THE HUMAN RIGHTS APPROACH TO SUSTAINABLE DEVELOPMENT: ENVIRONMENTAL RIGHTS, PUBLIC PARTICIPATION AND HUMAN SECURITY

1
MAKING THE CONNECTIONS BETWEEN HUMAN RIGHTS AND SUSTAINABLE DEVELOPMENT

"Poverty eradication without empowerment is unsustainable. Social integration without minority rights is unimaginable. Gender equality without women's rights is illusory. Full employment without workers' rights may be no more than a promise of sweatshops, exploitation and slavery. The logic of human rights in development is inescapable."

-Mary Robinson
United Nations High Commissioner for Human Rights

Have you ever thought about the connection between human rights and sustainable development? If you ponder the idea for a moment, you might come to realize, as many experts in the field have, that respect for and enforcement of human rights is a *precondition* for sustainable development. This implies that without acknowledging and acting to defend the rights of people, sustainable development *is not possible*.

Integrating the socio-cultural, economic and environmental components that are integral to a concept as encompassing as 'sustainable development' is definitely not easy. "Sustainability" is really a simple concept: actions taken in the present to improve the human condition and the Earth system in which we live need to be lasting and benefit future generations. To achieve sustainability, decisions at all levels must consider the three interconnected pillars of sustainable development – socio-cultural, economic and environmental systems.

What Mary Robinson is saying that it is *people* who are at the centre of sustainable development: human beings who are entitled to certain basic living conditions. By effectively linking human rights and sustainable development, the increasing state of uncertainty for the environment that surrounds and nurtures us is given a human face, directly impacting the well-being of all.

The easiest way to understand the linkages between human rights and sustainable development is to take any local or global issue which is presently considered a challenge to the state of world affairs (e.g. any war or ethnic conflict, the HIV/AIDS crisis, oil spills in public waters) and analyze it with the following questions:

- Who is benefiting from this situation?
- What are the negative consequences of this situation, and who is bearing the burden?
- Are the interests of the actors identified above equally represented in the decision-making process?
- Will the consequences of this event, and the actions taken to moderate it, have an impact on future generations?

These four questions demonstrate to us that the ability to sustain basic standards of living in a healthy environment is not shared equally by all, as some people bear a disproportionate amount of the burden and do not always have their interests represented in the decision-making process.

STOCKHOLM AND BEYOND

Where did all this talk about sustainable development come from? It was actually at the historic UN Stockholm Conference on Environment and Development in 1972 that the notion of sustainable development was born, and the interconnections between environmental and development were finally brought together under one concept. Again in 1992, the Rio Earth Summit brought the international community together to address global sustainable development challenges including issues such as climate change, health and the environment, biodiversity protection, and poverty alleviation.

However, thirty years after the first conference, more people are living in poverty, diseases such as HIV/AIDS have paralyzed the social and economic fabric of particular countries, and disparity between the rich and the poor is increasing gradually over time. Furthermore, the environmental, the economic, and socio-cultural pillars of sustainable development continue to be addressed separately.

In light of this minimal progress, a new rights-based approach has been proposed. As we saw in Mary Robinson's revealing words, rights are central to every aspect of development, and a people-centered approach may be more successful at addressing the vicious cycle of poverty, environmental degradation, and conflict.

Resolution 1819 of the General Assembly of the Organization of American States asserts:

That the effective enjoyment of all human rights, including the right to education and the rights of assembly and freedom of expression, as well as full enjoyment of economic, social, and cultural rights, could foster better environmental protection by creating conditions conducive to modification of behavior patterns that lead to environmental degradation, reduction of the environmental impact of poverty and of patterns of unsustainable development…
-UNEP-OHCHR Background Paper

Proponents of the rights based approach are supporting three main areas of focus upon which to base the movement towards increased sustainability:

1. The right to a clean and safe environment

2. Access to information and public participation in decision-making

3. The right to promote and defend the protection of the environment and human rights

These supporters see it as a crucial step that the right to a healthy environment be recognized officially in order that it be integrated into all decision-making processes. They also stress how important it is that the people's voice be a substantial part of this integration. This is especially important since access to information and the ability to participate in decision-making is not a universal privilege, but the negative impacts of our societal decisions are generally borne by vulnerable groups.

If you're interested in seeing how all this actually works, a glance at two issues of human rights and sustainable development in practice can be very useful. For example, the area of Environmental Justice, has emerged over the years as a result of the growing need to address the disproportionate impacts borne by certain groups, often as a result of income status, gender or ethnic group. Also, expanding definitions of security have recently called attention to the effects that an unhealthy environment can have on the health of individuals and communities.

Case studies of specific communities can also be very useful for grasping the linkages between human rights and sustainable development. A revealing real-life example is that of the Aboriginal Peoples of Canada, which includes the First Nations, the Inuit and Métis communities. The story of their ongoing fight for self-determination and self-governance is strewn with illustrations that highlight the importance of the right to a healthy environment for development, environmental conservation, the survival of the traditional knowledge, and the health and well-being of Aboriginal peoples.

TO LEARN MORE...
Human Rights and the Environment - UNHCHR
Universal Declaration of Human Rights - UNHCHR
United Nations Conference on Environment and Development – The Earth Council
Human Rights Information – Sierra Club
Sustainable Development – United Nations Association in Canada
Who is Mary Robinson? - UNHCHR

2
UNDERSTANDING THE RIGHTS-BASED APPROACH

"It makes perfect sense to link human rights to sustainable development: the right to life cannot be realized without basic rights to safe water, air and land. A human rights approach allows the quality of life of all people to be a central part of decision-making."

- Adebowale et al. IIED Opinion paper – www.iied.org

Indeed, it makes perfect sense to link human rights to sustainable development. The concept of rights-based approaches has been around for a long time, and has been used as a central organizing principle by organizations like the International Labour Organization for many decades.

In order to clearly understand what the human-rights approach means for sustainable development, several question need to be addressed:

- Where does the rights-based approach come from?
- How does the approach work in practice?
- How does it change the way things are already being done?

Let's take a look at some of the answers…

WHERE DOES THE RIGHTS-BASED APPROACH COME FROM?

The rights-based approach is a 'conceptual framework,' which means that its proponents work to change the context within which decisions are made. Stated simply, the framework functions as a "container" that shapes its content. This approach is based on international human rights standards and is directed towards promoting, enforcing and protecting the presence of human rights. In theory, the rights-based approach aims to integrate established human rights standards into the discussions, policies, conventions, and processes that address sustainable development. It also seeks to emphasize the need for new rights that will explicitly recognize the right to a healthy environment for all.

HOW DOES THE APPROACH WORK IN PRACTICE?

The rights-based approach to sustainable development works to ensure that the notion of social equity is taken into consideration when working towards sustainable development. Social equity refers to a fair and just distribution of economic and environmental costs and benefits, community services like education and health care, and the ability to participate in decision-making processes. Applying social equity means paying attention to disadvantaged groups in society, including women, youth and children, the elderly, indigenous groups, and ethnic minorities.

There are many coexisting views, however, and not everyone agrees that social equity is what needs to be prioritized in order to advance sustainable development. For example, traditional economic theories, which continue to be widely applied through the vehicle of economic globalization, emphasize the importance of expanding the global market and increasing national production and consumption to "fuel the economy". However, unrelenting patterns of production and consumption are showing to be unsustainable with wide-ranging impacts such as horrifying labor condition violations, unfeasible demands placed on the environment, and increasing disparity between the "haves" and the "have-nots". Would you believe that it has been estimated that developed countries, comprising 20% of the world's population, consume 80% of the world's resources?

Without embracing human rights and considering them for every policy, programme, or discussion that arises, the most vulnerable groups in society are further marginalized, social equity is sacrificed, and the likelihood of sustaining any advances in development is lessened.

HOW DOES IT CHANGE THE WAY THINGS ARE ALREADY BEING DONE?

According to the UNHCHR, the rights-based approach to sustainable development includes the following elements:
- Linkages to rights in all systems
- Accountability of decision-making bodies to those entitled to rights
- Empowerment of the recipients of development programmes (over "charity" responses)
- Participation from all sectors of the public
- Non-discrimination and attention to vulnerable groups

So what will this new approach do to forward sustainable development? First of all it will stress the need to educate the public so that civil society and decision-makers consider issues of development and the environment in the context of human rights (remember that this approach is a *conceptual framework*), where any activity which impinges on the rights of the actors involved will be considered inappropriate. This will indirectly entrench consideration of human rights as central to gauging the value of any programme or policy.

But more importantly, the rights-based approach can take us beyond indirect environmental rights that are not officially recognized, and work towards the development of *explicit* rights to a healthy environment for all.

TO LEARN MORE...
Environmental Rights – An IIED opinion paper
Equity for a Small Planet – An IIED opinion paper
The Rights-Based Approach - UNHCHR
Human Rights Information – Sierra Club
Economic Development – The New School

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THE RIGHT TO A HEALTHY ENVIRONMENT

The concept of a "right" is very wide-ranging, and has been defined in many ways. These days, rights that are already recognized as legitimate are usually divided into two categories: 1) civil and political rights, and 2) economic, social, and cultural rights. Civil and political rights ensure moral and political order, and include the right to life, participation and equality. Economic, social, and cultural rights maintain principles for an individual's well being. If you read between the lines, you can see that environmental rights are implied, but they are not explicitly present.

Although environmental rights are not overtly expressed in the Canadian Charter of Rights and Freedoms, there are references to the existence of such a right in various other documents supported by international organizations. For example:
o The International Covenant on Economic, Social and Cultural Rights (1966) includes the rights to health, and the right of all peoples to manage their own natural resources.
o The Economic Commission for Europe has also considered including the human right to a healthy environment in its convention on access to environmental information and public participation in decision-making (The Aarhus Convention).
o The United Nations Environment Programme (UNEP) has stated that its activities have included "providing advisory services to sensitize Governments with regard to the need to incorporate in the Constitution…provisions on the individual's right to a clean and healthy environment."
o The United Nations Development Programme (UNDP) has put forth the idea that a clean environment is a fundamental human right, and that its destruction should be considered a threat to national security.

Although these references make it possible for someone to assert that their environmental rights have been infringed upon, it does not make it any easier to substantiate their case. An example of this case is the Walkerton water crisis, when 7 people died and 2300 people fell ill from a bacteria called E.coli poisoning a town in Ontario. The event resulted from bacteria found in cow manure, which washed into the town's main source of water: a poorly maintained well. While this case intuitively seems to be a violation of rights to a safe and clean environment, the continuing battle of blame, which occurred between local and provincial officials, demonstrates the need for legislation and institutional changes that legitimates such rights, and the ability to claim compensation.

TO LEARN MORE...
Environmental Rights – An IIED opinion paper
The Rights Based Approach - UNHCHR

Walkerton Crisis Information I – CANOE (Internet Network)
Walkerton Crisis Information II - CBC
Climate Change Information KIT – UNEP

4
THE ROLE OF THE PEOPLE

Remember when we said that *people* are at the centre of sustainable development? Well, without the involvement of people in decision-making processes, citizens become passive recipients of government programmes.

In order for citizens to play a participatory role in creating and enforcing a healthy environment and society, there is the need for two additional rights to complement the right to a clean and safe environment:

I.   The right to access information and participate in decision-making.
II.   The right to promote and defend human rights and the environment.

4.I.
THE RIGHT TO ACCESS INFORMATION AND PARTICIPATE IN DECISION-MAKING

You may have come to see how very important knowledge and information are in all aspects of life. Without knowledge, we may not have the ability to invoke positive change, making information one of societies most valuable right.

One example of a vehicle for information is the role of journalists in the dissemination of information of political, social, and economic events. Although the level of objectivity of journalists is sometimes criticized, their role in delivering information about events happening on the other side of the world has become increasingly important in light of the phenomena accompanying globalization. Alternative forms of media have also become essential to citizens of all countries and particularly those that are being run by corrupt governments that do not always deliver basic needs and services to their people. Sustainability is challenged when corruption halts the ability of citizens to be informed of their rights, and to take actions to defend them.

One progressive step that the international community can take is to ratify the 1998 Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (known commonly as the Aarhus Convention). Specific to environmental information, the Aarhus Convention requires ensuring public access, and establishing means for collection and dissemination of information of environmental information, which is defined broadly as the state of the natural environment, resources and human health, and any factor that can influence them.

Legislation and agreements like the Aarhus Convention are necessary for ensuring the public's right to be involved and consulted in decision-making processes, which in turn adds legitimacy and ownership to any policy or programme that is implemented.

TO LEARN MORE...
The Aarhus Convention – United Nations Economic Commission for Europe
Right to Information – The European Union Online
Environmental Rights – An IIED opinion paper

4.II.
THE RIGHT TO PROMOTE AND DEFEND HUMAN RIGHTS AND THE ENVIRONMENT.

In order for positive change and development to be sustainable, the public needs to be empowered with the ability to challenge decision-makers if it is necessary, and promote their alternative visions for society. However this right to promote and defend human rights and the environment is not always possible, especially when the state has a vested interest in maintaining the status quo.

It is very likely that you have already seen references to the recent prominence of anti-globalization activism, most recently seen during protests in Quebec City and Seattle opposing the efforts of the World Trade Organization and the Free Trade Area of the Americas. This kind of activity is often depicted negatively by the media, which has led to precautionary measures taken by many states to repress any kinds of activism. Activism is crucial for human rights and the environment to be promoted and defended. Many activists are so deeply passionate about the need to bring awareness to the public and influence decision-making that they are willing to make many sacrifices and risk the loss of their own rights in order to get across their beliefs.

One example of the importance of the right to protest, promote and defend rights, is the case of the 1989 Tiananmen Square student uprisings in China, where 2600 people were killed, and 7000 injured by armed police. One well-known student involved in the protest, Boa Ge, has been continually refused work from the Chinese government despite his qualifications as a top medical student. The reason for the government's discontent is a 19-point declaration Ge wrote for the promotion of democracy in China, promoting a belief which ran contrary to that of the Chinese government. If it was recognized that Ge had the legitimate right to protest, promote and defend what he believed was a violation of the Chinese people's rights, he could not be marginalized based on these beliefs.

TO LEARN MORE...
Universal Declaration of Human Rights - UNHCHR
Environmental Rights – An IIED opinion paper
Tiananmen Square – CNN (Europe)
World Watch Glossary of green-activist terms and lingo - IISD
OneWorld
Third World Network

5 A GLANCE AT TWO ISSUES:
5.I. ENVIRONMENTAL JUSTICE

"We are saying that environmental justice incorporates the idea that we are just as much concerned about wetlands, birds and wilderness areas, but we're also concerned with urban habitats, where people live in cities, about reservations, about things that are happening along the US-Mexican

border, about children that are being poisoned by lead in housing and kids playing outside in contaminated playgrounds. So we have had to struggle to get these issues on the radar on a lot of the large environmental groups."
-Dr. Robert Bullard, July 1999

How do you put the linkages between human rights and the environment into practice? This task has traditionally been difficult, especially since the two issues are usually advocated by different groups. However the concept of 'environmental justice' has finally given the two groups a cause in common. Environmental justice stems from the idea that neither environmental amenities nor the effects of severe degradation are distributed uniformly, with the negative consequences most often borne by oppressed and marginalized groups in society. We've already seen how on an international scale there are growing disparities, and environmental justice proponents show how certain countries in the world community are being excluded from access to clean and safe resources.

> **Dictionary**
>
> environmental injustice: the unfair distribution of the costs of ecological damage and inequitable access to ecological benefits.
> *-IISD Digest, May 1996*
>
> environmental racism: the intentional siting of hazardous waste sites, landfills, incinerators and polluting industries in communities inhabited mainly by ethnic minorities.
> *-Electronic Green Journal*

One way of understanding the sometimes complex concept of environmental justice is to apply it to one of the hot topics of the day: global climate change. Unfortunately, due to geographical and demographic circumstances, the effects of climate change will be felt in varying degrees of severity, depending on where you live. For instance, in Tuvalu or Bangladesh, a rise in temperature of a degree or two could lead to an immense loss of land, migration en masse, and possibly the loss of entire nations. In fact, in Tuvalu, the first group of evacuees are due to leave for New Zealand in 2002 as the small island state literally begins to sink into disappearance. In light of environmental justice, we have to ask ourselves whether these outcomes are fair when we consider that climate change is caused mostly by greenhouse gas emissions in developed countries.

Examples of a cause fought for by environmental justice groups known as 'environmental racism' can be seen in the form of injustices faced by ethnic communities in North America. In 1983, Dr. Robert Bullard, a pioneer advocate of environmental justice in the United States, found that a disproportionate number of landfills, incinerators and dumpsters were placed close to black communities. He concluded that businesses, industries, and government bodies all took advantage of the vulnerable state of the poor and visible minority communities who did have a powerful enough voice to object to such circumstances. In most cases, mainstream environmentalists were not able to provide this voice as the movement has traditionally been one of white, middle-class issues that may not be considered priorities to visible minority communities. An example from Canada is the deplorable state of the Aboriginal peoples' reserves, where conditions of sanitation, and access to clean and safe resources remain far below the Canadian average.

The causes for such inequity and injustice cannot be funneled down to a single source, and may be the result of historical circumstances, present-day economic relationships between countries, or perhaps inadequate government regulation. Although we know it is impossible to change what has happened in the past, it is possible to address issues of environmental injustice through appropriate government regulations, which also control economic activity. The rights of the individuals who are unfairly bearing the burden of environmental degradation can be addressed by recognizing and enforcing equitable environmental rights, leading to the sustainability of development initiatives aimed at minority groups.

TO LEARN MORE...

Environmental Justice Resource Centre – Clark Atlanta University
Environmental Justice Information Page – University of Michigan
Environmental Justice Database – Michigan State University
Environmental Justice and Environmental Racism – Environmental Justice Network
Climate Change - Tuvalu – American Communications Foundation
Policy group to disprove environmental racism – National Center for Policy Analysis
Environmental Protection Agency (USA)
Third World Network

5.II.
HEALTH AND NATIONAL SECURITY

"Environmental degradation imperils nations' most fundamental aspect of security by undermining the natural support systems on which all of human activity depends."

-Renner, 1989

The United Nations Development Programme's (UNDP) definition of human security includes seven categories of threats:

- Economic security
- Food security
- Health security
- Environmental security
- Personal security
- Community security
- Political security

Governments consider anything that is a direct or indirect threat to their sovereignty or their population a matter national security. Although the notion of environmental threat does not automatically conjure thoughts about national security, "unconventional threats to security" have recently been acknowledged as significant to the health and well being of a nation's population. Unconventional threats are those that involve the non-military activities of individuals or groups, or result from changes in the resources available to a community (such as water, land, or food). In this light, environmental degradation not only poses a threat to quality of life in the form of health hazards and lack of access to clean and safe resources, but it can also aggravate the often sensitive state of international relations and instigate conflict.

The definition of 'security' has also been expanded to include the notion of 'human security' first identified by the Universal Declaration of Human Rights in 1948, as "threats to the physical security of the person." Because health is implicit in the notion of physical security, the right to a safe and clean environment seems intuitively part and parcel of national security.

The intimate relationship between health and the environment, related to issues of access to food and changes in quality of the environment, is illustrated by local examples like the Walkerton water crisis (see The Right to a Healthy Environment), and also by the global vulnerability to the world's leading cause of death: infectious and parasitic diseases. Population growth, urbanization, and ecological and climate change are all significant factors in the recent resurgence of these diseases, which disproportionately affect developing countries (again raising issues of justice and equity).

The World Health Organization (WHO, 1998) has stated that, "poor environmental quality is directly responsible for around 25% of all preventable ill health in the world today, with diarrhoeal diseases and acute respiratory infections (ARI), such as pneumonia heading the list. Other diseases such as malaria, schistosomiasis, other vector-borne diseases, chronic respiratory diseases, and childhood infections are also strongly influenced by adverse environmental conditions, as are injuries."

As everything in our world depends on a healthy environment for survival, environmental degradation directly hinders sustainable development. As we have seen, any major challenges to sustainable development are directly related to environmental hazards. Waste production and mismanagement of resources, for example, are both conditions that affect health. Poor health and a decreasing quality of life disempower the most vulnerable and marginalized groups, decreasing their ability to fight poverty and injustice. Advances in development cannot be sustained in a state of threatened human security (in the form of environmentally-related health issues).

TO LEARN MORE...

Infectious Diseases and Global Change: Threats to Human Health and Security - GECHS
Global Environmental Change and Human Security Project (GECHS)
Canada's Human Security Website – Department of Foreign Affairs and International Trade
Human Security Network
Environmental Health – Health Canada
Climate Change Information KIT - UNEP
David Suzuki Foundation

6
CANADA'S ABORIGINAL PEOPLES –
A CASE STUDY SUPPORTING A HUMAN RIGHTS APPROACH
TO DEVELOPMENT

"The question of human rights and the environment has been often seen from the perspective of the rights of indigenous people. Their destruction, caused by the destruction of their natural habitat, is an extreme case of violation of the right to life. Agenda 21, however, made a major step forward, not only recognizing the right of indigenous people to enjoy their natural setting, but involving them in an active way in the improvement of their lives and the protection of the environment."

The case of the Aboriginal peoples in Canada clearly illustrates how the respect for human rights directly relates to the ability to access information, participate in decision-making, and promote and defend those rights. This case is particularly revealing as the Aboriginal community have acted as custodians of the land well before the arrival of the Europeans. At that point, however, they lost the power and ability to govern their land.

During the early period of Canadian settlement, the government assumed control over the future of the Aboriginal people and proceeded to establish a system that was as far-reaching as to define who an Indian is (by asserting standards of Indian 'status'). The government required Aboriginal children to attend residential schools where English was the only language permitted to be spoken, and Christianity was forcibly practiced. They also outlawed certain spiritual/religious practices, and created the reservation system where Aboriginal Peoples were physically confined to limited territory and organized in ways that did not allow for their law and governance system to be recognized.

Their physical confinement of reserves has lead Aboriginal communities to experience disproportionate amount of the negative impacts of environmental hazards. The case of the Tsawwassen First Nation provides such an example, where the construction of the Robert Banks coal superport and ferry terminal in Vancouver, British Columbia, has led to extensive environmental damage to the habitat of the Tsawwassen reserve. Chief Kim Baird has complained that the area is

now clogged with muck and seaweed, accompanied by noise and increased air from the construction. (www.turtleisland.org)

The complete loss of rights of the Aboriginal people was further exemplified by their inability to protest the new and imposed policies which actively created hazards for their health and well-being. However, after much political and social strife, they are slowly being granted their rights to self-determination and self-governance, officially recognized in Article 25 of the Canadian *Charter of Rights and Freedoms*. The Tsawwassen First Nation is suing the Vancouver Port Authority, and is seeking a reversal of all negative impacts of the construction. These rights are addressed and protected under several declarations and conventions where Canada was not only a signatory, but also a major player in the direction of the discussions.

> The call for **self-governance** indicates Aboriginal people's desire to have decision-making ability for themselves, and the resources to carry out that possibility. It can be argued that they are entitled to those resources due to the injustices of the past, which have created a state of marginalization and vulnerability.
> **Self-determination** refers to the right for peoples to choose the paths that best express their identity, and the character of their relations with others.

Promotion of appropriate governance is key to sustainable development, and the preservation of Aboriginal culture and beliefs. Because of the long effort the Canadian government has undergone in recognizing the right to self-governance and providing the resources which would enable such a state, advancement towards sustainable development goals has been prolonged. Although the Aboriginal people continue to struggle, the case of Nunavut provides some hope. But it is only one step in a long process of cooperation and reconciliation.

TO LEARN MORE...

Turtle Island Native Network
Aboriginal Self-Government – Indian and Northern Affairs Canada
Pollution in the Arctic – Hartford Web Publishing
Aboriginal Health and Community Development – Health Canada
Aboriginal People and Human Rights – Canadian Heritage