

UNDERSTANDING SUSTAINABLE DEVELOPMENT VIA HUMAN RIGHTS APPROACH

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ABSTRACT

Human Rights are an inseparable part of human lives. Therefore they need protection to sustain and to be achieved by all individuals irrespective of differences. Hence without protection and an environment in which to sustain, rights become meaningless. Thus all the aspects of rights comes with the understanding that every individual should pledge for the protection of other's rights too. This sense of respect and acknowledging other's rights paved the way for sustainable development. Originates from the 1987 Brundtland Report, sustainable development becomes a part of popular language and agenda for the protection of life on earth. Sustainable development means the developments that fulfill our need without curtailing the ability of future generations to fulfill their own. Therefore, it is clear that human rights and sustainable development is integrated and interactive. For instance, if a person feels his right of a healthy life is challenged by environmental degradation, human rights can provide a platform to seek protection against the damage. There are three pillars of sustainable development: socio-cultural, economic and environmental systems. The current literature lacks various aspects to be included in the paradigm of sustainable development. The social inclusion of poor, women, minorities, refugees, labor class and indigenous people in a healthy environment is necessary to achieve protection against human rights violation. This article is an attempt to understand the concept of sustainable development through human rights approach. Also, it analyzed how lack of social inclusion and degradation of environment creates hurdles in the way of achieving Sustainable Development Goals (SDGs) which becomes the agenda of United Nations for 2015-2030 as major point of reference to all aspect of development and human security.

Key Words: Rights, Developments, Environment, Sustainability, Justice, Inclusion.

Introduction

Human beings and environment are inseparable in the sense that human beings cannot enjoy and realize their rights unless they are provided with a conducive environment to live in and flourish. Thus it is sensible to integrate human rights within the broader paradigm of sustainable development. The growing concern of clean and healthy environment is the need of hour to

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sustain human lives and protection of this planet earth. For this purpose the states needs to adopt effective legal framework and strict implementations of the policies if they want future generation to live peacefully and healthy. For the importance of environment.

In the aftermath of 2nd world war the need to secure human lives from another war became the most important question ever. The tryst with creating a planet where worth and dignity of human beings is valued and secure is still a big goal to achieve. Hence four key areas was recognized unanimously as the focal point to fulfill this urge i.e. Peace, Freedom, Development and Environment (WCED, 1987, p.8). The Post-World War scenario presented the possibilities of nuclear arm race hence Peace was needed to sustain even in Cold War era through Détente. It is true that now direct war is outdated we sought Peace more than ever in the wake of ISIS, crisis in Middle East and growing insurgency movements throughout Asia. The second component i.e. Freedom in the post-World War period was understood in terms of ending quest of imperialism and totalitarianism. Later it was extended towards the establishment of democratic regimes, where human rights of vulnerable groups such as indigenous people, women and minorities would be secure. In this respect, the Universal Declaration of Human Rights (UDHR) is very important which stood for inclusion and rights based approach of development (Castellino & Bradshaw, 2015). Because the post-colonial era emphasized the need of economic development in order to eradicate poverty and inequality of the worlds' two third population vis a vis securing most vulnerable strata of the society.

But how come comprehensive development could be achieve without providing such conducive environment?

The importance of environment lead us to call it a third generation right (Vasak, 1977). Therefore, it was in 1972 at the United Nations Conference on the Human Environment, when the Environment became a key component and a link between developmental conditions and enforcement of human rights. The conference pioneered the idea by affirming such environmental conditions as the essential for wellbeing and realization of human rights. Today environment become a complex as well as a collective concern for global law institutions. In the following years, the Brundtland Commission Report of 1987 defined Sustainable development as “ability to make development sustainable to ensure that it meets the needsof the present

without compromising the ability of future generations to meet their own needs” (WCED, 1987, P.8). The definition makes it clear that economic activities should have some limitations in order to protect environment. It was in the context of developed states whose economic activities played an important role in degrading environment then developing countries, for instance- Green Gas emission. In this regard, the report suggested that “The concept of sustainable development does imply limits not absolute limits but limitations imposed by the present state of technology and social organization on environmental resources and by the ability of the biosphere to absorb the effects of human activities (ibid).

In 1997, the International Court of Justice issued a ruling in the case of Gabcíkovo-Nagymaros Project which involved Hungary & Slovakia, stated that “The protection of the environment is...a vital part of contemporary human rights doctrine, for it is a sine qua non for numerous human rights such as the right to health and the 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” (ICJ, 1997). Thus it is clear that a human rights based approach to sustainable development is a necessity of our time. The question arises at this juncture is: what it is to be sustain? The Board on Sustainable Development of the U.S. National Academy of Sciences 1999 answered this question by defining 3 categories: nature, life support system and Community through protection of earth, environment and cultures.

What is Right Based approach of Sustainable Development?

The earlier notion of development was based on People, economy and society. For instance, the development was revolving around mercenary development with highly paid jobs, unlimited consumption and storing huge wealth. In other words, the political and social rights comes under the category of first generation rights, while socio-economic and cultural rights are second generation rights. The solidarity rights that can brought human rights and fulfill the needs of society, formed third generation of rights (Alston, 1982). The UN Secretary-General Kofi Annan (1998) in his report on the Work of the Organization stated that, “The rights-based approach...describes situations not simply in terms of human needs, or of development

requirements, but in terms of society's obligations to respond to the inalienable rights of individuals. It empowers people to demand justice as a right, not as charity, and gives communities a moral basis from which to claim international assistance where needed" (NGLS, 2002).

In other words there is a direct link between sustainable development and human right for example without the right to safe drinking water, clean air and land, the right to life has no meaning. The human right approach cannot be implemented successfully until and unless people have right in decision making processes. Theoretically it aims at realization of human rights standards by means of discussion, policies, processes and conventions that address the goal of sustainable development. Hence it emphasized on the rights that will recognizes the rights to a healthy environment explicitly without discrimination. The basic theme of this approach is social equity which refers to the just and fair distribution of both economic and environmental benefits besides access to other social services like education and health care with the equal participation in decision making processes of the residing state. This approach also ensures that the most vulnerable groups of the society such as women, children, and elderly people as well minorities would not be left alone and getting them the extra protection against violation of human rights.

The UNHCHR, defined following elements to the realization of the rights-based approach to sustainable development which includes

- 1) Linkages to rights in all systems
- 2) Accountability of decision-making bodies to those entitled to rights
- 3) Empowerment of the recipients of development programs (over "charity" responses)
- 4) Participation from all sectors of the public
- 5) Non-discrimination and attention to vulnerable groups

Unfortunately in practice human rights approach doesn't seem successful despite its attractive theme. Katarina Tomasevski (1992) in her article demonstrated that, "the review and appraisal of the first United Nations Development Decade (1961-1970) criticized development ideas for perceiving human beings merely as means of production". According to United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities, violation of minority rights were the issue of global concern which needed immense attention. It further recorded that

the free trade policy is an infringement on the human rights of labor class for instance they lost rights over natural resources. Even political participation would not help them to gain rights over their resources (U.N. ESCOR, 1981). The recent right based approach finds its place at the Rio+20 Conference on Sustainable Development (Rio+20 Conference) in June 2012.

The Theme of conference was *The Future We Want* acknowledged the role of human being as part of this nature and sole responsible to save Mother Earth. It further call for the “holistic and integrated approaches to sustainable development that will guide humanity to live in harmony with nature and lead to efforts to restore the health and integrity of the Earth’s ecosystem”. The member states also acknowledged the natural and cultural diversity of the world and reaffirm that “all cultures and civilizations can contribute to sustainable development” (TFWW, 2012). The various other topics discussed in the conference were value of biodiversity, oceans and seas as integral part of ecosystem. The agendas discussed in the conference demonstrated a sense of responsibility in the member states towards preserving environment for an inclusive development approach.

Sustainable Development via protection of Environment

According to Universal Declaration of Human Rights 1948, the right to Life, health and private life is a necessity for individuals to thrive. At the same time environment rights could be linked to the Right of Life, as the life cannot be secured in an unhealthy environment. The Article 3 of the declaration mentioned that “Everyone has the right to life, liberty and security of person” (UDHR) while environment is essential to human survival (Hague Declaration. 1989). Thus the healthy environment is the pre-condition for right to life. In many countries legal courts encourages state government to protect human life if threat comes from unhealthy environment for instance India where Article 21 of Right to Life covers environmental issues also. The Supreme courts interpretations of Article 21 become the bedrock of environmental jurisprudence and have served the cause of protection of India’s environment. At the same time various incidents pointed out that the Constitution is deficient in that it does not explicitly provide for the citizen’s right to a clean and safe environment. But on real ground the violation of human rights are rampant. The rights of indigenous people, farmers are violated under sun (NHRC, 2006).

For LindaLeib (2011), the right to environment, democracy and development could be classified as umbrella rights. In this approach state is obliged to respect, protect and provide conditions to fulfill these rights. Also, state have minimal role to play where it would not interfere in personal sphere of individuals but it would protect their rights from violation and making such conditions through which individuals could enjoy socio economic rights. But the right to environment is the right which granted responsibility to the non-state actors also. In other words though the state authorities has the primary responsibility to protect environment, this responsibility extended to transnational corporation and citizens beyond borders.

But as far as the limitation of the right to life is concern various limitation and disadvantages came into force. The states are not adequately institutionalize such mechanisms to protect human rights as they act as agent of develop-mentalist under the umbrella of donor agencies such as IMF and World Bank. Secondly the limited circumstances to prove an environmental threat as direct threat towards violation of right to life make it impossible to bring under jurisprudence. Therefore the need is to spread awareness on global levels and strengthening such rights through strong constitutional means.

Elaborating the Factors behind Failure of Human Rights and Social Inclusion Social Inclusion

The core issue of freedom and protection from state incursions upon human liberty as a dominant feature of human rights is still unresolved. It is because “the State receives no mandate to support the individual beyond its duty to protect his opportunity to act freely, however useless that opportunity might be in fact” (Tomasevski, 1992). The precise definitions of development lacked to what is to include under umbrella of development. The discrimination regarding human rights violation can be recognized while related remedies for compensating violation due to violation of developmental issues are still not clear. Minorities still hardly be seen in the scenario of international human rights bill likewise family as a basic unit in case of relocation is still need to be included in this paradigm (ibid). Also, the gendered dimension of human rights is missing from the existing framework of human rights violations. This is especially important in case of poor, women and marginalized sections of society residing in semi urban and rural communities. The post-2015 sustainable development paradigm, which focuses on people centered

development provides the ideal opportunity by which the challenge of underdevelopment and protection of human rights can be achieved, if we are committed honestly towards its targets and indicators.

Castellino and Bradshaw (2015) in their study indicated factors behind the failure of human rights protection. Firstly the market forces controlled the socio economic life of individuals leaving no room for remedied through national or international laws. In such structural inequalities women and minorities find it hard to compete in market. Secondly, the lack of focus on collective rights and emphasis on individual rights in the guise of laissez faire model, resulted in ignorance towards communitarian element of violation. At this juncture voices could be heard but at the expense of other. Thus the consequence came in the form of vulnerability of women which needed a gender based approach to resolve the issues. Third, the dependency on legal advocacy to gain rights resulted in exclusion of weaker sections as they can't afford to be part in policy making procedures. Fourthly, seeking remedies through legislative is also a hindrance in achieving protection from violation of human rights. Again women including minorities and weaker section of society find it hard to get involved through political participation as they it cannot be afforded by them. Fifthly, the labelling of human rights as a 'naming and shaming' tool with uncertain political support from many countries alienates states and effectively ends their engagement with prospective solutions. Sixthly, the defining difficulties of human rights based approach which confuses contexts and situations granted the autonomy to global financial institutions such as World Bank to dominate the discourse without giving benefits to disadvantaged. Finally, the over reliance on state as perpetrator of human rights resulted in domination of corporate sector. Because in many cases the human rights violation is not resulted as a state inaction or its unwillingness to act.

Conclusion

Thus the legacy of earlier approach which primarily based on civil and political rights halted the way of other central issues related to social inclusion, for instance, “rights to personal security, freedom of movement (e.g., in order to seek jobs), freedom of assembly and association, freedom of expression (essential in order to form and develop social movements to improve their conditions), and political rights (essential to ensure participation) (ibid p.467). Also it should also keep in mind that the role of protecting human rights from violation is the responsibility of state governments at national or sub national level. The over emphasis on the international law to remedied the violation is hardly be seen as successful. The law making mechanism of the country should take the responsibility of enacting people friendly laws and access to these mechanisms should be without discrimination. The protection of weaker sections and to ensure equality in socio- political could be achieved through quota system. For instance India and Rwanda sets good example in ensuring women’s participation in political processes. Various organizations apart from state, such as civil societies and international organizations need to engage in public private partnership based approach on social inclusion. Thus concept of sustainable development includes all aspects of human lives whether it is human rights or environment, business or government, civil society or private sector. Therefore, the inclusion of all sections of society is a necessary condition of sustainable development based on human rights approach.

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