

INTERNATIONAL JOURNAL OF LEGAL SCIENCE AND INNOVATION

[ISSN 2581-9453]

Volume 3 | Issue 3

2021

© 2021 International Journal of Legal Science and Innovation

Follow this and additional works at: <https://www.ijlsi.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com>)

This Article is brought to you for free and open access by the International Journal of Legal Science and Innovation at VidhiAagaz. It has been accepted for inclusion in International Journal of Legal Science and Innovation after due review.

In case of **any suggestion or complaint**, please contact Gyan@vidhiaagaz.com.

To submit your Manuscript for Publication at International Journal of Legal Science and Innovation, kindly email your Manuscript at submission@ijlsi.com.

Commercialisation of Environment: A Challenge for Degrading Values of Human Rights

TOSHBANT RAJ¹

ABSTRACT

Today Human Right is one of well accepted and advocated concern of every state in regards to communal well-being. Acknowledging by the fact that modern civil society concerned its individuals with fundamental social, political, economic, and environmental aspirations by turning to basic human rights that urged them to appear by demanding responsibility for all human beings, but this demand has been constrained by specific domains for manufacturing and economic realizations. The Champions of Human Rights have advanced instructions describing: "Human Rights an approach to egalitarianism."

Past two decades, the focus of national and international markets toward commercialisation of natural resource has posed a great challenge towards unification of human rights and sustainable development. They reinforce of basic human norms are considered to be best ways to support enhanced enterprise conductive. The new arenas of commerce have emerged, in part due to global environmental challenges and a response to growing criticism of the use of conventional natural resource conservation approaches. The industrialisation of fresh water, air, food and environment has posed a great threat towards the basic human rights values, intensifying the depth of social inequality.

In India, till today the nation has encountered great social imbalances in just seventy years, this clinches a rational mind, either the arena of clean and free environment is accessible to every social being or is just another instrument to commercialise and value the Human Rights and values. The basic supposition is that the humans have certain absolute natural rights, but as per modern society are concerned even clean environment is labelled through diversified prices and brands in a way forward to inhibit the absolute profits.

With respect to above resolution of this research paper the author will make a critical analysis to the instrument of social justice by a means of Human Rights and its modern

¹ Author is a student at Central University of South Bihar, India.

day degrading values and commercialising.

Keywords: *Absolute Profits, Commercialisation, Environment, Egalitarianism, Human Rights, Social Inequality, Social Justice.*

“Saving Our Planet, Lifting People Out of Poverty, Advancing Economic Growth... These are One and the Same Fight. We must Connect the Dots between Climate Change, Water Scarcity, Energy Shortages, Global Health, Food and Women’s Empowerment. Solutions to One Problem must be Solutions Security for All.”

– **BAN KI-MOON**²

I. INTRODUCTION

Environment rights mean the availability of undamaged natural resources that allow survival, including land, shelter, food, water and air; expedite contemporary rationale includes clean environmental rights, including the right of a beetle to survive or the human right to enjoy an unspoiled environment. Present environmental rights includes political rights such as the rights of indigenous peoples and other groups, the right to information and participation in decision-making, freedom of view and expression, and the right to oppose unnecessary development.³ All these rights are equally important, and they are all interdependent. Environmental rights are human rights, as the way people live, their health, and sometimes their existence depends on their quality and access to the environment and the recognition of their rights to information, participation, safety and remediation.

Every human depends on where he lives. A safe, clean, healthy and sustainable environment meets the full enjoyment of various human rights, including the rights to health, health, food, water and sanitation. Without a healthy environment, we cannot achieve our goals. We may not even reach the lowest levels of human dignity⁴. Sustainable Development is a development that puts people at the centre of all development activities. The ultimate goal of Sustainable Human Development is to create an enabling environment in which all people live a safe and healthy life. Sustainable human development is aimed at promoting human dignity and the realization of all human, economic, cultural, social and political rights.

Sustainable Human Development, the relationship between promoting, protecting and

² Ban Ki-moon, 8th General of the United Nations Address to the 66th General Assembly: "We the Peoples".

³ Drew, J. and Joseph, J., 2014. *The Story of the Fly. and How It Could Save the World*. Andrews UK Limited.

⁴ Knox, J.H., 2017. Report of the Special Rapporteur on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment: Biodiversity Report. *United Nations Human Rights Council, A/HRC/34/49*.

fulfilling human rights and promoting, protecting and regenerating the environment are integral to each other.⁵ It begins with an explanation of how these two growing areas of international law relating to these twin activities fit into the larger concept of sustainable human development. The concept of sustainable development came from the World Commission on Environment and Development of 1987⁶ which described sustainable development as “development that meets the needs of the present generation without compromising the ability of future generations to meet their needs.” The integrated framework for sustainable development needs the support of each pillar.⁷

The relationship between environmental issues and human rights is increasingly dependent. International non-governmental organizations such as Greenpeace and Amnesty International are working to move their troubled areas out of a special national authority under Article 2 (7) of the UN Charter at the international level and in curbing the power of government and independent actors in this domestic context.⁸ However, there are tensions between human rights activists and the environmentalists. For human rights activists, urgent survival problems are far more important than long-term environmental protection.⁹ This is reflected in “the concern of rich nations (developed countries) to protect the Amazonian rain forests without regard to human life that may depend on the forest.”

II. HISTORICAL EVOLUTION OF ENVIRONMENTAL COMMERCIALISATION

Natural resources, as well as the range of services they provide, support poverty reduction, economic growth and environmental sustainability. From food and energy security to human and environmental health, nature contributes to the development of social welfare and inclusive growth, affecting the lives of billions of people.” Since the beginning of human civilization all societies have been built on free affairs to use Environment and its resources and to meet common efforts.¹⁰ Another way to express the importance of environment to human health and health is to define environment.

⁵ Holden, E., Linnerud, K. and Banister, D., 2014. Sustainable development: Our common future revisited. *Global environmental change*, 26, pp.130-139.

⁶ Burton, I., 1987. Report on reports: Our common future: The world commission on environment and development. *Environment: Science and Policy for Sustainable Development*, 29(5), pp.25-29.

⁷ McGoldrick, D., 1996. Sustainable development and human rights: an integrated conception. *Int'l & Comp. LQ*, 45, p.796.

⁸ Anderson, J.R., 1996. ACT: A simple theory of complex cognition. *American psychologist*, 51(4), p.355.

⁹ Inglehart, R., 1995. Public support for environmental protection: Objective problems and subjective values in 43 societies. *PS: Political science and politics*, 28(1), pp.57-72.

¹⁰ Nielsen, M.B., Tvedt, S.D. and Matthiesen, S.B., 2013. Prevalence and occupational predictors of psychological distress in the offshore petroleum industry: a prospective study. *International archives of occupational and environmental health*, 86(8), pp.875-885.

The importance of nature is stated in the Qur'an 'Environment gives life to everything'.¹¹ The link between life and health as the two main topics to environment is mentioned in the first sentence of General Comment No. 15 and thus demonstrates the importance of unity.¹² The evolution of Commercialisation rooted from the consequences of World War II, much of the Western world has experienced economic prosperity. However, after the boom, these countries experienced a recession in the 1970s when high unemployment was accompanied by high inflation. In developing countries, there was a slowdown in economic growth during the 1970's and 1980's, in part because of a mix of government-led economics, nationalism, corruption, politics, and popular democracy.

This inflation has forced many countries to seek new economic plans. Neoliberalism and other related economic liberties emerged as a solution to the problem and swept the world. Economic reforms reflected the transition from a state-led economy and administrative control to "economic freedom" and the promotion of "private sector development". Economic liberation was part of a common move aimed at giving markets a greater role in development and it has been the answer to many financial matters.¹³ The neoliberalism agenda, according to him, was an attempt to reverse the earlier terrorist attacks on the planet, its people and its resources. Development partners have been an important part of the process of economic transformation. Their main contribution was the provision of substantial financial and technical assistance and the monitoring of government in the implementation of economic reforms.

III. CULTURES OF RESPECT AND SOCIAL WELFARE

Many humans support the notion that all living things are equal, although some doubt the genuineness of this claim. Tom Regan balances those animals that are life lessons, while Peter Singer expands them to include all the knowledgeable and vulnerable animals.¹⁴ Paul Taylor and Arne Naess have made it clear that equality varies from one species to another which means that human life has nothing to do with dogs and that as a result killing a person is not as suspicious as killing a dog.¹⁵ This means that it should be of concern to anyone with equal sympathy, as it is very contradictory and can provide a basis for mental decline.

¹¹ Minkowitz, T., 2006. The United Nations Convention on the Rights of Persons with Disabilities and the right to be free from nonconsensual psychiatric interventions. *Syracuse J. Int'l L. & Com.*, 34, p.405.

¹² Gleick, P.H., 2002. *Dirty-water: estimated deaths from water-related diseases 2000-2020* (pp. 1-12). Oakland: Pacific Institute for Studies in Development, Environment, and Security.

¹³ Zysman, J., 1983. *Governments, markets, and growth: financial systems and the politics of industrial change*. Cornell University Press.

¹⁴ Regan, T., 2004. *The case for animal rights*. Univ of California Press.

¹⁵ French, W.C., 1995. Against biospherical egalitarianism. *Environmental Ethics*, 17(1), pp.39-57.

This is the direct result of the murder, and it explains why killing someone without pain and surprise is still the real victim. It also helps the Artist to explain why we are obliged to save a person from the conditions of a lifeboat without having to complain about the pain a person might be asked or for any indirect consequences a person may have. People who think of themselves as human beings have a desire to move on with their lives and plans for their lives; they may want to travel or write a book or learn to cook delicious food.¹⁶ These desires and cravings are frustrated when an indecisive person is killed. On the other hand, negligent individuals such as dogs cannot crave such desires, so no such desires can be frustrated when a dog is killed. Therefore, saving a dog rather than a human has failed to increase value or beauty, because human life can be a place of the most satisfying desires.

The reason for the preservation of humanity is nowhere to take the membership of the species, but rather it is based on the fact that human life, because of its great intellectual capacity and great will, will be a place of the most satisfied desires, thus having great values.

IV. RISE OF SOCIAL INEQUALITY AND END OF SOCIAL JUSTICE

Social justice aims to provide individuals and groups with fair treatment and an equitable share of social, environmental and economic benefits.¹⁷ The concept promotes the fair distribution of advantages and disadvantages within a society, regardless of background and status. Environmental justice works most effectively by sharing the environmental benefits and obligations that people face, at home, at work, or where they study, play and use leisure time. Environmental benefits include green and attractive greenery, fresh air and water, and investments in reducing land pollution and land development. Natural resources include hazards and hazards arising from industrial, automotive and municipal pollution.

Both social and environmental justice work is sensitive to energy issues; focus on communities or groups rather than individuals; and tend to use a holistic approach to analysis and to deal with problems and changes. 'Environmental justice' is used here to incorporate aspects of social justice, although sometimes social and environmental objectives may be contradictory. Environmental justice emerged as a movement in the USA in the 1970s and 1980s, when many environmental pressure groups formed to deal with environmental injustices, the unequal transfer of natural resources by another society.¹⁸

¹⁶ Nussbaum, M.C., 1992. Human functioning and social justice: In defense of Aristotelian essentialism. *Political theory*, 20(2), pp.202-246.

¹⁷ Bell, L.A., 2007. Theoretical foundations for social justice education. *Teaching for diversity and social justice*, 2, pp.1-14.

¹⁸ Hauptman, L.M., 2001. *Conspiracy of interests: Iroquois dispossession and the rise of New York State*. Syracuse University Press.

Environmental justice is an acceptable and helpful concept of studying environmental conditions and how they affect people's lives. Adopting the framework for environmental justice suggests looking beyond the health consequences of environmental problems to consider extent to which environmental impacts on the daily lives of those exposed to them.

V. IMPACT ON HUMAN RIGHTS CONCERNING ENVIRONMENT DEGRADATION

Melting glaciers, rising sea levels, and climate change caused by climate change are increasingly affecting the daily lives of millions, and perhaps millions of people. When nature suffers, people suffer. Environment change is increasingly undermining the realization of fundamental human rights, which are internationally recognized - including the right to health, health, culture, food, choice, and development.¹⁹ The poor and the vulnerable will suffer first, and perhaps most of them, but eventually the problem will reach all of us.

The environmental importance of human rights is widely recognized in international law. We have more natural rights than are needed to support our basic human needs. Right to a healthy environment may arise from international law raises a number of theoretical and practical challenges to human rights law and such challenges arise within and outside the human rights discourse. It is said that human rights law can make a positive contribution to the protection of the environment, but the precise nature of the link between the environment and human rights requires critical analysis.

The Declaration also provides for the right of access to environmental information and public participation in environmental decision-making. The World Summit on Sustainable Development simply acknowledged that there is a link between nature and human rights. UNHRC has adopted a number of decisions that link human rights with the environment, has human and environmental rights as part of sustainable development.²⁰

VI. CONCLUSION

Defining the right to a dignified or healthy environment within economic, social, and cultural rights is not a natural problem. Clarifying the existence of such a right would mean giving greater impetus to international public interest in protecting the environment and promoting sustainable development, but this could be achieved without compromising the human rights body, and in a way that fully respects the broader level of gratitude that states have the right

¹⁹ Williams, A., 2008. Turning the tide: Recognizing climate change refugees in international law. *Law & Policy*, 30(4), pp.502-529.

²⁰ Wasswa-Kintu, S., Gan, W.Q., Man, S.F.P., Pare, P.D. and Sin, D.D., 2005. Relationship between reduced forced expiratory volume in one second and the risk of lung cancer: a systematic review and meta-analysis. *Thorax*, 60(7), pp.570-575.

to exercise. It will build on the past under the auspices of the ICESCR, and reflect international policy on sustainable development approved in Rio in 1992 and at subsequent international conferences.

They are not a necessary component of any declaration or legal framework for human and environmental rights, but they represent a reasonable extension of existing policies and can represent real action in the on-going legal development. The Act of Human Rights²¹ and the Environment therefore makes sense as long as it brings together existing political, political, economic and social rights collectively, while at the same time rethinking the language of economic and social rights the concept of nature as a common good.

It can see the environment of the world as a public interest that states that the provinces have a responsibility to protect, even if they use that responsibility consistently and in terms of resources. Utilizing the existing human rights challenge to tackle climate change is a major challenge. Giving human rights a fair and natural environment is not a problem at all.²² The answer to human rights law if it has to have one needs to be world-class, treating the environment and climate as common human concerns. That is why getting the right to a dignified environment within an organization and the institutions of economic, social and cultural rights institutions makes sense. In that context individual policies on energy use, greenhouse gas emissions, land use, and deforestation can be considered and measured with evidence of their global impact on human and environmental rights.

²¹ Lord, J.E. and Stein, M.A., 2008. The domestic incorporation of human rights law and the United Nations Convention on the Rights of Persons with Disabilities. *Wash. L. Rev.*, 83, p.449.

²² Freeman, M., 2017. *Human rights*. John Wiley & Sons.