this, the social and economic problems in poor areas get worse.

6. A Human Rights-Based Strategy for Environmental Fairness:

Human rights can contribute to fair environmental solutions in numerous ways. As mentioned, a human rights strategy that strengthens emerging states can lead to sustainable development and enhance generational equity. Respecting human rights requires protecting current generations' rights and ensuring that our actions do not limit future generations' rights, which strengthens intergenerational equity. The following section will explain human rights' importance in various sectors.

Intragenerational equity is influenced by human rights. Capacity-building, which Brown Weiss considered essential to intergenerational fairness, improves environmental justice within a generation. Several methods can accomplish this. Emerging nations or economically deprived populations trying to improve their status by whatever means can cause environmental issues. If these communities and governments aim for full enjoyment of rights like appropriate living conditions, education, and the best attainable quality of health, they can conduct more ecologically friendly and sustainable actions (Chandani 2007). This reduces pressure to develop economically at the expense of the environment. Capacity-building can also reduce community vulnerability to environmental exploitation by government or corporations. Additionally, communities are more robust and adaptable to environmental issues like climate change. This could reduce climate change's

disproportionate effects on poor nations and vulnerable populations.

Human rights can make environmental governance decisions more egalitarian and empower marginalised groups. Rights-based evaluations would assess environmental projects' human and environmental impacts (Levy & Patz, 2015). This approach includes assessing how projects may affect human rights like health, housing, quality of life, and self-determination. Human rights can help identify injustices by highlighting those most affected and their full range of effects. Communities affected by decisions must be given a chance to participate, and any action that harms their ecosystems must gain free, prior, and informed agreement under a rights-based approach. Sustainable development requires non-discrimination and equality, which can be included in a rights-based approach. These principles can ensure fair outcomes for environmental change-affected communities and individuals.

In practice, the international human rights legal framework allows for ecologically equitable results. Human rights laws require states to respect, defend, and fulfil human rights. States must not violate human rights, but the standards vary by right and state capacity. International law gives international criticism weight when states fail to perform. The rising amount of research on environmental protection and human rights has reinterpreted governmental responsibilities under international human rights law to include natural resource protection.

Thus, states that allow environmental exploitation or devastation can be held liable for violating environmental protection and human rights laws. Thus, human rights can motivate states to address environmental injustice.

7. Challenges and Barriers:

Environmental justice is a human rights issue that has many problems. Policymaking is slowed down by institutional problems like uneven coordination of regulations and political opposition that puts economic interests ahead of environmental justice. Laws make it harder for people with low incomes to get what they deserve when they can't fight back. People who are already on the outside are further marginalised when they face power imbalances, problems with community involvement, and language or literacy hurdles that make it hard for them to get information. Globalisation of the environment makes it harder to find fault and fix wrongs that happen across countries. Intergenerational problems from past wrongs still exist, making things worse. To solve these problems, there should be equal power, stronger laws, and decision-making methods that include everyone and put human rights and environmental sustainability first.

8. Recommendation:

- **Climate Justice:** Address the impacts of climate change on vulnerable communities, including those in coastal areas, agricultural regions, and urban slums. This could involve implementing adaptation measures, promoting sustainable livelihoods, and ensuring access to climate finance

for adaptation and mitigation efforts.

- Education and Awareness: Promote environmental education and awareness, particularly among marginalized communities, to empower individuals to advocate for their environmental rights and participate in sustainable development initiatives.
- Land Rights: Protect the land rights of indigenous peoples and local communities, who are often disproportionately affected by land grabs and environmental degradation due to industrial activities and infrastructure projects. Recognize and uphold their traditional land rights and ensure their participation in land-use planning processes.

Conclusion:

Finally, human rights and environmental justice are two of the world's biggest issues. Our analysis shows that environmental injustices disproportionately harm disadvantaged populations, so fair and durable remedies are needed immediately. Recognising institutional complexity, economic inequities, and other hurdles underscores the urgent need to address environmental justice as a human right. Open, lawful, and community-focused societies can create a more egalitarian and sustainable future. Accepting the connection of environmental and human rights concerns is necessary to adopt policies and practices that prioritise the welfare of all people, regardless of socioeconomic level or location.

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