I. Introduction

Environmental issues are being discussed and acted upon in a number of international, multilateral, regional, sub-regional and bilateral settings. Sensible rules and regulations aimed at maintaining or improving the environmental situation are multiplying and mechanisms allowing for prevention, reaction and remedies are coming into being. It is therefore a legitimate question whether the introduction of a human rights angle could possibly contribute something positive to these efforts. Furthermore, it could be asked whether the human rights field is not already crowded enough with issues and problems and whether the addition of environmental concerns would not become a diversion unnecessarily drawing on scarce resources.

The preparation of new standards is not likely to be the main reason for a linkage between human rights and environmental issues. Human rights people are not likely to discover and draft standards which are all that different from other intergovernmental rules: the end-goal is after all the same. The human rights community is, however, likely to place a somewhat different emphasis inasmuch as popular participation and other civil, cultural, economic, political and social rights are concerned.

Another contribution by the human rights community could be the recognition of the right of individuals and groups to bring complaints about governmental action or inaction, following of course the exhaustion of national remedies, to the attention of international organizations. This is normally the case for procedures set up to implement human rights standards and a human rights approach to the environment should lead to the introduction of similar procedures. Such a complaints possibility would constitute a major distinction from traditional environmental law as it is practiced at the international level and it would, in itself, provide a good reason for bringing human rights or human rights methodology into the environmental debate.

Several human rights instruments already lay down substantive rules which have a bearing on the environment. Existing implementation procedures established in connection with these instruments could be employed in order to secure their realization. In addition, all sorts of new initiatives concerning action in this combined field, involving research, standard-setting activities and implementation methods, are being discussed in a wide variety of fora.

Whatever the answers to the above-raised questions may be, it is clear that the human rights dimension of the preservation and protection of our environment has
attracted enough attention to be placed on the agenda of international organizations. This brief article surveys some of the issues involved, including activities undertaken or proposed, and it concludes with a few tentative suggestions.

II. The Factual Relationship

The facts are really not at dispute. The environment is and, it seems, will continue to be subject to constant damage and degradation. In some instances the changes are irreversible, but more often remedies are available. Gradual depletion of the ozone-layer, green-house effects on the climate, endangerment and even extinction of animal species and vegetation, and other dramatic examples of pollution in the air, on land, of water and at sea have served to create universal awareness of the need for corrective action. Disasters like the fire at the Tchernobil nuclear-power plant, the oil-spill by the stranded supertanker Exxon-Valdez and the destruction of oil facilities in Kuwait have reenforced this message in the public mind.

The causes of these events are known. They include measures designed to increase economic growth, not least by affluent nations, without respect for side-effects on the nature. Among the other reasons are unchecked scientific and technological advances, poverty, and over-population. In the broad sense, these causes relate to the manner in which national governments and the international community manage their political, economic and social affairs. The victims of all of these human-made events are individuals, groups and peoples. In other words, the actors are very much the same as those present in any human rights picture.

III. International Support for Linkage

Responses to the challenge are beginning to emerge at the international level. In a statement to “The Global Forum on Environment and Development for Survival” which was held at Moscow in January 1990, the Secretary-General of the United Nations, Javier Perez de Cuellar, made a compelling case for the protection of the environment in economic, political, social and humanitarian contexts.1 At the same meeting, President Michail Gorbachev observed that “the right to a healthy environment is one of the basic human rights”.2

In a statement in the general debate of the 1989 session of the General Assembly, the Foreign Minister of Iceland, Jón Baldvin Hannibalsson, devoted much of his time to environmental questions and made a series of specific proposals for strengthening international environmental law, including the right of all human beings to a healthy environment. Making a comparison with the preparatory work leading to the United Nations Convention on the Law of the Sea, he recommended that the General Assembly take the necessary steps, in a separate endeavour or in connection with the 1992 UN Conference on Environment and Development (UNCED), to prepare a comprehensive treaty on environmental concerns.3

The right to a clean and healthy environment can be addressed as a natural right. At the 1990 session pf the Commission on Human Rights, Professor V.A. Vasilenko heading the Ukrainian delegation stated: