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Human Rights

This section studies the way in which the notion of human rights has relevance to several environmental issues, how there can be a human rights framework for sustainable development and environmental justice. It is important for both the environmental movement and the human rights movement to locate the correspondence between environmental injustice and human rights violations. In fact, a global consciousness of environmental and human rights problem has broadened civil, political, and socioeconomic rights to encompass an environmental dimension. This section also explores the ways in which environmental human rights can be protected.

Environmental issues, which overlap with human rights issues, include the equitable distribution of environmental resources, the utilisation of environmental resources, the question of intellectual property rights (IPR), displacement of people by development projects such as dams, mines, power-plants, and diseases related to environmental degradation. Environmentalists are often successfully using scientific knowledge to work towards solutions to environmental degradation. Human rights activists, in their turn, help the cause of environmental conservation by pressurising governments to recognise and protect the environmental rights of different marginal groups threatened by the pro-industry and pro-‘development’ policies.

Across the globe, many environmental activists - as also the habitats, ethno classes, and indigenous populations they are fighting to protect - face the conjoined problem of environmental and human rights abuse. A growing number of cases ranging from the military government extermination of tribal people in Irian Jaya, Indonesia, to ecological assaults and human rights violations in Africa and Latin America suggest the need to frame environmental rights as a significant component of human rights issues. The public execution of Ken Saro-Wiwa and eight other members of MOSOP, a civil-environmental activist group in Rivers State, Nigeria, is a recent glaring case that demonstrates the way in which civil, political, and environmental rights are violated conjointly in the less developed countries. There are some governments, especially in Africa, Latin America, and Southeast Asia, which have adopted a policy of systematic genocide against minority groups in order to appropriate their lands and natural resources. Thus, environmental injustice and human rights violation are inextricably interwoven, and the former should be recognized as a major component of the latter.

Equity furnishes one of the shared grounds on which environmental rights and human rights meet as concepts. The right to the use of natural resources that the environment

holds is an essential component of human rights. Land, water, air, food, flora, fauna and habitat are all a part of the environment that we all share. One of the primary concerns in human rights, therefore, is whether the benefits of these natural resources and energy are equally distributed in society. Powerful groups and corporate capital have been found to take advantage of minority status, lower socioeconomic status, powerless condition, and other marginal conditions in inflicting environmental injustice on ordinary people. The widening gap between the rich and the poor, the powerful and the powerless, men and women, adults and children and even between the born and yet-to-be-born must be minimised if social justice is to be achieved. All vulnerable members of society must have access to environmental information, exercise their rights of free speech, and have a role in determining their access to resources.

Environmental inequity also involves a skewed (or disproportionate) distribution of environmental risks along lines of nationality, race, ethnicity, or class. Thus the human rights issue against inequitable distribution of environmental risks may be raised at the local, national, and/or global levels depending on the level from which these rights are being violated in a given case. The people inhabiting the countries of the North and the rich in the countries of the South consume more energy and resource per capita than their less fortunate counterparts in the South. They also generate waste far out of proportion to their share in the global human population. This leaves the poor in the countries of the South deprived of the means of sustainable living and besieged by the consequences of a waste predominantly generated by the North. By thus shifting environmental burdens disproportionately to marginalized communities and less developed nations the world capitalist system commits a grave environmental injustice.

The world often witnesses even a deliberate targeting of less developed countries as depots for hazardous waste, environmentally pernicious and health-threatening products, and other forms of pollution created by the developed countries. Many underdeveloped countries of the South are being turned into a reservoir of waste toxic waste, DDT, and hazardous products generated in advanced industrial nations mainly by Trans-national Corporations (TNCs). Annually, more than 50% of the officially acknowledged volume of exported hazardous waste is channelled to less developed nations. However, the number of Third World countries that have been targeted or proposed for hazardous waste imports increased significantly in the 1980s when stringent laws prohibiting the disposal of hazardous waste in the global North forced many companies to seek hazardous waste depots in underdeveloped nations.

Because human rights involve the assurance of people's livelihood, any threats to environmental bases of livelihood could be considered a violation of basic human rights. TNCs wantonly exploit "global commons" to detriment of the local communities, who had for generations depended on these commons for livelihood. People who live as wilderness communities are referred to as ecosystem people. They collect food, fuel, fish from their surrounding ecosystems. The global trends of industrialization, economic growth, and globalization that rest on increased exploitation of natural resources have mostly been at the expense of these groups. Their right to land or common property resource is infringed by large development projects such as dams, mining, Protected

Areas and industries. The rights of small traditional fishermen to the marine environment, too, are being violated. They have to contend against mechanised trawlers that impoverish their catch. Again inland fishermen find their right to livelihood conflicting with the powerful economic interests of large-scale organised fisheries. Rural communities, in their turn, find their rights to even basic resources like water threatened by industrial development which is consuming large amounts of water besides taking over agricultural land. Indeed various marginal categories of indigenous populations are being robbed of their right to their accustomed livelihood with the TNCs and local governments in the developing countries acting in tandem to acquire for industry and development infrastructure the land and water-bodies used by these communities to subsist on. Obviously, these people are being viewed by the dominant notion of development as expendable for the sake of economic growth. Consequently, these marginal communities are losing their human rights to land, natural resources, clean air, good health, and environmental protection.

Let us now see the links between environment, nutrition and health in the domain of human rights. Proper nutrition and health are fundamental human right, especially as health and sustainable human development are equity issues. Coming to the specific case of India, the right to life is a fundamental right in the Indian Constitution. As a deteriorating environment shortens life spans, such deterioration in effect amounts to a violation of our fundamental right recognised by the Constitution. So it becomes the responsibility of the government to manage the environment in such a way that the right to life (including the rights to health and nutrition) are not endangered by environmental deterioration.

Another area where the question of the environment and that of human rights meet pertains to Intellectual Property Rights. Traditional people, especially the tribal people living in forests, have had their own ancient, accumulated knowledge of local plants and animals. However, in recent years this knowledge is being profitably used by pharmaceutical firms, who are marketing products based on this knowledge. The profits earned from such modern corporate use of traditional knowledge goes entirely to the pharmaceutical industry. Not only is the tribal user deprived of any share in this revenue, but s/he is effectively denied the proprietorship of a knowledge which once only s/he had possessed. The pharmaceutical companies are often found to patent this knowledge in their name and most national patent laws are inadequately equipped to protect the tribal people's original possession of this knowledge. This effective denial of the tribal people's right to their knowledge is yet another violation of the human rights of an already marginalised section of the world population.

Additionally, the right of the tribal user seems to be threatened in another way. A growing demand for herbal products that corporate firms, including TNCs have started exploiting, poses a threat to biodiversity as the corporate firms have the tendency to over-harvest the raw material for herbal medicines and other natural health care products. This has been observed in the case of several Himalayan plants. If such massive extraction from the wild is not controlled, this can lead to the extinction of endangered plant

species, depriving the poor tribal population of the remedy s/he could obtain from his/her environment free of cost.

What are the strategies whereby we can protect human rights of the people of the less developed countries to their own environment and its resources from aggressive exploitation by TNCs from the developed countries? What are the strategies whereby we can protect the human rights of the poor and marginalised people to their livelihood and environmental resources from their own governments and the local corporate companies? It has been rightly suggested by many environmentalists that the rights of indigenous people to the environmental resources and knowledge originally discovered by them can be protected through the creation of Community Biodiversity Registers of local products and their local uses, so that the pharmaceutical firms become compelled to pay royalty to the local community. This strategy, however, has somehow not as yet been generally implemented.

Regarding the violation of the rights of the less developed countries in general by TNCs and development agencies from the developed world, the governments in the global South have generally failed to protect the environmental human rights of their poor and marginalised. Furthermore, despite the state being the notional guarantor of human rights, in most countries of the global South the governments are directly or indirectly parties to the violation of the environmental human rights of the poor and the marginal people.. In these circumstances, it is amply clear that it is the people all over the world, particularly in the global South, who will have to fight for their environmental and human rights, as the recognition of their rights calls for a fundamental change in favour of a public ethic of equitable distribution of environmental resources. No government is likely to agree to such a fundamental change unless it is pressurised by a powerful people's movement for equitable distribution of wealth. It is heartening that movements to protect the rights of indigenous peoples are growing worldwide.